

North Carolina Treatment Courts: Therapeutic Jurisprudence as a Path Toward Recovery and Restoration

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At a time when most of our headlines focus on overdoses and overdose-related deaths, recovery is possible. Treatment courts are providing a path toward recovery and healing.

Introduction

Should our justice system repeat the old ways of addressing problems and expect a different outcome? Take for instance the current crisis of mental health and substance abuse and its intersection with the justice system. Can the courts help justice-involved individuals recover from these problems? The answer is “yes”. Treatment courts are providing a path toward recovery and healing.

At a time when most of our headlines focus on overdoses and overdose-related deaths, recovery is possible. In America today, approximately 70 million adults who have identified as ever having a substance use or mental health disorder are now living in recovery [1]. There is still hope.

Recovery is “[a] process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential” [2]. The goal of recovery is not just reaching a certain point of functionality but rather thriving in a fulfilled life. Data from the 2021 National Survey on Drug Use and Health tell us that most people *do* recover—72.2% from alcohol or other drugs and 66.5% from a mental health problem [1]. Many of these individuals recover through “natural recovery,” or recovery achieved through accessing personal, spiritual, social, and community resources to attain and sustain abstinence and well-being [3]. These resources are often referred to as “recovery capital” [3, 4]. Other individuals may require clinical interventions, such as talk therapy and medication, to move toward recovery [5].

Unfortunately, there is a correlation between substance use and encounters with the justice system [6]. Within that correlated population, certain individuals may be “high risk and high need.” Those individuals may have a moderate to severe substance use disorder, a serious mental health disorder, or co-occurring mental health and substance use disorders. Without specialized attention, that population poses a higher risk for criminal recidivism and is also less likely to complete a court-ordered probation or child welfare

case plan. These individuals are often best served through an intensive and highly accountable treatment and recovery court [7].

Defining Treatment Courts

Treatment courts encourage accountability by frequently monitoring participation in substance use and mental health treatment. Treatment court participants generally attend a review hearing with the judge every two weeks for 12–18 months. Participants are tested for alcohol and other drugs a minimum of twice weekly, among other requirements [7]. The courts succeed in helping participants pursue recovery because they help ensure that the individual receives the treatment services needed and at the dosage recommended to sustain their recovery [8–10]. This “therapeutic jurisprudence” model balances the participant’s due process rights with providing access to effective, evidence-based treatment and recovery support services [11]. The “therapeutic relationship” with the treatment court judge is a statistically significant factor in reducing substance use and criminal behavior in treatment court participants [12].

North Carolina treatment courts consist of a specially trained, community-based team. In the criminal context, that team may consist of a judge, a defense attorney on behalf of the participant, a prosecutor, a probation officer, treatment providers, and a dedicated treatment court coordinator. In the civil context, that team may consist of a judge, an attorney on behalf of the participant, a county services attorney, a child welfare worker, treatment providers, and a dedicated treatment court coordinator. In a treatment court, the whole team works together to pool resources from the community to support the participant and the participant’s family while also holding the participant accountable.

Treatment courts are “problem-solving courts” in that they attempt to address the issues and underlying stressors at their root. The community gets to know the participant

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while he or she works to resolve employment, education, housing, and transportation issues and create stability. Complementary and parallel programs encourage important skills by partnering recovery and prevention with educational tools to improve parenting and life skills.

Treatment Courts in North Carolina

North Carolina has 69 operational and 17 planned treatment and recovery courts [13]. Treatment courts operate with a mixture of county funding; federal, state, and local grants; and through the effective leveraging of state-allocated funding streams. We know that when treatment courts are properly equipped and participants want to make a change, participants experience success.

Generally, the model works the same way across all types of treatment courts, however, certain treatment courts serve different populations [14]. Adult criminal treatment courts target individuals with nonviolent felony and multiple misdemeanor offenses and a moderate-to-severe substance use disorder who would likely serve significant jail or prison time if they do not complete their treatment court case plan. Impaired driving or driving under the influence (DUI) treatment courts seek to engage individuals who have two or more DUI offenses and a moderate-to-severe substance use disorder.

Veterans treatment courts enroll individuals who have previously served in the military and are charged with criminal offenses exacerbated by mental health disorders, post-traumatic stress, traumatic brain injury, and substance use disorders. Mental health treatment courts seek to divert and provide structured support to individuals with severe or persistent mental illness who have become involved in the criminal justice system. Family treatment courts work with parents, children, and families affected by substance abuse and co-occurring mental health disorders with an abuse, neglect, or dependency case. Juvenile or youth treatment courts target adolescents and their families who are involved in juvenile delinquency courts and are affected by substance use or mental health disorders.

To the participants served through a treatment court in North Carolina, the intervention can be both life-changing and lifesaving. Those who complete their treatment court case plans avoid prison and are less likely to recidivate [15-17], are reunified with their children [18-19], find employment and stay employed, and reconnect with their families and communities. Following completion, some participants choose to serve their local treatment court as certified peer recovery support specialists and even therapists.

A treatment court participant in Western North Carolina acknowledged his time with the veterans treatment court:

"I lived forty years on the street. I didn't care if I lived or if I died. I did not have any hope. I told my attorney to send me to jail. Veterans Treatment Court showed me that I do matter. And now I have hope. That I do want to live. That I can smile today. That I actually have a name. I just got my license back

after not having one for 25 years. I am now a Peer Support [Specialist]. VTC saved my life." (Kevin Rumley, County Veterans Treatment Court exit survey; 2024.)

A mom who had lost custody of her children due to neglect stemming from her severe substance use disorder observed:

"I really wanted to get my children back and I was going to do whatever it took to do that. Family treatment court gave me an extra push towards that and my recovery." (Rhiannon Hicks. Reflection submitted to Robeson Treatment Court Administrator Valerie Comrie; 2024.)

After completing the family treatment court, she went on to complete her bachelor's degree and become a licensed treatment counselor at a women's and children's residential treatment facility in southeastern North Carolina.

Ultimately, the recovery courts save lives by connecting the participants with treatment and surrounding them with both the support and accountability needed to achieve lasting change. An attorney, frustrated by his client's failure to follow through on previous court orders and scared for his client's life, advised his client that he could no longer represent him unless he agreed to enter the adult treatment court. Later, the client told his treatment court case manager that he had planned "to go out and get high on Fentanyl at least one more time" but ended up entering the treatment court instead. He said he "would be dead if not for the treatment court." Today, he is substance-free for the first time in over 20 years and is now able to "be the father and grandfather I want to be." (Colleen Kosinski. Data gathered during Wayne County Adult Treatment Court exit interview; 2023.)

A treatment provider working in rural Eastern North Carolina shared, "The Family Accountability and Recovery Court is collaborating with the community in ways that promote treating the person, not just the problem." Another community stakeholder said of the courts, "It is changing lives through collaboration which positively impacts the lives of those incarcerated resulting in an improved and safer community." (Audra Haddad. Data gathered from District 9 Family Treatment Court stakeholder survey; 2022.)

Treatment and recovery courts bring together the best that our treatment, probation, child welfare, and court systems have to offer. It is an intensive intervention that may not be suitable for everyone. For some, however, treatment courts have already proven to be the ultimate intervention to bring about lasting change. **NCMJ**

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