

BENCH CARD

Referral to Montgomery County Opioid Court

WHAT IS OPIOID COURT?

The primary focus of the court is to rapidly connect individuals with substance use disorders who are arrested with misdemeanor and certain allowable felonies to treatment. Opioid Court does not make promises to participants regarding the disposition of their criminal case. The Opioid Court will connect participants with the services they need to become stable and sober. When they have completed Opioid Court, your Court, defense counsel, and the district attorney's office will be notified and the legal proceedings will resume. In some instances, participants will be referred to another Problem Solving Court.

The Montgomery County Opioid Court is presided over by the Honorable Felix J. Catena, staff members, and agencies committed to help individuals stabilize and make positive changes.

This program follows the [10 Essential Elements of Opioid Intervention Courts](#) model.

IS THIS CASE ELIGIBLE?

1. Allowable felonies and Misdemeanor case.
(A-I, A-II & B Violent excluded)
2. Defendant is at high risk for drug overdose and is considered unstable.
3. Defendant is willing to engage in substance use disorder treatment.

YES TO 1-3 = ELIGIBLE

HOW DO I REFER?

Use the Opioid Court Referral Form OR Contact the Opioid Court Resource Coordinator at:
518-853-8267 with any questions

Adjourn case for 45 days for a stabilization period.

PROGRAM REQUIREMENTS

The participant is expected to:

- appear at Opioid Court as directed,
- abstain from all mood-altering substances,
- comply with the intake process with their designated treatment facility,
- engage in random drug testing at court/treatment.

Individuals facing a violation of probation or probation misconduct can be considered for the program.

FOR MORE INFORMATION

Call Jessica Griesbeck, Resource Coordinator, at 518-853-8267.

ENTRY

1. The brief assessment form is used for screening; the process will identify the defendant's overdose history, current opioid use, pending criminal charges, history of substance use disorder treatment and willingness to enter substance use disorder treatment.
 - The program and expectations are explained to the defendant before entry.
2. At first appearance, the defendant will be interviewed by the Opioid Court judge for consideration into the program.
 - Program expectations are reviewed, the defendant is provided a copy of expectations and program brochure.
 - A representative from the District Attorney's office and defense counsel are required to appear at every new participant entry.
3. The participant will be immediately linked to a treatment provider for Detox, inpatient or outpatient services where they will be monitored by treatment professionals and their progress will be reported daily to the Resource Coordinator.

SUSPENSION OF LEGAL PROCESS

1. Immediately after entry, the Opioid Court will advise the defense attorney and the district attorney of the need to memorialize the suspended prosecution during the stabilization period.
2. Opioid Court has implemented the *45-day Observation Period*.
 - During the first 45 days, participant's progress is closely monitored and reviewed. If a participant fails to comply with Opioid Court requirements, they are subject to discharge from the program and the participant will return to court of original jurisdiction. The judge will revoke pretrial release at their discretion and if applicable.
 - This is a voluntary program and participants can choose to leave the program at any time. If they leave the program early or are released from the program due to non-compliance, the court of jurisdiction is notified immediately.

PARTICIPATION

Participants are required to participate in Opioid Court every Monday-Friday, or as directed by court staff.

- If a participant is successfully progressing through the program, the Opioid Court Judge will explore the option of reporting less frequently, and possibly virtually, if barriers exist.
- Random drug testing is held at treatment court and the treating facility. Every participant is expected to comply with drug testing at court and treatment.
- Recognizing the challenges associated with recovery, the Opioid Court Judge will have sole discretion as to whether and to what extent the participant has or has not adequately participated.