



Judicial Council of California

Tribal Court–State Court Forum

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TRIBAL COURT–STATE COURT FORUM

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: February 13, 2025
Time: 12:15-1:15 p.m.
Public Call-in Number: <https://jcc.granicus.com/player/event/4006>; (Listen Only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to forum@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the December 12, 2024, Tribal Court–State Court Forum meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to forum@jud.ca.gov, attention: Ann Gilmour. Only written comments received by February 11, 2025, at 12:15 p.m. will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1–4)

Item 1

Cochair Report

Administration for Children and Families – ICWA Collaborative Grant Update – We are better together.

Presenters: Judge Abby Abinanti, Cochair, Chief Judge of the Yurok Tribal Court, and Judge Joyce Hinrichs, Cochair, Judge of the Superior Court of California, County of Humboldt

Item 2

Collaborative Justice Courts Advisory Committee SB 910 and Standards of Judicial Administration

Implementation of SB 910 and proposed revisions to the Standards of Judicial Administration

Presenter: Ms. Deanna Adams, Supervising Analyst, Criminal Justice Services

Item 3

Center for Indigenous Law & Justice, University of California Berkley School of Law

Discussion of the goal, mission, and potential projects of this new center and possible overlap with issues of concern to the Forum.

Presenter: Ms. Merri Lopez-Keifer, Executive Director

Item 4

Self-Help Guide Webpage on Registration and Enforcement of Tribal Court Orders

A presentation on this new resource and other resources related to tribal justice systems on the Judicial Council website.

Presenter: Ann Gilmour, Attorney, Center for Families, Children & the Courts

IV. ADJOURNMENT

Adjourn



Judicial Council of California

Tribal Court–State Court Forum

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TRIBAL COURT–STATE COURT FORUM

MINUTES OF OPEN MEETING

December 12, 2024

12:15 - 1:15 p.m.

Virtual

Advisory Body Members Present: Hon. Abby Abinanti, Cochair, Hon. Joyce Hinrichs, Cochair, Hon. Lucy Armendariz, Hon. Leonard Edwards, Hon. Michele Fahley, Hon. Christopher Haug, Hon. Winston Keh, Hon. Lawrence King, Hon. Patricia Lenzi, Ms. Merri Lopez-Keifer, Hon. Nicholas Mazanec, Hon. Dorothy McLaughlin, Hon. Stephen Place, Hon. Mark Ralphs, Hon. Dean Stout, Hon. Alison Tucher, Hon. Juan Ulloa, Hon. Christine Williams.

Advisory Body Members Absent: Hon. Yvette Ayala Henderson, Hon. Richard Blake, Ms. Laila DeRouen, Hon. Ana Espana, Hon. Devin Flesher, Hon. Kristina Lindquist, Hon. April Olson, Ms. Andrea Pella, Hon. Victorio Shaw, Ms. Christina Snider-Ashtari, Hon. Zeke Zeidler.

Others Present: Ms. Vida Castaneda, Ms. Audrey Fancy, Ms. Ann Gilmour, Hon. Joan Irion, Ms. Tracy Kenny, Ms. Amanda Morris, Ms. Christy Simons, Mr. Corby Sturges

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:16 p.m. and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the October 10, 2024, Tribal Court–State Court Forum meeting. Motion to approve by Judge Winston Keh, seconded by Judge Lawrence King.

DISCUSSION AND ACTION ITEMS (ITEMS 1–2)

Item 1

Indian Child Welfare Act: ICWA Inquiry and Family Finding

Ms. Ann Gilmour briefed committee members on a proposal to amend four rules of court and revise twenty-two Judicial Council forms pertaining to ICWA inquiry and Family Finding.

Cal. Rules of Court 5.481, 5.668, 5.725. Forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101A, JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457.

Action: Committee members were asked to approve the proposed amendments and revisions to move forward to the Rules committee for permission to be put forward for public comment in the spring. Motion

to approve by Judge Leonard Edwards, seconded by Judge Winston Keh. The motion was approved with no opposition.

Item 2

Bishop Paiute Tribal Court and Inyo County Superior Court Joint-Jurisdiction Court Update

Judge Stephen Place updated committee members on the status of the Family Wellness Court being created by the Bishop Paiute Tribal Court and Inyo County Superior Court. Judge Dean Stout recognized contributors to the program and expanded upon challenges it is attempting to correct. The program will be ready for the courtroom soon.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:59 p.m.

Approved by the advisory body on enter date.

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Date Published: 09/30/2024 02:00 PM

Senate Bill No. 910

CHAPTER 641

An act to amend Section 11972 of the Health and Safety Code, relating to courts.

[Approved by Governor September 27, 2024. Filed with Secretary of State
September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 910, Umberg. Treatment court program standards.

Existing law states the intent of the Legislature that drug court programs be designed and operated in accordance with specified standards developed by the National Association of Drug Court Professionals and Drug Court Standards Committee. Existing law further states the intent of the Legislature that key programs of the drug court programs include, among other things, integration by drug courts of alcohol and other drug treatment services.

This bill would instead require, for counties and courts that opt to have treatment court programs, that the treatment court programs be 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, with consideration for the court system within which the program operates. The bill would revise the above-described statement of legislative intent regarding key components to be included in criminal adult treatment court programs, including requiring a system of incentives, sanctions, and service adjustments to achieve participant success. The bill would require the Judicial Council, no later than January 1, 2026, to revise the standards of judicial administration to reflect state and nationally recognized best practices and guidelines for collaborative programs including those described in these provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11972 of the Health and Safety Code is amended to read:

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).



California Rules of Court

(Revised January 1, 2024)

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Standard 4.10. Guidelines for diversion drug court programs

(a) Minimum components

The components specified in this standard should be included as minimum requirements in any pre–plea diversion drug court program developed under Penal Code section 1000.5.

(Subd (a) amended effective January 1, 2007.)

(b) Early entry

Eligible participants should be identified early and enter into a supervision and treatment program promptly.

- (1) A declaration of eligibility should be filed by the district attorney no later than the date of the defendant's first appearance in court.
- (2) Participants designated as eligible by the district attorney should be ordered by the assigned drug court judge to report for assessment and treatment supervision within five days of the first court appearance.

(c) Treatment services

Participants should be given access to a continuum of treatment and rehabilitative services.

- (1) The county drug program administrator should specify and certify appropriate drug treatment programs under Penal Code section 1211.
- (2) The certified treatment programs should provide a minimum of two levels of treatment services to match participants to programs according to their needs for treatment, recognizing that some divertees may be at the stage of experimenting with illicit drugs while others may be further along in the addiction's progression.
- (3) Each treatment level should be divided into phases in order to provide periodic reviews of treatment progress. Each phase may vary in length. It should be recognized that a participant is expected to progress in treatment but may relapse. Most participants, however, should be able to successfully complete the treatment program within 12 months.
- (4) Each pre–plea diversion drug court program should have an assessment component to ensure that participants are initially screened and then periodically assessed by treatment personnel to ensure that appropriate treatment services are provided and to monitor the participants' progress through the phases.
- (5) Treatment services should include educational and group outpatient treatment. Individual counseling, however, should be made available in special circumstances if an assessment based on acceptable professional standards indicates that individual counseling is the only appropriate form of treatment. Referrals should be made for educational and vocational counseling if it is determined to be appropriate by the judge.

(Subd (c) amended effective January 1, 2007.)

(d) Monitoring

Abstinence from and use of drugs should be monitored by frequent drug testing.

- (1) Alcohol and other drug (AOD) testing is essential and should be mandatory in each pre–plea diversion drug court program to monitor participant compliance.
- (2) Testing may be administered randomly or at scheduled intervals, but should occur no less frequently than one time per week during the first 90 days of treatment.
- (3) The probation officer and court should be immediately notified when a participant has tested positive, has failed to submit to AOD testing, or has submitted an adulterated sample. In such cases, an interim hearing should be calendared and required as outlined in (e)(4).
- (4) Participants should not be considered to have successfully completed the treatment program unless they have consistently had negative test results for a period of four months.

(Subd (d) amended effective January 1, 2007.)

(e) Judicial supervision

There should be early and frequent judicial supervision of each diversion drug court participant.

- (1) Each participant should appear in court before a specifically assigned diversion drug court judge within 30 days after the first court appearance. At this time the participant should provide proof of registration, proof of completion of assessment, proof of entry into a specific treatment program, and initial drug test results.
- (2) The second drug court appearance should be held no later than 30 days after the first drug court appearance. The third drug court appearance should be held no later than 60 days after the second drug court appearance.
- (3) A final drug court appearance should be required no sooner than 12 months from entry into treatment unless continued treatment is found to be appropriate and necessary.
- (4) Interim drug court appearances should be required within one week of the following: positive drug test results, failure to test, adulterated test, or failure to appear or participate in treatment.
- (5) At each drug court appearance, the judge should receive a report of the participant's progress in treatment and drug test results and should review, monitor, and impose rewards and sanctions based on the participant's progress or lack of progress.

(f) Sanctions and incentives

The drug court responds directly to each participant's compliance or noncompliance with graduated sanctions or incentives.

- (1) A clear regimen of incentives and sanctions should be established and implemented at each court hearing.
- (2) The suggested range of incentives should be as follows:
 - (A) Encouragement;
 - (B) Advancement to next treatment phase;
 - (C) Reduction in diversion program fees (other than state-mandated fees);
 - (D) Completion of treatment and required court appearances and shortening of the term of diversion; and
 - (E) Other incentives the court may deem necessary or appropriate.
- (3) The suggested range of sanctions should be as follows:
 - (A) Demotion to earlier treatment phase;
 - (B) Increased frequency of testing, supervision, or treatment requirements;

- (C) Graduated length of incarceration for violating diversion order to abstain from use of illegal drugs and for nonparticipation in treatment; and
 - (D) Reinstatement of criminal proceedings.
- (4) A participant should be terminated from the pre–plea diversion drug court, and criminal proceedings reinstated, if the drug court judge, after a hearing, makes a final and specific finding and determination at any time during the period of diversion that the participant has:
- (A) Not performed satisfactorily in treatment;
 - (B) Failed to benefit from education, treatment, or rehabilitation;
 - (C) Been convicted of a misdemeanor that reflects the participant's propensity for violence; or
 - (D) Engaged in criminal conduct rendering him or her unsuitable for continued treatment.

(Subd (f) amended effective January 1, 2007.)

(g) National standards

In addition to meeting the minimum guidelines provided in this standard, courts are encouraged to look to the nationally accepted guidelines, *Defining Drug Courts: The Key Components*, developed by the National Association of Drug Court Professionals in cooperation with the Department of Justice, for further and detailed guidance in developing an effective diversion drug court program.

(Subd (g) amended effective January 1, 2007.)

Standard 4.10 amended and renumbered effective January 1, 2007; adopted as sec. 36 effective January 1, 1998.



Judicial Council of California

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INVITATION TO COMMENT

[ITC prefix as assigned]-__

Title

Collaborative Justice: Guidelines for drug diversion court programs

Action Requested

Review and submit comments by May 30, 2025

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Stds. Jud. Admin., std. 4.10

Proposed Effective Date

January 1, 2026

Proposed by

Collaborative Justice Courts Advisory Committee
Hon. Lawrence G. Brown, Chair

Contact

Deanna Adams, 916.263.1378
deanna.adams@jud.ca.gov

Executive Summary and Origin

The Collaborative Justice Courts Advisory Committee proposes amending standard 4.10 of the Standards of Judicial Administration to expand the scope of its application from diversion drug court programs to adult collaborative treatment court programs. This amendment is in response to Senate Bill 910 (Stats. 2024, ch. 641), which expressly requires the Judicial Council to amend Standards of Judicial Administration to reflect state and nationally recognized best practices and guidelines for adult collaborative treatment court programs.

Background

Standard 4.10, originally adopted as standard section 36 effective January 1, 1998, was created to establish criteria by which the Judicial Council would evaluate a former grant program for courts to implement pre-plea drug diversion under Penal Code section 1000.5. The standard was renumbered in 2006 as part of the reorganization of the California Rules of Court. The grant program was permanently eliminated as part of the 2013-14 state budget. There have been no substantive changes to the standard since its adoption.

Senate Bill 910, effective January 1, 2025, amended Health and Safety Code section 11972(a) to require all adult collaborative treatment court programs to be designed and operated in accordance with national guidelines incorporating the “Adult Treatment Court Best Practice

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

Standards” and “Family Treatment Court Best Practice Standards” developed by All Rise. It also updated key components for criminal adult treatment court programs. The bill added section 11972(b), requiring the Judicial Council to revise the Standards of Judicial Administration by January 1, 2026, to reflect state and nationally recognized best practices and guidelines for collaborative programs, including those described in subdivision (a).

The Proposal

The committee is proposing to amend standard 4.10 to fulfill the requirements of Health and Safety Code section 11972(b). The proposed amendments are intended to:

- Expand the scope of standard 4.10 to apply to all adult collaborative treatment court programs that fall within the scope of the All Rise “Adult Treatment Court Best Practice Standards” and “Family Treatment Court Best Practice Standards.”

The All Rise Standards are designed for post-adjudication court programs. All Rise identifies these programs as drug courts, co-occurring courts, driving under the influence courts, mental health courts, reentry drug courts, tribal healing to wellness courts, veterans treatment courts, and family treatment courts.

- Ensure compliance with the All Rise “Adult Treatment Court Best Practice Standards” and “Family Treatment Court Best Practice Standards” and the key components identified in Health and Safety Code section 11972(a).
- Remove program requirements that were specific to the former grant program and pre-plea drug diversion under Penal Code section 1000.5, while retaining programmatic elements that are applicable to all adult collaborative treatment court programs.
- Add new or reframe existing requirements that are applicable to all adult collaborative treatment court programs. This includes avoiding requirements that may apply to some but not all adult collaborative treatment court programs and removing detailed language that merely restates the guidelines already prescribed by All Rise.
- Allow for the adaptability of the standard over time. This includes designing revisions that consider the ever-changing nature of the All Rise “Adult Treatment Court Best Practice Standards” and “Family Treatment Court Best Practice Standards” and the nature of California legislative and policy change.

Alternatives Considered

Section 11972(b) requires the Judicial Council to revise the Standards of Judicial Administration to reflect state and nationally recognized best practices and guidelines for collaborative programs, so the committee did not consider the alternative of not proposing such revisions.

Fiscal and Operational Impacts

The fiscal and operational impacts of this proposal are attributable to the legislation that mandated it.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Stds. Jud. Admin., std. 4.10, at pages 26–30
2. Link A: Health & Saf. Code, § 11972,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=11972.

Standard 4.10 of the Standards for Judicial Administration would be amended, effective January 1, 2026, to read:

Title 4. Standards for Criminal Cases

Standard 4.10. Guidelines for ~~diversion drug~~ adult collaborative treatment court programs

(a) Minimum components

- (1) The components specified in this standard should be included as minimum requirements in any ~~pre-plea diversion drug~~ adult collaborative treatment court programs ~~developed under Penal Code section 1000.5.~~
- (2) In addition to the components specified in this standard, programs must be designed and operated in accordance with Health and Safety Code section 11972(a).

(b) ~~Early entry~~ Program participants

Eligible participants should be identified early and ~~enter~~ placed into a ~~supervision and treatment~~ program promptly.

- (1) ~~A declaration of eligibility should be filed by the district attorney no later than the date of the defendant's first appearance in court. Programs should include a high-risk and high-need target population. Programs may serve participants with lower risk or need levels. Programs serving more than one risk or need level should develop alternative treatment and service tracks.~~
- (2) ~~Participants designated as eligible by the district attorney should be ordered by the assigned drug court judge to report for assessment and treatment supervision within five days of the first court appearance.~~

(c) Treatment and social services

Participants should be given access to a continuum of treatment and ~~rehabilitative~~ social services that are responsive to their individual needs.

- (1) ~~The county drug program administrator should specify and certify appropriate drug treatment programs under Penal Code section 1211.~~
- (2) ~~The certified treatment programs should provide a minimum of two levels of treatment services to match participants to programs according to their needs for treatment, recognizing that some divertees may be at the stage of~~

Standard 4.10 of the Standards for Judicial Administration would be amended, effective January 1, 2026, to read:

~~experimenting with illicit drugs while others may be further along in the addiction's progression.~~

~~(3)(1) Each treatment level~~ Treatment levels should be divided into ~~phases in order~~ a phase structure to provide periodic reviews of treatment progress and address participant needs in an effective sequence. Each phase may vary in length. It should be recognized that a participant is expected to progress in treatment but may relapse. ~~Most participants, however, should be able to successfully complete the treatment program within 12 months.~~

~~(4)(2) Each pre-plea diversion drug court~~ program should have an assessment component to ensure that participants are initially screened and then periodically assessed ~~by treatment personnel~~ to ensure that appropriate treatment and social services are provided and to monitor the participants' progress ~~through the phases~~.

~~(5) Treatment services should include educational and group outpatient treatment. Individual counseling, however, should be made available in special circumstances if an assessment based on acceptable professional standards indicates that individual counseling is the only appropriate form of treatment. Referrals should be made for educational and vocational counseling if it is determined to be appropriate by the judge.~~

(d) Monitoring

Abstinence from and use of drugs should be monitored by frequent drug testing.

~~(1) Alcohol and other drug (AOD) testing is essential and should be mandatory in each pre-plea diversion drug court program to monitor participant compliance.~~

~~(2) Testing may be administered randomly or at scheduled intervals, but should occur no less frequently than one time per week during the first 90 days of treatment.~~

~~(3) The probation officer and court should be immediately notified when a participant has tested positive, has failed to submit to AOD testing, or has submitted an adulterated sample. In such cases, an interim hearing should be calendared and required as outlined in (e)(4).~~

Standard 4.10 of the Standards for Judicial Administration would be amended, effective January 1, 2026, to read:

- (4) ~~Participants should not be considered to have successfully completed the treatment program unless they have consistently had negative test results for a period of four months.~~

(e) Judicial supervision

There should be early and frequent judicial supervision of each ~~diversion drug court~~ participant.

- (1) ~~Each participant should appear in court before a specifically assigned diversion drug court judge within 30 days after the first court appearance. At this time the participant should provide proof of registration, proof of completion of assessment, proof of entry into a specific treatment program, and initial drug test results.~~
- (2) ~~The second drug court appearance should be held no later than 30 days after the first drug court appearance. The third drug court appearance should be held no later than 60 days after the second drug court appearance.~~
- (3) ~~A final drug court appearance should be required no sooner than 12 months from entry into treatment unless continued treatment is found to be appropriate and necessary.~~
- (4) ~~Interim drug court appearances should be required within one week of the following: positive drug test results, failure to test, adulterated test, or failure to appear or participate in treatment.~~
- (5) ~~At each drug court appearance, the judge should receive a report of the participant's progress in treatment and drug test results and should review, monitor, and impose rewards and sanctions based on the participant's progress or lack of progress.~~

(f) Sanctions, and incentives, and service adjustments

The ~~drug court program~~ responds directly to each participant's ~~compliance or noncompliance~~ behavior with ~~graduated sanctions, or incentives, or service adjustments.~~

- (1) A clear regimen of incentives and sanctions should be established and implemented at each court hearing to support each participant's adherence to program goals and conditions.

Standard 4.10 of the Standards for Judicial Administration would be amended, effective January 1, 2026, to read:

- (2) ~~The suggested range of incentives should be as follows:~~

 - ~~(A) Encouragement;~~
 - ~~(B) Advancement to next treatment phase;~~
 - ~~(C) Reduction in diversion program fees (other than state-mandated fees);~~
 - ~~(D) Completion of treatment and required court appearances and shortening of the term of diversion; and~~
 - ~~(E) Other incentives the court may deem necessary or appropriate.~~
- (3) ~~The suggested range of sanctions should be as follows:~~

 - ~~(A) Demotion to earlier treatment phase;~~
 - ~~(B) Increased frequency of testing, supervision, or treatment requirements;~~
 - ~~(C) Graduated length of incarceration for violating diversion order to abstain from use of illegal drugs and for nonparticipation in treatment; and~~
 - ~~(D) Reinstatement of criminal proceedings.~~
- (2) Service adjustments should be provided when necessary to support participants in achieving program goals and conditions and should not be used as incentives or sanctions. Service adjustments may include, but are not limited to, supervision adjustments, treatment adjustments, and learning adjustments.
- (3) Programs may establish additional responses to behavior to address participant and program needs.
- ~~(4)~~(4) A participant The court should hold a hearing to determine whether participation should be terminated from the pre-plea diversion drug court, and, if a criminal case, the proceedings reinstated, if the drug court judge, after a hearing, makes a final and specific finding and determination at any time during the period of diversion that the participant has: if the participant is facing possible unsuccessful discharge.

 - ~~(A) Not performed satisfactorily in treatment;~~

Standard 4.10 of the Standards for Judicial Administration would be amended, effective January 1, 2026, to read:

- ~~(B) Failed to benefit from education, treatment, or rehabilitation;~~
- ~~(C) Been convicted of a misdemeanor that reflects the participant's propensity for violence; or~~
- ~~(D) Engaged in criminal conduct rendering him or her unsuitable for continued treatment.~~

(g) Diversity, equity, and inclusion

The program must ensure diversity, equity, and inclusion across program operations.

- (1) The program must ensure equitable access, services, and outcomes for all sociodemographic and sociocultural groups.
- (2) Program staff and service providers should reasonably reflect the sociodemographic characteristics or sociocultural identities of program candidates and participants.

(g)(h) State and national National standards

In addition to meeting the minimum guidelines provided in this standard, courts Programs are encouraged to look to the state and nationally accepted guidelines; Defining Drug Courts: The Key Components, developed by the National Association of Drug Court Professionals in cooperation with the Department of Justice, for further and detailed guidance in developing an effective diversion drug adult collaborative treatment court program.

Advisory Committee Comment

Subdivision (a)(1). Adult collaborative treatment court programs are evidence based, post-adjudication programs that provide an alternative to traditional criminal justice case processing. Adult collaborative treatment court programs include drug courts, co-occurring courts, driving under the influence courts, mental health courts, reentry drug courts, tribal healing to wellness courts, veterans treatment courts, and family treatment courts.

Subdivision (h). Guidelines may include the “Adult Treatment Court Best Practice Standards” developed by All Rise (founded as the National Association of Drug Court Professionals), the “Family Treatment Court Best Practice Standards” developed by the Center for Children and

Standard 4.10 of the Standards for Judicial Administration would be amended, effective January 1, 2026, to read:

- 1 Family Futures in collaboration with All Rise, guidelines for joint jurisdiction wellness courts, or
- 2 other state and nationally recognized best practices and guidelines for diversion or collaborative
- 3 court programs.

DRAFT



Registering and enforcing tribal court orders

Tribal court orders don't need to be registered in state courts but registering them can make it easier to enforce them. For example, local law enforcement or banks may need registration to help enforce the order.

Here's a summary of the rules and steps to register different kinds of tribal court orders in California:

Money judgments

- When a Tribal Court says someone owes money.
- Governed by the Tribal Court Civil Money Judgment Act, section 1730 through 1741 of the Code of Civil Procedure.
- To register a money judgment, fill out *Notice of Application for Recognition and Entry of Tribal Court Money Judgment* (form EJ-115).

Conservatorships (adult protection orders)

- Issued by a Tribal Court to protect adults who can't take care of themselves.
- Follow the California Conservatorship Jurisdiction Act, section 1980-2033 of the Probate Code.
- Use *Notice of Intent to Register Conservatorship (Probate – Guardianships and Conservatorships)* (form GC-361) to register a conservatorship.

Child custody orders

- For decisions about where a child lives or who makes decisions for them.

- Follow the Uniform Child Custody Jurisdiction and Enforcement Act, section 3400 through 3465 of the Family Code.
- Use *Registration of Out-Of-State or Tribal Custody Order and Notice of Registration* (form FL-580) to register child custody orders.
- For more help, read the instructions on *How to Register and Request Enforcement of Your Out-Of-State or Tribal Custody Order* (form FL-580-INFO).

Domestic violence restraining orders

- These protect people from abuse or threats.
- Federal law (18 U.S.C. section 2255) requires states to enforce tribal protection orders.
- Use form DV-600 to register the restraining order.
- California Rules of Court, rule 5.386 explains how to file by fax or email.

Retirement or deferred compensation orders

- When a Tribal Court gives orders that divide retirement or similar assets that fall under the Employee Retirement Income Security Act of 1974 (ERISA).
- Because of ERISA, these orders may need to be filed with the state court to be effective. Read section 1733.1 of the Code of Civil Procedure and section 2611 of the Family Code for more information.
- Use *Joint Application for Recognition of Tribal Court Order Dividing Retirement Plan or Other Deferred Compensation* (form FL-540) if everyone agrees to sign the application. If not, use *Application for Recognition of Tribal Court Order Dividing Retirement Plan or Other Deferred Compensation* (form FL-541).

If your case doesn't fit these categories, you might need to ask for comity.