The Opioid Epidemic

and the

RESPONSE OF STATE COURTS

SUMMIT FOR OPIOID ADDICTION AND RESPONSE
UNIVERSITY OF TENNESSEE
AUGUST 1-2

DEBORAH TAYLOR TATE
CO-CHAIR, NATIONAL JUDICIAL OPIOID TASK FORCE

The National Judicial Opioid Task Force

National Judicial Opioid Task Force

Confronting a crisis, promoting solutions

Task Force Co-Chairs

Honorable Loretta H. Rush
Chief Justice, Indiana Supreme Court

Deborah Taylor Tate
Director, Tennessee Administrative Office of the Courts

Introduction

The misuse of opioids is affecting the administration of justice across the United States. State courts handle 95% of all litigation in the country and are positioned to play a crucial role in combatting the opioid epidemic.

To address the issue and promote solutions, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) established the National Judicial Opioid Task Force (NJOTF) in August 2017.

The NJOTF will make recommendations to courts at every level to support the Judiciary and help individuals make a successful recovery.

Task Force Members

Members of the National Judicial Opioid Task Force convened in Indianapolis in June 2018. The Task Force includes representatives from 24 states, most of whom are pictured above.

Task Force **Co-Chairs**

HONORABLE LORETTA H. RUSH
Chief Justice, Indiana Supreme Court

DEBORAH TAYLOR TATE
Administrative Director
Tennessee Administrative Office of the Courts

EXECUTIVE COMMITTEE

HONORABLE MARK S. CADY
Chief Justice, Supreme Court of Iowa

MARCIA M. MEIS
Director, Administrative Office of the Illinois Courts

HONORABLE JUDITH K. NAKAMURA
Chief Justice, Supreme Court of New Mexico

NANCY DIXON
Judicial Administrator, Kansas Office of Judicial Administration

HONORABLE PAUL L. REIBER
Chief Justice, Supreme Court of Vermont

COREY R. STEEL
State Court Administrator, Nebraska Supreme Court

Task Force **Workgroups**

Children and Families

Chief Justice Mark Cady (IA)
Marcia Meis (IL)
Judge Tony Capizzi (OH)
Shawn Cohn (CO)
Judge Lucinda Masterton (KY)
Sandra Moore (PA)
Judge Alan Summers (AL)
Judge Lynn Tepper (FL)

Civil and Criminal Justice

Chief Justice Judith Nakamura (NM)
Nancy Dixon (KS)
Judge Shaun Floerke (MN)
Judge Craig Hannah (NY)
Sandi Hoppough (AZ)
Amy Kingery (CO)
Judge Mary Jane Knisely (MT)
Judge Charles Peters (MD)
Judge Duane Slone (TN)

Collaboration and Education

Chief Justice Paul Reiber (VT)
Corey Steel (NE)
Chief Justice Mary Ellen Barbera (MD)
Lee Ann Barnhardt (ND)
Chief Justice Paula Carey (MA)
Greg Lambard (NJ)
Melanie Meadows (VA)
Chief Justice Tina Nadeau (NH)
Judge Gregory Pinski (MT)

Opioid Resource Center for Courts

National Judicial Opioid Task Force

Resource Center for Courts

The Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) formed the National Judicial Opioid Task Force (NJOTF) to examine current efforts and find solutions to address the opioid epidemic. The work of the NJOTF is undertaken by three workgroups: Children and Families, Civil and Criminal Justice, and Collaboration and Education.

This Resource Center includes products created by the NJOTF Workgroups and highlights a broad array of additional resources pertinent to the justice system and the opioid crisis from a variety of sources. NJOTF products and other resources will be added continuously as the courts and their partners continue to battle this devastating crisis.

Featured Resources

Task Force Products Tools created by the National Judicial Opioid Task Force to assist courts in addressing the opioid crisis.

Understanding Substance Use Disorders and the Opioid Epidemic Information about addiction, substance use disorder, opioid use disorder, and the history and scope (state and national statistics) of the opioid epidemic.

ONGOING EFFORTS

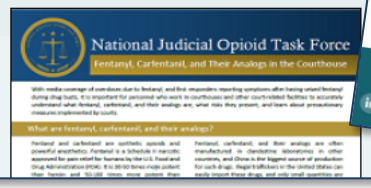
National Judicial Opioid Task Force

Opioids and the Courts

NOW AVAILABLE

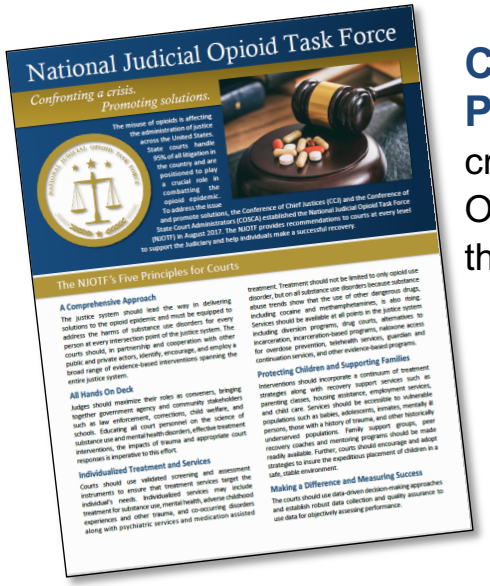
Resource Center for Courts

Fentanyl, Carfentanil, and Their Analogs in the Courthouse



www.ncsc.org/opioids

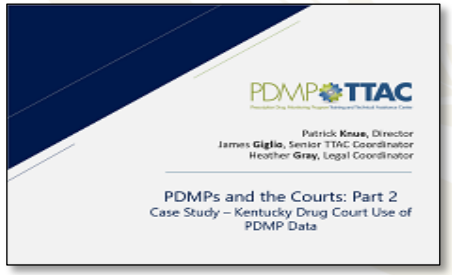
NJOTF Tools and Resources for Courts Addressing the Opioid Crisis



Confronting a crisis. Promoting solutions. Describes the creation and work of the National Judicial Opioid Task Force's Five Principles for the Courts.

Understanding Addiction: A New Perspective
Informative video explanation of the physiology of addiction.

PDMPs and the Courts: Part 1
Recording of Part One in a series on PDMPs and how they are used in the justice system.



PDMPs and the Courts: Part 2 Slides for Part Two in the series on PDMPs and how they are used in the justice system.

Children and Families

NJOTF Tools and Resources for Courts

Prenatal Substance Exposure: Improving Outcomes for Women and Infants Information and guidance regarding how courts can help to improve outcomes for substance exposed infants and their families.

New Federal Funding Source for Court-Appointed Counsel in Child Protection Cases Discusses how the new policy for Title IV-E funds promotes quality legal representation for parents and children in child welfare dependency cases.

Treating Pregnant Women with Opioid Use Disorder Highlights the important evidence-based practices recommended in the Substance Abuse and Mental Health Services Administration's (SAMHSA) latest and most comprehensive guidance regarding pregnant women with opioid use disorders.

Trauma, Substance Use, and Justice System Involved Children Raises awareness of the impact the opioid epidemic has on children and families and shares examples of strategies courts have adopted to become more trauma-informed and trauma-responsive to youth and their families.

The Court's Role in Reshaping the Child Welfare System to Focus on Prevention Takeaways from a National Judicial Opioid Task Force webinar featuring Jerry Milner and David Kelly from the Children's Bureau of the Administration for Children and Families.

Parent Partner Programs – Promising Practice to Keep Families Struggling with Substance Use Disorder Together Discusses how some states are using parent partner programs to improve reunification outcomes and foster increased trust and confidence in the child welfare and juvenile court systems.

Medication-Assisted Treatment for Adolescents with Opioid Use Disorder Resource to educate justice system professionals about opioid use disorder, key issues surrounding medication-assisted treatment, the evidence that underlies treatment types, best practices, and legal implications.

Civil and Criminal Justice

NJOTF Tools and Resources for Courts

Understanding the Basics of Addiction Provides the basics of addiction including contributing factors, treatment, and innovative court programs being used to combat the opioid crisis.

Judicial Leadership in Creating and Leading a Multidisciplinary Team to Address Substance Use Disorders Discusses how judges can bring otherwise disconnected stakeholders together to form partnerships, through multidisciplinary teams (MDTs), that work to achieve successful outcomes.

Treatment of Opioid Use Disorder Discusses key issues surrounding medication assisted treatment (MAT), the evidence that underlies treatment types for opioid use disorder, best practices, and legal implications.

Involuntary Commitment and Guardianship Laws for Persons with a Substance Use Disorder List of states that have enacted involuntary commitment and guardianship laws for those suffering from alcoholism and/or substance use disorders.

Fentanyl, Carfentanil, and their Analogs in the Courthouse Information on Fentanyl, carfentanil, and their analogs; and precautionary measures implemented by courts.

Naloxone Use in the Courthouse – A Judicial Bench Card Describes the signs of overdose, what to do if one occurs, how naloxone can be used to reverse the toxic effects of an overdose, and suggestions for a naloxone policy.

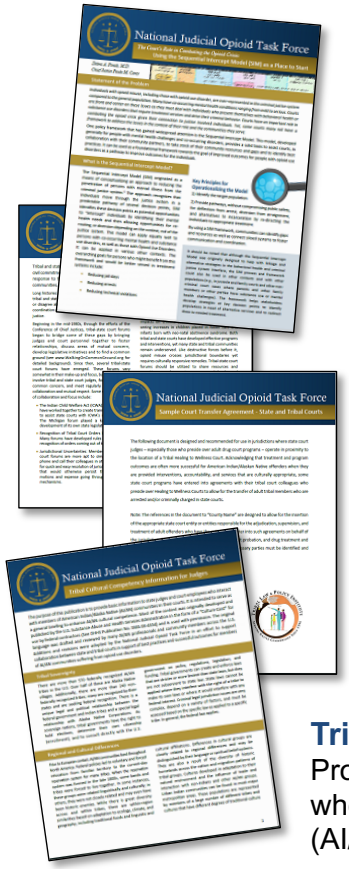
The Fundamentals of Screening and Assessment in the Justice System Describes the purpose of substance use disorder screening and assessment, available tools, and examples of its successful use in courts.

Promising Strategies in Providing Opioid Use Disorder Treatment to Rural, Frontier, and other Underserved Communities Information on barriers to treatment for Opioid Use Disorder in rural areas and what some states are doing to overcome those barriers.

www.ncsc.org/opioids

Collaboration and Education

NJOTF Tools and Resources for Courts

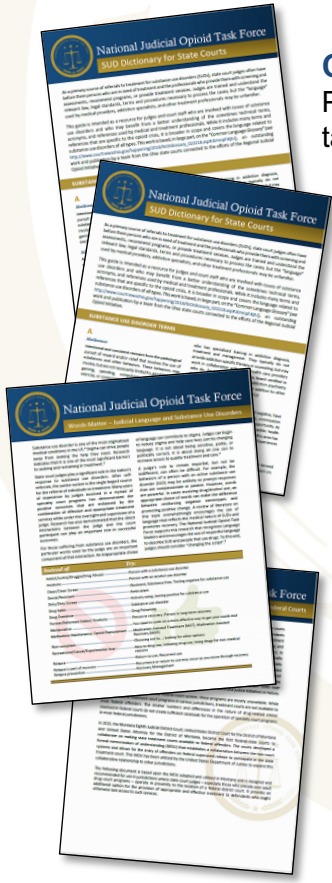


The Court's Role in Combating the Opioid Crisis: Using the Sequential Intercept Model (SIM) as a Place to Start Using the SIM as a foundational framework toward the goal of improved outcomes for people with opioid use disorders.

Tribal-State Court Forums: Addressing the Opioid Crisis Collaboration between state and tribal courts regarding the opioid crisis.

Sample Court Transfer Agreement - State and Tribal Courts Designed and recommended for use in jurisdictions where state court judges – especially those who preside over adult drug court programs – operate in proximity to the location of a Tribal Healing to Wellness Court.

Tribal Cultural Competency Information for Judges Provides basic information to state judges and court employees who interact with members of American Indian/Alaska Native (AI/AN) communities in their courts.



Creating a Local or Regional Judicial Opioid Task Force Provides an outline for starting a regional or local judicial opioid task force.

SUD Dictionary for State Courts Resource for judges and court staff involved with substance use disorder (SUD) issues. Includes technical terms, acronyms, and references used by medical and treatment professionals.

Words Matter – Judicial Language and Substance Use Disorders Research-based recommendations of specific language and phrases judges can use to effectively communicate with individuals with substance use disorder.

Sample Court Transfer Agreement - State and Federal Courts Document designed and recommended for use in jurisdictions where state court judges – especially those who preside over adult drug court programs – operate in proximity to the location of a federal district court.

Model Curriculum and National Judicial Training Event

Nov 11-13, 2019
Reno, Nevada

- Partnership between Task Force, National Judicial College, and American Association of Addiction Psychiatry
- Development and Publication of a comprehensive Medical-Legal Addiction Resource Guide
- Hosting of National Judicial Opioid Training Conference in Reno, NV on November 11-13, 2019
- Training and Support for Judge/Faculty members from all U.S. states and territories
- Creation and sharing of model curriculum on issues of addiction, treatment, and judicial responses

SAMHSA
Substance Abuse and Mental Health Services Administration

AAAP American Academy of Addiction Psychiatry
Translating Science. Transforming Lives.

Opioid Response Network
STR-TA

NJC Est. 1963
The National Judicial College

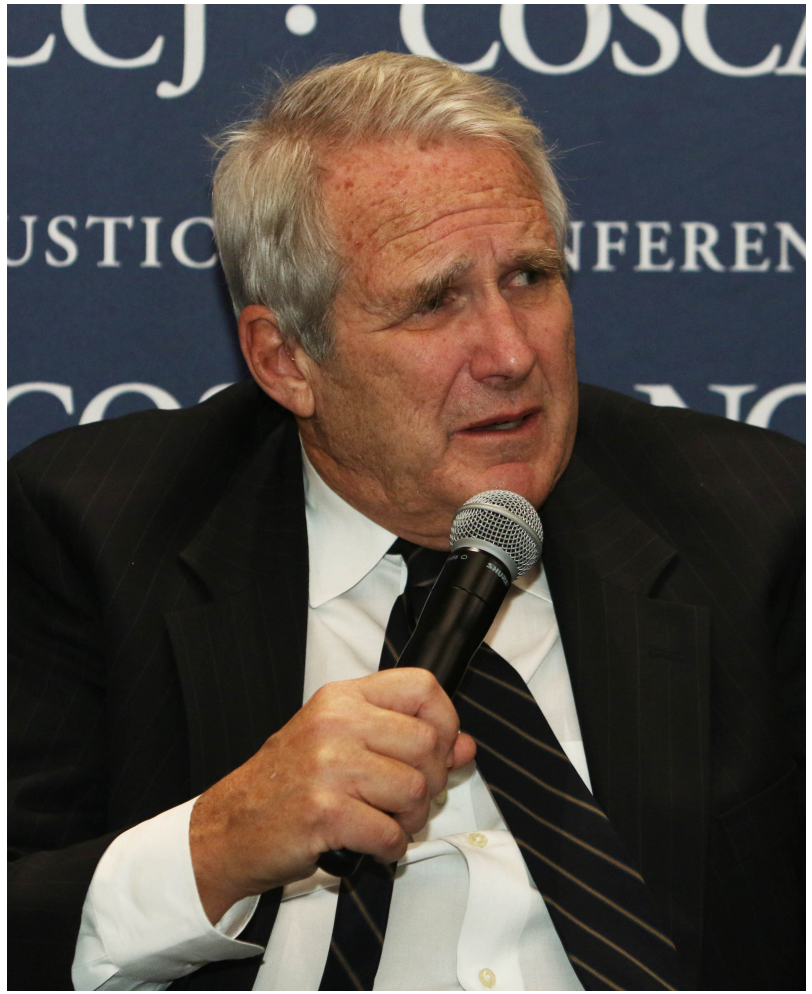
National Judicial Opioid Task Force

PART III.

Examples of Promising State Programs and Responses to the Epidemic

The Power of Judges as “Conveners”

Judges have taken the lead to convene emergency “summits” and to create state, regional and local opioid task forces to study the problems in their communities and to craft targeted responses, utilizing all resources that are available.



Use of the Sequential Intercept Model: SIM

- Identify Resources
- Identify Gaps
- Develop Solutions

The Supreme Court of Indiana has initiated a statewide approach through regional trainings and the provision of grants to assist and support local courts in the SIM process.

Judges in Boston, MA used SIM to conduct cross-sector stakeholder workshops to bring together partners from the criminal justice, treatment, recovery, crisis, healthcare and homelessness systems to collectively identify local resources and gaps in services and create an action plan to reduce the risk of justice-involvement and recidivism for people with addiction and/or mental illness.

Revision and Creation of New Specialty Courts

Buffalo, New York Opioid Crisis Intervention Court

- After arrest, defendants are evaluated by medical professionals and the DA to determine eligibility for program entry
- If eligible, they are taken immediately through detox, and begin in- or out-patient treatment
- There are strict curfews and daily court appearances for at least 30 days
- After completion, defendants are transitioned to traditional drug court programs

Judges Duane Slone and Craig Hannah, members of the NJOTF, work with the DOJ to create new standards for opioid intervention courts.

Other Specialty Courts

- Traditional drug courts in many states have revised their operations and procedures in response to the opioid crisis, in part by ensuring access to all forms of medication assisted treatment
- Several states have developed or expanded family treatment drug courts in response to increasing numbers of parents with opioid use disorders and children in foster care caused by the opioid epidemic

Programs Responding to the Special Needs of Children and Families

Kentucky's Sobriety Treatment and Recovery Teams (START)

- Pairs specially-trained child protective service workers with family mentors to work with court-involved families to help parents achieve recovery and maintain custody of their children
- Partners with treatment providers to ensure participants have access to appropriate treatment

Florida's Early Childhood Courts

- Creation of specialized dockets that focus on the needs of infants and toddlers and their families
- Courts facilitate monthly reviews, child-parent psychotherapy, frequent child-parent contact and family team meetings
- All aspects of the programs are "trauma-informed"

Tennessee's Healthy Babies Program

- Cross-branch collaboration with a goal of decreasing the number of babies born with NAS
- Provides access to reversible contraceptives and drug treatment for pregnant women
- First state to require reporting of NAS for public health purposes
- In one location, a "Recovery Cabin" provides safe and sober housing and support for pregnant women
- NAS cases decreased by 52% in one year

National Quality Improvement Center for Collaborative Community Court Teams

- 15 court demonstration sites across 9 states were selected to participate
- enhancing the capacity of collaborative court teams, such as family drug courts and infant-toddler dependency courts, to appropriately implement the provisions of the Child Abuse and Prevention Treatment Act
- work to coordinate services across multiple agencies to address the needs of infants, young children, and their families affected by substance use disorders and prenatal substance exposure

Use of Technology and the Collection of Data

EVIDENCE-BASED PROGRAMS THAT WORK

All programs must be "data driven" with judicial leadership given to the collection and sharing of data for evaluation of programs and activities to determine what works.

Montana's courts are utilizing technology to bridge the gap between those in need and available services including remote court appearances, remote training for court and treatment staff, access to treatment assessments and services, remote drug screening, court date reminders, and community supervision services.

New Mexico's Project ECHO (Extension for Community Healthcare Outcomes) combines primary and specialty care, linking "expert specialty teams" from the UNM School of Medicine with primary care physicians in local, often rural communities, creating access to expertise and addiction/treatment information and services otherwise unavailable.

Risk of Overdose Death During Jail and Prison Reentry

Massachusetts' Medication Assisted Treatment Reentry Initiative (MATRI)

- Provides pre-release treatment and post-release referral for inmates with opioid or alcohol addiction with the goal of providing comprehensive reentry services, including medication, counseling, and aftercare
- Participants also receive naltrexone both pre-and post-release
- If an individual is located in a facility without access to addiction treatment, he or she can be transferred to one with the appropriate services in order to participate in the program

Rhode Island Access to Treatment for Inmates

- Innovative, statewide initiative offers full range of MAT – methadone, buprenorphine, and naltrexone – to every inmate in the system
- All inmates needing treatment are housed in one facility
- Program helps inmates access insurance and transitions them to treatment providers upon release

Increasing Access to Treatment

While the issue of access to and availability of quality treatment is a concern of the judicial branch for all substance use disorders, the necessity to include medication assisted treatments (MAT) in the range of options available to those with opioid use disorder has created additional challenges.

✓ Rapid Access to Treatment

Because of the very real risk of overdose death, many courts and communities across the country have implemented programs and procedures to make naloxone available in places of likely contact with individuals with OUD, including in the courtroom. Rapid access to MAT – buprenorphine, methadone and naltrexone – is also provided at all likely intercept points, both before and after the individual may have contact with the court.

✓ Education for All Judges and Court Staff

Because of continuing misunderstanding and bias against the use of MAT by some in the justice system, the National Judicial Opioid Task Force has recommended that all judges and court staff who deal directly with individuals with substance use disorders must receive training on the basics of MAT and the necessity of using only treatments that are evidence-based.

Cross-Border Collaborations

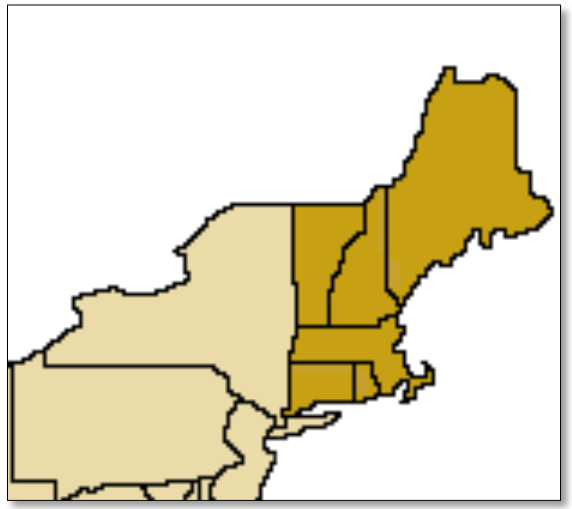
The Conference of Chief Justices and Conference of State Court Administrators have created and supported two regional initiatives in areas hardest hit by the opioid epidemic.

REGIONAL JUDICIAL OPIOID INITIATIVE

Appalachia/Midwest (2017)

IL, IN, KY, MI, NC, TN, OH, WV

New England (2019)



CT, MA, ME, NH, RI, VT

Regional Judicial Opioid Initiatives

- Judicially led efforts
- Multistate
- Champions – Chief Justices of Supreme Court and State Court Administrators
- Recognition of impacts on criminal dockets and family court dockets
- Recognizing courts must be an active part of the solution
- Responses should be driven by data
- Attention on areas around state boundary lines (access to treatment or services, data sharing)

National Judicial Opioid Task Force

Confronting a crisis, promoting solutions

Financial support for the work of the Task Force was generously provided by the State Justice Institute.