

## INDIANA OFFICE OF COURT SERVICES

### PROBLEM-SOLVING COURTS PRACTICE GUIDELINES Local Court Rules

#### I. Fees Under IC 33-23-16-23 for Problem-Solving Court Services

A problem-solving court that charges participants fees pursuant to IC 33-23-16-23 is required to adopt a local rule detailing the fees assessed to eligible participants for problem-solving court services in accordance with Indiana Trial Rule 81. The cost of all combined certified problem-solving court services that are provided to a participant under a case number may not exceed the fees permitted by IC 33-23-16-23 and Problem-Solving Court Rules, Section 16.

Problem-solving courts are authorized to charge an administrative fee not to exceed one hundred dollars (\$100) per admission to a problem-solving court for initial problem-solving court services regardless of the length of the individual's participation in the problem-solving court.

Problem-solving courts are authorized to assess a problem-solving court services fee for each month of problem-solving court participation. The problem-solving court services fee may be collected in an amount not to exceed fifty dollars (\$50) per month beginning in the second month of participation and for each month of participation thereafter for the duration of the individual's participation in the problem-solving court.

Sample local rule:

- Woodbridge County LR99-AR00-0064

Those persons directed to participate in the Woodbridge County Drug Court Program shall pay a \$100 administrative fee as well as a problem-solving court services fee of \$25 for each month of problem-solving court participation in accordance with IC 33-23-16-23. The clerk of the court shall collect and transmit these fees within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the county user fee fund established under IC 33-37-8.

Those persons directed to participate in the Woodbridge County Mental Health Court Program shall pay a \$100 administrative fee as well as a problem-solving court services fee of \$50 for each month of problem-solving court participation in accordance with IC 33-23-16-23. The clerk of the court shall collect and transmit these fees within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the county user fee fund established under IC 33-37-8.

## **II. Problem-Solving Court Case Assignment**

A court may adopt a local rule specifying the location of a problem-solving court and the cases eligible to be filed in or referred to the problem-solving court in accordance with Indiana Trial Rule 81. This rule may be brief by merely noting which court has jurisdiction over the problem-solving court program or may be more specific to meet the needs of a particular court.

Sample local rule for a drug court:

### **\_\_\_\_\_ COUNTY LOCAL CRIMINAL RULES**

#### **LR\_\_-CR\_\_-\_\_\_\_ CASE ASSIGNMENT AND ALLOCATIONS**

##### **Drug Court.**

(1) A “Drug Court” is established to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants and probationers as determined by its written policy and procedures.

(2) The day-to-day operation and management of the Drug Court shall be assigned to \_\_\_\_\_.

(3) All criminal charges shall be filed as otherwise provided in this rule. However, after a charge has been filed, a judge may refer the defendant to Drug Court, and if accepted by the Drug Court, transfer the defendant’s case to the Drug Court for services in accordance with Drug Court policy and procedures.

(4) A judge may refer a probationer to Drug Court, and if accepted by the Drug Court, require a probationer to participate in Drug Court as a condition of probation in accordance with Drug Court policy and procedures.