



# Treatment Court Institute

## How To Address Adolescent Substance Use From the Bench

A JUDICIAL BENCH CARD



# Introduction

Many youth and families are affected by substance use disorders. According to the National Survey on Drug Use and Health, in 2023, 48.5 million people aged 12 or older in the United States met the criteria for a substance use disorder (SUD).<sup>1</sup>



Not surprisingly, the justice system encounters those suffering from SUDs and must be ready to respond in a way that promotes public safety and offers effective solutions. This judicial bench card highlights ways a judge can identify those needing treatment services, make referrals to qualified clinicians, engage individuals in a trauma-informed way, and provide motivation for successful treatment completion.

## Identifying Substance Use Disorders

The *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision*, outlines the

criteria for diagnosing SUDs. A total of 11 criteria are assessed to determine whether an individual should receive the diagnosis. The *level of severity* is determined by the number of criteria an individual meets. The determination starts with assessing whether two or more criteria were met in the past year, resulting in clinically significant distress or impairment.

**2–3 = Mild**      **4–5 = Moderate**      **6+ = Severe**

## Symptoms of a Substance Use Disorder

Substance use alone does not determine the diagnosis of an SUD. Clinicians use the following criteria to make that determination.

- Disruption of important activities (work/school)
- Interruption of recreational activities
- Tolerance
- Withdrawal
- More time spent obtaining, using, or recovering
- Unsafe usage
- Cravings/compulsion
- Problems with relationships
- Using larger amounts or for longer periods
- Persistent desire or inability to reduce or stop using a substance
- Substance use that causes or worsens physical or psychological problems

<sup>1</sup> Substance Abuse and Mental Health Services Administration. (2024). *2023 National Survey on Drug Use and Health (NSDUH)*. <https://www.samhsa.gov/data/release/2023-national-survey-drug-use-and-health-nsduh-releases>

# Screening Versus Assessment

The terms "screening" and "assessment" are often used interchangeably but actually serve two different purposes.

## Screening

- Requires limited staff training
- Universal screening ensures equitable access to services
- Identifies likely presence of a particular problem
- Ascertains need for more thorough evaluation



## Assessment

- Administered by qualified, trained practitioners or clinicians
- Assist in making a clinical diagnosis
- Determines intensity and setting of treatment needed
- Informs formal solutions

Universal screening can create a systematic approach to identifying individuals needing further assessment. Qualified professionals can then conduct in-depth assessments to determine a diagnosis and prescribe treatment services. It is important to remember that some justice-involved individuals may have experienced trauma, depression, or other mental health symptoms. Assessments can identify those co-occurring mental health treatment needs. Courts should ensure that the assessments will include consideration of other behavioral and mental health needs.

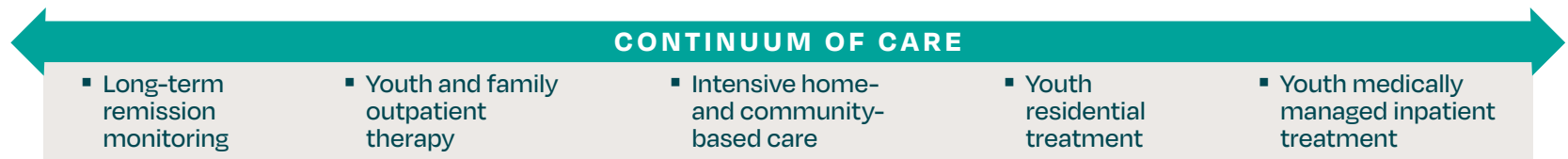
# Evidence-Based Treatment Services

Cognitive behavioral interventions have been shown to be effective for the treatment of SUDs.<sup>2</sup> Below are a few examples of evidence-based services, each designed to address a specific condition.

Behavioral Intervention and Approach	Behavioral Health Condition
Assertive Community Treatment (ACT)	SUD with one or more co-occurring mental health disorders such as schizophrenia, bipolar disorder, depression, and anxiety disorder
Cognitive Behavioral Therapy (CBT)	SUD with one or more co-occurring mental health disorders such as depression, anxiety disorder, adjustment disorder, and mood disorder
Contingency Management	SUD including alcohol, cannabis, nicotine, opiates, and stimulants
Dialectical Behavior Therapy (DBT)	SUD with one or more co-occurring mental health disorders such as borderline personality disorder, depression, bipolar disorder, post-traumatic stress disorder, bulimia, and binge eating
Motivational Enhancement Therapy (MET)	SUD with one or more co-occurring mental health disorders or chronic health conditions
Multidimensional Family Therapy (MDFT)	One of many forms of family therapy for SUD, MDFT is designed to consider the dimensions of home, friends, school, and community

## Levels of Care

Clinicians use assessments to determine not only the different treatment modalities but also the level of care needed. It is vital that individuals receive the correct dosage and level of care. Below is a shortened version of the American Society of Addiction Medicine (ASAM) levels of care for youth.<sup>3</sup>



<sup>2</sup> Carroll, K.M., & Kiluk, B.D. (2017). Cognitive behavioral interventions for alcohol and drug use disorders: Through the stage model and back again. *Psychology of Addictive Behaviors*, 31(8), 847–861. <https://psycnet.apa.org/doi/10.1037/adb0000311>

<sup>3</sup> American Society of Addiction Medicine. (2024). *Proposed updates to The ASAM Criteria, fourth edition, adolescent volume*. <https://www.asam.org/asam-criteria/4th-edition-development>

# Trauma-Informed Services

Do no harm—this is an essential ethical guide for court practitioners. In the juvenile justice system, we must consider how this applies to youth who have experienced trauma. Compared to young people in the general community, those involved in the juvenile justice system are eight times more likely to develop posttraumatic stress disorder.<sup>4</sup> Furthermore, nearly 80 percent of young people who interact with the juvenile justice system say they have experienced at least one traumatic event in their lives, and many of them say they have experienced several traumatic occurrences.<sup>5</sup>

The court's interactions with individuals who have experienced trauma can impact them in a variety of ways. According to a recent publication by the Substance Abuse and Mental Health Services Administration, trauma can impact a person's emotional, behavioral, physical, developmental, cognitive, interpersonal, and spiritual well-being.<sup>6</sup> For this reason, practitioners should ensure that youth and their families experience a safe environment when they interact with the court to prevent retraumatization. The following are a few practical tips for providing trauma-informed services in your courtroom and courthouse:

## Physical environment:

- Seating arrangements that are positive and welcoming can encourage discussions.
- Promote calm, nonstressful interactions.
- For sensitive matters, reduce the number of individuals in the room.
- When possible, reduce noise levels.

## Psychological environment:

- Greet each individual by name.
- Be transparent about the purpose of the hearing and potential outcomes.
- Deescalate situations that become confrontational.
- Communicate in a nonjudgmental and procedurally fair manner.

4 Abram, K.M., Teplin, L.A., Charles, D.R., Longworth, S.L., McClelland, G.M., & Dulcan, M.K. (2004). Posttraumatic stress disorder and trauma in youth in juvenile detention. *Archives of General Psychiatry*, 61(4), 403–410. <https://doi.org/10.1001/archpsyc.61.4.403>

5 The National Child Traumatic Stress Network. (n.d.) *Essential elements*. <https://www.nctsn.org/trauma-informed-care/trauma-informed-systems/justice/essential-elements>

6 Substance Abuse and Mental Health Services Administration. (2023). *Practical guide for implementing a trauma-informed approach*. (SAMHSA Publication No. PEP23-06-05-005). National Mental Health and Substance Use Policy Laboratory. <https://store.samhsa.gov/sites/default/files/pep23-06-05-005.pdf>

# Motivational Interviewing (MI)

MI is an evidence-based approach designed to help individuals find their own motivations for change. Although the formal application of MI techniques requires training from a certified trainer, any court practitioner can apply the core skills (known as OARS skills) of MI.<sup>7</sup> This approach is designed to help identify intrinsic motivation, not trick someone into compliance. Consider the following skills when framing your questions or discussions with justice-involved youth.

OARS Skills	
<b>Open questions</b>	Questions that require an explanation can provide insight into a person's reasoning and values. Consider starting questions with "Tell me about," "What is," or "How." These discussions allow for self-reflection and consideration of different responses.
<b>Affirmations</b>	A person's hope and belief in their capacity to change can be bolstered when their efforts and prior accomplishments are acknowledged.
<b>Reflections</b>	Based on your understanding of the message, respond by trying to explain your understanding of their comments.
<b>Summarizing</b>	Summarizing is a technique used to ensure that a person's message is accurately received. Repeat the person's major points to make sure you understand their position and intent.

Once motivators have been identified, practitioners can use this information to invoke change talk. For example, if the individual identifies successfully graduating from school as a goal, the practitioner can assist by having them consider ways to achieve this goal and even identify barriers they must overcome.

<sup>7</sup> Motivational Interviewing Network of Trainers (MINT). (2021). Understanding motivational interviewing. <https://motivationalinterviewing.org/understanding-motivational-interviewing>

## Prompts and Questions for Adolescents

Engaging in a discussion about therapeutic services can help connect the efforts of the court with the treatment provider. The following questions can help support active participation in treatment services by the justice-involved client. Just remember, some information should not be shared, so make sure the proper release of information has been executed. The following recommended questions support continued engagement and successful completion of treatment services.

- **Tell me about this week's events at school and home.**
- **What was a challenge you faced this week, and how did you handle it?**
- **What goals have you set with your counselor?**
- **What has been hard about working with your counselor?**
- **What are new things you have learned that might help?**
- **Who supports you in recovery? How do they help?**
- **What other support do you think would be useful?**
- **What is one goal you want to accomplish in the next week?**
- **What is the next step to accomplish that goal?**
- **What changes could help you stay out of trouble with the court?**

## Prompts and Questions for Parents/Custodians

Courts can also support parents and custodians with their child's participation in treatment services by asking questions related to the services they are receiving.

- **Tell me about your child's successes this week.**
- **Have they faced any recent challenges at home or school?**
- **Tell me about your experience with the counselor.**
- **Have you been offered the opportunity to participate in a counseling session?**
- **Would your participation help address disagreements within your household?**
- **What is a recommendation from the counselor that you've found especially helpful?**
- **What is a positive change you've noticed in your child since our last hearing?**
- **What goals do you have for your child or the family?**
- **What are the next steps for you or your child to achieve this goal?**



# Questions for Service Providers

Courts must remember that certain information should not be shared by the service provider. The following questions can ensure active participation in the program without revealing unnecessary confidential information.

- **Has the client signed a waiver to release information to the court?**
- **What is the individual's diagnosis?**
- **What are the goals of the treatment plan?**
- **What skills are being taught in therapy?**
- **Are they progressing in the program?**
- **If not, do they need an updated assessment to determine if there is a need for additional services or a different level of care?**
- **How can the court support the youth in reaching their treatment goals?**
- **Are there any messages that you would like me to convey from the bench?**





# Resources

For additional information on the topics discussed, consider the following resources:

## Juvenile Treatment Court Project

All Rise's Treatment Court Institute, in partnership with the National Council of Juvenile and Family Court Judges (NCJFCJ), provides comprehensive training and technical assistance to juvenile treatment courts, including implementing research-based best practices and assisting courts in building recovery capital and supports for youth and families.



<https://allrise.org/about/projects/juvenile-treatment-court/>

## National Institute on Drug Abuse Screening and Assessment Tools Chart



<https://nida.nih.gov/nidamed-medical-health-professionals/screening-tools-resources/chart-screening-tools>

## SAMHSA—Practical Guide for Implementing a Trauma-Informed Approach



<https://store.samhsa.gov/sites/default/files/pep23-06-05-005.pdf>

## Office of Juvenile Justice and Delinquency Prevention (OJJDP) Evidence-Based Programs



<https://ojjdp.ojp.gov/evidence-based-programs>



<https://allrise.org/>



<https://allrise.org/about/division/treatment-court-institute/>



<https://allrise.org/about/division/impaired-driving-solutions/>



<https://allrise.org/about/division/justice-for-vets/>



<https://allrise.org/about/division/center-for-advancing-justice/>



**Treatment  
Court Institute**  
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**Impaired  
Driving Solutions**  
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for Vets**  
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