



Minnesota Judicial Branch Policy

Policy Source:	Minnesota Judicial Council
Policy Number:	511.5
Category:	Court Operations
Title:	Treatment Court Funding
Effective Date:	March 14, 2019; December 1, 2019
Revision Date:	October 17, 2019
Supersedes:	

TREATMENT COURT FUNDING

I. POLICY STATEMENT

It is the policy of the Judicial Branch that the creation and on-going operations of treatment courts be the result of a comprehensive planning and approval process, supported by sustainable funding in collaboration with government partners at the federal, state and local level. When sustained funding is not available, the court may be required to explore options such as reducing capacity, combining with another treatment court, or close due to lack of funding.

II. DEFINITIONS

- A. Core operating budget – the budget needed to sustain a treatment court. It may include monetary funding and/or in-kind services.
- B. Government partner – a government entity(s) at the city, county, or federal level that is supporting a local treatment court with funding, services, or other contributions.
- C. Match– for the purposes of this policy and subordinate policies, the support for a treatment court that is provided by local government partners through monetary funding and/or in-kind services.
- D. Roadmap - a document periodically recommended and approved by the Treatment Court Advisory Committee (TCI) that prioritizes the implementation of treatment courts across the state.

III. PROCESS

A. Approval

Approval to begin or revise the scope of treatment court operations requires completion of the planning, development and approval processes outlined in State Court Administrator Policy and Procedures 511.5(a); Treatment Court Development and Approval Procedures.

B. Funding

Funding may be provided by a variety of sources, including the Minnesota Judicial Branch; federal, state, and local grants; and other contributions or donations. For treatment courts funded by the Minnesota Judicial Branch, the government partner match must account for at least thirty percent of the core operating budget of each court.

1. **Minnesota Judicial Branch.** Judicial Branch funding received from the legislature for treatment court operations is distributed through a funding formula approved each biennium by Judicial Council. Each new court requesting inclusion in the funding formula must have been formally approved by the Judicial Council and must have applied for any available grant funding for implementation.

- a) The addition of new courts to the funding formula is based on recommendations provided by the Treatment Court Advisory Committee (TCI) and limited to a maximum number of new courts as established by Judicial Council each biennium. Selection priority will be given to courts that are adhering to the Minnesota and National Best Practice Standards and:
 - i. have implemented their first treatment court model and have grant or other funding sources expiring;
 - ii. are multi-county and/or hybrid courts; and
 - iii. have secured local, sustainable match funding.

The treatment court roadmap may also be used to prioritize the addition of new courts to the funding formula.

- b) New courts will only be added to the funding formula if supplementary legislative funds are requested and received. See Appendix A for funding formula milestones and timeline.
- c) Treatment courts in the funding formula will not have their allocations reduced as a result of new courts being added.
- d) Treatment courts in the funding formula must meet the minimum participant thresholds outlined by the State Court Administrator's Office. Census numbers will be collected in the first quarter of the calendar year (January – March) annually. A three-year rolling average of participant census calculations is used when determining the final participant census number. Funding formula allocations will be the same for each year of the biennium. Minimum participant thresholds are as follows:
 - i. 25 or greater for adult drug, DWI, and hybrid courts;

- ii. 20 or greater for Family Dependency Treatment Courts, Veterans Treatment Courts, Mental Health Courts; and
 - iii. 15 or greater for Juvenile Drug Courts.
- e) The Treatment Court Initiative (TCI) Advisory Committee will work collaboratively with treatment courts that fall below the minimum threshold of participants and provide technical assistance to identify obstacles and/or barriers to increasing their participant census.
- i. A TCI Sub-Committee made up of TCI member representatives and staffed by the State Treatment Court Coordinator, ~~to~~ will provide oversight of this process and make future funding recommendations for those falling below the minimum participants thresholds.
 - ii. When planning for the upcoming biennium, census numbers collected in the first quarter of the calendar year will be used to identify courts that have fallen below the minimum participant thresholds for Year 1 of the upcoming biennium. Once a court has been notified by the State Treatment Court Coordinator that they have fallen below the minimum participant thresholds for Year 1 of the biennium, an Action Plan will be developed within 60 days with specific tasks and timelines that must be completed by the Treatment Court Team.
 - iii. Treatment Court funding during Year 1 of the biennium will continue and no funding for the second year of the biennium will be provided to the treatment court if participant numbers remain below minimum participant thresholds. Treatment Courts have until June 30th of Year 1 of the biennium to meet the minimum participant thresholds. If modifications to the treatment court's scope are made as part of the Action Plan during Year 1 of the biennium (i.e. combining with another county to form a multi-county court), Year 2 funding may be altered to address the change of scope.
 - iv. When planning for Year 2 of the biennium, census numbers collected in the first quarter of the calendar year will be used to identify courts that have fallen below the minimum participant thresholds for Year 2 of the biennium. Once a court has been notified by the State Treatment Court Coordinator that they have fallen below the minimum participant thresholds for Year 2 of the biennium, an Action Plan will be developed within 60 days with specific tasks and timelines that must be completed by the Treatment Court Team.
 - v. Treatment Court funding during Year 2 of the biennium will continue and no funding for the upcoming biennium will be provided to the treatment court if participant numbers remain below the minimum participant thresholds. Treatment Courts have until June 30th of Year 2 of the biennium to meet the minimum participant thresholds. If modifications to the treatment court's

scope are made as part of the Action Plan during Year 2 of the biennium (i.e. combining with another county to form a multi-county court), funding may be altered to address the change of scope during the following biennium.

- vi. Action Plans will be approved by TCI and presented to Judicial Council as requested.
- vii. It is the responsibility of the local Treatment Court Coordinator to monitor their participant census regularly so this information is available upon request from the State Treatment Court Coordinator.

2. **Grants**

Jurisdictions that are seeking to implement treatment courts may use federal, state, and local grants. When the grants expire, the new courts may apply for Minnesota Judicial Branch funding to sustain operations, pursuant to B.1.a) and B.1.b) above. There is no guarantee that courts initiated with grant funding will be added to the MJB funding formula allocation process when grants expire.

Grant funding may also be used to enhance the operations of a treatment court. When these grants expire, Minnesota Judicial Branch funding may not be available to sustain the enhanced operations.

Some courts are receiving funding through Executive Branch partners such as the Department of Public Safety and the Department of Human Services. Other jurisdictions may explore funding possibilities with Executive Branch partners and may implement if new funding from these departments is available. However, if funding from these departments is no longer available, the addition of these courts to the MJB funding formula allocation will be pursuant to B.1.a) and B.1.b) above. There is no guarantee that courts implemented and/or sustained by these departments will be added to the MJB funding formula allocation process.

3. **Other contributions**

Treatment courts may receive funding from various other sources including local county boards, from charitable organizations, and/or from outside donations. Jurisdictions wishing to implement treatment courts using these types of funding sources may do so, but there is no guarantee that Minnesota Judicial Branch funding will be available to sustain these courts if these contributions are no longer provided.

C. **IMPLEMENTATION AUTHORITY**

Implementation of this policy shall be the responsibility of the State Court Administrator and the Chief Judges of the Judicial Districts.

D. **EXECUTIVE LIMITATIONS**

Not Applicable

Appendix A

New Treatment Courts: MJB Funding Formula-Inclusion Process

The following provides major milestones and timelines related to the selection and inclusion of new treatment courts in the MJB funding formula.

Note the following:

- Pursuant to MJB Policy 511.5; Treatment Court Funding, the addition of new courts in the funding formula is limited to a maximum number as established by Judicial Council each biennium and is dependent on legislative appropriations.
- All new courts seeking inclusion in the funding formula must first have completed the development and approval process outlined in SCA Policy and Procedures 511.5(a); Treatment Court Development and Approval Process, which includes pursuit of grant or other funding support to initiate operations.

	Year 1 of the Biennium (even-numbered years)
September	○ Court notifies State Treatment Court Coordinator of interest in formula inclusion
December	○ Court submits application packet (SCA Policy <u>and Procedures</u> 511.5(a) section II.B)
January - March	○ TCI ¹ review and approval of potential new courts ○ Approved courts begin grant pursuit as applicable
April	○ TCI develops new court/funding formula recommendation for the Judicial Council
	Year 2 of the Biennium (odd-numbered years)
July - August	○ Judicial Council reviews TCI recommendations
September - October	○ MJB budget request finalized and submitted
January - May	○ Legislative funding session
May - June	○ MJB budget distribution based on legislative appropriation

If appropriated, funding for new treatment courts would become available during year 1 of the subsequent biennium and would be effective for each court as respective initiation grants expire.

¹ TCI – Treatment Court Initiative Advisory Committee