Cherokee County Juvenile Court

November 2019

Juvenile drug treatment court policy and procedure manual

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**Overview of Juvenile Drug Treatment Court**

The Juvenile Drug Treatment Court (JDTC) is an intervention program for juveniles who are under supervision through probation or CHINS and who are screened at an elevated risk of substance abuse or substance abuse related activities. It is a collaborative effort between the Juvenile Court staff, District Attorney’s Office, Defense Counsel, Department of Juvenile Justice, Treatment Providers, Law Enforcement, Department of Family and Children Services, and Cherokee County Board of Education school personnel. By working together, they seek to provide a variety of programs and consistent supervision geared toward supporting and helping youth to maintain a drug-free life.

The court program operates on principals that:

* Substance abuse is a long-term damaging process that must be repaired with long-term treatment.
* Substance abuse is usually the external indicator of other serious problems that an individual faces, thus the underlying causes of substance abuse must be addressed and treated also in order to maximize recovery.
* Relapse and sporadic progress is to be expected in treatment, thus progressive sanctions and rewards must be an integral part of the drug intervention program.
* The network of communication among team members must be working at its maximum to ensure that the Judge recognizes the proper sanctions and affirmations at the appropriate time.

The Juvenile Drug Treatment Court’s program is a court that has been specifically designed and staffed to supervise non-violent drug dependent youth. These youth have been referred to a comprehensive and judicially monitored program that consists of intensive supervision, drug treatment, and rehabilitation. The program is intended for those who are addicted to and are abusing drugs and/or alcohol, or those that are at an elevated risk to do so, and want to change their behavior. Treatment intervention is structured around authority and a judge. This system helps build a rapport between the criminal justice system and the drug treatment community.

While the Juvenile Drug Treatment Court Program is promoting a positive interaction between the criminal justice system, community treatment agencies, and the juvenile, it also reaches several goals:

* Reduces participant contact with the criminal justice system;
* Reduces costs associated with criminal case processing and recidivism;
* Reduces incarceration at Regional Youth Detention Centers;
* Introduces participants to an ongoing process of recovery designed to achieve total abstinence from illegal drugs and/or alcohol abuse;
* Promote self-sufficiency and empower substance abusers to become productive and responsible members of the community;
* Promote public safety;
* Early age interventions; and
* Raise community awareness.

The program is a substance abuse treatment/rehabilitation program that includes:

* Frequent, random drug testing;
* Judicial supervision;
* Counseling;
* Educational/vocational training;
* Life skills training;
* Social skills training; and
* Use of court imposed sanctions and incentives.

**Mission Statement**

The Mission of the Cherokee County Juvenile Drug Treatment Court is to utilize judicial and community-based interventions to provide an effective response to youthful offenders and their families. These services will create safer communities by strengthening families, reducing crime, and developing productive citizens.

**Juvenile Drug Court Standards**

1. Drug courts integrate alcohol and other drug treatment services with juvenile justice case processing.
2. Using a non-adversarial approach, prosecution and defense counsel, and others promote public safety while protecting the rights of participants.
3. Juvenile drug courts emphasize early identification and placement of eligible participants.
4. Juvenile drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs responses from the juvenile drug court to each participant’s performance and progress.
7. Ongoing judicial interaction with each juvenile drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective juvenile drug court planning, implementation, and operations.
10. Forging partnerships among juvenile drug courts, public agencies, and community-based organizations generates local support and enhances juvenile drug court program effectiveness.

**Confidentiality**

All members of the Drug Court team must hold information discussed during pretrial interviews, assessment, team meetings, and treatment sessions in confidence. The court sessions are closed to the public.

In order to establish ground for termination from the Drug Court Program, no test results or statements made by the participants in any other prosecution other than in the drug treatment court proceedings may be used. However, evidence discovered either routinely in the course of a criminal investigation or discovered during pretrial interviews, assessment, treatment, or drug treatment court proceedings shall not be inadmissible.

Under federal law, information regarding substance abuse treatment is protected by the provision of 42 U.S. Code § 290dd-2 and the regulations implementing these laws are 42 Code of Federal Regulations, Part 2. Federal Confidentiality Regulation prohibits the release of information about participants in substance abuse treatment without a written consent from the individual. Release of information without consent is waived when any of the Juvenile Drug Treatment Court Team feels that any of the following apply:

* Participant commits or threatens to commit a crime, either at the program or against any staff person or participant of the program;
* Participant is threatening homicide; or
* Participant is in danger of committing suicide.

All participants entering the Juvenile Drug Treatment Court Program are required to complete a form. This form allows program staff to obtain from or release records to all authorized agencies. This authorization and consent is subject to revocation at any time, except to the extent that the drug intervention program has already taken action in reliance on it. If not previously revoked, this authorization will remain in effect until final disposition of this case, but not to exceed five years from the date signed.

The treatment provider maintains separate clinical participant files and follows all of the above rules/laws pertaining to confidentiality.

The participant has the opportunity to consult with an attorney before signing any contracts or consents. The program coordinator will review all contracts and consents with the participant to identify if the participant is illiterate and/or has the ability to read and comprehend the language in which it was printed.

**Participant Eligibility and Exclusion Criteria**

* 14 – 17 years of age (younger if appropriate)
* Must reside in County.
* Must volunteer to participate in the drug court program.
* Admit responsibility and plead guilty to the offense.
* Acknowledges substance abuse or addiction.
* No violent charges.
* No sex offense charges without prior treatment.
* No gang affiliation.
* Comply with VOCA if applicable.
* Be assessed by clinical team to see readiness to change.
* For education tract- must be first charge and assessed to be appropriate for this tract.
* For Phase 1 – must have multiple charges, have a first charge of Marijuana > 1 Ounce, Possession of a Controlled Substance, Possession of Drug Related Objects, and/or has multiple failed drug screens.
* For Phase 2 - must have multiple charges, have already completed Phase 1 and have a first charge of Distribution, and/or has multiple failed drug screens for polysubstances.

**Juvenile Drug Treatment Court Team**

**Judge**

Judges are a vital part of the accountability court team and their role is greatest to the success of the court. Judges will conduct regular reviews detailing each participant’s compliance with the treatment mandate, drug test results, cooperation with the treatment provider, and progress towards abstinence and law-abiding behavior. The Juvenile Drug Treatment Court Judge will oversee the court progress through staffings, administer sanctions and incentives as they see fit, and preside over the court hearings. Most importantly, the Judge will make all final decisions based on the participant and their needs. Through court sessions, the interactions between the Judge and participant builds a strong rapport. The Judge will speak directly to them, asking about their progress, applauding their accomplishments, encouraging them to try harder, all in all while reminding them of their obligation to remain drug-free.

**Coordinator**

The role of the coordinator is to jointly serve as the public face of the accountability court. They will assist the Judge in planning, coordinating, and carrying out judicial administrative matters for the accountability court. They manage and oversee the overall program in many areas; i.e. data collection, preparing and maintaining all paperwork (documents, manuals, and handbooks), fundraising and grant application, public outreach, and education, training, and continuing education for court team, running court staffing and supervising treatment services and surveillance officers.

**Treatment Provider**

Treatment provider will come in the role of many: counselor, psychologist, therapist, clinicians, or substance abuse treatment professional. Primary goals of the treatment team are to eliminate the individual dependency on drugs, treat the cravings through stabilization, and focus on helping obtain education or job training and remaining drug-free. They provide outpatient services to participants based on their current needs, implement treatment curriculum, and maintain records on each session and administer individual counseling, family counseling, and provide life skills training. The treatment provider also assists in the initial intake process by determining clinical eligibility of the individual. They also develop a treatment plan for each individual based on their needs. Accountability court treatment providers will report treatment reviews with the team at staffing focusing on the participant progress and breakthroughs.

**District Attorney/Prosecutor**

An accountability court prosecutor helps to identify and select offenders who should participate in the program. The prosecutor will obtain the prior criminal history of the youth and present them to the judge at intake. They attend staffings and court sessions working with the defense counsel (and rest of the team) promoting public safety and protecting the participant’s rights. The prosecutor will prepare and file all legal documents and suggest incentives and sanctions for program compliance. They also share a common goal with the rest of the accountability court team in that the program has a successful treatment completion from the individual.

**Delinquency Program Manager**

The delinquency program managers role is to work with the District Attorneys office in identifying youth that would be best suited to participate in the Drug Treatment Program.

They will have an active role in referral decisions and attend staffings and court hearings where appropriate**.**

**Defense Counsel**

The defense attorney advocates for the participant during staffing and court proceedings. They assist the participant with explanation of legal documents and contractual obligations. They will educate the participant about the purposes of the program, the consequences of the noncompliance with the rules, and benefits to completing the program. While making the participant’s constitutional rights a primary concern, they also focus on the participant’s legal rights and well-being.

**Department of Juvenile Justice**

The probation officer performs work for the accountability court program by overseeing the individuals through compliance while on their probation sentence. They have an active role in referral decisions, monitor home and school compliance, and administer random and scheduled drug tests. They will attend staffings and court sessions.

**Law Enforcement/Compliance Officer**

The law enforcement acts as a liaison between the accountability court program and their law enforcement community. They work together with the probation officer in supervising surveillance through home and curfew checks and alcohol/drug testing. They will assist with any background investigations of potential participants and attending staffings and court sessions.

**Department of Family and Children Services**

The representative from DFCS helps to provide necessary family supports in the community to help ensure success in the accountability court program. They act to provide services to set the youth up for long-term success in the appropriate environment. They will attend staffings and court sessions.

**Cherokee County Board of Education**

The school representative works with the youth in the program to ensure that their educational needs are being met. This might mean helping them get back into school and obtaining a diploma or helping them to receive the necessary tutoring to obtain a GED. They will attend staffings and court and provide the team with updates in regard to school attendance, behavior, grades, and needs.

**Program Operation**

**Intake and Referral**

Participants may be referred to the Juvenile Drug Treatment Court by various people: law enforcement, district attorney, or probation officer. Once a referral form is submitted, the District Attorney’s Office will review the participant’s case to determine if they are an appropriate candidate for drug court. If they are, they would then meet with the accountability court coordinator (along with their defense attorney) and would go over what the program offers. If the participant wishes to apply, they will then submit an application/intake form. The coordinator then schedules a risk/needs assessment with the treatment provider who determines if the participant is clinically eligible for the program. The results are submitted to the team during staffing and a collective decision, with the Judge, will determine if the participant is accepted.

**Participant Requirements**

At entry, the participant must sign a contract. This contract details all requirements and rules of the Juvenile Drug Treatment Court program. The contract also waives participant’s rights of confidentiality related to treatment and right to a preliminary hearing. The defense attorney will review all forms, documents, and contracts with the participant before meeting with the Judge. The participant will then appear before the JDTC Judge for sentencing, and the Judge will inform them of the rights and program expectations.

The participant will be responsible, once in the program, to follow through on the following:

* Be willing to commit to sobriety.
* Participate fully in each phase of the Drug Treatment Court program.
* Abide by all rules of the Drug Treatment Court.
* Actively participate in all required groups and treatment related activities.
* Accept responsibility for self and actions by being honest and open in treatment.
* Attend court as each phase requires.
* Submit to random drug screenings as required.
* Stay up to date on participant fees.

**Data Collection**

Data collection will be used in the form of telephone interviews, surveys, review of complaints, random urine tests, and coordination with probation, etc. The program coordinator will compose all the information and bring any new information up to the rest of the team during staffing.

**Sanctions/Incentives**

Sanctions are the result of the participant failing to comply with the requirements of the program. They assist the participant in recognizing behaviors that may result in dismissal from the program. Sanctions are discussed with the accountability court team and are imposed based on the behavior of the individual. If the participant is consistently noncompliant with the program rules and procedures, the sanctions could become more severe (i.e. incarceration or termination from the program).

Incentives reward participants for making positive steps to attaining a drug-free and crime-free lifestyle. Participants could also be awarded for personal achievements, obtaining a GED, obtaining employment, or increase self-esteem or respect.

**Participant Fees**

Each participant is responsible for a fee associated with the accountability court. The fee will vary based on phase and any missed fees could result in sanctions. All program fees must be paid in full for the participant to be eligible for phase up or graduation.

**Drug Screening**

The accountability court team will develop a plan for random urine drug screenings. All participants are required to submit to random and observed drug screens. During the first two phases, each participant will have a minimum of twice per week. Testing will be provided by a trained individual, i.e. probation officer or compliance officer, and will be directly observed. Results will be given to the program coordinator for data collection. Any participant who wants to challenge a positive drug screen may do so at their own expense. However, if the external laboratory concludes that the initial screen was a “false positive” the participant will be reimbursed. Creatinine violations and drug screens scheduled and missed without a valid excuse (determined by the Judge) will be considered positive drug screens. If a single ring sample tests positive for more than one prohibited substance, the results will be considered as a single positive drug test.

**Treatment**

Treatment plans shall match participant needs with an appropriate level of treatment and supervision. The ideal length of a juvenile drug treatment court program is 12 -18 months, which can be inclusive of aftercare. Treatment plans will consist of four phases. Each phase will have specified treatment objectives, therapeutic, and rehabilitative activities and requirements for graduation. They will include standardized, evidence-based practices, drug testing, and counseling. Graduation from each phase will be determined by the accountability court team on the condition that the participant has satisfied the established criteria for advancement. Each phase will vary for each participant depending on their treatment progress, drug test results, and individual progress. Termination from the program will be determined by the accountability court team based on the participant’s performance.

**Education Tract**

* Participant must be enrolled in school full time
* Parent/Guardian and participant MUST attend education class together
* Participant must take a pre and post test and get approval from treatment provider that they have successfully completed the class.
* Participant will pay a $75 fee to the Juvenile court clerk’s office
* Charge will be dismissed once all requirements have been met.

**Phases**

Phase 1: Stabilization and Orientation

Eligible to advance to Phase 2 in approximately 30 days

Participant will pay a program fee of $150

* Enroll in school full time (Polaris or GED enrollment must be approved by the Judge).
* Parents must review the Drug Court Protective Order and other documents with your Probation Officer.
* Parents must apply for medical insurance for you if you do not already have insurance and proof of insurance must be provided to the Program Coordinator.
* Write autobiography and turn it in to the Judge at next court review.
* Schedule intake appointment with treatment provider
* Attend all scheduled court reviews.
* Attend all scheduled counseling sessions.
* Meet with Probation Officer as scheduled.
* Submit to all drug screens requested by Probation Officer or Compliance Officer.
* Be at home by curfew (7:00 PM) unless permission granted from Probation Officer.
* Pay $30/month fees to the Juvenile Clerk’s Office.

Phase 2: Intensive Treatment

Eligible to advance to Phase 3 in approximately 60 days

* Continue to attend school full time (transfers to Polaris or GED program must be approved by the Judge).
* Complete Relapse Prevention Plan with help of counselor.
* Practice use of Relapse Prevention Plan at least 4 times.
* Attend all scheduled court reviews.
* Attend all scheduled counseling sessions.
* Meet with Probation Officer as scheduled.
* Submit to all drug screens requested by Probation Officer or Compliance Officer.
* Be at home by curfew (7:30 PM) unless permission granted from Probation Officer.
* Pay $30/month fees to the Juvenile Clerk’s Office.

Phase 3: Recovery Skills Development: Treatment, Self-Help, Life Skills

Eligible to advance to Phase 4 in approximately 90 days

* Continue to attend school full time (transfers to Polaris or GED program must be approved by the Judge).
* Complete Relapse Prevention Plan with help of counselor.
* Practice use of Relapse Prevention Plan at least 2 times per month.
* Attend all scheduled court reviews.
* Attend all scheduled counseling sessions.
* Meet with Probation Officer as scheduled.
* Submit to all drug screens requested by Probation Officer or Compliance Officer.
* Be at home by curfew (8:00 PM) unless permission granted from Probation Officer.
* Pay $30/month fees to the Juvenile Clerk’s Office.

Phase 4: Transition and Aftercare

Eligible to graduate the program in approximately 60 days

* Continue to attend school full time (transfers to Polaris or GED program must be approved by the Judge).
* Complete Relapse Prevention Plan with help of counselor.
* Practice use of Relapse Prevention Plan no less than 1 time per month.
* Attend all scheduled court reviews.
* Attend all scheduled counseling sessions.
* Complete Aftercare Plan and present it to the Judge prior to final court review.
* Meet with Probation Officer as scheduled.
* Submit to all drug screens requested by Probation Officer or Compliance Officer. A positive screen in this phase will delay graduation date.
* Be at home by curfew (9:00 PM) unless permission granted from Probation Officer.
* Pay $30/month fees to the Juvenile Clerk’s Office.
* Have no new law violations.

**Phase Movement**

Each participant will be given their own requirements/goals of each phase. All fees, sanctions, assignments, and requirements must be completed before permission is granted to advance to the next phase.

**Phase promotion**

Drug court program participants are required to meet the requirements and objectives of each phase. Drug court Phase promotions are earned. Participants will be considered for Phase promotion once they have met Phase requirements and have mastered and retained the skills they have learned. At the completion of each Phase, at a pre-determined staffing date and time, each participant will be required to present to the Drug court team the following:

* Why he/she believes they should progress to the next level
* Identify how he/she has demonstrated the skills and lessons learned in the phase
* Be familiar with the requirements and responsibilities of the next Phase
* Identify behaviors or goals to work on in the next phase
* Be prepared to address comments or questions from the team
* The parent(s)/Guardian(s) should be prepared to make statements regarding the child’s progress and request for Phase promotion

**Graduation Requirements**

In Phase 4, participants must complete a *request for graduation form* and *graduation questionnaire*, as well as schedule an exit interview with the coordinator.

**Termination**

Termination from the program will be the final decision of the Judge with the team’s input. If a participant is a danger to the physical or mental well-being of others, in violation or program rules, or has a new arrest and/or conviction on new charges, termination could be enforced. Termination might also be enforced is the participant is caught tampering with urine samples, dealing/selling/buying alcohol, drugs, or drug-using paraphernalia. All terminations (other than when a participant asks to leave) will require a notice, a hearing, and a fair procedure.

**Community Service**

During Phases 1 and 2, each participant will be required to complete a community service project. The Court will have two community service days scheduled each year. Dependent upon Phase, the participant may be required to attend one or both of those community service dates. The project helps the participant give back to the community. Community service could also be used as a sanction to other participants in various stages as seen fit by the Judge.

**Absences**

All absences from treatment or court must be approved ahead of time. Most absences will not be excused for those in phase one or two. If a participant is out sick, a doctor’s note must be provided the next day. Unexcused absences from court will result in a sanction, which could be incarceration.

**Emergencies**

If participants experience an emergency, they should call the program coordinator as soon as possible and advise them of the situation. If the participant were to miss a treatment session, they must bring in official documentation.

**Medications**

All medications need to be reported to the treatment provider at the initial assessment and whenever prescriptions are added or changed. The participant will be asked to bring the coordinator all written prescriptions or medication bottles for documentation in their record. Participants will be given a list of non-approved medications for the program at intake. The list will cover prescriptions as well as over the counter medications that could interfere with drug screens. All participants will need to inform their doctors that they are in a drug intervention program in recovery. Failure to report prescriptions to coordinator and treatment provider will result in a sanction if a participant should test positive on their drug screens.

**Participant Records**

Each participant will have two official records. One will be kept by the court and will include assessment information, releases, court orders, and program contract. The other will be maintained by the treatment provider and will contain such documents as assessments, program notes, and attendance records.

**Updating of Policy and Procedure Manual**

This policy and procedure manual should be reviewed annually by the team and updated as needed.

**AGREEMENT MODIFICATIONS**

Any individual agency wishing to amend and/or modify this Agreement will notify the coordinator of this issue(s). The coordinator will present the issue(s) to the Steering Team for the purpose of modifying and/or amending the Agreement. The issues will be decided by consensus (if possible) or by simple majority, if not.

**TERMINATION OF AGREEMENT**

Individual agencies contemplating termination of their participation in this Agreement shall first notify the coordinator of their concerns. The coordinator shall attempt to resolve the program to ensure continuation of the treatment court. If the coordinator is unable to resolve the concern, the issue(s) will be presented to the Steering Team to reach a resolution. If unable to resolve the problem, the individual agency or department can exercise its right to terminate this Agreement by notifying all other agencies in writing a minimum of sixty (60) days prior to such termination.

**IN WITNESS THEROF**, the parties have caused their duly authorized representative to execute this Agreement.

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Judge Date

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Treatment Court Coordinator Date

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Prosecutor Date

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Public Defender Date

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DFCS Date

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Treatment Provider Date

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Compliance Officer Date

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Delinquency Program Manager Date