



Agency & Team Member MOU Guide

This document should function as a guide to assist programs in creating MOUs for new and existing treatment courts. As you utilize this guide, make sure to incorporate your court-specific requirements and expectations, as well as requirements and recommendations from the NM Treatment Court Standards.

Treatment courts should establish two Memorandums of Understanding
(Standard C-2p2)

MOUs should be reviewed and re-signed by existing and replacement team
members annually (Standard 1-11)

Agency Level MOU

Includes all agencies with whom the treatment court collaborates
(see standards 1-3, 1-11 for reference)

Below is the information that should be included within the agency-level MOU:

- A commitment to the treatment court philosophy and practices, ongoing system improvement, and collaboration with the team
- An agreement to cooperate with efforts to establish treatment courts that meet the minimum standards of the judicial branch.
- Interagency information-sharing expectations and the procedure for such sharing
- An expectation of agency-wide communication and cooperation among dedicated treatment court personnel with the sponsoring court and participating agencies
- The type of information that will be shared among team members to ensure the continuity of care and all legal policies, including confidentiality and other standards necessary to the operation of each treatment court
- An expectation of each participating agency, if funding is available, will assign staff, and alternates, to be designated to the treatment court based on personal interest in the

treatment court, interpersonal skills, motivation, and professional abilities, within their job description

- An expectation for agencies to make full or part-time staff assignments to the treatment court for a minimum of 2 years when feasible, to ensure stability and continuity of day-to-day operations and to strengthen collaborative relationships between the key professionals.
- An expectation of the sponsoring court and participating agencies to support treatment courts by making appropriate adjustments to internal policies, practices and procedures to ensure the successful day-to-day operation of the treatment court.
- An expectation of the sponsoring court and participating agencies to cooperate with the collection and maintenance of statistical and evaluation information based on statewide standards
- An expectation of training for the sponsoring court, participating agencies, and assigned team members to engage in cross-training and interdisciplinary education
- An expectation for the sponsoring court and participating agencies will utilize a family-centered approach.
- A description of the signing agency's respective representative's role
- *Juvenile Treatment Court Specific Recommendation:*
 - An expectation of the sponsoring court and participating agencies will deliberately engage and work collaboratively with parents/guardians/caregivers throughout the court process (court hearings, supervision/discipline of child, and treatment programs), including addressing the specific barriers to their full engagement.
- If the treatment court works with a Tribe(s) or will serve Tribal members, the court should establish an MOU with the Tribe(s).
- Include language indicating the sponsoring court and participating agencies will review and sign the MOU annually

Team Member Level MOU

Consists of all team member roles serving within the treatment court team

(see standards 1-11, 1-13, 2-4, 2-6, 7-8, 9-1, A-1 for reference)

Below is the information that should be included within the team member-level MOU:

- A description of each team member's role and a description of responsibilities, including training requirements for each team member serving as part of the team
- Expectations of confidentiality laws and practices established pertaining to treatment courts.
- The type of information that will be shared and an agreement to follow confidentiality procedures
- An understanding that all information accessed or provided within the statewide information management system (DIMS) is confidential and that no individual participant

data, even de-identified information, or analytics may be shared outside the program without appropriate permission from the primary treatment court judge and the AOC.

- An acknowledgment of and agreement with the Code of Conduct for Treatment Court Team Members (Appendix I of the NM Treatment Court Standards)
- An expectation to collaboratively develop, review, and agree upon all aspects of treatment court operations (mission, goals, eligibility criteria, operating procedures, performance measures, orientation, drug testing, methods of shared decision-making, conflict resolution, and treatment court structure guidelines).
- An expectation to assist in the creation of a policy and procedure manual and to review and update it annually
- An expectation if a participant is terminated from the treatment court because adequate treatment is not available, the participant will not receive an augmented sentence or disposition for failing to complete the treatment court
- *General Attorney Specific Recommendations:*
 - An expectation to participate in the design, implementation, and enforcement of the treatment court's screening, eligibility, and case-processing policies and procedures
 - A commitment to work to create a sense of stability, cooperation, and collaboration in pursuit of the treatment court's goals
 - A commitment to the pursuit of justice, due process, and protection of public safety, as well as the preservation of the constitutional rights of treatment court participants
 - An expectation to perform their tasks as part of the treatment court eligibility and admission process as swiftly as possible, including working with stakeholders in the legal system to strive to shorten the time it takes to enter into the treatment court
- *Prosecutor/Child Protective Services Attorney/Child's Attorney Specific Recommendations (or other qualified team members):*
 - An expectation to screen cases and determine whether a defendant is legally eligible for entry to the treatment court
 - An expectation to file all required legal documents
 - An agreement that a positive drug test or open court admission of drug use will not result in the filing of additional drug charges based on that drug test or admission
 - An expectation to work collaboratively with the team to decide on a team response to participant behavior, including incentives, sanctions, and when or whether termination from the treatment court is warranted
- *Defense Counsel/Parent's Attorney Specific Recommendations:*
 - An expectation to review the police report, arrest warrant, charging document, child protective services allegation, and case documents, including all treatment court documents, and other relevant information
 - An expectation to advise defendants as to the nature and purpose of the treatment court, the rules governing participation, the merits of the treatment court including

the potential long-term benefits of sobriety and a drug-free life, the consequences of failing to abide by the treatment court rules, and how participation or non-participation will affect their interests including participant the coordinated strategy for responding to positive alcohol and other drug tests and other instances of noncompliance, including how sanctions are utilized and applied

- An expectation to provide a list of and explain all of the rights that the defendant will temporarily or permanently relinquish
 - An expectation to advise the participants on alternative options
 - An expectation to explain that the prosecution/ child protective services attorney has agreed that a positive drug test or admission to drug use in open court will not lead to additional charges, and therefore encourage truthfulness with the judge and treatment staff
 - An expectation to inform the participant that they will be expected to take an active role in status hearings, including speaking directly to the judge as opposed to doing so through an attorney
 - A commitment to work collaboratively with the team to decide on the team response to participant behavior including incentives, sanctions, and when or whether termination from the treatment court is warranted
- Include language stating the MOU will be reviewed and signed annually by all team members