



# Supreme Court of Illinois

December 8, 2015

## **ILLINOIS SUPREME COURT ESTABLISHES UNIFORM STANDARDS, CERTIFICATION PROCESS FOR PROBLEM-SOLVING COURTS**

The Illinois Supreme Court has announced the creation of uniform standards and a certification and application process for problem-solving courts across the state.

Statewide standards will bring uniformity, accountability, and administrative oversight to problem-solving courts in Illinois, where there are already more than 100 in operation and more in the planning stages.

Also known as specialty or therapeutic courts, problem-solving courts provide an alternative forum for certain individuals in the criminal justice system, such as veterans and those with mental illness or substance abuse disorders, among others.

“Now that Illinois courts have some experience with the problem-solving approach, we are ready to enter a new era – that of expanding the availability of these courts across the state by establishing standards, institutionalizing best practices, and ensuring consistency state-wide,” Chief Justice Rita B. Garman said.

"In effect, we are ready to use the knowledge and experienced gained thus far to raise the bar so that individuals throughout the state have access to a problem-solving, rather than a purely punitive, justice system. Problem-solving courts serve not only the individuals whose conduct has brought them into to justice system, but their families, their neighborhoods, and the community as a whole."

The standards and certification and application process were developed by the Administrative Office of the Illinois Courts (AOIC) and the Special Supreme Court Advisory Committee for Justice and Mental Health Planning and approved by the Supreme Court during its November term.

The Advisory Committee was established in 2010 and charged with studying, reviewing, and collaborating on issues related to mental illness and the justice system with the aim of making recommendations to the Supreme Court. The Committee's charge was later expanded to include the development of uniform standards and a certification and application process for all problem-solving courts in Illinois.

Appellate Justice Kathryn E. Zenoff of the Second Judicial District serves as chairperson of the Committee. Prior to joining the Appellate Court, Justice Zenoff was chief judge of the Seventeenth Judicial Circuit in Rockford, where she was instrumental in establishing one of the first mental health courts in Illinois.

“Problem-solving courts represent an innovative approach to rehabilitation of persons with mental health and substance use disorders who are involved in our criminal justice system,” Justice Zenoff said.

“Evidence-based practices are essential to the success of these courts. The standards and certification process, drafted with great care and attention by judges and AOIC staff with extensive experience in this area, will ensure the utilization of these practices so that the participants in these courts and the public will see positive results.”

**MORE**

## **SC Establishes Standards, Certification Process for Problem-Solving Courts**

### **Add One**

In response to the Court's expanded charge, the 24 member Advisory Committee created a working group to research, review, write, and recommend uniform standards and a certification process.

Staff in the AOIC also participated in the working group, including Director Michael J. Tardy, Margie Groot, the assistant director of probation at the AOIC, and Kelly Gallivan-Illaraza, the AOIC's statewide problem-solving court coordinator. The AOIC serves as the Court's liaison to the Committee.

"The Supreme Court Special Advisory Committee on Justice and Mental Health Planning, led so passionately and capably by its chair, Appellate Justice Kathryn E. Zenoff, and staff of the Administrative Office of the Illinois Courts, are to be commended for their incredible work on this project," Director Tardy said. "The uniform standards and certification process that the Supreme Court has approved will place the Illinois courts in the forefront of national best practices."

Director Tardy said the new standards and certification process will aid Illinois' problem-solving courts to fully implement the core elements that drive the success of several crucial components of the justice system, including a specialized court docket that functions in a non-adversarial manner, judicial authority and supervision, information sharing and community involvement, specialized team expertise, and, a coordinated strategy of evidence-based therapeutic treatment services in response to an individual's risks and needs.

After extensive research, the Committee's working group submitted draft standards and documents for the certification and application process to several groups for their consideration and feedback, including the Conference of Chief Judges, the Illinois Center of Excellence for Behavioral Health and Justice, and other committees and advisory boards of the Supreme Court.

The purpose of the standards is to implement uniform requirements for the planning, establishment, certification, operation, and evaluation of all adult problem-solving courts in Illinois. Juvenile problem-solving courts are not covered by the standards at this time.

The new standards employ evidence-based practices and other methods shown to have positive, cost-effective outcomes. While the standards are designed to ensure consistent and uniform practices, they still allow individual problem-solving courts to tailor their programs to address local needs and resources.

In order for a problem-solving court to become certified, the court must show compliance with the new standards and demonstrate a commitment to adopting evidence-based practices. Existing problem-solving courts will have up to one year to come into compliance with the new standards and become certified.

Each new and existing problem-solving court must submit an application for certification to the AOIC, which will review and analyze the application, and the court's policies, procedures, and operations. The AOIC will also conduct an on-site review of each problem-solving court seeking certification.

If the AOIC determines the court's application and on-site review comply with the new standards, it will forward its findings to a subcommittee of the Advisory Committee, which will then give its recommendation to the AOIC.

If the AOIC determines a problem-solving court does not meet the standards, suggestions will be made and assistance will offered to bring the court into compliance before it is given an opportunity for another review.

**MORE**

## **SC Establishes Standards, Certification Process for Problem-Solving Courts Add Two**

The Committee and the AOIC will submit consensus recommendations for certification to the Supreme Court, which has the final say in the certification process.

Each certified problem-solving court will be subject to recertification every three years to ensure ongoing compliance and will be required to notify the AOIC of any changes, such as a new judge, coordinator, type of program, location, or policy.

Courts that do not comply with the new standards will be subject to a preliminary notice of termination that will require it to stop accepting new admissions and to submit a plan to the AOIC for existing participants' completion of its program. Problem-solving courts that receive a preliminary notice of termination will have the opportunity to seek a continuance of operation for a specified period of time.

As a critical component of this initiative, the Supreme Court approved an amendment to Supreme Court Rule 63, which allows an additional exception to the prohibition on *ex parte* communications in order to permit a judge to consult with members of a certified problem-solving court team.

The new [standards](#), as well as documents for the application and [certification process](#), can be found on the Supreme Court's website at [www.illinoiscourts.gov](http://www.illinoiscourts.gov) under the Problem-Solving Courts section in the 'Information' Tab. The language of Amended Rule 63 and all of the Supreme Court rules can also be found on the Court's website at [www.illinoiscourts.gov/SupremeCourt/Rules](http://www.illinoiscourts.gov/SupremeCourt/Rules).

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