**This article template was created by the Board for Judicial Administration**

**Court Recovery Task Force Therapeutic Courts Committee April 2021**

The below article template can be used and adapted to promote therapeutic/problem solving courts to local county/city bar associations and local media and to remind communities about these courts.

Please add specific local challenges, successes, and needs to make the article more persuasive and relevant for your community.

**THERAPEUTIC COURTS AND THE PANDEMIC**

*By XXXXX [if this is submitted to a newspaper as an op-ed column or to a Bar news publication, you will need to identify an author or authors.]*

The COVID pandemic has taken its toll on our local communities and country, and courts are no different.

At every level, courts have struggled to process cases and keep justice moving forward. Participants in therapeutic courts such as drug court, mental health court, veterans’ court, and community court have been particularly hard hit.

Therapeutic courts rely heavily on developing community with the participants. Peer involvement is essential. Not being able to gather together in person has created significant challenges for participants to connect with case managers, court staff, judges and each other.

Another big challenge has been the drop in referrals to therapeutic courts statewide. This may have come from confusion over whether therapeutic courts were still accepting referrals. We are still accepting referrals and we hope those referrals will return. Additionally, some attorneys struggled to connect with clients early in the pandemic, which hindered their ability to gather detailed information on their clients’ circumstances and needs.

There are some silver linings. Developing community is more challenging but because we can offer remote hearings, access to court has dramatically improved. Participants no longer need to arrange transportation or child care.

On Zoom calls, we often glimpse a participant’s home or work environment, which can help as court staff and case managers work to obtain services for participants. In many jurisdictions, additional services offered to participants include increased access to technology, assistance with pandemic-related government funding, virtual medical and mental health appointments, food delivery, and new solutions to childcare challenges.

Therapeutic courts focus on a restorative instead of retributive justice model. These courts identify the root of a person’s involvement with the criminal justice system and focus on services to prevent re-offending. Therapeutic courts are forward looking—asking what we can do to prevent further offense. Statistics show dramatically lower re-offense rates between those who participate in therapeutic courts and those who do not.

And of course, restorative justice is only effective when the needs and desires of victims are factored into the equation.

Therapeutic courts also can offer reassurance to prosecution and defense attorneys that a defendant is going to be closely monitored. Warning signs that a participant is struggling are usually noticed much quicker than in a non-therapeutic court.

Therapeutic court staff address individuals’ needs from a holistic perspective in an effort to change their trajectories. Participants may receive services related to mental health and chemical dependency, medical care, housing, state financial assistance, childcare, employment and education, equipping them with a support network and coping skills to employ when challenges arise after they graduate from a therapeutic court.

Their ability to recognize warning signs, access resources and work proactively will hopefully prevent participants from returning to the legal system.

Although the COVID pandemic has created substantial challenges, our therapeutic courts are in many ways better equipped to handle those challenges than non-therapeutic courts. Referrals may be initiated by either prosecutor or defense counsel. The next time you interact with a defendant, ask yourself whether or not a therapeutic court would be better for them, and better for our community.