General Eligibility Criteria

Specific criteria are determined by the local Recovery Court Advisory Committee.

Minimum Considerations:

- Adult Recovery Courts primarily target non-violent offenders with substance use disorder.
- Participation in a recovery court is voluntary and requires a written agreement among the defendant, the Commonwealth, and concurrence of the Court.
- Candidates are assessed for high risk/high needs using a validated risk-needs assessment and clinical assessment tools.
- Beginning July 2024, individuals are **not eligible** for participation in a recovery court **if any of the following conditions apply**:

1. The offender is **presently charged with a felony offense** or is **convicted** of a felony offense **while participating** in any recovery court where:

- The offender carried, possessed, or used a **firearm** or any **dangerous weapon** specified in VA Code § 18.2-308 during such offense;
- The **death** or **serious bodily injury** of any person occurred during such offense; or
- The **use of force against any other person** besides the offender occurred during such offense; or

2. The offender was **previously convicted as an adult of any felony offense** that involved the **use of force** or **attempted** use of force against any person with the intent to cause death or serious bodily injury.

National Best Practice Standards

Standard 1: ***Administration***
Recovery courts depend upon a comprehensive and inclusive planning process.

Standard 2: ***Recovery Court Team***

Standard 3: ***Target Population, Eligibility Criteria, and Equity and Inclusion***

Standard 4: ***Substance Use Disorder Treatment***
Consequences for participants' behavior are predictable, fair, consistent, and administered with evidence-based principles of effective behavior modification.

Standard 5: ***Complementary Services and Recovery Capital***
Participants receive desired evidence-based services from qualified treatment, public health, social service, or rehabilitation professionals that safeguard their health and welfare, help them to achieve their chosen life goals, sustain indefinite recovery, and enhance their quality of life.

Standard 6: ***Participant Compliance***

Standard 7: ***Testing***
Drug and alcohol testing provides an accurate, timely, and comprehensive assessment of unauthorized1 substance use throughout participants' enrollment in the Specialty Docket .

Standard 8: ***Role of the Judge***

Standard 9: ***Evaluation and Monitoring***
The recovery court has results that are measured, evaluated, and communicated to the public.

Standard 10: ***Education and Training***
The recovery court team requires continued interdisciplinary education, training, and program assessment.

Virginia Adult Recovery Courts

According to Code of Virginia § 18.2-254.1 - Recovery Court Act :

Recovery courts are specialized court dockets within the existing structure of Virginia's court system offering judicial monitoring of intensive treatment and strict supervision of addicts in drug and drug-related cases. Local officials must complete a recognized planning process before establishing a recovery court program.

Adult Recovery Courts WORK

*Adult recovery courts save Virginia taxpayers **$19,234** per adult participant compared to traditional case processing.*

In 2019, Adult Recovery Courts saved the Commonwealth of Virginia nearly $11 million.

Since 2009, Virginia's Adult Recovery Courts have seen increases in the number of active participants.

53 Adult Recovery Courts are approved to operate in Virginia.

Graduates of Adult Recovery Courts are **less likely to be rearrested or reconvicted** when compared to those who are terminated.

How does it work and what are the benefits?

Through voluntary admission, eligible defendants are invited to participate in the Adult Recovery Court following a specialized screening and assessment. For those who submit to the terms and conditions of community-based supervision, a team of program and treatment professionals work together to develop service plans and supervise participants.

Preliminary research demonstrates that Adult Recovery Court participants tend to have lower rates of criminal activity and increased linkages to treatment services when compared to defendants who go through the traditional court system.
https://rga.lis.virginia.gov/Published/2019/RD527/PDF

Recovery Courts divert offenders from incarceration thereby offering several potential benefits:

- ⇒ **Recovery Courts *reduce prison costs* by reducing the inmate population and freeing up expensive jail and prison space for more serious offenders.**
- ⇒ ***Recidivism* rates of Recovery Court participants as a whole far out perform the comparison group -"the business as usual alternative "(jail, and/or prison, probation)**
- ⇒ **Recovery Courts *provide needed services* such as substance use disorder and mental health treatment that may not be available in jail or prison.**

Application Process

Authorization Process - A circuit or district court which intends to establish a Recovery Court must petition the Supreme Court of Virginia for authorization before beginning operation of a Recovery Court or in the instance of an existing Recovery Court, continuing its operation.

http://www.courts.state.va.us/courtadmin/aoc/djs/programs/dtc/procedures/dtc_applic_to_establish.pdf

The link above is to the **Application to Establish an Adult Recovery Court**, which will include:

- Jurisdiction Name
- Name of Judge
- Name of Coordinator
- Proposed Start Date

http://www.courts.state.va.us/courtadmin/aoc/djs/programs/dtc/home.html

The link above provides information about **Recovery Courts**, including:

- Virginia Best Practice Standards
- Directory of Virginia Recovery Courts
- Evaluation Reports
- Informational Videos
- Resources and Reference Materials
- Training Request Form