



SUPREME JUDICIAL COURT
JOHN ADAMS COURTHOUSE

November 2023

We are pleased to share with you the enclosed Supreme Judicial Court (SJC) Standards on Substance Use Disorders and Mental Health Conditions, which we have approved to update and supersede the SJC Standards on Substance Abuse that were originally issued by this Court in 1998.

Substance use disorders and mental health conditions are among the most prevalent and significant problems affecting individuals before the Massachusetts courts. Substance use and mental health issues are frequently factors in criminal cases. It has been estimated nationally that approximately 60-65 percent of incarcerated persons suffer from substance use disorders and approximately 40 percent have mental health conditions.¹ Litigants with these challenges also appear in high numbers in the Probate and Family Court and in Housing Court, as well as in care and protection matters in Juvenile Court.

When these individuals appear in our courts, we have a crucial opportunity to offer them help, and we must not miss that opportunity. That is why these Standards set forth a vision of our courthouses as information and navigation centers that can provide referrals and resources for those who need them. That is also why these Standards call for all judges and other court personnel to receive continuing education about substance use disorders and mental health conditions and how to address them. Toward that end, Trial Court Chief Justice Jeffrey Locke recently appointed a committee, co-chaired by Superior Court Chief Justice Heidi Brieger and District Court Chief Justice Stacey Fortes, to carry out training on and implementation of the new Standards, and we look forward to the programming that they will be presenting in the coming year.

We urge all judges, clerks, probation officers, and other court staff to study these new Standards and implement them in their daily practice. While the 1998 Standards were groundbreaking for their day, these new Standards incorporate additional insights that behavioral health experts have gained from their research and practice over the last twenty-five years. Among other developments, these new Standards are informed by the following principles:

- Substance use disorders and mental health conditions often co-occur, and trauma is often a contributing factor in both.
- Recurrence of substance use is common, and is best approached as an opportunity to reset treatment and recovery planning and goals.
- Stigma is a significant reason why individuals do not seek treatment, and court responses must prioritize eliminating stigma in addressing substance use and mental health issues.

¹ See [National Institute on Drug Abuse, Criminal Justice Drug Facts](#), ("research shows that an estimated 65% percent of the United States prison population has an active SUD"); [Substance Abuse and Mental Health Services Administration, About Criminal and Juvenile Justice](#) ("an estimated 44% of those in jail and 37% of those in prison have a mental illness" and "63% of people in jail and 58% in prison have a substance use disorder").

- Race, gender, sexual orientation, cultural and language needs, and economic status may be barriers to accessing effective care that need to be considered.

These Standards also provide that judges, clerks, probation officers, and court staff should have a general knowledge of the science of substance use disorders, mental health conditions, co-occurring disorders, and the impact of trauma, as well as evidence-based treatment and recovery support strategies, and that judges should play a leadership role in fostering coordination and communication between community providers and justice partners to enable rapid access to services.

Finally, we would like to recognize all those who played a role in producing these new Standards. This project was originally conceived and led by our dear colleague, the late Chief Justice Ralph D. Gants, and it is a testament to his vision of the courts as "repairing the world." Following his untimely death in September 2020, Paula Carey, former Chief Justice of the Trial Court, took over leadership of this work, and we are grateful for her persistent dedication to completing the project even after her retirement in January 2022. We deeply appreciate the contributions of all the members of the SJC Working Group on Substance Use and Mental Health – including judges, court staff, and representatives from the Massachusetts Probation Service – who participated in numerous meetings and drafting sessions over the course of four years to produce these new Standards. And we are thankful for the many experts and other stakeholders – including addiction specialists, mental health professionals, physicians, MassHealth experts, representatives from the Department of Mental Health and the Department of Public Health, sheriffs, prosecutors, and defense counsel – who took the time to meet with the Working Group and share their insights.

Substance use disorders and mental health conditions pose difficult, complex challenges for the individuals they affect, for our courts, and for our communities. We look forward to working with all of you as we continue to build a common understanding of how best to support the people who are striving to overcome these challenges.

The Justices of the Supreme Judicial Court