



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-072

For business meeting on April 24, 2026

Title

Collaborative Justice: Guidelines for Adult
Collaborative Treatment Courts

Report Type

Action Required

Effective Date

July 1, 2026

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Stds. Jud. Admin., std. 4.10

Date of Report

April 2, 2026

Recommended by

Collaborative Justice Courts Advisory
Committee
Hon. Charles A. Smiley III, Chair

Contact

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Executive Summary

Senate Bill 910 (Stats. 2024, ch. 641) amended Health and Safety Code section 11972 to require counties and courts with treatment court programs to design and operate these programs in accordance with specified state and national best practices and guidelines. Health and Safety Code section 11972(b), as amended, also requires the Judicial Council to revise standards of judicial administration to reflect the specified best practices and guidelines. To fulfill this statutory requirement, the Collaborative Justice Courts Advisory Committee recommends amending standard 4.10 of the California Standards of Judicial Administration to expand the scope of its application from diversion drug court programs to adult collaborative treatment courts.

Recommendation

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective July 1, 2026, amend California Standards of Judicial Administration, standard 4.10 to reflect state and national best practices and guidelines for adult collaborative treatment courts.

The recommended amendments are attached at pages 7–11.

Relevant Previous Council Action

The council adopted section 36, effective January 1, 1998, as criteria to evaluate a former pre-plea drug diversion grant program under Penal Code section 1000.5. In 2007, that provision was amended and renumbered as standard 4.10. The pre-plea drug diversion grant program under Penal Code section 1000.5 was permanently eliminated as part of the fiscal year 2013–14 State Budget. There have been no substantive changes to the standard since its adoption.

Analysis/Rationale

Effective January 1, 2025, Senate Bill 910 amended Health and Safety Code section 11972 in three important ways.¹ First, the statute now requires counties and courts with “treatment court programs” to design and operate these programs in accordance with state and national guidelines that incorporate the standards in *Adult Treatment Court Best Practice Standards* and *Family Treatment Court Best Practice Standards* developed by All Rise (formerly the National Association of Drug Court Professionals). (§ 11972(a).) Second, the statutory amendments updated the list of key components for “criminal adult treatment court programs.” (§ 11972(a)(1)–(11).) Finally, the bill added subdivision (b) to require the Judicial Council to revise the standards of judicial administration by January 1, 2026, to reflect these updated guidelines for “collaborative programs.”

The committee initially undertook work to revise the standard by January 1, 2026, as specified in section 11972(b). However, the committee postponed the work due to recent and pending changes in the law that appeared likely to affect the scope of this work.² Meanwhile, in February 2025, All Rise temporarily withdrew its standards to revise and align them with the policy priorities of the federal executive branch.³ Despite the ongoing issues, the committee recommends amending rule 4.10 to fulfill the statutory requirement of section 11972(b). The committee will continue to monitor new developments, including the All Rise standards, to determine if future revisions to standard 4.10 will be helpful or necessary.

Recommended standard amendments

The committee recommends expanding the application of standard 4.10 to adult collaborative treatment court programs. This expansion is consistent with the treatment court models covered by *Adult Treatment Court Best Practice Standards* and *Family Treatment Court Best Practice*

¹ All further statutory references are to the Health and Safety Code unless otherwise specified.

² In November 2024, voters passed Proposition 36, which included the Treatment-Mandated Felony Act. (§ 11395.) This law specifies certain required program components for drug treatment. (§ 11395(d).) In December 2024, Senate Bill 28 was introduced, which proposes amending section 11972 to add section 11395 cases into the required treatment court standards. This bill also proposes eliminating the current requirement that the Judicial Council revise the standards, set forth in section 11972(b); this bill remains pending.

³ *Family Treatment Court Best Practice Standards* remains unavailable with no anticipated release date. Recently, in January 2026, All Rise re-released *Adult Treatment Court Best Practice Standards* with updated guidance. This document, which is over 200 pages, will require considerable time to review and analyze in order to better understand how these revised standards could assist courts.

Standards developed by All Rise,⁴ and consistent with the focus on “criminal adult treatment court programs” as specified in section 11972(a). The recommended amendments also remove program requirements specific to the former grant program while retaining elements that apply to adult collaborative treatment court models. Finally, by expanding the scope of the standard, these amendments will allow for greater adaptability across adult collaborative treatment court models.

The committee recommends the following changes to standard 4.10:

- Expand the scope of the standard to apply to adult collaborative treatment court programs. This change includes replacing references to diversion drug court programs with references to adult collaborative treatment courts and identifying treatment court models that will be covered by the standard. The revisions to implement this change include:
 - Amending the title of standard 4.10;
 - Amending subdivision (a) to expand the scope of the standard;
 - Adding new paragraph (a)(2) to identify the adult collaborative treatment court models that may be under the standard, based on treatment court models specified by All Rise; and
 - Removing provisions in paragraphs (c)(1) and (2) relevant to pre-plea drug diversion that do not apply to adult collaborative treatment court programs.⁵
- Amend language to reflect the key components for treatment court programs identified in section 11972(a)(1)–(11) by:
 - Amending subdivision (b) to describe the target population that may be eligible to participate in adult collaborative treatment court programs, as specified in section 11972(a)(3);
 - Amending subdivision (f) to specify guidance for administering sanctions and incentives and for ordering service adjustments, consistent with section 11972(a)(6);

⁴ Treatment courts covered within the scope of the All Rise standards include adult drug courts, family treatment courts, impaired driving treatment courts, and veterans treatment courts. See All Rise, “Treatment Court Models,” allrise.org/about/treatment-courts.

⁵ Pre-plea drug diversion and adult collaborative treatment court programs provide judicial monitoring and treatment in the community in lieu of incarceration; however, they differ in program design and operation. Adult collaborative treatment court programs serve a target population with more severe criminal risk and behavioral health needs compared to the population served by pre-plea drug diversion. Because of this difference, adult collaborative treatment court programs are designed and operated differently than pre-plea drug diversion to respond to the specific supervision, treatment, and rehabilitative needs of its target population.

- Adding new subdivision (g) to identify guidance for complying with section 11972(a)(11), which directs adult collaborative treatment court programs to “ensure equitable access, services, and outcomes for all sociodemographic and sociocultural groups”;⁶ and
- Adding a new advisory committee comment to specify that section 11972(a) provides additional design and operational requirements for adult collaborative treatment court programs.
- Update language to reflect All Rise best practice standards by:
 - Adding new paragraph (b)(2) to provide guidance on serving more than one risk or need level, consistent with the All Rise standard in “Target Population: C. High-Risk and High-Need Participants”;⁷
 - Amending existing paragraphs (c)(3) and (4), which will be renumbered as paragraphs (c)(1) and (2), to provide guidance for establishing a treatment and social service phase structure, consistent with the All Rise standard in “Incentives, Sanctions, and Service Adjustments: I. Phase Advancement”;⁸
 - Amending subdivision (d) to provide guidance for the frequency of monitoring and testing for the use of controlled substances, consistent with the All Rise standard in “Drug and Alcohol Testing: C. Frequency of Testing”;⁹
 - Amending subdivision (e) to provide guidance for the frequency of judicial supervision, consistent with the All Rise standard in “Roles and Responsibilities of the Judge: D. Status Hearings”;¹⁰
 - Replacing paragraph (f)(2) with new language to provide guidance for ordering service adjustments, consistent with the All Rise standard in “Incentives, Sanctions, and Service Adjustments”;¹¹

⁶ Minor changes were made to refine the language of the standard. Those changes were brought to the attention of the committee after the rest of the proposal had already circulated. A recommendation for nonsubstantive technical changes unlikely to create controversy may be adopted without circulation for comment. Cal. Rules of Court, rule 10.22(d).

⁷ See All Rise, *Adult Treatment Court Best Practice Standards* (January 2026), p. 2, allrise.org/publications/standards.

⁸ *Id.* at p. 145.

⁹ *Id.* at p. 185.

¹⁰ *Id.* at p. 26.

¹¹ *Id.* at p. 141. The existing paragraph (f)(2) will be deleted.

- Replacing paragraph (f)(3) with new language to provide guidance on establishing additional responses, consistent with the All Rise standard in “Complementary Services and Recovery Capital”;¹² and
- Amending paragraph (f)(4) to provide guidance on hearings to determine possible unsuccessful program discharge, consistent with the All Rise standard in “Incentives, Sanctions, and Service Adjustments: J. Program Discharge.”¹³

Policy implications

The proposal fulfills a statutory requirement and ensures that the California Standards of Judicial Administration are revised as required by law. These revisions are consistent with *The Strategic Plan for California’s Judicial Branch* goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The proposal circulated for comment from December 5, 2025, to January 7, 2026. Two comments were received. The Orange County Bar Association agreed with the proposal. The Superior Court of Los Angeles County also agreed with the proposal but expressed concern about the length of time for implementation. The committee recognizes the proposal will require significant implementation but concluded that the standard revisions should not be delayed, as those revisions are required by law. The committee appreciates the time taken by the commenters to respond to this proposal. All comments received, and the committee’s responses, are provided in the attached chart of comments at pages 12–13.

Alternatives considered

Section 11972(b) requires the Judicial Council to revise the standards of judicial administration to reflect specified best practices and guidelines for collaborative programs. As a result, the committee did not consider the alternative of not revising the standard.

Prior to the public comment period, the committee discussed whether to propose revisions that would expand beyond the scope of SB 910. Specifically, the committee considered proposing revisions that would impact alternatives to incarceration that are not operated through collaborative treatment courts and thus not covered under SB 910 or the All Rise standards, such as judicial diversion and deferred entry of judgment. However, the committee rejected this alternative because the statutes for those judicial alternatives to incarceration provide sufficient details to inform program design and operation.

Fiscal and Operational Impacts

The fiscal and operational impacts of this proposal are attributable to the legislation that mandated this work. Expected costs include training of court staff. Through the Budget Act of

¹² *Id.* at p. 104. The existing paragraph (f)(3) will be deleted.

¹³ *Id.* at p. 146.

2025, the Judicial Council is receiving ongoing funding to implement training for collaborative treatment court teams on the guidelines of SB 910. This funding allocation is anticipated to offset the costs of training court staff.

Attachments and Links

1. Cal. Stds. Jud. Admin., std. 4.10, at pages 7–11
2. Chart of comments, at pages 12–13
3. Link A: Sen. Bill 910 (Stats. 2024, ch. 641),
leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB910
4. Link B: All Rise, *Adult Treatment Court Best Practice Standards* (January 2026),
allrise.org/publications/standards/
5. Link C: Proposition 36, Homelessness, Drug Addiction, and Theft Reduction Act (passed by voters Nov. 5, 2024), <https://vig.cdn.sos.ca.gov/2024/general/pdf/prop36-text-proposed-laws.pdf>
6. Link D: Sen. Bill 28 (2025–2026 Reg. Sess.),
https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB28

Standard 4.10 of the California Standards of Judicial Administration is amended, effective July 1, 2026, to read:

1 **Standard 4.10. Guidelines for adult collaborative treatment courts ~~diversion drug~~**
2 **~~court programs~~**

3
4 **(a) Minimum components**

5
6 (1) The components specified in this standard should be included as minimum
7 requirements in ~~any pre-plea diversion drug program developed under Penal~~
8 ~~Code section 1000.5.~~ adult collaborative treatment courts.

9
10 (2) Adult collaborative treatment courts are evidence-based, postadjudication
11 courts that provide an alternative to traditional criminal justice case
12 processing. Adult collaborative treatment courts may include adult drug
13 courts, impaired driving treatment courts, family treatment courts, and
14 veterans treatment courts.

15
16 **(b) ~~Early entry~~ Adult collaborative treatment court participants**

17
18 ~~Eligible participants should be identified early and enter into a supervision and~~
19 ~~treatment program promptly.~~

20
21 (1) ~~A declaration of eligibility should be filed by the district attorney no later~~
22 ~~than the date of the defendant's first appearance in court.~~

23
24 (2) ~~Participants designated as eligible by the district attorney should be ordered~~
25 ~~by the assigned drug court judge to report for assessment and treatment~~
26 ~~supervision within five days of the first court appearance.~~

27
28 (1) Adult collaborative treatment courts should serve a high-risk and high-need
29 target population.

30
31 (2) Adult collaborative treatment courts may serve participants with lower risk or
32 need levels. Adult collaborative treatment courts that serve more than one
33 risk or need level should develop alternative treatment and service tracks.

34
35 (3) Adult collaborative treatment court candidates should be identified early.
36 Those determined eligible for participation should be accepted and placed
37 into an adult collaborative treatment court promptly.

38
39 **(c) Treatment and social services**

40
41 Participants should be given access to a continuum of treatment and ~~rehabilitative~~
42 social services that are responsive to their individual needs.

- 1
2 (1) ~~The county drug program administrator should specify and certify~~
3 ~~appropriate drug treatment programs under Penal Code section 1211.~~
4
5 (2) ~~The certified treatment programs should provide a minimum of two levels of~~
6 ~~treatment services to match participants to programs according to their needs~~
7 ~~for treatment, recognizing that some divertees may be at the stage of~~
8 ~~experimenting with illicit drugs while others may be further along in the~~
9 ~~addiction's progression.~~
10
11 (3)(1) ~~Each Treatment levels should be divided into phases in order a phase~~
12 ~~structure to provide periodic reviews of treatment progress and address~~
13 ~~participant needs in an effective sequence. Each phase may vary in length. It~~
14 ~~should be recognized that a participant is expected to progress in treatment~~
15 ~~but may relapse. Most participants, however, should be able to successfully~~
16 ~~complete the treatment program within 12 months.~~
17
18 (4)(2) ~~Each pre-plea diversion drug court program Adult collaborative~~
19 ~~treatment courts should have an assessment component to ensure that~~
20 ~~participants are initially screened and then periodically assessed by treatment~~
21 ~~personnel to ensure that appropriate treatment and social services are~~
22 ~~provided and to monitor the participants' progress through the phases.~~
23
24 (5) ~~Treatment services should include educational and group outpatient~~
25 ~~treatment. Individual counseling, however, should be made available in~~
26 ~~special circumstances if an assessment based on acceptable professional~~
27 ~~standards indicates that individual counseling is the only appropriate form of~~
28 ~~treatment. Referrals should be made for educational and vocational~~
29 ~~counseling if it is determined to be appropriate by the judge.~~

30
31 (d) **Monitoring**

32
33 ~~Abstinence from and use of drugs should be monitored by frequent drug testing.~~
34 Abstinence from and use of controlled substances should be monitored and tested
35 at the frequency determined necessary by the adult collaborative treatment court
36 based on each participant's behavior and needs.
37

- 38 (1) ~~Alcohol and other drug (AOD) testing is essential and should be mandatory~~
39 ~~in each pre-plea diversion drug court program to monitor participant~~
40 ~~compliance.~~
41

- 1 (2) Testing may be administered randomly or at scheduled intervals, but should
2 occur no less frequently than one time per week during the first 90 days of
3 treatment.
4
- 5 (3) The probation officer and court should be immediately notified when a
6 participant has tested positive, has failed to submit to AOD testing, or has
7 submitted an adulterated sample. In such cases, an interim hearing should be
8 calendared and required as outlined in (e)(4).
9
- 10 (4) Participants should not be considered to have successfully completed the
11 treatment program unless they have consistently had negative test results for
12 a period of four months.
13

14 **(e) Judicial supervision**

15
16 ~~There should be early and frequent judicial supervision of each diversion drug~~
17 ~~court participant. Adult collaborative treatment courts should provide early and~~
18 ~~ongoing judicial supervision, at a frequency consistent with the needs of each~~
19 ~~participant.~~
20

- 21 (1) ~~Each participant should appear in court before a specifically assigned~~
22 ~~diversion drug court judge within 30 days after the first court appearance. At~~
23 ~~this time the participant should provide proof of registration, proof of~~
24 ~~completion of assessment, proof of entry into a specific treatment program,~~
25 ~~and initial drug test results.~~
26
- 27 (2) ~~The second drug court appearance should be held no later than 30 days after~~
28 ~~the first drug court appearance. The third drug court appearance should be~~
29 ~~held no later than 60 days after the second drug court appearance.~~
30
- 31 (3) ~~A final drug court appearance should be required no sooner than 12 months~~
32 ~~from entry into treatment unless continued treatment is found to be~~
33 ~~appropriate and necessary.~~
34
- 35 (4) ~~Interim drug court appearances should be required within one week of the~~
36 ~~following: positive drug test results, failure to test, adulterated test, or failure~~
37 ~~to appear or participate in treatment.~~
38
- 39 (5) ~~At each drug court appearance, the judge should receive a report of the~~
40 ~~participant's progress in treatment and drug test results and should review,~~
41 ~~monitor, and impose rewards and sanctions based on the participant's~~
42 ~~progress or lack of progress.~~
43

1 (f) **Sanctions, and incentives, and service adjustments**

2
3 ~~The drug court responds~~ Adult collaborative treatment courts should respond
4 directly to each participant's ~~compliance or noncompliance~~ behavior with
5 ~~graduated~~ sanctions, or incentives, or service adjustments.

6
7 (1) A clear regimen of incentives and sanctions should be established and
8 implemented at each court hearing to support each participant's adherence to
9 adult collaborative treatment court goals and conditions.

10
11 (2) ~~The suggested range of incentives should be as follows:~~

12
13 (A) ~~Encouragement;~~

14
15 (B) ~~Advancement to next treatment phase;~~

16
17 (C) ~~Reduction in diversion program fees (other than state-mandated fees);~~

18
19 (D) ~~Completion of treatment and required court appearances and shortening~~
20 ~~of the term of diversion; and~~

21
22 (E) ~~Other incentives the court may deem necessary or appropriate.~~

23
24 (3) ~~The suggested range of sanctions should be as follows:~~

25
26 (A) ~~Demotion to earlier treatment phase;~~

27
28 (B) ~~Increased frequency of testing, supervision, or treatment requirements;~~

29
30 (C) ~~Graduated length of incarceration for violating diversion order to~~
31 ~~abstain from use of illegal drugs and for nonparticipation in treatment;~~
32 ~~and~~

33
34 (D) ~~Reinstatement of criminal proceedings.~~

35
36 Service adjustments should be provided when necessary to support a
37 participant in achieving program goals and conditions. Service adjustments
38 should not be used as incentives or sanctions. Service adjustments may
39 include, but are not limited to, supervision adjustments, treatment
40 adjustments, and learning adjustments.

41
42 (3) Adult collaborative treatment courts may establish additional responses to
43 behaviors to address participant and court needs.

1
2 (4) ~~A participant~~ Adult collaborative treatment courts should hold a hearing to
3 determine whether a participant facing possible unsuccessful discharge
4 should be terminated from the pre-plea diversion drug court, adult
5 collaborative treatment court and criminal proceedings should be reinstated. ;
6 ~~if the drug court judge, after a hearing, makes a final and specific finding and~~
7 ~~determination at any time during the period of diversion that the participant~~
8 ~~has:~~

9
10 (A) ~~Not performed satisfactorily in treatment;~~

11
12 (B) ~~Failed to benefit from education, treatment, or rehabilitation;~~

13
14 (C) ~~Been convicted of a misdemeanor that reflects the participant's~~
15 ~~propensity for violence; or~~

16
17 (D) ~~Engaged in criminal conduct rendering him or her unsuitable for~~
18 ~~continued treatment.~~

19
20 (g) ~~National standards~~ Diversity, equity, and inclusion

21
22 ~~In addition to meeting the minimum guidelines provided in this standard, courts are~~
23 ~~encouraged to look to the nationally accepted guidelines, *Defining Drug Courts:*~~
24 ~~*The Key Components*, developed by the National Association of Drug Court~~
25 ~~Professionals in cooperation with the Department of Justice, for further and~~
26 ~~detailed guidance in developing an effective diversion drug court program.~~

27
28 (1) Adult collaborative treatment courts should ensure equitable access, services,
29 and outcomes for all sociodemographic and sociocultural groups.

30
31 (2) Adult collaborative treatment court staff and service providers are
32 encouraged to reflect the sociodemographic characteristics or sociocultural
33 identities of adult collaborative treatment court candidates and participants.

34
35 Advisory Committee Comment

36
37 Subdivision (a). In addition to the components identified in this standard, Health and Safety
38 Code section 11972(a) specifies requirements and components for the design and operation of an
39 adult collaborative treatment court.

W26-04**Collaborative Justice: Guidelines for Adult Collaborative Treatment Courts** (Amend Cal. Stds. Jud. Admin., std. 4.10)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Shirin Forootan, President	A	The proposal appropriately addresses the stated purpose.	The committee appreciates the comment.
2.	Superior Court of Los Angeles County by Stephanie Kuo	A	<p>The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee.</p> <p>In response to the Judicial Council of California’s Invitation to Comment, “W26-04 Collaborative Justice: Guidelines for Adult Collaborative Treatment Courts,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal. However, the Court would like to note that significant time will be needed to implement the proposal.</p> <p>The proposal would not provide cost savings for the Court. The proposal will require the Court to review and update its collaborative courts and make modifications to be consistent with the best practices outlined in the proposal. Additionally, this will most likely lead to more frequent monitoring and testing, resulting in more judicial supervision. This increase would mean an increase in workload for the Court. Increased judicial assistant workload will prompt analysis of whether additional courtroom support is necessary.</p> <p>To implement, the Court will need to train staff, including judicial assistants and managers, to reflect the best practice model. Additionally, the Court may need to update or enhance its case management system to create codes that reflect</p>	<p>No response required.</p> <p>The committee is aware that the proposed changes to the standard may increase court workload and that full implementation will likely require additional time beyond two months. However, the revision to the standard is required by statute and, as explained in the report, the proposal has already been delayed six months due to extenuating circumstances. The committee encourages courts to implement this proposed revised standard consistent with California Rules of Court, rule 1.5(c), “Standards are guidelines or goals recommended by the Judicial Council. The nonbinding nature of standards is indicated by the use of "should" in the standards instead of the mandatory "must" used in the rules.”</p>

W26-04**Collaborative Justice: Guidelines for Adult Collaborative Treatment Courts** (Amend Cal. Stds. Jud. Admin., std. 4.10)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>our adherence to best practices. Operationally, the Court will have to revisit the best and most effective way to adhere to the best practices suggested.</p> <p>Two months will not be enough time to implement the proposal. The Court will need a significant amount of time to revisit its current collaborative courts and make adjustments or modifications to ensure best practices. Additionally, the Court will need time to implement anticipated case management codes and schedule time for training.</p> <p>As the largest trial court in the state, this proposal will have significant impacts</p>	