



Opioids and the Courts News: September 21, 2018

National

[Opioid Epidemic Raising Special Education Concerns](#)

Education Week

Tens of thousands of babies are born each year to mothers who abused opioids when they were pregnant.

Now, a new study offers a snapshot of the educational impact of that early trauma—and a hint of what schools are already facing and may have to grapple with for years to come.

Researchers examined the educational status of a group of Medicaid-eligible children in Tennessee ages 3 to 8. Some of those children were born with neonatal abstinence syndrome, meaning that they spent their earliest days coping with the health effects of opioid withdrawal. The other children were not diagnosed with the syndrome.

The [children who faced opioid withdrawal as babies were more likely to be evaluated for special education services](#) and once evaluated, were more likely to be found eligible, according to the report published in August in the journal Pediatrics. Most of the children's disabilities were in five categories: autism, developmental delay, "other health impairment," specific learning disability, and speech and language impairments.

National

[As number of new heroin users drops, meth and marijuana use up](#)

USA Today

Far fewer people in the United States started using heroin last year, but the decline among young new 18- to 25-year-old heroin users was almost imperceptible – and that age group saw a big jump in methamphetamine and marijuana use, a new survey finds.

The 2017 National Survey on Drug Use and Health emphasizes what it calls these “transitional aged youth” because they have higher rates of cigarette use, alcohol abuse and heroin use disorder, and they use more cocaine, meth and LSD, than people both younger and older.

The report, released by the Substance Abuse and Mental Health Services Administration on Friday, showed one positive change among 18- to 25-year-olds: They’re misusing prescription opioids less. In 2015, SAMHSA estimated 8.5 percent of people in that age range misused prescription opioids; that dropped to just over 7 percent in 2017.



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National

[President Trump Signs Tester-Sponsored Veterans Bill Into Law](#)

MTPR

President Donald Trump signed a bill sponsored by Senator [Jon Tester](#) Monday that will give additional resources to treat veterans in the criminal justice system across the country.

Tester served as chief co-sponsor of the “Veterans Treatment Court Improvement Act,” which passed the Senate unanimously in February of this year.

“I think it’s incumbent upon the United States government to live up to the promises we make to our fighting men and women,” Tester says. “And this is just another step of fulfilling those promises.”

The bill requires the Department of Veterans Affairs to hire 50 more personnel that will deal specifically with outreach to former service members in Veterans Treatment Courts.

Those courts help veterans charged with crimes deal with issues like Post-Traumatic Stress Disorder and substance abuse. They’re geared towards rehabilitation rather than jail time and tailor treatment for each individual. Proponents say the courts help with recidivism, employment, and overall mental health.

National

[HHS Awards Over \\$1 Billion to Combat the Opioid Crisis](#)

U.S. Department of Health and Human Services

SAMHSA awarded more than \$930 million in [State Opioid Response grants](#) to support a comprehensive response to the opioid epidemic and expand access to treatment and recovery support services.

The grants aim to address the opioid crisis by increasing access to medication-assisted treatment using the three Food and Drug Administration (FDA) approved medications for the treatment of opioid use disorder, reducing unmet treatment need, and reducing opioid overdose related deaths through the provision of prevention, treatment, and recovery activities for opioid use disorder.

States received funding based on a formula, with a 15 percent set-aside for the ten states with the highest mortality rate related to drug overdose deaths. Other funding provided through this program, including \$50 million for tribal communities, will be awarded separately.



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Connecticut

[Connecticut Task Force Eyes New 'Opioid Courts'](#)

Hartford Courant

In a city beset by the deadly effects of opioids, a task force of state legal minds and judicial officials met Tuesday to discuss the potential for courts dedicated to handling the criminal aspect of this epidemic.

The task force, headed by the chief court administrator, Judge Patrick L. Carroll III, was created amid ongoing efforts by the state legislature to address the opioid overdose crisis, which kills hundreds a year.

“This is a massive issue in the state of Connecticut,” Carroll said, opening Tuesday’s meeting inside the new courthouse in Torrington, a city among the hardest hit by the epidemic in terms of lives lost.

Last week, the office of the chief medical examiner released statistics showing that the opioid crisis continues with only marginal signs of slowing. The office projected 1,030 will die of drug overdoses, mostly from opioids, in 2018, a decrease of eight deaths from 2017.

Indiana

[Chamber names Rush 2018 Government Leader of the Year](#)

Indiana Lawyer

Indiana Chief Justice Loretta Rush has been named the state’s 2018 Government Leader of the Year by the Indiana Chamber of Commerce.

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In addition to her work on the bench, Rush supervises the entire judicial branch, including administration and funding of court programs across the state. She co-chairs the National Judicial Opioid Task Force.

Indiana

[Courts Try to Stay One Step Ahead of Shifting Drug Epidemic](#)

93.1 WIBC Indianapolis

Indiana courts trying to get a handle on the opioid epidemic are trying to make adjustments to keep up with a moving target.

Chief Justice Loretta Rush says the focus needs to be on evidence-based treatment for addiction. But she cautions what worked for meth isn’t necessarily the same as what’s best for opioids, and today’s solution may not be the best treatment for the next fast-rising drug.



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Rush says the Supreme Court has issued cards with treatment information to local judges to help them keep track of what treatments have the best record of success.

Rush has hosted two judicial summits in Indianapolis, one state and one national, to brainstorm opioid solutions.

Indiana

[Supreme Court makes progress with electronic filing](#)

Washington Times Herald

The creation of family recovery courts addresses in part the growing opioid and addiction problems facing many local communities. The courts aim to address criminal charges as well as getting addicts the right kind of treatment for their drug problem while preserving the family.

“Treatment for the opioid crisis looks different than treatment for methamphetamine and cocaine. There’s a model that would be the framework that we want to have in place in our justice field for whatever the next drug that comes through, knowing that we’ve seen such a variety,” [Chief Justice Loretta] Rush said.

Rush said the goal is working to rehabilitate people in ways that will allow families to not be split up during the process as long as the parent continues to recover. If the child is safe, then the parent will be allowed to keep them. However, if a threat arises to either the child or the parent, the child can be taken away from the home.

“It’s not like in the criminal justice field that we’re just rehabilitating people, it’s trying to keep them alive,” Rush said.

Rush is co-chair of the National Judicial Opioid Task Force, an organization of judicial officials from across the country working on solutions for the opioid epidemic.

Kansas

[All Americans can help fight the opioid epidemic](#)

Kansas City Star

In virtually every state and territory and in many tribal communities, treatment courts reduce recidivism, promote public safety, and improve public health. Through more than 3,000 treatment courts in the United States today, nearly 150,000 Americans gain access to life-restoring services such as MAT [Medication Assisted Treatment], instead of being held behind bars. As a result, these individuals, their families, and our communities are safer, healthier, and economically stronger. Well-administered drug courts – particularly those that partner with both behavioral health and law enforcement – reduce recidivism by as much as 45 percent, reduce drug use, improve health outcomes (including for babies of women with opioid use disorder), and save an average of \$6,000 for every person served.



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New Hampshire

[Grandparents Are Bearing the Brunt of the Opioid Crisis](#)

Concord Monitor

For Rosemary Nugent, the hardest part of raising her grandson was telling her own child he couldn't do it himself.

The baby was born in March 2009. By September, Nugent had an inkling that her son and his partner were back to using opioids. That Labor Day, her son came close to overdosing; by New Year's, the baby's mother had been arrested. The woman was released in January and re-arrested in April.

By then, the baby, a boy, had changed hands between parents and grandparents multiple times.

"It was just back and forth," Nugent recalled on Monday. Then her son overdosed in November, and Nugent took custody for good.

That was nine years ago. The intervening years saw a line of weekly visitations from the mother of the child, until she stopped showing. The Nugents moved to New Hampshire and their son moved in with them, with Nugent's reluctant support. Then the Nugents' son slipped back into alcohol abuse and grew belligerent and abusive. And one day in August 2014, their son lost his temper one time too many.

Ohio

[Chief Justice Maureen O'Connor: A close look at Issue 1 reveals a disastrous outcome](#)

Lima Ohio

Let me put the issue into context by explaining Issue 1's consequences as it relates to possession of fentanyl, a lethal opioid. According to the Ohio Department of Health (ODH), drug overdose deaths in Ohio reached 4,050 in 2016. Fifty-eight percent of the overdose deaths in Ohio in 2016 involved fentanyl compared with only 4 percent in 2013. Fentanyl is 50 times more potent [than] heroin. According to the U.S. Drug Enforcement Administration, it takes just 2 milligrams of fentanyl – an amount barely able to cover Abraham Lincoln's beard on a penny – to kill the average person. Fentanyl is addictive, lethal, and simple to manufacture. It is easily smuggled into our country from foreign sources via express mail.



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Tennessee

[2018 Equal Justice University brings together lawyers, advocates, judges from across Tennessee](#)
Tennessee Courts

[Tennessee Alliance for Legal Services' Equal Justice University] also featured a number of panels devoted to subjects relevant to access to justice issues. One panel focused on the state of the opioid epidemic in Tennessee. Administrative Office of the Courts Director Deborah Taylor Tate, who also co-chairs the National Judicial Opioid Task Force, opened the discussion by talking about various initiatives that judicial leaders across the country are leading to try to ameliorate the problem. Those initiatives involve such steps as making sure that all courts have access to the drug NARCAN, which can counter the effects of an opioid overdose, and that the safe handling of fentanyl is widely taught.

Virginia

[An Extreme Approach to Battling Virginia's Opioid Epidemic](#)
WVTF

Involuntary commitment. That's what Democratic Delegate Patrick Hope of Arlington says cops and courts should consider when confronted by people who are addicted to opioids.

"You know eventually what happens is people end up dying. And so we need to look at ourselves to find out is our law enforcement, is our judicial system working in the best possible way to identify those in crisis and give them the services and the resources they need so they can recover."

Hold on a second, says Claire Guthrie Gastanaga at the American Civil Liberties Union.

"The government can't just grab people up and take away their liberty without following appropriate due process procedures, and I would argue that involuntarily committing somebody in forced treatment is a fundamental violation of our liberty."

West Virginia

[Jim Douglas: Justices need down-to-earth experience](#)
Huntington Herald Dispatch

Regarding the opioid crisis: I favor establishing a full-time drug court out of the Supreme Court's budget (circuit courts already have criminal and civil matters to deal with); I believe doctors should not be held civilly liable for failing to treat pain; and Schedule I and II drugs should only be prescribed by doctors.