

STATE OF MICHIGAN

IN THE 16<sup>TH</sup> JUDICIAL CIRCUIT COURT FOR THE COUNTY OF MACOMB

Order for the Establishment of a Veterans' Treatment Court

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Local Administrative Order 2018-15

Rescinds Local Administrative Order 2011-13

**IT IS ORDERED:**

This Administrative Order is issued in accordance with MCL 600.1200, *et seq.* The purpose of this Order is to establish a Veterans' Treatment Court in the 16<sup>th</sup> Judicial Circuit Court upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the *10 Key Components for a Veterans' Treatment Court* (see Attachment A), as required by MCL 600.1201 (1).

1. The Court has entered into a Memorandum of Understanding with the participating County Prosecuting Attorney, a representative of the criminal defense bar, a representative of community treatment providers, and other key parties pursuant to MCL 600.1201(2). The Memorandum of Understanding shall describe the role of each party and is attached (Attachment B).
2. The Court has established eligibility criteria as part of Attachment B and is consistent with MCL 600.1203 and 600.1205. Any statement or other information obtained as a result of participating in a substance abuse or mental health assessment shall be deemed confidential and shall not be used in any criminal prosecution against the veteran.
3. In compliance with MCL 600.1203(3), no participant shall be admitted until a complete preadmission screening, substance abuse and/or mental health assessment are completed.
4. All participants will sign a voluntary written agreement to participate in the program in conformance with MCL 600.1205(1)(d).
5. The Court will maintain case files in compliance with Retention and Disposal General Schedule #15 – Circuit Court, the Michigan Trial Courts Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of treatment court records.
6. The Court has established, as part of its program requirements, procedures to assure compliance with MCL 600.1207 and 600.1208.

7. Pursuant to MCL 600.1210, the Court will provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the Veterans' Treatment Court Program.
8. The Court will use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum data as determined by the SCAO.
9. In order to begin or continue operation of the Veteran's Treatment Court, the 16<sup>th</sup> Judicial Circuit Court will become certified by the State Court Administrative Office under MCL 600.1201.

Dated: 12-4-18



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James M. Biernat, Jr. – Chief Judge  
16<sup>th</sup> Judicial Circuit Court, Macomb Probate  
and 42<sup>nd</sup> District Courts

## ATTACHMENT A

### The 10 Key Components of Veterans' Treatment Courts

**Key Component #1:** Veterans' treatment courts integrate alcohol and drug treatment, and mental services with justice system case processing.

Veterans' Treatment Court promotes sobriety, recovery, and stability through a coordinated response to a veteran's dependency on alcohol, drugs, and/or management of his/her mental illness. Realization of these goals requires a team approach. This approach includes the cooperation and collaboration of the traditional partners found in drug treatment courts and mental health treatment courts with the addition of the Veterans Administration, support organizations for veterans and their families, as well as volunteer veteran mentors.

**Key Component #2:** Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

To facilitate the veteran's progress in treatment, the prosecutor and defense counsel work together as a team. Once a veteran is accepted into the treatment court program, the team's focus is on the veteran'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 in the veterans' court program.

Early identification of veterans entering the criminal justice system is a vital part of the process of placement in the ICTVC. Arrest can be a traumatic event in a person's life. It creates an immediate crisis and can force recognition of inappropriate behavior out into the open. This assists the veteran in realizing there is a need for treatment.

**Key Component #4:** The veterans' treatment court provides access to a continuum of alcohol, drug, mental health, and other related treatment and rehabilitation services.

While primarily concerned with criminal activity, alcohol and other drug use, and mental illness, the treatment court team also considers co-occurring problems such as medical problems, transmittable diseases, homelessness, basic educational deficits, unemployment, poor job preparation, spouse and family troubles, and the ongoing effects of war-time trauma.

**Key Component #5:** Abstinence is monitored by frequent alcohol and other drug testing.

Frequent court-ordered alcohol and other drug testing is essential. An accurate testing program is the most objective and efficient way to establish a framework for accountability and to gauge each defendant's progress.

**Key Component #6:** A coordinated strategy governs veterans' treatment court responses to participants' compliance.

A veteran's progress through the treatment court is measured by his or her compliance with the treatment regimen. The program rewards cooperation as well as responds to noncompliance. The program establishes a coordinated strategy, including a continuum of graduated responses, to continuing drug use and other noncompliant behavior.

**Key Component #7:** Ongoing judicial interaction with each veteran is essential.

The judge is the leader of the veterans' treatment court team. This active, supervising relationship increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior. Ongoing judicial supervision also communicates to veterans that someone in authority cares about them and is closely watching what they do.

**Key Component #8:** Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Management and monitoring systems provide timely and accurate information about program progress. Program monitoring provides oversight and measurements of the program's performance against its stated goals and objectives. Information and conclusions developed from periodic monitoring reports, process evaluation activities, and longitudinal evaluation studies may be used to modify the program.

**Key Component #9:** Continuing interdisciplinary education promotes effective veterans' treatment court planning, implementation, and operations.

All veterans' treatment court staff should be involved in education and training. Interdisciplinary education exposes criminal justice officials to veteran treatment issues. In addition, VA employees, veteran volunteer mentors, and treatment staff are exposed to criminal justice issues. It also develops shared understandings of the values, goals, and operating procedures of the VA, treatment, and the justice system components.

Education and training programs help maintain a high level of professionalism and provide a forum for solidifying relationships among the veterans' treatment court stakeholders. A spirit of collaboration and commitment is also promoted.

**Key Component #10:** Forging partnerships among the court, VA, public agencies, and community-based organizations generates local support and enhances program effectiveness.

Because of its unique position in the criminal justice system, a veterans' treatment court is well-suited to develop collaborations among community-based organizations, criminal justice agencies, the VA, support organizations for veterans and their families, and treatment delivery systems. Forming such collaborations expands the continuum of services available to defendants and informs the community about veterans' treatment court concepts.

## **ATTACHMENT B**

### **Memorandum of Understanding Macomb County Veterans' Treatment Court**

This is an understanding between the 16<sup>th</sup> Judicial Circuit Court; Macomb Prosecuting Attorney; Macomb Sheriff Department; Michigan Department of Corrections; Karen Trickey Pappas (MCBA President), defense counsel representative; Class A Training, substance abuse services, Macomb County Veterans' Treatment Court project coordinator and the Detroit VA Medical Center.

#### **Purpose**

The purpose of this Memorandum of Understanding (MOU) is to describe duties and allocate responsibilities for members of the Macomb County Veterans' Treatment Court team. The MOU also establishes team member responsibilities and requirements for maintaining compliance with the federal law of confidentiality (42 CFR, Part 2) and the Michigan Veterans Court Statute (MCL 600.1200).

#### **Terms/Definitions**

1. Participant: Any person referred to the Macomb County Veterans' Treatment Court, currently being screened as a candidate for Macomb County Veterans' Treatment Court (including those who are ultimately denied entry to the program), currently participating in Macomb County Veterans' Treatment Court, or someone who has been discharged from the Macomb County Veterans' Treatment Court.
2. Person authorized to give consent for a minor: A parent with parental rights intact, a legal guardian, or a person over the age of 18 with a current power of attorney.
3. Policies and Procedures Manual: Policy and procedure manuals document policies and procedures designed to influence and determine all major decisions and actions, and all activities that take place within the boundaries set by them. Procedures are the specific methods employed to express policies in action in day-to-day operations of the organization.
4. Preadjudication: Prior to the participant entering a plea.
5. Redisclosure: The act of sharing or releasing health information that was received from another source (e.g., external facility or provider) and made part of a patient's health record or the organization's designated record set.
6. Stakeholders: A person, group or organization that has interest or concern in an organization.
7. Waiver: The "voluntary relinquishment of a known right." (Kelly v Allegan Circuit Judge, 1969)

#### **Goals and Mission of the Macomb County Veterans' Treatment Court**

8. The below parties agree to share the following vision for the Macomb County Veterans' Treatment Court:
  - A. Enhance the quality of life throughout Macomb County;
  - B. Provide leadership through innovative services;
  - C. Continuously improve services;

- D. Achieve program goals through teamwork;
  - E. Break the generational cycle of criminality and substance use;
  - F. Ensure each component of the veterans treatment court is aware and in compliance with federal confidentiality law requirements.
9. We endorse the goals and mission of the Macomb County Veterans' Treatment Court in order for participants to eliminate future criminal behavior and improve the quality of their lives. For this program to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission, challenge, and vision of the Macomb County Veterans' Treatment Court;
10. We agree that the mission of the Macomb County Veterans' Treatment Court shall be to successfully stabilize substance using and mentally ill individuals while maintaining public safety and;
11. We agree to the following challenge of the Macomb County Veterans' Treatment Court: Engaging substance using and/or mentally ill individuals involved in the criminal justice system in a continuum of treatment services and providing them with appropriate intervention through treatment, rehabilitative programming, reinforcement, and monitoring.

#### **Guiding Principles of the Macomb County Veterans' Treatment Court**

12. There are ten principles under which the respective agencies work cooperatively:
- A. Veterans treatment court programs promote positive legal outcomes by well-defined terms of participation that facilitate engagement in treatment that corresponds to the level of risk to the community.
  - B. Veterans treatment court offers an opportunity for veterans whose mental illness or substance use disorder is related to their service and contributed to their crime, a program that integrates alcohol, drug treatment, and mental health services with justice system case processing
  - C. Treatment intervention should occur early on upon entry to the criminal justice system to achieve maximum treatment outcomes.
  - D. Thorough assessment and evaluation is a critical component of the veterans' treatment court program.
  - E. Participants with mental illness or substance use disorders cannot maximize their treatment potential without appropriate treatment intervention that includes their families.
  - F. Participant accountability is foremost in the program, with written program agreements and court monitoring of behavior on a regular basis. Court monitoring will include sanctioning or treatment adjustment for negative behaviors and positive rewards for improved behaviors.
  - G. Veterans treatment court programs are established with written protocols, which are well-defined and documented through the policies and procedures manual. The program manual will be updated annually, to respond to the changes in the needs of the programs, participants, families, agencies, and community.
  - H. Preadjudication participant entry into the veterans' treatment court program shall be governed by written eligibility criteria as established by the veterans' treatment court stakeholders.

- I. Information about participant progress, participant family progress, and the functioning of the veterans' treatment court program shall be made available to all team members, as guided by the Macomb County Veterans' Treatment Court policy and procedures regarding sharing or distribution of confidential information.
- J. Effective evaluation of the veterans' treatment court program shall be sought with appropriate responses being made relative to these evaluations.
- K. Forging of partnerships among veterans' treatment court, veterans' administration, public agencies, and community-based organizations generates local support and enhances veteran treatment court effectiveness.

### **Roles of the Parties of the Macomb County Veterans' Treatment Court**

13. The roles of the parties are as follows:

- A. Prosecuting attorney:
  - i. Provide legal screening of eligible participants.
  - ii. Attend staffing meetings and review hearings as staffing permits.
  - iii. Represent the interests of the prosecutor and law enforcement.
  - iv. Advocate for public safety.
  - v. Advocate for victim interest.
  - vi. Hold participants accountable for meeting their obligations.
  - vii. May help resolve other pending legal cases that impact participants' legal status or eligibility.
- B. County sheriff's department:
  - i. Attend staffing meetings.
  - ii. Provide advice and suggestions on sanctions.
- C. MDOC Probation Agent:
  - i. Attend staffing meetings and review hearings.
  - ii. Provide probation oversight for all program participants.
    - i. Work with the program coordinator in supervising and monitoring the individuals in the program.
    - ii. Prepare presentence reports as needed.
  - iii. Schedule probation violations or show cause hearings for participants who have violated the program rules and are subject to dismissal.

- D. Veterans treatment court judge:
  - i. Serve as the leader of the team.
  - ii. Attend staffing meetings and review hearings.
  - iii. Engage the community.
  - iv. Communicate with the participants in a positive manner and make final decisions regarding incentives and sanctions and program continuation.
  - v. Provide program oversight and ensure communication and partnership with treatment.
  
- E. Defense counsel representative:
  - i. Attend staffing meetings and review hearings.
  - ii. Ensure that defendants' procedural and due process rights are followed.
  - iii. Ensure that the participant is treated fairly and that the veterans' treatment court team follows its own rules.
  - iv. Provide feedback, suggestions, and ideas on the operation of the veterans' treatment court.
  
- F. Program coordinator:
  - i. Attend staffing meetings.
  - ii. Arrange for additional screenings of persons aside from the prosecutor's legal screening.
  - iii. Answer inquiries from defense attorneys on possible eligibility.
  - iv. Enter data into DCCMIS system.
  - v. Liaison with treatment providers and drug testing contractor, MDOC probation, and residential treatment facilities.
  
- G. Treatment provider:
  - i. Attend staffing meetings and review hearings.
  - ii. Report on progress of participants.
  - iii. Manage delivery of treatment services.
  - iv. Administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes.
  - v. Provide clinical case management.
  - vi. Offer insights and suggestions on the treatment plans of individuals in the program.
  
- H. Veterans Justice Outreach Specialist:
  - i. Attend staffing meetings and review hearings,
  - ii. Report on progress of participants, and offer insights and suggestions on those participants who have mental health issues in addition to substance abuse problems.
  - iii. Connect veterans to VA treatment services and homeless programs.



## Confidentiality

### 14. Confidentiality

A. A veterans' treatment court's performance of, or request for, an assessment of chemical dependency of a veterans treatment court participant, or a referral to treatment, places the veterans court within the parameters of 42 CFR, Part 2. All parties agree to abide by the following:

- i. Confidential treatment court information and records may not be used to initiate or to substantiate any criminal charges against a participant or to conduct any investigation of a participant. (42 CFR, Part 2)
- ii. In accordance with (i) above, any statement or other information obtained as a result of participating in a preadmission screening and evaluation assessment is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use.
- iii. State law may neither authorize nor compel any disclosure prohibited by the federal regulations, but where state law prohibits disclosure that would be permissible under the federal regulations, the stricter standard applies.
- iv. Treatment courts may receive or release information or records of participants only with the specific knowing, voluntary, and written consent of the participant, or under certain very limited exceptions. (42 CFR, Sections 2.22 and 2.31(a))
  - a) The consent must include (42 CFR, Sections 2.14-2.35):
    - The specific name or general designation of the program or person permitted to make the disclosure.
    - The name of the participant permitting disclosure.
    - The name or title of the individual(s), to which (re)disclosure is to be made. Although the recipient should not be as general as an entire agency or department, it need not be as specific as the name of an individual. Instead, the consent form may describe the recipient's job title and/or job functions.
    - A statement that when using a general designation in the "To Whom" section of the consent form patients have a right to obtain, upon request, a list of entities to which their information has been disclosed pursuant to the general designation.
    - The purpose of the (re)disclosure. The purpose should be narrowly described and should correspond with the information to be released. The purpose should never be as broad as "for all client care."
    - How much and what kind of information is to be disclosed. Federal regulations require that the scope of the disclosures be limited to the information necessary to

carry out the purpose of the disclosures. (42 CFR, 2.13(a)) The information should be described as exactly and narrowly as possible in light of the purpose of the release. Releases for "any and all pertinent information" are not valid. Team members share information on a "need to know" basis.

- The participant's signature and the signature of a person authorized to give consent for a minor.
  - The date on which consent is signed.
  - The date, event, or condition upon which the consent will expire. The date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.
- v. A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it. Acting in reliance includes the provision of treatment services in reliance on a valid consent to disclose information to a third-party payer. A consent for a patient referred by the criminal justice system, however, may be made irrevocable for a period of time, but the time or occurrence upon which consent becomes revocable may be no later than the final disposition of the conditional release or other action in connection with which consent was given. (42 CFR section 2.35).
- vi. The participant must be advised, orally and in writing, that federal law protects the confidentiality of treatment records. The notice must cite Section 290dd-2 and the implementing regulations (Sections 2.1 through 24 of Title 42 of the code of Federal Regulations), and must state the following:
- a) Treatment information is ordinarily kept confidential;
  - b) Notwithstanding this confidentiality requirement, covered information may be released under specified circumstances, as set forth in 45 CRF 164.502, and may include medical emergency, crimes on the premises, crimes against staff, administration/qualified service providers working with drug court, and outside auditors, central registries and researchers); and
  - c) Federal law does not protect information relating to the abuse or neglect of a child, state child abuse laws, court orders signed pursuant to 42 CFR Part 2 for release of specific information, state laws relating to cause of death and duty to protect others, and to warn of serious imminent harm.
- vii. Any documented treatment information distributed on the basis of the treatment participant's consent should be accompanied by a Notice of Prohibition Against Redisclosure. The prohibition on redisclosure only applies to information that would identify, directly or indirectly, an individual as having been diagnosed, treated, or referred for treatment

for a substance use disorder, such as indicated through standard medical codes, descriptive language, or both, and allows other health-related information shared by the part 2 program to be redisclosed, if permissible under other applicable laws. (42 CFR, Section 2.32)

- viii. Confidential records should be kept in a secure room and locked container. Access to confidential records must be limited to authorized individuals. (42 CFR, Section 2.16)
- B. The Health Insurance Portability and Accountability Act (HIPAA) is a federal law that protects confidentiality and the security of protected health information. While it does not directly apply to veterans' treatment courts, HIPAA does apply to the treatment agencies partnering with veterans treatment courts, so veterans' courts must also comply with HIPAA.
- C. Veterans' treatment court team members shall be familiar with relevant federal and state laws and regulations in order to develop or modify appropriate policies and procedures regarding confidentiality.
- D. All file storage systems shall include procedures for limiting access to records after the participant's consent expires or is revoked. Thus, paper records that can be accessed by all veterans' court personnel during the duration of the participant's consent are transferred to a more restricted storage facility as soon as the consent is terminated. Records on computers are sealed by changing the password or other access.
- E. All team members shall abide by the attached Macomb County Veterans' Treatment Court policy and procedures regarding sharing or distribution of confidential information which regulates and controls access to and use of written and electronic confidential records. Written procedures include requests for access to confidential information by the public, attorneys, or any interested party outside the treatment court team, and formal policies and procedures addressing security, including sanitization of associated media, for both paper and electronic records. (42 CFR, Section 2.16)
- F. Electronic data that is subject to confidentiality standards shall be protected by security walls and password-protected. Access shall be limited, and disclosure/redisclosure is subject to approval by the treatment court judge and team.
- G. The veterans' treatment court pre-court staffing meetings will be closed to participants and the public. If the staffing meeting is open to visitors the participant must be provided the name of the visitor(s) and must consent in writing. All visitors shall be required to sign an agreement that they adhere to the confidentiality provisions of the law (and particularly as to the rule against redisclosure) and the other requirements of the Macomb County Veterans' Treatment Court MOU.
- H. The parties, including each party's employees and other agents, shall maintain the confidentiality of all records generated during the term of this MOU in accordance with all applicable state and federal laws and regulations, including, but not limited to, 42 CFR Part 2.

**Term of Agreement**

This agreement is effective for one year upon the date of the final signature and shall renew automatically for subsequent one-year terms unless otherwise modified. Any signatory to this agreement may terminate participation upon thirty days' notice to all other signatories.

**Agency Representatives**

This MOU will be administered by the Macomb County Veterans' Treatment Court local team, which consists of the following stakeholder agency representation: Macomb County Prosecuting Attorney; Macomb County Sheriff Department, Michigan Department of Corrections, 16<sup>th</sup> Judicial Circuit Court; Jon Biernat, defense counsel representative; Class A Training, substance abuse services; and the Macomb County Veterans' Treatment Court project coordinator.

**Modification of Agreement**

Modification of this agreement shall be made by formal consent of all parties, pursuant to the issuance of a written amendment, signed and dated by the parties, prior to any changes.

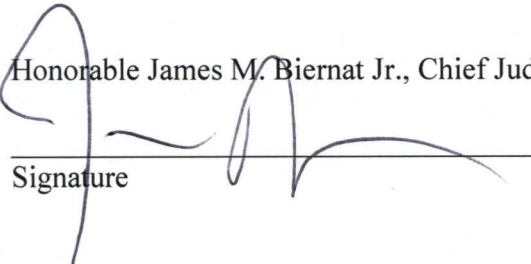
**Other Interagency Agreements**

This agreement does not preclude or preempt each of the agencies individually entering into an agreement with one or more parties to this agreement, nor does it supplant any existing agreement between such parties.

**Signatures of Parties to this Agreement**

The parties have entered into this agreement as evidenced by their signatures below. A certified copy of the agreement shall be provided to each signatory to the agreement. The original agreement shall be filed with the clerk of 16<sup>th</sup> Judicial Circuit Court.

Honorable James M. Biernat Jr., Chief Judge, 16<sup>th</sup> Judicial Circuit Court

  
Signature

10/16/18  
Date

Honorable Michael Servitto, Macomb County Veterans' Treatment Court Judge, 16<sup>th</sup> Judicial Circuit Court

  
Signature

10/18/18  
Date

Julie Bovenschen, Court Administrator, 16<sup>th</sup> Judicial Circuit Court

Julie Bovenschen  
Signature

10/16/18  
Date

Lisa Ellis, Project Coordinator, Macomb County Veterans' Treatment Court

Lisa Ellis  
Signature

10/16/18  
Date

Eric Smith, Chief Prosecuting Attorney, Macomb County

Eric Smith  
Signature

11-1-18  
Date

Anthony Wickersham, Sheriff, Macomb County Sheriff's Department

Anthony Wickersham  
Signature

11-1-18  
Date

Heidi E. Washington, Director, Michigan Department of Corrections

Heidi E. Washington  
Signature

10-11-18  
Date

Jon Biernat, VTC defense attorney

Jon Biernat  
Signature

10/18/18  
Date

Korrin Krieg, Director, Class A Training, provider of substance abuse counseling services

Korrin Krieg  
Signature

10-17-18  
Date

Dr. Pamela Reeves, Director, Detroit VAMC

Pamela Reeves  
Signature

10/19/18  
Date

**Attachments**

- Attachment 1: Macomb County Veterans' Treatment Court Policies and Procedures Regarding Access to and Use of Written and Electronic Confidential Records
- Attachment 2: Macomb County Veterans' Treatment Court Consent to Release Information
- Attachment 3: Macomb County Veterans' Treatment Court Visitor Confidentiality Agreement
- Attachment 4: Notice of Prohibition Against Redislosure

# **Macomb County Veterans' Treatment Court Policies and Procedures Regarding Access to and Use of Written and Electronic Confidential Records**

## **I. Access and Use of Written and Electronic Confidential Records within the Veterans' Treatment Court Team**

- a. Except as otherwise permitted in the Michigan Veterans' Court Statute, any statement or other information obtained as a result of participating in a preadmission screening and evaluation assessment is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use.
- b. Confidential treatment court information and records may not be used to initiate or to substantiate any criminal charges against a participant or to conduct any investigation of a participant.
- c. Records of participants may only be released to parties listed on a signed up-to-date release of information form. Records may only be released if the requested record is listed as information that may be shared.
- d. Any documented treatment information disclosed under a signed consent to release information, shall be accompanied by the Macomb County Veterans' Treatment Court Notice of Prohibition against Rediscovery.
- e. Macomb County Veterans' Treatment Court written/paper program files shall be kept in a locked filing cabinet in the program coordinator's office, with access limited to authorized individuals.
- f. Precourt staffing meeting reports shall be returned to the Macomb County Veterans' Treatment Court program coordinator upon conclusion of the meeting or if a team member has an electronic PDF copy it must be deleted.
- g. All users of the DCCMIS shall sign a DCCMIS user agreement prior to being assigned a username and password.
- h. Electronic data that is subject to confidentiality standards is protected by security walls and is password protected. Access is limited, and disclosure/rediscovery is subject to approval by the treatment court judge and team.
- i. Upon expiration of consent for release of information written/paper, program files shall be imaged to the non-public case record in the CourtView case management system with password access limited only for approved staff.

## **II. Access and Use of Written and Electronic Confidential Records Outside of the Veterans' Treatment Court Team**

- a. Generally, unless access to a file is restricted by statute, court rule or an order pursuant to MCR 8.119(I), any person may inspect pleadings and other papers in a court clerk's office and may obtain copies as provided in MCR 8.119(J).
- b. Responses to all requests for access to nonpublic and limited-access records shall be made per the following resources:
  - i. Michigan Trial Court Case File Management Standards – Component 19, Providing Public Access to Records
  - ii. Chart of Nonpublic and Limited-Access Court Records
  - iii. Michigan Supreme Court Administrative Order 2006-2 – Privacy Policy and Access to Records
  - iv. SCAO Administrative Memorandum 2006-04 – Privacy Policy and Access to Records
- c. Staffing meetings may be observed by staff from other courts for the purpose of planning their own veterans' court program, and by SCAO staff. All observers of the meeting shall sign a confidentiality agreement prior to the start of the meeting, and all participants discussed at the meeting must sign a Macomb County Veterans' Treatment Court consent to release information, with the observing parties listed, prior to the staffing meeting.





# Macomb County Veterans' Treatment Court

## CLIENT INFORMATION RELEASE AUTHORIZATION

I, \_\_\_\_\_, authorize \_\_\_\_\_, its director or designee, \_\_\_\_\_ to release information contained in my client records to the individuals or organizations named below for the following purposes only:

1. Name of person(s) or organization(s) to whom disclosure is to be made:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Specific type of information to be disclosed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The purpose and need for such disclosure:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. I understand that I can revoke this consent at any time except in those circumstances where certain actions have already been taken under the presumption that my consent will continue unrevoked until the purpose for which the consent was given has been met. A consent given under Subpart C, Federal Register, volume 40-number 127, July 1, 1975, will not continue longer than reasonably necessary to accomplish the purpose for which it is given.

5. Unless revoked, this consent expires:

Date: \_\_\_\_\_

Event: \_\_\_\_\_

Condition: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Participant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature



# Macomb County Veterans' Treatment Court

## VISITOR CONFIDENTIALITY FORM

I, \_\_\_\_\_, as a guest of the Macomb County Veterans Treatment Court Program (MCVTC), recognize my responsibility to maintain the confidentiality of the MCVTC Program, and hereby agree that:

Any and all information discussed at the MCVTC staffing meeting must remain confidential and shall not be revealed to anyone, including other employees, family, attorneys or participants of the program.

If I receive a copy of case reports for a staffing team meeting, I will return all reports in their entirety to a team member at the end of the staffing team meeting.

I shall abide by the MCVTC program's MOU regarding confidentiality.

I understand that alcohol and/or drug treatment records and mental health records are protected under the federal regulations governing Confidentiality and Drug Abuse Patient Records, 42CFR, Part 2, and the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 CFR, Parts 160 and 164, and I shall abide by the confidentiality provisions of the law.

By signing this form, I confirm that I have read and agree to the above statements.

\_\_\_\_\_  
Signature of guest

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of guest

**16<sup>th</sup> Judicial Circuit Court - Veterans' Treatment Court**  
**Notice of Prohibition Against Redislosure**

Disclosure of any participant's confidential information that is made by a team member may only be made if there is a signed consent to release information form on file and it must be accompanied by one of the following written statements:

- (1) This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR, Part 2). The federal rules prohibit you from making any further disclosure of information in this record that identifies a patient as having or having had a substance use disorder either directly, by reference to publicly available information, or through verification of such identification by another person unless further disclosure is expressly permitted by the written consent of the individual whose information is being disclosed or as otherwise permitted by 42 CFR, Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose (see § 2.31). The federal rules restrict any use of the information to investigate or prosecute with regard to a crime any patient with a substance use disorder, except as provided at §§ 2.12(c)(5) and 2.65; or
- (2) 42 CFR, Part 2 prohibits unauthorized disclosure of these records.

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**Team Member Signature**

---

**Date**