



Opioids and the Courts News: Dec. 14, 2018

National

[Don't Sentence Prisoners to Addiction](#)

Wall Street Journal

Refusing to provide insulin to a diabetic in prison would be unconstitutional. The Supreme Court held in 1976 that the Eighth Amendment prohibition on cruel and unusual punishment includes the right to necessary medical care behind bars. In a first-of-its-kind case last month, a federal trial judge in Boston ordered a county jail to allow an inmate to take his prescribed methadone for opioid-use disorder.

The standard of care for opioid addiction is medication-assisted treatment, which combines counseling and other supportive services with medications such as methadone or buprenorphine, which reduce cravings for opioids without providing their associated euphoria. (Nicotine gum and patches work similarly.) Patients receiving such treatment are half as likely to have a fatal overdose as untreated addicts. They are also likelier to hold a job and 25% less likely to commit a crime, and they cost the healthcare system \$9,000 less every year than untreated addicts.

Yet almost every state denies inmates with opioid-use disorder their medication while incarcerated. That means that when they are released, their physical tolerance of opioids is greatly diminished, and the risk of a fatal overdose heightened.

National

[Fentanyl is the deadliest drug in America, CDC confirms](#)

CNN

Fentanyl is now the most commonly used drug involved in drug overdoses, according to a new government report. The latest numbers from the US Centers for Disease Control and Prevention's National Center for Health Statistics say that the rate of drug overdoses involving the synthetic opioid skyrocketed by about 113% each year from 2013 through 2016.

The number of total drug overdoses jumped 54% each year between 2011 and 2016. In 2016, there were 63,632 drug overdose deaths.

According to Wednesday's report, which analyzed death certificates for drug overdose deaths between 2011 and 2016, fentanyl was involved in nearly 29% of all overdose deaths in 2016. In 2011, fentanyl was involved in just 4% of all drug fatalities. At the time, oxycodone was the most commonly involved drug, representing 13% of all fatal drug overdoses.



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Connecticut

[Bypassed generation: Grandparents raising children born to addicted parents](#)

Hartford Courant

“It’s by no means a new problem,” said Paul Knierim, the state’s probate court administrator. “And without hard numbers, it’s hard to say, ‘What’s growing awareness, versus what’s a growing number of incidents?’”

Still, Knierim, who oversees a probate system that adjudicates hundreds of drug-related custody disputes each year, estimates a quarter of the courts’ guardianship cases stem from opioid abuse.

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Robert Killian, a former probate judge in Hartford, said that before today’s opioid scourge, losing custody of your child was “the ultimate insult” and often enough to push addicted parents towards treatment.

“That...was enough to convince them to get better,” he said. But today, with many of the parents entangled in the probate system addicted to heroin or prescription painkillers, “there really is no return from the abyss you’re staring into,” Killian said. “So thank God for the grandparents.”

Virginia

[Drug courts split on approach to opioid addiction](#)

Virginia Lawyers Weekly

Judges and court officials in Western Virginia are taking different tacks on their approach to drug court participants addicted to opioids.

A state court drug treatment program in the Roanoke Valley does not allow participants to pursue medication-assisted treatment, in which an approved substitute drug is used on a long-term basis to prevent withdrawal.

But a newly launched federal drug treatment court in the Western District of Virginia will allow for MAT if approved by the probation office and the treatment provider.

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The state court system does not mandate either approach. The Drug Treatment Court Act gives each locality the authority to set criteria for participation of addicted offenders.

"We have requested that each drug court work with their treatment providers to establish their Medication Assistance Treatment policy as each program is designed to meet local needs with local resources," a Virginia Supreme Court spokesperson said.