



WHY YOUR STATE SHOULD ADOPT THE MODEL VETERANS TREATMENT COURT ACT AND MODEL VETERANS TREATMENT COURT RULES

The number of veterans treatment courts across the country is growing at a rapid rate. The Model Veterans Treatment Court Act and Rules establish guidelines for veterans courts while permitting substantial local discretion necessary to accommodate particular circumstances in different communities. The model legislation acknowledges that veterans and servicemembers share a culture that, when coupled with the rehabilitation process found in a traditional drug or mental health treatment court, can significantly enhance their successful recovery and reintegration into the community. The model act and rules provide a chance of rehabilitation for veterans who have made substantial sacrifices to protect and serve their society and communities, by providing an opportunity to divert from the standard criminal docket. The model act and rules:

- ***Provide two alternatives for enactment*** by either state statute or court rules.
- ***Provide inclusivity*** to all veterans by allowing veterans to be admitted into a veterans treatment court regardless of the character of their discharge from military service.
- ***Involve all interested parties*** by mandating that a veterans treatment court create a record of implementing policies and procedures with the assistance of the prosecutor, defense counsel, and other interested parties. The model legislation allows prosecutorial discretion in helping to determine a veteran's admission to the veterans treatment court, while allowing for judicial discretion to determine what occurs in a case after a veteran is admitted.
- ***Make use of local rehabilitation resources*** by forging partnerships with a network of substance use disorder treatment programs, such as the U.S. Department of Veterans affairs, state, and community-based programs supported and sanctioned by either or both.
- ***Give special consideration to cases of domestic violence*** by providing that if the victim can be reasonably located, the victim or alleged victim must be offered (1) referrals to services of domestic violence providers, as well as (2) information on how to report an allegation of an offense committed by the defendant or a violation by the defendant of the participation agreement.
- ***Allow for flexibility*** by authorizing a court to administer a veterans treatment court that can adjudicate misdemeanor and felony offenses in order to give the court the broadest latitude for the appropriateness of a defendant's participation based on the requirements of the participation agreement.

For further information about the Model Veterans Treatment Court Act/Rules, please contact Lindsay Beaver, Legislative Counsel, at (312) 450-6618 or lbeaver@uniformlaws.org.