

The Opioid Epidemic

and the

RESPONSE OF STATE COURTS



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HUMAN SERVICES PROGRAMS AND THE OPIOID CRISIS
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PART I.

Impact of the Opioid Epidemic on the Court System



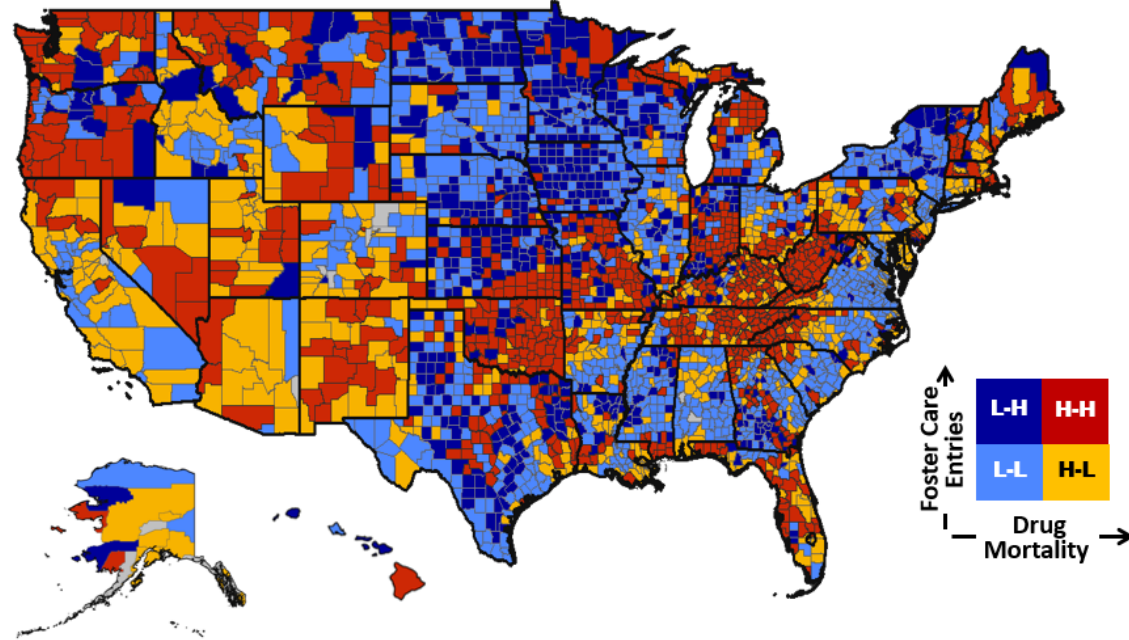
Not Just a Criminal Justice Issue: Every Part of the Court System is Impacted



- Removal of thousands of children/foster care caseloads
- Guardianship/conservatorships/property cases
- Criminal offenses/felonies/property crimes/traffic offense
- Bankruptcy/financial issues impact a range of cases
- Business and commercial transactions
- Workers compensation
- Insurance issues
- Divorce/custody
- Probation and parole management

A 2017 survey of Chief Justices and State Court Administrators showed that 55% ranked the opioid epidemic's impact on the state court system as severe.

Drug Mortality and Foster Care Entry Rates: 2016



Note: "Drug Mortality high" refers to a rate above the median of 15.4; "Foster care entries high" refers to a rate above the median rate per 100,000 children.

**In Tennessee: 9,651 children
in foster care in August 2019**



U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau,
<http://www.acf.hhs.gov/programs/cb>

Fewer treatment facilities for women... We need more!

Recovery Cabin (E. TN)

- Judge Duane Slone



Renewal House (Nashville)

- renewalhouse.org
- Pamela Sessions
- Deborah Taylor Tate



The Next Door (Nashville)

- thenextdoor.org
- Linda Leathers



Magdalene House (Nashville)

- thistlefarms.org
- Becca Stephens



Susannah's House (Knoxville)

- susannahshouse.org
- Rebeka Fetzer



Mending Hearts (Nashville)

- mendingheartsinc.org
- Trina Frierson



Serenity Recovery Services (Memphis)

- Serenityrecovery.org
- Paula Hopper



“One unexpected effect of Tennessee’s opioid crisis? Longer jail stays for women.”

Inequality – women wait significantly longer than men to move from jail to residential treatment facilities because there are less beds available

National incarceration rate for women in county jails has increased more than 800% since 1980 – most have substance use disorders - <https://www.ncbi.nlm.nih.gov/pubmed/30234670>



Impact of Opioid Abuse on Infants & Children

Opioid abuse by women impacts every phase of their children's lives – from prenatal to birth and beyond.



Neonatal Abstinence Syndrome (NAS)

Short-term impact

- Birth anomalies
- Fetal growth
- Neurobehavioral withdrawal

African Americans

University of Michigan study (JAMA) shows that African Americans have less access to MAT

“White populations are almost 35 times as likely to have a buprenorphine related visit than black Americans”

Doctors can demand cash payment which can make MAT inaccessible to those with fewer resources.



Medication Assisted Treatment (MAT)

Short-term impact

- Methadone
- Naltrexone
- Buprenorphine

LESS THAN HALF OF AMERICANS WITH OUD DISORDER HAVE ACCESS TO MAT



National Judicial Opioid Task Force

Confronting a crisis, promoting solutions

Task Force Co-Chairs

Honorable Loretta H. Rush

Chief Justice, Indiana Supreme Court

Deborah Taylor Tate

Director, Tennessee Administrative Office of the Courts

Introduction

The misuse of opioids is affecting the administration of justice across the United States. State courts handle 95% of all litigation in the country and are positioned to play a crucial role in combatting the opioid epidemic.

To address the issue and promote solutions, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) established the National Judicial Opioid Task Force (NJOTF) in August 2017.

The NJOTF will make recommendations to courts at every level to support the Judiciary and help individuals make a successful recovery.



Task Force Members

Members of the National Judicial Opioid Task Force convened in Indianapolis in June 2018. The Task Force includes representatives from 24 states, most of whom are pictured above.

Opioid Resource Center for Courts

National Judicial Opioid Task Force



Resource Center for Courts

The Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) formed the National Judicial Opioid Task Force (NJOTF) to examine current efforts and find solutions to address the opioid epidemic. The work of the NJOTF is undertaken by three workgroups: Children and Families, Civil and Criminal Justice, and Collaboration and Education.

This Resource Center includes products created by the NJOTF Workgroups and highlights a broad array of additional resources pertinent to the justice system and the opioid crisis from a variety of sources. NJOTF products and other resources will be added continuously as the courts and their partners continue to battle this devastating crisis.

Featured Resources



Task Force Products Tools created by the National Judicial Opioid Task Force to assist courts in addressing the opioid crisis.



Understanding Substance Use Disorders and the Opioid Epidemic Information about addiction, substance use disorder, opioid use disorder, and the history and scope (state and national statistics) of the opioid epidemic.

ONGOING EFFORTS

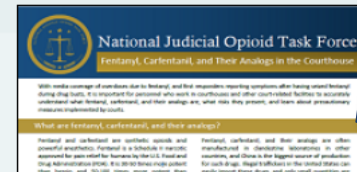
[National Judicial Opioid Task Force](#)

[Opioids and the Courts](#)

NOW AVAILABLE

[Resource Center for Courts](#)

Fentanyl, Carfentanil, and Their Analogs in the Courthouse

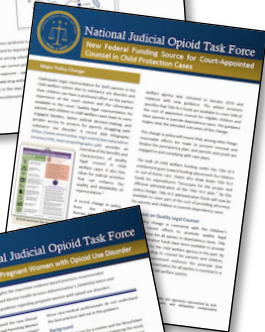


Children and Families

NJOTF Tools and Resources for Courts



Prenatal Substance Exposure: Improving Outcomes for Women and Infants Information and guidance regarding how courts can help to improve outcomes for substance exposed infants and their families.



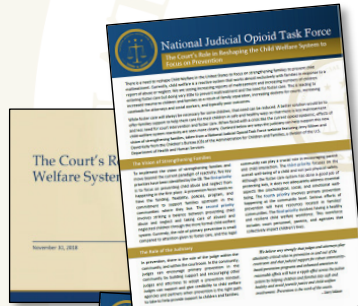
New Federal Funding Source for Court-Appointed Counsel in Child Protection Cases Discusses how the new policy for Title IV-E funds promotes quality legal representation for parents and children in child welfare dependency cases.



Treating Pregnant Women with Opioid Use Disorder Highlights the important evidence-based practices recommended in the Substance Abuse and Mental Health Services Administration's (SAMHSA) latest and most comprehensive guidance regarding pregnant women with opioid use disorders.



Trauma, Substance Use, and Justice System Involved Children Raises awareness of the impact the opioid epidemic has on children and families and shares examples of strategies courts have adopted to become more trauma-informed and trauma-responsive to youth and their families.



The Court's Role in Reshaping the Child Welfare System to Focus on Prevention Takeaways from a National Judicial Opioid Task Force webinar featuring Jerry Milner and David Kelly from the Children's Bureau of the Administration for Children and Families.



Parent Partner Programs – Promising Practice to Keep Families Struggling with Substance Use Disorder Together Discusses how some states are using parent partner programs to improve reunification outcomes and foster increased trust and confidence in the child welfare and juvenile court systems.



Medication-Assisted Treatment for Adolescents with Opioid Use Disorder Resource to educate justice system professionals about opioid use disorder, key issues surrounding medication-assisted treatment, the evidence that underlies treatment types, best practices, and legal implications.

Tribal Deliverables

Tribal Cultural Competency Information for judges.

Tribal-State Court Forums: Addressing the Opioid Crisis

Sample Court Transfer Agreement – State and Tribal Courts



Tribal Cultural Competency Information for Judges (9/2018, NJOTF): Provides basic information to state judges and court employees who interact with members of American Indian/Alaska Native (AI/AN) communities in their courts.



Tribal-State Court Forums: Addressing the Opioid Crisis (9/2018, NJOTF): Collaboration between state and tribal courts regarding the opioid crisis.

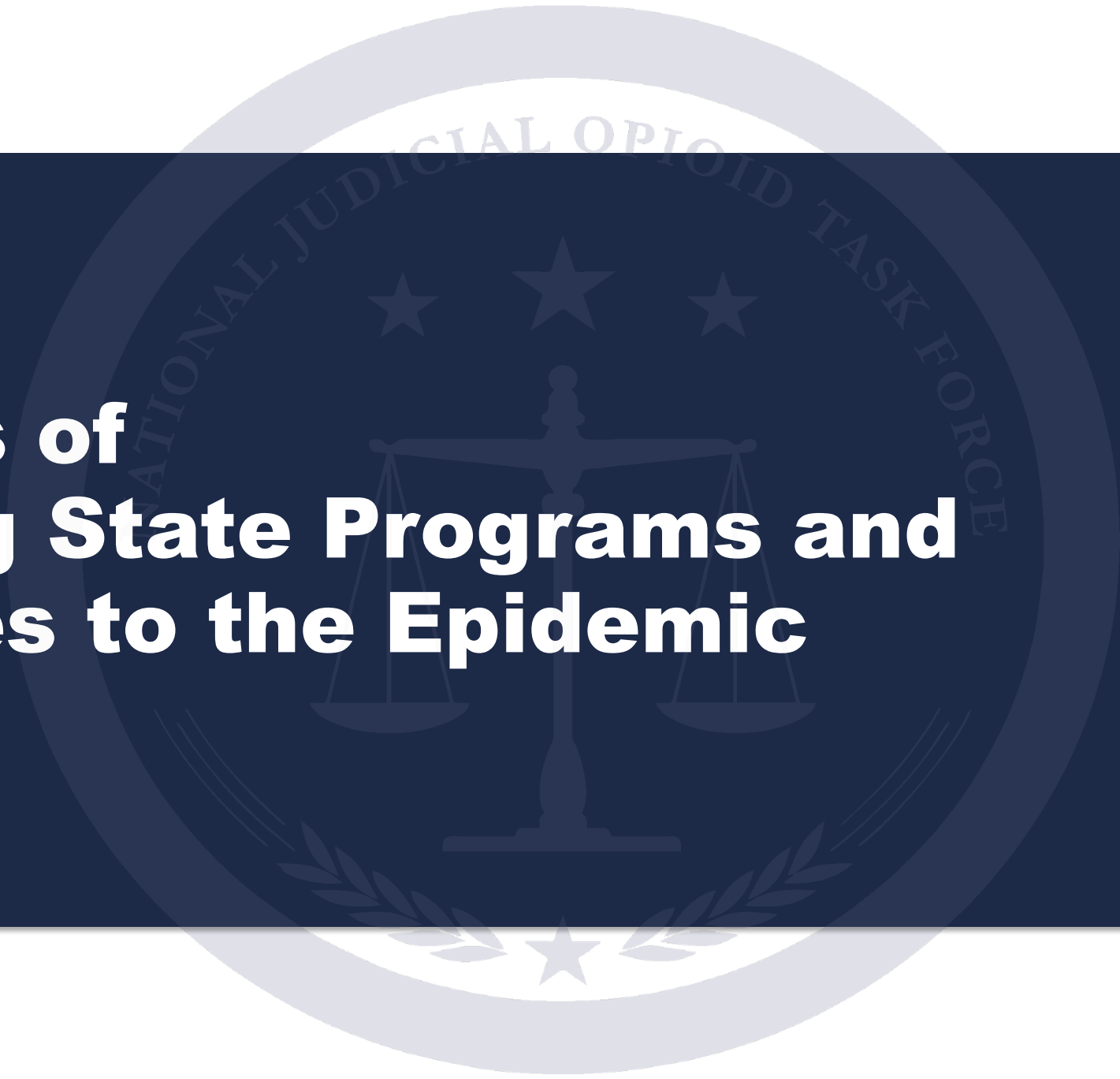


Sample Court Transfer Agreement - State and Tribal Courts (9/2018, NJOTF): Document designed and recommended for use in jurisdictions where state court judges – especially those who preside over adult drug court programs – operate in proximity to the location of a Tribal Healing to Wellness Court.



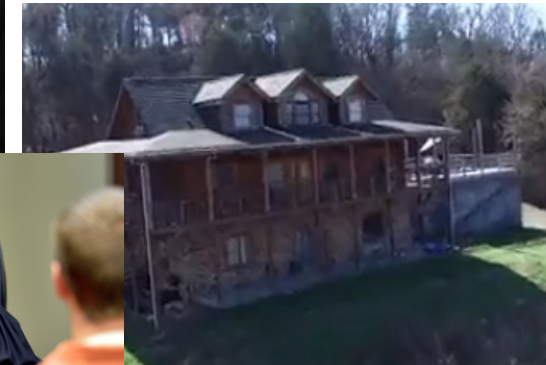
PART II.

Examples of Promising State Programs and Responses to the Epidemic



The Power of Judges as “Conveners”

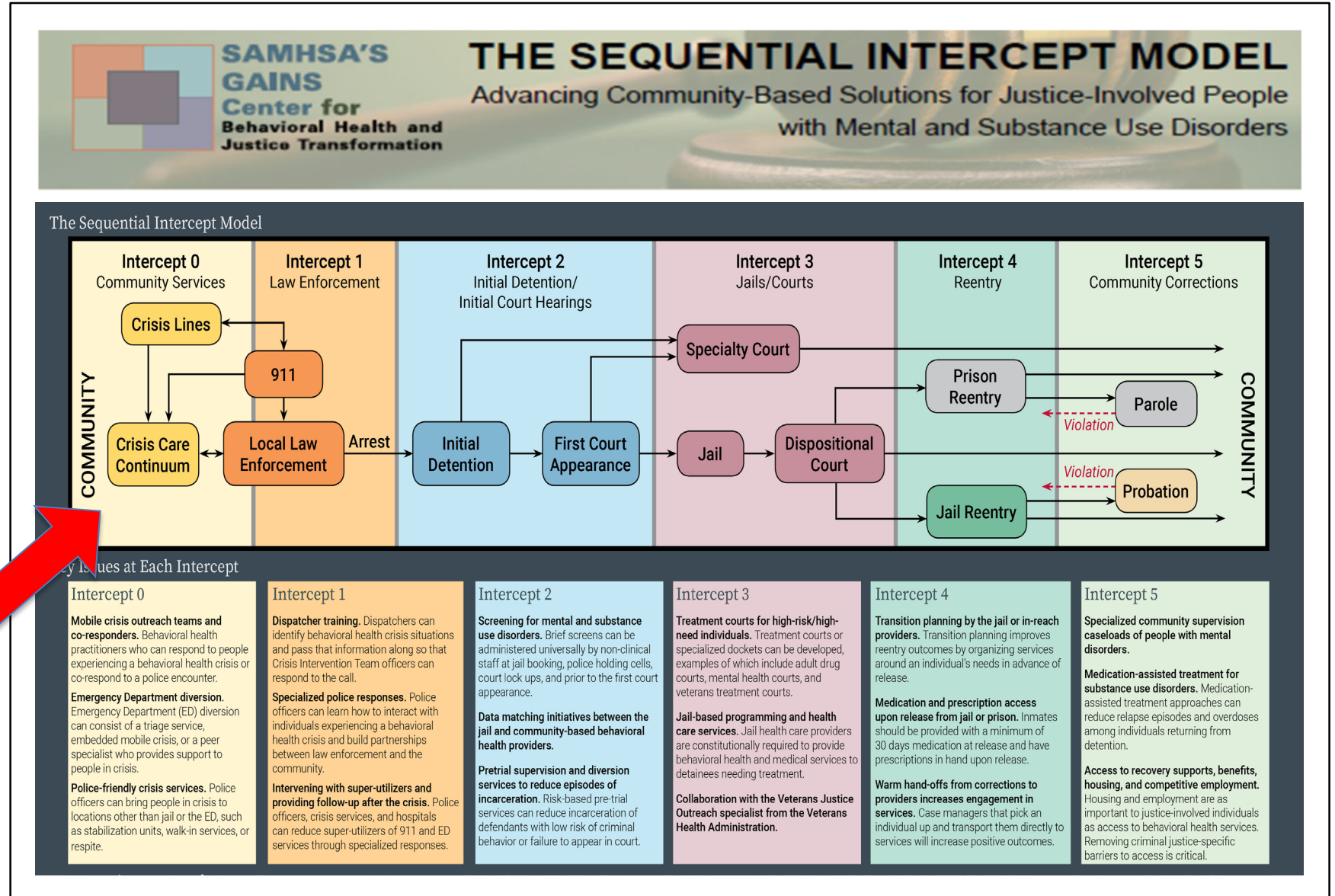
Judges have taken the lead to convene emergency “summits” and to create state, regional and local opioid task forces to study the problems in their communities and to craft targeted responses, utilizing all resources that are available.



Sequential Intercept Model: SIM

- Identity Resources
- Identity Gaps
- Develop Solutions

- Community
- Communications
- Press
- Faith based



Pre-trial reform

Governor Bill Lee announces grant for text reminders and pre-trial risk assessment tools.

Appropriate services per assessment.

Regional roundtables with sheriffs, judges, treatment providers, court clerks, and other stakeholders



Revision and Creation of New Specialty Courts

Buffalo, New York Opioid Crisis Intervention Court



- After arrest, defendants are evaluated by medical professionals and the DA to determine eligibility for program entry
- If eligible, they are taken immediately through detox, and begin in- or out-patient treatment
- There are strict curfews and daily court appearances for at least 30 days
- After completion, defendants are transitioned to traditional drug court programs

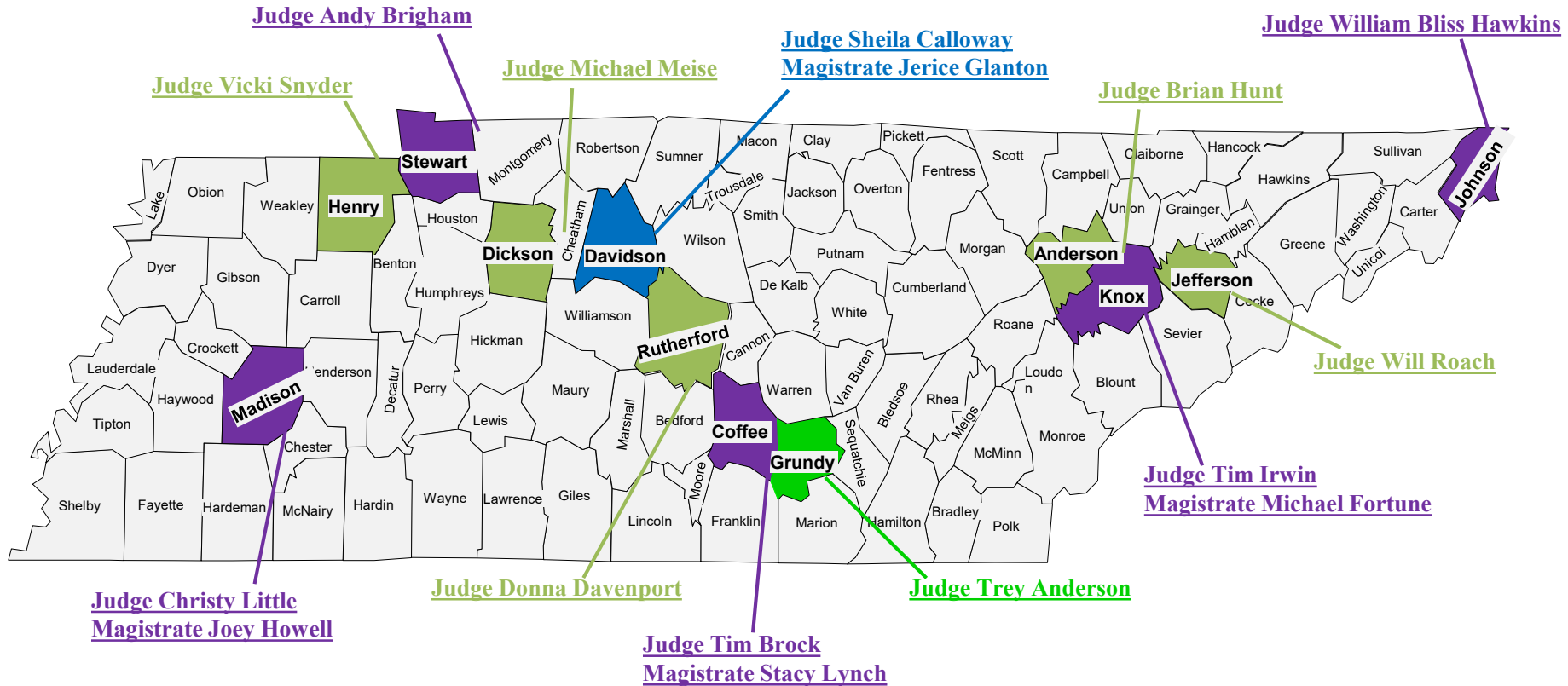


Judges Duane Slone and Craig Hannah, members of the NJOTF, work with the DOJ to create new standards for opioid intervention courts.

Other Specialty Courts

- Traditional drug courts in many states have revised their operations and procedures in response to the opioid crisis, in part by ensuring access to all forms of medication assisted treatment
- Several states have developed or expanded family treatment drug courts in response to increasing numbers of parents with opioid use disorders and children in foster care caused by the opioid epidemic

Safe Baby Courts



2016:	Blue
2017:	Green
2018 (Public Chapter 366):	Purple
2019:	Orange

Risk of Overdose Death During Jail and Prison Reentry



Massachusetts' Medication Assisted Treatment Reentry Initiative (MATRI)

- Provides pre-release treatment and post-release referral for inmates with opioid or alcohol addiction with the goal of providing comprehensive reentry services, including medication, counseling, and aftercare
- Participants also receive naltrexone both pre-and post-release
- If an individual is located in a facility without access to addiction treatment, he or she can be transferred to one with the appropriate services in order to participate in the program



Rhode Island Access to Treatment for Inmates

- Innovative, statewide initiative offers full range of MAT – methadone, buprenorphine, and naltrexone – to every inmate in the system
- All inmates needing treatment are housed in one facility
- Program helps inmates access insurance and transitions them to treatment providers upon release

Cross-Disciplinary Initiatives with the Judiciary

Tennessee Judicial Opioid Initiative (TJOI)

TBI, TDOC, TDMHSAS, TADCP, TAADAS, DCS, AOC, etc.

Safe Baby Courts

Dept of Children's Services – Dept. of Mental Health

Recovery Courts

Dept. of Mental Health

Dangerous Drug Task Force

TBI – TDOC – Dept. of Safety and Homeland Security

Rural Judges and Sheriffs Opioid Summit

Expanding contraceptive access for women with SUD

Health Dept – County Jails - Courts

Pre-trial Text Reminders

Governor – Sheriffs - Clerks

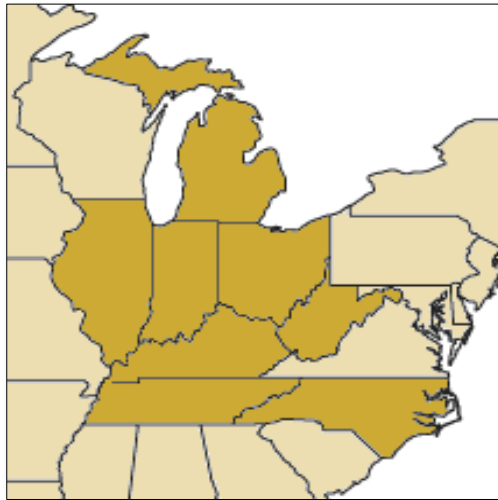


Cross-Border Collaborations

The Conference of Chief Justices and Conference of State Court Administrators have created and supported two regional initiatives in areas hardest hit by the opioid epidemic.

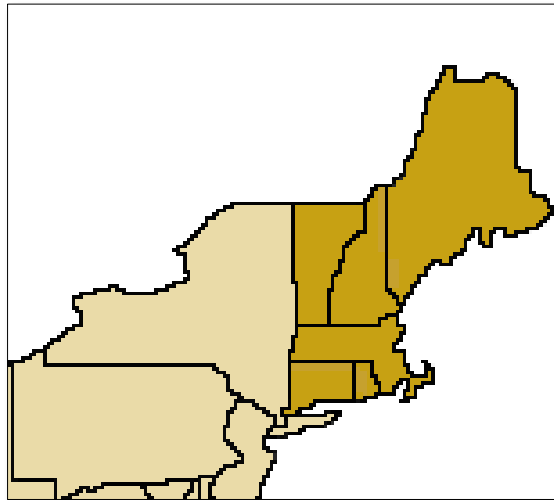


Appalachia/Midwest (2017)



IL, IN, KY, MI,
NC, TN, OH, WV

New England (2019)



CT, MA, ME, NH, RI, VT

Regional Judicial Opioid Initiatives

- Judicially led efforts
- Multistate
- Champions – Chief Justices of Supreme Court and State Court Administrators
- Recognition of impacts on criminal dockets and family court dockets
- Recognizing courts must be an active part of the solution
- Responses should be driven by data
- Attention on areas around state boundary lines (access to treatment or services, data sharing)



PART III.

What's next . . .





NATIONAL JUDICIAL OPIOID TASK FORCE

You are a critical partner in the National Healthcare Opioid Crisis.

Please join us to hear from the Surgeon General of the United States, Jerome Adams, regarding this continuing crisis and resources for our citizens.



And to unveil the Final Report and Recommendations from the National Judicial Opioid Task Force.

When: November 20, 2019 at 1:00 p.m

**Where: Holeman Lounge at the National Press Club,
529 14th St NW, Washington DC**

Kindly reply to: jrutledge@ncsc.org

For more information: ncsc.org/opioidtaskforce



Mental Health Initiative



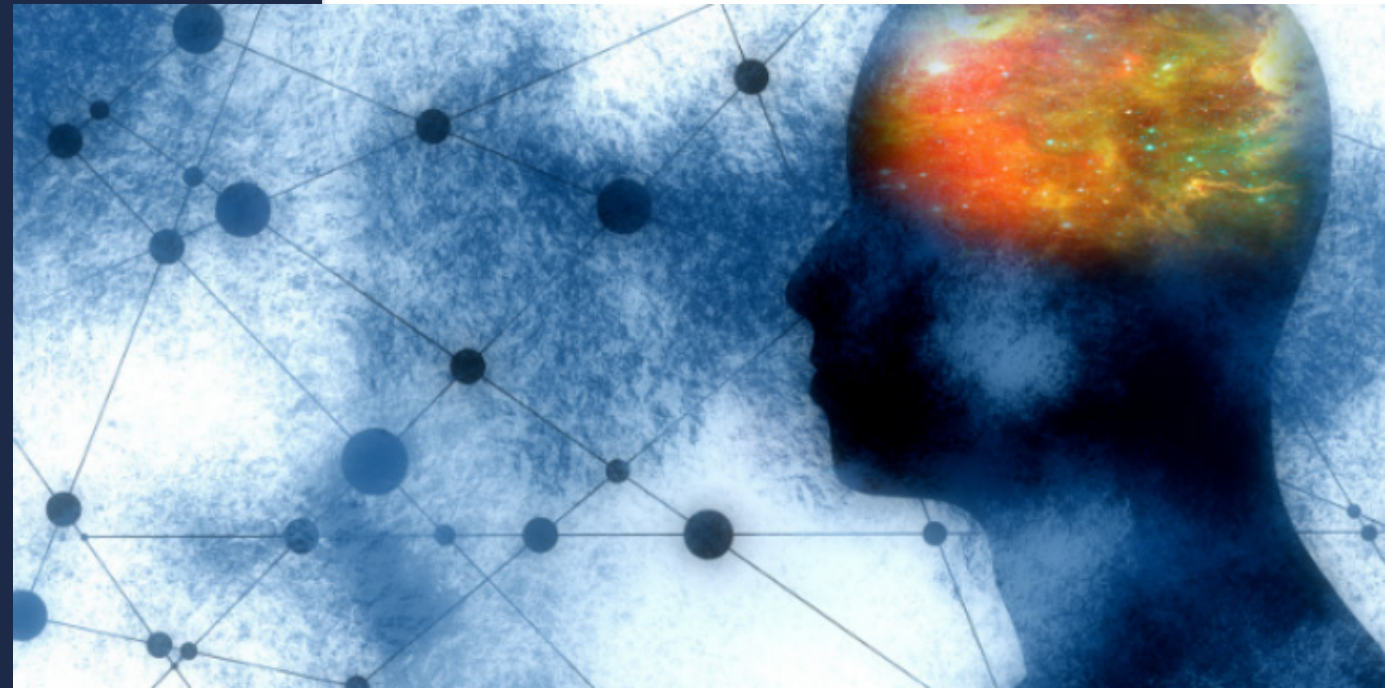
Goals:

Develop resources, best practices and recommend standards to address mental illness and the state courts response.

Expand the NCSC website to create a centralized repository for state courts

Provide resources to improve caseload management of civil commitment cases as well as felony and misdemeanor cases involving persons with mental illness.

Provide education by developing national, regional, and statewide training and education opportunities for judges and court practitioners.





America's Partner
for Equal Justice

Goals:

Expansion of medical-legal partnerships (Psych nurse, addiction specialist, law school clinics, etc.)

Educate health officials about the legal obstacles patients face in obtaining treatment

Educate judges, law enforcement, child welfare workers and employers about civil legal issues of medication assisted treatment

Engage with public to promote use of legal aid attorneys as resources for individuals and their families

Provide a forum for study and discussion of best practices for engaging legal aid attorneys in the recovery process



STRENGTHENING THE ROLE OF
CIVIL LEGAL AID IN RESPONDING
TO THE OPIOID EPIDEMIC
REPORT OF THE LSC OPIOID TASK FORCE



Medical-Legal Partnerships in TN



Legal Aid of East Tennessee



Memphis Area Legal Services



Legal Aid of East Tennessee

MEMPHIS CHILD

Le Bonheur Children's Hospital, University of Memphis School of Law, and Memphis Legal Services



Legal Aid Society & Tennessee Alliance for Legal Services



National Judicial Opioid Task Force

Confronting a crisis, promoting solutions

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