



AMERICAN UNIVERSITY
WASHINGTON, D.C.

JUSTICE PROGRAMS OFFICE

SCHOOL OF PUBLIC AFFAIRS

BUREAU OF JUSTICE ASSISTANCE (BJA) DRUG COURT TECHNICAL ASSISTANCE PROJECT

FREQUENTLY ASKED QUESTIONS SERIES

Subject: Fees Charged Drug Court Participants and Procedures for Collection and Monitoring Fees Received
From: BJA Drug Court Technical Assistance Project
Date: June 6, 2011

QUESTION

In the Fall of 2009, Rick Schwermer, state drug court coordinator for Utah, requested information regarding the fees adult drug court programs charge participants and the services these fees cover. Specifically, he asked for the following information :

1. Are drug court participants charged a flat weekly or monthly fee for program participation?
2. If yes:
 - a. what is the amount of the fee?
 - b. what does this fee cover?
 - c. is this fee the sole fee participants pay?
 - d. does your program assess this fee based on a sliding scale? If so, please provide the scale.
 - e. if your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed?
3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover?
4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:
 - a. testing?
 1. if so, what is the amount of fee charged the participant for testing?
 2. does this fees cover the total costs for testing? only part?
 3. if only a part, what is the total charge for testing? what source(s) of funds are used to pay the balance which the participant doesn't pay?
 - b. treatment?
 1. if so, what is the amount of fee charged the participant for treatment?
 2. does this fee cover the total costs for treatment? or only part?
 3. if only a part, what is the total cost for treatment? what source(s) of funds are used to pay the balance which the participant doesn't pay?
5.
 - a. who collects the fees?
 - b. where are they deposited?
 - c. who monitors drug court participants' compliance with fee requirements?
 - d. is a periodic report prepared regarding fees received/outstanding?
6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.

RESPONSES

SUMMARY

A total of 109 responses were received: 19 from the statewide coordinators and the remaining 90 from individually operating programs. Responses were provided by the following 20 states:

Arkansas	Mississippi
Colorado	Missouri
Florida	New Jersey
Idaho	New York
Indiana	North Carolina
Kentucky	Pennsylvania
Maine	Utah
Maryland	Vermont
Michigan	Washington
Minnesota	Wyoming

Fees Charged

Of the reporting programs, 23 reported that they do not charge fees although 11 of these programs indicated that other agencies involved with the drug court do charge fees, such as treatment fees, positive test fees, supervision/oversight fees, probation fees, etc. Only 12 programs reported they do not charge fees and, based on the information reported, appear, in fact, not to charge a fee of any sort; most of these programs were Family Dependency and/or Juvenile Drug Court programs.

The remaining respondents noted various fees being collected by different agencies (e.g., court, probation, treatment, etc.), which ranged between \$5.00 to \$300.00 per month. The monthly fee in most cases does not include additional court costs, treatment fees, supervision, therapy session, restitution, monitoring, and other fees which appear to vary both from program to program as well as for individuals within the same program, based on the length of time they are required to participate, drug tests to take, etc.

The required fees reported by the respondent covered the following items:

<u>Item</u>	<u>Number of Responses</u>
Participation fee	\$0.00-1,835 (does not include treatment fees/costs)
Court Costs	\$100 - \$600 (varies as some programs included their court cost in their participant fee structure)
Drug Testing	\$30-\$150 per month (cost varied based on frequency of test) (Individual drug tests ranged between \$5 - \$31.50 for each test)
Supervision	\$10-\$50 per month
Treatment	Ranged between \$300-\$2,600 (did not include drug test and other fees. The cost appeared to vary depending on the individualized treatment/sessions participants needed to complete the program. The reported costs for the sessions varied from \$5- \$20 each plus a separate evaluation fee). Some programs also based their treatment fees on the participant's income.

Based on the information provided by the responding programs, the approximate cost per participant in programs that charge fees appeared to range between \$6,000 to \$15,000 annually.

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Of those programs that reportedly charge fees, 10 programs (less than 10% of the respondents) reported the use of a sliding scale to determine the required fee. Additional respondents noted that, although their programs do not use a sliding scale, the court has discretion to waive all or part of the fee, sometimes as an incentive. Others allow participants to perform community service to waive some part of the costs. A number of programs reported that participants are required to pay all the fees (court, treatment, etc.) in order to graduate from the program.

Collection, Monitoring, and Depositing of Participant Fees:

There does not appear to be a central point for collecting, reporting, monitoring, and/or depositing the fees charged to drug court participants.

In terms of *collection*: The majority of respondents noted that the collection of *court fees* from participants is done by drug court personnel or through the court clerk's office. For programs that require additional treatment and/or probation fees, these fees are collected by the respective agencies. The personnel reportedly who collect these fee range from court coordinators, case managers, drug court staff, probation staff and/or therapists

Sanctions are reportedly imposed on participants who do not pay the required fee(s) based on information provided to the case manager or program coordinator. No information was available regarding any verification process(es) used to validate the fee payments or arrearages. Sanctions for nonpayment of fees reportedly also could include an additional late fee as well as continuing the participant in the program until full payment was made.

In terms of *monitoring* fee payment: Monitoring participants' compliance with the fee payments required is reportedly carried out by the various agencies to which the fee(s) are owed: the Court and/or the treatment agencies and/or correctional department that are imposing the fee(s). Personnel responsible for monitoring the clients reportedly may also keep a running log of the client's payment progress.

In terms of *reporting and depositing* participant fees: Respondents indicated that the collected *drug court* fees are reportedly deposited into the Drug Court Fund or in the county's General Fund (later credited to the county drug court program) in a majority of the programs. No information was available as to where fees paid to other agencies are deposited and whether they are attributed to the drug court program.

Most of the responding programs indicated that the costs for the program exceeded any fees collected from participants. These excess costs were covered by a range of supplemental funding sources, including (a) the court's general budget; (b) state general funds, (c) county funds, (d) grant funds, including federal DOJ implementation grants and enhancement grants and state Alcohol and Drug Agency (AOD) grants and donations.

Although the responses to this "Information Inquiry", reported below, clearly reflect only a portion of the operating drug courts, they provide a summary snapshot of the fees and fee structures applicable to drug court program participants in the responding programs at the time of the response.

The information reported also corroborates comments from some drug court participants that the amount of program required fees is not clearly known at the time of program entry. This situation appears to be the result of several factors, including: (1) the multiple agencies involved in assessing fees; and (2) variations in the requirements for program participation that develop after the participant enters the program (e.g., number of drug tests required, counseling frequency, duration of the program, etc.) which affect the fees required. Rarely does it appear that the fee required for program participation is clearly --

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and completely -- stated at the outset when a participant enters the program. It also appears that many courts may not be aware of the full costs imposed for drug court program participation.

RESPONSES FROM STATE DRUG COURT COORDINATORS AND INDIVIDUAL PROGRAMS

ARKANSAS

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1. **Are drug court participants charged a flat weekly or monthly fee for program participation?**
Arkansas collects a monthly fee for supervision and program participation
2. **If yes:**
 - a. **what is the amount of the fee?** *Total is \$600, \$300 to probation department, \$300 to drug court, payable at \$25.00 per month.*
 - b. **what does this fee cover?** *Program participation and supervision*
 - c. **is this fee the sole fee participants pay?** *No. Court costs are also assessed*
 - d. **does your program assess this fee based on a sliding scale? If so, please provide the scale.** *No, but the court has discretion to waive up to all the fee as an incentive*
 - e. **If your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed?** *See above*
3. **If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover?** *Court costs vary by jurisdiction but may total as much as \$1000.*
4. **If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:**
 - (a) **testing?** *Only if they seek a confirmatory second test.*
 1. **if so, what is the amount of fee charged the participant for testing?** *\$30.00-\$40.00*
 2. **does this fees cover the total costs for testing? or only part?** *All*
 3. **if only a part, what is the total charge for testing? what source(s) of funds are used to pay the balance which the participant doesn't pay?** *Initial testing is part of the drug court program operated by the Department of Community Correction so testing is included in their state budget*
 - (b) **treatment?** *No.*
 - (3) **if only a part, what is the total cost for treatment? what source(s) of funds are used to pay the balance which the participant doesn't pay?** *Treatment money is appropriated by the state legislature*
5. (a) **Who collects the fees?** *Fees are collected either by DCC for supervision or the court clerk for participation*
 - (b) **Where are they deposited?** *Drug court program fees are deposited in the county general fund and credited to the county drug court program. These require an appropriation by the quorum*

court (like the county commission or supervisors) to be used by the court program.

(c) Who monitors drug court participants' compliance with fee requirements? *Part of monitoring for drug court program so probation does this*

(d) Is a periodic report prepared regarding fees received/outstanding? *Yes at status hearings.*

6. **If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.** *Costs of personnel to staff the drug court program are in the DCC budget. Fees do not cover total costs.*

COLORADO

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Colorado does not charge a drug court participation fee. However, participants are required to pay the standard monthly probation supervision fee (Offender Services Fund). Participants are obligated to pay for treatment and testing. There are various funding sources (Offender Services, SB-318, and ATR) that can enhance services and or subsidize what the participant ultimately pays on a case by case basis.

FLORIDA

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1. **Are drug court participants charged a flat weekly or monthly fee for program participation?** *In Florida, some of the drug courts charge participant fees on a weekly and monthly basis.*

2. **If yes:**

- a. **what is the amount of the fee?** *The amount charged varies by drug court (see the table below).*
- b. **what does this fee cover?** *Most of the fee(s) cover treatment services, urinalysis, and drug screenings. Although, other services may be required. (see the table below)*
- c. **is this fee the sole fee participants pay?** *This is not always the case (see the table below).*
- d. **does your program assess this fee based on a sliding scale?** *If so, please provide the scale. Some of the Florida drug courts base the fee(s) on sliding scales. For some who utilize the sliding scale- it is based on the participant's income.*
- e. **if your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed?** *N/A*

3. **If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover?** *(see the table below).*

4. **If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:** *(previously answered in #'s 1-3).*

5. **(a) Who collects the fees?** *Court Personnel/Treatment Provider*

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(b) Where are they deposited? N/A

(c) Who monitors drug court participants' compliance with fee requirements? Case Managers/Coordinators

(d) Is a periodic report prepared regarding fees received/outstanding? N/A

6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them. (see the table below)

CIRCUIT	COUNTY	DRUG COURT TYPE	PARTICIPANT FEE
1	Escambia	Adult Post Adjudication	\$300
1	Okaloosa	Adult Pretrial and Post Adjudication	\$500
2	Gadsden	Adult Pretrial	(No Information Provided)
2	Leon	Adult Pretrial	\$300
3	Columbia	Adult	Drug Court fee = \$300.00; DOC fee= \$50.00 per month; co-payment for clinical services (one-time fee) = \$20.00; and \$5.00 per day of clinical treatment.
3	Suwannee	Adult	Drug Court fee = \$300.00; DOC fee= \$50.00 per month; co-payment for clinical services (one-time fee) = \$20.00; and \$5.00 per day of clinical treatment.
4	Clay	Adult Pretrial	Urinalysis Fee (based on a sliding scale fee up to \$500/year)
4	Duval	Adult Pretrial	All fees waived
5	Citrus	Adult Pretrial and Post Adjudication	\$35.00 orientation fee and \$50.00 each week
5	Hernando	Adult Post Adjudication	Drug Court Fee--\$600; Treatment Fee based on income
5	Marion	Adult Post Adjudication	Yes, application, participation and drug screen fees: \$1,835.00. Treatment fees: \$2,600.00. Confirmation Tests-\$31.50.
5	Sumter	Adult Post Adjudication	Yes, application, participation and drug screen fees: \$1,835.00 + treatment fees. Confirmation tests-\$31.50.
6	Pasco	Adult Pretrial and Post Adjudication	\$5 Co-pay for initial assessment, \$5 per group session, \$5 for each drug screen. There is no funding for aftercare, this is paid for by the participant. Aftercare is \$20 per session, 1x weekly for 26 weeks.
6	Pinellas	Adult Pretrial and Post Adjudication	Yes (treatment only), Sliding scale based on income.
7	Flagler	Adult Pretrial and Post Adjudication	Yes, \$20/week treatment fee plus court ordered fees.

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CIRCUIT	COUNTY	DRUG COURT TYPE	PARTICIPANT FEE
7	Putnam	Adult Post Adjudication	Yes, \$20 per wk Treatment Costs plus other Court Ordered fees
7	St. Johns	Adult Post Adjudication	\$10/week treatment fee plus Court Ordered fees
7	Volusia	Adult Pretrial and Post Adjudication	\$75/month
8	Alachua	Adult Pretrial and Post Adjudication	\$20/week (can be paid by 2 hours/week community service). \$45/week for transfers from another jurisdiction.
8	Baker	Adult Pretrial	\$15/week
9	Orange	Adult Pretrial and Post Adjudication	\$900 flat fee and \$3 co-pay for each treatment session. Partnership with Work Release Drug court and Probation Restitution Center (PCR).
9	Osceola	Adult Pretrial and Post Adjudication	\$125 month
10	Polk	Adult Pretrial	Felony: \$95 per month for 18 months, \$25 for each drug test. Misdemeanor: \$85 per month for 6 months, \$25 for each drug test.
11	Dade	Adult Pretrial	Based on sliding scale (\$5/week to \$50/week for drug treatment.) This fee is paid directly to the treatment provider.
12	Manatee	Adult Pretrial and Post Adjudication	\$10/week
12	Sarasota	Adult Pretrial and Post Adjudication	\$15/week
13	Hillsborough	Adult Post Adjudication	Varies by treatment agency used.
13	Hillsborough	Adult Pretrial	\$25/week minimum
14	Bay	Adult Pretrial and Post Adjudication	\$300
14	Jackson	Adult Post Adjudication	\$300
15	Palm Beach	Adult Pretrial	\$20 / week
16	Monroe	Adult Pretrial	Based on a sliding scale
17	Broward	Adult Pretrial and Post Adjudication	Yes, based on a sliding income scale.
18	Brevard	Adult Pretrial	Yes, \$100.00 Prosecution Fee as authorized pursuant to Florida Statute 938.27; \$300 Cost of Supervision Fee to DOC; \$30 Drug Testing Fee to DOC; Psychosocial Evaluation: \$45; Drug Education Classes: \$15 per class; Therapy Groups: \$15 per class; Individual Sessions: \$20 per Session; \$15 Per Drug Test. Some Clients Will be Eligible for Grant Funding of Treatment Cost
18	Seminole	Adult Pretrial	\$640

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CIRCUIT	COUNTY	DRUG COURT TYPE	PARTICIPANT FEE
19	Indian River	Adult Pretrial	\$30/test urinalysis fee
19	Martin	Adult Pretrial	Yes, \$100 Court Costs, \$30 per week urinalysis fee, \$100 to Drug and Alcohol Abuse Trust Fund, \$50 per week for treatment
19	Okeechobee	Adult Pretrial	Self-pay, treatment generally is \$25 per group and individual session.
19	St. Lucie	Adult Pretrial	Yes, \$262.50 (Drug and Alcohol Trust Fund), \$100 court costs, \$50 PD fee if applicable, \$100 cost of prosecution and treatment costs determined by provider (some on sliding scale). \$50 evaluation fee
19	St. Lucie	Adult Pretrial	Yes, \$262.50 (Drug and Alcohol Trust Fund), \$100 court costs, \$50 PD fee if applicable, \$100 cost of prosecution and treatment costs determined by provider (some on sliding scale). \$50 evaluation fee
20	Charlotte	Adult Post Adjudication	Yes, \$120/month to treatment provider, \$50.00 Supervision Fee
20	Collier	Adult Post Adjudication	\$75.00 per week or Sliding Scale for indigent participants.
20	Glades	Adult Post Adjudication	\$370.00 flat rate administrative cost, Cost of supervision waived
20	Hendry	Adult Post Adjudication	Yes, \$370.00 Administrative Fee, waive cost of supervision
20	Lee	Adult Pretrial and Post Adjudication	Yes, \$50/per month to treatment provider

The data in this document were provided by the statewide drug court coordinator and reflect information provided to the Office of the State Courts Administrator (2008).

IDAHO

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Our State Drug Court Statute allows for collection of up to \$300 per month from drug court participants. It is collected by County Clerks as other court assessments and fines, and is deposited in a special fund called the District Drug Court Fund. These funds can be used at local discretion for any costs legitimate to the support of the local drug court including participant incentives. In fact most courts assess about \$10 – 15 per week and probably collect about 75% of that amount.

The collection of these fees and the balances in the fund are part of the overall state court management information system. With the current economic climate there are efforts to increase fees and collections but even so our clientele is not likely to generate a whole lot more. Our DUI Courts have generally collected more and in some cases the participants pay out of pocket for their treatment as well.

Costs not covered by the participant fees are covered by state general funds (for treatment) and a dedicated fund to the courts (which comes from a surcharge on sales at the state liquor dispensary and also some from fines) which covers drug testing, costs of coordinators. County funds cover general operating costs of the courts, such as clerks, bailiffs, office space and support. Probation supervision comes either from counties (misdemeanor probation) and state for felony probation services.

INDIANA

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Indiana drug courts that are certified under IC 12-23-14.5 may assess and collect up to \$500 per referral to drug court. Pursuant to the statutes, this \$500 fee must cover court drug court "services" provided by the court. Drug court services may include: screening for eligibility and other appropriate services, clinical assessment, substance abuse education, referral and case management and service coordination. This fee may be in addition to any other fee, fine or cost that the court is authorized (or required) to assess and collect by statute (such as probation user fees, community corrections fees, fines and costs, etc.) Any additional fees, fines and costs are typically dictated by offense or status in the criminal justice system.

Courts that assess and collect the drug court user fee must adopt a local rule indicating such. Courts are not required to assess the fee, and we have some courts that have chosen to not do so. Drug courts that are not certified are not authorized to collect the drug court user fee, but may assess and collect other fees if they are authorized to do so under another statute.

In addition to the \$500 user fee, courts may require the participants to pay for mental health services, drug testing, restitution, or monitoring devices such as ignition interlock or SCRAM.

There are no guidelines on the amount of costs that courts may assess related to drug testing or treatment fees. Generally, drug testing fees are paid to the court and treatment fees to a local service provider. The judge may reduce fees or find an individual indigent at his or her discretion. Some courts have grant funds dedicated to assist participants with drug testing and treatment fees.

KENTUCKY

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Kentucky does not charge any fees. Kentucky's Court of Justice through the Administrative Office of the Courts pays for all treatment, supervision and drug testing. Participants only pay if they request a confirmation of an instant test and the confirmation is returned as positive for drug use; then the participants pay to reimburse the cost of the confirmation.

MAINE

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Maine does not assess any fees of participants to be in drug court. They may have a co-pay or other payment requirement for treatment.

MARYLAND

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Maryland does not charge a fee and never will (unless something changes dramatically). Participants are responsible for probation supervision fees, their portion of sliding scale treatment fees, and for paying all restitution. Maryland have not prohibited SCRAM.

MICHIGAN

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[SEE RESPONSES BELOW FROM LOCAL DRUG COURTS]

CIRCUIT COURTS

Judge Michael Nye
1st Circuit Court (C01)
Family Dependency and Juvenile Drug Courts – Hillsdale County

We have juvenile and family drug court and no fees or court costs are charged to the participants in Hillsdale County.

Frances Fogel-Gibson
3rd Circuit Court
Adult Drug Court – Wayne County

Participants of the Adult Drug Treatment Court are not currently assessed fees for participation in the Program. The ADTC here in Detroit is interested in implementing a Fee for participation in the program

Ann Filkins
9th Circuit Court (C09)
Kalamazoo County

1. Are drug court participants charged a flat weekly or monthly fee for program participation?

Yes

2. If yes:

- (a) **what is the amount of the fee?** *After 15 months, charged monthly supervision fee of \$25*
- (b) **what does this fee cover?** *Supervision, program needs not covered by grant or other funds*
- (c) **is this fee the sole fee participants pay?** *No*
- (d) **does your program assess this fee based on a sliding scale? If so, please provide the scale.** *No*
- (e) **If your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed?**
Require that they pay before graduation. All understand this once they enter the program and this really has not been an issue.

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover?

\$300 reduced to \$200 with no major violations in the first 90 days. We use these fees for office supply costs, travel, etc.

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

(a) **testing?** *No*

- (1) **if so, what is the amount of fee charged the participant for testing?** *\$5 per test*
- (2) **does this fees cover the total costs for testing? or only part?** *Only part*
- (3) **if only a part, what is the total charge for testing? what source(s) of funds are used to pay the balance which the participant doesn't pay?**
Regular lab testing is \$5.30; we use the program/supervision fees to make up the difference

(b) **treatment?**

- (1) **if so, what is the amount of fee charged the participant for treatment?** *\$6 individual/\$3 group*
- (2) **does this fee cover the total costs for treatment? or only part?** *Only part*
- (3) **if only a part, what is the total cost for treatment? What source(s) of funds are used to pay the balance which the participant doesn't pay?** *grant funds/funds from the Kalamazoo Drug Treatment Court Foundation*

5. (a) Who collects the fees? *9th Circuit Court Clerk's Office*

(b) **Where are they deposited?** *In an account*

(c) **Who monitors drug court participants' compliance with fee requirements?** *Case Manager*

(d) **Is a periodic report prepared regarding fees received/outstanding?** *Reviewed at Case Management Appointments*

Susan Smith
10th Circuit Court (C10)
Family Dependency Drug Court
Saginaw County

We do not charge any fees due to the population that we are serving (primarily families on public assistance).

Gloria Kmiec
16th Circuit Court (C16)
Adult Drug Court
Macomb County

Participants are ordered to pay \$300 participation fee prior to graduation and month drug testing fees once they get to phase two of the program. This is not sliding scale for the \$300 but some of the testing fees may be adjusted on a case by case basis. Testing fees are no cost for phase one; \$20 per month phase two, \$28 per month phase three and \$20 per month for phase four. This is a 15 to 21 month program. This only covers part of the testing fee. The supplies are purchased and paid for by county funds. Both in patient and IOP treatment is paid for by a combination of county and state money. Outpatient is paid for on a sliding fee scale by the client. The fees are collected at the probation dept. and deposited into the county general fund. Fees are addressed in the court sessions by the judge and monitored by the Team. The participants provide \$10,000 to \$15,000 toward the program annually and the rest is from the county and state.

Marge Marchlewicz
18th Circuit Court (C18)
Family Dependency Drug Court
Bay County

1. **Are drug court participants charged a flat weekly or monthly fee for program participation?** *We do not charge our drug court participants any fees for program participation.*
2. **If yes:** N/A
3. **If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover?** *None associated with their case in Family Court*
4. **If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:** Testing and Treatment: *N/A*
5. **N/A**
6. **If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.** *Costs of testing are paid by the DHS and the cost of treatment is covered by our coordinating agency.*

Alysa Pichler
23rd Circuit Court (C23)
Adult Drug Court – Alcona County

1. **Are drug court participants charged a flat weekly or monthly fee for program participation?**
They are charged a flat entrance fee.
2. **If yes:**
 - (a) **what is the amount of the fee?** *\$600.00*
 - (b) **what does this fee cover?** *Participation in the drug court*
 - (c) **is this fee the sole fee participants pay?** *to drug court - yes*
 - (d) **does your program assess this fee based on a sliding scale? If so, please provide the scale.** *no - but part of the fee may be waived at the end of the program based on judge's discretion*
 - (e) **If your program does not use a sliding scale, how is a potential participant's inability to pay**

the required fee addressed? *see (d)*

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover?

They may pay over court costs/state fees as ordered by the judge

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

(a) testing? *no*

(1) if so, what is the amount of fee charged the participant for testing? *n/a*

(2) does this fees cover the total costs for testing? or only part? *n/a*

(3) if only a part, what is the total charge for testing? What source(s) of funds are used to pay the balance which the participant doesn't pay? *\$5.00 per week for PBT's, \$7.00 - \$14.00 per each urine screen. Participant pays balance.*

(b) treatment? *no*

(1) if so, what is the amount of fee charged the participant for treatment? *n/a*

(2) does this fee cover the total costs for treatment? or only part? *n/a*

(3) if only a part, what is the total cost for treatment? What source(s) of funds are used to pay the balance which the participant doesn't pay? *In-kind funding*

5. (a) Who collects the fees? *The clerk of the sentencing court*

(b) Where are they deposited? *n/a*

(c) Who monitors drug court participants' compliance with fee requirements?

Court coordinator/case manager

(d) Is a periodic report prepared regarding fees received/outstanding? *Yes*

6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.

The fees only cover a small percent of the costs of the program. Grants, in-kind monies, and county funds cover the remaining costs.

Carol Read

30th Circuit Court (C30)

Family Dependency Drug Court

Ingham County

30th Circuit Court's Family Dependency Treatment Court does not issue fees.

Laura Peck

33rd Circuit Court

Juvenile Drug Court

Charlevoix County

Charlevoix Juvenile Drug Court does not assess drug court fees; however they were all ready on probation prior to drug court and all fees are assessed under the general probation. We do not assess specific fees for drug court.

**Teresa French
36th Circuit Court
Adult Drug Court
Van Buren County**

1. Are drug court participants charged a flat weekly or monthly fee for program participation? *Yes.*

2. If yes:

(a) what is the amount of the fee? *The participants are charged a program fee of \$200, or if they relapse, \$300. Participants are informed that they will need to pay \$15 per month towards this fee at the time of admission.*

(b) what does this fee cover? *This fee covers expenses that are not covered by grants (accolades, office expenses, staff training, treatment expenses that exceed grant coverage, etc).*

(c) is this fee the sole fee participants pay? *No, the participants also pay \$5 at every substance abuse screen.*

(d) does your program assess this fee based on a sliding scale? If so, please provide the scale. *No, a sliding scale has not been considered given the fact that if the participants were subject to typical MDOC supervision, the fees would be at least five times as much.*

(e) If your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed? *There are months that the participants report an inability to pay towards the program fee. They are not sanctioned for this but reminded that they cannot graduate the program until all fees are resolved. If a participant does not have \$5 for a drug screen, they do not test and are sanctioned for a missed test which is three days in jail.*

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover? *As stated above, the drug screen fee is \$5 per test. It covers GCMS confirmations, which is an expense not covered by grants.*

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

(a) testing?

(1) if so, what is the amount of fee charged the participant for testing? *n/a*

(2) does this fee cover the total costs for testing? or only part? *n/a*

(3) if only a part, what is the total charge for testing? what source(s) of funds are used to pay the balance which the participant doesn't pay? *The total charge for testing is \$4.75 per cup, .20 per PBT stick, \$17 for ETG confirmation, 6.75 for R53 testing, and 12.50 for GCMS confirmation. State grants do not cover the GCMS confirmation.*

(b) treatment?

(1) if so, what is the amount of fee charged the participant for treatment? *Some therapists charge a \$6 co pay.*

(2) does this fee cover the total costs for treatment? or only part? *only covers a small part of treatment-the program pays \$69 per hour.*

(3) if only a part, what is the total cost for treatment? what source(s) of funds are used to pay the balance which the participant doesn't pay? *b3) DOJ grant, program income from fees.*

5. (a) Who collects the fees? *Drug court staff*

(b) Where are they deposited? *Drug court staff deposits fees, monitors compliance, with the*

exception of the treatment copay- that is managed by the therapist/office.

(c) Who monitors drug court participants' compliance with fee requirements? *Drug court staff deposits fees, monitors compliance, with the exception of the treatment copay- that is managed by the therapist/office.*

(d) Is a periodic report prepared regarding fees received/outstanding? *Every six months program income is reported to the state. No report is prepared regarding outstanding fees.*

6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them. *DOJ implementation grant*

William Essex
37th Circuit Court (C37)
Adult Drug Court
Calhoun County

1. Are drug court participants charged a flat weekly or monthly fee for program participation?

Not a monthly fee specifically. Our participants are charged a \$400 program fee payable over the course of participation - a participant must begin making payments when they enter Phase II, but may be asked to start earlier if they are employed. They are asked to make monthly payments, the exact amount of that payment will be worked out with their case manager on an ability to pay schedule. Once an amount has been agreed too, the participant is accountable to that agreement and will not progress to subsequent program phases unless in compliance with the agreement.

2. If yes:

(a) what is the amount of the fee? *See above*

(b) what does this fee cover? *Program fees are used to cover funding gaps - most often that means operational expenses.*

(c) is this fee the sole fee participants pay? *It is the only fee associated with program participation, however, participants must pay attorney fees and restitution in full to complete the program.*

(d) does your program assess this fee based on a sliding scale? If so, please provide the scale. *N/A*

(e) If your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed? *Has never been an issue - in seven years of operation, we have yet to have a participant that over the course of participation was not able to pay.*

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover? *- N/A*

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

(a) testing? *- N/A*

(b) treatment? *- N/A*

5.

(a) Who collects the fees? *- The circuit court clerks office is the collection site - participants must obtain a payment voucher from their case manager that they then present to the clerk for proper account application.*

(b) Where are they deposited? *N/A*

(c) Who monitors drug court participants' compliance with fee requirements? *- Their case manager.*

(d) Is a periodic report prepared regarding fees received/outstanding? *- A fee/payment status update is a part of every participants status review report - participants in the first half of the program have*

court bi-weekly while participants in the later half of the program attend monthly.

6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.

Four hundred dollars would not cover the total cost of program participation - all costs associated with program participation have always been written into grant proposals - program fees are then used to fill in funding gaps - these gaps have nearly always fallen within operational expenses.

**Barbara Johnson
43rd Circuit Court
Family Dependency Drug Court
Cass County**

1. **Are drug court participants charged a flat weekly or monthly fee for program participation?** *No*
2. **If yes:** *N/A*
3. **If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover?** *Court fees are assessed at \$5/month for court costs and attorney fees.*
4. **If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:**
 - (a) **testing?** *N/A*
 - (b) **treatment?** *Sometimes on a sliding scale if the participant is employed*
 - (1) **if so, what is the amount of fee charged the participant for treatment?**
 - (2) **does this fee cover the total costs for treatment? or only part?**
 - (3) **if only a part, what is the total cost for treatment? what source(s) of funds are used to pay the balance which the participant doesn't pay?** *Medicaid, Medicare, Department of Human Services, Family Treatment Court in that order. Treatment Court is a payor of last resort.*
5. (a) **Who collects the fees?** *Treatment agencies collect them on their own. Court fees are paid to the court clerk's office.*
 - (b) **Where are they deposited?** *Court fees are paid to the court clerk's office.*
 - (c) **Who monitors drug court participants' compliance with fee requirements?**
Fees are not part of treatment court process.
 - (d) **Is a periodic report prepared regarding fees received/outstanding?** *No*
6. **If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.** *Treatment Court grant funding provides assistance with transportation to/from treatment related activities as well as cell phone minutes for contact w/ treatment court and treatment providers. Drug testing is paid by a combination of Department of Human Services and Treatment Court grant funding.*

DISTRICT COURTS

**Lynn Kirkpatrick
8th District Court (D08)
DWI Drug Court
Kalamazoo County
Email: LMKIRK@kalcounty.com**

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1. Are drug court participants charged a flat weekly or monthly fee for program participation? *Yes*

2. If yes:

(a) **what is the amount of the fee?** *\$500.00 flat fee*

(b) **what does this fee cover?** *Probation Oversight fees*

(c) **is this fee the sole fee participants pay?** *No, also have fines and costs.*

(d) **does your program assess this fee based on a sliding scale? If so, please provide the scale.** *No*

(e) **If your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed?** *At the end of probation fees can be waived if Judge so orders. Also, probationers can do community service to work off the fee.*

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover? *Court ordered fines and costs.*

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

(a) **testing?** *No*

(b) **treatment?** *No*

5. (a) Who collects the fees? *8th District Court*

(b) **Where are they deposited?** *General fund*

(c) **Who monitors drug court participants' compliance with fee requirements?** *Probation Officers*

(d) **Is a periodic report prepared regarding fees received/outstanding?** *Yes*

6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.

Participants pay for all their drug screens, counseling and weekend PBT's. Grant money pays for unscheduled or surprise drops, as ordered, and recent grant funding will allow payment for a percentage of counseling based on a sliding fee.

Hon. Julie Creal

15th District Court Sobriety Court

Email: JACreal@a2gov.org

1. Are drug court participants charged a flat weekly or monthly fee for program participation?

15th District Court participants are charged a probation oversight fee of \$20.00 per month. This will be increasing to \$30.00 per month for participants entering the program after December 1, 2009.

2. If yes:

(a) **what is the amount of the fee?** *\$20.00/\$30.00*

(b) **what does this fee cover?** *This fee covers probation oversight, including intensive casework monitoring by the Sobriety Court probation officer*

(c) **is this fee the sole fee participants pay?** *No. The participants also pay fines and costs to the Court, treatment fees to the treatment providers, drug testing fees to the testing providers, and a fee (assessed on a sliding scale) to the Healthy Living Class provider.*

(d) **does your program assess this fee based on a sliding scale? If so, please provide the scale.** *The court fees (fines and costs, probation oversight fees) are not assessed on sliding scale. The treatment fees, some drug testing fees and the Healthy Living class fees are.*

(e) If your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed? *For fines and costs, and probation oversight fees, the participants are permitted to make small monthly payments, or perform community service for credit against those fees.*

- 3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover?** *Participants pay \$10.00 per 5 panel drug screen; \$5.00 per alcohol breath tests performed at locations other than the Court Probation Department; \$25.00 or less per session of outpatient treatment; \$10 or less for Healthy Living Class; residential treatment fees are generally paid for by the Court through grant funding.*
- 4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:**
 - (a) testing?** *See #3*
 - (b) treatment?** *See #3*
- 5. a. Who collects the fees?** *The Court collects the fines and costs, and probation oversight fees. The testing agencies collect the testing fees. The treatment providers collect the treatment fees and the Healthy Living Class provider collects that fee.*
 - b. Where are the fees deposited?** *The fees are deposited as other fines and costs are deposited with the Court.*
 - c. Who monitors drug court participants' compliance with fee requirements?** *Participant payment of Court fines, costs and fees is monitored by probation. Each other provider monitors their own payments. Drug and alcohol testing is not performed without payment.*
- 6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.** *The Court's other expenses are generally borne by the Court's general budget. Grant funding is used exclusively for treatment expenses, primarily residential treatment, and some transitional housing.*

**Gary Dodge
19th District Court (D19)
Adult Drug Court
Wayne County**

Drug Court fees for the 19th District Court in Dearborn, MI include:
\$500 Drug Court Cost (paid throughout probation) - This is a flat fee for the 1st case, any additional cases generally run concurrent. This fee includes court costs, fines, and probation fees. It does not cover drug testing, which generally runs approximately \$12 per test. However, the probation officers will frequently give additional tests at the court at no cost to the defendant. Also, this flat fee does not include treatment/counseling costs, but we refer low-income or indigent clients to appropriate funding agencies. Our main funding source in these cases is SEMCA (Southeast Michigan Community Alliance for substance abuse treatment). For OWI offenders, the \$500 fee does not include the standard \$200 cost recovery (vehicle towing, etc.). Fees are paid directly to our clerk's office, also located in the court building. The probation officers monitor the payments and review progress with the Judge as needed. We do not prepare a written periodic report.

In terms of a sliding scale, our court does not use the sliding scale initially. However, indigency would not

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prevent a defendant from progressing in our program. Our emphasis is treatment and sobriety. Every case is viewed independently, and some are referred to our work program in lieu of partial costs. We expect each defendant to make a reasonable effort to pay.

Kim Thomas Chapman
36th District Court
Adult Drug Court – Wayne County

The 36th District Court assesses the following fee for program participation:

- 1. Fine is assessed based on the charge by the Judge*
- 2. The CVRS fee is \$50.00*
- 3. Attorney fee is \$50.00*
- 4. Supervision fee of \$35.00 per month for a term of 15 months is \$525.00*
- 5. Urinalysis fees of \$10.00 for 36 tests are \$360.00* (if the client tests more than 36 tests the order is amended to include the additional testing fees. If the client tests at an outside facility the testing fees are deleted)*

We do not use a sliding fee, if the client is indigent we allow the performance of community service to waive costs, however each client must pay some amount.

The order is amended to incorporate any additional fees/charges for urinalysis, supervision etc. as the defendant completes the program.

The client's treatment is generally funded by the Bureau of Substance Abuse and the level and amount of treatment is determined by the assessor. The court does not collect nor assess any monies for treatment.

All fees assessed are paid in the cashiers unit. All monies collected are deposited in the general fund for transfer to the funding source.

The case managers keep a running log of the client's payment progress and amend the order to waive fees upon completion of community service hours. The Judge is notified prior to graduation if the client is/is not in compliance.

Melissa King
Sobriety Court Coordinator
39th District Sobriety Court
Email: mkinglaw@earthlink.net

We have been operational since February, 2009. We have not started charging participants for Sobriety Court but plan to do so in the future.

Alma Valenzuela
58th District Court (D58)
DWI Drug Court
Ottawa County

1. Are drug court participants charged a flat weekly or monthly fee for program participation?

We currently don't charge a fee to participate in drug court.

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2. If yes: *N/A*

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover? *N/A*

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

(a) testing?

(1) if so, what is the amount of fee charged the participant for testing? *Participants pay \$60 a year for drug testing, which is included in their regular fines/cost.*

(2) does this fees cover the total costs for testing? or only part? *The \$60 fee covers all testing.*

(3) if only a part, what is the total charge for testing? what source(s) of funds are used to pay the balance which the participant doesn't pay? *n/a*

(b) treatment?

(1) if so, what is the amount of fee charged the participant for treatment? *Participants pay treatment costs directly to the provider. Approximately 31 sessions at \$30 per week.*

(2) does this fee cover the total costs for treatment? or only part? *n/a*

(3) if only a part, what is the total cost for treatment? what source(s) of funds are used to pay the balance which the participant doesn't pay? *n/a*

5.

(a) Who collects the fees? *N/A*

(b) Where are they deposited? *N/A*

(c) Who monitors drug court participants' compliance with fee requirements? *The counseling agencies report to us whether the participant is keeping up with payments. Participants who don't make their weekly \$30 payment are subject to a sanction in the review session.*

(d) Is a periodic report prepared regarding fees received/outstanding? *Reports are prepared by the counseling agencies on a biweekly basis.*

Ron Malone

60th District Court (D60)

DWI Drug Court

Muskegon County

1. Are drug court participants charged a flat weekly or monthly fee for program participation?

Participants are charged a onetime fee of \$800 due within the first 30 days of entering the program or if they can't pay \$800 they are put on a payment plan for \$1,000 and the fee schedule is as follows: \$250 due within 30 days of entrance, \$250 due within 10 days after entering phase 2, \$250 due within 10 days after entering phase 3, and \$250 due within 10 days after entering phase 4 to make up \$1,000

2. If yes:

(a) what is the amount of the fee? *800 or 1,000 depending on the payment plan.*

(b) what does this fee cover? *Treatment, drug/alcohol testing and program costs.*

(c) is this fee the sole fee participants pay? *Yes, for the Sob. Ct program (but does not include state costs, victim fees or restitution if there are any other fines involved.*

(d) does your program assess this fee based on a sliding scale? If so, please provide the scale. *No*

(e) If your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed? *Case to Case basis and individual payment plans are composed depending on the situation. Participants are not denied treatment because of inability to pay.*

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2

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above), what is the amount of these additional fees and what do they cover? *None*

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

- (a) **testing?** *Treatment, drug/alcohol testing and program costs.*
- (b) **treatment?** *Treatment, drug/alcohol testing and program costs.*

5. (a) **Who collects the fees?** *District Court Records*
(b) **Where are they deposited?** *District Court Records*
(c) **Who monitors drug court participants' compliance with fee requirements?** *Case Manager and Collections department.*
(d) **Is a periodic report prepared regarding fees received/outstanding?** *Monthly collections reports and case manager records.*

6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them. *State and Federal grants as well as filing fees.*

Maria Taylor
74th District Court (D74)
DWI Drug Court
Bay County

1. Are drug court participants charged a flat weekly or monthly fee for program participation?

No, Participants are assessed a \$300.00 over sight fee through the court system. Collected by the court system.

2. If yes: *No*

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover? *N/A*

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

(a) **testing?** *Yes, only when a participant misses a scheduled test and they are taking an EtG test, by their choice, to make up for missing a test.*

- (1) **if so, what is the amount of fee charged the participant for testing?** *\$20.50-\$24.50*
- (2) **does this fees cover the total costs for testing? or only part?** *Part of testing.*
- (3) **if only a part, what is the total charge for testing? what source(s) of funds are used to pay the balance which the participant doesn't pay?** *Grant funding.*

(b) **treatment?** *Only if the participant has insurance then they pay their co-pay. If not indigent then the participant is responsible for paying for all of their treatment.*

- (1) **if so, what is the amount of fee charged the participant for treatment?** *\$35.00 for group sessions \$75.00 for individual sessions.*
- (2) **does this fee cover the total costs for treatment? or only part?** *Total.*
- (3) **if only a part, what is the total cost for treatment? what source(s) of funds are used to pay the balance which the participant doesn't pay?** *n/a*

5. (a) **Who collects the fees?** *Treatment agency.*
(b) **Where are they deposited?** *Treatment agency.*
(c) **Who monitors drug court participants' compliance with fee requirements?** *Court and Treatment agency.*

(d) Is a periodic report prepared regarding fees received/outstanding? *No.*

Pam Blue
86th District Court (D86)
DWI Drug Court
Grand Traverse County

We charge the normal court fines and costs. All other costs are out of pocket for them for drug testing, breathalyzers and treatment.

Jeanine Blakely
Administrator/Magistrate
92nd District Court
Luce and Mackinac County
Email: jlupnorth@lighthouse.net

1. Are drug court participants charged a flat weekly or monthly fee for program participation?

Yes

2. If yes:

- (a) **what is the amount of the fee?** *\$10 Weekly*
- (b) **what does this fee cover?** *Intensive case management supervisor*
- (c) **is this fee the sole fee participants pay?** *No*
- (d) **does your program assess this fee based on a sliding scale?** *No scale, everyone pays*
- (e) **If your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed?** *May work community service to off-set fees at \$7.40 per hour*

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover? *Drug testing fees, may have out of pocket treatment fees, fines and costs are still assessed.*

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

- (a) **testing?** *n/a*
- (b) **treatment?** *No*
 - (1) **if so, what is the amount of fee charged the participant for treatment?**
\$8.00 for a 10 panel drug test; \$25 for etg testing
 - (2) **does this fee cover the total costs for treatment? or only part?**
Depending on the phase as an incentive fees may be eliminated or reduced
 - (3) **if only a part, what is the total cost for treatment? what source(s) of funds are used to pay the balance which the participant doesn't pay?** *We have a 2% tribal award that is used to off set these testing charges. Under the current agreement with the State of Michigan for gaming revenue sharing, 2% of the Tribe's gaming revenue is set aside and made available to local units of government as determined by the Sault Ste. Marie Tribe of Chippewa Indians.*

- 5. (a) **Who collects the fees?** *Clerk of Court*
- (b) **Where are they deposited?** *Court/ funding unit*
- (c) **Who monitors drug court participants' compliance with fee requirements?**
Probation Officer
- (d) **Is a periodic report prepared regarding fees received/outstanding?**
Annual account receivable report to State Court Administrative Office

6. **If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.** *Byrne/JAG grant to help with mileage reimbursement for treatment.*

MINNESOTA

Dan Griffin
State Drug Court Coordinator
Chemical Health Minnesota Judicial Branch State Court Administrator's Office
Email: Dan.Griffin@courts.state.mn.us

Minnesota has an official policy for any of the fees that are actually managed by the courts (see appendix). Many of the courts have their fees through the counties. Included is a snapshot of each of the courts assessing fees, at the same time we were developing our policy.

Courts do not have to assess fees and almost all of them do. There has been a request to allow greater flexibility for the use of the fees given our current economic times.

SCAO – Drug Court Fees Information Response

District	County	Type of Court	Answers
3	Dodge	Hybrid	Eric Thompson
		1. How did your drug court team come up with your particular fee structure and payment requirements for your program?	The Dodge County Drug Court assesses each participant \$275.00 every 90 days. Each participant is responsible for paying any outstanding fees prior to moving into the next phase or graduating from Drug Court. The fee structure and payment requirements were based on what other Drug Courts nationwide have done as presented by our first coordinator (Bev Snow) and as approved by our team at inception.
		2. What is the purpose of the fee?	The purpose of the fee is to give each participant a sense of “buy-in” into their own recovery and to give them an opportunity to demonstrate responsibility by paying their fees off.
		3. Who collects the fee?	Dodge County collects the fees and all monies generated from the fees go back into the Drug Court general budget to help off-set the costs of Drug Court to the tax payer.
		4. How is the money that is collected used by the drug court?	Drug Court fees are frequently waived. If a participant is following all Drug Court criteria, they get \$5.00 off each week in Phase I, \$10.00 off each week in Phase II, \$20.00 off every other week in Phase III, and \$50.00 off once per month in Phase IV. Participants also have fees waived for completing treatment, aftercare, or halfway house placements, typically \$25.00-\$50.00 off. For completing a GED, a participant gets \$75.00

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			<p>waived. We also waive fees as an incentive for exceptional behavior on a case by case basis.</p> <p>Whenever a participant is given money off of their fees, we give them a voucher for the appropriate amount that is good for 30 days. The participant must be responsible enough to bring their voucher in to their next case management meeting to receive the money off of their fees that is contained within the voucher.</p>
3	Wabasha	Hybrid	Tanya Van Tol
	<p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p> <p>2. What is the purpose of the fee?</p> <p>3. Who collects the fee?</p> <p>4. How is the money that is collected used by the drug court?</p> <p>5. Are fees ever waived and if so, why and how are they waived?</p>		<p>The fee was discussed at an initial training and decided on at that time.</p> <p>The idea was that paying a fee gives people ownership into the program. We wanted the fee to be more than a nominal amount, but not so high that it would be a burden.</p> <p>The fee is mainly collected by the Coordinator, however, probation agents and other team members can also collect the fee. A receipt is given to all participants.</p> <p>At this time, the money collected is being set aside to use as match dollars or to buy testing supplies and/or participant incentives should there come a time when grant money is no longer available.</p> <p>WCSAC waives \$100 for each phase advancement. Leaving \$200 for participants to pay before graduation. At this time, we have not waived the final \$200 for any participant. We would ask the particular participant to put a request in writing and then the team would make a decision on the request based on that individual's circumstances.</p>
5	Blue Earth	Hybrid	Kevin Mettler
	<p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p> <p>2. What is the purpose of the fee?</p> <p>3. Who collects the fee?</p> <p>4. How is the money that is collected used by the drug court?</p> <p>5. Are fees ever waived and if so, why and how are they waived?</p>		<p>The team looked at other Drug Courts around the county they also looked at the county and came up with a number that they saw would be a workable number for the client to pay. The team also looked at operating costs to the Drug Court to come up with the number.</p> <p>The purpose of the fee is to help with operating costs in the Drug Court. It was also looked at as the clients buy in so that they took it more seriously.</p> <p>The fee is collected by the Blue Earth County Corrections office.</p> <p>It is used for rap around services and other Drug Court costs.</p> <p>If the clients are going above and beyond their programs they can get 10.00 off the fee one time per month as an incentive.</p>
9	Koochiching/LOW	Hybrid	Jim Eberspacher

<p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p> <p>2. What is the purpose of the fee?</p> <p>3. Who collects the fee?</p> <p>4. How is the money that is collected used by the drug court?</p> <p>5. Are fees ever waived and if so, why and how are they waived?</p>	<p>We combined the typical fines, fees and probation fees of an offense and divided it in half.</p> <p>To help defray costs of programming, namely drug testing.</p> <p>Fee payments are made to the Coordinator, receipted to the client and sent to the Ninth Judicial District office in Bemidji.</p> <p>We have used it for various expenses not included in the grant budget or to help defray costs that exceeded the grant budget.</p> <p>Fees are never waived. However, if a client has difficulty paying the fee, the client may be allowed to work off the hours with the Sentence to Serve crew.</p>
<p>2 Ramsey Adult</p>	<p>Tia Hernandez</p>
<p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p> <p>2. What is the purpose of the fee?</p> <p>3. Who collects the fee?</p>	<p>ASAC came up with fees at the initial on-set of the program via the established planning team. The figure was an arbitrary number, what most participants could afford since many are low income or indigent. This amount also took into consideration any probation fees that may be imposed. Initially, the amount was \$15.00 per month for the life of involvement. Approximately 2.5 years ago, that was changed to a flat fee, according to Track. Tracks 1-2 (Diversion) are assessed \$200.00 and Tracks 3-4 are assessed \$300.00. Tracks 1-2 have a lower amount due to Tracks 3-4 also being assessed probation fees. These flat fees also followed the decision making process for the original fee.</p> <p>A more important factor was to ensure that there would always be, at the very least, a small budget amount for participant program needs (see #4). Also, in theory, "fee for service" provides responsibility and ownership to clients for their participation. Finally, ASAC was aware that nationally, program fees were common.</p> <p>All money is funneled through Project Remand, non-profit 501(c3). This also allows us to accept any donations (which there have been on occasion). The program case managers collect the fees during court or office visits. Payment is by check, money order or cash. Participants receive a written receipt; another copy of the receipt is attached to the money and passed to the accountant at Project Remand, Mike Kovacs. He then deposits the money into the ASAC account and keeps a running total of all fees paid to date according to participant.</p>

<p>4. How is the money that is collected used by the drug court?</p> <p>5. Are fees ever waived and if so, why and how are they waived?</p>	<p>Program fees are used for participant transportation needs (bus passes/tokes), participant incentives (gift cards, books, medallions, other household items that can be used as reward, tickets to local events, graduation, etc) program activities that involve participants (picnics, ball games, etc), ancillary services if the participant is unable to pay/fully pay for the service (SCRAM), and any general program needs (office supplies, retreat materials, open house amenities-I try to pull these items from any budget line item I may have with Court Administration. This is hit or miss as to whether or not I have this line item available to me).</p> <p>Fees have been waived, on rare occasion in the past. No fees have been waived in the past three years. Fee waiver has occurred when participants have been challenged with mental illness which inhibited their opportunity for employment. Case managers can advocate for their participants on their behalf to have fees waive, which the entire team will discuss.</p>
<p>4 Hennepin Adult</p>	<p>Dennis Miller</p>
<p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p>	<p>The Hennepin County Drug Court implemented the “Training & Employment Fee’ in 1999. The original Drug Court team started the fee for two reasons. First, the fee was intended to enhance “offender accountability”. Second, we recognized an opportunity for participants to “give back” by assisting less fortunate participants with transportation, training, GED/ adult basic education, and other services & expenses. Up until 2007, the fee requirement varied depending on whether it was a diversion or post-conviction case. In most cases, the diversion fee was \$50 and \$100 for post conviction cases. We are now a post-conviction court. <i>* Most drug court participants are required to pay a Correctional Service fee of \$250.</i></p>
<p>2. What is the purpose of the fee?</p>	<p>The purpose of the fee is to assist indigent participants.</p>
<p>3. Who collects the fee?</p>	<p>The fee is collected by the Hennepin County Tax Cashier and administered by Community Corrections. Unspent funds are deposited in the general fund at the end of the year.</p>
<p>4. How is the money that is collected used by the drug court?</p>	<p>The money is primarily used to help pay for the salary of GED/Adult Basic Education teacher from the Minneapolis Public Schools. We also use the money to purchase bus cards, incentives, and to help pay for admission fees and educational/tuition expenses. Funds have also been used to help indigent participants purchase tools and equipment needed for employment i.e., barber tools, safety boots. In addition, we pay a small monthly stipend to an individual who escorts participants to various locations in the Government Center for various</p>

5. Are fees ever waived and if so, why and how are they waived?			assessments and drug testing services. The fee is occasionally waived by the Court because of the economic status of the participant.
5	FMJ	Adult	Beverly Snow
	1. How did your drug court team come up with your particular fee structure and payment requirements for your program?		Our team determined the cost for each participant to complete drug court is approximately \$6,000, we determined that the participants would have their probation fees waived during the time they are in drug court which is \$240 for the two years. Believing that the participants needed to be responsible for some of the cost since this is a great opportunity for them, we determined that 1/4th was fair. \$1500 divided by three 6 month periods is \$500. Attached is a form showing how they can earn 50% of the fees off by meeting drug court criteria, bringing their final fee obligation to \$700. They have the ability then to decrease that by doing community service at a rate of \$6 an hour. A minimum of \$100 per each six months must be paid by the participant or a total of \$300. So depending on progress and community service their fees run from \$300 - \$700. The minimum is just \$60 over their waived probationary fee. The team believed strongly that this was fair and equitable.
	2. What is the purpose of the fee?		To assist the participants in learning to be responsible members of society and to assist drug court with offset of some of the incentive expenses.
	3. Who collects the fee?		Currently the drug court coordinator but working on switching this to Court Administration
	4. How is the money that is collected used by the drug court?		Incentives and planned pro-social activities such as purchase of tickets for the Recovery month Twins game.
	5. Are fees ever waived and if so, why and how are they waived?		See the attached fee schedule. Appendix A
6	North St. Louis	Adult	Nicole Gosling
	1. How did your drug court team come up with your particular fee structure and payment requirements for your program?		We followed suit with the Duluth Drug Court in an effort to maintain consistency throughout the County. We are in the process of implementing minimum payments/phase.
	2. What is the purpose of the fee?		The fine assessed to the client has been reduced by \$400 and is required to be paid (as opposed to being worked off through CSW). Although we haven't yet spent any of the drug court fees collected, the intent is to use the money to buy incentives for the participants.
	3. Who collects the fee?		The payments are made to Court Admin and then requested by ARC as needed.
	4. How is the money that is collected used by the drug court?		Although we haven't yet spent any of the drug court fees collected, the intent is to use the money to buy incentives for the participants.
	5. Are fees ever waived and if so, why and how are they waived?		Not to date and I don't believe we intend to.

	how are they waived?	
6	St Louis -Duluth Adult	Jen Wright
	1. How did your drug court team come up with your particular fee structure and payment requirements for your program?	The initial team determined that it is beneficial for clients to pay a portion of their Drug Court costs. We also tried to make it consistent with what other Drug Courts were doing. Other defendants pay fines, and we made an attempt at fairness with regard to other crimes.
	2. What is the purpose of the fee?	To offset program costs, and provide a consequence for participants.
	3. Who collects the fee?	St. Louis County Court Administration.
	4. How is the money that is collected used by the drug court?	It pays for participant incentives as well as offsets programming/UA costs.
	5. Are fees ever waived and if so, why and how are they waived?	Drug Court Participants are allowed to work Community Service in lieu of paying the fee if they are indigent. They work off the fee at a rate of \$5.00/hour.
7	Stearns Adult	Brigid Murphy
	1. How did your drug court team come up with your particular fee structure and payment requirements for your program?	We were instructed at DCPI that our grant application would get better points for a fee structure that shows some sustainability and accountability of the clients. We went with an amount that would be the least restrictive for our clients. We charge 20 in phase 1, 30 in phase 2, and 50 in phase 3. Also \$5 for positive on site tests and 35 for positive confirmations.
	2. What is the purpose of the fee?	To provide accountability of our clients and for some sustainability.
	3. Who collects the fee?	Drug Court Staff - coordinator and case aid. Coordinator does the reconciliation of the account.
	4. How is the money that is collected used by the drug court?	For incentives, for our annual picnic and for graduation supplies (certificates and grad gifts)
	5. Are fees ever waived and if so, why and how are they waived?	Yes, fees are waived up to 50% in each phase for an incentive for positive performance in the program.
8	Kandiyohi Adult	Teresa Fredrickson
	1. How did your drug court team come up with your particular fee structure and payment requirements for your program?	Just last week our Drug Court Team reviewed the document that I received at the DCL meeting that outlined fees for the various existing Drug Courts in our state. We will conduct our first Drug Court session on Sept 21. We have 4 phases in our program and we have decided to charge \$275 per phase as our Drug Court fee after reviewing what other courts are doing.
	2. What is the purpose of the fee?	The fee's purpose is for participant accountability. The money would be used to purchase incentives and maybe pay some of the Drug Court testing fees.
	3. Who collects the fee?	We discussed having the county collect the fee at this time because SCAO has not established collection procedures as of yet.

<p>4. How is the money that is collected used by the drug court?</p> <p>5. Are fees ever waived and if so, why and how are they waived?</p>	<p>See #2.</p> <p>We plan on waiving part of the fees for incentive purposes.</p>
<p>9 Itasca Adult/Wellness Court</p>	<p>Jamie Bergerson</p>
<p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p>	<p>Although some in our group like to believe that we arrived at our fee by determining what the total amount would be if we asked participants to pay \$5.00 per week for the length of the program, the reality is that we used \$400.00 is because that's what Duluth's drug court fee was and we were planning on patterning our court after theirs. Even though we later changed our program so that it no longer resembles the Duluth mandatory model, we still kept the fee without much discussion. Fee.</p> <p>One important lesson that I have learned is that we probably could have charged more because all of our participants see our Wellness Court as a huge bargain, but that is because we are waiving all other fines and fees (except, of course, any mandatory minimums). Most of our clients are saving around a thousand dollars. In addition, most of our clients, once employed, appear to have the ability to easily pay \$10.00 per week.</p> <p>I don't see us changing our fee at any point in the immediate future, but it should be something that we look at long term.</p> <p>In addition, the importance of setting the right price point (for lack of a better term) should be emphasized to courts that haven't yet started. It seems a shame to be undercharging for a service that our participants appear to be willing to pay more for.</p>
<p>2. What is the purpose of the fee?</p>	<p>The purpose of the fee is twofold: 1) to help fund our drug court; and 2) to encourage personal responsibility and budgeting by requiring the participants to pay a certain amount (\$5.00) each week.</p>
<p>3. Who collects the fee?</p>	<p>The fee is collected by the coordinator each week before court begins. The coordinator provides each participant with a written receipt. The money and a carbon copy of the receipt are then delivered to the office of the Itasca County Auditor and the money is placed in a designated account for wellness court fees.</p> <p>While this process works fine with 6 participants, we will need to come up with a more efficient way of collecting funds when the program grows in size.</p>
<p>4. How is the money that is collected used by the drug court?</p>	<p>The money collected will be used primarily for incentives and for occasional special events, such as cakes, punch, and plaques at graduation. We have not determined any other uses, but we have decided that all expenditures of money collected will be for</p>

<p>5. Are fees ever waived and if so, why and how are they waived?</p>	<p>the benefit of program participants. I may ask the group to use some of the money to have participant handbooks professionally printed.</p> <p>We have not waived the wellness court fee and would be unlikely to do so. One of the requirements of wellness court participants is that they obtain employment while in the program. The weekly \$5.00 payment is reasonable enough that participants should be able to afford it if they are employed. In addition, wellness court participants have the benefit of having their criminal court fines (other than mandatory minimums) forgiven when they enter wellness court, so they are actually getting a break on the amount they would otherwise owe.</p> <p>We do recognize that it is possible that a situation could arise where a participant would be incapable of paying the fee, but we have not addressed that issue in depth and have not established any policy for waiving the wellness court fee.</p>
<p>5 <i>Brown-Nicollet-Watonwan</i> Multi-County Adult</p> <p>Brenda Pautsch</p> <p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p> <p>2. What is the purpose of the fee?</p> <p>3. Who collects the fee?</p> <p>4. How is the money that is collected used by the drug court?</p> <p>5. Are fees ever waived and if so, why and how are they waived?</p>	<p>It was based upon the probation supervision fee charged by Brown County - \$600. The fee must be paid in full by graduation.</p> <p>It's accountability, for receiving services from the drug court.</p> <p>Court Administration in all three counties</p> <p>A recent steering committee decision determined the fee should be used for any non-administrative type costs, such as incentives, drug testing and training.</p> <p>We have established a grid which recognizes length of sobriety, completion of treatment and drug court phases. The potential total fee amount that could be waived is \$305 – the grid has not been formally adopted yet by the steering committee.</p>
<p>1 Dakota County Juvenile</p> <p>Matthew Bauer</p> <p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p>	<p>We have no fees to be in the Dakota County Juvenile Drug Court. I may have responded some time ago that we have a probation fee that participants may have to pay, but that is incorrect. There are no fees to be on juvenile probation or to be in the drug court.</p>
<p>2 Ramsey Juvenile</p> <p>Heidi Heinzel</p> <p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p>	<p>The juvenile substance abuse court does not charge fees to participate in the program.</p>
<p>5 Brown Juvenile</p> <p>Traci Green</p> <p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p>	<p>All JAOD Court participants shall be required to pay a \$200.00 program fee.</p>

Frequently Asked Questions Series: Fees Charged Drug Court Participants, and Procedures for Collection and Monitoring of Fees Received. BJA Drug Court Technical Assistance Project. June 6, 2011

	<p>2. What is the purpose of the fee?</p> <p>3. Who collects the fee?</p> <p>4. How is the money that is collected used by the drug court?</p> <p>5. Are fees ever waived and if so, why and how are they waived?</p>	<p>The fee is for the duration of the program, not yearly and is assessed for CHIPS and delinquency cases.</p> <p>We assess a fee of \$200, which currently goes into the Brown County Probation Department - Drug Court fund.</p> <p>This is used for any juvenile drug court expenses.</p> <p>Reduction of program fees can be an additional incentive for compliance with program. Fees can be waived by the staffing team or JAOD Court due to hardship. Full payment of fees must be satisfied prior to graduation unless waived.</p>
10	Chisago Juvenile	Tanya Jones
	<p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p>	<p>Chisago County's JSAC does not charge any fees to our participants. Our Steering team feels based on the small community we are in and the poor families we are dealing with, we do not want to charge the families fees to be in the program. These families have a hard enough time coming up with money for phone bills and electric bills; it would be hard to charge them any type of fee for JSAC.</p>
2	Ramsey DWI	Niki Leicht
	<p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p>	<p>Ramsey County DWI Court is not collecting participation fees. This decision was made due to participants in the DWI Court already having to pay a probation fee in Ramsey County and the other high costs associated with DWI offenses.</p>
9	Aitkin County DWI	Kay Despard
	<p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p> <p>2. What is the purpose of the fee?</p> <p>3. Who collects the fee?</p> <p>4. How is the money that is collected used by the drug court?</p>	<p>Aitkin County looked at the minimum fine for a normal DWI. Typically a gross DWI would be \$900 plus the surcharge and law library fee. When someone goes into Sobriety Court they are charged \$900 program fee and then the criminal charge is the balance.</p> <p>The purpose of the fee is to eventually have enough money to be able to pay for things that the court or the court participants need and to prevent the appearance that going into Sobriety Court would cost the offender less money. Uncertainty about the future of funding sources and what will be needed by the court was the reason for collecting the fee.</p> <p>The money is collected by the Sobriety Court Coordinator. Even though participants have been given a "payment schedule" there are no consequences for non-payment until Phase IV. At that point they have to appear in court the 2nd Friday of the month if they did not make their scheduled payment by the first Friday.</p> <p>The money is deposited into a revenue fund with the County Auditor. Because we have been in operation for only a year and won't have our first</p>

<p>5. Are fees ever waived and if so, why and how are they waived?</p>	<p>possible graduate until the end of January 2008, we have not collected a lot of money. One participant has paid the total amount and others are making payments (small ones). The money has been used to provide a loan to one participant to get her work permit. This was a hardship case and being able to get her license more quickly made both an immediate and long term impact on the family.</p> <p>At this time fees have not been waived. We have entertained discussion of refunding a portion of the fee at completion of the program and other uses of the fee in an incentive plan (such as those outlined by Dr. Doug Marlowe) when we would have enough collected fees to support such a plan. We are a very poor county and our participants are not wealthy. Although we have a fee of \$900, only one participant has paid the full amount.</p>
<p>9 Beltrami DWI</p> <p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p> <p>2. What is the purpose of the fee?</p> <p>3. Who collects the fee?</p> <p>4. How is the money that is collected used by the drug court?</p> <p>5. Are fees ever waived and if so, why and how are they waived?</p>	<p>Pam Norenberg</p> <p>Beltrami County charges a fee of \$1,000, equal to the usual cost of a typical gross misdemeanor DWI fine. Each client is strongly encouraged to \$100 as soon as possible with the balance subject to waiver on conditions. No one graduates unless they have made all their payments—all part of the accountability piece.</p> <p>The national training has been such that teams were strongly encouraged to charge something for the programs. We are following the national recommendation of charging a fee. \$100 from each client would hardly sustain the program but it does help with incentives and gas cards.</p> <p>The coordinator collects the fees – only accepting checks or money orders. All checks and money orders are coded and mailed to Hanling Hsiao at SCAO for deposit.</p> <p>No money has been collected to date but any dollars collected would most likely be used to offset the expense of the program.</p> <p>Yes. The cost is \$1,000 with a \$500 credit if the client successfully completes the program and a \$400 credit if the client’s DL is reinstated while in the program for a possible total cost to the client of \$100. We will make the client pay \$100 upfront and then wait to see how they progress through the program before possibly assessing the balance of \$900.</p>
<p>9 Cass DWI</p> <p>1. How did your drug court team come up with your particular fee structure and payment requirements for your program?</p>	<p>Pam Norenberg</p> <p>Cass County charges \$10 a month, equal to the supervision fee. There is no structured payment schedule but all participants are strongly encouraged to keep up with the \$10 a month payment so as not to fall too far behind. No one graduates unless they</p>

	are current with their payments—all part of the accountability piece.
2. What is the purpose of the fee?	The national training has been such that teams were strongly encouraged to charge something for the programs. We are following the national recommendation of charging a fee. \$10/month from each client would hardly sustain the program but it does help with incentives and gas cards.
3. Who collects the fee?	The coordinator collects the fees – only accepting checks or money orders. All checks and money orders are coded and mailed to Hanling Hsiao at SCAO for deposit.
4. How is the money that is collected used by the drug court?	The dollars collected have been used to offset the expense of the program.
5. Are fees ever waived and if so, why and how are they waived?	No.

Attachments Included (see Appendix):

- Minnesota Judicial Council. Policy Number: 5.11 (2) Court Operations. Drug Court Fees.

MISSISSIPPI

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1. Are drug court participants charged a flat weekly or monthly fee for program participation?

2. If yes:

(a) what is the amount of the fee? *From \$20 - \$100 per month. Each court determines what amount they want to charge. All fees are deposited in a "local" drug court fund in the county to be used only for drug court needs.*

(b) what does this fee cover? *Costs that would otherwise not be covered by state money (ex. If the court went over their state approved budget)*

(c) is this fee the sole fee participants pay? *no*

(d) does your program assess this fee based on a sliding scale? If so, please provide the scale. *No*

(e) If your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed? *They continue to pay while they are enrolled in the program. The judge always reserves the right to reduce or do away with the fee for a particular person.*

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover? *treatment*

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

(a) testing? *no, unless the results are contested then they are sometimes required to pay the costs of the re-tests.*

(1) if so, what is the amount of fee charged the participant for testing? *A few dollars (if at all)*

- (2) does this fees cover the total costs for testing? or only part? n/a
(3) if only a part, what is the total charge for testing? what source(s) of funds are used to pay the balance which the participant doesn't pay?

(b) treatment?

- (1) if so, what is the amount of fee charged the participant for treatment? *Agreement between client and treatment provider*
(2) does this fee cover the total costs for treatment? or only part? *Total. Clients usually required to pay for own treatment. Reduced costs for treatment is worked out between provider and drug court. Also, the treatment facilities usually use a sliding scale. Also, state dollars can be budgeted to be used to pay for treatment of indigent clients.*
(3) if only a part, what is the total cost for treatment? what source(s) of funds are used to pay the balance which the participant doesn't pay? n/a

5.

- (a) Who collects the fees? *Sometimes drug court personnel but most often by circuit clerk's office*
(b) Where are they deposited? *Into a "Local" drug court fund*
(c) Who monitors drug court participants' compliance with fee requirements? *coordinator*
(d) Is a periodic report prepared regarding fees received/outstanding? *Yes. Case management system can provide this.*

6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them. N/A

MISSOURI

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Drug court programs in Missouri have been given the statutory authority to collect a fee.

Offenders under the supervision of the state board of probation and parole are required to pay a \$30 per month supervision fee. This fee is waived if the offender is participating in drug court. Because of this, our Drug Courts Coordinating Commission has required all adult drug courts to collect at least the equivalent of \$30 per month from each participant. Some programs charge more than this but all charge at least the minimum. This fee can be structured on a weekly, monthly, phase or program payment plan as the local team sees fit.

These fees are collected by local courts and are allowed to be used on program operation (treatment, testing, supervision, incentives, team training). Participants are still responsible for any court costs or restitution that they have been ordered to pay. Some participants are required to pay for specialized supervision services such as electronic monitoring or SCRAM. Local programs have been given discretion to reduce fees if participants are unable to pay the entire amount.

The drug court fees are paid to the program. In most cases the circuit clerk or county clerk has accepted this responsibility and fees are deposited in the county account. Regular reports are provided to the Judge and program administrator and are used to track required participant payments before drug court appearances.

NEW JERSEY

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We do not charge a fee for application or participation in the adult drug court program. All offenders on probation in NJ already pay a supervision fee, All drug offenders pay a "Demand Enforcement Drug Reduction" penalty of \$1000 for each convicted count and a lab fee. The DEDR penalties remain from one probation term to the next - and most of our participants have been convicted of drug offenses before so they can have thousands of dollars to pay before they are clear of court imposed fees. Last year there was legislation that amended this DEDR law to permit offenders to submit plans for "reformatory service" for credit for up to half the penalty and for judges to impose only one penalty even with multiple counts but the application has not yet been studied and judges have wide discretion on how they deal with these penalties. In addition, if a defendant pays for treatment directly. They can get credit on their DEDR penalty. This applies to all drug offenders, not those in DC.

We do not currently charge our participants for treatment. All of the TX services for the adult drug court are managed statewide through a partnership between our state alcohol and drug abuse agency and the AOC. We have reciprocal agreements for the exchange of information between the drug courts and the providers. Our FY10 treatment budget is a little under \$30 million. All of which comes from our state in special purpose funding.

Participants don't pay for testing, that is paid for in the Judiciary's portion of the special purpose funding. Along with all drug court positions and other operating expenses. If, however, a deft. challenges a test and confirmation is necessary and the test is confirmed positive. Some courts make them pay but not many.

NEW YORK

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1. Are drug court participants charged a flat weekly or monthly fee for program participation? No

2. If yes: n/a

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover? No

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

(a) testing? *The drug treatment courts do not charge fees. However, some courts require the defendant to pay for positive confirmation tests that were required due to contested instant read tests. Some courts that use SCRAM bracelets intend to transition the costs to the participants when current grant funds expire.*

(b) treatment? *Drug treatment service providers are licensed by the New York State Office of Alcoholism and*

Substance Abuse Services (OASAS). I have attached the OASAS Local Service Bulletin which describes their fee policy for treatment providers.

5. *N/A*

6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them. *N/A*

Attachments Included (see Appendix):

Local Services Bulletin No. 2009-01: Fee Policy and Fee-collection Procedures

NORTH CAROLINA

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North Carolina does not charge a fee and never will (unless something changes dramatically). Participants are responsible for probation supervision fees, their portion of sliding scale treatment fees, and for paying all restitution. In fact, SCRAM is currently prohibited for DTC participants because of its exorbitant costs and land-line necessity.

PENNSYLVANIA

P. Karen Blackburn, Program Administrator
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Pennsylvania has a unified court system that is funded locally and it varies from program to program. For those programs that do charge fees, the amount is minimal at best (\$5). Fees for DUI courts may be slightly higher. We are not aware of any program that turns someone away who cannot pay.

The programs that do collect fees use the funds for incentives.

There are additional charges specific to drug court clients, however, drug court clients are assessed the same court fees - fines, costs, restitution, etc. as any other court user.

UTAH

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1. Are drug court participants charged a flat weekly or monthly fee for program participation? *Yes*

2. If yes:

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(a) **what is the amount of the fee?** *From \$20 - \$100 per month. Each court determines what amount they want to charge. All fees are deposited in a "local" drug court fund in the county to be used only for drug court needs.*

(b) **what does this fee cover?** *Costs that would otherwise not be covered by state money (ex. If the court went over their state approved budget)*

(c) **is this fee the sole fee participants pay?** *no*

(d) **does your program assess this fee based on a sliding scale? If so, please provide the scale.** *No*

(e) **If your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed?** *They continue to pay while they are enrolled in the program. The judge always reserves the right to reduce or do away with the fee for a particular person.*

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover? *Treatment*

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

(a) **testing?** *no, unless the results are contested then they are sometimes required to pay the costs of the re-tests.*

(1) **if so, what is the amount of fee charged the participant for testing?** *A few dollars (if at all)*

(2) **does this fees cover the total costs for testing? or only part?** *n/a*

(3) **if only a part, what is the total charge for testing? what source(s) of funds are used to pay the balance which the participant doesn't pay?** *n/a*

(b) **treatment?**

(1) **if so, what is the amount of fee charged the participant for treatment?** *Agreement between client and treatment provider*

(2) **does this fee cover the total costs for treatment? or only part?** *Total. Clients usually required to pay for own treatment. Reduced costs for treatment is worked out between provider and drug court. Also, the treatment facilities usually use a sliding scale. Also, state dollars can be budgeted to be used to pay for treatment of indigent clients.*

(3) **if only a part, what is the total cost for treatment? what source(s) of funds are used to pay the balance which the participant doesn't pay?** *n/a*

5. (a) Who collects the fees? *Sometimes drug court personnel but most often by circuit clerk's office*

(b) **Where are they deposited?** *Into a "Local" drug court fund*

(c) **Who monitors drug court participants' compliance with fee requirements?** *Coordinator*

(d) **Is a periodic report prepared regarding fees received/outstanding?** *Yes. Case management system can provide this.*

6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them. *N/A*

VERMONT

Karen Gennette

State Drug Court Coordinator

Vermont Administrative Office of the Courts

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1. Are drug court participants charged a flat weekly or monthly fee for program participation?

Vermont does not charge a fee for program participation.

2. If yes: N/A

3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover?

Sometimes the participants will owe restitution. In Vermont, there is a restitution unit that received the order and collects the restitution payment. They are in touch with the coordinators about compliance with restitution payments. There was a point in time when the coordinator kept track of the restitution payments and sent them to the unit. Now that the coordinators and Restitution Unit understand how this can work - we've moved this back to the Restitution Unit.

4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:

(a) testing?

They do not currently pay for testing although there may come a time when we have to charge for some of the testing. Currently, Medicaid and private insurance pay for testing.

(b) treatment?

Medicaid or private insurance pays for most of the treatment cost. The participant may be charged a sliding scale fee for the balance or co-pay.

5.

(a) Who collects the fees? *The treatment agency does the collection.*

(b) Where are they deposited? *n/a*

(c) Who monitors drug court participants' compliance with fee requirements? *Treatment provider*

(d) Is a periodic report prepared regarding fees received/outstanding?

The treatment provider will periodically give a report on who is paying and who is not.

6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.

The coordinators' positions are paid for by State general funding which goes to the Vermont Dept. of Health Division of Alcohol and Drug Abuse Programs and then to the Court Administrator's Office through an MOU. The clinical case manager's positions are in the single state agency's state and federal funding. The prosecution and defense attorneys and Dept of Corrections do not receive additional funding. Other than the funding for the coordinator's the courts do not receive additional funding. We have obtained grants for training, add'l clinical case management and retired judge funding.

VIRGINIA

Anna Powers

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Department of Judicial Services

Office of the Executive Secretary

Supreme Court of Virginia

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The Virginia Drug Treatment Court Statute requires participants pay for treatment while in the program. The fees and fee schedule are determined locally and vary throughout the state.

WASHINGTON

Mary Taylor, Drug Court Program Manager
King County (Seattle) Drug Court
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- 1. Are drug court participants charged a flat weekly or monthly fee for program participation?**
Participants are required to pay \$100 before they graduate (and only if they graduate) or perform 24 hours of community service.
- 2. If yes:** *N/A*
- 3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover?** *N/A*
- 4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for: treatment and testing?** *N/A*
- 5.** *N/A*
- 6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.** *In King County Adult Drug Court, all treatment and court expensed are paid with funding from the state and county.*

WYOMING

Enid White
State of Wyoming Court Supervised Treatment Program Coordinator
Mental Health and Substance Abuse Services Division
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- 1. Are drug court participants charged a flat weekly or monthly fee for program participation?** *Per statute, the Participants must contribute financially to their own program. Some Programs charge monthly fees, some one-time fees, and some weekly.*
- 2. If yes:**
 - (a) what is the amount of the fee?** *Fees vary from \$1.00 to \$100 per month. They may also charge a flat fee for the program (example: \$1,000), which can be paid during the course of the program*
 - (b) what does this fee cover?** *Each Program uses the funds for various things. Most use the funds go toward incentives or educational materials.*
 - (c) is this fee the sole fee participants pay?** *Participants may pay program fees or treatment costs or both.*
 - (d) does your program assess this fee based on a sliding scale? If so, please provide the scale.** *The Program and treatment providers assess on sliding fee scales. I do not know what those are, but will obtain that information from the programs.*
 - (e) If your program does not use a sliding scale, how is a potential participant's inability to pay the required fee addressed?** *N/A*
- 3. If drug court participants pay other fees in addition to the weekly or monthly fee charged (see # 2 above), what is the amount of these additional fees and what do they cover?** *There are no additional fees.*
- 4. If you have not already answered this question in your responses to Nos. 1-3 above, do the fees charged to participants include the fees for:** *Programs may contract with a treatment provider and this includes contracting for treatment and testing – thus, in most cases, the Program pays for the testing using state and federal grant funds. The testing cost may be included in the Program fees that the Program charges to each Participant – but rarely. Some Programs require Participants to pay out of pocket for testing and*

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treatment. If the Participant has to pay anything out of pocket, it is usually on a sliding fee scale. Each Program handles this differently, it all depends on the treatment provider and the contract the Program has with that Provider. We are encouraging all Programs to have their treatment providers bill private insurance or Medicaid first, before charging the Program for treatment and testing. No participant can be turned away for inability to pay.

(a) testing? (See above)

(b) treatment? Programs either employ or contract with treatment providers who are certified by the state. Treatment is paid for 90% of the time by the program using state and federal grant funds.

5.

(a) Who collects the fees? Program fees are collected by the Program.

(b) Where are they deposited? Each Program must have a specific account to deposit grant funds, fees, donations, etc.

(c) Who monitors drug court participants' compliance with fee requirements? Per statute, all funds are monitored by a financial agent who is employed by either the county, city, tribal entity, or 501(c)(3) that governs the Program.

(d) Is a periodic report prepared regarding fees received/outstanding? All Programs must send to the state an end of the year financial audit conducted by an outside entity. Further, Programs send monthly invoices to the state which reflects how they are spending state grant, federal grant and participant fees each month.

6. If the fees participants pay do not cover the total costs for the drug court program and you have not already answered this question in your responses to Questions 1-5, what additional costs are incurred for the program and what source(s) of funds are used to pay for them.

In Wyoming, Programs received funds from the state using a funding formula which looks at the number of Participants that the Program serves per year and multiplies that number by a base figure (\$9,395.09 for adult participant and \$11,401.80 for juvenile participant) (Example – 25 adult participants times \$9,395.09 would give the Program \$234,879 per year from the state grant). Programs must come up with a local match (cash and in-kind donation) from their governing body (city, county, tribe, or 501(c)(3)), and the match must be greater than 25% of the grant that the state gives them. (Example: 25% of 234,879 equals \$58,719.31). Programs are free to apply for federal funding and some Program receive donations from churches and/or organizations in their area.

Cost for each program which are paid out of the state grant are in three categories: a) administrative costs (salaries/wages and benefits for Program employees, dues, internet and phone service, utilities, office supplies, postage, copy charges, advertising, equipment maintenance and purchases, office space, audits, evaluations, and professional services); b) training costs and travel; and c) treatment costs (treatment, salaries and wages for in-house providers, ancillary services, mental health or other counseling services, educational programs, educational material, drug testing and supplies, electronic monitoring, graduation and incentives, family activities, and confirmation kits).

Appendix

MINNESOTA



Minnesota Judicial Branch Policy

Policy Source: Minnesota Judicial Council

Policy Number: 5.11 (2)

Category: Court Operations

Title: Drug Court Fees

Effective Date: December 20, 2007

Revision Date(s): - - -

Supersedes: - - -

Drug Court Participant Fees

I. POLICY STATEMENT

It is the policy of the Judicial Branch that drug court fees collected and deposited by the courts will be managed in a fair and efficient manner, in accordance with Minn. Stat. § 357.42 (2007).

The purpose of drug court fees is to facilitate offender accountability and investment in the drug court program. While there is no obligation for a drug court to assess a specific drug court program fee, the limit for the fee is \$1500 annually. Fees must not be used for personnel costs. In accordance with the statute, all drug court fees collected by the courts must be spent only on the following allowable drug court program expenses:

Allowable Expenses:

- Program Costs (copying, brochure development, etc.)
- Incentives
- Local training needs
- Drug Testing (reimbursement of court partners).
- Chemical and mental health treatment services if not covered by the Consolidated Chemical Dependency Treatment Fund (reimbursement of court partners) and all other payment options (private insurance, PMAP, etc.) have been exhausted (reimbursement of court partners). In order for reimbursement to occur, contracts must be in place with the respective agencies and/or organizations.

Fee Alternatives:

- All programs that assess drug court fees may include the option to waive part or all of the fee as an incentive for progress and positive behavior in the program as well as for any participants who are unable to pay the fee due to indigence (*in forma pauperis*).
- Where available, a drug court should include the option of community service as an equivalent to part or the entirety of a drug court fee for those unable to pay, as appropriate.

Administration of Fees:

- All drug court fees collected by the courts will be deposited into the designated district drug court fee account.

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- The fees will be earmarked for the specific court program that collected them and can only be spent by that program.
- When drug court fees are deposited into non-court budgets (i.e. county auditor, probation, etc.), it is not appropriate for court personnel to administer, collect or maintain the fees.

II. IMPLEMENTATION AUTHORITY

Implementation of this policy shall be the responsibility of the chief judges of the respective judicial districts.

III. EXECUTIVE LIMITATIONS

None.

NEW YORK

Home Resources Local Service Bulletins

Local Services Bulletin No. 2009-01: Fee Policy and Fee-collection Procedures (Supercedes OASAS Local Service Bulletin 2002-02)

Date Issued: January 9, 2009

RECIPIENTS

- **All Treatment Service Providers**
- **Local Governmental Units (LGUs)**

PURPOSE

The purpose of this Bulletin is to update OASAS policy regarding provider fees and fee-collection procedures for the provision of treatment services. The Bulletin also alerts providers about Medicaid legal requirements. OASAS policy is consistent with Mental Hygiene Law [MHL], which requires Local Government Units (LGUs) and agencies to establish reasonable fees and fee-collection procedures for treatment services provided under OASAS regulations. OASAS requires that all certified providers adopt policies and procedures governing the assignment and collection of fees in accord with this Bulletin, which supersedes/replaces LSB 2002-02.

STATUTORY/REGULATORY AUTHORITY

New York State MHL Articles 25.17 and 41.25; New York State Department of Health Social Services Rules and Regulations § 515.2(8), (9) and (17).

BACKGROUND

OASAS no longer requires funded providers to obtain OASAS' prior approval of fee policies and sliding-scale rates for payment of treatment services. Instead, OASAS now requires that all certified providers, funded and non-funded, develop and conform their fee policies and payment scales to the policy described in this Bulletin, and to have such available to OASAS and/or the LGU upon request.

OASAS is updating policy in this area to assure that providers' fee-policies and fee-collection practices are fair, consistent and lawful.

OASAS recognizes that treatment is not free and supports payment for services. Studies show that payment for services has therapeutic value when providers set fair treatment fees and implement consistent collection procedures. Patients are required to pay equitable fees for services, or obtain coverage when eligible. Patients

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benefit when treatment services include fiscal responsibility. Financial counseling adds insight to patient functioning and augments recovery.

POLICY

OASAS affirms that treatment is primary. OASAS expects all providers to maintain treatment-first standards, while maximizing revenue. Fees must be fair and collection practices lawful. Providers should integrate fiscal goals within sound clinical practice and individualized treatment. All providers are required to establish written policy and procedures for fee assessment and payment collection, which must include the following:

- OASAS-funded providers cannot refuse treatment to a patient due to an inability to pay for treatment services. OASAS funded providers must accept otherwise eligible applicants who are unable to pay, and assist in obtaining coverage or payment after admission. Non-funded providers are recommended to follow the same principle.
- OASAS-funded providers must accommodate low-income brackets and include patients' ability to pay in their fee analysis and collection procedure. Non-funded providers are recommended to do the same. Fee assessments should occur at admission, when patients' financial situations change, and at any time a patient requests a re-assessment.
- OASAS-funded providers must apply fair self-pay fees for employed patients by using a progressive sliding scale based on net income and objective criteria, including: verifiable household income; number of dependents; and other common expenses such as rent and medical. Fees should not be based on a fixed percentage across all income brackets, which could disproportionately penalize lower-income patients, but rather, should use larger percentages as patients' available income increases. Non-funded providers are recommended to do the same.
- Resulting self-pay fees for out-patient services are to be all inclusive and reasonably related to cost of overall services. Weekly, biweekly, or monthly fees are best to prevent possible overcharge for needed out-patient multiple visits or services delivered in a given time period.
- All providers must give receipts to patients immediately after payment of each self-pay fee, and upon request. Patients have a right to receive a written copy of their bills and payments upon request.
- Providers may charge 'spend-down' patients only long enough to activate full Medicaid coverage. Providers must give such patients a bill/receipt with attendance dates for the patient to provide to social services.
- By law, no provider can charge Medicaid-covered/eligible patients any fee for services covered by Medicaid, as Medicaid provides total reimbursement. No provider can require a Medicaid-covered/eligible patient to obtain an adjunct or non-essential service and charge a self-pay fee; such a service must be voluntary. No provider can require "threshold" visits for a Medicaid-covered eligible patient simply to collect Medicaid, nor collect a self-pay fee for missed or non-scheduled "threshold" visits.
- No provider may collect fees in advance of a service. No provider may retroactively apply upward adjustments for services already provided. No provider may discontinue needed services while temporary interruptions of insurance or Medicaid coverage are being resolved.
- No provider may require upfront fees as a requisite for admission, even for repayment of prior debt. Providers should admit an otherwise appropriate applicant after waiving or reducing debt, or devising an equitable repayment plan, or any combination, and implement after admission. Patients/applicants should agree in writing to the repayment plan.
- Providers must give patients upon request and applicants at initial contact, a copy of the provider's fee policy, sliding scale, assessment criteria, and collection practice, including a delinquent-payment policy/procedure and incremental consequences. Patients/applicants should agree in writing to abide by the provider's fee policy after receipt.
- Patients who are able but repeatedly refuse to pay, or patients who are eligible for insurance but repeatedly refuse to obtain or maintain coverage, may be discharged involuntarily after interventions and after due process.

LGUs may require filing, review, and approval of provider fee policies and scales, and may add requirements, if necessary. OASAS recommends that all providers review and conform to any local requirements regarding the

collection of fees.

CONCLUSION

OASAS is committed to effective treatment with fiscal responsibility, including equitable fees and collection policies for delivered services. All providers are responsible to comply with the above-stated policy, as is applicable, and to update fee schedules and collection policies, if and when appropriate.

SOURCE(S) OF FURTHER INFORMATION

OASAS staff in the Bureaus of Statewide Field Operations, Healthcare Financing and Third-Party Reimbursement, and Enforcement are available to help providers develop or revise fee policies and procedures and payment scales.

Copies of Medicaid updates are available at:

http://www.health.state.ny.us/health_care/medicaid/program/update/medup-c.htm#copay

Copies of the Medicaid Provider Manual are available at:

http://www.emedny.org/providermanuals/allproviders/pdfs/information_for_all_providers-general_policy.pdf

Copies of all active Local Services Bulletins are available on the OASAS Web Site at:

<http://www.oasas.state.ny.us/mis/bulletins/lsbhome.htm>



We welcome any additional comments or perspective on this issue.

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