



State of Montana Hill County Drug Court Policies and Protocols

The mission of the Drug Court is to close the revolving door to the criminal justice system and enhance public safety by providing cost effective, judicially enforced treatment and supervision to chemically dependent offenders with the goal of returning them as law abiding, healthy and self-sufficient members of their communities.

Revised October 2012
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Section 1: Hill County Drug Court Mission and Goals

1.1 Introduction

The Hill County Drug Court (“Drug Court”) was developed to restructure judicial participation in cases involving chemically dependent offenders. All agencies involved concur that a more efficient, structured, balanced and centralized system must be developed to meet the needs of offenders where chemical dependency issues have precipitated legal intervention. The purpose of the program is to direct chemically dependent offenders into a comprehensive program of drug treatment and related ancillary services.

1.2 Mission Statement

The mission of the Drug Court is to close the revolving door to the criminal justice system and enhance public safety by providing cost effective, judicially enforced treatment and supervision to chemically dependent offenders with the goal of returning them as law abiding, healthy and self-sufficient members of their communities.

1.3 Statement of Empowerment

It is the underlying treatment philosophy of drug court that participants are best served when treatment team members and service providers work WITH them in accessing services and responding to social and treatment requirements, but do not complete these tasks FOR participants (when the participant is capable of performing these tasks themselves). Long-term success is dependent on the participant’s ability to be self-sufficient and empowered, not to be enabled and sheltered from decisions both in their services and the services their children and/or families require.

1.4 Goals and Objectives

It is the goal of the drug court that participants will:

- Maintain law abiding behavior while participating in the Adult Drug Treatment Court
- Provide the opportunity for treatment
- Reduce the number of relapses and the duration of those relapses while increasing the duration of their sobriety
- Increase their life skills
- Reduce criminality, recidivism, and increase public safety

Section 2: Program Organization

2.1 Drug Court Team

It is expected each team member embraces and promotes the drug court's Mission and Goals. It is also expected each team member embraces and promotes the drug court diversionary philosophy and is fully committed to the 10 key components of drug courts.

The Drug Court Team generally meets on a weekly basis to staff the progress of individual participants. The Treatment Team is responsible for providing direct support to participants, which demands collaboration from each Team member and integration into the justice system. Various individual team members are responsible for mapping the progress of the participants and reporting back to the Team as a whole.

Team meetings are led by the Judge, however, input from all Team members is encouraged and required. Any member of the Team can raise issues or share concerns regarding any participant. It is expected the team will develop and implement protocols as necessary to address issues as they arise over time. Generally final decisions on participant matters will be made through team consensus, however, the Judge can and will make final determinations if necessary. Team members should make every effort to attend all team meetings and Court. This includes participation in any "special" events.

Specific issues and discussion held in Team meetings are confidential. Team members are NOT to discuss these specifics with participants at any time. In addition, Team members should avoid being "ambushed" by participants between the team meeting and Court appearances.

If a participant has new information so significant it would change a team decision, the participant is responsible for notifying the Judge at the time of his/her appearance, and the Judge will make a determination as to whether or not to move forward. Advocacy for participants (including that usually done by defense counsel) is to be done IN team, not before or after team meetings. It is essential to the effectiveness of the team approach that participants see a united front/singular voice when team members meet with them or discuss issues with them. This alleviates participant's ability to team split or manipulate various team members.

In addition to the weekly participant progress meetings, the Treatment Team also meets monthly to discuss policy and procedures, conduct training, and address pertinent issues of the drug court.

The Treatment Team consists of the Judge, coordinator, representatives of the CD treatment provider(s), psychiatric nurse practitioner, county attorney or deputy county attorney, defense counsel, probation and parole, misdemeanor probation officer, program evaluator, law enforcement, drug testing entity representative and community partners/agency providers as needed to meet participant needs. Other professionals who provide direct treatment and/or ancillary services to the participants may also be invited to join the weekly team meetings as adjunct members. The addition of a new Team member is allowed only by consensus of the current Team. Again, the final decision is made by the Judge.

General **Drug Court Team Member Responsibilities** are as follows:

Drug Court Judge:

The Judge is available to lead the drug court. The Judge provides necessary staff and equipment to manage the Court's operations, and also assists in developing operational standards and policies, in conjunction with other participating departments and Team members. The Judge shall serve as Team leader.

Drug Court Coordinator:

The coordinator is responsible for overall program administration including preparation of program materials, program development, coordinating with other team members to conduct criminal background checks and initial screening of applicants, and public speaking engagements. The coordinator prepares and submits operating reports, organizes weekly Team meetings, maintains Drug Court files, contributes as needed to weekly participant status reports, assists with roadmaps/treatment planning, manages and maintains funding for the program, liaisons with various community providers and coalitions, and works to implement policies and procedures. The coordinator also works in conjunction with the evaluator and the Treatment Team to review evaluations and make recommended programmatic changes.

Chemical Dependency Treatment Provider/Licensed Addiction Counselor (LAC):

The drug court treatment provider/LAC is employed by existing agencies providing these services already in the community. This position provides rehabilitative therapy sessions, drug screening and case management services to chemically dependent adults. The LAC also assists participants in accessing community services and tracks participant progress, maintaining accurate and timely records. The LAC is responsible for intake/orientation for the CD programs and for performing various prevention and education services. This position also involves coordinating community services for participants, advocacy, attending weekly Team meetings, and working with other professionals in the community to assist participants.

Psychiatric Nurse Practitioner

This position provides mental health evaluation services as well as counseling and medication support for participants with co-occurring issues as well as evaluation and support of medically assisted treatment services as need on an individual basis. This position also involves coordinating community services for participants, advocacy, attending weekly Team meetings, and working with other professionals in the community to assist participants.

County Attorney/Deputy County Attorney:

This position represents the State at all Drug Court proceedings, participates in treatment team meetings, provides input in the creation and implementation of Drug Court forms and legal procedures, prepares proposed orders for the Court, and is responsible for adhering to all statutory and Drug Court designed time frames in accordance with state law and Drug Court requirements. The attorney also assists the coordinator in ensuring incoming participants have no exclusionary criminal issues and in resolving existing criminal concerns for participants.

Defense Counsel:

This position participates in treatment team meetings to assess program and participant progress and to relay any participant concerns. In addition, this person meets as needed with participants personally or by telephone and drafts reports to the Team regarding any participant concerns or pending legal issues. Defense counsel is also responsible for presenting and explaining the Participation Contract and assists participants in questions related to alcohol and other drug testing and other services. In the course of reviewing the program contract, defense counsel discusses consequences of participant violations or non-compliance while in Drug Court and helps negotiate with city/county officials to address legal problems outside Drug Court. Defense counsel further assists the Team through creation and implementation of Drug Court documents and forms.

Probation & Parole:

This position attends and participates in treatment team meetings, providing information related to participants currently on probation/parole. This individual monitors drug court participants outside the drug court setting including conducting home visits and job visits. All client contact is documented and visits logged to help encourage positive participant behavior. In addition, this person helps team members assist participants in complying with sentencing conditions to the satisfaction of DOC.

Misdemeanor Probation Officer

This position attends and participates in treatment team meetings, providing information related to participants as to their compliance with Program requirements. This individual monitors drug court participants outside the drug court setting including conducting home visits and job visits. All client contact is documented and visits logged to help encourage positive participant behavior. In addition, this person helps team members assist participants in complying with sentencing conditions.

Program Evaluator:

This is a part-time team member who oversees both program and outcome evaluation, develops the evaluation plan, submits quarterly reports, administers the program evaluation budget, produces all statistical reports for funding sources and at various agency requests, trains all research staff in assessments and interviews used in the evaluation, and also trains all treatment team members in the program evaluation so they have an understanding of what needs to be done, why it needs to be done, when it needs to be done, and who needs to do it. This individual assists the team in developing, capturing, and communicating useful and useable information for key stakeholders and other audiences. The evaluator also develops a program final logic model with input from the Drug Court Team. The program evaluator further monitors and assures fidelity of the evaluation procedures, and establishes formal contacts with different social service agencies for the purposes of research follow-up and tracking. The evaluator directly supervises any research assistants that may eventually be assigned to Drug Court.

Community Policing Officer- Law Enforcement:

This is a team member who assists to monitor drug court participants outside of the drug court setting including conducting home and job visits as requested. The law enforcement member also assists the team with criminal background checks, monitoring participants, and serving as a liaison with law enforcement. All client contact is documented and visits logged to help encourage positive participant behavior.

Drug Testing Representative:

This representative participates in team meetings and staffing to provide information and input regarding drug testing, testing procedures, urinalysis and other testing results, and to provide information as to interaction with participants in relation to drug testing.

Team members are also required to adhere to the policies and protocols set forth herein as periodically amended and adopted in the future.

2.2 New Drug Court Team Members

It is required that new treatment team members review this policy/procedure manual and Participant Handbook thoroughly as well as any protocols developed by the Drug Court and be committed to those policies and protocols. Should questions arise, these can be discussed with the Coordinator.

In addition, each team member is encouraged to participate in the “screening” process incoming participants undertake during admission, including meeting with the Coordinator to review initial screening and observe Court prior to formally beginning team committee. When appropriate, the Judge will take the responsibility for introducing new team members to the Team and the participants, and to briefly explain their role in the Court/Program. New team positions or representatives shall be approved by the team prior to being added to the team.

Section 3: Policies and Protocols

3.1 Case Management and Participant Status Reports

Case Management:

Chemical Dependency providers and probation and parole provide the majority of the case management for participants. The Court Coordinator provides the majority of the administrative case management, including case management during screening and post-graduation.

The Drug Court Team may also assist with case management if he/she volunteers or is assigned to follow-up on designated tasks. Although case management may be provided by a variety of sources, all participants are considered part of the Drug Court program, allowing the Team as a whole to offer professional insight and discussion on each particular case.

Client Status Reports:

Client Status Reports (CSR) are documents submitted to either the Drug Court Coordinator or to research staff by members of the treatment team and/or ancillary service providers for review by the team regarding participant's status in the program since his/her last Court appearance. Each Tuesday, the Drug Court Coordinator submits a list of those participants scheduled to appear the following Thursday. Drug Court Team members are responsible for submitting pertinent participant information to the Coordinator by Wednesday at 10:00am.

After various team member and provider reports are received, the coordinator compiles the information and resubmits an accumulated report for each participant to the treatment team by e-mail.

It is the responsibility of each team member to review the CSR prior to the team meeting on Thursday afternoons. The purpose of the CSR is to track the participant's progress and to map his/her activity on the goals set forth in their roadmap. Discussion on a participant's progress is derived from the written comments in the report or verbal updates as provided in the team meetings each week.

Client Status reports are for Team member use only. Reports are not to be provided directly to participants and/or to providers outside the team without the team's prior consent/knowledge. Reports are for use ONLY as guidelines for discussion within weekly team meetings and to assist in decisions regarding compliance and related sanctions/incentives.

3.2 Treatment Team and Court Observation Policy

The very nature of the Drug Court requires information of a highly sensitive and confidential nature is often shared both in Drug Court Team meetings and in Court sessions. As a result, members, participants, adjunct members and Court observers are required to maintain the confidentiality of participant information and shall not share participant information with non-team members. Also visitors shall be required to execute the Drug Court Confidentiality Agreement.

It is imperative the Team dynamic and related confidentiality be maintained as much as possible at all times. Sporadic appearances and visitors could compromise the Team's ability to address issues in an open but confidential environment. In addition, defense attorneys and service providers outside the Team will be allowed to sit-in for their case, but will be excluded from both Team and Court for any additional cases.

3.3 Confidentiality Protocol

- 1) Upon admission into drug court and execution of the drug court contract, the Judge will sign an Order requiring designated treatment provider and Center for Mental Health to provide necessary information regarding the participant to the Drug Court for dissemination to all team members. (See **Limited Release of Specific Substance Abuse Treatment Records and drug Testing Results and Information**)
- 2) Team Members shall maintain participant's confidentiality and shall not disclose any non-public information regarding participants to any individual or entity outside the Drug Court. (See **Team Confidentiality Agreement**)

**IN THE HILL COUNTY JUSTICE COURT, STATE OF MONTANA
BEFORE THE HONORABLE AUDREY BARGER
DRUG COURT**

<p>THE STATE OF MONTANA,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="padding-left: 40px;">v.</p> <p>_____ ,</p> <p style="padding-left: 40px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Cause No. DC-</p> <p>LIMITED RELEASE OF SPECIFIC SUBSTANCE ABUSE TREATMENT AND DRUG TESTING RECORDS</p>
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This matter is before the court for consideration of the limited release of specific substance abuse treatment and drug testing records. The court makes the following findings:

1. On _____, the defendant was accepted into/referred to the Hill County Drug Court (Drug Court).
2. As a condition of participation in the drug court program, the defendant must attend substance abuse treatment and drug testing and the drug court team must monitor the defendant's progress in substance abuse treatment.
3. The defendant has voluntarily and knowingly signed a HIPAA and 42 C.F.R. Part 2 compliant release.
4. The information necessary to monitor the defendant's progress in substance abuse treatment includes:

defendant's diagnosis, defendant's urinalysis results, defendant's treatment attendance or nonattendance, defendant's cooperation with treatment, defendant's progress in treatment, and defendant's prognosis. This treatment information is the minimum necessary to carry out the purpose of the disclosure. See 45 C.F.R. §165.502(b)(11) and 42 C.F.R § 2.13(a).

It is therefore ORDERED:

1. New Beginning Counseling Service/New Horizons/Bullhook Clinic (CIRCLE ONE) treatment programs shall provide to the members of the drug court team the following information:

defendant's diagnosis, defendant's urinalysis results, defendant's treatment attendance or nonattendance, defendant's cooperation/non-cooperation with treatment, defendant's progress in treatment, and defendant's prognosis.

2. The named treatment/testing providers shall continue to provide the treatment information until defendant's successful completion of or termination from the drug court program or further court order, whichever shall first occur.
3. The drug court team shall not re-disclose the information received pursuant to this Order, except as maybe provided by law.

DATED this _____ day of _____, 20__.

Justice of the Peace

cc: Drug Court
Team Defendant

3.4 Training

The Drug Court team is committed to operating based on evidence based practices. It is important for team members to receive training in drug court philosophy, operation and best practices on an initial and continuing periodic basis. The Drug Court shall arrange for team member training as reasonably practical under the program budget.

It is anticipated individual team members will be selected by the Judge for participation at the State and National Drug Court Conferences or other educational/training programs and conferences at the expense of the Drug Court.

Members of the Treatment Team will actively seek and participate in training opportunities that offer the chance to enhance their knowledge of drug court, treatment and addiction, cultural diversity and other topics which of importance in participating on a drug court team.

3.5 Training Expense Reimbursement/Payment Protocol

In order for selected team members to have travel and/or per diem expenses paid by the Drug Court operating budget, team members must adhere to the following:

1. Individual team members may be invited or selected by the Judge to attend educational/training programs or conferences.
2. If a team member accepts the invitation or selection to attend a particular educational/training program or conference, travel and hotel arrangements shall be made by the team coordinator.
3. If a team member attends a particular educational/training program or conference, it is expected that team member will attend the entire program or conference and interact and confer with other team members attending the program or conference.
4. All requests for travel and/or per diem reimbursement or payment shall be submitted to the Drug Court Coordinator for review and approval. Failure to do so shall result in denial of the requested reimbursement or payment.
5. If a team member's program or conference related expenses are being shared or split with another drug court or entity, any reimbursement or payment sought from the operating budget of the Drug Court shall be submitted to the Drug Court Coordinator for review and approval. Failure to do so shall result in denial of the requested reimbursement or payment.
6. If a team member attends a particular educational/training program or conference at the expense of the Drug Court, the team member must be willing to share information gained at the program or conference with other team members.

3.6 Cultural Awareness and Inclusion Policy

Drug Court recognizes it serves a population with diverse ethnic, cultural and spiritual backgrounds. The program seeks to provide equal services for all participants and will not discriminate in admitting or in treatment services based on race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation, or political beliefs.

In addition, the Drug Court works to empower the participants and honor their individual cultural background by utilizing treatment programs and/or community providers that support and encourage their participation in cultural, ethnic or spiritual celebrations or ceremonies available to them throughout their treatment process. Participation in these events and programs will be allowed/approved by consensus of the Treatment Team.

Team members will keep an open mind, recognizing cultural competency is not a point arrived at, but rather is always evolving as participants continue to present varied cultural needs.

3.7 Admission Criteria

Participation Criteria:

Drug Court targets non-violent offenders with an alcohol and/or drug abuse addiction (substance use disorder). The following criteria are utilized to determine program eligibility:

- Participant is 18 years of age or older
- The defendant is charged with a DUI or felony offense related to drug or alcohol use or is about to be revoked for non-compliance with their probationary order and has a history of alcohol and other drug use.
- The defendant has a misdemeanor drug offence
- The defendant has a substance use disorder.
- There is no evidence of significant and substantial drug dealing.
- The defendant understands the rigors of the program and agrees to participate and pay the drug court fees.
- The defendant does not have a significant violent or sexual charge or history.
- The treatment team approves the admission.

Conversely, if a potential participant meets one or more of the following criteria, he/she will be considered ineligible for participation in Drug Court:

- Participant is not a resident of Hill County, Montana.
- Participant resides on Rocky Boy Reservation.
- Participant has been convicted of a deliberate homicide or murder, kidnapping, robbery, felony assault or other significantly violent felonies and/or sexual offenses.
- Participant has a medical or psychiatric condition causing a degree of impairment or instability such that it would interfere with program participation and functioning.

3.8 Participant Referral and Screening

Participation in the Drug Court is not a right, but a privilege. It is important to carefully screen potential participant's to provide services to participant's most suited for participation in the Drug Court.

Referral: Potential Drug Court participants will be referred to the Hill County Drug Court by attorneys, judges, probation and parole officers, and other community agents. The referring individual/entity shall complete the Drug Court Referral Form and submit it to the Drug Court Coordinator, preferably via email.

Background Check: Once the coordinator receives a new referral, the coordinator will then notify the Team's law enforcement liaison and the County Attorney team member. These team members will perform a background check on the applicant to determine his/her legal history, including the presence of any violent offense(s) or other problem that could preclude the potential participant from participating in the Drug Court. The legal history information shall be provided to the Coordinator with a brief opinion on whether there is any problem with the applicant's legal history which could preclude participation. The Coordinator shall relate results of this preliminary screening to the Team.

Team Input on Screening: If the applicant's background/legal check does not preclude participation in the Drug Court, the applicant will be placed on the screening list for Team staffing. The Team will have a brief discussion regarding the applicant and determine whether to refer the applicant for treatment screening. If referred for treatment screening, the Drug Court treatment provider shall screen the applicant and advise the Coordinator (who will disseminate the information to the team) of acceptance/rejection in the treatment program. If accepted, the applicant shall be accepted into drug court upon induction and execution of the Drug Court Participant Contract and other required releases/documents.

Screening Protocol.

Upon referral, the applicant is notified by the Coordinator and an initial screening appointment is set.

1. At that appointment, the coordinator will give a brief overview about the Drug Court and solicit the potential participant's reasons for wanting to enter the Drug Court. If the applicant appears motivated, the coordinator will continue with the screening.
2. The applicant shall execute a series of releases/documents including, but not necessarily limited to: Drug Court Authorization to Speak with Appointed Drug Court Attorney, Drug Court AUTHORIZATION FOR RELEASE OF INFORMATION, and the Drug Court Authorization of Limited Release of Confidential Information.
3. Upon an applicant's execution of releases/documents, the Coordinator will complete the Drug Court Client Pre-Screen form based on the applicant's responses (questions regarding drug of choice, usage in regard to quantity and frequency, timelines, etc.). The Coordinator

may also administer the RANT or other screening analysis tools.

4. In conjunction with meeting with the applicant the Coordinator completes the Drug Court Initial Interview Screening Report. The client will provide contact information, significant family information, legal status, education, employment, treatment and substance abuse background. This will complete the “screening packet.”

Next Step:

The coordinator will make an appointment time for the applicant with designated treatment provider to have a Drug and Alcohol Assessment. The coordinator will provide the applicant the Drug Court Screening for Treatment Court Appointment Form containing the appointment schedule and contact information for treatment provider designated by the Drug Court and the Public Defender’s Office. The coordinator will go over the form with the applicant and request the applicant agree to each provision on the document. The coordinator and applicant will sign and date the form and the coordinator will provide the applicant a copy.

Next Step:

The coordinator will then accompany the applicant to the Public Defender’s office. The coordinator will also inform the applicant that if accepted into Drug Court, s/he will be required to provide UA/BAs to either the probation officer or other designated agency, for example the Havre Police Department, Hill County Sheriff’s Office, Montana Highway Patrol. The applicant and coordinator will then meet with the Team’s defense attorney.

The coordinator shall input the screening data into the data management system in a timely manner so the treatment provider can view the information prior to the client’s drug and alcohol assessment.

Defense Attorney’s Portion of Screening:

The defense attorney will thoroughly review the Drug Court Client Contract with the applicant, answering or addressing all questions or concerns raised by the applicant in regard to the Drug Court, its policies and procedures.

Next Step:

Once the applicant has completed his/her assessment at designated treatment provider, the treatment team member will convey the recommendation to the Drug Court Team.

If accepted into the Drug Court, the Team will schedule the client’s induction into the Court. The applicant will meet with the defense attorney and prosecutor to sign the Drug Court Client Contract before seeing the Judge for induction. During the scheduled induction hearing, the Judge formally welcomes the participant to Court and reviews the signed Participation Contract and Informed Consent on the record. After induction, the signed contract is filed with the Drug Court and kept in the Drug Court Office .

If the applicant is denied entrance into the Drug Court, the prosecutor will notify the referral source.



REFERRAL FOR
HILL COUNTY DRUG COURT
(DRUG COURT)

DATE: _____

Name of Person Referring: _____

Contact Information: _____

Relationship to Defendant: Defense Attorney Prosecuting Attorney
 Probation Officer Other: _____

Defendant Name (include any alias): _____

DOB: _____ Contact Phone #: _____

Docket #'s & Offence being referred:

Type of Charge: New Offense
 Probation Violation
 Conditional Release

*

For Office Use Only:

Received by: _____ Date: _____

Paul Nugent, Drug Court Coordinator
Hill County Drug Court
Hill County Courthouse, 315 4th Street, Havre, MT
59501 pnugent@mt.gov phone: (406) 265-5481

Screening Part One:

HILL COUNTY DRUG COURT
(Drug Court)

Initial Interview/Screening Report

Date of Initial Contact: _____ Court Case # : _____

Name (Last Name, First, Middle) _____

Alias/s Used: _____

Address: _____ City: _____ State: ___ Zip: _____

Telephone: () _____ () _____

DOB: _____ SS# _____

Years at Present Address: _____ Years in Community: _____

Ethnicity: _____ U.S. Citizen? Yes No Gender: _____

Name of Reference Person in the Community:

Address: _____ City: _____ State: ___ Zip: _____

Phone Number: () _____ () _____

Marital Status: _____ In Current Status for how long? _____

Spouse/Partner Name: _____

Number of Children: _____ Name(s) and Age(s): _____

Where do your children live? _____

With whom do your children live? _____

Participant's Current Living Situation: _____

For How Long? _____ Parents still Living? _____

If yes, list name(s) and where living: _____

Siblings? _____ If yes, list name(s) and where living: _____

SIGNIFICANT FAMILY INFORMATION

With which family members do you have the most contact: _____

Contact Information: _____

LEGAL STATUS

Current Charge: _____ Drug(s): _____ Date of Arrest: _____
 Presiding Judge: _____ Currently Incarcerated? Y or N
 Released on Bond? Y or N Own Recog. Y or N Bond Amount: _____
 Probation or Parole or N/A? (circle one) Probation/Parole Officer: _____
 Probation or Parole in another Jurisdiction? Y or N Previous Revocation? Y or N

Does Defendant have other cases pending? Y or N If yes, what and where?

Is defendant wanted in any other Jurisdiction? Y or N If yes, where and for what?

Has a record check been done? Y or N or Partial When? _____

Has a PSI been conducted? Y or N When? _____

Prior Arrests? Y or N

Date	Place	Crime	Disposition

Ever Been Convicted of a Violent Offense? Y or N (Explain):

Any History of Missing Court Appearances? Y or N (Explain):

EDUCATION

Did you receive a High School Diploma? Y or N If yes, when and where?
Year: _____ Name of School: _____
If no, list highest grade completed: _____ Did you receive a G.E.D.? Y or N
If yes, when and where? _____
Received any other degree(s)? Y or N If yes, when and where?

Are you a student currently? Y or N If yes, where? _____
Any reading or writing problems? Y or N If yes, circle one: Illiterate Language Other

EMPLOYMENT

Currently Employed? Y or N PT or FT? (Circle one) Hours/week: _____
Name of Employer: _____
Address: _____ City: _____
State: _____ Zip: _____ Work Phone: _____
Supervisor's Name: _____ Years on Job: _____
Is your job currently being held for you? Y or N Are you looking for work? Y or N

Previous Employment (last 12 months):
Place of Employment Years on Job Phone #

FINANCIAL INFORMATION

ASSETS:	LIABILITIES:	MONTHLY INCOME:
Cash on hand: _____	Utilities: _____	\$ _____
Vehicle(s) Value: _____	Mortgage: _____	
Life Insurance: _____	Other Loans: _____	MONTHLY EXPENSES:
Real Estate: _____	Other Debt: _____	Rent: _____
		Utilities: _____
		Court Payment(s): _____
Total Assets: \$ _____	Total Liabilities: \$ _____	
How much can you come up with on short notice? \$ _____		

MEDICAL INFORMATION

Are you currently insured? Y or N Type of Insurance: _____

Has the client experienced any of the following? (check all that apply)

- ___ Heart Murmur
- ___ Hepatitis
- ___ Swollen liver or pancreas disorders
- ___ Ulcers
- ___ Intestinal problems
- ___ Palpitations
- ___ Excessive coughing
- ___ Diabetes
- ___ Sexually transmitted disease
- ___ HIV

___ Other Illnesses: _____

Most recent physical exam: _____

Physician name and phone number:

Are you currently receiving treatment for any health problem(s)? Y or N
If yes, for what & where: _____

Are you currently taking any prescribed medication(s)? Y or N
N If yes, list names and for what condition(s):

Verifications of prescriptions (Physician name and phone #):

Infectious Disease(s): _____

Have you ever been physically or sexually abused? Physically Sexually Both No

PSYCHOLOGICAL INFORMATION

Have you ever been involved in mental health counseling, had a mental health evaluation, or been committed to a mental health facility? Y or N

If yes, when: _____ Where: _____
 When: _____ Where: _____

Hospitalization or Outpatient? (Circle one) For how long? _____

Are you currently under treatment for any mental health problems? Y or N

If yes, for what diagnosis: _____

Where: _____

Have you ever taken any medication for any behavior, mental, or emotional condition? Y or N ? If yes, list names and dosages of all medications:

History of lethality Y or N or Denies

Present thoughts of lethality? Y or N or Denies

SUBSTANCE USE/ABUSE HISTORY

Are you currently in a substance abuse treatment program? Y or N

If yes, what type? (circle one) Inpatient IOP Outpatient Continued Care Where:

If no, have you received treatment in the last 5 years? Y or N Have you ever? Y or N If

yes, what type: _____ When: _____

Where? _____

Current frequency of drug use: _____ Type of drug(s): _____

Current frequency of alcohol use: _____ Quantity: _____

Past alcohol or drug use:

Other information related to drug/alcohol use:

Has anyone in your family had a history of substance abuse or been in treatment (outpatient or inpatient) for substance abuse? Y or N

If yes, Please explain:

SIGNS OF SUBSTANCE USE/ABUSE OBSERVED BY COORDINATOR

Requires immediate detoxification services? Y or N

Signs of Drug or Alcohol intoxication:

Signs of acute withdrawal from drugs or alcohol?

Presenting problem? (In case manager's opinion):

CHECKLIST (Please Circle Y for Yes or N for No)

Did the potential client cooperate during the interview?	Y	N
Did the potential client cooperate during the interview?	Y	N
Was client charged with drug offense?	Y	N
Is client charged with violent offense? _____	Y	N
Does client have prior violent conviction(s)?	Y	N
Does the client accept responsibility for his/her offense?	Y	N
Does the client appear to have a drug abuse problem?	Y	N

Coordinator/Interviewer's Comments: _____

Coordinator's Printed Name: _____

Date: _____

Coordinator's Signature: _____

Screening Part Two:

Hill County Drug Court (Drug Court)
315 4th Street, Havre, MT 59501
406-265-5481 ext. 249

Screening for Treatment Court:

I understand that when I am screening for the Hill County Drug Court (Drug Court) I have 10 business days to complete the following:

_____ I will complete the initial screening and assessment with the Drug Court Coordinator.

_____ I agree to meet with my attorney/Public Defender _____ on the below listed date to be informed of my rights and know what will be expected of me if I choose to enter into Drug Court:

APPOINTMENT: _____.

_____ I will complete the Chemical Dependency Treatment assessment at White Sky Hope Center, _____, (406) 265-_____ on the below listed date to assess my level of Dependence:

APPOINTMENT: _____.

_____ I will go over my contract with my attorney/Public Defender and sign the contract before being sentenced into Drug Court.

_____ I will attend at least one Drug Court and observe the proceedings on: _____

_____ I will agree to submit to substance abuse testing before acceptance and sentencing into Drug Court at White Sky Hope Center, _____, (406) _____ and

I, _____ will complete the above requirements before _____, _____ when I will be sentenced to the Hill County Drug Court (Drug Court). Failure to complete the above listed requirements in the allotted time without contacting the Drug Court Coordinator could result in the issuance of a bench warrant or being deemed ineligible for the program.

Signed: _____
Client Signature Printed Name Date

Witness: _____
Signature Printed Name Date

HILL COUNTY DRUG COURT
AUTHORIZATION FOR THE RELEASE OF INFORMATION

To: Hill County Drug Court (Drug Court)

Source of Referral: _____ Referral Date: _____

Date of Screen: _____ Name: _____

_____ DOB: _____

Maiden or Other Name

G I hereby request and authorize to you to release to the Hill County Drug court the following types of information you have pertaining to my participation:

G I hereby authorize the Hill County Drug Court to release to you the specified information requested below:

- | | |
|--|---|
| ! Intake History/Admission Information | ! Treatment Plans |
| ! Psychological Testing | ! Discharge Summary |
| ! Progress Notes/Reports | ! Photographs |
| ! Chemical Dependency Assessment Summary | ! Other (Credit history/criminal history/other specified information) |
| ! Medical/Medication Records | |
| ! Social Information | |

Purpose Statement: Photographs for the purpose of outlining progress/successes in the Drug Court program and providing materials for public presentations and grant compliance.

I understand that I may revoke this authorization at any time with a written request except to the extent that action has been taken in reliance on authorization (42 CFR Part 2). Otherwise, this consent will expire 180 days from the date listed below or at any such time I decline continued screening/participation in screening for the Courts and any of its related program assessments.

The following statement is for clients involved in chemical dependency counseling services:

Prohibition of redisclosure: This release accompanies records concerning a client in alcohol/drug abuse treatment. This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR 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 as otherwise permitted by 42 CFR Part 2. A federal authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient. I understand that there is a potential for the information disclosed pursuant to this authorization to be subject to redisclosure by the recipient, and the information may no longer be protected by the federal confidentiality rules.

Client Signature

Date

Witness Signature

Date

Hill County Drug Court (Drug Court)

AUTHORIZATION OF THE LIMITED RELEASE OF CONFIDENTIAL INFORMATION

The information gathered in this report will be limited to determining the defendant's eligibility for Court until such time that a Treatment Court contract is signed by the defendant, defense counsel, and the county attorney. Furthermore, the county attorney agrees not to use this information for any purpose except to determine eligibility for and compliance with the Drug Court Contract.

To: Hill County Drug Court (Drug Court)

Date: _____

By Defendant: _____

Address: _____

Telephone #: _____

I, _____, authorize the Hill County Drug Court (Drug Court) to receive the following records for the purpose of the Initial Interview Report. (Check all that are specifically authorized)

____ Family Information

____ Legal Status

____ Education

____ Financial Information

____ Employment

____ Medical Information

____ Substance Use/Abuse History

____ Psychological Information

____ Pre-Sentence Report

I further authorize the exchange of information between the Drug Court Coordinator and the Drug Court for the purpose of the Initial Interview Report. ____ Yes ____ No

I understand that my records are protected under the Federal Confidentiality Regulations and cannot be disclosed without written consent (42 CFR Part 2). This consent may be revoked by me at any time except to the extent that action has been taken in reliance thereon. I also understand that any information as to ongoing fraud on the court, ongoing crimes, and/or future crimes may not be covered by this confidentiality agreement.

Defendant's Signature

Defendant's Date of Birth

_____ Expires upon exit of the Drug Court program or screening process.

Drug Court Client Pre-Screen

Drug Court Applicant Name: _____ Date: _____

1.	Have you continued to use alcohol or drugs longer than you intended?	Y or N
2.	Have you ever neglected some of your usual responsibilities because of alcohol or drug use?	Y or N
3.	Have you ever wanted to stop using drugs but couldn't?	Y or N
4.	Have you ever found yourself preoccupied with wanting to use drugs?	Y or N
5.	Have you ever used alcohol or drugs to relieve emotional pain, sadness, anger, or boredom?	Y or N
6.	What is your drug of choice ?	
7.	How often do you use ?	Quantity?
8.	When did you begin your use?	
9.	Have you expressed regret about your drug use without taking steps to change it? If yes, Explain:	Y or N
10.	Has anyone else in your life expressed concern about your drug use? If yes, Explain:	Y or N

Participant Task Form:

**IN THE HILL COUNTY JUSTICE COURT, STATE OF MONTANA
BEFORE THE HONORABLE AUDREY BARGER
DRUG COURT**

In the Matter of:	Today's Court Date:
-------------------	---------------------

The following is a Drug Court Task List. The Task List is a Court Order. The Court requires you to complete the Task List prior to your next Court date or by the time frames defined below.

Next Court Appearance Date: _____ at
____:____.m.

____ You were 100% compliant with your tasks/goals since your last Court appearance. (You can choose a gift from the "grab bag" for full compliance with your treatment plan since your last Court Appearance)

Additional Areas of Substantial Progress: _____

- ____ 1. () Call the Drug testing schedule phone _____ daily between _____ .m. and _____ .m. and complete random alcohol and drug tests per your testing color.
- ____ 2. () Attend appointments with _____
- ____ 3. () Attend Medical/Dental/Professional appointment on _____ at _____ .m.
- ____ 4. () Work toward School/GED completion by: _____.
- ____ 5. () Attend and actively participate in Parenting Classes.
- ____ 6. () Complete _____ Community Service hours per day. Report by _____ .m. on _____ to _____.
- ____ 7. () Pay: Restitution \$ _____ Drug Test \$ _____ Fees \$ _____ Child Support \$ _____
- ____ 8. () Complete _____ Job Applications per day and bring to next Court date for review.
- ____ 9. () Complete _____ Self-Help Group Meetings (AA, NA or other Court approved meetings) per week and submit signed slips to _____ by next Court date.
- ____ 10. () Provide a release of information to your Probation Officer regarding: _____.
- ____ 11. () Other: _____.
- ____ 17. () Other: _____.

Participant

Judge



Community Service Referral
State of Montana
Hill County Drug Court

Date: _____

Name of Volunteer Referred: _____

Contact Information for Volunteer: _____



Agency where Community Service is performed:

Phone Number: _____ Contact Person: _____



Hours required: _____

Hours Performed: Date: _____ # of Hours completed: _____

 Date: _____ # of Hours completed: _____

 Date: _____ # of Hours completed: _____

PLEASE SHARE ANY COMMENTS YOU HAVE ABOUT OUR VOLUNTEER:

Signature of Agency: _____ Contact No.: _____



For Office Use Only:

Received by: _____ Date: _____



Paul Nugent, Drug Court Coordinator
Hill County Drug Court
Hill County Courthouse, 315 4th Street, Havre, MT 59501
pnugent@mt.gov phone: (406) 265-5481 ext. 249

3.9 Medications Policy

Overview

Individuals enrolled in Drug Court who have a diagnosed substance use disorder are generally prohibited from accepting and/or filling a prescription for a medication with abuse potential. This material is to clarify the use of both prescription and non-prescription medications for those individuals enrolled in Drug Court.

The areas of greatest concern are those medications classified as controlled which indicate they have a degree of potential abuse liability. These would include such medications as opioid type pain medications and certain non-opioid type pain medications (example: Tramadol), benzodiazepines (example: Valium, Ativan, Xanax) and certain prescription sleep medications such as Ambian, Lunesta, or Sonata. Additionally, certain non-controlled prescription medications (example: Soma, a muscle relaxant) can have significant abuse potential. When these medications are not being used in emergent or urgent medical conditions, such as a surgical procedure, the use of these medications should first be discussed with Suzanne Lockwood, APRN, medical professional at Center for Mental Health, and the Drug Court should then be notified of the details of their use.

This should include such things as what medicines are used, length of time they are to be used, dosage, and who will control and administer these medications. This plan must be approved prior to their use and subsequently monitored.

Surgical Procedures

Exceptions to this policy include episodes of acute medical conditions such as those requiring surgery for which pain medication is essential. Prior to any surgical procedure the Drug Court participant should contact the Drug Court medical caregiver and discuss the impending procedure and what kind of pain medication is to be given. Such medications under these conditions should be prescribed for the shortest period of time possible and be under the control of a trusted and approved caregiver who will both administer the medication and keep it in their possession. The plan, including who will be the caregiver following the procedure must be preapproved by Suzanne Lockwood, APRN, at the Center for Mental Health, and Drug Court.

Over-the-Counter Medications

Non-prescription medications, also referred to as over-the-counter medications (OTC), in general have less potential for abuse. The Court reserves the right to prohibit the use of any substance which may result in altered mood or behavior. The following represents some approved OTC's:

- Colds and viral types of infections are frequently encountered. Taking medications such as Tylenol, Motrin (ibuprofen) or Aleve (Naproxyn) according to label directions are acceptable for pain and discomfort.
- Cough and congestion medications, such as plain Robitussin without dextromethorphan (DM), is acceptable.
- Other acceptable remedies/treatments are nasal saline spray, Zicam, and Airborne.
- Nasal congestion medications such as Afrin (oxymetcoline generic) should be limited to two to three days.
- No energy drinks or herbal substances that may result in an altered mood or behavior are allowed.

Some individuals choose to use so-called natural or herbal type remedies for their medical issues. Apart from standard vitamin preparations, non-prescription herbal type preparations should be reviewed by Suzanne Lockwood, APRN, at the Center for Mental Health.

Approved Over-the-Counter Medications

Condition/Need	Medication
Colds, Coughs, Congestion	<ul style="list-style-type: none">• Robitussin (plain no DM)• Tessalon Perls• Afrin (3 days only)• Nasal Saline• Zicam
Pain	<ul style="list-style-type: none">• Ibuprofen• Tylenol• Aspirin• Aleve• Motrin

Acute Illness Requiring Medical Intervention

Occasionally, flu or upper respiratory conditions, etc., may necessitate a trip to the doctor or a walk-in clinic. Under such conditions, the participant is expected to inform the medical attendant he/she has an addiction and is not allowed to take any medications with abuse potential if medication is to be prescribed. Many medical caregivers do not understand addiction and it is up to the participant to firmly request an alternative medication to those with abuse potential. Drug Court participants will be held accountable for maintaining abstinence regardless of minor illness.

If the participant sees a medical professional for any condition in which medication is prescribed, the participants will be required to submit a verification, signed by the treating provider, as evidence the participant informed the provider of his/her addiction and participation in drug court. Failure to do so will be considered a violation of drug court rules and subject to sanction.

Medically Assisted Treatment

Medically Assisted Treatment programs will be evaluated on an individual basis by the Treatment Court Team under the direction of Suzanne Lockwood or other medical/mental health professional designated by the Court.

Medications Protocol

Participants shall be provided the following Participant Verification form and be required to submit a completed form, completed by the medical provider, each time the participant seeks medical care:

Drug Court Participant Verification

This is to verify the below named patient has informed the below signing medical provider s/he has been diagnosed with a substance use disorder and is a participant of the Hill County Drug Court. The below named patient has fully advised the signing medical provider s/he is generally prohibited from accepting and/or filling a prescription for a medication with abuse potential and has requested the medical provider not prescribe any such medications unless absolutely necessary and on an emergent basis.

To be Completed by Medical Provider:

Patient Name: _____

DOS: _____

Dx: _____

Medication Rxd (if any): _____

Medical Provider Signature

Date

Medical Provider Contact Information:

Drug Court
Judge Audrey Barger
Paul Nugent, Coordinator
(406) 265-5481, Ext 249
pnugent@mt.gov

3.10 Alcohol and Drug Testing

Key Components of Testing:

A key component of monitoring participants in the Drug Court is their participation in random urinalysis and EtG testing to assist in ascertaining abstinence from chemicals. Results of this testing are directly linked to the Court's determination to provide sanctions or incentives and to the team's decision to modify treatment or provide ancillary services necessary to assist the participant in meeting the goal of long-term sobriety and self-sufficiency in a law abiding life style. In regard to EtG testing, the Team agrees that positive EtG tests indicate contact with alcohol. Each test will be examined individually to determine any necessary clinical or environmental responses. The objectives and criteria of this service, regardless of the agency providing the service are:

- To provide Drug Court participants with consistent sample providing and "call-in" times and clear guidelines for compliance/non-compliance (this includes creating/maintaining a protocol for weekend/holiday testing and testing for participants unable to provide during pre-scheduled provide times);
- To provide the Court/Team testing results in a timely, consistent, reliable, and uniform manner, allowing for appropriate and consistent response in treatment guidelines (including sanctions/incentives);
- To establish protocol for immediate response should testing samples be positive for alcohol/drugs or adulteration;
- To outline current billing/invoicing procedures and expected compensation for services, and to expedite and produce greatest efficiency the Drug Court and the UA/EtG testing provider;
- To establish protocol and a forum for addressing concerns specifically related to participants and/or concerns in protocol/standards for testing.

Duties & Expectations of Participating Agencies/Departments:

Following formal induction into Drug Court, the Court Coordinator provides the participant with a written referral to the agency providing UA/EtG testing for the program. The referral will include the UA call-in number, the participant's letter or number assignment, the hours during each day designated to provide, and a list of those instances regarding testing that will be considered non-compliance by the Team.

Participants are instructed by the Coordinator to call into the UA number EVERY day (including weekends and holidays) and to provide during designated provide times on any day their assigned letter/number is called. Participants are to provide samples during designated hours. The number of tests required monthly/weekly, or specifics as they relate to random letters/numbers assigned will not be disclosed to participants.

A primary contact person at the providing agency will be designated and will be responsible for reporting of results, compliance/non-compliance, and responding to questions or requests regarding testing. The Court Coordinator is the primary contact for the Drug Court Team. The Drug Court will be solely responsible for determining the criteria for compliance and non-compliance in urinalysis testing as it pertains to participants.

Sample Collection/Chain of Custody:

Although the specific protocol for testing/sample collection will be established by the providing agency, it is the policy of the Drug Court to utilize agencies/providers and who utilize SAMHSA/NIDA certified labs for confirmation. In accordance with those guidelines, the following minimum testing protocols must be utilized:

- Random testing schedule;
- Verification of participant identity;
- Verification/documentation of time/date of testing;
- Request for information and documentation by testing staff of any/all current medications/prescriptions/substances being taken by the participant;
- Request for information and documentation by testing staff of any/all current medical conditions/illnesses that might affect testing results;
- Participant instructed to leave all purses, extra outer clothing (including hats) and/or other items outside the provide area (restroom);
- Observed testing (with same-sex observation staff);
- Utilization/completion of SAMHSA-certified required verification forms/reports andtransport materials if necessary;
- Clear reports to the Court including name of participant, date/time of testing, substances tested for, results (negative/positive/dilute/adulterated), and when appropriate confirmation reports.

3.11 Protocol for Confirmation of Contested Instant Drug Screening

The following procedure shall be used when a drug court participant is tested in the field for the presence of illicit substances or intoxicants using instant testing materials and the participant contests the validity of the test:

A positive finding on an instant screen:

In the event the participant denies use, the sample shall be sent to a certified toxicology lab for confirmatory testing.

The Drug Court agrees to pay the cost of the confirmatory testing. However, in the event the confirmation test is positive, the participant will be required to reimburse the Drug Court the cost of the confirmation test.

3.12 Confidentiality in Testing

It is understood that all information disclosed to the testing staff by any Drug Court participant is protected by Federal Confidentiality rules [42CFR, Part 2]. Federal rules prohibit further disclosure of information unless expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42CFR, Part 2. Any testing agency utilized by the Drug Court will agree to abide by the federal regulations in communications with and regarding participants.

3.13 Sanctions and Incentives/Rewards

It is essential to monitor participants conduct and impose certain and immediate sanctions for infractions and rewards for achievements to improve adaptive functioning and reduce antisocial behavior. It is important to have accurate information about whether a participant is being compliant or noncompliant in a program or there is no way to apply sanctions or incentives correctly or adjust treatment and supervision services accordingly.

Participants will be most likely to accept an adverse judgment if they feel they (1) had a fair opportunity to voice their side of the situation, (2) were treated in an equivalent manner to similar people in similar circumstances and (3) were accorded respect and dignity throughout the process.

3.13 Sanction and Incentive Protocol

Sanctions

1. On a weekly basis a participant's primary treatment counselor shall provide a treatment compliance update, by entering such data in where appropriate in the case management system, with a recommendation for treatment recommendations and/or sanction or reward. The report should specifically detail any asserted violation and the basis for the treatment and/or sanction recommendation.
2. On a weekly basis a participant's probation officer or case manager shall provide a probation/case management compliance update, by entering such in the case management system, with any recommendation for sanction or reward. The report should specifically detail any asserted violation and the sanction or reward recommendation.
3. The Coordinator shall enter all drug test results in the case management system.
4. On a weekly basis the law enforcement team member shall enter any law enforcement contacts made with any participant with any recommendation for sanction or reward. The report should specifically detail the contact and the basis for the sanction or reward recommendation.
5. Reports entered into the case management system regarding participants should be factually based with sufficient information for the team to understand the participant's circumstances prior to team staffing.
6. During weekly staffing each participant appearing in Court that week will be discussed. Each team member is encouraged to express recommendations regarding sanctions and rewards to attempt to reach consensus.
7. Based on team input and consensus, if any, the Judge may order a therapeutic intervention and/or sanction for a participant's failure to comply with the requirements of drug court. Alternatively, based on team input and consensus, if any, the Judge may order a reward for a participant's successful compliance with the requirements of drug court.
8. To assist the team in determining fair and consistent sanctions for non-compliance the following list of sanctions shall be used as a guide for decision making. The below list is not intended to be an exclusive or exhaustive list of sanctions which may be imposed by the Court.

PROGRAM REQUIREMENT NOT MET	SANCTION FOR NOT MEETING REQUIREMENT
1st missed drop	4 hours community service
2nd missed drop	8 hours community service
3rd missed drop	Weekend in jail
Tampering with breath/urine sample, including a dilute sample	<ul style="list-style-type: none"> • Daily reporting • Community service • Treatment assignment(s) • Reimbursement of costs for additional tests • Jail • Termination
Missed case manager appointment	4 hours community service
Missed treatment session	<ul style="list-style-type: none"> • Make up treatment • Increased treatment • Increased self-help groups/assignments • Workbook assignments • 1 hour community service for each session missed • Lose time in phase • Jail • Termination
Missed self-help meeting 2nd Missed self-help	<ul style="list-style-type: none"> • 2 hours community service • Increased self-help meetings
Urine/breath test is positive for drug(s)/alcohol	<ul style="list-style-type: none"> • Increased urine drops • Increased PBTs • Increased self-help meetings • Journaling • Workbook assignments • Increased treatment • Referral for more intense level of treatment
Inappropriate behavior at treatment	<ul style="list-style-type: none"> • Apology • Community service • Jail • Termination
Leave residential treatment without permission	<ul style="list-style-type: none"> • Warrant issued for your arrest • Sent back to residential • Lose time in path • Jail • Termination

Missed court appearance	<ul style="list-style-type: none"> • Warrant issued for arrest • Community service • Writing assignment • Jail • Termination
Forging meeting or treatment attendance sheets	<ul style="list-style-type: none"> • Jail
New arrest	<ul style="list-style-type: none"> • Possible termination depending on case

1. To assist the team in determining fair and consistent rewards for compliance the following list of rewards shall be used as a guide for decision making. The below list is not intended to be an exclusive or exhaustive list of rewards which may be imposed by the Court.

- Receive recognition from the Judge during Court
- Deduct \$5.00 or more from your \$300 Drug Court Fee
- Graduate you to the next phase
- Reward progress with free coupons/tickets and other benefits
- Receive gift of the day at court appearance
- Receive chance(s) at monthly gift through fish bowl/basket
- Receive certificates of achievement
- Receive other incentive determined to be appropriate by the Court

3.14 Protocol for Termination from Drug Court

1. Team decides during team meeting that there are sufficient allegations to warrant termination and/or participation in the Drug Court is no longer beneficial to the participant.
2. The team defense attorney should inform participant of the team’s recommendation to terminate the participant from the Drug Court.
3. The team prosecutor shall provide a written list of the allegations supporting termination to defense attorney and the Court. See Report of Violation Form. If possible, this should be done the same day the team recommends termination of the participant.
4. The defense attorney meets with participant to see if participant wishes to have a hearing on the termination to contest the allegations of violation or termination from the Drug Court. The participant will have the opportunity to: a) admit to the allegations and be terminated without a hearing; b) informally plead “no contest” to the allegations and admit there is sufficient merit to the allegations to warrant termination without a hearing; c) admit to the allegations and voluntarily withdraw from the court without a hearing; or d) deny the allegations and request a hearing on the matter.
5. If the participant requests a formal hearing on the matter with evidentiary presentation, the court shall conduct a hearing as soon as the court’s schedule allows and issue a determination immediately following the hearing or as soon thereafter as practicable.
6. After a participant is terminated from the Drug Court, dependent on determination of the probation officer and prosecutor participant may, and likely will be, subject to a probation revocation action. If the participant is not yet on probation at the time of termination, dependent on the determination of the original prosecutor, the original plea offer may, and likely will be, revoked.

FORM

REPORT OF VIOLATION IN Drug Court – NAME OF PARTICIPANT HERE

ALLEGED VIOLATIONS/SUPPORTING EVIDENCE

Alleged Violation One – INSERT VIOLATION OF SPECIFIC CONTRACT NUMBER

HERE: List out specific language from contract related to the numbered violation.

List written allegations here and what day(s) the alleged violations occurred.

Proceed with each separate violation after that.

Section 4: Program Components

4.1 Stages

Stage 1:

Length: Approximately 4 Weeks

In Stage 1, the participant will be assigned to a probation officer or court coordinator and a treatment counselor. They will comprise the treatment team and will provide an orientation/overview of the Drug Court Program. The participant's problems and needs will be assessed and a treatment plan will be developed. Stage 1 requirements include:

1. Contact the assigned coordinator or probation officer once per week.
2. Attend a 12-step program (N/A, M/A, A/A, etc.) a minimum of three times per week and provide written verification of attendance.
3. Submit to breath/urinalysis testing (See Drug Testing Procedure).
4. Attend treatment groups and individual counseling sessions as directed by the treatment team.
5. Pay \$5.00 per court appearance as part of the fee of a total of \$300.00. Payment may be deferred at the discretion of the team.
6. Submit an essay regarding drug/alcohol usage and history and its impact on participant's life.

Requirements for Completion of Stage 1:

1. Attend Status Hearings in Court with Judge. It is anticipated these shall occur weekly unless otherwise directed.
2. Participate in Stage 1 for a minimum of 4 weeks.
3. Attend individual and group treatment sessions.
4. Drug/alcohol testing as directed.
5. Participate in 12-step program at least three times each week.
6. Drug Court Judge and drug court team agree that client has begun acceptance of personal responsibility for recovery and the need for help in that process.
7. Complete all treatment requirements as directed by the treatment provider which includes family/support/sponsor involvement and attendance.
8. Remain clean for a minimum of two weeks.
9. Write a letter saying "goodbye" to alcohol or drug of choice.

Stage 2:

Length: Minimum 5 months

In Stage 2, the participant's treatment plan will be updated to identify treatment goals and objectives. Counseling and meetings will focus on the participant's problem areas and help to identify ways of coping with stressful situations. Stage 2 requirements include, but are not necessarily limited to:

1. Attend treatment as required.
2. Drug/alcohol testing as directed.
3. Participate in a 12-step program at least three times each week.
4. Attend court appearances and make payments toward \$300 Drug Court fee.
5. Obtain and maintain an approved sponsor and verify weekly contact.
6. Obtain or maintain employment, training or enter a formal academic program.
7. Complete all treatment requirements as directed by the treatment provider.

Requirements for Completion of Stage 2

1. Attend treatment services.
2. Obtained or maintained employment, training or academic program.
3. Attended a minimum of 3 self-help meetings each week with verifications. (Participate in weekly 12-step meetings with verification.)
4. Obtained and maintained an approved sponsor.
5. Obtained sobriety and established a stable, drug-free lifestyle with a minimum of nine weeks with no major sanctions and no drug use.
6. Submit to the Drug Court Judge a written relapse prevention plan, prepared by the participant and his/her treatment counselor.
7. Pay at least 50% of required drug court fees.
8. Complete all treatment requirements as directed by the treatment provider.
9. Drug Court Judge and drug court team agree that client has sufficient information and proper attitude to support recovery.
10. Minimum 9 weeks no major sanctions or drug and alcohol use.

Stage 3:

Length: Minimum 6 months

Stage 3 will address ongoing recovery needs including maintaining total abstinence from all drugs through relapse prevention. The focus will be on daily living skills. This stage is designed to support the participant in return to the community as a productive and responsible person. Stage 3 requirements include:

1. Monthly contact with the case manager.
2. Attend weekly therapeutic/aftercare group sessions or individual session as directed by the treatment team.
3. Attend at least 2 self-help groups per week and verify attendance.
4. Drug/alcohol testing as directed.
5. Monthly court appearance and payment toward drug court fees.
6. Completion of all treatment requirements as directed by the treatment provider.
7. Become employed or maintain employment or begin/continue a training or formal academic program.

Graduation Requirements

1. Complete stages 1 through 3 inclusive.
2. Attendance at treatment services (group, urine analysis testing, individual sessions).
3. Obtained or maintained employment or formal training or academic program.
4. Participated in at least two weekly 12-step meetings with verifications.
5. Drug Court Judge and drug court team agree that the client has sufficiently integrated the necessary information to support recovery for the long term.
6. Pay all drug court fees and restitution.
7. A minimum of 12 weeks with no major sanctions including no drug use.

Stage 4:

The 4th Stage is strictly for the benefit of the participant to help him/her maintain sobriety. The Drug Court Coordinator will call the participant, monthly at first, to see how s/he is doing and if there is anything that can be done to assist the participant. Discussion between the participant and the Coordinator will not be provided to the Judge or members of the Drug Court team without the participant's permission. This Stage is to help the participant to solve any problems s/he may have after formally leaving the Drug Court. The coordinator may also ask questions to assist in improving the Drug Court.

4.2 Program Termination and/or “Opting out” of the Program

This decision to terminate a participant from the Drug Court is made by the treatment team on a case-by-case basis, and is considered the last resort when all previous attempted interventions, sanctions, and incentives have failed to create a lasting behavior change. Participants are advised that continued/repeated non-compliance with drug court requirements and/or Court guidelines/orders can lead to termination from participation in the program.

Although participants are asked to commit to the Drug Court for an amount of time sufficient to complete and graduate the drug court, it is a voluntary program. As a result, participants are able to resign from or “opt-out” of the program at any time.

In the event of either involuntary termination or voluntary resignation of a participant, in general, the case will be returned to the Court of original jurisdiction, placed on a regular criminal docket, and handled commensurate with other criminal causes.

Except in the most rare of cases, if a participant is involuntarily terminated or if he/she chooses to opt-out/resign from Drug Court, they are not eligible to re-apply to the program in the future. These cases are reviewed on a case by case basis to determine eligibility.

Section 5: Administration and Evaluation

5.1 File Management

The Drug Court Coordinator is responsible for maintaining participant files for the program. Original Drug Court documents and paperwork are secured in a locked filing cabinet in the Coordinator's office. Drug Court hard-copy files include (but are not limited to) information related to screening, CD evaluations, treatment progress, neuropsychological evaluation reports, CFS court reports/affidavits of custody, roadmaps, adult group conferencing reports, weekly status reports, and weekly court outcome copies. Drug Court computer files are password protected. Participant files are kept for five years after the date of program graduation or termination. After five years, official participant files and all Drug Court information will be destroyed. Those files kept by individual treatment team members will follow individual agency or professional protocols.

5.2 Management Information System

The Drug Court will use case management software to manage data regarding participants. In addition to the data management software utilized, Drug Court is also required to enter data into the Montana statewide data system. These forms were developed by the statewide coordinator in conjunction with the University of Montana and are used primarily to provide data to the Montana legislature. The current system allows for compilation of some basic statewide statistics by information technology staff and research assistants at the state level, but cannot be accessed universally by the various Montana Courts. The systems being utilized may not be compatible at this time and may require data to be entered twice.

5.3 Program Evaluation

Drug Court contracts with a designated/qualified program evaluator who supervises any additional research coordinators, develops quality assurance procedures for data collection, assists in defining the necessary statistical analysis capabilities, and oversees the process and outcome evaluation plans and cost benefit analysis. The evaluator is responsible for preparation of quarterly and yearly reports to the drug court team and also for assisting the drug court coordinator with various requests for statistical/process data by outside agencies and funding sources.

Process Evaluation:

A process evaluation documents program development, implementation, and specific elements of the program. It further targets program areas in need of improvement and recommendations for those improvements.

Specific areas in each process evaluation include, but are not limited to, target population, screening and assessment protocol, case processing, program length, implementation/incorporation of drug/alcohol testing, treatment and ancillary services, utilization of sanctions and incentives, consistency of judicial supervision, graduation/termination/opting-out processes, team coordination/functioning, program retention, impact on criminal behavior, and implementation of original program protocol and enhancements to programming.

Outcome Evaluation:

An outcome evaluation documents program outcomes, specifically focusing on the performance of the participants who have participated in the Drug Court. Collecting comprehensive information as it pertains to behavior, cognitive and emotional state, risk factors, and participant's progress in these areas greatly increases the success of the program.

Examples of behavioral, social, and emotional measures include information on such items as how the participant is progressing in relation to employment, education, adult life, peer network, self-esteem, social skill development, impulse control, and sobriety/ongoing substance abuse.

Outcome data is based on the goals and objectives of Drug Court. The following are the long-term and consistent goals Drug Court hopes to achieve and are reported on as part of the outcome evaluation:

1. Drug Court participation reduces substance abuse and subsequent involvement with criminal offenses.
2. Drug Court will address the participant's social and economic needs by identifying the needs and strengths of the participant that will aid him/her in leading a substance free life.
3. Drug Court will strengthen the educational and life skills of participants to assist them in becoming and maintaining self sufficient, law abiding, drug and alcohol free lifestyles.
4. Participation in Drug Court will increase participants' overall physical and mental health status.
5. Drug Court will develop and evaluate an operational model for adult drug courts that can be replicated in other jurisdictions.

There are several goals and objectives that are related to each of the outlined overall objectives. These are also monitored as part of the outcome evaluations and modified as necessary to accommodate changes in programming, funding, and participant needs.

5.4 Policy Review

Full policy manual and form review will be conducted every-other year (at the beginning of the applicable fiscal year). A subcommittee of the Team and the coordinator will review the manual and related program forms/materials comprehensively for legal issues, editing concerns, and inclusion of new policy/programmatic changes that have been made between full manual reviews. This committee will make recommendations as necessary to the team for approval.

5.5 Technical Assistance to Other Courts

The Drug Court and the team are committed to share any/all information possible with other Courts and Teams as is practical given the circumstances of the Drug Court, team members and the request made by other courts.