ILLINOIS SUPREME COURT APPROVES UPDATES TO PROBLEM-SOLVING COURTS STANDARDS

The Supreme Court of Illinois and the Special Supreme Court Advisory Committee of Justice and Mental Health Planning (Advisory Committee) today have announced updates to the Problem-Solving Courts (PSC) Standards and certification and application processes, which were adopted in 2015.

Revisions were drafted by the Advisory Committee in conjunction with the Administrative Office of the Illinois Courts (AOIC) and approved by the Supreme Court during its November Term. They will become effective on January 1, 2020 and are intended to further promote consistency and compliance across the entire criminal justice system with up-to-date evidence-based practices.

“Problem-solving courts in Illinois continue to provide a much-needed alternative for persons suffering from mental health and substance use disorders. They help reduce recidivism and allow these individuals to return to being positive, productive members of their communities,” Illinois Supreme Court Chief Justice Anne M. Burke said. “The revisions, which the court approved, are necessary to ensure best practices statewide.”

Revisions to the PSC Standards include but are not limited to updated definitions, a requirement for Supreme Court certification for PSC prior to beginning operations, a re-certification process, and expansions of the scope and types of treatment and interventions required.

To help foster collaboration, PSC team members will now be required to attend court hearings and participate when appropriate. Their presence can facilitate information sharing, underscore the importance of follow-through suggested by the court, and reinforce to participants that their efforts are supported by an entire team.

“Evidence-based practices have continued to change and evolve, with these changes necessarily affecting the operation of the problem-solving courts in Illinois,” said Justice Kathryn Zenoff, Chairman of the Advisory Committee. “Accordingly, we determined the need to address revisions to the Standards and the certification process was apparent.”

The section of the Standards that addresses treatment, case management and supervision has been significantly enhanced. The revisions ensure that each participant receives a case plan and a
clinical treatment plan that are developed collaboratively with the probation officer and treatment provider and include targeted interventions to address criminogenic and clinical needs.

“The Standards outline the framework for PSC teams to provide their participants with the best opportunity to make life altering changes through employing services that are responsive to the individual,” said Kelly Gallivan-Illarraza, PSC Coordinator for the AOIC.

PSC will also be required to support and encourage use of United States Food and Drug Administration (FDA)-approved Medication Assisted Treatment resources and adopt policies that adhere to the FDA’s requirements.

Also included is a provision for issuing sanctions in cases where the participant has failed to comply with the terms of the PSC program. The provision contemplates that jail sentences may be imposed but only after less severe consequences have been attempted. Jail sentences must be of a definite term, typically of short duration, but there is no limitation on a PSC judge's authority to impose the sanction other than that it be dispensed "judiciously and sparingly" after a hearing.

The Revised Standards, as well as documents for the application, certification, and re-certification process, can be found on the Supreme Court’s website at www.illinoiscourts.gov under the Problem-Solving Courts section in the ‘Information’ Tab.

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