



Drug Court Policy 2

Treatment plans and placement

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This policy is to be read in conjunction with Drug Court Policy 6 – Completion or termination.

1 Purpose

The purpose of this policy is:

- To ensure that treatment plans and treatment placement are offered in a consistent and equitable manner.
- To ensure that the treatment undertaken by each Drug Court participant is the highly suitable treatment to meet the health needs of that person.

2 Definitions

Term	Definition
Act	means <i>Drug Court Act 1998</i>
Drug Court program	means the conditions that a participant has accepted under section 7(3)(a) of the Act
Drug Court team	means a Drug Court Judge, the Registrar, the Legal Aid NSW (LA) solicitor, the solicitor from the Office of the Director of Public Prosecutions (ODPP), the Police Prosecutor, the Community Corrections Court Coordinator the Aboriginal Casework Coordinator and the Justice Health NSW clinician attached to the Drug Court, and/or the alternate delegates for each.
Highly Suitable Treatment plan	means a plan for therapeutic intervention to address an offender’s drug dependency and related health needs.
Interagency Team	means the staff from each partner agency attached to a drug court.
Offender	means a person referred to the Drug Court under section 6 of the <i>Drug Court Act 1998</i> but not yet sentenced under section 7 of the Act.
Participant	means a person dealt with under sections 7(2) and (3) of the Act.
Registrar	means the Registrar of the Drug Court of NSW.
Treatment provider	means the participant’s principal ongoing treatment provider – e.g., Local Health District (LHD), residential rehabilitation, supported accommodation.

3 Scope

This policy applies to the treatment plans and placement of participants of the Drug Court of New South Wales.

4 Policy statement

4.1 Assessment and development of treatment plans

- 4.1.1 Nothing in this policy is intended to influence the independence or professional standards of any medical practitioner or other health professional.
- 4.1.2 The Justice Health NSW clinician is responsible for assessing the most appropriate therapeutic intervention for each participant and for presenting a Highly Suitable Treatment plan to the Drug Court team. In formulating and developing an appropriate treatment plan, the Justice Health NSW clinician is to consult with the treatment provider. Generally, the Justice Health NSW clinician will not propose a treatment plan to the Drug Court team unless a representative of the treatment provider has assessed the participant in person and supports the proposed treatment plan.
- 4.1.3 The assessment is to occur in the Metropolitan Reception and Remand Centre, Silverwater (in the case of a male offender), the Silverwater Women’s Correctional Centre, (in the case of a female offender) or such other facility as Justice Health NSW and the Drug Court approve.
- 4.1.4 In formulating, developing and reviewing a treatment plan for a participant, the paramount consideration is the particular health needs of that participant.
- 4.1.5 A participant is to be consulted in relation to the development of his or her treatment plan. In the course of consultation, he or she is to be fully informed and advised by a qualified health care professional about available treatment options.
- 4.1.6 No participant will be compelled to undertake a treatment plan that he or she does not freely choose to undertake. If there is reluctance, the team should encourage the participant to reconsider. However, it is acknowledged that a person’s likely success on a particular treatment plan is influenced by the person’s motivation to undertake that treatment plan.
- 4.1.7 In formulating and developing a treatment plan, consideration is to be given to the participant’s age, gender, cultural background, religion, proficiency in the English language and responsibilities towards dependant persons.
- 4.1.8 Justice Health NSW and the Local Health District teams will agree on a treatment plan for a participant only if that treatment plan is considered Highly Suitable for the participant. If the most Highly Suitable Treatment plan cannot be implemented because no treatment place is available, an

alternative treatment plan will be agreed only where that treatment plan is also considered to be highly suitable for the participant.

4.1.9 A participant will not be released onto a treatment plan unless the plan ensures treatment continuity.

4.1.10 Each treatment plan is to be reviewed regularly by the participant’s treatment provider in consultation with the participant’s Community Corrections Officer/Court Coordinator. The Drug Court team is to be advised of the outcome of each review.

4.2 Variations to treatment plans

4.2.1 A participant’s treatment plan will only be varied where there is a good therapeutic reason for doing so.

4.2.2 A participant’s treatment plan and/or treatment provider may be varied by the Court where the participant is failing to make satisfactory progress on his or her treatment plan with his or her current treatment provider.

4.2.3 Development and submission of the treatment plan is the responsibility of Health staff (Justice Health NSW and the respective Local Health District).

4.2.4 Variations to treatment plans can be done while the participant is in the community and does not necessarily need to return to custody to have this done.

4.3 Termination of treatment

4.3.1 Refer to Drug Court Policy 6 – Completion or termination.

5 Related legislation/regulation and other documents

- Drug Court Policy 6 – Completion or termination

6 Document information

Document name	Drug Court Policy 2 – Treatment plans and placement
Applies to	All Drug Courts of New South Wales
Policy administrator	Senior Judge of the Drug Court of NSW
Approval	Senior Judge Mottley, February 2024

7 Version and review details

Version	Effective date	Reason for amendment	Due for review
1	12/02/2024	Policy reviewed, updated and re-formatted.	12/02/2026

