

*State of Mississippi Judiciary*



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# **MISSISSIPPI ADULT DRUG INTERVENTION COURT RULES**

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As Promulgated by the State Intervention Courts Advisory Committee  
December 16, 2021

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# I. OPERATIONAL MANAGEMENT

## Section 1 Applicability

The Mississippi Adult Drug Intervention Court Rules apply to any person, firm, corporation, partnership, association, foundation, governmental unit, or agency, whether public or private, that provides or intends to provide certified drug intervention court services, other than a juvenile intervention court, pursuant to Section Eleven of the Alyce Griffin Clarke Intervention Court Act. See Miss. Code Ann. § 9-23-11 (Rev. 2019).

## Section 2 Definition of Terms

The following terms, when used in these rules, shall have the meanings below unless the context clearly indicates a different meaning:

**“Active Participant”** refers to a participant who is under court order to attend intervention court and is receiving services under the intervention court. A participant who has absconded by failing to report for six (6) months or more, or has not received services for six (6) months or more is not to be considered an “active” participant.

**“Addiction Treatment Services”** means a broad range of planned and continuing care, treatment, and rehabilitation, including, but not limited to, counseling, psychological, medical, and social service care designed to influence the behavior of individual alcohol abusers or drug abusers, based on an individual treatment plan.

**“Administrative Office of Courts” (AOC)** refers to the entity established pursuant to Miss. Code Ann. §9-21-1 (Rev. 2014) et seq., to assist the Chief Justice in the efficient administration of the nonjudicial business of the courts of the state. The courts of the state include any tribunal recognized as part of the judicial branch of government, and any reference to the “AOC” includes any employee of the AOC.

**“Adult Drug Intervention Court”** means an immediate and highly structured intervention process for substance abuse treatment of eligible felony and misdemeanor, adult defendants that: (i) brings together substance abuse professionals, local social programs and intensive judicial monitoring and (ii) follows the key components of drug courts published by the Drug Court Program Office of the United States Department of Justice.

**“Alcohol Abuse”** means the use of alcohol in a way that harms the individual or society.

**“Alcoholism”** means physical or psychological dependence on the use of alcohol.

**“Best Practice Standards”** is a set of evidence-based standards developed by the National Association of Drug Court Professionals (NADCP) that, when implemented by drug courts, improve outcomes for individuals involved in drug court due to substance abuse disorders and mental health conditions.

**“Budget”** means an estimate of income and expenditure for a set period of time.

**“Case Management”** means goal-oriented activities that facilitate, coordinate, or monitor the full range of basic human needs, treatment, and service resources and delivery for individual certified intervention court participants.

**“Case Termination”** means following the procedure for terminating a participant’s court imposed obligation to participate in the services of a certified intervention court.

**“CaseWorx”** is the official intervention court case management system that shall be used by all intervention court programs for monitoring and tracking client progress throughout the participant’s entire enrollment in intervention court.

**“Certified Intervention Court”** means an intervention court that has successfully applied for and has received a certificate of approval from the Administrative Office of Courts.

**“Certified Services”** include the services a certified intervention court may provide under Miss. Code Ann. § 9-23-13 (Rev. 2019) but do not include addiction treatment services or chemical testing services.

**“Certified Treatment Program”** means that a provider of inpatient treatment, inpatient detoxification, intensive outpatient, primary residential, and secondary residential programs be certified by the Mississippi Department of Mental Health, or other appropriate state agency or the equivalent agency of another state.

**“Chemical Tests”** means the analysis of an individual’s: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v) saliva, (vi) urine, or (vii) other bodily substance to determine the presence of alcohol or a controlled substance.

**“Clinical Screening Staff”** means an intervention court staff member or team member who refers the participant to an appropriate treatment provider, evaluates whether the participant meets clinical eligibility requirements for participation in the certified intervention court, or both.

**“Director of Intervention Courts,”** an AOC employee, has the primary responsibility for facilitating development, certification, oversight, and support of all intervention courts operating in the State of Mississippi.

**“Documentation”** means a written record acceptable as evidence to demonstrate compliance with these rules.

**“Documented Participant Fee Schedule”** means a schedule of fees collected by the intervention court from the participant and how those fees will be used. It also includes any fees, costs, or fines that may be required to be paid by a participant to a third party as a condition of the intervention court program such as treatment costs, third party testing costs, electronic home monitoring costs, court costs, and restitution.

**“Documented Revenue Schedule”** means a schedule of any monies received by the intervention court for any reason. This includes, but is not limited to, allocations, grants, participant fees, fees for providing testing services, fees received from other courts for any reason, screening fees, any fees received from a third party, and donations.

**“Drug”** includes any controlled substance as defined in Miss. Code Ann. § 41-29-105(f) and any drug as defined in Miss. Code Ann. § 41-29-105(n) (Rev. 2005)

**“Drug Abuse”** means the use of drugs or harmful substances in a way that harms the individual or society.

**“Drug Addiction”** means physical or psychological dependence on the use of drugs.

**“Eligibility Screening”** means a procedure for determining a potential participant’s legal eligibility for admission to the certified intervention court under Miss. Code Ann. § 9-23-15 (Rev. 2019) and court guidelines.

**“Evaluation”** means a systematic process used to assess the certified intervention court’s process or outcomes in light of identified goals and objectives.

**“Expense”** means outflow of monies from the intervention court.

**“Family Drug Intervention Court”** means an immediate and highly structured intervention process for substance abuse treatment of eligible defendants that: (i) brings together substance abuse professionals, local social programs and intensive judicial monitoring, and (ii) follows the ten (10) recommendations of family drug courts as published by the Office of Juvenile Justice and Delinquency Prevention Office of Justice Programs.

**“Harmful Substance”** means any substance used by an individual to produce the effect of a controlled substance or drug, although the substance is not classified as a controlled substance under current Mississippi law.

**“Intervention Court Act”** refers to the Alyce Griffin Clarke Intervention Court Act. Miss. Code Ann. § 9-23-1, et seq. (Rev. 2019).

**“Intervention Court Advisory Body”** is a group of people that the supervising judge may appoint to provide advice on intervention court matters.

**“Intervention Court Case Manager”** means an employee of the intervention court who provides case management services to clients enrolled in the intervention court. Essential functions include processing forms and reports, compiling data for monthly reporting, and maintaining case files.

**“Intervention Court Coordinator”** means the administrative head or person responsible for the management and coordination of certified intervention court functions and operations. This person is responsible for the certified intervention court’s compliance with these rules and provides the daily supervision of the intervention court’s staff and coordination of the intervention court team members.

**“Intervention Court Field Officer”** means an employee of the intervention court or the Mississippi Department of Corrections who provides supervision and casework services to clients enrolled in intervention court. Essential functions generally include enforcing probation agreements, drug testing of clients, and compiling data for monthly reporting.

**“Intervention Court Financial Analyst”** refers to the employee of the AOC whose primary job responsibilities are to ensure all certified intervention court programs are in compliance with all federal laws, state laws, intervention court rules, and best practice standards with an emphasis on financial matters. They may also provide an array of technical assistance to ensure compliance.

**“Intervention Court Judge”** means the judicial officer who presides over a certified intervention court.

**“Intervention Court Operations Analyst”** refers to the employee of the AOC whose primary job responsibility is to ensure all certified intervention court programs are in compliance with all federal laws, state laws, intervention court rules, and best practice standards. They may also provide an array of technical assistance to ensure compliance.

**“Intervention Court Services”** means a broad range of planned care, including intervention, clinical screening, referral, case management and monitoring that may be extended to a certified intervention court participant and that influence the behavior of the participant toward identified goals and objectives. The services and the manner in which they are provided are guided by the ten (10) key components of drug courts and/or the ten (10) recommendations of family drug courts.

**“Intervention Court Team”** has the meaning set forth in Section 12 of Operational Management.

**“Intervention Court Treatment Counselor”** means an employee of the intervention court who provides treatment and counseling services to clients enrolled in the intervention court program.

**“Local Intervention Court Fund”** means a fund established within the County or State Treasury, maintained by the County or Municipality’s fiscal officer, and used exclusively for intervention court related expenses.

**“Participant”** means any person who has signed a participant agreement and has begun receiving certified services. However, for the purposes of orientation and confidentiality (sections 20(c) and 20(d) of Operational Management), “participant” means any person who has applied for services from the certified intervention court.

**“Participant Orientation”** means the administrative process conducted before or after a participant is admitted to a certified intervention court.

**“Policy”** means a statement of the principles that guide and govern the activities, procedures, and operations of a certified intervention court.

**“Procedure”** means a series of activities designed to implement certified intervention court goals or policy.

**“Revenue”** means inflow of monies to the intervention court.

**“State Intervention Court Advisory Committee”** is a committee, created by Miss. Code Ann. §9-23-9(Rev. 2019), that is appointed by the Supreme Court of Mississippi whose directive is to provide recommendations to the Chief Justice and other state officials concerning the improvement to intervention court policies and procedures.

**“Substance”** means any drug, controlled substance, or alcohol.

**“Substance Abuse”** means the use of alcohol or other drugs to an extent that harms the individual or society.

“**Supervising Judge**” means the judge who has ultimate responsibility for a certified intervention court. This may or may not be the same person as the intervention court judge.

“**Ten (10) Key Components**” means the ten (10) key components of drug courts published by the Drug Court Program Office of the United States Department of Justice.

“**Ten (10) Recommendations**” means the ten (10) recommendations of family drug courts as published by the Office of Juvenile Justice and Delinquency Prevention Office of Justice Programs.

“**Volunteer**” means a person who, without financial remuneration, provides ongoing services to the certified intervention court.

### Section 3 Approval Requirements

- (a) Any person, firm, corporation, partnership, association, foundation, governmental unit, or agency, whether public or private, that provides or intends to provide any certified intervention court service to or for persons ordered by the court to participate in the certified intervention court must submit to the requirements for certification.
- (b) In addition to the requirements contained in section 3(a), any unfunded intervention court must be certified by the Administrative Office of Courts (AOC) and follow all state statutes and rules.

### Section 4 Administrative Office of Courts

The Administrative Office of Courts (AOC) is charged with “...assisting the Chief Justice of the Supreme Court of Mississippi with his duties as the chief administrative officer of all courts of this state....” *Miss. Code Ann. § 9-21-3 (1)(Rev. 2014)*. This includes oversight of Mississippi's intervention courts.

- (a) **Judicial and Financial Operations:** The AOC Director or his designee is mandated “...to require the filing of reports, the collection and compilation of statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts.” *Miss. Code Ann. § 9-21-9(a) (Rev. 2015)*.
- (b) **Improve and Effect the Efficient Administration of Justice and Operation of Courts:** The AOC is “...authorized to use the services of any member of the judiciary of any court and any court-supportive personnel, including, without limitation, court reporters, clerks, bailiffs, law clerks, court administrators, secretaries and employees in the clerks' offices to carry out studies, projects and functions designed to improve or effect the efficient administration of justice and the operation of courts.” *Miss. Code Ann. § 9-21-17*.
- (c) **Cooperation of Judges, Clerks and other Employees of Courts:** “All judges, clerks of court, and other officers or employees of the courts and of offices related to and servicing the courts shall comply with all requests made by the Administrative Director for information and statistical data relative to the work of the courts and of such offices and relative to the expenditure of public monies for their maintenance and operation.” *Miss. Code Ann. § 9-21-19*.

- (d) **Withholding Finances:** Failure to comply with any request from the AOC, or any employee of the AOC, may result in the loss or delay of funding or the loss of certification for an intervention court. Contested, minor reimbursement requests may be unilaterally withheld by the AOC until resolved. However, any significant loss or delay of funding or the loss of certification for an intervention court is governed by Section 9 and Section 10 of these intervention court rules.
- (e) **Withholding Finances During an Audit:** If an intervention court is being audited by an internal auditor of the Mississippi Supreme Court, funding may only be withheld after consultation and approval by the State Intervention Courts Advisory Committee. Under normal circumstances, the consultation and approval of the withholding request by the State Intervention Courts Advisory Committee should occur at the next, regularly scheduled committee meeting. In an emergency situation, this consultation and approval by the State Intervention Courts Advisory Committee may be done by electronic means and without any type of notice to the local intervention court.

## Section 5 Compliance

- (a) The AOC may take any and all administrative actions necessary to ensure compliance with these rules, including, but not limited to requests for information, reviews, surveys, audits, or inspections which may or may not be scheduled or announced.
- (b) In order for a certified adult drug intervention court to secure and retain a certificate of approval, it must demonstrate compliance with the *key components* and standards imposed by these rules.

A certified adult drug intervention court that demonstrates compliance with all the standards for a certified adult intervention court shall be issued a certificate of approval that is valid for a two-year period unless otherwise suspended or revoked.

- (c) In order for a certified family drug intervention court to secure and retain a certificate of approval, it must demonstrate compliance with the family drug intervention court *recommendations* and standards imposed by these rules.

A certified family drug intervention court that demonstrates compliance with all the *recommendations* and standards for a certified family intervention court shall be issued a certificate of approval that is valid for a two-year period, unless otherwise suspended or revoked.

- (d) A certified intervention court is in compliance with a standard only when it has met all requirements contained in the standard.
- (e) Unless otherwise indicated, these rules and any amendments to these rules take effect thirty (30) days after adoption by the State Intervention Courts Advisory Committee. Once the new rules or amendments take effect, each intervention court will have sixty (60) days to become compliant with the same.



### **Section 5(b) Key Components**

The term “key components” refers to the current ten (10) key components of drug courts as published by the Drug Courts Program Office of the United States Department of Justice. The ten key components are listed as follows:

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and placed promptly in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participant compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

### **Section 5(c) Recommendations**

The term “recommendations” refers to the current ten (10) recommendations of family drug courts as published by the Office of Juvenile Justice and Delinquency Prevention Office of Justice Programs. The ten key recommendations are listed as follows:

1. Create a Shared Mission and Vision - Family Drug Court (FDC) partners must have a shared mission and vision that defines how they work together. The discussion of values and agreement on common principles is an essential foundation for FDC collaborative relationships.
2. Develop Interagency Partnerships - FDCs are structured within the legal framework of the court and child welfare systems and the restorative nature of treatment services. However, they require partnerships with additional agencies to provide a range of services and support for family stability, parents' recovery, and the permanency, safety and well-being of children and their families. To fully provide these services and supports, FDCs must form relationships with mental health,

- domestic violence, primary health, child development, and other agencies that result in collaborative practice.
3. Create Effective Communication Protocols for Sharing Information - Effective, timely, and efficient communication, and information sharing dramatically improves individual case monitoring and provides the guideposts that gauge the effectiveness of the FDC. Shared information is the prerequisite to joint accountability that promotes child safety, parent engagement, and retention in treatment and recovery.
  4. Ensure Cross System Knowledge - Ongoing cross-training of FDC team members and stakeholders at all levels is essential to ensuring collaboration and consistent, effective practice.
  5. Develop a Process for Early Identification and Assessment - FDCs identify participants early in the child welfare case. FDCs use screening and assessment to determine the needs and strengths of the parent, the child, and the family, and to determine the most appropriate treatment and services.
  6. Addressing the Needs of Parents - FDC partner agencies encourage parents in the recovery process and assist them in meeting treatment goals and requirements of child welfare and the court. Judges respond in a way that supports continued engagement in recovery. Working toward permanency and using active client engagement, accountability and behavior change strategies, the entire team makes sure the parent has access to a broad scope of services.
  7. Address the Needs of Children - The physical, developmental, social, emotional, and cognitive needs of children in the FDC setting must be addressed through prevention, intervention, and treatment programs. A holistic and trauma-informed perspective must be in place to ensure children receive effective, coordinated, and appropriate services.
  8. Garner Community Support - FDCs connect with community-based organizations to support the multiple needs of parents, children, and families during program participation and to provide ongoing support for continued success after formal FDC services have ended. One of the most important components of an effective FDC is early engagement of stakeholders, which should include advocacy for sustaining the FDC.
  9. Implement Funding and Sustaining Strategies - The FDC must access the full range of funding, staffing, and community resources to develop long-term stability for its innovative approaches. FDC must continually evaluate its outcomes and effectiveness, modifying the program accordingly to assure its continued success. FDC needs a governance structure that assures ongoing commitment by policy makers, management, community partners, and operational staff.
  10. Evaluate for Shared Outcomes and Accountability - The FDC team must demonstrate that the FDC has achieved desired results across partner agencies. To do so, FDC partners must agree upon goals and establish performance measures for joint accountability. FDCs must develop and measure outcomes and use evaluation results to guide the work of the collaborative.

## Section 6 Adult Drug Court Best Practice Standards

(a) All adult drug intervention courts will strive, to the best of their abilities and access to resources allow, to uphold the Adult Drug Court Best Practice Standards as enumerated below:

(b) Adult Drug Court Best Practice Standards<sup>1</sup>

Standard I. Target Population

Eligibility and exclusion criteria for the Drug Court are predicated on empirical evidence indicating which types of offenders can be treated safely and effectively in Drug Courts. Candidates are evaluated for admission to the Drug Court using evidence-based assessment tools and procedures.

Standard II. Historically Disadvantaged Groups

Citizens who have historically experienced sustained discrimination or reduced social opportunities because of their race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion, or socio-economic status receive the same opportunities as other citizens to participate and succeed in the Drug Court.

Standard III. Roles and Responsibilities of the Judge

The Drug Court judge stays abreast of the current law and research on best practices in Drug Courts, participates regularly in team meetings, interacts frequently and respectfully with participants, and gives due consideration to the input of other team members.

Standard IV. Incentives, Sanctions, and Therapeutic Adjustments

Consequences for participants' behavior are predictable, fair, consistent, and administered in accordance with evidence-based principles of behavior modification.

Standard V. Substance Abuse Treatment

Participants receive substance abuse treatment based on a standardized assessment of their treatment needs. Substance abuse treatment is not provided to reward desired behaviors, punish infractions, or serve other non-clinically indicated goals. Treatment providers are trained and supervised to deliver a continuum of evidence-based interventions that are documented in treatment manuals.

Standard VI. Complementary Treatment and Social Services

Participants receive complementary treatment and social services for conditions that co-occur with substance abuse and are likely to interfere with their compliance in Drug Court, increase criminal recidivism, or diminish treatment gains.

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<sup>1</sup>National Association of Drug Court Professionals, *Adult Drug Court Best Practice Standards, vol 1-2, 2013-2015.*

#### Standard VII. Drug and Alcohol Testing

Drug and alcohol testing provides an accurate, timely, and comprehensive assessment of unauthorized substance use throughout participants' enrollment in the Drug Court.

#### Standard VIII. Multidisciplinary Team

A dedicated multidisciplinary team of professionals manages the day-to-day operations of the Drug Court, including reviewing participant progress during pre-court staff meetings and status hearings, contributing observations and recommendations within team members' respective areas of expertise, and delivering or overseeing the delivery of legal, treatment and supervision services.

#### Standard IX. Census and Caseloads

The Drug Court serves as many eligible individuals as practicable while maintaining continuous fidelity to best practice standards.

#### Standard X. Monitoring and Evaluation

The Drug court routinely monitors its adherence to best practice standards and employs scientifically valid and reliable procedures to evaluate its effectiveness.

### **Section 7 Certification Procedures for a New Intervention Court**

Per Miss. Code Ann. §9-23-7(Rev. 2019), the AOC shall be responsible for certification and monitoring of local intervention courts according to standards promulgated by the State Intervention Courts Advisory Committee. Under Miss Code Ann. §9-23-11(1)(Rev. 2019), the AOC shall establish, implement, and operate a uniform certification process for all intervention courts including drug intervention courts, veterans intervention courts, mental health intervention courts, or any other intervention court designed to adjudicate criminal actions involving an identified classification of criminal defendant to ensure funding for intervention courts supports effective and proven practices that reduce recidivism and substance dependency among their participants.

- (a) Any court seeking to establish an intervention court program must:
  - (1) Complete and submit the Application for Intervention Court Program Certification provided by the AOC and all related materials required in the application to the Administrative Office of Courts and
  - (2) Obtain either a provisional certificate of approval from the AOC or a two-year certification from the AOC.
- (b) Supporting documentation required by the application shall include detail of how the intervention court will, under Miss. Code Ann. §9-23-11(2)(a)(i-vii)(Rev. 2019):
  - (1) implement and use evidence-based practices including, but not limited to, the use of a valid and reliable risk and needs assessment tool for identifying participants and deliver appropriate interventions;
  - (2) target medium to high risk offenders for participation;

- (3) use current, evidence-based interventions proven to reduce dependency on drugs or alcohol, or both;
  - (4) incorporate frequent and random testing procedures for alcohol and drugs;
  - (5) use a coordinated strategy between all intervention court personnel involving the use of graduated clinical interventions;
  - (6) use on-going judicial interaction with each participant;
  - (7) monitor intervention court outcomes through data collection and reporting.
- (c) Upon receipt of all required documents, the AOC will review the materials submitted. The AOC may conduct an on-site visit to determine whether all requirements for certification have been met. The AOC shall offer recommendations or suggested corrections as are necessary and appropriate.
- (d) Provisional Certificate of Approval
- (1) If the AOC finds that the applicant is in substantial compliance with all applicable requirements, the AOC must provide the applicant with a provisional certificate of approval approving the intervention court's application and plans for operation.
  - (2) The prospective intervention court must have the provisional certificate of approval from the AOC, approving the court's application before the court may:
    - (a) assess and collect fees under Miss. Code Ann. § 9-23-19(4)(Rev. 2019);
    - (b) operate as a certified intervention court and receive the benefits of the provisions in the Intervention Court Act.
  - (3) A provisional certificate of approval is valid for one hundred eighty (180) days of operation during which time the AOC will review the certified intervention court's actual delivery of services and record keeping practices. This provisional certificate must be kept on file at the court and a copy shall be kept on file at the AOC.
  - (4) No later than one hundred eighty (180) days after receipt of the provisional certificate of approval, the provisionally certified intervention court must obtain a two-year certification from the AOC.
- (e) Certificate of Approval
- (1) If the AOC finds that the applicant is in compliance with all applicable requirements, the AOC must provide the applicant with a certificate of approval approving the intervention court's application and plans for operation. In addition to the previously mentioned requirements, the intervention court must show that:
    - (a) the certified intervention court will provide each of the services and functions it is required to perform under these rules;
    - (b) based on the certified intervention court's policies, procedures, practices, and staff, the certified intervention court has the capability to provide the services proposed;
    - (c) adequate revenues and other resources will be provided to support the certified intervention court and its services;

- (d) the services of the certified intervention court will be delivered through methods likely to assure that participants of the certified intervention court will benefit; and
    - (e) the certified intervention court will be operated in compliance with these rules, the requirements of the Intervention Court Act, and other applicable federal and state laws.
  - (2) After the applicant has met all requirements, the AOC will issue a certificate of approval.
  - (3) The certificate is valid for a period of two (2) years or until the scheduled re-certification. This document must be kept on file at the court and a copy shall be kept on file at the AOC.
- (f) Upon establishment of a provisionally certified intervention court or certified intervention court, the court:
  - (1) may set and require the assessment and collection of fees authorized by Miss. Code Ann. § 9-23-19 (Rev. 2019);
  - (2) must establish written procedures concerning the receipt of and accountability of fees collected.
  - (3) must establish a Local Intervention Court Fund within the County or State Treasury, maintained by the County or Municipality's fiscal officer. All expenditures associated with each intervention court must adhere to County or State purchasing regulations. All revenue associated with each intervention court must be on deposit within the County or State. A certified intervention court shall not maintain an independent bank account or a petty cash fund.
  - (4) must deposit all revenue and/or monies derived from any participation fee, testing fee, or any other fee, or any other monies collected from a participant or other source, into the Local Intervention Court Fund. The Local Intervention Court Fund shall be used exclusively for intervention court related expenses.
    - (A) In no circumstances can any state or local intervention court monies be used to supplement pre-existing salaries of non-intervention court personnel. Supplemental compensation may be provided to non-intervention court personnel for the performance of additional, after hours duties, that are not normally part of the employee's job description.
    - (B) In no circumstances may state or local intervention court monies be maintained outside of the County or State Treasury.
    - (C) State or local intervention court monies may be used to reimburse a time-apportioned percentage of salary of a non-intervention court employee who is receiving a full-time salary from another governmental source. State or local intervention court monies may also be used to supplement a part-time, salaried, non-intervention court employee. State or local intervention court monies may also be used to compensate a non-intervention court employee who is in private practice.

- (5) A certified intervention court program may allow intervention court staff members to accept monies that participants owe. If a certified intervention court program chooses to accept monies directly, the certified intervention court must:
  - (A) Identify a primary and secondary intervention court staff member assigned the responsibility for collection of monies.
  - (B) Ensure that both the primary and secondary collection staff designated pursuant to subsection (5)(A) are bonded.
  - (C) Provide to the AOC copies of all bonds issued to intervention court personnel. Copies shall also be kept on file at the local intervention court.
  - (D) Not accept cash.

## **Section 8 Re-Certification Procedures for Existing Intervention Court**

- (a) The certified intervention court must follow the procedures described in this section to initiate a re-certification review and obtain re-certification of the intervention court.
- (b) No later than ninety (90) days prior to, or earlier if determined as necessary by the AOC, the actual expiration date of the certificate, the intervention court must do the following:
  - (1) submit the Application for Intervention Court Program Re-Certification and all supporting materials to the AOC; and
  - (2) schedule a review date with the State Intervention Court Operations Analyst.
- (c) Re-certification review by the State Intervention Court Operations Analyst shall include evaluation of each of the following:
  - (1) the certified intervention court's compliance with the Miss. Code Ann. §9-23-1 through 9-23-23 (Rev. 2019), state, and federal law.
  - (2) the certified intervention court's compliance with the Intervention Court Rules contained herein;
  - (3) the certified intervention court's compliance with its own policy and procedural manual.
  - (4) to the best of its ability and access to resources allow, the certified intervention court's compliance with best practice standards;
  - (5) the qualifications and certifications of any contractor that provides services to the certified intervention court or its participants, and the contractor's compliance with the terms of the contract;
  - (6) the qualifications and certifications of any treatment provider that provides treatment services to the certified intervention court's participants and the treatment provider's compliance with the terms of the provider referral agreement;
  - (7) any other issues or subjects that the AOC determines are relevant to the review.



- (d) The State Intervention Court Operations Analyst must provide written assurance that all standards required by these rules have been met before the AOC will issue a new certificate of approval.
- (e) When the certified intervention court has satisfied the requirements of this section and the AOC determines that all standards required by these rules have been met, the AOC shall issue a new certificate of approval for a period of two (2) years. This document must be kept on file at the certified intervention court and a copy shall be provided to and kept on file at the AOC.

## **Section 9 Grounds for Denial or Revocation**

The AOC may revoke any current certificate, or deny an Application for Intervention Court Certification or Re-Certification for one (1) or more of the following reasons:

- (a) violation of any rule set forth in these rules by the certified intervention court, its coordinator, staff member or team;
- (b) permitting, aiding, or abetting the commission of an unlawful act;
- (c) conduct or practices found by the AOC to be harmful to the health or safety of any participant in the certified intervention court;
- (d) deviation by the certified intervention court from the plan of operation originally certified which, in the judgment of the AOC, adversely affects the character, quality, or scope of services being provided to participants;
- (e) failure of the applicant or holder of a certificate of approval to cooperate with the AOC in connection with the certification process, an investigation, a review, or an audit;
- (f) failure of the applicant or holder of a certificate of approval to provide accurate or reliable information on the application or other written documentation regarding the certified intervention court's administrative operations, financial operations, or service delivery practices (omission of information may also be considered grounds for denial or revocation); or
- (g) previous denial or revocation of a certificate of approval.

## **Section 10 Revocation Procedures**

- (a) Whenever the AOC determines that any certified intervention court may have committed an act, or may have been engaged in conduct or practices justifying revocation of its certificate under these rules, the AOC must notify, in writing, the supervising judge and all members of the State Intervention Courts Advisory Committee of the revocation. The letter to the supervising judge shall be served personally or by certified mail, and shall be electronically communicated. All members of the State Intervention Courts Advisory Committee shall receive the letter through electronic communications. The letter shall include:
  - (1) a brief statement explaining the reason for the revocation, including the date the court's certification will be permanently revoked;



- (2) a statement that the decision to revoke the court's certification will become final unless the supervising judge submits a written objection and response to the AOC within thirty (30) days of receipt of the notice, stating why the revocation should not become final;
  - (3) a statement that if the supervising judge submits a written objection and response to the revocation within the thirty (30) days specified in subdivision (2), the intervention court's current certificate remains in effect, except in extraordinary circumstances, until the conclusion of the investigation and a final resolution is decided; and
  - (4) a statement that in extraordinary circumstances, the AOC may limit or deny this period of extension if it determines that continued certified intervention court operations present an imminent danger to the public health or safety.
- (b) Upon the AOC determining that any reason exists that justifies the revocation of an intervention court's certification, the AOC must provide an opportunity, before the State Intervention Courts Advisory Committee, for the presiding judge to respond to any and all allegations that served as reason for the revocation of the certification.
- (c) Within thirty (30) days of receiving the presiding judge's written objection and response to the AOC's allegations, the State Intervention Courts Advisory Committee shall provide a response by notifying the AOC and the presiding judge of its findings and recommendations.

## **Section 11 Termination of Operation**

- (a) Termination of Operation of an Intervention Court: Any court that terminates its certified intervention court must provide the AOC a written notice at least thirty (30) days prior to termination of its certified intervention court, outlining its intent, reasons for termination, and plan of action to address the status of any current intervention court participants.

## **Section 12 Intervention Court Team**

- (a) A certified intervention court must have an intervention court team which shall, at a minimum, consist of the following members:
- (1) the intervention court judge;
  - (2) the local prosecuting attorney or a representative from the prosecuting attorney's office;
  - (3) a local criminal defense attorney;
  - (4) one (1) or more local treatment providers;
  - (5) the intervention court coordinator;
  - (6) community supervision officer; and
  - (7) law enforcement officer.

- (b) The certified intervention court shall maintain on file a list of the members of the intervention court team along with a description of each member's role and responsibilities. Any changes to a certified intervention court's team membership should be timely provided to the AOC.
- (c) If the certified intervention court has an intervention court coordinator or judge change, for any reason, then an audit of the local intervention court shall be immediately conducted by the internal auditor of the Mississippi Supreme Court.

## **Section 13 Personnel Management**

- (a) Intervention court employees serve at the will and pleasure of the local intervention court judge. The certified intervention court should follow its county's written personnel policy and procedure manual, which should contain:
  - (1) employment procedures;
  - (2) rules for professional conduct;
  - (3) wages and benefits;
  - (4) vehicle and cell phone usages procedures; and
  - (5) job descriptions for all personnel and volunteers, which accurately reflect their actual job situations, and describe, at a minimum:
    - (A) job title;
    - (B) qualifications;
    - (C) credentials, if applicable;
    - (D) duties and responsibilities; and
    - (E) reporting and supervisory responsibilities.
- (b) A copy of this manual must be kept on file at the AOC and the court.
- (c) The certified intervention court must keep records for all staff that contain the following information:
  - (1) application or resume;
  - (2) credentials;
  - (3) verification;
  - (4) licensure verification, when applicable;
  - (5) performance evaluations;
  - (6) salary and position changes;
  - (7) documentation of staff development activities and continuing education activities; and
  - (8) copies of all bonds.

- (d) The following personnel documentation must be kept on file, kept up to date and provided to the AOC:
  - (1) hire orders or letters;
  - (2) termination orders or letters;
  - (3) resumes including qualifications;
  - (4) copies of all licensing certificates; and
  - (5) documentation of staff development and continuing education activities.
- (e) Upon hiring an individual for employment, the certified intervention court must provide the employee's resume and licensing certificates to the Director of Intervention Courts.
- (f) Upon increasing an employee's salary, the certified intervention court must notify the Director of Intervention Courts.

## Section 14 Intervention Court Staff Minimum Qualifications

The following apply only to those persons employed by the intervention court program. Job characteristics, experience and educational requirements are subject to change.

### (a) Intervention Court Coordinator

The intervention court coordinator is a professional whose work involves the overall management of the intervention court program. The intervention court coordinator is responsible for management and coordination of intervention court functions and operations and for the intervention court's compliance with all legislation and rules as applicable to the intervention court program. The coordinator provides supervision to other intervention court staff and coordination between intervention court team members. The intervention court coordinator assumes all duties as assigned by the intervention court judge and works at the will and pleasure of the intervention court judge. A certified intervention court must have written evidence that the Intervention Court Coordinator has achieved and maintained professional status per Section 17 of these rules.

#### (1) Intervention Court Coordinator I:

Education and Experience:

- (A) A Bachelor's degree from an accredited four-year college or university; **or**
- (B) graduation from a standard four-year high school or equivalent (GED) and four (4) years of relevant experience.

#### (2) Intervention Court Coordinator II

Education and Experience:

- (A) A Master's degree from an accredited four-year college or university and two (2) years of relevant experience **or**
- (B) A Bachelor's degree from an accredited four-year college or university and four (4) years of relevant experience **or**

- (C) Graduation from a standard four-year high school or equivalent (GED) and eight (8) years of relevant experience.

(3) Intervention Court Coordinator III

Education and Experience:

- (A) A Master's degree from an accredited four-year college or university and four (4) years of relevant experience **or**
- (B) A Bachelor's degree from an accredited four-year college or university and eight (8) years of relevant experience **or**
- (C) Graduation from a standard four-year high school or equivalent (GED) and twelve (12) years of relevant experience.

(b) Intervention Court Case Manager

The intervention court case manager is a professional who provides casework services to clients enrolled in the intervention court program. The case manager works closely with the intervention court coordinator, intervention court field officer, and the intervention court judge. Essential functions to be performed by the case manager include, but are not limited to, maintaining contacts with intervention court clients for various interviews and programs, preparing and processing forms and reports, and compiling data for monthly reporting. Additional duties and job functions shall be identified and included by the intervention court judge. The intervention court case manager serves at the will and pleasure of the intervention court judge. A certified intervention court must have written evidence that the Intervention Court Case Manager has achieved and maintained professional status per Section 17 of these rules.

Education and Experience:

- (A) A Bachelor's degree from an accredited four-year college or university **or**
- (B) Graduation from a standard four-year high school or equivalent (GED) and four (4) years of relevant experience.

- (c) If the judge is unable to find a coordinator or case manager with the above requirements, the judge must request a written waiver from the AOC prior to hiring the employee.

(d) Intervention Court Field Officer

The intervention court field officer performs professional work involving intensive supervision and casework services to clients enrolled in the intervention court programs. Other functions performed by the intervention court field officer include enforcing probation agreements set forth by the intervention court judge and compiling data for monthly reporting. Additional duties and job functions may be identified and included by the intervention court judge. The intervention court field officer serves at the will and pleasure of the intervention court judge.

**Note:** In all cases, the applicant must have successfully completed the Mississippi Law Enforcement Officers Training Program as mandated by Mississippi Code Annotated, 1972, Section 47-7-9 (b)(2015) as amended.

(1) Intervention Court Field Officer I

Education and Experience:

- (A) A Bachelor's degree from an accredited four-year college or university in criminal justice, sociology, social work, psychology or a related field and one (1) year of experience in related work **or**
- (B) Graduation from a standard four-year high school or equivalent (GED) and five (5) years of experience in related work.

(2) Intervention Court Field Officer II

Education and Experience:

- (A) A Master's degree from an accredited four-year college or university in criminal justice, sociology, social work, psychology or a related field and two (2) years of experience in related work **or**
- (B) A Bachelor's degree from an accredited four-year college or university in criminal justice, sociology, social work, psychology or a related field and three (3) years of experience in related work **or**
- (C) Graduation from a standard four-year high school or equivalent (GED) and seven (7) years of experience in related work.

(3) Intervention Court Field Officer III

Education and Experience:

- (A) A Master's degree from an accredited four-year college or university in criminal justice, sociology, social work, psychology or a related field and four (4) years of experience in related work **or**
- (B) A Bachelor's degree from an accredited four-year college or university in criminal justice, sociology, social work, psychology or a related field and five (5) years of experience in related work **or**
- (C) Graduation from a standard four-year high school or equivalent (GED) and nine (9) years of experience in related work.

(e) Intervention Court Treatment Counselor

The intervention court treatment counselor is a professional who operates within the intervention court model working with clients actively enrolled in the intervention court program. Work involves performing activities in the preliminary study of cases, conducting individual, group or family counseling to clients enrolled in intervention court, preparing and maintaining files, documentation, legal documents and various reports, and having frequent conferences with intervention court team members to discuss problems arising within their work and for instructions as to subsequent steps to be taken with the intervention court client. Additional duties and job functions shall be identified and included by the intervention court judge. The intervention court treatment counselor serves at the will and pleasure of the intervention court judge.

(1) Intervention Court Treatment Counselor I

Education: A Master's degree from an accredited four-year college or university in social work, counseling, or one of the behavioral sciences.

(2) Intervention Court Treatment Counselor II

Education and Experience:

A Master's degree from an accredited four-year college or university in social work, counseling, or one of the behavioral sciences **and** one (1) year of experience directly related to the above described characteristics.

(3) Intervention Court Treatment Counselor III

Education and Experience:

A Master's degree from an accredited four-year college or university in social work, counseling, or one of the behavioral sciences **and** two (2) years of experience directly related to the above described characteristics.

- (f) A certified intervention court must provide written documentation to the AOC that an Intervention Court Treatment Counselor or Field Officer who is employed by the intervention court program is in compliance with all experience and educational requirements set forth in these rules, including continuing educational requirements and any licensing requirements.

## Section 15 Intervention Court Personnel Salary Scales

The annual salary scale is based on a Full Time Employee (FTE) of the intervention court program. All annual salaries shall be limited to the current pay scales of similar or equivalent positions as defined by the Mississippi State Personnel Board. The below salaries became effective July 1, 2017.

Job Title	Salary Range
Intervention Court Coordinator I	\$ 27,100.00 - \$ 49,800.00
Intervention Court Coordinator II	\$ 31,400.00 - \$ 57,700.00
Intervention Court Coordinator III	\$ 34,700.00 - \$ 63,750.00
Intervention Court Field Officer I	\$ 27,100.00 - \$ 49,800.00
Intervention Court Field Officer II	\$ 31,400.00 - \$ 57,700.00
Intervention Court Field Officer III	\$ 34,700.00 - \$ 63,750.00
Intervention Court Case Manager	\$ 27,100.00 - \$ 49,800.00

If an intervention court hires an in-house treatment provider, the annual salary shall be limited to the current pay scales of similar or equivalent positions as defined by the Mississippi State Personnel Board. The salary scale is based on a Full Time Employee (FTE) of the intervention court program.

Job Title	Salary Range
Intervention Court Treatment Counselor I	\$ 26,000.00 - \$ 47,800.00
Intervention Court Treatment Counselor II	\$ 28,700.00 - \$ 52,500.00
Intervention Court Treatment Counselor III	\$ 31,500.00 - \$ 57,850.00

### Section 16 Mississippi Department of Corrections (MDOC) Partnership

By special agreement, the Mississippi Department of Corrections has partnered with Mississippi Intervention Courts to provide professional support in the form of probation and parole agents. MDOC has committed to assigning one (1) MDOC probation officer to each certified adult felony drug intervention court program.

#### Probation / Parole Agent

##### Probation / Parole Agent I, II, III

These positions are held by employees of the MDOC. All job characteristics, education levels, experience, and salaries are determined by the MDOC and approved by the Mississippi State Personnel Board. Probation/Parole Agents may be assigned to an adult drug intervention court program by MDOC to work exclusively with those actively enrolled in the program.

### Section 17 Professional Status

- (a) Professional status is achieved when an intervention court coordinator or case manager meets all educational requirements and experience requirements.
- (b) If a waiver for hire was granted per Section 14(c), an individual will be allowed one (1) calendar year, from the date of first hire, as an intervention court coordinator or case manager to achieve professional status.
- (c) Professional status, once achieved, is maintained by documenting, with the AOC, twelve (12) hours annually of continuing education or training related to substance abuse and criminal justice issues.

## Section 18 Continuing Education Units (CEUs)

- (a) Continuing Education Units (CEUs) should be earned by intervention court coordinators, case managers, and intervention court field officers on an annual basis. Each intervention court coordinator, case manager, and intervention court field officer should earn twelve (12) hours of CEUs every twelve month period beginning July 1 of each year.
- (b) Approval should be sought and granted prior to the actual occurrence of the activity, but approval may be given retroactively.
- (c) Requests for the award of CEUs should be submitted to the AOC for proper awarding and documentation.
- (d) Continuing Education Unit credits should be approved by the AOC before the credits are awarded to the requesting party.
- (e) Pre-Approval - To determine if a program or meeting qualifies for CEUs:
  - (1) The requesting party should provide to the AOC the following:
    - (A) Agenda of the meeting or program;
    - (B) Curriculum vitae of speakers or presenters; and
    - (C) Synopsis of each portion of the meeting or program.
    - (D) If an online program or seminar, the website should be provided to the AOC as well as the information requested in parts A-C above.
  - (2) The AOC will review the information provided per subsection (1) and determine if the meeting or program meets the criteria for intervention court CEUs as set forth in subsection (3) below.
  - (3) Criteria
    - (A) The activity should have significant intellectual or practical content and its primary objective should be to increase the participant's professional competence as an intervention court coordinator, case manager, or field officer.
    - (B) The activity should deal primarily with matters related to the operation of intervention courts or the professional responsibility or ethical obligations of an intervention court coordinator, case manager, or field officer.
    - (C) The activity should itself be conducted by an individual or group qualified by practical or academic experience.
    - (D) Each online program or online seminar will be reviewed for approval on a case by case basis. The course content, interactivity, as well as the effectiveness of the delivery method will be considered in the approval process. Applications for approval should be submitted by the sponsor and submitted 30 days prior to the beginning date of the program. Applications will not be approved retroactively. Sponsors should be able to verify attendance and the number of hours attended. Attendance should be reported to the AOC immediately following the conclusion of the program.



- (4) Continuing education unit activities sponsored by the following organizations are presumptively approved for credit, provided the criteria set out in sections (3)(A)-(A) are met.
- American University
  - Bureau of Justice Assistance
  - Bureau of Justice Statistics
  - Center for Court Innovation
  - Mississippi Association of Drug Court Professionals
  - National Association of Drug Court Professionals
  - National Criminal Justice Reference Service
  - National Drug Court Institute
  - National Drug Court Resource Center
  - National Institute of Justice
  - Office of Juvenile Justice and Delinquency Prevention
  - Substance Abuse and Mental Health Services Administration
  - Treatment Courts Online: The National Training System for Treatment Court Practitioners
  - United States Department of Justice
- (5) The AOC may at any time reevaluate a program and revoke approval of the organization or of a particular meeting or program.
- (6) Any organization not included in subsection (4) above, desiring approval of a course, program, or other activity, should apply to the AOC by submitting a required application form and supporting documentation no less than forty-five (45) days prior to the date for which the course or program is scheduled. The AOC will advise the applicant in writing by mail within thirty (30) days of the receipt of the completed application whether the activity is approved or disapproved.

## **Section 19 Specimen Collection Staff**

- (a) All employees, contractors, or volunteers of a certified intervention court performing specimen collection must have training and experience in each of the following:
- (1) the administration of chemical tests;
  - (2) specimen collection;
  - (3) chain-of-custody and documentation procedures; and
  - (4) confidentiality of specimen collection and chemical test results.

- (b) An individual will be allowed ninety (90) days cumulatively from the date of first hire to attain and document training as a member of the specimen collection staff.
- (c) The intervention court must provide written documentation to the AOC that the appropriate staff has been trained pursuant to subsection (a).

## Section 20 Intervention Court Operations

### (a) Policy and Procedure Manual

Each certified intervention court must have a written policy and procedure manual to govern the day-to-day operations of the intervention court. A copy of the certified intervention court's policy and procedure manual must be provided to and kept on file at the AOC.

- (1) A certified intervention court must do each of the following in regards to its manual:
  - (A) incorporate the key components into its policies, procedures, and practices;
  - (B) incorporate evidence-based best practices into its policies and practices;
  - (C) update the policy and procedure manuals as needed, timely providing written updates to the AOC for review.
  - (D) make the manual available to the intervention court team and staff; and
  - (E) operate consistently with the policies and procedures contained in the manual.
- (2) The manual must contain, at a minimum, the following:
  - (A) a written statement of the goals and objectives in its policy and procedure manual that clearly reflects the certified intervention court's philosophy and guides the operation of the certified intervention court and the delivery of services;
  - (B) written description of policy and procedures that:
    - (1) identify certified intervention court lines of authority;
    - (2) identify all staff positions;
    - (3) accurately reflect current certified intervention court practice; and
    - (4) includes a description of all staff functions.
  - (C) a policy and practice of nondiscrimination in providing intervention court services, which must address nondiscrimination on the basis of each of the following:
    - (1) race;
    - (2) gender;

(3) sexual orientation;

(4) age;

(Notwithstanding the policy and practice of nondiscrimination on basis of age, an adult intervention court may exclude juveniles from participating.)

(5) religion;

(6) ethnicity;

(7) disabilities; and

(8) ability to pay.

- (D) a description of the criteria for the acceptance of substance use-involved offenders as participants who are eligible to receive one (1) or more services provided by the certified intervention court;
- (E) a written policy and procedure for conducting an orientation for each participant, and when appropriate, the participant's family;
- (F) a written policy and procedure, conforming to applicable state and federal laws, that ensures the confidentiality and security of participant records;
- (G) a written policy and procedure in place for recording participant progress in CaseWorx. All participant progress should be recorded contemporaneously in CaseWorx but not later than seven days from the end of the calendar month in which the progress occurred;
- (H) a written policy and procedure for:
- (1) terminating a participant's court imposed obligation to participate in the certified intervention court; and
  - (2) providing written notice to the court after the participant has:
    - (a) successfully complied with the treatment plan and the participation agreement; or
    - (b) violated any requirement of the treatment plan or the participation agreement.
- (I) a written policy and procedure for scheduling and conducting chemical tests;
- (J) a written policy and procedure regarding regular staffings to discuss the compliance or non-compliance, progress, sanctions, or termination of participants prior to the participants' scheduled court appearances;
- (K) Intervention courts are encouraged to have a written referral agreement with the addiction treatment services provider that at a minimum includes procedures for the following:

- (1) initiation and acceptance of referrals;
  - (2) exchange of participant-related information; and
  - (3) post-referral reporting by the addiction treatment services provider that enables the intervention court to perform its participant-monitoring responsibilities.
- (L) a documented participant fee schedule and documented revenue schedule; and
  - (M) a copy of each form used by the intervention court.
- (3) If an amendment to a certified intervention court's policy and procedure manual is necessary prior to the next recertification period, the certified intervention court must timely provide the amendment to the AOC for review.

(b) Eligibility Screenings

A member or members of the intervention court team, or person designated by the team, must be designated to conduct an eligibility screening. The designated member or members of the intervention court team must do each of the following:

- (1) determine the defendant's legal eligibility for intervention court under Miss. Code Ann. § 9-23-15 (Rev. 2019); and
- (2) determine the defendant's eligibility for intervention court by providing for a clinical assessment of treatment needs; and
- (3) recommend the defendant to the intervention court team as a potential participant in the certified intervention court if appropriate.

(c) Orientation

- (1) A certified intervention court must have and observe a written policy and procedure for conducting an orientation for each participant, and when appropriate, the participant's family. Orientation may be conducted during an individual or a group appointment and must include explanations of the following:
- (A) specific eligibility requirements for intervention court participation;
  - (B) the services offered by the certified intervention court either directly or through referral;
  - (C) the requirements for successful completion of the certified intervention court, including a description of the scheduling and attendance requirements for court dates, chemical testing, day reporting, appointments with case managers or treatment providers, self-help and other group meetings, and other regularly scheduled requirements;
  - (D) conduct and behavior that could result in sanctions or termination from intervention court;
  - (E) possible sanctions for non-compliance with intervention court requirements;

- (F) information about the treatment providers used by the intervention court; and
  - (G) information about the costs to participants and the procedure and schedule for paying those costs.
- (2) A certified intervention court must have an Orientation Acknowledgment form to advise each participant in writing of the information described in subsection (1). The form must contain a signature line and date line for the participant to indicate that the participant has been provided a copy of the form and understands the information provided. It must also contain the signature and date of the intervention court staff member who conducted the orientation. The certified intervention court must place the form or the signature page with the participant's original signature and date in the participant's record.
- (d) Privacy and Confidentiality of Records
- (1) A certified intervention court must have a written policy and procedure, conforming to applicable state and federal laws, that ensures the confidentiality and security of participant records. The intervention court must specify in policy and procedure how participant privacy is maintained.
- (2) A certified intervention court must have a Notice of Rights of Confidentiality form and a Consent for Disclosure form to inform a participant of his privacy rights and to obtain the necessary consent for the release of confidential information to specified individuals for certain purposes. The forms should follow the model forms provided by the AOC. The Consent for Disclosure form must meet the following requirements:
- (A) contain a statement indicating that the participant understands that matters relating to the participant's case and compliance will be discussed in open court;
  - (B) contain a signature and date line for the participant to indicate that the participant understands the rights described in the form;
  - (C) contain a signature and date line for a witness; and
  - (D) any blank lines remaining after the form has been completed must be crossed out or marked "NA" to ensure the forms cannot be altered after being signed by the participant.
- The certified intervention court must place the form with the participant's original signature and date in the participant's record.
- (e) Participation Agreement for Intervention Court Participants
- (1) A certified intervention court must develop a participation agreement that contains each of the following:
- (A) the county of jurisdiction of the certified intervention court;
  - (B) all parties to the participation agreement;

- (C) the terms under which the participant enters the program, whether as a result of a guilty plea, a condition of probation, or the result of a violation of probation;
  - (D) the case number or cause number;
  - (E) the length of the intervention court program;
  - (F) a list of intervention court requirements and participant responsibilities;
  - (G) the effect of successful completion of intervention court on the participant's case;
  - (H) the consequences to the participant of unsuccessful completion or termination in the intervention court;
  - (I) full disclosure of any and all financial obligations that may be imposed on an intervention court participant. These financial obligations shall not conflict with the sentencing order; and
  - (J) a statement indicating that participation is contingent upon the participant's consent to the discussion in open court of information that would otherwise be confidential, relating to the participant's case and compliance.
- (2) A certified intervention court must provide each participant the opportunity to review the participation agreement with the advice of counsel.
  - (3) The participation agreement must include the signature of the intervention court coordinator, participant, and participant's defense counsel. A copy of the signed and dated participation agreement must be maintained in the participant's record and a copy shall be provided to the participant.
- (f) Case Management
- (1) CaseWorx shall be the primary case management system used by all certified intervention court programs. The use of CaseWorx as the primary case management system is subject to change by adoption and approval by the AOC. CaseWorx shall be used to track client progress, including both financial and programmatic progress, from initial screening and throughout the program until release from the intervention court's supervision.
  - (2) A certified intervention court must have a written policy and procedure in place for recording participant progress in CaseWorx. All participant progress should be recorded contemporaneously in CaseWorx but not later than seven days from the end of the calendar month in which the progress occurred.
  - (3) The certified intervention court must monitor the progress of each participant in satisfactorily completing the participant's treatment plan and participation agreement and other requirements governing the participant's conduct or performance during participation in the certified intervention court. The monitoring procedure must, at a minimum, be capable of determining participants who have:
    - (A) failed, as scheduled or required, to comply with the treatment plan;

- (B) failed to comply with the participation agreement or with the rules of conduct of a service provider to which the participant was referred; or
  - (C) been successfully or unsuccessfully discharged or terminated by a service provider to which the participant was referred.
- (4) The intervention court coordinator shall be responsible for maintaining an accurate and current listing of all persons with access to CaseWorx along with their assigned level of access. It shall be the duty of the intervention court coordinator to immediately block access to CaseWorx for any previous user who is no longer working for the intervention court program.
- (A) The intervention court coordinator is responsible for assigning users the appropriate levels of access in CaseWorx necessary for the performance of their jobs.
  - (B) The intervention court coordinator is responsible for ensuring that all users sign a confidentiality form prior to receiving access and provide a copy to AOC.
- (g) Chemical Testing
- (1) A certified intervention court must establish and follow a written policy and procedure for scheduling and conducting chemical tests.
  - (2) At a minimum the policy on chemical tests must address the following:
    - (A) the specific method or methods of chemical testing used by the intervention court;
    - (B) what samples the intervention court collects and tests, such as urine, blood, breath, sweat, saliva, and hair;
    - (C) substances identified by the tests;
    - (D) frequency and randomization of drug testing schedules;
    - (E) circumstances requiring a confirmation test, if any;
    - (F) the intervention court's procedures for confirmation including the type of confirmation test used;
    - (G) the party responsible for paying the cost of a confirmation test;
    - (H) collection procedures including chain of custody; and
    - (I) procedures in place to ensure samples, reagents, and testing equipment are in a secure environment.

(h) Staffings

The intervention court team must establish a written policy and practice regarding staff meetings to discuss the compliance or non-compliance, progress, sanctions, or termination of participants prior to the participants' scheduled court appearances. All of the required members of the intervention court team, see §12, shall participate in staffings. A certified intervention court's staffings shall occur at the same frequency of

your court status hearings, preferably be face-to-face meetings, and shall be closed to the public. Since outcomes in intervention courts are optimal when participants appear in court no less frequently than every two weeks, your staffings and court hearings shall occur no less frequently than every two weeks.

(i) Treatment Providers

- (1) Any addiction treatment or mental health provider to which the certified intervention court refers participants must be licensed and certified by the State Department of Mental Health, or other appropriate state agency, or the equivalent agency of another state, or the appropriate accreditation and licensing board. Written confirmation of a provider's valid license and current certification must be maintained on file with the intervention court and on file with the AOC.
- (2) Intervention courts are encouraged to have a written referral agreement or memorandum of understanding (MOU) with the addiction treatment services provider that at a minimum includes procedures for the following:
  - (A) initiation and acceptance of referrals;
  - (B) exchange of participant-related information; and
  - (C) post-referral reporting by the addiction treatment services provider that enables the intervention court to perform its participant-monitoring responsibilities.

(j) Status Hearings/Court Hearings

The intervention court team must establish a written policy and practice regarding regular status hearings or court hearings that shall occur at the same frequency of the intervention court staffings. Only the needed members of the intervention court team should be available for a status or court hearing.

## Section 21 Programmatic Reporting

A monthly programmatic report includes specific details, information, and progress of all participants enrolled in the certified intervention court program. As part of the monthly programmatic report, a certified intervention court must collect and submit to the AOC each month the following data, in accordance with Miss. Code Ann. §9-23-11(4)(a)(Rev. 2019):

- (i) Total number of participants at the beginning of the month;
- (ii) Total number of participants at the end of the month;
- (iii) Total number of participants who began the program in the month;
- (iv) Total number of participants who successfully completed the intervention court in the month;
- (v) Total number of participants who left the program in the month;
- (vi) Total number of participants who were arrested for a new criminal offense while in the intervention court program in the month;



- (vii) Total number of participants who were convicted for a new criminal arrest while in the intervention court program in the month; and
- (viii) Total number of participants who committed at least one (1) violation while in the intervention court program and any resulting sanction(s).

In addition to the aforementioned statutory requirements of the monthly programmatic report, the certified intervention court must provide any other data or information as required by the AOC.

- (a) By the 20<sup>th</sup> day of each month, each certified intervention court program must submit to the AOC a Programmatic Report which details the status of participants enrolled in the program. The submission of your programmatic report must include supporting documentation to reflect the activity of the previous month.
- (b) Programmatic Reports may be either e-mailed or sent by U.S. mail to the AOC and must be signed and dated by both the intervention court judge and coordinator. Do NOT send by both methods.
  - (1) E-mail the programmatic report to:  
[interventioncourts@courts.ms.gov](mailto:interventioncourts@courts.ms.gov)
  - (2) U.S. Mail  
Administrative Office of Courts  
Attn: Director of Intervention Courts  
P.O. Box 117  
Jackson, MS 39205-0117
- (c) Failure to submit Programmatic Reports by the 20<sup>th</sup> day of each month may jeopardize the intervention court's ability to receive reimbursement in a timely manner.
- (d) During the initial year, startup intervention courts shall report monthly as other intervention courts and shall show a steady progress of growth toward their budgeted goal. If absence of reasonable progress is shown, the State Intervention Courts Advisory Committee will consider warnings, sanctions, or reductions in reimbursement amounts.
- (e) Each intervention court program is responsible for maintaining a monthly file of all documentation that ties participant progress to the monthly programmatic report. This file must be readily available for review by AOC. Programmatic data and supporting documentation shall never be destroyed or discarded.

## II. FISCAL MANAGEMENT

### Section 22 Funding Authorization

- (a) Certified intervention court programs operating in Mississippi may qualify for state funding. The source of the funding comes from a bill passed by the Mississippi Legislature during its 2004 Regular Session. The purpose of this funding is to provide supplemental funding to all certified intervention court programs operating in Mississippi. Distinct guidelines and standards have been created by the State Intervention Courts Advisory Committee and must be met by the intervention court program in order to receive and maintain funding. Failure to meet these guidelines and standards can result in the loss of funding for an intervention court program.
- (b) Any new intervention court seeking access to state intervention court funds must have received a Certificate of Approval or a Provisional Certificate of Approval as a Certified Intervention Court Program through the Administrative Office of Courts.
- (c) Any established intervention court seeking access to state intervention court funds must have received a re-certification of the intervention court during the re-certification cycle immediately preceding the request for state intervention court funds.
- (d) Any intervention court that is not certified by the Administrative Office of Courts, or an applicant whose plan of operation does not comply with the requirements of certification under these rules, shall not receive a favorable review or recommendation from the Administrative Office of Courts on any application for funding of services from state, federal, or private funding sources.

### Section 23 Fiscal Management Requirements

- (a) The certified intervention court must have developed and implemented an accounting system with the capability to ensure financial transactions are thoroughly documented and handled in a uniform and consistent manner.
- (b) The certified intervention court must have a current budget.
- (c) It is the responsibility of the intervention court coordinator to ensure the certified intervention court is operating within its approved annual budget.
- (d) Each intervention court program is responsible for maintaining a monthly file of all documentation that ties the expenditures to the monthly report. This file must be readily available for review by AOC. Each intervention court program is responsible for maintaining records to support expenditures for a period of three (3) state fiscal years in addition to the state fiscal year in progress.

### Section 24 Budget Information

- (a) The program year for the Mississippi Intervention Court Program shall coincide with the State Fiscal Year beginning July 1 and ending June 30 of the following year. Each court is required to submit an annual request for program funding to the Administrative Office of

Courts, no later than sixty (60) days before the beginning of each program year. The request should be submitted by either mail or email to:

Administrative Office of Courts  
Attn: Intervention Court Financial Analyst  
P.O. Box 117  
Jackson, MS 39205  
[interventioncourts@courts.ms.gov](mailto:interventioncourts@courts.ms.gov)

- (b) Existing courts are encouraged to review their prior year expenditures to date as part of the request process. Each court must provide detailed justification for the requested funding by submitting a budget detail along with the Annual Intervention Court Budget Request form, signed and dated by the intervention court judge and individual responsible for the form. Budgets must be submitted on approved AOC forms. Final budget awards for each intervention court should be established no later than June 30.
- (c) During the initial year, startup intervention courts shall report monthly as other intervention courts and shall show a steady progress of growth toward their budgeted goal. If absence of reasonable progress is shown, the State Intervention Courts Advisory Committee will consider warnings, sanctions, or reductions in reimbursement amounts.
- (d) Along with the Annual Intervention Court Budget Request form and supporting budget detail narrative, an intervention court shall include any and all contracts included in the submitted budget. The contracts must be current and previously approved by the appropriate Board of Supervisors.

## Section 25 Budget Detail Justification

The following budget line items, if requested, should include detailed information to assist the Administrative Office of Courts in determining the proper amount of funding for your intervention court program.

- (a) Salaries/Fringe Benefits
  - (1) Include personnel who work directly for the intervention court program, excluding treatment staff. Information in this section must include each employee's annual salary and fringe benefits, either percentage of time on the project or Full-Time Equivalent (FTE) (1 FTE=100%), and the duration of the budget request period. This listing may include the intervention court coordinator, case manager, and supervision officers.  
**Note: Please do NOT include treatment personnel in this category.**
  - (2) Include all employees being reimbursed by AOC funds, local intervention court funds, grant funds, local government funds, and private foundation/donation funds *with the exception of in-house treatment employees.*
  - (3) All salaries shall be limited to the current pay scales provided in this policy, or if the position salary is not outlined in this policy, the salary of similar or equivalent positions as defined by the Mississippi State Personnel Board.

- (4) Fringe benefit percentage can include FICA, Medicare, unemployment, worker's compensation, retirement match, and/or health insurance. The percentage will fluctuate between employees. Be sure to confirm with your county and last year's salary and fringe benefits to support the budget request.
  - (5) All intervention court personnel shall receive the same benefits as are received by full-time county employees in the lead county. All intervention court personnel shall be paid by the lead county.
- (b) Treatment
- (1) Include the costs of an intervention court's clinical treatment program, including the costs of SASSI and MDOC screening or their equivalents, detoxification services, inpatient treatment, outpatient visits, etc.
  - (2) If treatment is provided in-house, the salary, fringe benefits, and expense information of these clinicians should be explained under this category. Also, include the costs of any part-time or contract treatment/counseling personnel.
  - (3) Recurring, contractual service charges for a treatment doctor or facility should be included under treatment. A contract approved by your county's Board of Supervisors must be provided to the AOC for compliance.
  - (4) Treatment training materials for participants such as software, CDs or books should also be included in treatment.
- (c) Testing/Lab Expenses
- (1) Include the entire cost of laboratory fees such as urine screening and analysis.
  - (2) If drug screening is performed in-house, include the cost of supplies and reagents.
  - (3) The cost of testing and laboratory equipment should be included under this category whether the equipment is leased or bought outright.
  - (4) All shipping costs associated with testing and lab materials should be included.
  - (5) Confirmation testing costs.
- (d) Travel/Training
- (1) Only intervention court personnel may use intervention court funding for travel/training purposes. Intervention court funding shall not be used for travel or training for circuit court staff, other state or county staff, or any other outside individuals who do not work directly in the intervention court.
  - (2) Include all costs associated with continuing education, training, national or state conferences, membership costs, and meetings directly related to intervention court.
  - (3) Include registration or conference fees for training whether in-state or out-of-state.
  - (4) Include in-state travel for training purposes or approved non-commuting and daily mileage. Intervention court staff should adhere to the lead county's travel regulations and reimbursement rates.

- (5) Out-of-State Travel
  - (A) Any intervention court program using state funds, approved through the Administrative Office of Courts, shall be reimbursed for no more than four (4) out-of-state trips per year (i.e. 1 person on 4 trips or 4 persons on 1 trip).
  - (B) All out-of-state travel shall be limited to intervention court specific training such as those provided by the National Drug Court Association, National Drug Court Institute, National Highway Traffic Safety Administration, Congress of State Drug Court Associations, State Drug Court Associations, or Judicial College sponsored drug court training conferences.
  - (C) All travel reimbursements must comply with the Administrative Office of Courts travel guidelines.
  - (D) Trial Judges who wish to travel out-of-state for intervention court purposes must adhere to the AOC Trial Judge Travel Policy by submitting an out-of-state travel request to the Supreme Court's fiscal committee before making any travel arrangements, as well as the county travel regulations and reimbursement rates.
- (e) Commodities
  - (1) In general, commodities are tangible items not tagged with an asset sticker.
  - (2) The following items are examples of commodities:
    - Office supplies (pens, paper, stapler)
    - Printed materials (letterhead, certificates)
    - Fuel for vehicle
    - Carrying case for a laptop
    - Postage meter supplies (ink, labels)
    - Books for intervention court employee use
    - Incentive gift cards or awards for a participant
    - Ammunition
    - Vehicle needs: tires, windshield, duplicate car keys, headlights, etc.
    - Food/food supplies for graduation ceremonies
  - (3) An intervention court employee is prohibited from receiving a check from the county made payable to an intervention court staff member in advance for the purchase of commodities. The intervention court is encouraged to always use the county's purchase order system to secure items. However, if an intervention court staff member purchases items with personal funds and requests reimbursement from the county, a receipt must be provided, and the employee must follow the county's guidelines for reimbursement. This same documentation shall be provided to the AOC within the supporting documents attached to the monthly Intervention Court Fiscal Reporting Form.

(f) Contractual Services

(1) Examples include:

Costs for bonds

Monthly/yearly parking fees

Membership dues

Postage/stamps

Vehicle insurance

Cost for employee background checks

Utilities

Attorney or professional fees

Computer software/maintenance/repair

Post Office Box rental/renewal

Postage meter rental fee

Copier leases

Rental agreement for building

Cell phones (Cell phones should be obtained through the county, not individually.)

Shipping charges on commodity orders

Maintenance or repair to vehicles - oil and fluid changes, tire balance/rotation, tire patch/plug, required maintenance

(2) Contracts must be approved by the county's board of supervisors and all parties must sign in the appropriate section.

(3) Copies of all fully executed contracts must be forwarded to the AOC.

(g) Equipment

(1) Equipment includes all items on which your county will place on an inventory report with an asset number.

(2) Examples include, but are not limited to: vehicle, desk, chair, conference table, bookcase, large file cabinet, desktop computer, monitor, laptop printer, scanner, cell phone, two-way radio, gun, camera, phone system, surveillance system, projector, TV, TV/DVD.

(3) Any item that will not be placed on an inventory report with an asset number should be accounted for under the "Commodities" category.

(4) Testing machines or other testing-related equipment should be placed under the "Testing" category.

- (5) A copy of the yearly audited intervention court inventory report provided by the county must be kept on file in the AOC.

## **Section 26 Budget Increase Request**

- (a) The AOC awarded budget cannot exceed the amount approved at the beginning of the fiscal year.
- (b) However, with proper notification and available funding at the AOC, an intervention court may request an increase in spending of the following funds:
  1. Local Fund;
  2. Local Government Contributions;
  3. Grants;
  4. Donations; and
  5. Private Foundation Funds.
- (c) The budget increase request shall reflect anticipated spending in the current fiscal year (July 1<sup>st</sup>-June 30<sup>th</sup>).
- (d) Please return the Intervention Court Budget Increase Request form along with supporting documentation to the AOC by either U.S. mail or email for review:

Administrative Office of Courts  
Attn: Intervention Court Financial Analyst  
P.O. Box 117  
Jackson, MS 39205  
Email: [interventioncourts@courts.ms.gov](mailto:interventioncourts@courts.ms.gov)
- (e) After receipt and review by the AOC, the AOC will send an update of the status of the request by email along with the supporting documentation associated with the increase.

## **Section 27 Fiscal Reporting**

- (a) The completed, signed, and dated Intervention Court Fiscal Reporting Form along with supporting documentation is due by the 20<sup>th</sup> day of each month to the AOC.
- (b) Intervention Court Fiscal Reporting forms may be either e-mailed or sent by U.S. mail to the AOC and must contain the signatures of the intervention court judge and of the person preparing the report. Do NOT send by both methods.

- (1) E-mail the Intervention Court Fiscal Reporting form and accompanying documentation:

[interventioncourts@courts.ms.gov](mailto:interventioncourts@courts.ms.gov)

- (2) U.S. Mail:
  - Administrative Office of Courts
  - Attn: Intervention Court Financial Analyst
  - P.O. Box 117
  - Jackson, MS 39205-0117
- (c) Upon receipt and approval of a correctly completed Intervention Court Fiscal Reporting form, the AOC will issue a payment to the local county, board of supervisors, or intervention court for expenditures reported during a month.
- (d) Reimbursement Documentation Requirements
  - (1) Copy of the reporting month's Cash Disbursement Report for all funding sources, copy of the General Ledger for all funding sources, and the Cash Receipt report for all funding sources.
  - (2) Salaries/Fringe Benefits - copy of check stubs with payroll detail for full and part-time employees.
  - (3) Treatment Expenses
    - (A) Copy of check stubs with payroll detail for full and part-time treatment employees.
    - (B) Paid invoices for treatment services provided.
  - (4) Testing/Lab Expenses - Paid invoices for testing, lab services, and testing supplies provided along with shipping charges.
  - (5) Travel/Training
    - (A) Travel vouchers
    - (B) Hotel, airline, railroad and/or rental car receipts/ticket stubs showing date(s) of travel, purpose of travel, employee name(s), and total expense of trip
    - (C) Travel Reimbursement Forms for automobile travel, date(s) of travel, purpose of travel, employee name, total number of miles, and reimbursement at the currently approved rate per mile, parking, taxi and toll receipts
    - (D) Conference agenda
    - (E) Out-of-state travel shall have a justification statement detailing the benefits to be obtained by the intervention court from the training. This shall be reviewed and will be considered in approving travel and training budgets for the subsequent budget year
  - (6) Commodities - Paid invoices on company letterhead depicting item name, unit price, total purchase amount and date of purchase, service agreement, or other contracts.



- (7) Contractual - Paid invoices on company letterhead depicting recipient of services and services rendered
- (8) Equipment
  - (A) Paid invoices on company letterhead depicting item name, unit price, total purchase amount and date of purchase.
  - (B) Bid and quote information if required.
- (9) Donations
  - (A) Receipts that show the donation along with any specific purposes attached as well as the bonded intervention court personnel who received the money.
  - (B) Paid invoices that show the spending of the donation for the purpose in which it was donated.

## Section 28 Intervention Court Appropriation Scale

### (a) Adult Felony Drug Intervention Court

Adult felony drug intervention courts are funded based upon an average enrollment rate. The average will be determined by using the intervention court program's highest 3 months of enrollment from the previous (12) months of enrollment. In order to receive the full AOC allocation, the minimum average requirement is 40 active, participating clients.

#### (1) Adult Felony Drug Intervention Courts

- (A) The following scale is used by the AOC to determine the amount of money for which your Certified Adult Felony Drug Intervention Court Program qualifies.

Average Number of Clients	AOC Allocation
40 - 99 clients	\$100,000.00
100 - 124 clients	\$140,000.00
125 - 149 clients	\$180,000.00
150 - 174 clients	\$220,000.00
175 - 199 clients	\$260,000.00
200 or more clients	\$300,000.00

(b) Adult Misdemeanor Drug Intervention Court

- (1) Misdemeanor drug intervention courts can be funded if the misdemeanor courts provide intervention court services to adult individuals who are not in the jurisdiction of the circuit or county courts.
- (2) Misdemeanor Drug Intervention Court Programs can qualify for AOC funding up to \$50,000 for operational expenses.
- (3) In order to receive funds, a misdemeanor drug intervention court must provide the AOC the following items annually:
  - (A) Assurance that a minimum of 30 clients are actively participating in the program during any given month; and
  - (B) The county or municipality in which the court has jurisdiction must agree to contribute \$25,000 for operation of the program.
- (4) Failure to meet any of the above requirements will disqualify a misdemeanor drug intervention court program from receiving any state funds.

State Funds Allocated	Local Contribution	Total Operation Budget
\$50,000.00	\$25,000.00	\$75,000.00

(c) Family Drug Intervention Courts

- (1) Family Drug Intervention Court programs are limited to county courts with jurisdiction in custody matters.
- (2) Family Drug Intervention Courts qualify for \$65,000 annually.

**Please contact the AOC with any questions. Any final interpretation of the Mississippi Adult Drug Intervention Court Rules is to be determined by the State Intervention Courts Advisory Committee.**

**END**

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