

 <p style="text-align: center;">County of Sacramento Department of Health Services Division of Behavioral Health Services Policy and Procedure</p>	Policy Issuer (Unit/Program)	SUPT
	Policy Number	SUPT 09-02
	Effective Date	10-16-2013
	Revision Date	07-07-2021
Title: Non-Religious Alternatives to 12-Step and Other Religious-Based Self-Help Support Groups	Functional Area: Cultural Competence & Ethnic Services	
Approved By: (Signature on File) Signed version available upon request		
Lori Miller, LCSW Division Manager, Substance Use Prevention and Treatment Services		

BACKGROUND/CONTEXT:

There have been a number of court cases holding that mandating individuals to 12-Step self-help support groups, i.e. Alcoholics Anonymous/Narcotics Anonymous (AA/NA) is a violation of the establishment clause of the First amendment. The fundamental rule of the Establishment Clause is this: "It is beyond dispute that, at a minimum, the constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which establishes a [state] religion or religious faith or tends to do so." Lee v. Weisman, 505 U.S. 577, 587 (1992). In a recent case involving a parolee --Hazle v. Crofoot¹ the U.S. District Court for the Eastern District of California ruled in favor of the plaintiff on his claim that forcing him into a 12-step support group, when he was an atheist, was a violation of the first amendment.

Additionally, the Charitable Choice regulations of the Federal Register 42 CFR Parts 54 and 54a Grants ² apply to the direct provision of substance abuse services. Section 54a.8 states that "If an otherwise eligible program beneficiary or prospective program beneficiary objects to the religious character of a program participant, within a reasonable period of time after the date of such objection, such program beneficiary shall have rights to notice, referral, and alternative services".

DEFINITIONS:

N/A

PURPOSE:

To ensure that Substance Use Prevention and Treatment contracted providers are aware of, and compliant with the County's policy of requiring providers to offer non-religious alternatives to 12- Step and other religious-based self-help support groups.

DETAILS:

Whether a provider offers 12-Step self-help support groups e.g. AA/NA on site, or makes referrals to off-site religious-based self-help support groups; the client must be provided with a reasonably accessible, non-religious alternative option or

referral. Examples of non-religious alternative self-help support groups are self-help recovery services such as Smart Recovery, LifeRing, and Life Circle.

¹ 2:08-cv-02295-GEB-KJM (E.D. Calif. 4-6-2010)

² The Charitable Choice regulations of the Federal Register 42CFR Parts 54 and 54a apply to SAPT Block Grants, Projects for Assistance in Transition From Homelessness Formula Grants, and to Public and Private Providers Receiving discretionary grant funding from SAMHSA for the Provision of Substance Abuse Services

Providing for Equal Treatment of SAMHSA Program Participants.

REFERENCE(S)/ATTACHMENTS:

SUPT Contract Template Section XIV. Charitable Choice 42 CFR Part 54 ADP Bulletin Issue Date 3-29-04; Issue No. 04-5; Title: "Nondiscrimination and Institutional Safeguards for Religious Providers, Title 42 Code of Federal Regulations (CRF) Part 54.

RELATED POLICIES:

N/A

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