

Alcohol and Other Drug Treatment Court

Information for lawyers in the Hamilton District Court cluster

The Alcohol and Other Drug Treatment (AODT) Court

Te Whare Whakapiki Wairua ki Kirikiriroa, the AODT Court, is operational in the Hamilton District Court from 17 June 2021.

The AODT Court aims to break the cycle of offending by treating the causes of that offending. It provides an alternative to imprisonment for people whose offending is driven by alcohol and/or drug substance use disorders.

Te Whare Whakapiki Wairua ki Kirikiriroa has a maximum capacity of 50 participants at any one time.

For more, go to

www.justice.govt.nz/courts/criminal/specialist-courts/alcohol-and-other-drug-treatment-court/

What does the AODT Court do?

Te Whare Whakapiki Wairua, which translates to *the house that uplifts the spirit*, supervises individuals whose offending is driven by AOD issues, by providing judicial oversight of their engagement with treatment programmes and rehabilitation support services.

The Court provides an evidence-based, best practice treatment pathway that includes intensive monitoring, case management, drug testing, and mentoring.

Sentencing is deferred while participants work through the programme, which includes regular court appearances to check on progress.

The programme may take between one to two years to complete.

For more, go to

www.justice.govt.nz/courts/criminal/specialist-courts/aodt-court-resources/

Who can participate in Te Whare Whakapiki Wairua ki Kirikiriroa?

To participate, a defendant must...

- be facing charges in the District Court at Hamilton, Huntly, Te Awamutu, Morrinsville, Thames or Te Kuiti. If the defendant does not reside in the Hamilton District Court catchment area, the AODT Court needs to have confidence that the defendant has the supports in place (for example, transport) to meaningfully participate in the AODT Court
- meet the eligibility criteria for the AODT Court
- have resolved all active charges.

What to do if you believe your client could benefit from participating in the AODT Court?

Referrals to the AODT Court are directed by the Criminal Court judge. To support a referral to the AODT Court, you can start by providing AOD screening results/AOD related information for your client to the Criminal Court judge.

If your client is remanded in custody, or if your client is on a community sentence, Probation can let you know of any relevant AOD information that can be released.

Please email: HamiltonAODTC@corrections.govt.nz to check if AOD related information is available.

Alternatively, an AOD clinician is available for AOD screening in the Hauora Screening room at the Hamilton District Court. The clinician will undertake AOD screening and may refer your client to community services if appropriate. The clinician will provide the screening results to the court with information on the level of AOD need including information on any referrals made to services.

Note that AOD screening will be prioritised if screening referrals exceed the clinician's capacity.

More information is available on the [AOD screening and brief intervention information sheet](#).

To arrange AOD screening for consenting individuals, provide the [AOD Screening and brief intervention referral form](#) to the AOD clinician.

What happens next?

- The judge will consider the AOD screening results and if the defendant could be eligible for the AODT Court, will consider directing a Comprehensive AOD assessment (an in-depth assessment).

To support this decision, Defence Counsel should complete the [AODT Court Eligibility checklist](#) and provide it to the Criminal Court judge. Defence Counsel should also give the defendant a copy of the [AODT Court Participant Handbook](#) and the [AODT Court Participant Agreement](#) and inform them about what is involved in being an AODT Court participant.

- If an AOD Comprehensive Assessment is directed, the judge will consider the results of the assessment and if the defendant is seeking an early resolution/guilty plea, will direct a sentencing indication hearing.
- If the defendant accepts the sentence indication and enters a guilty plea, the judge will refer the defendant to the AODT Court.
- Defence Counsel represent their client at a Determination Hearing where an AODT Court judge decides on acceptance to the AODT Court.

- If the defendant is accepted into the AODT Court, the criminal case transfers to the AODT Court. A member of the AODT Court Legal Services team is assigned to the new participant to represent them for the duration of the AODT Court programme. The participant, the AODT Court lawyer and the AODT Court Judge sign the [AODT Court Participant Agreement](#) at the Determination Hearing.

Note that a legal aid grant continues to remain open until the defendant is sentenced.

- The participant is provided with an individualised treatment plan and goes through 3 phases before graduating from the AODT Court.
- AODT Court graduates are sentenced in the AODT Court and may be judicially monitored for the duration of their sentence.
- An AODT Court participant can choose to leave the programme at any time. An AODT Court Judge could also decide to exit a participant from the programme as a consequence of their non-compliance. A participant leaving the AODT Court appears in the mainstream criminal court for sentencing.

The AODT Court Legal Services Team lawyer may represent the participant at their sentencing appearance or the participant may request for an alternative lawyer to be appointed to represent them at sentencing.

Forms and resources

For AODT Court forms and resources, go to

www.justice.govt.nz/about/lawyers-and-service-providers/legal-aid-lawyers/the-alcohol-and-other-drug-treatment-court-aodt/

For additional information, contact the AODT Court Co-ordinator at AODTCKirikiroa@justice.govt.nz.