



AMERICAN UNIVERSITY
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JUSTICE PROGRAMS OFFICE

SCHOOL OF PUBLIC AFFAIRS

FREQUENTLY ASKED QUESTIONS SERIES: States With Mechanisms for Ongoing Drug Court Funding

Subject: States With Mechanisms for Ongoing Drug Court Funding
 From: BJA Drug Court Clearinghouse Project
 Date: February 2, 2010

QUESTION

Dan Griffin, State Drug Court Coordinator for Minnesota, requested information as to how many states have institutionalized drug court programs to the point that they provide for drug court funding through a line item in the budget or other mechanism that provides funding stability from year to year.

Respondents were asked to indicate:

- (1) whether the drug court is a standing budget item**
- (2) if so, to describe the funding provision; and**
- (3) what the funding covers**

The following is a chart listing all 50 states and the District of Columbia, with an indication of those 26 states for which responses have been received. As the chart reflects, of the 26 states that responded, 19 indicate that “drug courts” are a standing budget item and one additional state (Mississippi) indicates that drug courts are a recipient of an assessment on misdemeanor convictions.

State	Respondent	Does the Drug Court Have A Standing Budget Item?	If Yes, Describe the Nature of the Funding Provision	What Does the Funding Cover?	Comments
AL	Ceryl Plato-Bryant, State Coordinator, Court Referral Programs, Administrative Office of Courts, cheryl.plato-bryant@alacourt.gov	No	n/a	n/a	The state of Alabama funding for drug courts is not a standing budget item.
AK	Michelle Bartley, Therapeutic Courts Program Coordinator, mbartley@courts.ak.gov	Yes	Last year, the Legislature created a line item in the Court System’s budget for therapeutic courts. They are currently working on defining just what funds they intend to go there (there are concerns	n/a	

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	state.ak.us		expressed about this by some of our executive branch partners). Whatever does end up there has the potential to be impacted by the level of support our courts find in the Legislature.		
AZ					
AR	Carol Roddy, Carol.Roddy@arkansas.gov	Yes	Arkansas funds the bulk of adult drug courts through the Department of Community Corrections so while they may be “institutionalized” they are also subject to across the board budget cuts. The court funding is scrutinized during the budget process for this agency and therefore, subject to not only the whims of the legislature, but also the governor.	n/a	
CA					
CO	Shane Bahr, State PSC Coordinator Colorado Judicial Department, Planning and Analysis, shane.bahr@judicial.state.co.us	No	n/a	n/a	Colorado does not have a specific line item for Drug/problem solving courts. While we do receive some general funds for problem solving courts, we have elected to not create separate line items specific to drug/problem solving courts. This funding is integrated into existing lines (Trial Court and Probation) but are targeted, allocated and tracked separately at the SCAO. Our intent is to institutionalize the programs without creating separate line items that may otherwise become more vulnerable to the legislature.
CT	Kimberly D. Joyner, L.M.F.T Caseflow Management Specialist Court Operations - Criminal Division, Kimberly.Joyner@jud.ct.gov	Yes	Appropriations for Connecticut's three drug courts are determined by the administrator's of the Judicial Branch Budget. Statutorily, Connecticut must maintain at least one drug court. The funds allocated to run the three current sites can be re-allocated as need be within other lines within the Judicial Budget. The legislature certainly has the ability to increase or decrease funding to the courts. Sec. 51-181b. Drug docket and drug courts. (a) The Chief Court Administrator may establish in any court location or juvenile matters court location a docket separate from other criminal or	n/a	

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			<p>juvenile matters for the hearing of criminal or juvenile matters in which a defendant is a drug-dependent person, as defined in section 21a-240. The docket shall be available to offenders who could benefit from placement in a substance abuse treatment program.</p> <p>(b) The Chief Court Administrator shall establish, within the appropriations designated in public act 03-1 of the June 30 special session* for said purpose, one or more drug courts for the hearing of criminal or juvenile matters in which a defendant is a drug-dependent person, as defined in section 21a-240, who could benefit from placement in a substance abuse treatment program.</p> <p>(P.A. 95-131; P.A. 97-248, S. 6, 12; June 30 Sp. Sess. P.A. 03-6, S. 164.)</p> <p>*Note: Public act 03-1 of the June 30 special session is entitled "An Act Concerning Expenditures and Revenue for the Biennium Ending June 30, 2005". (See Reference Table captioned "June 30, 2003" in Volume 16 which indicates the appropriations sections in said act.)</p> <p>History: P.A. 97-248 replaced provision requiring Chief Court Administrator to designate a court location in which a pilot program for a separate drug docket is to be established with provision authorizing said administrator to establish in any geographical area court location or juvenile matters court location such a docket, specified that the docket shall be separate from other juvenile matters, authorized the docket to hear juvenile matters in which a defendant is a drug-dependent person, specified that the availability of the docket to offenders 16 to years of age is only in a geographical area court location and deleted former Subsec. (b) requiring the implementation of the pilot program and a report re its expansion, effective July 1, 1997; June 30 Sp. Sess. P.A. 03-6 designated existing provisions as Subsec. (a) and amended said Subsec. to delete provision that limited the docket to a "geographical area" court location and revise provision re availability of the docket by replacing "shall be available to, but not be limited to, offenders who are sixteen to twenty-one years of age and who could benefit from placement in a substance abuse treatment program" with "shall be available to offenders who could benefit from placement in a substance abuse treatment program" and added new Subsec. (b) re establishment of one or more drug courts, effective August 20, 2003.</p>		
DE					
DC					
FL	Jennifer Grandal, Court Operations Consultant Office of the State	No	n/a	n/a	Florida does not currently have a line item in the state's budget for drug

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	Courts Administrator, grandalj@flcourts.org				courts. Unfortunately, we still depend on various local, state, and federal funding sources to support local drug court operations.
GA					
HI					
ID	Norma Jaeger, njaeger@idcourts.net	Yes	Idaho has had a dedicated fund for drug courts and family court services, with revenues coming from a surcharge on liquor sales from state liquor dispensary system and also from fines. The appropriation for drug courts does have to come from the Legislature annually but is a reasonably secure line item in the budget. Funding levels may fluctuate but the line is quite secure (and the Legislature is very supportive of problem solving courts.)	n/a	
IL					
IN					
IA					
KS					
KY	Connie M. Payne, Executive Officer, Drug Court Administrative Office of the Courts, conniepayne@kycourts.net	No	n/a	n/a	Kentucky Drug Courts are not a line item. We are included in the budget for the Judicial Branch.
LA	Julia C. Spear, jspear@lajao.org	Yes	Drug Court funding in Louisiana is a line item within the Judiciary budget, which is approved by the Legislature.	Expenses for the Drug Court Office and the funds we distribute to the local programs.	
ME	Hartwell Dowling, Diversion and Rehabilitation Coordinator, Administrative Office of the Courts, Hartwell.Dowling@maine.gov	Yes	Maine's drug courts are funded by tobacco settlement money, a portion of which is put into the General Fund to pay for the coordinator. This is a vulnerable source as it has been reduced in the recent past to cover the state budget deficit.	n/a	
MD					
MA					
MI					
MN					
MO	Rick Morrissey, Treatment Court Coordinator,	Yes	In Missouri, we do have a line item in the budget for treatment courts. It exists in the judicial branch budget to be	n/a	

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	Division of Court Programs and Research, Office of State Courts Administrator. richard.morrisey@courts.mo.gov		allocated to our Drug Courts Coordinating Commission. Even though this line item exists, its continued funding depends on annual recommendations by our Governor and passage by the General Assembly. The treatment courts have been very fortunate to have significant support in those branches of government over the past ten years.		
MS	Joseph K. Craft, jcraft@mssc.state.ms.us	No – but see comments	n/a	n/a	Mississippi has no Line-item in the state's budget for drug courts. Funding comes from an assessment of \$10 on all misdemeanor and felony convictions (including traffic violations) and are deposited within a special fund known as the State Drug Court Fund. Those monies are used to fund all drug court programs operating in Mississippi. Funding mechanism brings in approximately \$4.5 Million per year. Drawback: Special Funds are subject to being raided in times of need. The Drug Court Fund was no exception.
MT	Jeff Kushner, JKushner@mt.gov	Yes	Montana has a standard line item in the court administrator's office for drug courts.	n/a	
NE					
NH					
NJ	Carol Venditto, Statewide Drug Court Manager AOC, Criminal Practice Division, Carol.Venditto@judiciary.state.nj.us	Yes	New Jersey's drug courts are funded annually through a "Special Purpose" line item that is included in the Judiciary's annual appropriation. It is "special purpose" in that it cannot be used for any other purpose than the operation of the adult drug courts. The adult drug courts in NJ target prison-bound offenders (94%) so the program is viewed as saving the state money because prison is more expensive than drug court - even with the most intensive LOC of treatment is included. The drug court budget is subject to the	In FY10 the adult drug courts were appropriated \$44.6 million. About \$29 million of this fund is devoted to the procurement of treatment services for program participants. This money comes to the AOC and we forward it to the Division of	

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			<p>same budget process as all other items in the state's budget, but since the statewide implementation project began in 2002 (when our grant funded pilots were moved to state funding as the grant funds expired) our funding could be considered "stable" in that we have been consistently supported by all three branches of government in a bipartisan manner since the cost savings and the outcomes of the pilot programs were first made public.</p> <p>We have been most fortunate indeed, but we are also facing this coming year an unprecedented financial crisis in our state budget and we will shortly get a new governor. Therefore, we have to wait and see whether these factors will impact our funding in the future.</p> <p>Drug court is not the only other special purpose item on the budget... "special purpose" refers to the conditions of the funding.. that it cannot be used for other purposes. That protects the funding from being used to support other initiatives. By making it special purpose the legislature protects and preserves the funding for drug court use only. Theoretically, other programs could be added.. or services.. but that would be part of the budget process discussions. We work with the Office of Management and Budget to develop a realistic budget request during the budget process based on any planned expansion or mandatory growth needs - so if we needed say.. a car or PC equipment for new POs.. we could use the money for that too.</p>	<p>Addiction Services (DAS) in the Department of Human Services and they contract with licensed treatment providers in all 21 counties. There is a cooperative agreement between the AOC and DAS that establishes the details of this relationship.</p> <p>About \$15.6 million is allocated to the AOC for the support of 8 FTE Superior Court Judgeships and associated costs. Three AOC statewide coordination positions are funded and approximately 200 positions in the local courts including the drug court coordinators, substance abuse evaluators and enough probation supervision officer positions to keep caseloads below 50 participants per officer.</p> <p>The AOC budget includes funds not just for positions but for operating expenses.. most importantly for drug testing.</p>	
NM					
NV	Vicki Elefante, elefante@nvcourts.nv.gov	Yes	In 2003, the Nevada Legislature approved a \$7 administrative assessment fee to all misdemeanor fines to assist with funding of specialty courts. This generates approximately \$4.5M a year. In addition, the law reads bail forfeited will be deposited into the account that supports Specialty Courts. Bail forfeiture generates approximately \$120K a year. In 2007, the	Since the funds are administered by the Office of the Court Administrator we set the parameters on what we will fund. We have a committee and the committee	

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			<p>Court went to the Legislature identifying a lack of funding for Specialty Courts, so they reallocated Supreme Court administrative assessment funds and backfilled that funding stream with general fund. The administrative assessment revenue is approximately \$1.9M a year, therefore we have approximately \$6.5M a year to allocate to Specialty Courts. The funds are held in an account with the State General Fund but the funds are administered by the Office of the Court Administrator.</p>	<p>determined treatment was the most important aspect, therefore we pay for treatment which is salary benefits treatment (case manager), professional services treatment (counseling), drug testing supplies and equipment, operating expenses and in mental health court we pay for residential.</p>	
NY	<p>Frank T. Jordan Executive Assistant to the Chief of Policy and Planning for New York State Courts fjordan@courts.state.ny.us</p>	Yes	<p>Resource Coordinator positions, which have administrative responsibilities for maintaining the drug court team collaboration, would be expected to provide case management for 30 cases in a criminal drug treatment court and 20 cases in either family or juvenile drug treatment courts.</p> <p>Case Manager positions, which provide only case management functions, would be expected to provide case management for 50 cases in criminal drug treatment court and 30 cases in either family or juvenile treatment court.</p>	n/a	
NC	<p>Kristin P. Frescoln, Kirstin.P.Frescoln@aoc.nccourts.org</p>	Yes	<p>North Carolina's drug courts (DTC staff positions plus administrative support) are primarily funded through a legislative line item within the Judicial Branch's budget. Some positions are supported through county funding or grants.</p> <p>Excerpt from North Carolina's DTC Minimum Standards</p> <p>Article III - State Drug Treatment Court Fund</p> <p>§3.1.Fund Administration (Revised on 2/29/08)</p> <p>The State Drug Treatment Court Fund is administered by the Director of the Administrative Office of the Courts in consultation with the State Drug Treatment Court Advisory Committee. Funding of local drug court programs shall be based upon the following:</p> <p>(1)availability of State funds appropriated to the N. C. Drug Treatment Court Act; and (2)recognition as a local Drug Treatment Court by the State Drug Treatment Court Program by meeting the requirements of the guidelines/ minimum standards.</p>	<p>Most of the cost associated with operating a DTC (treatment, drug testing, probation supervision, TASC assessment) is allocated/included in the budgets of the responsible agency (DCC, DMHDDSAS within the Executive Branch) and is seen as the cost of doing business (whether there was a DTC in the district or not). We have a standardized case load to staff ratio established with the idea that as the court census grows, additional resources</p>	

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			<p>Due to the growing interest in starting new drug treatment courts in North Carolina, which will require additional resources, State Drug Treatment Court staff in the Administrative Office of the Courts (AOC) shall monitor drug treatment court caseloads on a regular basis to assess whether they meet the following caseload standards:</p> <p>(1) Adult Drug Treatment Courts - 1 FTE case coordinator for every 30 participants; (2) Family Drug Treatment Courts - 1 FTE case coordinator for every 20 participants; (3) Youth Drug Treatment Courts - 1 FTE case coordinator for every 20 participants.</p> <p>State Drug Treatment Court staff shall provide technical assistance to assist Drug Treatment Courts to achieve and maintain these standards, and when they are not consistently met, to develop action plans to increase caseloads. State DTC staff shall report the status of Drug Treatment Court caseloads to the Drug Treatment Court Advisory Committee and the AOC Director on an annual basis. Based on an assessment of caseloads over time, the AOC shall annually review funds allocated to increase/create case coordinator hours in courts that regularly exceed caseload standards, and to reduce/eliminate case coordinator hours in courts that do not regularly meet caseload standards. In addition, the AOC shall develop bi-annual plans to request funding from the General Assembly to establish new courts, expand existing courts and continue courts which have been initiated on federal funds or other funds, and subsequently meet the standards for recognition as a N. C. Drug Treatment Court.</p> <p>Statutory Authority: G.S. 7A-794</p> <p>§3.2. Use of Funds for Adult Drug Treatment Courts (Revised 9/29/06)</p> <p>(1) Funds appropriated to adult Drug Treatment Courts for the North Carolina Drug Treatment Court Act shall be used to provide case coordination to offenders sentenced to chemically dependent offenders sentenced to intermediate punishment and to offenders sentenced to community punishment who are at risk of revocation. Funding should be based on a staff to participant ratio of one coordinator to thirty (1:30) participants, and any other factors that contribute to the workload.</p> <p>(2) Funds appropriated to juvenile Drug Treatment Courts for the North Carolina Drug Treatment Court Act shall be used to provide case coordination to delinquent youth with significant substance-abuse needs. Funding should be based on a staff to participant ratio of one coordinator to twenty (1:20) participants, and any other factors that contribute to the workload.</p>	<p>will be allocated in the continuation budget (versus the expansion budget) but this process was put in place just in time for the budget crisis so we have not had an opportunity to test this budgeting plan. We were pleased to move forward with no cuts to the DTC budget in 2009 (budget reductions have been managed through maintaining vacancies, limiting travel, training, supplies, etc). Job descriptions and DTC Guidelines related to the Court/Case Coordinators are attached. If courts are not able to maintain the appropriate caseload, we reduce the position to .75 FTE. If the court is not able to maintain that level, we either close the court or the district works to staff the court with existing resources - sometimes a family court juvenile case coordinator will pick up coordination of a Family DTC or a specially trained judicial assistant will manage the administrative aspects of an adult DTC leaving the case management purely to the treatment and probation professionals. (See Appendix A)</p>	

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			<p>(3) Funds appropriated to Family Drug Treatment Courts for the North Carolina Drug Treatment Court Act shall be used to provide case coordination to chemically dependent parent respondents in juvenile abuse/neglect/dependency proceedings. Funding should be based on a staff to participant ratio of one coordinator to twenty (1:20) participants.</p> <p>(4) No program fees shall be charged by Drug Treatment Courts to participants.</p> <p>Statutory Authority: G.S. 7A-794, Session Law 2005 Part XIV Section 14.22</p>		
ND	Marilyn Moe, ND Supreme Court, MMoe@ndcourts.gov	Yes	In North Dakota, the adult drug courts are part of the Department of Corrections budget.	Treatment is separated out in one adult court because it is paid from appropriations because of lack of treatment in that area. Everything else, such as drug screens are within the Department of Corrections regular budget. In the other adult courts, everything is run through the Department of Human Services. In Juvenile Drug Court, it is a separate line item within the Supreme Court budget. All juvenile court expenses are approved through the Supreme Court and taken from that line item.	
OH					
OK	Jack F. Kelly, JFKelly@odmhsas.org	Yes	In Oklahoma funding of our drug courts is a standing item considered by the legislature each year. However, the legislature retains the power relative to the appropriation process.	n/a	
OR					
PA	P. Karen Blackburn, Program Administrator, Problem Solving Courts Program. Administrative Office of the Pennsylvania	No	n/a	n/a	Pennsylvania has no line item in the commonwealth's budget for problem solving courts, however, our courts are funded at the local level. We have 67 counties and about

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	Courts Supreme Court of Pennsylvania, Karen.Blackburn@pacourts.us				half have a problem solving court - only 1 (Montgomery County Drug Court and it is the county budget) has a line item in the budget to fund that program.
RI					
SC					
SD					
TN	Marie Crosson, State Drug Court Coordinator, Office of Criminal Justice Programs, Marie.Crosson@tn.gov	Yes	Tennessee has two mechanisms that are stable, although the economy impacts them both by design. The first is a \$75 fee attached to all drug offenses collected by the court clerk and maintained at the county level to fund the drug court in that county. The second is an appropriation of \$3.5 million to the Department of Finance & Administration's budget line, specifically for our office to grant to drug courts, which we use to fund almost all of them. The slow economy has significantly reduced the fees court clerks are collecting, which impacts the drug courts local budgets. The state is reviewing ALL state dollars for reduction of at least 6%, but probably 9%, across the board, and the drug court appropriation will be included in this PERMANENT reduction in the state's budget.	n/a	
TX					
UT	Rick Schwermer, ricks@email.utco.urts.gov Judge Dennis Fuchs, Dfuchs@email.utcourts.gov	Yes	Utah is funded through Legislative appropriations. They have been very responsive to the needs of drug courts throughout the state. Utah has two ongoing sources - first, we have a "line item" in the budget for general funds; and then we also have a dedicated percentage of the tobacco settlement account funds.	n/a	
VT	Karen Gennette, Karen.Gennette@state.vt.us	No	n/a	n/a	Drug Courts do not have a line item in Vermont's state budget.
VA	Anna Powers, Drug Treatment Court Coordinator, Department of Judicial Services Office of the Executive Secretary,	Yes	In Virginia the drug court funds are a line item in the Judiciary budget. However, we are still subject to the whims of the legislature annually.	We have a legislator who philosophically does not like drug courts and every year he submits a budget amendment to remove the \$2,951,000 from	

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	Supreme Court of Virginia, APowers@courts.state.va.us			the judiciary that support 14 drug courts. This has been flat funding since prior to 2005 when we assumed oversight of drug courts.	
WA	Earl Long, Criminal Justice/Provider One Manager Division of Behavioral Health and Recovery, LongEA@dshs.wa.gov Mary C. Taylor, MSW Program Manager, King County Drug Court, mary.taylor@kingcounty.gov	Yes	<p>Washington inserted language into our state laws, Revised Codes of Washington, that sets the fund mechanism for our criminal justice/drug court program. It is located at the following link:</p> <p>http://apps.leg.wa.gov/RCW/default.aspx?cite=70.96A.350</p> <p>Although this is a little more protection than just having it incorporated into a budget line item, the legislature has gone in and changed the language at least twice since it creation in 2001.</p> <p>[added by Mary C. Taylor]</p> <p>In WA. state a special criminal justice treatment account was created in 2003. Attached is the full statute ;</p> <p>f (1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; and (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders <u>within a drug court program</u>. Moneys in the account may be spent only after appropriation.</p> <p>By way of background: there was a statewide committee formed at the time with a wide range of criminal justice and treatment representatives. They developed a formula for distribution to all 39 counties – formula based on (as I recall) population, number of filings, poverty rate, number of treatment admissions and other data indicative of drug use in each county. This committee continues to meet on a quarterly basis to deal with policy and funding issues. The funding continues to be distributed to the counties by the state using the original distribution formula.</p>	n/a	
WI					
WV					

State	Respondent	Does the Drug Court Have A Standing Budget Item?	If Yes, Describe the Nature of the Funding Provision	What Does the Funding Cover?	Comments
WY	Enid White, State of Wyoming, Court Supervised Treatment Program Coordinator, Mental Health and Substance Abuse Services Division, enid.white@health.wyo.gov	Yes	For Wyoming I have the following information on budgets: In 2001 House Bill (HB) 82 set aside \$1.5 million from general funds for CST Programs (Drug Court). Over the years this amount has grown to \$3 million. In 2002, HB 59 set out \$3.4 million from Tobacco Settlement Funds for CST Programs (Drug Courts). This amount has stayed the same. In 2005 the Substance Abuse Division budget set \$1.3 million aside from the Tobacco Settlement funds for CST Programs (Drug Courts). In FY07 this amount was raised to \$1.4 million. In 2006, HB 91 set out \$1.2 million from the General Funds for CST Programs (Drug Courts). Having said all of that, the Legislature still has the authority to review line items created by the House Bills and make any changes they deem necessary.	n/a	

We welcome any additional information and/or perspective readers may have on this topic.

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