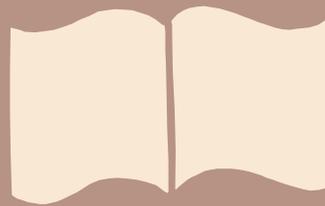
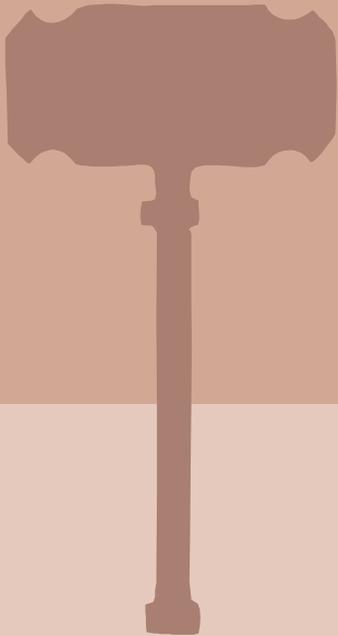


Appalachian Judicial Circuit Drug Court



Standards & Practices Manual

Standards & Practices Manual

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I ACKNOWLEDGE THAT I HAVE RECEIVED AND READ A COPY OF THIS MANUAL. THIS THE _____ DAY OF _____, _____.

DEFENDANT

A. Forward

The purpose of this document is to provide a general description of:

- (a) the standards and practices to be followed in the operation of the Drug Court of the Appalachian Judicial Circuit; and
- (b) the core competencies of drug court personnel.

B. Mission

The mission of the drug court is to stop abuse of drugs and alcohol and related criminal activity.

C. Goals and Objectives

The goals and objectives of the Appalachian Judicial Circuit Drug Court are as follows:

1. To assist drug-abusing criminal defendants in becoming drug free by having at least 50% of drug court participants successfully graduate from the drug court program.
2. To reduce the recidivism rate of the drug court graduates by at least 70%.
3. To promote the well being of drug court graduates and their families through drug treatment, vocational training and education, and by having at least 80% of the drug court graduates become and remain productive, employed citizens.

D. Organization

The drug court is advised by a steering committee composed of a superior court judge (who is the drug court judge), the district attorney, probation officers, law enforcement representatives, drug court coordinator, treatment provider representative, circuit public defender, and such others as the committee may add. The committee will meet at least quarterly, but as often as may be needed.

The day to day operation of the drug court will be managed by the drug court team composed of a superior court judge (who is the drug court judge), the drug court prosecutor, a law enforcement representative, drug court coordinator, circuit public defender, probation officers, treatment provider and such others as the team may add.

E. Introduction to the Appalachian Judicial Circuit Drug Court Program

Drug court is specifically designed to facilitate the treatment and rehabilitation of non-violent felony drug defendants who meet entrance criteria established by the drug court steering committee and are accepted by the drug court team. It is intended for those who are addicted to or are abusing drugs or alcohol and wish to change.

Successful operation of the drug court relies on the cooperation of the traditional participants in the criminal justice process. However, each adopts a role in drug court different from the traditional role. The drug court judge steps beyond their traditionally independent and objective arbiter role and develops new expertise. The judge is the leader of the drug court team, linking participants to alcohol and/or drug treatment and to the criminal justice system. This active, supervising relationship is maintained throughout treatment and allows for early and frequent judicial intervention. The drug court judge encourages appropriate behavior and discourages and penalizes inappropriate behavior. The drug court judge is knowledgeable about treatment methods and their limitations.

The roles of the prosecutor and the defense attorney are also different. The drug court prosecutor reviews the case and provides criminal history information to the drug court team to allow for eligibility determination, participates in a coordinated strategy for responding to positive drug tests and other program violations, agrees that a positive drug test or open court admission of the drug possession or use will not result in the filing of additional drug charges based on that admission; and, makes recommendations regarding the participant's continued enrollment in the program based on performance in treatment rather than on legal aspects of the case, barring additional criminal behavior.

The drug court defense attorney reviews arrest, charging and program documents, advises the Drug Court participant as to the nature and purpose of the drug court, the rules governing participation, the consequences of abiding or failing to abide by the rules, and how participating or not participating in the drug court will affect his or her interests, explains all the rights that the Drug Court participant will temporarily or permanently relinquish, gives advice on alternative courses of action, and discusses with the Drug Court participant the long-term benefits of sobriety and a drug-free life. The drug court defense attorney explains that criminal prosecution will not be invoked for admitting to alcohol and/or drug use in open court and he/she encourages the Drug Court participant to be truthful with the judge and with treatment staff and informs the Drug Court participant that he/she will be expected to speak directly to the judge, not through an attorney.

Drug court operates on the principles that:

- Substance abuse is a long-term, damaging process that must be repaired with long-term, rebuilding treatment.
- Substance abuse is usually the external indicator of other serious problems that an individual faces and that usually contribute to the debilitation of the individual as a functioning member of society. Therefore, the underlying causes of drug abuse must be confronted and treated also in order to maximize recovery.
- The crisis of arrest and incarceration makes addicts at their most vulnerable for intervention. Therefore, it is important to make confrontation and intervention immediately following arrest.
- Relapse and sporadic progress is to be expected; therefore, the progressive sanctions and rewards must be an integral part of the drug court program.
- The network of communication among drug court team members must be working at its maximum as much as possible to ensure that the drug court judge recognizes the proper sanctions and affirmations at the appropriate time.

The Appalachian Judicial Circuit Drug Court is a post-adjudication program. Participants who are accepted into the program will enter a plea of guilty and receive a deferred sentence that will be adjudicated as prescribed by current law upon successful completion of the program or termination from the program. Participants who are currently on probation and are facing a probation revocation hearing are also eligible for the program if they meet the criteria.

F. Eligibility Standards

Persons arrested on drug charges must meet certain criteria to be eligible as a candidate for drug court. Those eligible are the target population for drug court.

The target population is those who have the following charges and no excluding factors:

- Possession of controlled substance;
- Prescription drug offense;
- Criminal charges in which drug use is a major factor; and
- Recommendations from law enforcement and probation officers.

Some other factors **may** exclude certain individuals from being eligible for the drug court program. These include:

- Prior felony convictions (other than 1st possession, possession with intent to sell);
- Mental illness;
- Conviction of any violent offense;
- Illegal alien status;
- Pending felony charges in another jurisdiction.

G. Process of Identifying Eligible Defendants

The circuit is rural and a majority of the defendants who would qualify to participate in the drug court are well-known to members of the team. Referrals will be accepted by the drug court team from many sources, including but not limited to, the state and county probation programs, law enforcement officers, attorneys, district attorney's office and treatment providers. In addition, the case manager and/or drug court coordinator will visit each of the Appalachian Judicial Circuit Detention Centers on a regular basis to review the list of names of those booked since the last list. The case manager and/or drug court coordinator will provide the drug court prosecutor with a list of those defendants who appear to meet the eligibility requirements. Subsequently, the drug court prosecutor and/or drug court coordinator will run GCIC checks on each potentially eligible person. This list will then be immediately communicated to the drug court attorney in each county. The drug court defense attorney will interview each potential participant and inform him/her of their apparent eligibility for drug court and will advise them as to its purpose and requirements. The names of those tentatively interested are immediately communicated by the drug court attorney to the drug court coordinator. The drug court coordinator will contact the treatment provider and schedule the date, time and location for the initial substance abuse assessment and shall provide that information to the defendant. The treatment provider will provide to the drug court coordinator the written results of the assessment as to the suitability of a potential participant for drug court. The drug court prosecutor prepares his or her recommendation on each potential participant for the drug court team that will include the defendant's criminal record and any other information that is available concerning the defendant. The drug court team will meet to review recommendations prior to each drug court session and will decide which defendants will be offered drug court.

This process is intended to have an eligible Drug Court participant make a drug court appearance as soon as possible.

Those not identified through this process but who would otherwise be eligible and those initially rejecting the program may be later accepted into drug court in the discretion of the drug court team. Eligible defendants seeking early entrance will be given preference.

H. Drug Court Proceedings

The drug court is in session on Judge Weaver's regular non-jury calendar days in each county. A yearly court calendar will be provided to each participant showing the required court appearances. At each session those defendants being offered drug court will have drug court explained to them by the judge, who also reviews the Drug Court Contract, Waiver of Recusal, Request for Release of Confidential Information and all other forms with each defendant. Defendants wishing to participate enter their plea of guilty, but sentencing is suspended pending their successful completion of the program or their termination from the program. They are informed by the judge on the record what their sentence will be if they are terminated from the program. **The only addition to their sentence would be the amount of drug court fees which have accrued during their time in the program but which have not been paid by the participant and attorney fees in the amount of \$500.00 if they were represented by the public defender's office. The payment of these fees would be added as a special condition of probation and included in their sentence. Also they will be required to pay any restitution owing on any active criminal case in which they are on probation or parole.**

Prior to entry into the program each participant must sign the Drug Court Contract, Waiver of Right to Assert Specific Grounds as a Basis for Motion of Recusal, Consent for the Release of Confidential Information, Conditions of Supervision, Acknowledgement of Drug Court Participant Status and any other forms deemed necessary by the drug court judge. The judge reviews each form with the Drug Court participant by explaining the following:

1. The **Drug Court Contract** informs them of program rules they commit to follow.
2. The **Waiver of Right to Assert Specified Grounds as a Basis for Motion of Recusal** is intended to assure that the drug court judge will be the defendant's judge throughout treatment and will be the judge to sentence the Drug Court participant in the event he/she is terminated from the program.
3. The **Consent for the Release of Confidential Information** permits the drug court to get information about the Drug Court participant from government and private agencies that may be needed in his/her treatment.
4. The **Conditions of Supervision** outlines the conditions that the Participant must comply with while participating in the drug court program.
5. The **Acknowledgement of Drug Court Participant Status** informs the participant of how his/her new and previous charges for which he/she is on probation, if any, will be handled while he is in the drug court program, after his graduation or his termination from the program.

In addition, some participants may be required to execute authorizations for release of medical records and also execute releases which allow the Drug Court Team to obtain copies of their NCIC and GCIC criminal history records.

Those refusing the program and those who have been determined ineligible may enter their plea and be sentenced or given a bond and placed upon the usual trial track.

For those who are accepted in the program, the drug court judge will individually review the progress of those in treatment and address program violations by each Drug Court participant at each session of the drug court. Participants are held accountable for their conduct and appropriate sanctions are imposed for program violations. **Sanctions may also be imposed immediately upon the Judge learning of any drug court violation and prior to coming to court.**

Upon successful completion of the program, the potential sentence of the client will be deemed satisfied. Graduation requirements for each client are mandatory and non-negotiable.

I. Program Fees

All drug court participants are required to pay a program fee of \$125.00 per month for each month a participant is in the Drug Court program. The participant must also pay the fee if he is waiting to enter the program after being released from jail on bond if they are attending the drug court treatment groups. **In the event the participant does not graduate from the program and it is necessary to enter the sentence as previously outlined to the participant, the amount of fees owed by the participant at the time he/she is removed from the drug court program will be added to the sentence as restitution to the drug court program plus \$500.00 in attorney fees less the amount paid, if any, if he/she was represented by the public defender's office. No other change or addition will be made to the sentence.**

The following sanctions may be imposed if the participant is late in paying fees to the program:

Paying late the first month:	8 hours of community service
Paying late the second month:	16 hours of community service
Paying late the third month	24 hours in jail or longer

Habitual late payment without just cause may lead to participant being terminated from Drug Court Program.

J. Treatment Standards

The court will provide every participant with comprehensive treatment and rehabilitation that will be overseen by the drug court judge.

If it becomes necessary that a participant enter a residential care facility, then he or she will be subject to the rules, regulations and practices of that program as well. **Once the residential program is completed, the participant within 24 hours, must make personal contact with the Drug Court Compliance Officer and Drug Court Treatment Provider for further instructions. If contact is not made, the participant will be sanctioned which may include termination from the drug court program. In addition, the participant must be present at the next scheduled court review day in his county of residence.**

The drug court consists of separate phases with goals and objectives for the drug court participant. The actual length of time in each phase will depend upon the particular individual's progress. The total program is **a minimum of two years.**

Graduation from each phase is determined solely at the discretion of the treatment provider and the drug court judge and on the condition that the participant has satisfied the minimum criteria for advancement as determined by the drug court team.

K. Incentives and Progressive Sanctions

Relapse and sporadic progress is to be expected; therefore, progressive sanctions and rewards are an integral part of the drug court program. The drug court will utilize sanctions for participants who violate program rules.

Incentives include, but are not limited to:

- ☺ Passing to another phase of the program that requires less frequent random testing and less time in mandatory treatment;
- ☺ Praise from the judge;
- ☺ Peer praise;
- ☺ Gift certificates;
- ☺ Curfew extensions; and
- ☺ Final graduation from the program.

The Appalachian Judicial Circuit will utilize progressive sanctions for participants who violate the program's rules. The following are sanctions that will be implemented:

- ⊗ Increased drug testing;
- ⊗ Increased participation in 12-step meetings or treatment program counseling sessions and/or individual meetings;
- ⊗ Community service work;
- ⊗ Increased number of appearances before the drug court judge;
- ⊗ Admonition from the judge;
- ⊗ House arrest;
- ⊗ Incarceration in county jail for a specific length of time; and
- ⊗ Any other sanction that is appropriate for the treatment infraction.

More specifically, one positive drug screen will result in confinement in the county jail for a minimum period of 48 hours. A second positive drug screen will result in a minimum period of seven days confinement. Additional positive drug screen will require the client to be confined for a period of thirty days and possible removal from the program. Other sanctions will be administered for non-compliance with the program, i.e., missed treatment sessions, non payment of program fees, absence from court hearing, and/or non-compliance with program requirements. These sanctions will include admonition from the judge, increased frequency of court status hearings, increased drug testing, community service, increased treatment intensity and house arrest.

The ultimate sanction of expulsion and imposition of the sentence in the normal manner will be reserved for making false representations to the drug court team, instances of new criminal behavior other than drug use detected by program screening and failure to conform to the obligations imposed by the program after less severe sanctions have been imposed.

A participant charged with the offense of DUI will be immediately terminated from the program.

The judge will rule on expulsion from the Appalachian Judicial Circuit Adult Drug Court with input from the Drug Court Team.

L. Graduation Requirements

Graduation requirements for each client are mandatory and non-negotiable. Clients must have completed the twenty-four month treatment program, had **one consecutive year of negative drug screens and no additional violations of the law**. Clients must complete all required 12 step meetings, group sessions, court status meetings and enhancement of educational and/or vocational skills. Clients must pay all program fees, restitution, if any, and attorney fees.

M. Core Competencies of the Drug Court Personnel

1. Drug Court Judge

- a) Participates fully as a drug court team member, committing him or herself to the program mission, and goals, and works as a lead partner to ensure their success.
- b) As part of the drug court team, in appropriate non-court settings (i.e. staffing), advocates for effective sanctions and incentives for program compliance or lack thereof.
- c) Is knowledgeable of addiction, alcoholism and pharmacology generally, and applies that knowledge to respond to noncompliance in a therapeutically appropriate manner.
- d) Is knowledgeable of gender, age and cultural issues that may impact the offender's success.
- e) Becomes a program advocate by utilizing his/her community leadership role to create interest and develop support for the program.
- f) Effectively leads the team to develop all the protocols and procedures of the program.
- g) Is aware of the impact that substance abuse has on the court system, the lives of offenders and their families, and the community at large.
- h) Develops a working relationship with the offender, monitors offender progress, and addresses personal and ancillary issues without losing the aura of judicial authority.
- i) Leads the team to educate the community on program goals and standards and develops community resources to address participant's ancillary needs.

2. Drug Court Coordinator

- a) Participates fully as a drug court team member, committing him or herself to the program mission and goals, and works as a full partner to ensure their success.
- b) As part of the drug court team, in appropriate non-court settings (i.e. staffing), reports on previous sanctions and incentives or lack thereof.
- c) Is knowledgeable of addiction, alcoholism and pharmacology generally, and applies that knowledge to suggest responses.

- d) Is knowledgeable of gender, age and cultural issues that may impact the offender's success.
- e) Develops team resource strategy to acquire funding. Assists in writing grant applications and manages the program's budget. Creates opportunities to obtain funding and builds linkages by supporting team in community outreach and lobbying activities.
- f) Participates in the planning process to create and then memorialize program eligibility standards, operating procedures and rules. Assists in the development of the client contract, confidentiality releases and entry procedures.
- g) Negotiates and monitors treatment and ancillary service contracts. Reviews progress reports and assists in audits and certification monitoring. Creates and monitors standards for urine collection and compliance reporting. Ensures gender, age and culturally specific treatment services.
- h) Creates and maintains a data collection system to monitor client compliance, identify trends and provide a basis for evaluation.
- i) Creates interagency linkages to address client's ancillary needs in the areas of culture, age and gender needs, medical and mental health provision, educational, vocational skills training and employment training and placement.
- j) Develops police and corrections linkage to improve supervision and agency coordination.
- k) Educates referral sources and the community on eligibility standards and program goals. Encourages team members to educate in their fields and in the community. Develops team building activities and conduct staff replacement training.
- l) Manages daily operations and filing systems. Develops and maintains fee systems.
- m) Ensures that offenders are evaluated in a timely and competent process.
- n) Develops effective measures for drug/alcohol testing and treatment progress reporting that provides the team with sufficient and timely information to implement sanctions and incentive systems.
- o) Assists in providing advanced training in substance abuse, addiction and treatment methodologies so as to provide the team with a meaningful basis to implement sanctions and incentive systems and designs program protocols and procedures.

- p) Coordinates the utilization of community-based services such as health and mental health services, victim's services, housing, entitlements, transportation, education, vocational training, job skills training and placement to provide a strong foundation for recovery.

3. Drug Court Prosecutor

- a) Participates fully as drug court member, committing him or herself to the program mission, and goals, and works as a full partner to ensure its success.
- b) While in drug court, participates as a team member, operating in a non-adversarial manner, promoting a sense of a unified team presence.
- c) As part of the drug court team, in appropriate non-court settings (i.e. staffing), advocates for effective sanctions and incentives for program compliance or lack thereof.
- d) Ensures community safety concerns by maintaining eligibility standards while participating in a non-adversarial environment which focuses on the benefits of therapeutic program outcomes.
- e) Monitors offender progress to define parameters of behavior that allow continued program participation and suggests effective sanctions and incentives for program compliance.
- f) Is knowledgeable about addiction, alcoholism, and pharmacology generally, and applies that knowledge to respond to compliance in a therapeutically appropriate manner.
- g) Is knowledgeable of gender, age and cultural issues that may impact the offender's success.
- h) Contributes to the team's efforts in community education and local resource acquisition.
- i) Contributes to education of peers, colleagues and the judiciary in the efficacy of drug courts.

4. Drug Court Defense Attorney

- a) Participates fully as a drug court team member, committing him or herself to the program mission and goals, and works as a full partner to ensure its success.
- b) Evaluates the offender's legal situation and ensures that the offender's legal rights are protected.
- c) While in drug court, participates as a team member, operating in a non-adversarial manner, promoting a sense of a unified team presence.
- d) Effectively advises the defendants on their legal rights, legal options, treatment options, program conditions, and sentencing outcomes while developing a relationship with the offender that promotes the offender's long term best interest.
- e) Monitors client progress to support full participation and ensure the appropriate provision of treatment and other rehabilitative services.
- f) As part of the drug court team, in appropriate non-court settings (i.e. staffing), advocates for effective sanctions and incentives for program compliance or lack thereof.
- g) Is knowledgeable of gender, age and cultural issues that may impact the offender's success.
- h) Is knowledgeable about addiction, alcoholism, and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.
- i) Contributes to the team's efforts in community education and local resource acquisition.
- j) Contributes to education of peers, colleagues and judiciary in the efficacy of drug courts.

5. Law Enforcement Liaison

- a) Participates fully as a drug court team member, committing him or herself to the program mission and goals, and works as full partner to ensure their success.
- b) Provides information of participant appropriateness from law enforcement sources to the team and makes recommendation to the team.

- c) Facilitates the swift delivery of bench warrants for participants who have absconded from the program.
- d) Acts as a liaison to police agencies, while providing education, information and training on the importance of the drug court program to community safety and explains the benefits to law enforcement in collaborating with the drug court.
- e) Is knowledgeable of addiction, alcoholism, and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.
- f) Is knowledgeable of gender, age and cultural issues that may impact the offender's success.
- g) Provides a monitoring function to the team (along with supervision and treatment); i.e., going on joint home visits, reporting on a participant's activities in the community, and supervising participation in community service.
- h) Provides assistance, information and support to participants in the community, and encourages them to succeed in the program.

6. Drug Court Information Specialist

- a) Becomes an adjunct to the team, familiar with its policies and procedures, the program process and the inner workings of the program.
- b) Utilizes the knowledge and resources of the team to develop a data collection/operating system that assists the team in quickly identifying program deviations and the development of trends.
- c) Ensures that the information system assists the team in monitoring the progress of the participant in the program and enhances the ability of the team to act immediately when there is noncompliance.
- d) Continues to research and look for other software programs in order to better serve the needs of the drug court program.

7. Treatment Provider

- a) Participates fully as a drug court team member, committing him/herself to the program mission and goals, and works as a full partner to insure their success.
- b) Provides information of participant appropriateness from the treatment team to the drug court staffing team along with any treatment recommendations.
- c) Acts as a liaison to all collaborative agencies when needed while providing

education, information and training on the importance of the drug court program to community and explain the benefits of addiction treatment to all.

- d) Is knowledgeable of addiction, alcoholism and pharmacology and applies that knowledge to respond to compliance in an appropriate therapeutic manner.
- e) Is knowledgeable of gender, age, and cultural issues that may impact the participants success.
- f) Provides a monitoring function, along with the law enforcement liaison, i.e., home visits reporting participants activities in the community and supervising participation in community services.
- g) Must be certified addiction counselor with the approved credentialing agency i.e. GACA, or Licensed Professional.
- h) Will present to judge summaries of each nightly class and one on one sessions so as to keep them updated on all participants recovery efforts or lack thereof.
- i) Treatment Provider will provide Family Education sessions for participants' families least one time per month.
- j) Treatment Provider will have no less than one individual session with each participant every other month.
- k) Provider will provide at least 5.5 and no more than 9 hours of evidence based addiction treatment a week to meet the ASAM Level I requirement.
- l) Provides a comprehensive evidence based assessment (ASI) upon participant's initial entry into drug court.

N. Basic Goals by Phase

Goal for all Phases is to remain alcohol and drug free!!!

No participant will be allowed to be moved to the next phase unless he/she is current with all participant fees and restitution payments.

Phase I is the Education Phase focusing on "Denial" of having a problem and the unmanageability of their life due to use of alcohol/drugs. Education is provided as to the disease concept of addiction, orientation, further assess cognitive ability, a Treatment Plan written with their own short term goals and objectives, and an introduction to the 12 Step process (AA/NA/CA). They must explore 12-Steps Sponsorship and complete Steps 1 through 3. Must adhere to all regulations, be on time to groups (3 times weekly), minimum 1 time every other month individual, and documented attendance of 2 times weekly 12 Step

program. They are required to have a Sponsor from the community, begin working with them outside the program, and establish a home group. Must develop and begin working on requirements for high school diploma or GED. Phase I length is from 4 to 6 months or up to completion of all program requirements. **The participant must prepare a “Relapse Prevention Plan” and submit a copy to the Treatment Provider and to the Drug Court Judge.**

Phase II is more therapeutic in both the group process and individual sessions. We are still at an education stage but with higher involvement on their part seeking answers, help, and developing cognitive behavior changes. They must complete steps 4 and 5 in Phase II. They will begin to list specific triggers that might lead them to return to active use of mood altering chemicals of any nature. Based upon the triggers they will be placed in groups to work on specific issues. They will work on corrective thinking and addressing criminal thinking errors. They must receive their high school diploma or GED to move to Phase III. Must adhere to all regulations, be on time to groups (2 times weekly), minimum 1 time every other month individual, and documented attendance of 2 times weekly 12 Step program. Phase II length is from 6 to 9 months or up to completion of GED and all other program requirements. **The participant must prepare a revised “Relapse Prevention Plan” and submit a copy to the Treatment Provider and to the Drug Court Judge.**

In Phase III they have been with the program for 12 months or more and are familiar with the group process and totally aware of what is expected of them. More specific issues are beginning to be dealt with by the participant, including Family Counseling if needed or requested. We begin looking at Spiritual, Moral, Educational, Relationship, and basic Sober Living skills. The "Relapse Prevention Plan" will be revised to deal with specific situations. Steps 6 through 9 will be completed in this Phase. Must adhere to all regulations, be on time to group (1 time weekly), 1 time monthly individual, and documented attendance of 2 times weekly 12-Step program. Phase III length is from 6 to 9 months or up to completion of all program requirements. **The participant must prepare a revised “Relapse Prevention Plan” and submit a copy to the Treatment Provider and to the Drug Court Judge.**

In Phase IV, more responsibility is placed on participants to be more accountable for themselves. They are expected to take more responsibility for past actions and demonstrate new behaviors both in the program and in the community. They continue to deal with specific needs such as Lifestyle, Anger Management, Family, etc. and are role models and leaders in out treatment community. Steps 10 through 12 will be completed in this Phase. Must adhere to all regulations, be on time to groups (2 times monthly), 1 time monthly individual, and documented attendance of 12 Step program. Must have no sanctions and one (1) year minimum of sobriety. Phase IV length is 3 to 6 months or up to completion of all program requirements. **The participant must prepare a revised “Relapse Prevention Plan” and submit a copy to the Treatment Provider and to the Drug Court Judge.**

O. Phases of Program

During all phases documented attendance at AA/NA/CA meetings twice (2) per week are required and will be turned in on or before the last Thursday of the month to the treatment provider. Sanctions will be in place for violations and they will be set down by the Judge. **Each participant will receive twenty four hours (24) hours in jail or forty eight (48) hours of community service for each missed meeting.** The sanctions will be graduated since the longer a person is in the program the more is expected of him/her. The plan of action for each participant is to move from one phase to the next as indicated above. The participant may be held back in a phase due to sanctions or specific issues as set weekly by the Team but only for a short period of time. If a participant is unable to move along appropriately in this phase system then he/she would either need a higher level of care such as Residential treatment or he/she may be unsuitable for the program. If either were the case the recommendation would be presented to the Judge after discussion and approval of the Team.

In the event a participant objects for any reason to attending NA/AA meetings, he/she may attend secular meetings online or locally if available. If attendance is online, the participant must prepare and submit for each online class a summary consisting of no less than two written pages detailing what was discussed and learned at each class along with the name, date and time of the class. Computers are available at local public libraries in each county and also the public law library located in each courthouse. If you need assistance in the use of computers, please notify Julie Panter.

P. Participant Phases of Program

PHASE I

Tasks to be Completed

(Length of Program 4 to 6 months or based on progress)

Stay clean and sober - Do not drink or use drugs

Attend and actively participate in groups three nights per week and individual sessions as needed, however, not less than 1 time every other month.

Complete all assignments given in a timely manner.

Attend all court sessions.

Must have a Sponsor from the community and establish a home group.

Attend and document two AA/NA/CA meetings per week.

Give required two urine drug screens per week and any others as requested.

Make required payments to courts.

Write and present Alcohol and drug history to small group and large group if requested.

Write and present First, Second, and Third Step assignment to small group and large group if requested.

Be a role model and help all new peers.

Receive staff and community support to move to next Phase.

Begin active plan for High School Diploma or GED.

Obtain employment or verified full time student status.

The participant must prepare a “Relapse Prevention Plan” and submit a copy to the Treatment Provider and to the Drug Court Judge.

Participant Signature

Date

Case Manager Signature

Date

PHASE II

Tasks to be Completed

(Length of Program 6 to 9 months or based on progress)

- Stay clean and sober - Do not drink or use drugs
- Attend and actively participate in groups two nights per week and individual sessions as needed, however, not less than 1 time every other month.
- Complete all assignments given in a timely manner and complete steps 4 and 5.
- Attend all court sessions.
- Attend and document two AA/NA/CA meetings per week.
- Give required two urine drug screens per week and any others as requested.
- Make required payments to courts.
- Keep regular contact with sponsor and home group.
- Maintain stable employment or verified full time student status.
- Begin a list of Relapse Triggers in personal notebook.
- Discuss Relapse Triggers in group and get feedback from peers and staff.
- Complete a written Step 4 and get feedback from Case Manager.
- Complete and receive High School Diploma or GED.
- Be a role model and help all peers.
- Receive approval from staff and community to move to next Phase.

The participant must prepare a revised “Relapse Prevention Plan” and submit a copy to the Treatment Provider and to the Drug Court Judge.

Participant Signature

Date

Case Manager Signature

Date

PHASE III

Tasks to be Completed

(Length of Program 6 to 9 months or based on progress)

- Stay clean and sober - Do not drink or use drugs
- Attend and actively participate in group one night per week and individual session 1 time monthly.
- Complete all assignments given in a timely manner and complete Steps 6 through 9.
- Attend all court sessions.
- Attend and document two AA/NA/CA meetings per week.
- Give required two urine drug screens per week and any others as requested.
- Make required payments to courts.
- Keep regular contact with sponsor and home group.
- Maintain stable employment or verified full time student status.
- Continue with list of Relapse Triggers in personal notebook.
- Attend and participate in Family Program.
- Complete written Steps 6 through 9 and discuss with Case Manager.
- Be a role model and help all peers.
- Receive approval from staff and community to move to next Phase.

The participant must prepare a revised “Relapse Prevention Plan” and submit a copy to the Treatment Provider and to the Drug Court Judge. See attached forms.

Participant Signature _____ Date _____

Case Manager Signature _____ Date _____

Phase IV

Tasks to be Completed

(Length of Program 3 to 6 months or based on progress)

- Stay clean and sober - Do not drink or use drugs.
- Attend and actively participate in 2 times monthly group and 1 time monthly individual session.
- Attend all court sessions as required.
- Complete all assignments in a timely manner (Steps 10 through 12).
- Complete payment of fee to the court.
- Attend and document two 12-Step meetings weekly.
- Maintain regular contact with Sponsor and home group.
- Maintain stable employment or verified full time student status.
- Give required two urine drug screens per week and any others as requested.
- Complete and present Relapse Prevention workbook/plan to group and get feedback from peers and staff.
- Attend specialty groups and co-dependency groups as required.
- Participate in the orientation group for newcomers at the drug court.
- Complete written Steps 10 through 12 and present to Case Manager.
- Request and receive approval from peers and staff for Graduation from Drug Court.

The participant must prepare a final “Relapse Prevention Plan” and submit a copy to the Treatment Provider and to the Drug Court Judge. See attached forms.

Participant Signature

Date

Case Manager Signature

Date

Q. TYPES OF GROUPS

- I. Therapy Groups
- II. Process Groups
- III. Lectures
- IV. Educational Videos
- V. Codependency Groups
- VI. Male Issues Groups
- VII. Female Issues Groups
- VIII. Relapse Prevention Groups
- IX. Specific Drug of choice group
- X. Family Groups
- XI. Step Groups
- XII. Community Groups
- XIII. Work related groups – How to interview, etc.
- XIV. Couples Groups
- XV. Anger Management Groups
- XVI. Medical Issues Groups
- XVII. Educational Issues Groups – GED, etc.
- XVIII. Individual Therapy
- XIX. Dual Issues Groups
- XX. Sober Living/Life Skills Group
- XXI. Spiritual Issues Group

All groups are required attendance at some point in the drug court program of each individual, except for gender specific groups. Some individuals will attend some groups more than others as specific needs arise. Anyone late or absent from their assigned group without prior approval from staff will receive an appropriate sanction from the Judge. Drug screens will be scheduled as per the requirements of each phase and randomly at any other time as is deemed necessary. A positive drug screen will not mean expulsion but will mean a sanction and if an individual continues to test positive, he/she will be dismissed from the program.

APPALACHIAN JUDICIAL CIRCUIT DRUG COURT

R. Drug Court Process and Advice to Defendants about Drug Court Participation

I.

Drug Court Process

It is important that a participant being considered for the drug court program understand how he/she may benefit from participating in the program, what rights they give up by participating, what will be expected of them if they participate, and what sentence they will receive if they choose not to participate or if they participate and fail.

If after advising your client, he/she is interested in being further considered, tell the drug court prosecutor and contact the drug court coordinator to schedule your client for evaluation. (If you've been told by the drug court prosecutor that your client may be eligible and your client is not interested, tell the drug court prosecutor.) After your client has been evaluated, the drug court team (judge, drug court coordinator, drug court attorney, drug court prosecutor, law enforcement liaison and probation) will decide whether your client will be offered drug court and you will be informed. If your client is in jail, he/she will be required to sign a drug court bond before being released and will be monitored for a period of time before actually being allowed to enter the drug court program. If it is to be offered, you will be given an appearance date for your client. In court the judge will again explain the program to him/her and review the forms they must sign. Your client at this point will formally accept or reject the offer. If they refuse the program they may enter their plea and be sentenced or post a bond (if they don't already have one) and enter the regular trial track. If they accept the program they will enter their guilty plea (sentence will be postponed), sign the forms, and officially become a participant in the Drug Court program.

II.

Advice to Defendants

You should give your client all the information and advice you think appropriate, but it **must** include the following:

A. What they will get out of the program.

1. They may be released from jail on their own recognizance. If they have already made a bond on new charges and have been released and/or remain in jail because of probation holds from this circuit or other circuits, this court will not be involved in disputes between the participant and bond companies. Regardless of property or cash bonds previously made, every participant must also sign the drug court bond which includes drug court conditions.
2. Although they will enter their pleas of guilty in drug court before entry into the treatment program, sentencing will be postponed pending their successful completion of the program. The participant will pay no fine, court costs or probation supervision fees if they complete the program successfully other than the drug court fee of \$125.00 per month while they are in the program, restitution, if any, and attorney fees in the amount of \$500.00 if they were represented by the public defender's office.
3. The new charges, other than burglary and DUI, will be dismissed if they successfully complete the program. If they are currently on probation, they will be placed on administrative status with their state probation officer and will be supervised by the drug court probation officers only. The time on their probation cases will continue to run while they are in the drug court program. Payment of all fines and fees on their previous criminal cases in this circuit will be suspended during the time they are in the drug court program and may be reduced if they successfully graduate from the drug court program. **Restitution, if any, in new and previous criminal cases must be paid while participating in the drug court program. This includes any attorney fees ordered in new or previous cases and drug court.**
4. They will be drug free and will have learned how to stay that way by the time they finish the program.

B. What will be expected of them.

1. They must complete an intensive 2 year, 4 phase program that will begin with treatment sessions and AA/NA or secular counseling meetings 5

days a week. As they move through the phases the number of treatment classes is decreased.

2. They will have at least twice weekly drug screens.
3. They must appear as required in court during their participation in the program.
4. Program violations will result in sanctions that could range from admonishment from the judge, community service hours and a period of incarceration.
5. Participants must be employed full-time unless the judge approves of something less.
6. In lieu of bond and court costs, fines and probation fees, participants must pay a program fee of \$125.00 per month for each month spent in the drug court program.
7. Participants may not drink alcohol in any form or use any illegal drugs or any prescription drugs unless approved by the drug court team.
8. Participants must waive all of their 4th amendment rights.
9. If they are interested in being further considered for drug court, they will be interviewed by someone that will question them about their drug use and other things. Their answers will not be used to prosecute them...even if they admit drug use. It is very important that they be open and honest with the interviewer.

III.

Forms to be Signed by Defendants

Finally, **you must read to your client** all of the drug court documents. Prior to entry into the program they must sign each document and agree to the requirements of each document.

1. The **Drug Court Contract** informs the participants of program rules they commit to follow.
2. The **Waiver of Right to Assert Specified Grounds as a Basis for Motion of Recusal** is intended to assure that the drug court judge will be the defendant's judge throughout treatment and will be the judge to sentence the Drug Court participant in the event he/she is terminated from the program.
3. The **Consent for the Release of Confidential Information** permits the drug court to get information about the Drug Court participant from government and private agencies that may be needed in his/her treatment.
4. The **Conditions of Supervision** specifies the conditions that the Participant must comply with while participating in the drug court program.
5. The **Acknowledgement of Drug Court Participant Status** informs the participant of how his new and previous charges for which he is on probation, if any, will be handled while he is in the drug court program, after his graduation or his termination from the program.
6. The second **Consent for the Release of Confidential Information** permits the Drug Court Treatment Provider to share information about the participant with the Drug Court Team.

In addition, some participants may be required to execute authorizations for release of medical records and also execute releases which allow the Drug Court Team to obtain copies of their NCIC and GCIC criminal history record.

Those refusing the program and those who have been determined ineligible may enter their plea and be sentenced or given a bond and placed upon the usual trial track.

IV.

[Seeking Help From Others](#)

[Mr. Michael Parham, Circuit Public Defender is the regular drug court defense](#)

attorney for defendants who enter drug court. You may call him if you have any questions about drug court or you wish to report that you are being harassed (sexually or in any other way) by any member of the drug court team or to address any other issues in which you have a question or a problem.

APPALACHIAN JUDICIAL CIRCUIT DRUG COURT

STATE OF GEORGIA

STATE OF GEORGIA

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vs.

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CRIMINAL ACTION

FILE NO. _____

DRUG COURT CONTRACT

You are voluntarily entering the drug court program. Read the terms of this contract carefully, and initial each term of the contract, date and sign the contract.

1. _____ I will pay \$125.00 per month as a drug court fee for each month that I am in the drug court program. This includes the time that I am on bond waiting to enter the drug court program.
2. _____ I will not violate the law. However, if I do violate the law, I will report it immediately and I understand such violations may subject me to termination from the drug court program. I acknowledge that if I am charged with the offense of DUI that I will be terminated instantly from Drug Court.
3. _____ I will not use alcohol in any form.
4. _____ I will be gainfully employed full time unless the judge approves otherwise. If, unemployed, I may be required to perform 4 hours of community service per day, Monday through Friday, until suitable employment is obtained. I will supply documentation to support my employment search efforts.
5. _____ I will not use any drugs, legal or illegal. I will inform all medical providers (doctors, dentists, etc.) **prior** to treatment that I am in the drug court program and will submit any prescription for drugs to my counselors and probation officers for verification and approval. I will not use over-the-counter, no-prescription medications without permission of the drug court counselor and probation officers, as some over-the-counter medications will produce a positive reading on drug screens and contain substances such as codeine.
6. _____ I will enroll and complete an inpatient/outpatient counseling program as ordered.
7. _____ I will obey all instructions of the drug court judge and any other member of the drug court team regarding my duties and obligations under this contract.

8. _____ I will immediately inform the drug court counselor and drug court probation officer of any change of address, telephone number and employment status. I will not leave the State of Georgia or my county of residence for any reason without first obtaining permission from the drug court compliance officer.
9. _____ I will allow the drug court counselor, drug court probation officer and law enforcement officer to visit me in my home or elsewhere.
10. _____ I will attend the court ordered number of AA/NA or secular meetings per week and submit written proof of attendance as required.
11. _____ I will give a breath, blood, urine, hair or sweat sample, as required, for drug testing and may be responsible for payment for such service. I understand that if I am late for a test, or positive for dilution, the result will be considered a “positive” and I will be sanctioned. I understand that substituting, altering or trying in any way to modify my urine may be grounds for immediate termination from drug court.
12. _____ I will be responsible for my own transportation and will appear for all drug court sessions, counseling sessions and meetings as required and comply with any sanctions imposed. Lack of transportation is not an acceptable excuse to miss or be late for any program related activity.
13. _____ Should I fail to appear for any drug court hearings, counseling sessions and meetings as required, a drug court warrant may be issued for my arrest. I will notify the drug court compliance officer at least two hours in advance of any illness or other circumstance that would prevent me from attending a scheduled meeting or treatment session.
14. _____ I understand that the drug court program will last twenty-four (24) months, or longer if all requirements of the program have not been met.
15. _____ I will not possess a firearm or a knife exceeding six inches (6”) in blade length while in the drug court program. **I am to bring NO weapons of ANY kind to the drug court counseling sessions, probation office or to court.**

16. _____ I will support any legal dependents that I may have to the best of my ability and will pay any court ordered child support as per the court order. I will not get married or start a new relationship unless I receive the prior approval of the drug court judge.
17. _____ I will avoid people or places of disreputable or harmful character. This includes people currently on probation or parole and people with felony convictions, drug users and drug dealers.
18. _____ I will submit to a search of my person, residence, papers and/or effects, without requiring probable cause to conduct the search, and without their being a warrant, any time of the day or night whenever required to do so by a probation officer, law enforcement officer or drug treatment staff, and I specifically consent to the use of anything seized as evidence in any hearing or judicial disciplinary proceedings.
19. _____ I understand the court will impose sanctions for program violations that include, but are not limited to curfews, additional AA/NA meetings, community service, in court detention, repeat of a program treatment level, issuance of bench warrants, jail time, and expulsion from the program requiring me to serve my sentence.
20. _____ I will follow all other program rules of which I am informed including the **DRUG COURT CONDITIONS OF SUPERVISION**.
21. _____ I will not have an intimate relationship with another participant in the drug and mental health court programs (Adult Drug Court, Family Drug Court, Juvenile Drug Court and Mental Health Court) unless prior to entering the program said relationship has been approved by the drug court team.
22. _____ I understand that the Court shall have the right to amend or modify any terms of this contract after notice to the participant.
23. _____ *I understand that participation in the drug court program is a privilege and not a right and therefore I understand and agree that I am waiving my constitutional rights applicable to criminal cases. I further understand that I am free to leave the drug court program at any time and if I elect to do so that at that time my constitutional rights as they apply to criminal cases will become applicable instantaneously.*

I understand that if I comply with the terms and conditions of this contract and successfully complete the drug court program that these charges (other than burglary or DUI) will be dismissed, and I will not have a criminal conviction for this offense(s). I acknowledge that I understand the terms and conditions of this contract and have received a copy of same.

This the _____ day of _____, _____.

Drug Court Participant

This the _____ day of _____, _____.

**Drug Court Judge
Appalachian Judicial Circuit Drug Court**

Revised 03/31/2011

APPALACHIAN JUDICIAL CIRCUIT DRUG COURT

STATE OF GEORGIA

STATE OF GEORGIA

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vs.

CRIMINAL ACTION

FILE NO. _____

**WAIVER OF RIGHT TO ASSERT SPECIFIED GROUNDS AS A
BASIS FOR MOTION OF RECUSAL**

The defendant and his/her counsel, acknowledge that as consideration for acceptance and/or continued participation in the Appalachian Judicial Circuit drug court program:

1. That the above-styled case will be assigned to the drug court division of superior court before the Honorable Brenda S. Weaver or her designee; and
2. That should Drug Court participant fail to successfully complete the drug court program and be terminated from said program, that the above-styled case will remain assigned before Judge Weaver.
3. Understanding that the assignment of this case is to Judge Weaver throughout all proceedings until ultimate disposition of the case, irrespective of defendant's success or failure in completing the drug court program, the Drug Court participant hereby waives his/her right to assert as a basis for a motion to recuse the sitting judge:
 - a. That the judge's personal involvement with the Drug Court participant during his/her participation in the drug court program;
 - b. That judge's knowledge, both personal and otherwise, of defendant's compliance or non-compliance with the requirements of the drug court program; or
 - c. That judge's decision to terminate the Drug Court participant from the drug court program on the basis of his/her failure to comply with such requirements.

Drug Court participant hereby freely, voluntarily and knowingly waives the right to assert the foregoing as grounds for a motion to recuse and acknowledges that he/she does so having consulted with counsel.

This the _____ day of _____, _____.

Attorney for Drug Court Participant

Drug Court Participant

APPALACHIAN JUDICIAL CIRCUIT DRUG COURT

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, _____ consent to communication among the Appalachian Judicial Circuit Drug Court personnel and treatment providers, state and county probation officers, my attorney, district attorney's office, drug test lab personnel

and other agencies regarding any and all information requested pertaining to me, to include but not be limited to, information obtained through GCIC and NCIC record checks, and information concerning substance use, drug testing, diagnosis and treatment and medical records. The purpose of and need for this disclosure is to inform the Court and other above-named parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance and progress in accordance with the Drug Court monitoring criteria.

I authorize any prison, detention center, county jail or city jail in which I have been confined to release to the court all information in my records concerning test for HIV (Aids), tuberculosis and hepatitis.

I release the facility and personnel which releases such information to the court from any and all liability for complying with this authorization.

This consent will remain in effect until final disposition of this case by either dismissal or sentencing, but not to exceed five (5) years from the date of my graduation or termination from the program.

Any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations governing confidentiality of AOD abuse patient records and that recipients of this information may re-disclose it only in connection with their official duties.

This the _____ day of _____, _____.

Signature of Participant

Date

Witness

Date

**APPALACHIAN JUDICIAL CIRCUIT DRUG COURT
CONDITIONS OF SUPERVISION**

____ 1) Drug Court participant shall be supervised for a minimum of 2 years and shall obey any and all rules, regulations, and/or policies which are now in effect or which may come into effect at any time in the future after being given written notice by the drug court judge. The Drug Court participant will be provided with a copy of all rules and regulations that are not specified in this order and those rules and regulations will be fully explained to the defendant. Any non-compliance with the Drug Court Contract and/or rules and regulations of Drug Court Supervision specified herein will be considered sufficient cause to warrant disciplinary action and/or termination from the program.

____ 2) The drug court participant, when instructed by Drug Court Probation/Surveillance Officer or any city, county, or state law enforcement officer, will submit to breath, urine, and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol.

___3) Drug Court participant shall not take into his/her body nor shall he/she possess any substance prohibited or controlled by any law of the State of Georgia or the United States except pursuant to a physician's prescription, nor shall he or she ingest or have in his or her possession beer, wine, spirituous liquor or any other substance or medicine containing alcohol. The participant must provide a written list of the prescriptions he/she is taking to the probation officer and shall promptly notify the probation officer of any addition or deletion from this list. *The drug court participant must inform any medical provider (doctors, dentists, etc.) prior to treatment that he/she is a drug court participant and said notification shall be documented in the participant's medical and/or dental file. . In addition, the participant shall not ingest any mood altering substance unless prescribed by a physician and approved by the Judge.*

___4) Drug Court participant shall submit to a search of his/her business, person, houses, papers, and/or effects as these terms of the Fourth Amendment to the United States Constitution and Article I, Section I, Paragraph XIII of the Georgia Constitution are defined by the Court, any time of the night or day with or without a search warrant whenever requested to do so by a Drug Court Probation/Surveillance Officer, or any city, county, or state law enforcement officer and specifically consents to the use of anything seized as evidence in any proceeding against him/her.

___5) Drug Court participant shall attend and fully participate in such counseling, treatment, or educational programs as may be directed by the Drug Court Probation/Surveillance Officer and shall abide by all rules, regulations, and directions of said program.

___6) Drug Court participant shall submit to a written evaluation through Mental Health or such other persons or agencies deemed appropriate for alcohol/drug/psychological dependencies and shall submit to whatever treatment program is recommended.

___7) Drug Court participant shall not receive, possess, transport or be in the presence of a firearm or any other offensive or deadly weapon.

___8) Drug Court participant shall promptly and truthfully answer all questions from any member of the drug court team and carry out all instructions given them by members of the team.

___9) All arrests for any reason shall be reported to the Drug Court Probation/Surveillance Officer within 2 hours unless in jail. After released from jail, must notify the Drug Court Probation/Surveillance Officer within two hours.

___10) Drug Court participant will abide by a curfew established by the Drug Court Probation/Surveillance Officer or Judge and will not travel outside the their County of Residence without prior permission of the Drug Court Probation/Surveillance Officer or Judge.

___11) Other Special Conditions: _____

This the _____ day of _____, _____.

Drug Court Probation/Surveillance Officer

Drug Court Participant

Revised 07/2010

IN THE SUPERIOR COURT _____ COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

Vs.

Case No. _____

Defendant

ACKNOWLEDGMENT OF DRUG COURT PARTICIPANT STATUS

I understand that one of the benefits of completing Drug Court is that upon graduation, the charges pending against me in the above styled case or cases will be dismissed. I understand that while I will enter a plea of guilty to one or more of those charges as part of the process of being admitted to Drug Court, the time I spend as a Drug Court participant **will not** be credited against any portion of my sentence which requires my incarceration if I am expelled from Drug Court. I understand that it will be credited against any probation sentence that I receive in the event I am expelled from Drug Court.

I further understand that if I am presently on probation for a previous charge or charges that the time I spend in Drug Court will also be credited against any probation ordered in the previous sentence. I will be placed on Administrative status and will only be supervised by the Drug Court Probation Officers. Any fines and fees owed in this circuit will be tolled until I graduate from the Drug Court Program. I understand that I will be required to pay all previous ordered fines and fees unless they are reduced or expunged by the Court upon good cause shown.

I further understand that participation in the drug court is a privilege and not a right and that I may voluntarily leave the program at any time and will be sentenced as per the negotiated plea stated on the record when I was placed in the drug court program.

I further understand that I will be required to pay on a monthly basis any restitution owed in any previous or new cases. I further understand that restitution includes any attorney fees that I have been ordered to pay in any new or previous criminal cases and drug court. I further understand that in the event I am terminated from the Drug Court program that I will be required to pay any drug court fees that have accrued that I have not paid as a condition of probation in my new sentence.

I further understand that in the event I believe that I am being harassed (sexually or in any other way) by any member of the treatment team, I will immediately notify my attorney who will report the complaint to the Drug Court Judge.

This _____ day of _____, 20_____.

Defendant

Attorney for Defendant

Revised 03/31/2011

APPALACHIAN JUDICIAL CIRCUIT DRUG COURT

NOTICE OF PAYMENT REQUIREMENT

As per the Drug Court Contract, your monthly fee of \$125.00 is to be paid by the 5th day of each month, beginning _____ and continuing thereafter each month until you graduate from the Drug Court. Money orders,

cashier's checks and cash will be accepted. If you pay with cash, the **exact** amount you are paying must be presented. No refund will be given but will be credited against your next payment. Personal checks **will not** be accepted. Money orders or cashier's checks shall be made payable to the Appalachian Judicial Circuit Drug Court.

Your name and Social Security Number must be noted on the payment. Payments may be made in person to the local county probation office or you may mail your payments to the Appalachian Judicial Circuit Drug Court, Attn: Stacy McClure, P. O. Box 545, Jasper, Georgia 30143.

Failure to make timely payments will subject the participant to sanctions as per the Drug Court Contract and Manual.

The following sanctions may be imposed if the participant is late (paying after the 5th day of each month) in paying fees to the program without just cause:

Paying late the first month:	8 hours of community service
Paying late the second month:	16 hours of community service
Paying late the third month and thereafter:	24 hours in jail or longer

Habitual late payment without just cause may lead to participant being terminated from Drug Court Program.

I hereby acknowledge that I have received a copy of this Notice of Payment Requirement.

This the ____ day of _____, _____.

Drug Court Participant

Revised 03/31/201

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

Case Number _____

Vs.

Charge: _____

Defendant entered a plea of guilty in the _____ Superior Court and was accepted as a participant in the Drug Treatment Program of the Appalachian Judicial Circuit Drug Court.

The defendant having violated the Drug Court Contract as follows:

_____.

It is ordered and adjudged by the court that the defendant be confined in the _____ County Detention Center for a period of _____

_____.

RELEASE DATE: _____

This _____ day of _____, 20_____.

Superior Court Judge
Superior Court of _____ County
Appalachian Judicial Circuit

Revised 03/31/2011

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

CASE NO. _____

CONSENT TO TERMINATION OF DRUG COURT CONTRACT

The Defendant hereby stipulates to the violation of conditions as outlined in the drug court contract and waives any termination hearing in said case.

Therefore, the Defendant consents to be terminated from the Drug Court Program and understands that he/she will be sentenced as per the sentence stated on the record on the day the Defendant entered his/her plea of guilty.

I further understand that I will be required to pay as restitution any drug court fees that were accrued and not paid during the time I was active in the drug court program. I also will be required to pay any other restitution previously Ordered but not paid in any other criminal case in which I am currently on probation or parole.

Defendant

Date

Defendant's Attorney

Date

Revised 09/06/201

**Consent for the Release of Confidential Information
Appalachian Judicial Circuit Drug Court**

I hereby consent to communication between the Appalachian Judicial Circuit Drug Court Treatment Staff (Lynn Bishop and her staff or designees) and the Honorable Brenda S. Weaver, Superior Court Judge and/or her designee, the Honorable Amanda Mercier, Superior Court Judge and/or her designee, the Honorable John Worcester and/or his designee, District Attorney (Joe Hendricks and/or his designee), the state and county

probation departments of the jurisdiction (Sara Cantrell and/or her designee and Lori Clayton and/or her designee), Circuit Public Defender (Michael Parham and/or his designee), Drug Court Compliance Officer (Larry Clemmons and/or his designee), Accountability Courts Coordinator (Julie Panter and/or her designee), Judicial Grants Program Coordinator (Stacy McClure and/or her designee), Mental Health Court Coordinator (Staci Bourke and/or her designee, Drug Task Force Commander (Brandon Owens and/or his designee) and/or any other referring agency. The purpose of and need for this disclosure is to inform the Court and other above-named parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance and progress in accordance with the Drug Court monitoring criteria, urinalysis results and my overall cooperation with the treatment program.

Disclosure of this confidential information may be made only as necessary for and pertinent to hearings and/or reports to the above listed parties or their designees. I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Drug Court such as the discontinuation of all court (and/or, where relevant, probation) supervision upon my successful completion of the Drug Court requirements or upon sentencing for violating the terms of my Drug Court involvement (and/or, where relevant, probation).

I understand that my alcohol and/or drug treatment records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, Part 2 of Title 42 of the Code of Federal Regulations and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Parts 160 and 164 of Title 45 of the Code of Federal Regulations which govern the confidentiality of substance abuse patient (or client) records, and that recipients of this information may re-disclose it only in connection with their official duties.

I recognize that my review hearings are held in an open and public courtroom and it is probable that an observer could connect my identity with the fact that I am in treatment as a condition of participation in drug court. I specifically consent to this potential disclosure to third persons.

I understand that if I refuse to consent to disclosure or attempt to revoke my consent

prior to the expiration of this consent, that such action is grounds for immediate termination from drug court.

I have been provided a copy of this form.

I acknowledge that I have been advised of my rights, have received a copy of the advisement and have had the benefit of legal counsel or have voluntarily waived the right to an attorney. I am not under the influence of drugs or alcohol. I fully understand my rights and I am signing this Consent voluntarily.

Signature of Drug Court Participant

Date

Witness

Date

PROHIBITION ON REDISCLOSURE OF CONFIDENTIAL INFORMATION

This notice accompanies a disclosure of information concerning a client in alcohol/drug treatment, made to you with the consent of such client. This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is **NOT** sufficient for this purpose. The federal rules restrict any use of this information to criminally investigate or prosecute any alcohol or drug abuse patient.

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

STATE OF GEORGIA)
)
vs.)
)
_____,)
Accused

Case No.: _____

Offense: _____

SPECIAL CONDITIONS FOR DRUG COURT BOND RELEASE

In the above-styled action, bond is hereby set in the amount of \$_____, returnable to Court AS DIRECTED BY THE DRUG COURT TEAM. By his/her signature below, accused hereby acknowledges that this bond is conditioned upon accused complying with the following special conditions which are ORDERED by the Court.

- 1) Accused shall from time to time, upon oral or written request by a probation officer, A DRUG COURT TEAM MEMBER or any city, county, or state law enforcement officer, produce a breath, spittle, urine and/or blood specimen for analysis for the possible presence of a substance prohibited by any law of the State of Georgia or the United States (includes alcohol).
- 2) Accused shall submit to a search of his/her person, houses, papers and/or effects as these terms of the Forth Amendment to the United States Constitution are defined by the courts, any time of the day or night with or without a search warrant whenever requested to do so by a probation officer, A DRUG COURT TEAM MEMBER or any law enforcement officer and specifically consents to the use of anything seized as evidence in a proceeding to revoke this order of bond or in any other criminal or civil proceeding.
- 3) Accused shall not take into his/her body any substance prohibited or controlled by any law of the State of Georgia or the United States except pursuant to a physician's prescription which shall be submitted to the Drug Court Team for inspection and copy prior to ingesting any of the prescribed substances, including alcohol. Accused shall immediately notify Larry Clemmons or Julie Panter of any medical or dental appointment, emergency or routine. Accused must notify medical and dental providers that they are in Drug Court and request to be prescribed non-narcotic pain medications, if any. All prescription drugs must be exhibited to probation officers or staff prior to drug and alcohol urine screens and to Larry Clemmons or Julie Panter along with name, address and telephone number of medical or dental provider who prescribed said medications. The Drug Court Team members must be notified if the accused has had a medical history of seizures or any mental, emotional or physical limitations which prevents Accused from regular fulltime employment or performing community service.

- 4) **Accused shall not violate the laws of any government unit. If accused is arrested on any new charges, accused shall not be released from jail until bond violation is addressed by the undersigned judge. Accused shall immediately notify Larry Clemmons or Julie Panter of any new arrest including traffic violations. Any new arrest for DUI will automatically exclude Accused from acceptance into Drug Court Program.**
- 5) **Accused is under house arrest except for going to work, attending mandatory substance abuse treatment classes, attending mandatory NA/AA classes or secular counseling classes, performing community services and/or as given permission by Drug Court team members. Accused is to abide by all conditions of Drug Court and by all directions of Drug Court Team members regarding house arrest, attendance of mandatory substance abuse treatment classes, attendance of mandatory NA/AA or secular counseling classes, curfews and drug and alcohol urine screens. Accused SHALL pay \$125.00 per month to Drug Court while on bond. The payment must be paid on time otherwise ACCUSED shall be sanctioned and required to perform community service unless just cause can be given to Drug Court Judge.**
- 6) **Accused acknowledges that he/she will be required to sign releases which will allow drug court team members access to his/her substance abuse treatment records, medical records and criminal history records.**
- 7) **Accused acknowledges that he/she has been given a drug court manual and that he/she has read the contents of said manual.**
- 8) **Accused has disclosed to Drug Court Team Members any objection he/she has to attending NA/AA classes and has no objection or the Accused has requested to attend secular online classes and will comply with the written requirements for this alternative. (Circle choice made by Accused and require Accuse to initial his/her choice)**
- 9) **Accused consents to and acknowledges that if he/she violates any drug court bond condition that upon probable cause of said violation being presented ex parte to a judicial officer that he/she is subject to immediate incarceration with no prior judicial hearing.**
- 10) **OTHER SPECIAL CONDITIONS:** _____

SO ORDERED, this _____ day of _____, _____.

Superior Court Judge

I HEREBY CONSENT TO THE TERMS AND CONDITIONS OF THIS DRUG COURT BOND.

ACCUSED

DATE

ATTORNEY FOR ACCUSED

DATE

Revised 03/31/2011