

# Opioids and the Courts

In the News: January 17, 2020



## National

### [Opioid-Dependent Kids' Guardians Seek to Form Class in Suit](#)

Associated Press

Guardians caring for hundreds of thousands of children born dependent on opioids since 2000 should be grouped together as part of the class action lawsuit filed by local governments and others against the manufacturers, distributors and sellers of prescription pain medication, lawyers argued in a motion filed in federal court in Cleveland.

In addition to certifying the guardians as a class, the attorneys who filed the motion Tuesday want U.S. District Judge Dan Polster to create a national registry to identify children diagnosed with neonatal abstinence syndrome, form a medical panel to recommend the best ways to treat such children, and provide money for those efforts as quickly as possible.

## Illinois

### [Kenneally: OD deaths drop in McHenry County: Host of factors create reduction](#)

Northwest Herald

Through the extraordinary and collaborative work of law enforcement, treatment providers, the McHenry County Substance Abuse Coalition, the Mental Health Board and Northwestern Medicine, the number of overdose-related deaths have been reduced precipitously to levels not seen since before the onset of the opioid epidemic.

## Indiana

### [Rush highlights problem-solving courts, pretrial reform in 2020 State of the Judiciary](#)

Indiana Lawyer

[Chief Justice Loretta] Rush noted the state's opioid epidemic has caused jail populations to increase, signaling a need to examine and [reform how the judiciary does business in the criminal justice system](#).

“Under [pretrial and criminal justice reform](#), lower-risk offenders should be released without having to post bail,” Rush said.

## Indiana

### [Problem-solving courts address issues underlying criminal acts, says Indiana's chief justice](#)

Statehouse File

[Indiana Supreme Court Chief Justice] Rush said that after co-chairing the National Judicial Opioid Task Force, she has made three major discoveries. First, those with an opioid use disorder are 13 times more likely to be involved in the criminal justice system. Second, the justice system

is the largest referral source to get someone treatment. Third, the justice system has to take opioid and substance abuse disorders as a chronic, treatable brain disease – not as a moral failure.

“This epidemic in no small part, has caused our jail populations to increase. And it is one more, very pressing reason to examine and reform how we do business in our criminal justice system,” Rush said.

### Massachusetts

[Involuntary addiction treatment has been around for 50 years. But those forced to use Section 35 say the system is broken.](#)

SouthCoastToday

Under the law, immediate family members, police officers, court officers and physicians can petition courts to have someone facing “a likelihood of serious harm” brought in, evaluated by a medical professional, and sent to a secure treatment facility for up to 90 days. Judges granted more than 80% of the Section 35 requests they heard in fiscal 2018, sending more than 6,000 people into forced treatment, according to the state Department of Mental Health.

The number of people committed under the law has grown alongside the state’s opioid epidemic, increasing by more than 47% in the last eight years.

A state commission studying the law issued a report this past summer that found a series of problems with the way the law is implemented and recommended, among other things, [and] that the state work to reduce or eliminate the use of Section 35 by providing other alternatives for treatment.

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Judge Mark Coven, first justice of Quincy District Court, said the state needs more treatment options for people struggling with addiction, but he defends the court’s role in treatment. Last fiscal year, Quincy District Court received the second-most Section 35 petitions of any District Court in the state.

“We’re really the last stop, the last resort for people. You don’t understand the desperation the family members have. They’re terrified,” Coven said. “They might’ve found their kid on the floor with a needle stuck in his arm already and they just don’t know where else to turn. They’ve tried everything else.”

### New York

[In Our Opinion: Opioid Court a good step in addiction fight](#)

The Daily Star

The Opioid Court was created as part of the statewide effort by the state Unified Court System to address issues with opioids

It is an outgrowth of the county’s existing Drug Treatment Court, improving the treatment court model by focusing on early intervention and treatment, Otsego County Court Judge Brian Burns said. The court’s first session was Dec. 13.

The court is focused on opioids because of the highly lethal nature of heroin and fentanyl, Burns said. The court is modeled after others around the state, typically in more urban areas, Burns said.

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Traditional treatment court typically involves someone pleading guilty and being sentenced in treatment court, a process that can take weeks, Burns said.

“For someone with an opioid substance use disorder, they may not have weeks,” Burns said. “We put the prosecution on hold and do everything we can to intervene and provide access to treatment immediately.”

Burns said while he doesn’t believe anyone has died waiting to get into treatment court, several drug court participants have died of overdoses while they’re in the program. With the new court, treatment isn’t conditional on the legal process happening first, he said.

It makes sense to focus on treatment first. Face it, sitting in a jail cell or being back on the street awaiting a court date does nothing for those who are addicted. If they don’t have the support they need to get treatment while awaiting an appearance in court, they [will] be more likely to use drugs again.

Participants in the program are immediately assessed for their needs, which includes a level of care determination, transportation to a treatment facility, housing assistance when they’re discharged, employment assistance and help addressing mental health issues. All of these are done under the supervision of the court. Participants are subject to drug testing, a curfew, and they also do community service, Burns said.

“Substance abuse disorders in general are more effectively addressed through a public health system, not the criminal justice system,” Burns said.

We know not everyone who enters the Opioid Court program will emerge rehabilitated, but as Burns said, addiction is more of a public health issue than a criminal justice one. Treating it as such should result in better outcomes.

### North Carolina

#### [North Carolina Chief Justice visits Cherokee](#)

Cherokee One Feather

Although the [Eastern Band of Cherokee Indians] Court is in its own jurisdiction separate from the state courts, [Chief Justice Cheri] Beasley said that she still hopes to have regular communications with the EBCI systems during her time as North Carolina Chief Justice. She says that she wants to work with individual initiatives if possible – specifically those that will combat the current problems with substance abuse.

“I certainly hope so. I know we’re very concerned about the opioid crisis. Not just here on the boundary, but everywhere. There’s a crisis for opioids, but we’ve been in crisis for quite some time [around] substance and misuse issues here in North Carolina.”

### North Carolina

[Task force receives strategic plan](#)

Bladen Journal

The strategic plan was responsible for the name change of the group from Bladen County Opioid Task Force [to Substance Abuse Task Force]. [Syd Wiford, ACT Associates consultant] said that was in part because “the African American community saw opioids as a Caucasian problem.”

She noted the plan’s sections on law enforcement; the court system; schools; the Department of Social Services and child welfare; the Health Department; ABC boards; Oxford Houses; self-help and support groups; community education and awareness campaigns; and issues related to Eastpointe, the county’s local management entity-managed care organization.

### Ohio

[ACLU wants to hear from inmates denied opioid treatment](#)

The Vindicator

Brenda Heidinger, associate director of the Mahoning County Mental Health and Recovery Board, said if a client requests vivitrol, a court order can help guarantee he or she receives it — if a judge is willing to sign the order.

Counselors work with inmates and put together individualized plans for their release — such as MAT or therapy, Heidinger said.

### Oklahoma

[Here’s What Happened to \\$829M Oklahoma Was Awarded to Treat Opioid Addiction](#)

Oklahoma Public Media

States, tribes, and municipalities across the nation, have joined a 2,500-case multidistrict litigation. Oklahoma’s leaders took a different tactic. Rather than join the larger federal litigation, state Attorney General Mike Hunter chose to take opioid manufacturers and, more recently, distributors to state court.

As a result, the state is entitled to \$829 million from settlements with drug companies or court orders. But so far, none of the money has been spent on opioid addiction treatment. Here’s where the money stands for each company or group.

### Pennsylvania

[Coalition aims to improved re-entry for Bucks County parolees, probationers](#)

The Intelligencer

The Intensive Support Treatment Court, or “drug court” as it is called, is designed to assist persons with a high risk of re-offending because of a substance abuse disorder to stay healthy and away from criminal activity. Persons who are supervised by this court receive much attention from the probation and parole department, [Michael Harrison, chairman of the Bucks County Re-entry Coalition] said.

The county also recently hired two staff members who will administer medication at the county prison to help those who come to the prison addicted to drugs or alcohol to stay clean and sober when they are placed on parole. The medications help block the addictive effects of opioids or alcohol. The staff members will work with male and female inmates in this “Heart and Hope” program.

### Tennessee

[‘Drug culture’ blamed for spike in foster care numbers](#)

Johnson City Press

One program is the “Safe Baby Court.” [Carla Aaron, DCS’s executive director of the office of child safety] said this voluntary program allows a judge to work with the DCS to help substance abusers who have children under the age of 3 find the resources they need for recovery.

This approach appears to be working in Johnson County, which was one of the first counties in Tennessee to implement a Safe Baby Court. Johnson County saw its number of foster cases resulting from substance abuse drop from 16 in 2018 to seven in 2019.