
NEVADA SPECIALTY COURT FUNDING GUIDELINES AND CRITERIA

**As established by the
Specialty Court Funding and Policy Committee**

**Approved by the
Judicial Council of the State of Nevada
November 2021
Revised July 2023**

Distributed by:

The Administrative Office of the Courts

Table of Contents

GENERAL PROVISIONS	1
<i>What Are Specialty Courts</i>	1
<i>Purpose</i>	1
<i>Best Practices</i>	1
<i>Key Components</i>	1
<i>Key Component 1</i>	1
<i>Key Component 2</i>	2
<i>Key Component 3</i>	2
<i>Key Component 4</i>	2
<i>Key Component 5</i>	2
<i>Key Component 6</i>	2
<i>Key Component 7</i>	2
<i>Key Component 8</i>	3
<i>Key Component 9</i>	3
<i>Key Component 10</i>	3
<i>NADCP Best Practice Standards</i>	3
<i>Best Practice Standard I</i>	3
<i>Best Practice Standard II</i>	3
<i>Best Practice Standard III</i>	3
<i>Best Practice Standard IV</i>	4
<i>Best Practice Standard V</i>	4
<i>Best Practice Standard VI</i>	4
<i>Best Practice Standard VII</i>	4
<i>Best Practice Standard VIII</i>	4
<i>Best Practice Standard IX</i>	4
<i>Best Practice Standard X</i>	4
 PROGRAM CRITERIA	 4
<i>Judicial Interaction</i>	4
<i>Separate Routine Court Docket</i>	5
<i>Multidisciplinary Team</i>	5
<i>Substance Abuse Testing</i>	5
<i>Treatment Services</i>	6
<i>Sanctions and Incentives</i>	6
<i>Program Fees</i>	6
<i>Drug Court Case Management (DCCM)</i>	7
 FUNDING PRIORITIES	 8
<i>Treatment and Testing</i>	8
<i>Personnel</i>	8
<i>Training and Education</i>	8
<i>Operating Expenses</i>	8
<i>Bus Passes</i>	9
<i>Incentives</i>	9
<i>Basic Needs</i>	9

<i>Housing with case/house manager</i>	9
<i>Housing</i>	9
<i>Capital Goods</i>	9
<i>Technology</i>	9
<i>Study the management of the program</i>	9
<i>Funds to pay for a Judge to oversee the program</i>	9
<i>Conducting Audits of the program</i>	9
<i>Unspent Funding – Carry Forward Balances</i>	9
COMMITTEE	9
<i>Structure</i>	9
<i>Eligible Candidates</i>	10
<i>Terms</i>	10
<i>Nomination to Serve</i>	10
<i>Election</i>	10
FUNDING PROCESS	11
<i>How to Apply</i>	11
<i>When to Apply</i>	11
<i>Application</i>	11
<i>Funding Recommendation</i>	11
<i>Award</i>	12
<i>Award Notification</i>	12
PROGRAM AUDIT/COMPLIANCE	12
<i>Audit</i>	12
<i>Compliance</i>	12
REPORTING REQUIREMENTS.....	12
<i>Financial Status Reports</i>	12
<i>Statistical Reports</i>	13
QUARTERLY ALLOCATION	13
BUDGET REVISIONS	13
FUNDING AUTHORITY	13
<i>NRS 176.0613</i>	13
<i>NRS 176.059</i>	14
<i>NRS 178.518</i>	16

General Provisions

What Are Specialty Courts

Nevada Revised Statute (NRS) 176.0613 defines a Specialty Court program as, “A program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or uses alcohol or other substances. Such a program includes, without limitation, a program established pursuant to [NRS 176A.230](#), [176A.250](#) or [176A.280](#).”

Nevada has classified its specialty court programs into two categories, existing and new. Below are the definitions of these categories:

An existing program is defined as a program that currently meets adopted guidelines and criteria, receives NRS 176.0613 funds, any legislatively approved general fund appropriation, is self-funded, or receives grant funding that may expire in the next 12 months. An existing program must be currently operational and must have contracts with providers.

A new program is defined as a program that is not currently operational and does not have a contract with a provider.

Purpose

This manual identifies the requirements for funding of a specialty court program using NRS 176.0613, 176.059, and 178.518 funds or any legislatively approved general fund appropriation. Any program requesting funding through the Supreme Court, Administrative Office of the Courts, for a specialty court program will be required to follow the guidelines disclosed within this document.

Best Practices

Nevada abides by the “Defining Drug Courts: The Key Components” that were developed by the Bureau of Justice Assistance in collaboration with the National Association of Drug Court Professionals (NADCP). Nevada also abides by the National Association of Drug Court Professionals Best Practice Standards. All programs must follow the literature on the Key Components and NADCP Best Practice Standards.

In order to be recognized as a specialty court, you must adhere to the Key Components and NADCP Best Practice Standards. The Key Components and NADCP Best Practice Standards have been adopted by the committee and are used nationally. They are the basic elements of a successful drug court. All specialty court programs applying for funding shall be substantially compliant with the following guidelines.

10 Key Components

- ***Key Component 1 = Drug courts integrate alcohol and other drug treatment services with justice system case processing.*** The mission of drug courts is to stop the abuse of alcohol and other drugs and related criminal activity. Drug courts promote recovery through a coordinated response to offenders depending on alcohol and other drugs. Realization of these goals requires a team approach, including cooperation and collaboration of the judges, prosecutors, defense counsel, probation authorities, other corrections personnel, law enforcement, pretrial services agencies, TASC programs, evaluators, an array of local service providers, and the greater community.

- **Key Component 2 = Non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.** Because the purpose is to facilitate an individual's progress in treatment, the prosecutor and defense counsel must shed their traditional adversarial courtroom relationship and work together as a team. Once a defendant is accepted into the drug court program, the team's focus is on the participant's recovery and law-abiding behavior – not on the merits of the pending case.

- **Key Component 3 = Eligible participants are identified early and promptly placed within the drug court program.** Judicial action, taken promptly after arrest, capitalizes on the crisis nature of the arrest and booking process. Rapid and effective action also increases public confidence in the criminal justice system.

- **Key Component 4 = Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.** The origins and patterns of AOD problems are complex and unique to each individual. They are influenced by a variety of accumulated social and cultural experiences. If treatment for AOD is to be effective, it must also call on the resources of primary health and mental health care and make use of social and other support services.

- **Key Component 5 = Abstinence is monitored by frequent alcohol and other drug testing.** Frequent court-ordered AOD testing is essential. An accurate testing program is the most objective and efficient way to establish a framework for accountability and to gauge each participant's progress. AOD testing is central to the drug court's monitoring of participant compliance. AOD testing results are objective measures of treatment effectiveness, as well as a source of important information for periodic review of treatment progress.

- **Key Component 6 = A coordinated strategy governs drug court responses to participants' compliance.** An established principle of AOD treatment is that addiction is a chronic, relapsing condition. A pattern of decreasing frequency of use before sustained abstinence from alcohol and other drugs is common. Becoming sober or drug free is a learning experience, and each relapse to AOD use may teach something about the recovery process. A participant's progress through the drug court experience is measured by his or her compliance with the treatment regimen. Cessation of drug use is the ultimate goal of drug court treatment. There is a value in recognizing incremental progress toward the goal, such as showing up at all required court appearances, regularly arriving at the treatment program on time, attending and fully participating in the treatment sessions, cooperating with treatment staff, and submitting to regular AOD testing. Drug courts must reward cooperation as well as respond to noncompliance. Small rewards for incremental successes have an important effect on a participant's sense of purpose and accomplishment. Praise from the drug court judge for regular attendance or for a period of clean drug tests, encouragement from the treatment staff or the judge at particularly difficult times, and ceremonies in which tokens of accomplishment are awarded in open court for completing a particular phase of treatment are all small but very important rewards that bolster confidence and give inspiration to continue.

- **Key Component 7 = Ongoing judicial interaction with each drug court participant is essential.** The judge is the leader of the drug court team, linking participants to AOD treatment and to the criminal justice system. This active, supervising relationship, maintained throughout treatment, increases the likelihood that a participant will remain in treatment and improves the

chances for sobriety and law-abiding behavior. Ongoing judicial supervision also communicates to participants that someone in authority cares about them and is closely watching what they do. Drug courts require judges to step beyond their traditionally independent and objective arbiter roles and develop new expertise. The structure of the drug court allows for early and frequent judicial intervention. A drug court judge must be prepared to encourage appropriate behavior and to discourage and penalize inappropriate behavior.

- ***Key Component 8 = Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.*** Fundamental to the effective operation of drug courts are coordinated management, monitoring, and evaluation systems. The design and operation of an effective drug court program result from thorough initial planning, clearly defined program goals, and inherent flexibility to make modifications as necessary. The goals of the program should be described concretely and in measurable terms to provide accountability to funding agencies and policymakers. Program management provides the information needed for day-to-day operations and for planning, monitoring, and evaluation. Program monitoring provides oversight and periodic measurements of the program's performance against its stated goals and objectives.
- ***Key Component 9 = Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.*** Periodic education and training ensures that the drug court's goals and objectives, as well as policies and procedures, are understood not only by the drug court leaders and senior managers, but also by those indirectly involved in the program. Education and training programs also help maintain a high level of professionalism, provide a forum for solidifying relationships among criminal justice and AOD treatment personnel, and promote a spirit of commitment and collaboration.
- ***Key Component 10 = Forging partnerships among drug courts, public agencies, and community-based organizations generate local support and enhance drug court program effectiveness.*** Because of its unique position in the criminal justice system a drug court is especially well suited to develop coalitions among private community-based organizations, public criminal justice agencies, and AOD treatment delivery systems. Forming such coalitions expands the continuum of services available to drug court participants and informs the community about drug court concepts.

NADCP Best Practice Standards

I. Target Population

Eligibility and exclusion criteria for the Drug Court are predicated on empirical evidence indicating which types of offenders can be treated safely and effectively in Drug Courts. Candidates are evaluated for admission to the Drug Court using evidence-based assessment tools and procedures.

II. Historically Disadvantaged Groups

Citizens who have historically experienced sustained discrimination or reduced social opportunities because of their race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion, or socioeconomic status receive the same opportunities as other citizens to participate and succeed in the Drug Court.

III. Roles and Responsibilities of the Judge

The Drug Court judge stays abreast of current law and research on best practices in Drug Courts, participates regularly in team meetings, interacts frequently and respectfully with participants, and gives due consideration to the input of other team members.

IV. Incentives, Sanctions, and Therapeutic Adjustments

Consequences for participants' behavior are predictable, fair, consistent, and administered in accordance with evidence-based principles of effective behavior modification.

V. Substance Abuse Treatment

Participants receive substance abuse treatment based on a standardized assessment of their treatment needs. Substance abuse treatment is not provided to reward desired behaviors, punish infractions, or serve other nonclinical indicated goals. Treatment providers are trained and supervised to deliver a continuum of evidence-based interventions that are documented in treatment manuals.

VI. Complimentary Treatment and Social Services

Participants receive complementary treatment and social services for conditions that co- occur with substance abuse and are likely to interfere with their compliance in Drug Court, increase criminal recidivism, or diminish treatment gains.

VII. Drug and Alcohol Testing

Drug and alcohol testing provides an accurate, timely, and comprehensive assessment of unauthorized substance use throughout participants' enrollment in the Drug Court.

VIII. Multidisciplinary Team

A dedicated multidisciplinary team of professionals manages the day-to-day operations of the Drug Court, including reviewing participant progress during pre-court staff meetings and status hearings, contributing observations and recommendations within team members' respective areas of expertise, and delivering or overseeing the delivery of legal, treatment and supervision services.

IX. Census and Caseloads

The Drug Court serves as many eligible individuals as practicable while maintaining continuous fidelity to best practice standards.

X. Monitoring and Evaluation

The Drug Court routinely monitors its adherence to best practice standards and employs scientifically valid and reliable procedures to evaluate its effectiveness.

Program Criteria

All applications for funding of a Specialty Court program shall substantially meet the following minimum program criteria in order to be considered for funding.

Judicial Interaction

The judge is the judicial officer of the specialty court and must be involved in all aspects of the specialty court program. The judge shall serve as the leader of the specialty court team and shall maintain an active role in the drug court process, including drug court staffing, conducting regular status hearings, and provide incentives and impose sanctions. The National Association of Drug Court Professionals Adult Drug Court Best Practice Standards, Volume I, Pages 20-25 identifies the judges' role as staying abreast of current law and research on best practices in specialty courts, participates regularly in team meetings, interacts frequently and respectfully with participants, and gives due consideration to the input of other team members. The best practice standard is:

- Professional Training
- Consistent Docket
- Judicial Demeanor
- Frequency of Status Hearings (No less than every two weeks during the first phase.)
- Judicial Decision Making
- Length of Term (The judge presides over the specialty court for no less than two consecutive years.)
- Participation in Pre-Court Staff Meetings
- Length of Court Interactions (Minimum of approximately three minutes with each participant.)

Separate Routine Court Docket

The specialty court program must have a separate and routine court docket that is presided over by the designated judicial officer of the specialty court. The frequency of court hearings is dependent upon the phase. The National Drug Court Institute (NDCI) identifies the reason to have phases is for structure, recovery process, and incremental progress. The specialty court should consider the following as the routine court docket:

- Phase 1..... Weekly Court appearances
- Phase 2..... Bi-weekly Court appearances
- Phase 3..... Monthly Court appearances
- Phase 4..... Monthly Court appearances
- Phase 5..... Monthly Court appearances

Multidisciplinary Team

Each specialty court program requires a team. A team shall be a group of professionals who are primarily responsible for the day-to-day operations of the program. The team is led by the judge and is responsible for the monitoring, supervision, and treatment of participants. The team may include, but is not limited to the judicial officer, defense counsel, prosecutor, probation, pretrial services, law enforcement, specialty court coordinator, and treatment providers. All participants and participating entities should be represented on the team. The National Association of Drug Court Professionals Adult Drug Court Best Practice Standards, Volume II, Pages 38-50 recommends the multidisciplinary team to have the following characteristics:

- Team Composition
- Pre-Court Staff Meetings
- Status Hearings
- Team Communication and Decision Making
- Sharing Information
- Team Training

Substance Abuse Testing

An accurate testing program is the most objective and efficient way to establish a framework for accountability and to gauge each participant’s progress; therefore, frequent court-ordered alcohol and drug testing is essential. Substance abuse testing shall be used as a tool to support recovery. Each specialty court program must monitor abstinence through frequent and random alcohol and drug testing. The method of testing should be scientifically valid, therapeutically beneficial, and legally defensible. The recommend method is observed urinalysis however Courts may use other methods such as the saliva, ankle monitors, portable breathalyzer, hair, and sweat patches. The National Drug Court Institute (NDCI) recommends no less than twice weekly throughout the entire program.

All participants are required to submit to random drug screens. Drug testing confirmation may be required if the participant denies use or a sanction is to be imposed. If a lab confirms a positive drug test, the participant must pay the cost of the confirmation.

Treatment Services

Treatment services are a vital component of the success of a specialty court program. Treatment services should be individualized to each participant's needs. The treatment provider should assess the participant and develop a treatment plan through after care. Each specialty court program must provide aftercare/discharge planning to participants. The plan should address areas of addiction, social skills, work skills, relationship issues, and living a healthy and sober life. Interventions may include individual, group, family counseling, parenting classes, detoxification, residential care (Mental Health Courts only) and 28-day inpatient residential treatment for programs that have a contract.

Specialty court participants must attend regular counseling sessions. Counseling sessions may vary depending upon the type of addiction and the length of time the participant has been enrolled in the program. Staff delivering services must be appropriately licensed and operating within the scope of their practice. Alcohol and Drug Counselors must be certified or licensed per NRS 641C and NAC 641C.

Sanctions and Incentives

The specialty court model is based on behavior modification, rewarding positive behavior and sanctioning criminal behavior or program violations. Research has shown that for sanctions to be effective they should be certain, immediate, fair, and appropriate for the consequence.

Sanctions could include, but are not limited to the following:

- Verbal warning in Court
- Letters of apology
- Essay assignment
- Increased Supervision
- Community Service
- Life skill assignments
- Termination from program
- Jury box observation
- Fines
- Jail
- Curfew
- Journaling

Small rewards for incremental successes have an important effect on a participant's sense of purpose and accomplishments therefore incentives are used to encourage participants to work toward and maintain sobriety. Incentives could include, but are not limited to the following:

- Verbal praise
- Reduced Supervision
- Late curfews
- Travel privileges
- Recognition in Court
- Written commendations
- Small tangible rewards (gift certificates \$5-\$15 value)

Each specialty court program should develop policies and procedures for sanctions and incentives that are consistent with science-based practices.

Program Fees

All participants in a specialty court program that is funded entirely or in part by funding through NRS 176.061(3) or any legislative-approved funding appropriated through the Supreme Court, Administrative Office of the Courts, are required to contribute to the total costs of the program in a manner and method determined by the Court.

The reimbursement shall be collected in a manner and method which shall be determined by the specialty court and documented in the program and procedures manual and may be designated a participant fee. This reimbursement includes payments made directly to service providers by the participant and payments made to the Court. To be compliant, collections of reimbursements must be 60% or greater. Any participant fees collected by the Court shall be rolled back in the program to help subsidize the costs of the program. The fee schedule shall meet the following standards.

Type of Program	Program Fees
Felony Drug Courts	The reimbursement from the participant shall be a minimum of <u>\$750</u> and shall not exceed a total sum of \$2,300.
Felony DUI Courts	The reimbursement from the participant shall be a minimum of <u>\$750</u> and shall not exceed the total cost of the program (NRS 484C.360).
Mental Health Courts, Family Treatment Courts, Juvenile Courts, Veterans Courts, Community Courts, Homeless Courts	Owing to the nature of these courts, the reimbursement from the participant shall be left to the discretion of the judge.
Misdemeanor Courts, unless otherwise exempt	The reimbursement from the participant shall be a minimum of <u>\$100</u> and shall not exceed the total cost of the program.

Case Management System

The Drug Court Case Management (DCCM) system is Nevada’s specialty court case management system. This system is a tool that facilitates the daily operations of specialty courts and allows for programs to self-evaluate. The Supreme Court, Administrative Office of the Courts, will use DCCM to collect data pursuant to Nevada Revised Statutes. The system is a web-based, menu-driven application accessible through most web browsers and is most compatible with Google Chrome. The software is organized around a series of screens associated with a participant’s case. DCCM is designed to manage all participant information from initial intake to program completion and beyond (for recidivism studies, for example). The system stores participant level data and produces summary information needed by judges and court staff to facilitate drug court decision making. All users of the system shall sign a confidentiality form. The confidentiality form should be retained by the Court.

Courts that receive funding for a specialty court from NRS 176.0613, 176.059, 178.518 or any legislatively approved general fund appropriation are required to use DCCM. Programs are required to use the following modules that are on the client menu in DCCM.

- Initial Eligibility
- Substance Abuse Testing
- Employment History
- Ancillary Services
- Community Service
- Funding Source
- Personal Demographics
- Medical History specifically pregnancy status
- Criminal History
- Incentives/Sanctions
- Interlock
- Journal
- Service/Veteran Information
- Treatment
- Fees
- Discharge
- Other modules at Court’s discretion, local assessments, medical history, school information.

Funding Priorities

Pursuant to NRS 176.0613, money appropriated to a court for the provision of specialty court programs must be used to pay for the treatment and testing of persons who participate in the program and to improve the operations of the specialty court. This includes acquiring necessary capital goods, personnel to oversee the specialty court program, training and education, studying the management and operation of the program, conducting audits of the program, supplementing the funds used to pay for judges to oversee a specialty court program, or acquiring or using appropriate technology.

In compliance with NRS 176.0613, below in order are the recommended funding priorities and definitions.

1. Treatment, Testing, and Housing

This category includes:

- ◆ *Counseling Services*
- ◆ *Housing for Mental Health Courts*
- ◆ *Drug Testing Supplies*
- ◆ *In-Patient Residential (28-day) must have a contract with a provider*
- ◆ *Drug Testing Equipment*
- ◆ *Electronic Monitoring*

2. Personnel

Staff involved with overseeing and or working directly as a team member. This category includes personnel who are dedicated 100 percent to the specialty court program and paid by the program. This excludes the judge and positions paid by the city/county/state. Personnel is considered to be an employee who aides in testing, assists participants with life skills, provides probation type services to participants, and may include personnel that provides clinical treatment to participants. Also included in this category are part-time contract personnel.

Please note that there is no limit on how much funding may be used per court to pay for personnel who are not already paid for through city/county/state funds; however, funding must first be used on professional services such as counseling, drug testing, and housing for participants.

3. Training and Education / Peer Review

Funds ranging in the amount of \$40,000-\$50,000 will be withheld by the Supreme Court to provide training and education opportunities in-state or out-of-state for personnel who are team members of a specialty court. This category may include judges, district attorneys, public defenders, law enforcement, counselors, and coordinators. The majority of this funding will be used for the National Association of Drug Court Professionals (NADCP) Annual Conference. This funding may also be used for expenses related to Peer Review.

4. Operating expenses

Fund a maximum of \$2,400 per year per program to assist with operating expenses such as paper, certificates, and office supplies.

5. Bus Passes and/or Taxi Vouchers
Fund a maximum of \$10,000 per year per program to assist with transportation needs.
6. Incentives
Fund a maximum of \$5,000 per year per program to assist with incentives. Incentives include tokens, books, cookies, pizza, and gift certificates. When providing gift certificates, the value range is \$5-\$15, per the National Drug Court Institute's (NDCI) The Drug Court Judicial Benchbook.
7. Basic Needs
Fund a maximum of \$10,000 per year per program. Assistance with clothing, haircuts, hygiene products. Products and services must be for participant only.
8. Housing with case/house manager on-site
Maximum 30% of total program award, per year.
9. Housing (apartments, motel, weekly room rates)
Maximum 30% of total program award, per year.
10. Acquiring necessary capital goods
Defined as including office buildings, equipment, and machinery.
11. Acquiring or using appropriate technology
Defined as technology that is designed with special consideration, for example, case management system.
12. Studying the management and operation of the program
Defined as a program evaluation completed by a consultant or contract person who specializes in specialty court program evaluation.
13. Supplementing the funds used to pay for judges to oversee a specialty court program
Defined as funding for a Judge to oversee a specialty court.
14. Conducting audits of the program
Defined as financial and program audits of a specialty court. Note: Financial auditing of NRS 176.0613 and legislatively-approved state general funds will be conducted by an AOC auditor. The AOC Specialty Courts Statewide Coordinator will conduct a program audit ensuring the 10-Key components and NADCP's Best Practice Standards are being followed. Expenses from this category would include travel.

Unspent Funding - Carry-Forward Balances

Unspent funding-carry forward balances reported on the 4th quarter financial status report will be deducted from the following fiscal year's quarters two through four allocation. Unspent funds should *not* be returned to the AOC; please contact your state coordinator if further instruction is needed.

Committee

Structure

The Specialty Court Funding and Policy Committee shall consist of no more than 20 members. The Chair of the Committee must be a Supreme Court Justice. The Vice Chair may either be a

Supreme District Court Judge, Justice of the Peace, or a Municipal Court Judge. The remaining members are one general/limited jurisdiction judge from each region except Clark. Clark will have two general jurisdiction and two limited jurisdiction judges. Senior judges may serve. Additionally, there will be three at-large members consisting of one general jurisdiction judge, one limited jurisdiction judge, and one judge from any region and jurisdiction. At-large members may be judges who do not conduct a specialty court program, and will be appointed by the Chair and Vice-Chair of the Committee. At-large members will be selected by the Chair, and ratified by the Chief Justice. The committee will have an equal number of general and limited jurisdiction representatives.

There will also be up to four non-voting members who are specialty court program coordinators or program administrators. These members will be selected by the chief justice upon recommendation of the specialty court program coordinators and program administrators in three regions consisting of the Clark Region, the Washoe Region, and the Rural Region. The Rural Region shall be comprised of the all the courts in the Sierra, North Central, and South Central regions. The Rural Region will have two coordinators serving as members while the Clark and Washoe regions will have one member. These members will serve terms consistent with those of the other members of the Committee save that the initial terms of the specialty court coordinator or administrator members shall begin July 1, 2019, and the initial three members shall serve from then until December 31, 2019, before commencing regular two-year terms on January 1, 2020.

Eligible Candidates

All judges, including senior judges, are eligible to serve on the committee.

Terms

All members will serve 3-year terms. Terms will be staggered and begin on January 1 and conclude December 31 of the third year (e.g., January 1, 2021 – December 31, 2023.) Members are eligible to serve multiple terms.

Nomination to Serve

Prior to the expiration date of the respective member, the AOC will distribute by email a nomination form. The nomination form will be distributed to all judges within the same jurisdiction, in the respective region. The judges within the region and with the same jurisdiction level will nominate a judge to serve. Prior to nominating a judge to serve, the judge should ascertain their interest in serving. Self-nominations are acceptable.

Election

All nominations and voting will be conducted by e-mail. An official ballot identifying all nominated judges will be emailed to all the judges in the region and with the same jurisdiction level for the nomination of the member. To assure no duplicate votes are received, control numbers will be printed on the top of each official ballot. Votes will be kept in strict confidence by the AOC.

When a member's term expires, all judges within the respective region and jurisdiction level may vote (general jurisdiction judges vote for general jurisdiction representatives and limited jurisdiction judges vote for limited jurisdiction representatives within their respective region). At-large representatives may be determined by the Chair of the Committee. Participation is encouraged; however, 100% participation in a region is not required to determine an election outcome. In the case of a tie, a "run off" election will be held between the tied candidates.

Election Timeline

Nomination forms emailed.....	mid October
Nominations due to AOC.....	late October
Ballots emailed.....	early November
Ballots due to AOC.....	late November
Results certified to Chair of the Committee.....	early December
New Committee members notified via email.....	early January

Funding Process

NRS 176.0613 articulates that the Office of Court Administrator shall allocate the money credited to the State General Fund to assist courts with the funding or establishment of specialty court programs. Special funding such as a general fund appropriation will follow the same funding process.

How to Apply

The AOC will distribute an “Application for Funding of a Specialty Court Program.” The application needs to be completed and returned to the AOC by the due date.

When to Apply

An “Application for Funding of a Specialty Court Program” will be distributed to all Nevada judges and court administrators. The application will be distributed in October each calendar year and must be submitted to the AOC by the due date, usually six weeks after being distributed. The same application will be used for both administrative assessment revenue and general fund appropriation requests. Existing programs and new programs requesting funds need to apply during this open application period.

Application

The application consists of three sections. Section One is the Application Cover Sheet, Budget Worksheet, Budget Narrative, Program Design, Treatment Provider Contracts, and Program Handbook. Section Two is the Funding Priorities, Minimum Program Criteria, and Evaluation/Reporting Requirements. Section Three is the Application Data Dictionary. All programs, whether new or existing, must complete the entire application unless other specific instructions are provided.

After the application is submitted to the AOC, the Specialty Courts Statewide Coordinator or Review Committee will review each application to ensure the program applying meets the minimum criteria. In addition, he/she will review the Budget Worksheet in detail to ensure accuracy of the budget. The Budget Narrative must coincide with the Budget Worksheet. The Specialty Courts Statewide Coordinator may contact a court at any time and inquire into the details to support the Budget Worksheet.

Funding Recommendation

The Specialty Courts Statewide Coordinator will make two or three funding recommendations to the Specialty Court Funding and Policy Committee. Funding recommendations will be based on available revenue, taking into consideration the approved funding priorities. The

funding recommendations will be presented to the committee at the March meeting or at the call of the Chairs. The Committee will approve a funding recommendation with final approval at the next Judicial Council of the State of Nevada (JCSN) meeting.

Award

Funds will be awarded for a 12-month period and will be based on a fiscal year. Awards may be subject to change depending upon available funding. Any funds awarded must not be used to supplant county or federal funds allocated for the operation of an existing program.

Award Notification

All courts will be notified of their award after final approval from JCSN, usually in December or January of the prior fiscal year. The notification will include the total award and how the funds are to be expended. If a program wants to modify the allocation, they must submit a Budget Revision to the AOC Specialty Court Statewide Coordinator. The total amount on the Budget Revision cannot exceed the allocation awarded.

Program Audit/Compliance

Audit

All programs are subject to a financial status audit. The financial status audit will be performed by the Administrative Office of the Courts Auditors. The audit will consist of a review of the financial status reports to ensure the programs financial audit is consistent with the Minimum Criteria and Funding Priorities as outlined in this document. Programs selected for the audit will need to provide receipts and revenue verification in accordance with the financial status reports and will need to respond to questions from the auditors related to the financial information. The AOC Specialty Courts Statewide Coordinator will provide the auditor with the financial status reports, receipts and the grant application for the fiscal year that the program is being audited for.

Compliance

All programs are subject to a compliance review to ensure the program is complying with the award application and the Nevada Specialty Court Funding Guidelines and Criteria. The review will be conducted by the Specialty Courts Statewide Coordinator or a review committee ensuring that the 10-key components and the NADCP Best Practice Standards are being followed and the program is in compliance with the Minimum Criteria as outlined in this document. The Specialty Courts Statewide Coordinator may ask additional questions as they pertain to the program and specifically to the award application.

Reporting Requirements

Courts awarded funds are required to submit statistical and financial reports. Each program must complete the reports quarterly and reports are due one month after the end of the quarter.

Financial Status Reports

The financial status report assists the Administrative Office of the Courts (AOC) in tracking costs associated with Specialty Court programs and to help maintain adequate financial records of each program. All revenue (participant payments, appropriations received from cities or counties, federal grants, and other funds received) and expenditure costs (approved expenditures only) for the program should be recorded on these reports. Receipts for all expenditures must be attached to the quarterly financial status report. The financial status report revenue and

expenditures must balance. In addition, funds that were not expended within the quarter or the fiscal year must be accounted for and recorded as unspent Supreme Court/AOC funding balance forward from prior quarters.

Statistical Reports

The statistical report was designed to assist in the collection of statewide data statistics and provide continuity within our programs. Statistical information collected will be in accordance with the Nevada Revised Statutes.

Quarterly Allocation

Courts who were approved to receive an allocation will receive 25 percent of the total allocation on a quarterly basis during these months of the fiscal year: July, October, January, and April.

Budget Revisions

A budget revision form authorizes programs to move monies from one approved category to another after the allocation has been approved. This form needs to be completed every time a program wishes to redistribute funds from one approved category to another.

Funding Authority

➤ **NRS 176.0613 Additional administrative assessment for misdemeanor: Authorization; collection; distribution; limitations on use. [Effective July 1, 2020.]**

1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to [NRS 176.059](#), [176.0611](#) and [176.0623](#), an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to [NRS 244.3575](#) or [268.019](#).

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to [NRS 176.059](#);

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to [NRS 176.0611](#);

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs;

(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to [NRS 176.0623](#); and

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) “Office of Court Administrator” means the Office of Court Administrator created pursuant to [NRS 1.320](#); and

(b) “Specialty court program” means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or uses alcohol or other substances. Such a program includes, without limitation, a program established pursuant to [NRS 176A.230](#), [176A.250](#) or [176A.280](#).

(Added to NRS by [2003, 2096](#); A [2007, 1418](#); [2009, 101](#); [2013, 1066](#), [1990, 3686](#); [2015, 2955](#); [2017, 2905](#); [2019, 4382](#), effective July 1, 2020)

➤ **NRS 178.518 Payment of forfeited deposits to county treasurer or State Controller.** Money collected pursuant to [NRS 178.506](#) to [178.516](#), inclusive, which was collected:

1. From a person who was charged with a misdemeanor must be paid over to the county treasurer.

2. From a person who was charged with a gross misdemeanor or a felony must be paid over to the State Controller for deposit in the State General Fund for distribution in the following manner:

- (a) Ninety percent for credit to the Fund for the Compensation of Victims of Crime; and
- (b) Ten percent for credit to the special account established pursuant to [NRS 176.0613](#) to assist with funding and establishing specialty court programs.

(Added to NRS by [1967, 1453](#); A [1981, 1672](#); [2001, 2922](#); [2003, 2105](#))