

# Treatment Courts and COVID-19:

## What to Consider During a Pandemic

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### Program Intake

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#### CONSIDERATIONS

- › Taking on new participants during a time of transition and uncertainty
- › Potential exposure points for any in-person requirements, including exposure that participants may experience while in transit to or from the courthouse
- › Client rights and civil liberties
- › Suspend all new intakes
- › Waitlist any new referrals
- › Develop virtual processes for managing previously face-to-face activities
- › Determine any changes to eligibility criteria
- › Note any civil liberties that may be affected with these changes
- › Update all intake documents to include all temporary changes to procedure and any additional potential consequences for program participation

#### SHORT-TERM EXAMPLES

- › Suspend all new intakes
- › Waitlist any new referrals

#### LONG-TERM EXAMPLES

- › Develop virtual processes for managing activities that were previously conducted in-person
- › Determine any changes to eligibility criteria
- › Note any civil liberties that may be affected with these changes
- › Update all intake documents to include all temporary changes to procedure and any additional potential consequences for program participation

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### Staffing

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#### CONSIDERATIONS

- › Length and frequency of staffing and quality of information shared
- › Whether social distancing is available to all team members
- › Technology availability and access
- › HIPAA and 42 CFR compliance

#### SHORT-TERM EXAMPLES

- › Social distance during meetings, maintaining at least 6 feet between members, or use technology
- › Evaluate information shared in staffing and pare it down to only information essential for decision-making
- › Determine if that information can be conveyed via email or telephone
- › Hold staffings less frequently or suspend them altogether if necessary

#### LONG-TERM EXAMPLES

- › Develop virtual processes for staffing meetings
- › Ensure access for all team members to that technology
- › Develop alternatives/ contingency plans for failure of the preferred platform
- › Update policies and procedures to include virtual staffing procedures

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## Court

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### CONSIDERATIONS

- › Degree of exposure risk
- › Frequency of status hearings
- › Person placement and ability to social distance in the courtroom
- › Possible exposure to participants while in transit to or from the courthouse, while passing through security, and while on elevators
- › Virtual alternatives
- › Sanction and incentive procedures
- › Client right to be heard and representation
- › Response to missed hearings due to illness, quarantine, shelter-in-place, fear
- › Use of jail for sanctioning and any restrictions on jail use, including risk of exposure

### SHORT-TERM EXAMPLES

- › Social distance during court, maintaining at least 6 feet, and minimize the number of people touching any forms or paperwork
- › Determine if status hearings can be reduced in frequency, be held in absentia, or stopped altogether
- › Suspend sanctioning and termination hearings

### LONG-TERM EXAMPLES

- › Develop virtual processes for court hearings
- › Ensure access for all team members and participants to that technology
- › Develop alternatives/ contingency plans for failure of the preferred platform
- › Consider administrative sanctioning policies for probation
- › Ensure that all Sixth Amendment rights are protected with new hearing and sanctioning policies
- › Consider suspending use of jail for sanctioning; if jail is used, ensure that it is to protect public safety
- › Update policies and procedures to include all new protocols



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### Drug Testing

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#### CONSIDERATIONS

- › Degree of exposure risk
- › Minimum testing necessary to maintain efficacy
- › Response to missed appointments due to illness, quarantine, shelter-in-place, or fear

#### SHORT-TERM EXAMPLES

- › Temporarily halt all testing
- › Halt testing that could expose staff to respiratory or other bodily fluids (e.g., oral fluid, breathalyzer testing)
- › Encourage self-disclosure of substance use during supervision or treatment sessions
- › Assure participants that self-reported use during this period will not result in sanction either now or later and that only therapeutic adjustments will be employed

#### LONG-TERM EXAMPLES

- › Develop alternative drug testing guidelines compatible with the latest CDC information on COVID-19
- › Use technology where appropriate and available (e.g., continuous alcohol monitoring, smartphone monitoring, transdermal patches)
- › Contract with professional labs to provide collection and testing services
- › Update policies and procedures to include virtual staffing procedures

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## Probation Contacts

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### CONSIDERATIONS

- › Degree of exposure risk
- › Ability to enforce social distancing in your building/lobby
- › Minimum contact necessary to ensure efficacy
- › Alternatives to in-person contact
- › Response to missed appointments due to illness, quarantine, or shelter-in-place

### SHORT-TERM EXAMPLES

- › Halt all community and home contacts
- › Halt or reduce all in-person office contacts
- › If contacts continue, ensure that you can enforce appropriate social distancing; consider closing your waiting rooms and requiring a call prior to office entry
- › If possible, meet in areas that allow you to have appropriate distance and preferably a barrier between you and the participant
- › Do not meet with any participant who is sick or has had contact with a sick person

### LONG-TERM EXAMPLES

- › Institute alternatives to in-person contact (e.g., phone, email, Skype, Zoom)
- › Update policies and procedures to include virtual probation contacts

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## Treatment Sessions

### CONSIDERATIONS

- › Degree of exposure risk
- › Ability to enforce social distancing in your facility, including lobby and group therapy rooms
- › Consider risk of exposure to clients while in transit to or from the treatment center
- › Alternatives to in-person treatment
- › Response to missed appointments due to illness, quarantine, shelter-in-place, or fear

### SHORT-TERM EXAMPLES

- › Halt all in-person group treatment sessions
- › If individual sessions continue in person, ensure that you can enforce appropriate social distancing; consider closing your waiting rooms and requiring a call prior to office entry
- › If possible, meet in areas that allow to you to have appropriate distance and preferably a barrier between you and the participant
- › Do not meet with a participant who is sick or has had contact with a sick person
- › Residential providers are to follow CDC guidance and monitor carefully the health of residents, including regularly checking body temperature

### LONG-TERM EXAMPLES

- › Institute alternatives to in-person contact for individual and group sessions (e.g., phone, email, Skype, Zoom)
- › Ensure that all participants have access to appropriate technology and internet access
- › Update policies and procedures to include virtual treatment procedures, including any sanctions to be instituted for willful noncompliance

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## Complementary Services

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### CONSIDERATIONS

- › Degree of exposure risk
- › Executive orders requiring social distancing and/or shelter-in-place
- › Response to missed appointments due to illness, quarantine, shelter-in-place, or fear

### SHORT-TERM EXAMPLES

- › Halt all complementary services if they are not essential to well-being
- › Use virtual services where available nationwide (e.g., online AA/NA or SMART Recovery meetings, phone meetings)
- › Ensure that any in-person services meet the same standards as probation and treatment contacts

### LONG-TERM EXAMPLES

- › Institute alternatives to in-person contact for any individual or group sessions (e.g., phone, email, Skype, Zoom)
- › Ensure that all participants have access to appropriate technology and internet access
- › Update policies and procedures to include virtual services procedures, including any sanctions to be instituted for willful noncompliance



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## Community Service

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### CONSIDERATIONS

- › Degree of exposure risk
- › Executive orders requiring social distancing and/or shelter-in-place
- › Response to missed community service due to illness, quarantine, shelter-in-place, or fear
- › Response to continued community service despite illness, quarantine, or shelter-in-place

### SHORT-TERM EXAMPLES

- › Halt all community service

### LONG-TERM EXAMPLES

- › Develop community service policies that comply with national, state, and local executive orders; this may mean a continued moratorium on community service requirements
- › Update policies and procedures with new protocols and sanctions for willful noncompliance

## Employment

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### CONSIDERATIONS

- › Degree of exposure risk
- › Executive orders requiring nonessential business stoppage
- › Response to missed work due to illness, quarantine, shelter-in-place, or fear
- › Response to continued work or business operation despite illness, quarantine, or shelter-in-place

### SHORT-TERM EXAMPLES

- › Suspend any employment requirement
- › Ensure that participants abide by any national, state, and local executive orders that apply to their employment

### LONG-TERM EXAMPLES

- › Develop employment policies that comply with national, state, and local executive orders; this may mean a continued moratorium on employment requirements
- › Update policies and procedures with new protocols and sanctions for willful noncompliance

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## Program Exit

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### CONSIDERATIONS

- › Degree of exposure risk
- › Person placement and ability to social distance in the courtroom
- › Virtual alternatives
- › Participant need for recognition
- › Client right to confrontation and representation

### SHORT-TERM EXAMPLES

- › Suspend all graduation activities
- › Suspend termination hearings

### LONG-TERM EXAMPLES

- › Develop alternatives to group graduation activities
- › Update policies and procedures

## Participant Communication

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### CONSIDERATIONS

- › Participant access to technology
- › SAMHSA has relaxed requirements for treatment providers to secure written consent prior to commencing treatment; for new clients for whom the treatment center does not yet have written consent, verbal consent may be secured prior to beginning teletherapy
- › Participant right to informed choice and voluntariness

### SHORT-TERM EXAMPLES

- › Provide all changes to operations both verbally and in writing as they are developed

### LONG-TERM EXAMPLES

- › Try to include participant feedback in all policy changes
- › Provide all changes to operations both verbally and in writing as they are developed