

Constitutional and legal issues

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Treatment courts must uphold the constitutional and legal rights of participants, requiring judges and team members to develop a strong understanding of what the law allows and prohibits. This session will enhance judges' awareness of the legal principles critical to protecting participant rights and ensuring program integrity. Participants will explore how to view the law as a tool for supporting participant success rather than as an obstacle. The session will address key topics such as due process, HIPAA, confidentiality, 12-Step programs, and other constitutional requirements. Additionally, it will review how the First Amendment, Fifth Amendment, and current case law impact treatment court operations and decision-making.

1. Identify legal issues that arise in treatment courts.
2. Discuss current case law affecting treatment courts.
3. Recognize constitutional and due process issues that impact treatment court programs.
4. Describe how federal confidentiality regulations are applied in the treatment court setting.
5. Explain how the First and Fifth Amendments influence treatment court practices.

Bio:

Hon. Casey Clevenger is the Treatment Court Commissioner for the 13th Judicial Circuit, State of Missouri. She was appointed to preside over the Treatment Courts in 2015. She presides over Adult Drug Courts, DWI Courts, Mental Health Court, Veterans Treatment Court, Co-occurring Court and Family Treatment Court. Prior to her appointment to the bench, she served as an Assistant Prosecuting Attorney and handled cases involving domestic and sexual violence, controlled substances and impaired driving. Commissioner Clevenger is the President of the Missouri Association of Treatment Court Professionals. She also serves as the American Bar Association Judicial Outreach Liaison for Missouri. Her Drug Court was the recipient of the 2021 Equity and Inclusion award at the National Association of Drug Court Professionals RISE21 Conference in National Harbor, Maryland.