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HEALTH AND SAFETY CODE - HSC

DIVISION 10.5. ALCOHOL AND DRUG PROGRAMS [11750 - 11975] (Heading of Division 10.5 amended by Stats. 2013, Ch. 22, Sec. 18.)

PART 3. STATE GOVERNMENT'S ROLE TO ALLEVIATE PROBLEMS RELATED TO THE USE OF ALCOHOL AND OTHER DRUGS [11876 - 11975] (Heading of Part 3 amended by Stats. 2024, Ch. 847, Sec. 84.)

CHAPTER 2. Community Alcohol and Other Drug Use Control [11970 - 11975] (Heading of Chapter 2 amended by Stats. 2024, Ch. 847, Sec. 85.)

ARTICLE 1. Comprehensive Drug Court Implementation Act of 1999 [11970 - 11974] (Article 1 added by Stats. 2012, Ch. 36, Sec. 67.)

11970. (a) This article shall be known and may be cited as the Comprehensive Drug Court Implementation Act of 1999.

(b) The State Department of Alcohol and Drug Programs shall provide oversight of this article.

(c) The department and the Judicial Council shall design and implement this article through the Drug Court Partnership Executive Steering Committee established under the former Drug Court Partnership Act of 1998 pursuant to former Section 11970, for the purpose of funding cost-effective local drug court systems for adults, juveniles, and parents of children who are detained by, or are dependents of, the juvenile court.

(d) This section shall become inoperative on July 1, 2013.

(Amended by Stats. 2013, Ch. 22, Sec. 60. (AB 75) Effective June 27, 2013. Amending action operative July 1, 2013, by Sec. 110 of Ch. 22. Section inoperative July 1, 2013, by its own provisions from this amendment.)

11970.5. (a) This article shall be known and may be cited as the Drug Court Programs Act.

(b) This section shall become operative on July 1, 2013.

(Added by Stats. 2013, Ch. 22, Sec. 61. (AB 75) Effective June 27, 2013. Adding action operative July 1, 2013, by Sec. 110 of Ch. 22. Section operative July 1, 2013, by its own provisions.)

11971. (a) (1) At its option, a county may provide a program authorized by this article. A county that chooses to provide a program shall ensure that any funds used for the program are used in compliance with the requirements for receipt of federal block grant funds for prevention and treatment of substance use disorder described in Subchapter XVII of Chapter 6A of Title 42 of the United States Code and other federal provisions governing the receipt of federal funds.

(2) The funds contained in each county's Behavioral Health Subaccount of the Support Services Account of the Local Revenue Fund 2011 may be used to fund the cost of drug court treatment programs for the purpose of applying for federal grant funds from the federal Substance Abuse and Mental Health Services Administration as described in Section 11775.

(b) If a county chooses to provide a drug court program, a county alcohol and drug program administrator and the presiding judge in the county shall develop, as part of the contract for alcohol and other drug services, a plan for the operation of a drug court program that shall include the information necessary for the state to ensure a county's compliance with the provisions for receipt of the federal block grant funds for prevention and treatment of substance use disorder found at Subchapter XVII of Chapter 6A of Title 42 of the United States Code and other applicable federal provisions for funds.

(c) The plan shall do all of the following:

(1) Describe existing programs that serve adults and juveniles with substance use disorders and parents of children who are detained by, or are dependents of, the juvenile court.

(2) Provide a local action plan for implementing cost-effective drug court systems, including any or all of the following drug court systems:

- (A) Drug courts operating pursuant to Sections 1000 to 1000.5, inclusive, of the Penal Code.
- (B) Drug courts for juvenile offenders.
- (C) Drug courts for parents of children who are detained by, or are dependents of, the juvenile court.
- (D) Drug courts for parents of children in family law cases involving custody and visitation issues.

(E) Other drug court systems that are approved by the Drug Court Partnership Executive Steering Committee.

(3) Develop information-sharing systems to ensure that county actions are fully coordinated, and to provide data for measuring the success of the local action plan in achieving its goals.

(4) Identify outcome measures that will determine the cost effectiveness of the local action plan.

(Amended by Stats. 2024, Ch. 847, Sec. 86. (AB 2995) Effective January 1, 2025.)

11972. (a) Counties and courts that opt to have treatment court programs shall ensure the programs are designed and operated in accordance with state and national guidelines incorporating the "Adult Treatment Court Best Practice Standards" and "Family Treatment Court Best Practice Standards" developed by All Rise (founded as the National Association of Drug Court Professionals), with consideration for the distinct court system within which the program operates. It is the intent of the Legislature that key components of the criminal adult treatment court programs include:

- (1) Integration by treatment courts of behavioral health treatment services with justice system case processing.
- (2) Promotion of public safety, while protecting participants' due process rights, by prosecution and defense counsel using a nonadversarial approach.
- (3) Early identification of eligible participants from the appropriate high-risk and high-need target population and prompt placement in the treatment court program.
- (4) Access provided by treatment courts to a continuum of substance use and other behavioral health treatment and social services that are evidence based and meet the specific needs of the participant.
- (5) Frequent alcohol and other drug testing to monitor abstinence.
- (6) A system of incentives, sanctions, and service adjustments to achieve participant success.
- (7) Ongoing judicial interaction with each treatment court participant at the needed frequency to meet the needs of the participant.
- (8) Monitoring and evaluation to measure the achievement of program goals and gauge effectiveness.
- (9) Continuing interdisciplinary education to promote effective treatment court planning, implementation, and operations.
- (10) Forging partnerships among treatment courts, public agencies, and community-based organizations to generate local support and enhance treatment court program effectiveness and to coordinate access to needed complementary services outside the program.
- (11) Working to ensure equitable access, services, and outcomes for all sociodemographic and sociocultural groups.

(b) No later than January 1, 2026, the Judicial Council shall revise the standards of judicial administration to reflect state and nationally recognized best practices and guidelines for collaborative programs, including those described in subdivision (a).

(Amended by Stats. 2024, Ch. 641, Sec. 1. (SB 910) Effective January 1, 2025.)

11973. (a) It is the intent of the Legislature that dependency drug courts be funded unless an evaluation of cost avoidance as provided in this section with respect to child welfare services and foster care demonstrates that the program is not cost effective.

(b) The State Department of Social Services, in collaboration with the State Department of Alcohol and Drug Programs and the Judicial Council, shall conduct an evaluation of cost avoidance with respect to child welfare services and foster care pursuant to this section. These parties shall do all of the following:

- (1) Consult with legislative staff and at least one representative of an existing dependency drug court program who has experience conducting an evaluation of cost avoidance, to clarify the elements to be reviewed.

(2) Identify requirements, such as specific measures of cost savings and data to be evaluated, and methodology for use of control cases for comparison data.

(3) Whenever possible, use existing evaluation case samples to gather the necessary additional data.

(c) This section shall become inoperative on July 1, 2013.

(Amended by Stats. 2013, Ch. 22, Sec. 62. (AB 75) Effective June 27, 2013. Amending action operative July 1, 2013, by Sec. 110 of Ch. 22. Section inoperative July 1, 2013, by its own provisions from this amendment.)

11974. (a) Notwithstanding the rulemaking provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, or make specific the amendments to this article made by the act that added this section by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions from the department until regulations are adopted pursuant to that chapter of the Government Code.

(b) The department shall adopt emergency regulations no later than July 1, 2014. The department may subsequently readopt any emergency regulation authorized by this section that is the same as or is substantially equivalent to an emergency regulation previously adopted pursuant to this section.

(c) The initial adoption of emergency regulations implementing this article and the one readoption of emergency regulations authorized by this section shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and each shall remain in effect for no more than 180 days, by which time final regulations may be adopted.

(Added by Stats. 2012, Ch. 36, Sec. 67. (SB 1014) Effective June 27, 2012. Operative July 1, 2012, by Sec. 83 of Ch. 36.)