



SECOND JUDICIAL DISTRICT COURT
WASHOE COUNTY, NEVADA

FAMILY DRUG COURT
POLICIES

Master Buffy Dreiling
Family Court
Reno, Nevada

8/08

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Introduction to the Family Drug Court

Reno, Nevada and its environs have a population of 400,000. The Family Drug Court has been in existence since September of 1994. Each participant attends court bi-monthly for a minimum of one year. Currently the program has approximately fifty active participants.

The Family Drug Court primarily deals with poly-substance abuse issues (with methamphetamine and alcohol as the most frequent substance of choice) and works with a high percentage of dual-diagnosis/co-occurring disorders, primarily mental health related. The program is a family-based program and is open to parents whose children have been placed into the child welfare system by the Washoe County Department of Social Services due to child abuse and/or neglect related to substance abuse.

The Family Drug Court focuses on ensuring clean and sober parenting with the goal of family reunification, in full compliance with the Adoption and Safe Families Act (ASFA) of 1997 that requires moving children into permanent placements within mandated timeframes. The Drug Court Judge usually acts as the presiding Judge for all of the other child welfare cases associated with the child protective services ("CPS") intervention and any other related civil cases heard by the Second Judicial District Court. The Court is committed to the ASFA mandate in all its actions: "The child's health and safety shall be paramount." ASFA goals of improving the safety of children, promoting adoption and other permanent homes for children who need them, and supporting families are of the utmost importance to the Court.

The Family Drug Court has two provider agencies that provide a continuum of services, inpatient and outpatient. The continuum of services include on introduction to recovery, learning to live in recovery, including triggers for relapse, and early abstinence/relapse prevention plan development as well as an aftercare recovery program. Treatment is individualized, typically including individual and group counseling, along with ancillary services such as parenting education, vocational rehabilitation, job search and assistance with housing. Every program participant is randomly drug tested at least twice per week. Bi-monthly written reports are provided to the Court and each participant, in addition to attending the substance abuse treatment program and child welfare case plan appointments, also appears before the Judge for Family Drug Court review hearings every other week.

Local and state funding of Family Drug Court subsidizes treatment components while clients must also participate in the cost of treatment according to their ability to pay. Family Drug Court is also supported through limited grants, corporate and foundation support.

2nd Judicial District Court Family Drug Court

General information

Mailing Address: Family Drug Court
Family Court
P.O. Box 30083
Reno, Nevada 89520-3083

Physical Address: One South Sierra Street, Third Floor
Reno, Nevada 89501

Phone: 775.328.3132

Fax: 775.328.3565

District/County Second Judicial District Court of the State of Nevada
County of Washoe

Population base: 400,000

Drug Court Team Members

Judge: The Honorable Buffy Dreiling

Prosecutors: Kathleen Baker, Deputy District Attorney

Defense: Veronica Chavez, Deputy Public Defender
Jennifer Rains, Deputy Public Defender
Tehan Slocum, Alternate Public Defender

Treatment Providers:
Step 2/Lighthouse of the Sierra
Bristlecone Family Resources

CPS Agency: Washoe County Department of Social Services
Valerie Santos, Supervisor

General Contacts:

Nick Mason, Family Court Clerk	775 328-3114
Kaili Godfrey, Family Court Clerk	775 328-3834
Sheila Leslie, Specialty Courts Coordinator	775 325-6769
Liz Donahoe, Foster Grandparents and Mentor Parent Program	775 358-8722

FAMILY DRUG COURT MISSION STATEMENT, PHILOSOPHY, AND TEAM ROLES AND RESPONSIBILITIES

Mission Statement

The Family Drug Court through a collaborative effort seeks to ensure a child has a safe and nurturing environment by focusing on healthy and sober parenting and permanency planning through family reunification.

Family Drug Court Team Philosophy

The Family Drug Court is founded with the collaboration of the Court, Social Services and substance abuse treatment providers. The synergy of bringing together representatives from the three disciplines creates the foundation of our Drug Court Team. Enhancing that foundation are other agencies and programs that also share the vision of facilitating clean and sober parenting and value collaborating with others to achieve that goal.

In many ways, the Drug Court Team is a multidisciplinary meeting where open communication is desired in order to best ensure sober parenting and child safety. The Judge serves as the team leader and primary decision-maker, however the input of each and every team member is actively sought and considered.

Team Roles and Responsibilities

CHILD WELFARE: Washoe County Department of Social Services

The agency provides intensive family reunification, maintenance, and supervision services to the participants in the Washoe County Family Drug Court. The Children's Services Division provides the emergency response to allegations of child neglect, child abuse, child sexual abuse, and emotional abuse. The investigative worker determines whether substance abuse, including alcohol, has impaired the parents' ability to adequately provide safe care and protection for their children.

The investigative social worker monitors the Family Drug Court case through the adjudication and dispositional hearing. After the adjudication hearing, where the parent(s) must submit or admit to the petition as a condition of enrolling in Family Drug Court, the case transfers to an ongoing social worker specifically assigned to the Family Drug Court program.

The social workers follow federal requirements for reasonable efforts to eliminate the risks to the children. Reasonable efforts include: frequent announced and unannounced home visits; case management duties; information and referrals to the therapeutic and basic needs services; payment sources; court reporting;

monitoring the family's utilization of services; ensuring the children's needs are met; attending all sessions of Family Drug Court and providing written and verbal updates to the court; and coordinating all services to the family.

TREATMENT PROVIDERS

Bristlecone Family Resources

Bristlecone Family Resources provides professional drug treatment and rehabilitation services to designated Family Drug Court program clients. The treatment service components include, but are not limited to:

1. Random urinalysis or oral drug testing at least twice per week (M-F) with bi-monthly written reports supplied to CPS social workers and the Family Drug Court.
2. A minimum of one individual counseling session per month between the client and the designated primary counselor or the Family Drug Court Senior Counselor. Individual sessions are 30 to 50 minutes each.
3. Group counseling sessions one time per week to include a minimum six-week parenting education training component. The focus is on education, age-appropriate care-giving, and parent/child interaction and process.

In addition to the minimum treatment required under the Family Drug Court program, Bristlecone Family Resources offers a full substance abuse treatment continuum, which may be accessed by Family Drug Court clients as needed based on the assessment criteria. These services include supervised detoxification, transitional living, medium/high intensity residential treatment, and outpatient treatment.

Bristlecone Family Resources employs a part-time Family Drug Court case manager to coordinate client care and serve as a liaison between the agency and the Family Drug Court. The case manager also attends all court sessions with the clients and participates in the staffing sessions of the Court Team.

Mental health issues are referred to Bristlecone's Marriage and Family Therapists for treatment and/or referral if the client's needs are beyond the usual scope of practice. Referrals are also made to Northern Nevada Adult Mental Health Services, Family Counseling or specialized mental health programs in the community such as the Dialectic Behavioral Therapy program at UNR.

Step 2, Inc.

Step 2, Inc. provides comprehensive treatment for chemically dependent women, including residential and outpatient services and transitional housing for women

and their children. Step 2, Inc. addresses many of the women's issues and addresses barriers to traditional treatment such as transportation, employment, child care, and housing. The Lighthouse of the Sierra is a project of Step 2, Inc. and is a therapeutic campus setting of 25 one, two, and three bedroom cottages.

Services include random urinalysis testing at least twice per week with bi-monthly written reports supplied to CPS social workers and the Family Drug Court. A potential client will have a thorough assessment, and based upon the need, a treatment plan will reflect individual and group counseling, sessions with a mental health therapist as warranted, parenting classes and life skills training. Recreation and physical fitness are also included in their treatment episode. Referrals to additional services for co-morbidity disorders and/or psychotropic medications may include Northern Nevada Adult Mental Health Services, CORE, or the Dialectic Behavioral Therapy program at UNR.

The Clinical Managers attend all court sessions with the clients and participate in the staffing sessions of the Court Team.

Step 2, Inc. provides services on a sliding-fee scale and no client is refused for inability to pay.

SUPPORTIVE SERVICES

Foster Grandparent Program

The Foster Grandparents Program supplies the Family Drug Court with senior volunteers who are designated as Court-Appointed Mentors whose job it is to build healthy and positive relationships with clients and their families. These surrogate grandparents have almost daily contact with these families and act as role models and support. The Foster Grandparents are participating members of the FDC Team and attend FDC staffing sessions to report their experience back to the Team. Clients are held more accountable through this mechanism of a community-based "eyes and ears" of the Court, as the Foster Grandparents work closely with their families in the community where they live.

Several of the Grandparents are specialists in a specific area, and can provide ancillary services such as GED tutoring, assistance in securing a spiritual resource at the client's request, or help in accessing community resources.

Tru-Vista Foundation

Tru-Vista is a private, non-profit agency, founded in 1996 to serve as a catalyst to fund and encourage collaborations that strengthen and improve the community's ability to provide prevention, intervention, treatment programs and services for children and families affiliated with the Family Court.

Assistance includes Family Drug Court orientation and coordination of services for clients and their families. Tru-Vista administers the Children's Scholarship and the Family Needs Programs. Tru-Vista also provides supervision and training for the foster Grandparents assigned to the Family Drug Court as Court-Appointed Mentors. Finally, Tru-Vista coordinates and supervises the Mentor Parent program that is used to assist in recruitment and retention of Family Drug Court clients.

LAW ENFORCEMENT AGENCIES

Washoe County Public Defender's Office

The Washoe County Public Defender's office provides Deputy Public Defender services to represent parents in the Family Drug Court program. The attorneys attend all court hearings, drug court hearings, and case planning meetings. The office also provides polygraph examinations and additional evaluations on an as-needed basis as resources allow.

Washoe County District Attorney's Office

The Washoe County District Attorney's office provides a full-time Deputy District Attorney to represent the Department of Social Services in the Family Drug Court program. The attorney attends all court hearings, drug court hearings, and case planning meetings. The Deputy District Attorney also provides advocacy for the Department of Social Services in the juvenile dependency case before the Family Court Judge.

COURT PERSONNEL

Drug Court Judge

Juvenile Master Buffy Dreiling maintains the responsibility for the overall performance of the Family Drug Court and serves as the Team leader. She provides leadership to the Team through weekly staffings and review hearings to monitor participants' progress in treatment and address obstacles encountered in the course of their participation. She has the final approval of any changes in

client goals and actively solicits recommendations from all members of the Team. The Judge heartily reinforces, encourages, and celebrates program and client successes. Challenges are addressed and dealt with creatively, with team input and assistance. Non-compliance and willful misconduct is handled by making participants accountable for their actions.

Drug Court Clerk

The Drug Court Clerk obtains written information from the treatment providers, social workers, Foster Grandparents, and other team members and compiles a condensed written version for the Court's review. The Clerk maintains files on FDC clients that contain weekly progress reports, letters of recommendation for housing/employment, Consent for Disclosure, Acceptance to FDC, and other court documents. The Clerk coordinates decisions between court sessions as needed and plans graduation ceremonies. The Clerk also prepares letters from the Court to assist participants as necessary and works with Team members on legal issues such as old criminal charges, bad credit etc.

Specialty Courts Coordinator

The Specialty Courts Coordinator works with each specialty court (adult, family, juvenile drug courts, mental health court, prison re-entry court etc.) to develop resources, provide grants management and evaluation services, conduct strategic planning, and maintain client and program statistics. The Coordinator provides staff support to the Family Drug Court Policy Committee, coordinates media and outreach activities, and program planning services.

**Traditional Court Characteristics
Versus
Family Drug Court Characteristics**

<u>TRADITIONAL COURT</u>	<u>FAMILY DRUG COURT</u>
<u>Court team consists of Judge, Social Worker, Prosecutor, Defense Counsel, etc.</u>	<u>Family Drug Court team consists of Judge, Social Services, Substance Abuse Treatment Provider, Prosecutor, Defense Counsel and others</u>
<u>Adversarial Setting</u>	<u>Non-Adversarial Setting</u>
<u>Goal: Process Case, Apply the Law</u>	<u>Goal: Restore client as a productive, non-criminal member of society</u>
<u>Judge exercises limited role in supervision of Defendant</u>	<u>Judge plays central role in monitoring client's progress in substance abuse treatment</u>
<u>Interventions for substance abuse may be court-ordered but up to Defendant to seek own treatment</u>	<u>Formalized and structured treatment interventions monitored by the Drug Court Judge with frequent court appearances</u>
<u>Relapses may lead to increased sentence</u>	<u>Graduated sanctions used in response to relapses, which incorporate relapse prevention education</u>
<u>Costly and lengthy steps to incarceration</u>	<u>Admission/Submission, waive traditional process to Court-monitored program and graduation (8x more cost effective)</u>

Eligibility Criteria and Admission Steps

Eligibility Criteria

Families who are under the jurisdiction of the Second Judicial District Court because their children are at risk due to parental involvement with substance abuse are eligible for participation in the Family Drug Court. These families are identified by the removal of the children from the home due to child abuse or neglect. These families are normally referred to the Family Drug Court by Child Protective Services ("CPS") or substance abuse treatment providers.

The Family Drug Court is a voluntary program. Therefore, families may elect not to participate or to discontinue participation, at which time their cases revert to existing traditional court programs and procedures. The basic eligibility criteria for admission to the Family Drug Court are as follows.

1. Candidate must be involved in a Child Protective Services (CPS) case or ongoing child protective custody case. Any exceptions will be at the discretion of the court.
2. Candidate must want treatment or be motivated.
3. Candidate must submit or admit to one of the allegations of the Petition for custody, which will be sustained by the court for jurisdictional purposes.
4. Candidate must be willing to abstain from both drugs and alcohol during the program.
5. Candidate must follow the rules and procedures of the treatment program and be actively involved for the duration of the program.
6. Candidate must not be involved in any methadone maintenance treatment.
7. Any significant other of the candidate must participate in the program upon review by the Team. The significant other does not have to submit to a petition for jurisdictional purposes if the significant other was not named in the petition.

Admission Steps

Once substance abuse has been assessed and acknowledged by the parent(s), the parent(s) are offered the possibility of participating in Family Drug Court. The program lasts for a minimum of one year, but can be extended if necessary.

In return for the parent(s)'s commitment to the program, the Washoe County Department of Social Services may provide supportive funding to Step 2/Lighthouse of the Sierra and North Star Treatment and Recovery Center for additional services to the parent(s).

After referral to the Family Drug Court by the Department, a client typically moves through the following admission steps.

Step 1

The referring Social Worker submits a completed Family Drug Court Referral Form to the Specialty Courts Coordinator via email or fax. The Coordinator then schedules the referral to be reviewed at the next Intake Team meeting, held each week prior to the Family Drug Court Team staffing session. The Intake Team is composed of representatives from the core disciplines involved in Family Drug Court: court staff, district attorney, public defender, treatment representatives, and the Tru-Vista case manager. The referring Social Worker presents the case to the Intake Team for discussion. The Intake Team then recommends acceptance or denial to the full Family Drug Court Team, including the Drug Court Judge, at the weekly staffing session.

Step 2

The social worker reviews the Consent for Disclosure of Confidential Substance Abuse Treatment Information – First Time Appearance Form with the candidate and obtains their signature. The candidate is then invited to observe the next session of the Family Drug Court.

Step 3

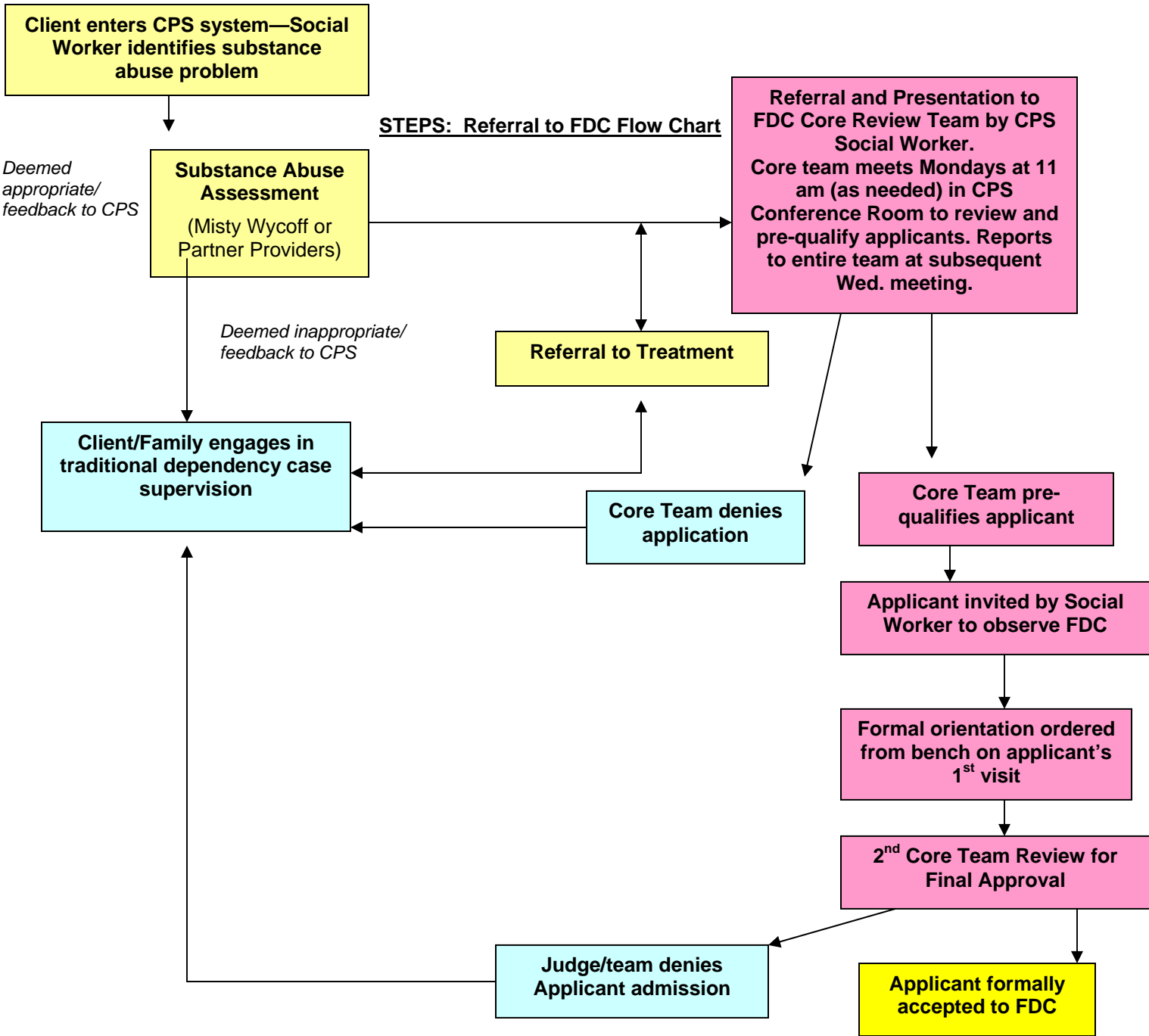
The candidate observes a session of the Family Drug Court.

Step 4

After observing the Family Drug Court session, the candidate meets with the Tru-Vista case manager to go through an orientation process to Family Drug Court, including a videotaped overview of the legal ramifications of participation and completing a psycho/social interview. If the client wishes to enroll in the program, he/she must sign the Consent for Disclosure of Confidential Substance Abuse Treatment Information Form and the Family Drug Court Agreement and Waiver.

Step 5

The referring social worker and the Tru Vista case manager report back to the Intake Team at the next weekly meeting on the candidate's progress. If all reports are positive, the Intake Team presents this information to the full Family Drug Court Team, where a final enrollment decision is made. If accepted, the candidate is asked to appear at the next Family Drug Court session to be formally accepted into the program.



CONFIDENTIALITY ISSUES IN FAMILY DRUG COURT

Background Information

Confidentiality is a critical issue in Family Drug Court on a number of fronts. Federal requirements as well as state requirements need to be taken into account when dealing with the confidentiality requirements in both areas of substance abuse treatment and child protective services cases.

Under Federal law, any information regarding substance abuse treatment is protected by the provisions of 42 United States Code (USC) Section 290dd-2 and implemented pursuant to regulations at 42 Code of Federal Regulations (CFR), Part 2. The intent of the legislation is to encourage individuals to pursue rehabilitation without fear of their substance abuse becoming public knowledge. Therefore, Congress provided for a heightened protection of the identity of individuals in rehabilitation and the content and nature of their treatment.

The Federal laws and regulations define a "treatment program" as an individual or entity that provides diagnosis of chemical dependency and referral to treatment as well as providing the actual rehabilitative services. Clearly, drug court programs fall under this definition for purposes of the application of Federal confidentiality regulations if they are regulated or assisted by the Federal government either directly or indirectly.

Therefore, all team members of the drug court, including the treatment provider employees, case managers, Judges, prosecuting and defense attorneys, probation department staff, child protective services staff, court personnel, and volunteers or employees of community-based agencies as well as any other individuals or consultants working with the drug court, share in the ethical responsibility for protecting the confidentiality rights of clients in the drug court.

Even with the high standards of confidentiality, the drug court team members can still obtain the level of information needed to assess the clients' compliance with the drug court program. However, there may be instances in which compliance with confidentiality provisions may require limiting the extent of information disclosed and the forum where it is presented.

Violations of the Federal confidentiality laws and regulations can be prosecuted in Federal court and are subject to fines up to \$500 for the first offense and up to \$5,000 for each subsequent offense. (42 CFR §2.4). Depending on the provisions of State regulations, violators may also be subject to loss of their professional license to provide substance abuse treatment. State law may not authorize or compel disclosure of information prohibited by Federal law.

However, where State law prohibits disclosure of information that would be permissible under Federal law, the stricter standard applies. (42 CFR §2.20).

General Requirements to Waive Confidentiality

Treatment programs for substance abuse may release information or records concerning any person who has been assessed, diagnosed or treated only with the specific written consent of the client or under certain very limited exceptions. Toxicology results are also subject to confidentiality laws. Without a written consent from the individual, the treatment program cannot confirm or deny knowledge of the persons participating in the program.

Exceptions to this general prohibition against disclosure of confidential client information include the following:

- Written consent of the client
- Internal treatment program communications
- Information that does not identify the client
- Medical emergency
- A properly authorized court order
- Information relating to a crime performed on the program premises or against program personnel
- Suspicion of child abuse or neglect
- Qualified agency agreements
- Research and audit
- Veterans' Administration or Armed Forces records

Client Consent Forms – Family Drug Court

Individuals must give informed written consent for disclosure of confidential information.

The following elements are required on client consent forms associated with the Family Drug Court:

- Name of the person who, or organization that, may make the disclosure
- Name/title (e.g. Presiding Judge) of the person to whom, or the organization (e.g. Office of the Prosecutor) to which, disclosure may be made
- Treatment participant's name
- Purpose of the disclosure
- How much and what kind of information may be disclosed
- Treatment participant's signature
- Date on which the consent is signed

- Statement that the consent is subject to revocation
- Specific timeframe for cessation of the consent

The duration of the consent may be based exclusively on the passage of “a specified amount of time or the occurrence of a specified, ascertainable event.” For example, a specific number of days after discharge from the program is a “specified amount of time” while the graduation date or completion of aftercare could be “a specified, ascertainable event”. Most participants may revoke their consent for disclosure at will at any time.

Individuals who have been mandated to receive treatment by a court as a condition of the disposition of a **criminal proceeding**, however, such as through probation, parole, sentencing, an agreement for dismissal of charges, or an order for release from imprisonment, **may not** revoke their consent (42 CFR §2.35). However, treatment information cannot be used to initiate or substantiate any criminal charges against a client or to conduct any investigation of a client. The event that triggers termination of consent in criminal proceedings should be the final disposition of the case. This includes the discontinuation of all court and/or probation supervision of an individual who has either successfully completed the drug court program or the sentencing of a defendant for violation of the court-imposed conditions.

Prospective family drug court participants will be informed of their right to confidentiality at the initial screening or assessment and asked to sign a written consent that will permit disclosure to and exchanges of information between the judge, prosecutor, defense counsel, the probation department, child protective services agency, or other relevant party, and the treatment provider that will be providing direct services.

The Family Drug Court policy is that failure to sign the consent form is grounds for excluding the prospective participant from the drug court program, since drug court operations require all team members to be able to follow the participant's treatment compliance and progress. It is also important to note that in exchange for this consent, the participants are assured that information cannot be used to expose them to other criminal jeopardy except to the extent of sanctions for non-compliance with drug court policies.

Federal regulations require that the scope of the disclosures be limited to information necessary to carry out the purposes of the disclosure. Language in consent forms can narrow disclosure to “reports of the participant's eligibility and/or acceptability for substance abuse treatment services,” and “reports of treatment attendance, compliance and progress in accordance with drug court monitoring criteria which is necessary for and pertinent to hearings or reports concerning the participant's charges, indictment, termination of parental rights,

etc.” Consent forms should never permit a treatment provider to turn over the entire file to anyone. The consent forms should include any written reports or oral testimony. Each treatment program shall be responsible for maintaining a current confidentiality and release of information form that meets the requirements outlined in this policy. The Court shall also maintain a signed Consent for Disclosure of Confidential Information form in each of the Family Drug Court files.

Other Disclosure Issues

In cases where an individual has been mandated to treatment through a criminal case, the agents who have access to confidential information regarding the individual’s treatment may use or re-disclose that information only to carry out their official duties “with regard to the individual’s conditional release or other action in connection with which the consent was given” (42 CFR §2.35(d)). This information may not be used in other proceedings, either civil or criminal, against the drug court participant or with regard to another person. Therefore, if the drug court participant is a defendant in another case or a witness in a case, the prosecutor from drug court may not disclose the person’s treatment to a prosecutor assigned to the other case.

Family Drug Court records are kept separate from the official court file via an administrative file and are labeled as confidential. These administrative files are stored in a locked cabinet when not in use and are not left in plain view when a work area is unattended. Drug Court records are kept for seven years and then destroyed by shredding.

All written communications which contains any documentary treatment information are accompanied by a Notice of Prohibition Against Re-Disclosure as outlined below:

Notice of Prohibition Against Re-Disclosure: This email or fax accompanies a disclosure of information concerning a client in alcohol/drug abuse treatment, made to you with the consent of such client. This information has been disclosed to you from records whose confidentiality is protected by federal law. Federal regulations (code 42 of federal regulations, part 2) prohibit you from making any further disclosure of it without specific written consent from the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is not sufficient for this purpose. The information is intended only for the sole use of the recipient named below. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying is strictly prohibited. If you have received this email or fax in error, please contact the sender at the

address or phone number noted below and delete all copies of it from your system.

The Family Drug Court's computerized information system is set up to ensure that access to any confidential information is limited to those who are entitled to it, and available only until the date or circumstance that triggers revocation or termination of consent. The system uses access codes to gain entry to the confidential information.

Each Family Drug Court team member participates in an annual training on confidentiality requirements and must sign an acknowledgement that the policies have been reviewed and understood. New team members will receive individualized training in confidentiality as part of the orientation process and must also sign an acknowledgement statement.

All visitors to the Family Drug Court will be advised of the confidentiality requirements and must sign a Visitor Agreement certifying they will not disclose any information regarding a client in the program.

Incentives and Consequences

The Family Drug Court administers its program on a basis of rewards, incentives, and consequences based upon a participant's clear understanding of the basic responsibilities and privileges of the program as outlined below. Although the team provides input on the rewards, incentives, and consequences for the participants, the Judge has the ultimate discretion in determining how each situation will be handled.

Basic Responsibilities

The participants have basic responsibilities in the program that they must accept and adhere to or they may face consequences. These responsibilities include the following:

1. Abstinence from illegal substances and alcohol, and abuse of prescription drugs.
2. Attendance at all Family Drug Court hearings.
3. Compliance with the social services case plan and service agreement.
4. Compliance with the participant's individual treatment plan pursuant to the treatment provider recommendations, i.e. attendance at groups, counseling appointments, and compliance with all program requirements.
5. Submit to drug testing as required by CPS, treatment provider, judge/court staff, and parole and probation.
6. Compliance with the conditions of Parole and Probation if applicable.
7. Prior to ingesting a prescribed medication, the participant must inform the treatment provider and social worker.
8. A participant's spouse or partner must agree to participate fully in the treatment plan. Any change in this relationship, or a new dating relationship, must be disclosed to the treatment provider, social worker, and the court.
9. Family Drug Court participants must request permission to travel from the Court whenever that travel will conflict with the established drug testing or treatment schedule. The Court must approve any alteration in the testing or treatment schedule prior to the travel, unless it is for an emergency and is approved by Social Services or the treatment agency. Participants may be required to purchase a "drug patch" to be worn when travel interferes with the drug testing regimen.

Basic Privileges

The Family Drug Court offers participants basic privileges upon admission to the program. These privileges are available to all program participants.

1. Access to treatment.
2. Intensive case management.
3. Facilitated access to employment/training.
4. GED tutoring and support/assistance of educational liaison.
5. Facilitated access to housing opportunities.
6. Foster Grandparent Program.
7. Treatment team supportive environment.

Rewards

The program participants will also receive rewards, defined as additional privileges. The rewards are based upon benchmarks in the program. The rewards are an extra “kudos” to the participant for continuing to comply with the program and hopefully motivate the participant towards continued compliance.

Participants will be provided with two concrete achievement awards to mark their success at benchmark moments during their program. The first is a framed family portrait given when the participant’s children are placed back home. The second is a Certificate of Achievement upon graduation, as the participant transitions to Aftercare.

Incentives

Some participants also earn incentives as program resources permit. Incentives are given when a participant has met and exceeded the goals in the program. The team works together to design an incentive that will provide special recognition to the participant for excelling in the program. Not all participants receive an incentive since they are reserved for this special recognition.

The incentives are geared toward the specific need of the participant who has earned it. Examples of tailored incentives follow.

1. Gift certificates – to a department store or store that sells something a participant especially needs.
2. Family entertainment – movies, skating, water parks etc.
3. Other personalized incentives such as a haircut, beauty service, or fitness pass to a local gym, etc.

Consequences

The Family Drug Court utilizes progressive consequences to correct non-compliance with program requirements. Positive tests in the program are not charged as new felonies. The Court retains the discretion to increase or

decrease the severity of consequences after reviewing the totality of the circumstances of each case, including recommendations from Team members. Consequences are employed when the participant has failed to follow through with his/her responsibilities.

The concept of cognitive learning is used in designing appropriate consequences to provide a therapeutic intervention and encourage behavior modification. The range of consequences include jail, community service, increased intensity of treatment, writing about the failure and reporting to peers to therapeutically account for the action. The Court may also place a "Perfect Or Else" upon a client, signifying they must have 100% compliance with the treatment plan and drug testing regimen, or face an additional consequence at the next court hearing. The Court may also utilize a "jailhouse key" approach to a jail sentence by offering a participant the choice of an alternative sanction to jail time.

Guidelines for Consequences for Positive Drug Tests and Failure to Comply with Treatment

Consequences for positive drug tests or a failure to comply with treatment are tailored to individual clients on a case by case basis with the goal of effective therapeutic intervention. Graduated sanctions are used to discourage repetitive behavior and to maximize the effectiveness of the chosen intervention. The safety of children in the family is paramount in the decision-making process.

Graduated sanctions are utilized along a continuum that includes community service, increased treatment levels, increased testing, increased attendance at NA/AA, research papers, jail time, extension of time in the program, delay in graduation from the program, removal of children from the home, and discharge from the program.

A relapse during the aftercare portion of the program may result in any of the sanctions listed above, including repetition of the 90 days of aftercare.

Guidelines for Interpretation of Drug Test Results

Each positive test is a distinctive test. A series of positive tests may be linked to a single use and sanctioned accordingly.

Unexcused or missed drug tests are considered positive tests and may be sanctioned accordingly. Diluted tests are considered positive tests.

If a positive test is disputed, the participant may request a confirmation test through an independent lab. The cost of the confirmation test is the participant's responsibility unless waived by the Team or agency due to special circumstances.

Any manipulation of a test may result in immediate removal from the program and/or two weeks in jail for contempt of court.

Guidelines for Consequences for Failure to Appear

Any unexcused absence from Family Drug Court may result in the Court issuing a bench warrant requiring an appearance before the Court and a \$5,000 cash-only bond.

Failure to appear may also result in termination from the program.

Transfers Within Specialty Courts

A client may be transferred within the Specialty Courts operated by the 2nd Judicial District Court upon approval by the respective courts. Normal referral processes will be followed and may be accessed through the Specialty Courts Coordinator. The Family Drug Court Team will be involved in the decision-making process to accept or initiate transfer to another Specialty Court. The general policy of the Specialty Courts is that participants are subject to at least the minimum time requirement of each Specialty Court upon transfer.

Participant Policies

Narcotic Prescription Drug Use

In a medical emergency, the participant must inform the treatment provider and social worker as soon as possible, if he/she has ingested or been prescribed a narcotic medication. Participant must then provide written verification of the authorization or prescription for the narcotic medication by a licensed physician. This information will be shared at the weekly Family Drug Court staffing.

In a non-emergency situation, the participant must inform the treatment provider and social worker prior to ingesting a prescribed narcotic medication. The participant's required length of time in the Family Drug Court program will be extended by the amount of time the participant is using the prescribed narcotic medication, with a minimum extension of two weeks.

Persons with ongoing chronic medical conditions that require prescription drugs may not be appropriate for the Family Drug Court program.

Medical Issues

Documentation of medical issues that prevent a participant from attending court sessions or from participation for more than two weeks of treatment must be provided to the treatment provider and social worker who will inform the full Team at staffing.

If a participant experiences a medical condition during enrollment in the Family Drug Court Program that prevents full participation in treatment and court sessions for a period of time that exceeds one month, the Team will formally evaluate the situation to determine if the participant's program time will be extended or if the participant will be discharged from the program.

Graduation Requirements

Participants who have met the following minimum requirements for graduation will be scheduled for a formal graduation ceremony, where they will receive a certificate of graduation and then proceed to Court After Care.

The minimum requirements are:

- * one year of participation in the program with satisfactory progress;
- * engagement in treatment and services;

- * good track record of clean tests (minimum of 90 days clean);
- * compliance with social services case plan;
- * demonstration of an improved quality of life that benefits the child.

A graduation date may be extended by the Court depending upon client progress, attendance at treatment and Court sessions, testing results, involvement in the criminal justice system, or other extenuating circumstances.

Court After Care

After Graduation from the Family Drug Court at approximately twelve months of participation, each participant is required to complete three months of Court After Care. Program requirements during this three month period are:

- testing at a minimum of once per week and as needed;
- group counseling at a minimum of once per week, if needed;
- monthly contact with primary substance abuse counselor;
- attend court sessions once per month.

The Family Drug Court recognizes the importance of connecting participants to a community support system to support and promote a healthy and sober lifestyle. To that end, each participant will be given a standard Continuing Care Plan form at the court session two weeks before the scheduled Graduation. The participant is required to present the Continuing Care Plan to the Family Drug Court Judge at Graduation, specifying the activities the participant will pursue to prevent relapse and promote personal recovery. It is expected that the Continuing Care Plan will be developed with assistance from the participant's substance abuse counselor.

The written Continuing Care Plan should address activities the participant will undertake in the following key life areas:

- recovery (self-help meetings, ongoing counseling, classes)
- family
- child care
- mental health
- physical health
- spirituality
- social
- intellectual
- legal
- financial
- housing
- workplace

- transportation

The Family Drug Court Judge will review progress in these areas with the participant during the monthly court appearances and suggest revisions as needed.

Case Resolution Options

While it is expected that Family Drug Court participants will work towards graduation from the program, there are other case resolution possibilities as detailed below.

Graduation:	Must meet graduation eligibility guidelines. (Will have a graduation ceremony, framed graduation certificate and flowers)
Completion:	Complete at least one year in the program, but is not eligible for graduation per policy guidelines. (Will receive a completion certificate)
Voluntary Discharge:	Client requests discharge prior to completion of program.
Involuntary Discharge:	Client is discharged from program at the Team's request.

Each case will be closed using one of these four options for statistical purposes.

Family Drug Court Forms

1. Consent for Disclosure – First Appearance
2. Consent for Disclosure
3. Agreement and Waiver
4. Order of Acceptance
5. Visitor Agreement
6. Third Party Waiver and Participation Agreement
7. Order for Contempt
8. Continuing Care Form
9. Client Essays
10. Family Drug Court Referral/Intake