

ADMINISTRATIVE PLAN FOR THE ELEVENTH JUDICIAL DISTRICT - WEST

INTRODUCTION

Pursuant to Administrative Order Number 14, the sitting judges of the Eleventh Judicial District-West tender for the Arkansas Supreme Courts approval this administrative plan.

CASE ALLOCATION AND ANTICIPATED WORKLOAD

Recognizing that each Judge has the authority to hear, and must be prepared to hear, any type of case, this plan allocates the cases to our six Circuit Judges based upon the statistics provided by the AOC. Accordingly, with the effective date of this plan, the Circuit Clerks will assign all cases in this Circuit as follows:

	JONES	WYATT	BENTON	JAMISON	DENNIS	BROWN
Criminal	54%	12%	0%	0%	34%	0%
Civil	* 1%	70%	0%	0%	30%	0%
Domestic Relations	0%	0%	50%	50%	^ 1%	0%
Probate	0%	0%	50%	50%	0%	0%
Juvenile	0%	0%	0%	0%	0%	100%

* Civil Forfeiture cases only;
^ Inmate cases only

Judge Dennis will specifically be assigned by the Circuit Clerks of both counties all criminal cases filed, all post-conviction inmate filings, all inmate domestic relations cases

and all inmate probate cases against Department of Correction inmates in either County. When a Department of Correction criminal case is assigned to Judge Dennis, a case from her Division will be assigned to either Judge Jones or Judge Wyatt in order to more evenly divide the cases between these three Judges.

Judge Jones will be assigned all Civil Forfeiture cases filed by the Prosecuting Attorney in both Jefferson and Lincoln Counties.

Judge Jones as established and is continuing to hear "drug court" cases. All cases where a Defendant will be participating in the "drug court" program shall be transferred to Judge Jones. Judge Jones shall transfer a criminal case to the judge who transfers a Defendant to "drug court". If the defendant has more than one case, Judge Jones shall transfer a like number of cases to the judge who transfers the defendant to drug court. The authority for and organization of the Drug Court is attached as Exhibit 1 to this Plan.

RECUSALS AND REQUESTS FOR SPECIAL JUDGE

If a judge recuses in the criminal, civil domestic relations or probate divisions, the Circuit Clerk will first assign the case on a random basis to one of the judges who normally handles that particular subject matter. If all judges who handle that particular subject matter recuse in the case, the Clerk will assign the case randomly to another judge whether or not that judge routinely hears the subject matter. If all judges recuse in a particular case, the judge originally assigned the case shall notify the Chief Justice of the conflict, and follow-up with the Chief Justice to be certain a Special Judge is assigned in a timely manner.

For recusals in a delinquency case in the Juvenile Division of the Circuit Court, the Circuit Clerk shall assign that case randomly to the Second or Fifth division of Circuit Court. In any other recusal from the Juvenile Division of Circuit Court (i.e. DHS or FINS case), the Circuit Clerk will assign the case randomly to a judge who normally handles cases in the domestic relations division of Circuit Court.

The circuit judges of this circuit will only submit a request to the Chief Justice of the Supreme Court for the appointment of a special judge when all judges in this district have recused from hearing a particular matter.

As has long been the custom in the Eleventh Judicial District-West, a criminal defendant with pending charges or who is on probation is charged with a new criminal offense, the new case shall be assigned to the Judge on who's docket the older cases are pending. In order to avoid unnecessary transfers and confusion, the Prosecuting Attorney shall note on the new Criminal Information the judge and division the Defendant shall be assigned to.

DEFENDANTS IN JAIL

The District Judges in Jefferson and Lincoln Counties conduct first appearances, bond hearings, plea and arraignments and Rule 8.1 hearings Monday through Friday for those Defendants arrested and incarcerated in the Jefferson and Lincoln County Detention Centers. In the absence of a District Judge, a Circuit Judge will conduct the hearings.

PERIODIC MEETINGS

The judges of this circuit agree that periodic meetings will be beneficial to the administration of justice and will meet at least quarterly, if necessary.

RANDOM ASSIGNMENT OF CASES

Other than in criminal cases where the Defendant has prior or pending cases, the Circuit Clerks shall use Contexte to randomly assign cases.

STATE DISTRICT COURT JUDGES

Beginning January 1, 2013, the Jefferson County District and Pine Bluff District Judges, who are part of the Eleventh Judicial District-West and who are voting participants in this plan, have become "State District Court Judges." With this distinction, the State

District Court Judges will have authority, pursuant to Administrative Order Number 18, to handle some matters that were previously exclusive to the Circuit Courts.

While recognizing that the State District Court Judges maintain a full-time docket, the Circuit Judges of the Eleventh Judicial District-West and the State District Court Judges shall have the following additional authority:

1. To sign ex-parte orders of protection pursuant to Ark. Code Ann. §§ 9-15-201 through 217;
2. To sign ex-parte emergency involuntary commitments pursuant to Ark. Code Ann. §§ 20-47-209 and 210;
3. To sign ex-parte orders in Forcible Entry and Detainers and Unlawful Detainer pursuant to Ark. Code Ann. § 18-60-312;
4. Any other matters allowed pursuant to Administrative Order Number 18 that from time to time may become necessary or expedient to be exercised by said District Courts.

When a State District Court Judge signs any ex-parte order allowed pursuant to this Plan, the State District Court Judge shall coordinate with the Circuit Court where the case originated for the scheduling of the return hearing.

Jefferson County District Court Division One conducts the DWI Court for this District. The authority for and organization of the DWI Court is attached as Exhibit 2 to this Plan.

Jefferson County District Court Division one and Division Two conduct Veteran's Court for this District. The authority for and organization of the Veteran's Court is attached as Exhibit 5 to this Plan. *js*

JUVENILE DRUG COURT AND FAMILY TREATMENT DRUG COURT

Beginning January 1, 2009, but voted and approved on February 22, 2013, the Circuit Judges of the Eleventh Judicial District – West, by unanimous vote, agree that Sixth Division

(Juvenile Division) shall have the following additional authority pursuant to Administrative Order 14 (Administration of Circuit Court) (c)(2) as amended on December 13, 2012:

1. To operate a Juvenile Division Drug Court (see attached)
2. To operate a Family Treatment Drug Court (see attached)

The authority for and organization of Juvenile Drug Court, which was established as a Pilot in 2009 with nine other courts, is attached as Exhibit #3. The authority for and organization of the Family Treatment Drug Court is attached as Exhibit #4 to this Plan.

JUVENILE TRANSFER HEARINGS

When a petition to transfer a criminal charge is filed under A.C.A. § 9-27-318, this judicial district agrees to have the transfer hearing conducted in the juvenile division of the circuit court. If the juvenile division of the circuit court denies the petition, the case shall remain in the original criminal division of the circuit court. If the juvenile's criminal charges are transferred and converted into delinquency charges under A.C.A. § 9-27-318, the case will then remain in the juvenile division.

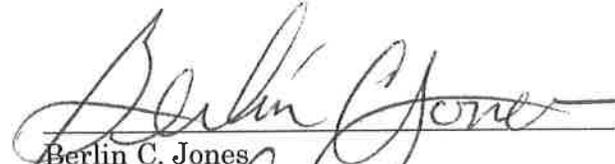
MISCELLANEOUS

The circuit judges of this circuit recognize that any judge may act for another judge in his absence or in an emergency or other unusual circumstances and may sign routine uncontested matters or orders arising therefrom.

The Circuit Judges of the Eleventh Judicial District – West, by unanimous vote, also elected Robert H. Wyatt, Jr., Second Division Circuit Court Judge, as the Administrative Judge. His term will expire January of 2017.

The effective date of this Administrative Plan is July 1, 2015.

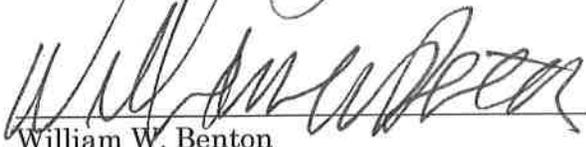
SIGNED AND APPROVED, this 30th day of June, 2015.



Berlin C. Jones
Circuit Court Judge, First Division



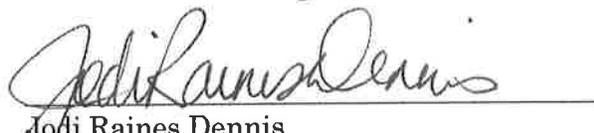
Robert H. Wyatt, Jr., Administrative Judge
Circuit Court Judge, Second Division



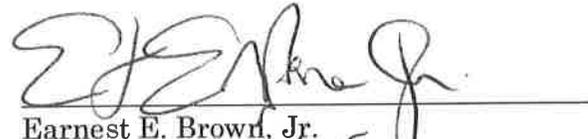
William W. Benton
Circuit Court Judge, Third Division



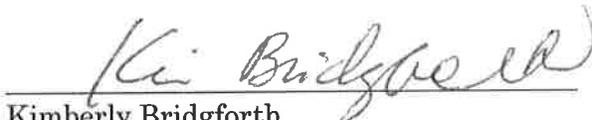
Leon N. Jamison
Circuit Court Judge, Fourth Division



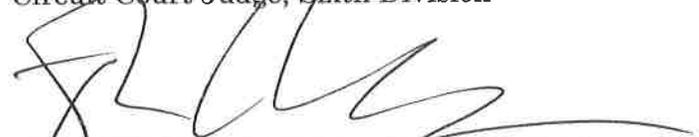
Jodi Raines Dennis
Circuit Court Judge, Fifth Division



Earnest E. Brown, Jr.
Circuit Court Judge, Sixth Division



Kimberly Bridgforth
State District Judge, First Division



John Kearney
State District Judge, Second Division

Welcome to the Eleventh Judicial District West Drug Court
Jefferson County
101 West Barratque Street
Pine Bluff, Arkansas 71601
Phone: (870) 541-5368

OUTPATIENT HANDBOOK

NAME

PRIMARY COUNSELOR

Berlin C. Jones	Circuit Judge
Michelle White	Special Projects Coordinator
Gary Austin	Public Defender
Rik Ramsey	Deputy Prosecuting Attorney
Stanley James	Chief Deputy
Brooke Norsworthy	Probation/Parole Officer
Deborah James	Probation/Parole Officer
Nakeisha Willingham	Counselor
LaTonya Taggart	Counselor
Rogena Allen	Administrative Specialist

March 01, 2004
Revised & Adopted
November 17, 2010

*These are the rules and handbook that will govern all Drug Court participants.
Adopted 11/17/2010*



INTRODUCTION

Welcome to the outpatient program of the Post Adjudication Drug Court. It is the mission of the program to help facilitate your recovery from alcohol or other drug abuse or addiction. Substance abuse or addiction is a primary contributing factor in criminal behavior. The elimination of substance use will not only greatly enhance a crime free lifestyle but will improve all other factors in your life. This program will help you grow and mature on many different levels and develop caring support systems in order to maintain sobriety. The program's staff cannot change you. It must be *your* concerted effort to bring about positive life changes. The staff will assist you in exploring those factors that have hindered your life and provide you with the tools that lead to recovery.

This handbook is provided to help you understand the services the program provides, the program's rules, expectations of behavior, and your rights as a recipient of substance abuse services. If you have any questions concerning the program, or need clarification on any of the items found in this handbook, please feel free to contact your assigned counselor.

The Drug Court program utilizes an outpatient handbook. This handbook was developed to guide the participants and the staff in administering the program. From time to time the handbook will be revised and put into effect upon adoption.

PROGRAM SERVICES

The Post Adjudication Drug Court is an outpatient only program that specializes in services for persons adjudicated into substance abuse treatment by the Eleventh West Judicial District Circuit Court (Jefferson County.) Services available through the Program are:

- Assessment of eligibility and appropriateness for admission
- Individual counseling
- Group Counseling
- Psychosocial education
- Referral information

Additional services may be accessed by referral. Your counselor can assist you in accessing those services. You are required to become involved with other agencies or organizations, such as 12-step or self-help groups that will help improve your quality of life.

You will be enrolled in the Treatment Program until you complete the 1st Four Phases. You will then remain in Phase V until your probation term is complete and you have met all you drug court obligations.

PROGRAM OPERATION

The Drug Court Office opens at 8:00 a.m. and closes at 4:30 p.m. Monday, Wednesday, and Friday. On Tuesday and Thursday the Drug Court Office will be open until 7:00 p.m. for the 6:00 p.m. group. When you come into Drug Court you will be assigned a color. You are required to call in every weekday between 8:30 a.m. and 9:00 a.m. for the colors(s) of the day. You will have until 11:00 a.m. to report for your drug screen.

If you do not report within the timeframe the following sanctions may be imposed:

Subsequent Negative Test	up to 48 hours jail or an alternative sanction
Subsequent Positive Test	up to 96 hours jail or an alternative sanction
No Show	up to 96 hours jail or an alternative sanction

ADMISSION CRITERIA

The Program provides substance abuse services to a specific treatment population. In order for you to be considered for admission into the program the following criteria must be met:

- Mandated referral by the Eleventh West Judicial District Circuit Court of Jefferson County. (Admission will be based on the Prosecuting Attorney's profile)

Recommendation must be made by the Prosecuting Attorneys Office to the Presiding Judge.

- Active or recent history of substance abuse or addiction
- Maintain a residence in Jefferson County, Arkansas
- Absence of a physical or developmental condition that would eliminate or greatly reduce the benefit of substance abuse services
- Absence of any uncontrollable psychiatric or emotional disorder
- At least 18 years old. If you are under age 18 you must be adjudicated as an adult or emancipated minor
- Absence of any violent felony offenses
- Absence of any history of felony firearms conviction
- Absence of manufacturing or delivery convictions with the exception of possession with the intent to deliver marijuana {class C felony}

Any individual seeking services that does not meet the criteria listed above is not eligible for admission. Any individual that meets all criteria may still be inappropriate for admission (no guarantee admission). Admission is subject to team approval.

ADMISSION PROCEDURES

A screening will be performed to determine if you are eligible and appropriate for admission into the Program. You will need to sign a ***Consent for the Release of Confidential Information*** that will allow Program personnel to communicate with the referring court and your probation/parole officer. Your screening results will be communicated to you, the referring court and your probation/parole officer.

Upon admission you will be assigned to a counselor and an appointment will be scheduled

for your admittance into substance abuse treatment. The admission process will include the issuance and discussion of this handbook that defines the conditions of your treatment, an assessment that will establish your *Initial Treatment Plan* and other *Consent for the Release of Confidential Information* as deemed appropriate. A treatment schedule will be established and provided to you. After your first treatment contact, additional sessions will be scheduled to allow your counselor to perform an adequate treatment assessment. Please provide your counselor with honest information to insure an accurate assessment.

Within twenty-one (21) days of admission you and your counselor will formulate a *Comprehensive Treatment Plan*. The plan will define your substance abuse related problems, establish your treatment needs and specify the means by which you can effectively deal with those problems. You will receive a copy of the treatment plan.

You and your counselor will review your treatment plan no later than every thirty (30) days. The reviews will determine if you are meeting your treatment goals. The reviews will also be used to adjust your treatment plan or add new goals. As you progress in treatment you will experience positive, and sometimes negative, changes in your life. Be sure to communicate those changes to your counselor. In addition, reports on your progress in treatment will be communicated to the referring court and your probation/parole officer.

Transfers From Another Court

Transfers from another Court will be considered on a case by case basis. Team members will meet and review materials presented after participants have received and read the Jefferson County Drug Court Handbook and have acknowledged in writing they can follow the guidelines of the handbook and program. This includes but is not limited to the following requirements:

- Reside in Jefferson County
- Attend required number of drug court group sessions
- Attend required number of outside groups
- Attend weekly or bi-weekly (depending on Phase) Court Review
- Random drug testing (between the hours of 8:30 a.m. and 11:00 a.m.)

- Probation Meetings
- 200 hours of community service
- Tour Arkansas Department of Correction Facility
- Responsible for \$600.00 Drug Court Fee

MENTAL HEALTH

If you have been recommended for mental health assistance and/or are currently receiving mental health assistance, you must meet all scheduled appointments and take all prescribed medication as directed. If at some point during your treatment you find you are unable to purchase the medication, you must inform a Jefferson County Drug Court Team Member so other arrangements can be made. Failure to meet these rules may result in dismissal from the drug court program. (Mental Health Contract attached)

CHILD SUPPORT

If you have dependent children you will be required to provide support for them, especially if you are Court ordered to do so. You will be required to show proof of these payments to the Drug Court Officer. Bring your receipts to the Drug Court Officer for proof of payment, these will be copied and put into your probation file. This will also be backup should there be any questions by CSED.

EDUCATION

Education is the gateway to success in all areas of life. Drug Court recognizes this, which is why obtaining your GED is such a vital part of your recovery. Drug Court will assist you in locating GED classes. **Participation in GED classes is Mandatory for all clients who do not have a High School Diploma or GED.** You will not advance in the program if you do not attend classes.

MEDICAL EMERGENCIES

If you are experiencing a medical emergency, you or a family member will need to notify the Drug Court Office. The Drug Court Office will need to know the extent of the medical emergency, your injuries and so forth. The Drug Court Office will also need the name of the hospital where you are being treated.

If you have to visit the emergency room you will need to bring all of your emergency room papers. You will need these to be excused from anything involving Drug Court. **Make sure your discharge papers are accurate, times and dates are correct, all medications given to you are listed on the discharge papers.**

Illness **will not** excuse you from group, you will need to get permission from the Drug Court Counselor to be excused from group. To be excused from all other Drug Court activities, including testing, contact the Drug Court Probation Officer.

DRUG COURT HEARINGS

Phase One Participants are required to appear in Drug Court every week. Phase Two and Phase Three Participants will appear every other week unless otherwise directed by Drug Court Staff. Phase Four (Continuing Care) will appear once at month on the last Court day of the month unless otherwise directed by Drug Court Staff. Phase V will attend Drug Court Hearings only as direct by supervising officer.

PROGRAM STRUCTURE

The program's treatment structure is a Phase System that normally consists of four phases: Phase I, Phase II, Phase III, Phase IV and Phase V. A Pretreatment Phase may be imposed on recommendation after entry into the program. Phase V, Post Treatment, will extend for the remainder of probationary term.

You must pay and remain current on Drug Court Fees. Failure to make payments may cause you to be held in your current Phase. Additionally you may have other sanctions imposed (increased daily testing, additional daily community service) for not making a reasonable effort to meet this condition. All participants will, unless medically excused, (current written statement from doctor required) complete 200 hours of community service, and attend a DCC organized tour of an Arkansas Department of Correction Facility.

A GED or high school diploma is also a requirement for graduation.

You may be required to participate in and complete the Employability Certification Program on the Drug Court Team's recommendation. Employment is defined as having a job that withholds FICA, Federal and State Taxes, etc. If you are self-employed you must present proof of license or that you pay self-employment tax. SSI Disability will count as employment upon presentation of proof of payment and disability (letter from physician).

Pretreatment Phase

Pretreatment is a Phase that can be used by the Jefferson County Drug Court to assist you in your successful completion of the program. Pretreatment will be used for those participants who need the additional time in the beginning to have an intense residential supervision and treatment before starting our structured program. The need for pretreatment will be determined by information gathered from several sources (assessment, interview, history, etc.) prior to admission and decided by the Drug Court Team on the recommendation of the Drug Court Counselor. Entry into the program is still required but the normal progression of sanctions and program requirements do not start until after completion of the Pretreatment Phase. With this privilege comes a responsibility that must be met by the participants. You must comply with the rules of the residential facilities. If you do not comply and/or are discharged unsuccessfully from their program the following are sanctions available to the drug court team:

Immediate return to the Jefferson County Drug Program, starting the program without additional pretreatment options, other than detox if needed.

Phase I (Orientation Phase)

This is the initial Phase upon admission to the Program. You will be required to attend at least three (3) hours of group counseling or psychosocial education sessions per week, and at least one hour of individual counseling monthly. Phase I also requires attendance of at least three (3) 12-step or self-help meetings as prescribed by your treatment plan. If you are unemployed, you will be required to actively seek employment or seek enrollment in a vocational/education program.

Advancement from Phase I to Phase II will require that you meet all of the following conditions:

- Completion of no less than sixteen (16) weeks in Phase I
- Absence of Criminal Activity prior to advancement.
- Compliance with all requirements established by your Probation/Parole Officer.
- No unexcused absences from individual, group and psychosocial groups.
- Completion of the Comprehensive Treatment Plan.
- Actively seeking employment and/or participation in a vocational/educational program.
- 10 hours of Community Service completed.
- Weekly Drug Court Appearance.
- Pay Child Support
- Pay and remain current on all fines and fees (Drug Court and Sheriff). (Pay ¼ of Drug Court Treatment Fees)
- Tour of Arkansas Department of Correction Facility. This may replace one (1) self

help meeting.

Phase I groups meet at the following times:

Monday: 10:00 am - 11:00 am
4:00 pm - 5:00 pm

Wednesday: 2:00 pm - 3:00 pm

Thursday: 4:00 pm - 5:00 pm

Friday: 10:00 am - 11:00 am
2:00 pm - 3:00 pm
(Days and/or times may change)

Phase II (Intermediate Phase)

Phase two is the intermediate step and is less treatment intensive. Phase II requires at least two (2) hours of group counseling or psychosocial education sessions weekly plus one (1) homework assignment weekly and at least one (1) hour of individual counseling monthly. Attendance of a minimum of two (2) hours per week at 12-step or self-help meetings or as specified in your treatment plan.

Advancement from Phase II to Phase III will require that you meet the following conditions:

- Completion of at least sixteen (16) weeks in Phase II.
- Absence of criminal activity.
- Negative Drug Screens.
- Compliance with requirements established by your Probation/Parole Officer.
- Progress as indicated in your treatment plan.
- No unexcused absences from individual counseling, group counseling and psychosocial sessions.
- Active employment or enrollment in a vocational/educational program.
- Pay Child Support
- Bi-Weekly Drug Court Appearance (every other week).
- Pay and remain current on all fines and fees (Drug Court and Sheriff). (Pay ¼ of Drug Court Treatment Fees)

Remember you have to appear in Drug Court as scheduled, or as directed. It is your responsibility to know when you are to appear in Court. This program is a Privilege not a Right.

Phase II groups meet at the following times:

Tuesday: 12:00 pm - 1:00 pm
5:00 pm - 6:00 pm

Thursday: 12:00 pm - 1:00 pm
6:00 pm - 7:00 pm.

(Days and/or times may change)

Phase III

Phase III provides you with the least intensive treatment requirements. Phase III requires at least one (1) hour of group counseling or psychosocial education groups weekly and at least one (1) hour of individual counseling monthly. Attendance at 12-step or self-help groups may be required as specified in your treatment plan.

Completion of Phase III requires that you meet the following conditions:

- Completion of at least sixteen (16) weeks in Phase III
- Absence of criminal activity and negative drug screens while in Phase III.
- Continued compliance with Probation/Parole requirements while in Phase III.
- Attendance at all required counseling sessions, psychosocial groups and 12-step/self help meetings.
- Maintain employment and/or active enrollment in a vocational/educational program.
- Completion of all goals set forth in your treatment program.
- Pay Child Support
- Bi-Weekly Drug Court Appearance (every other week).
- Pay and remain current on all fines and fees (Drug Court and Sheriff). (Pay ¼ of Drug Court Treatment Fees)
- Development of a *Continuing Care Plan* that will be implemented upon your promotion.

Phase III groups meet at the following times:

Tuesday: 1:00 pm - 2:00 pm
5:00 pm - 6:00 pm

(Days and/or times may change)

Remember you have to appear in Drug Court as scheduled, or as directed. It is your responsibility to know when you are to appear in Court. This program is a Privilege not a Right.

Phase IV (Continuing Care)

The purpose of Phase Four, Continuing Care is to further extend support to the client after completion of the active program and help the client with the transition back to the daily activities of life. The criteria that will determine the level of Continuing Care will be as follows:

- How well the client did from Phase I to Phase III
- How confident the client and Drug Court staff are about the client maintaining sobriety

Phase Four will be administered in monthly increments and will consist of the following requirements:

- Drug screening randomly throughout your stay in Continuing Care
- Monthly individual counseling sessions with Drug Court Counselor
- Monthly Drug Court Appearance
- 12 step meeting, continued weekly or as directed
- 12 step sponsor as directed
- Completed all Community Service Hours
- Pay and remain current on all fines and fees (Drug Court and Sheriff). (Pay ¼ of Drug Court Treatment Fees)
- If unemployed or upon the team's recommendation participate in and complete the Employability Certification Program

If you have met all the requirements of Phase IV, a notification of successful completion of your treatment program will be sent to your referring court and your probation/parole officer. If you violate conditions of your probation in any portion of Phase Five you could either be demoted or terminated or referred back to the courts or probation.

Phase V

Phase Five will be administered at the direction of the supervising PPO and will consist of the following requirements:

- ❑ Drug screening randomly throughout your stay in Continuing Care
- ❑ Monthly individual visits with probation
- ❑ Completed all Community Service Hours
- ❑ Pay and remain current on all remaining financial obligations
- ❑ If unemployed or upon the team's recommendation participate in and complete the Employability Certification Program
- ❑ Remain in compliance with all conditions of probation

ALCOHOL RELATED OFFENSES

- ❑ Alcohol Use will not be tolerated by Drug Court participants
- ❑ You must not drink or possess intoxicating or alcoholic beverages or such beverages be present in your residence, or you may not be present in any establishment where its main source of income is derived from sale of such beverages.

MEDICATIONS

You must notify the Drug Court Officer prior to testing if you are taking any prescription or over the counter medications.

All prescriptions must be turned into the Drug Court Officer with no exceptions. If you fail to comply with this requirement and your drug screen shows positive an appropriate sanction will be levied.

Any suspected abuse of prescription or over the counter medication will be investigated and may result in a sanction

DRUG SCREENING PROCEDURES

- UA Urinalysis, a drug screen; the urine sample that you give for testing.
- Negative UA A UA, or drug screen, which is CLEAN and does not contain illegal or unauthorized drugs or alcohol. Clean UA's will help you advance in the program.

Positive UA A UA, or drug screen which is DIRTY and DOES have the presence of illegal or unauthorized or illicit drugs, or alcohol and for which there will be Sanctions.

Tampering Tampering means trying to put something in the collection cup, such as other liquid, pills, powder or even your finger. Additionally if you try to block or hide from the observer's view, if you don't follow the observer's instructions, or if you have anything else in your hand, besides the collection cup.

Tampering would also include any effort to dilute your specimen.

Violations:

Sanctions:

1st Violation and
you are honest with Drug Court Staff

48 hours jail
Demote One Phase Level

1st Violation and
you are not honest with Drug Court Staff

96 hours jail, essay on honesty,
Demote One Phase Level

2nd Violation

15 days jail
Demote One Phase Level

3rd Violation

21 days jail
Demote One Phase Level

4th Violation

1 year treatment CCC, return to
Drug Court upon discharge from
CCC and Demote One Phase
Level

5th Violation

Revocation Hearing

*If at anytime Drug Court Staff determine you need residential treatment, or if you request help, you may be sent to a minimum of 90 days residential treatment. This is not considered a sanction.

Demotion means to demote one or more phases on the recommendation of the drug court Team.

Restart means you will completely restart the program with the exception of monetary obligations.

Diversion Phase:

This Phase is designed for those rare individuals that will not get motivated but their actions do not warrant termination from the Drug Court Program. This Phase will be the most restrictive phase of all. It will require daily drug screens, daily groups, or individual sessions, increased community service. The only way out of this phase is to be voted out by the Drug Court Staff. Action is the key to success in this phase, you are the one that got you here and you are the only one that can get you out.

Probation Violations:

You must not commit a criminal offense punishable by imprisonment. If arrested or questioned by a law enforcement officer, you will notify your Drug Court Probation Officer within 24 hours.

Association with any person who is participating in or is known to participate in the illegal sale, use, distribution or possession of controlled substances, persons who have been convicted of a felony (outside of therapeutic environment), engaged in criminal activity, or otherwise specified by Drug Court Probation Officer. You will be available to be tested for drug screens 24/7.

You must report as directed by Drug Court Probation Officer and permit Officer to visit you in your residence, place of employment or other property.

You must notify your Drug Court Probation Officer in advance of any change in your address, employment, education, telephone number or family status. Where circumstances make it impossible for you to give advance notice you must give notice as soon as possible. Prior approval from a supervising officer is required for you to change or stay away from your place of residence or quit your employment.

You must remain within the State of Arkansas unless granted permission to leave by your Drug Court Probation Officer.

You must be truthful in all statements made to any Drug Court Staff.

Any Probation Violation will be reviewed for appropriate sanctions.

Alternative Sanctions

The Sanctions may include but are not limited to daily drug screens, daily groups or individual sessions, increased community service, possible nights or weekends in jail.

Additional Alternative Sanctions may include the following:

Curfew	Repeat Phases	Written Reports
Additional Groups	Create Budget Plan	Report for all Activities Early
Create Time Management Plan	Special Projects	Parenting/Life Skills Groups, etc.
Attend Weekly Court Review	Read Report Out Loud to Court	Produce List of Job Search Sites
Fines	Written/Oral Apology to Court to	Include explanation

INCENTIVES

Incentives for participation and compliance with the program may include waiver of fees or community service hours, donations from the community, and/or certificates. Incentives may be provided to you throughout the program (i.e. perfect court reports, successful completion of Phases, and/or graduation).

Keep in mind the greatest incentive, if you follow the program of action given you, is you will not have to return to the life that got you to the Drug Court Program. Keep in mind that incentives are not handed out lightly.

Honor graduates of the Jefferson County Drug Court Program will have not incurred any sanctions, are current on all fees, have paid off all monetary obligations, are currently employed or are attending school and have completed all special conditions.

*** The Court reserves the right to distribute incentives as deemed appropriate ***

TREATMENT FEES

You will be assessed a flat treatment fee of \$600. You will be required to make a \$25.00 payment each month to the Department of Community Correction (DCC) until the amount of \$300.00 is paid. You will be required to make a \$20.00 payment each month to the Jefferson County Circuit Court (JCCC) until the amount of \$300.00 is paid. The balance of the total fee will be due prior to discharge from treatment. ¼ of Drug Court Treatment Fees must be paid prior to each Phase Promotion.

NON-DISCRIMINATORY POLICY

In compliance with the Americans with Disabilities Act we will not discriminate on the basis of the handicap or disability status of the client. Nor will we discriminate based upon gender, race, heritage, age, religion, socioeconomic status or sexual orientation. All federal and state equality codes will be enforced.

DISCHARGE CRITERIA

The criteria for a successful completion of treatment are specified above. You may be discharged as not completing treatment for the following reasons:

- ! Repeated failure to maintain the requirements set forth in your assigned Phase.
- ! Arriving at your Phase sessions under the influence of alcohol or other illicit substances.
- ! Physical assault.
- ! Continued resistance to treatment.
- ! Violation of program rules.
- ! Non-payment of treatment fees.
- ! Absconding - no contact for 30 days
- ! Tampering with tests
- ! Fraternalization
- ! VIOLATING CONFIDENTIALLY IN TREATMENT

IT IS A VIOLATION TO DISCUSS OR REVEAL ANY INFORMATION REGARDING GROUP MEMBERS TO FRIENDS, FAMILY MEMBERS, OR ANY ONE OUTSIDE GROUP SESSIONS. INFORMATION IS CONSIDERED CONFIDENTIAL AND SHOULD ONLY BE DISCUSSED IN GROUP. THE DISCLOSURE OF ANY GROUP MEMBERS INFORMATION CAN SUBJECT AN INDIVIDUAL MEMBER TO A VIOLATION. DISCLOSURE OF GROUP MEMBERS INFORMATION OR OTHER CONFIDENTIAL INFORMATION IS GROUNDS FOR IMMEDIATE DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION FROM THE PROGRAM.

Should you be discharged as incomplete, your referring court and your probation/parole officer will be notified.

PROGRAM RULES

As a participant in this Program there are rules and other expectations of behavior. Those rules and expectations are:

- Ø You will arrive to all sessions on time. Habitual absences will be considered as resistance to treatment. Program staff maintains the right to require proof of absences.
- Ø You will be required to attend all sessions appropriately dressed. Any clothing bearing alcohol, drug, tobacco or inappropriate logos or messages will not be allowed. If you arrive to a session dressed inappropriately you will be required to leave.
- Ø You will maintain personal cleanliness. Body odor is not acceptable.
- Ø The possession of alcohol, drugs, tobacco or weapons on program premises is strictly forbidden.
- Ø You will not attend sessions under the influence of alcohol or other drugs.
- Ø Do not bring cell phones or pagers into the building.
- Ø Visitors are not allowed in the lobby.
- Ø Fraternization on a non-program social basis is not allowed between Drug Court Participants or any OTHER FELONS. This is grounds for dismissal from the program.
- Ø **MAINTAIN CONFIDENTIALITY; DO NOT DISCUSS OR DISCLOSE INFORMATION OF TREATMENT PROGRAM ACTIVITY. DO NOT DISCUSS WHAT GOES ON IN TREATMENT GROUPS.**
- Ø **DO NOT DISCUSS WHAT GOES ON IN GROUP!**

Tips for Success

- Remember it is a privilege to be in this program.
- Drug Court will provide you with all the tools necessary for you to succeed; you will be the key to your own success.
- You are important to everyone involved in this program, but we cannot do this program for you. Work hard, keep a good attitude. We will work hard to help you be successful.
- Change your lifestyle. Avoid destructive relationships. Check around your home and throw away all paraphernalia, liquor bottles, and anything else that was involved in your old lifestyle.
- Commit yourself to being a "new" person and get rid of your old lifestyle.
- Surround yourself with positive peers.
- Commit new crimes, lie, or display a bad attitude, and you will find yourself back on the road to failure.

CONFIDENTIALITY AND OTHER RIGHTS

Your treatment at this program is confidential. Federal code, state licensure requirements and the *Counselors Code of Ethics* protect your right to confidential treatment. Your confidentiality rights are as follows:

- Information about your treatment at this Program, including confirmation that you have applied for services or your admission status, cannot be disclosed without your written consent. However, if you commit a crime on Program premises or against Program personnel, this can be reported without your consent. The Program and its staff are required by state law to report suspected or known child abuse or neglect.
- The program may release your confidential information when served with a proper court order.
- Auditors responsible for monitoring the Program and persons performing treatment research may access your records. Such persons are required not to disclose any confidential information.
- You have the right to revoke your written consent, except when the consent is to release information in response to the criminal justice system entity that mandated your treatment. Unless revoked, your consent will remain in effect until such time as specified on the consent form.
- Information may be released in response to a medical emergency in which you are involved.
- Information may also be released via a *Qualified Service Organization Agreement (QSOA)*.

You also have the following rights:

You have the right to be treated with dignity, courtesy and professionalism.

You have the right to seek and receive treatment without regard to your gender, race, heritage, age, religion, handicap or disability, socioeconomic status or sexual orientation. All federal and state equality codes will be enforced.

You have the right to file a grievance should you believe your rights have been violated and/or you have been not provided with quality treatment.

Treatment Records

Your Drug Court Treatment Records are protected under federal regulations and cannot be re-disclosed to anyone else without your consent. This means your Drug Court Counselor cannot talk to anyone else, including your wife, husband, girlfriend, boyfriend, children, parents, etc, who are not involved in the program, unless you sign a waiver stating that it's okay.

Confidentiality in Therapy

Confidentiality also takes place between you and your therapists. In other words, what you share in group therapy, individual therapy or family therapy - stays there in therapy.

The treatment providers will share with the Drug Court Team:

- Your attendance
- Did you participate
- Your progress

There are some things which we will need to know from the treatment provider and can be disclosed.

- Thoughts of suicide
- Crimes against staff, participant or provider of treatment
- If you have been threatened by another participant, or staff or threatening another participant
- Disruptive
- Commit new crimes
- Child abuse or neglect

Code of Ethics

- Staff cannot discriminate on the basis of race, color, religion, sex, national origin or disability.
- Staff cannot engage in any interpersonal relationships, social, sexual, or otherwise.
- Staff cannot threaten, blackmail or conspire to commit illegal acts with clients.
- Staff cannot show favoritism to any client such as allowing special favors not allowed to other clients.

GRIEVANCE PROCEDURE

Should you have a complaint or grievance concerning your treatment, you should bring the complaint to the attention of your counselor. You and your counselor must attempt to resolve the issue.

If you believe your grievance has not been resolved at the counseling level, or your counselor is the source of the problem, you should submit your grievance, in writing, to the Program's Clinical Supervisor at the address shown on the cover of this manual. The Clinical Supervisor has ten (10) working days to review and respond to your grievance.

If you wish to continue your grievance, the *DCC Grievance Policy* is posted in the waiting room at the Program. Your probation/parole officer will also provide you with a copy of the policy.

The Clinical Supervisor will, upon request, provide writing material, pens, envelopes and postage for your grievance. Your counselor can refer you to the Clinical Supervisor.

If you have completed all of the grievance steps previously specified, and your grievance remains unresolved, you may contact the Arkansas Department of Health-Alcohol and Drug Abuse Prevention (ADAP), Office of Program Compliance and Outcomes Monitoring, 5800 West 10th Street, Suite 907, Little Rock, Arkansas 72204, 501-280-4500, (Fax) 501-280-4519. The ADAP requires that your grievance be written. In addition, the ADAP must determine if your grievance involves the violation of applicable licensure standards before it will consider investigating.

**Arkansas Department of Community Correction
11th Judicial District West Drug Court
Pine Bluff, Arkansas**

Fraternization Policy

I, _____, understand that I may not fraternize with any other felons. I may use fellow drug court participants as a support system when I need to call someone to talk but will not have a social relationship with them. A social relationship is defined as any physical contact or meetings after drug court hours, outside drug court related activities, or NA/AA meetings while I am in the 11th Judicial District West Drug Court.

Participant Signature

Date

Witness Signature

Date

Arkansas Department of Community Correction
^{11th} Judicial District West Drug Court
Pine Bluff, Arkansas

Mental Health Contract

I, _____ have read or had read to me the agreement that I will not miss any scheduled mental health appointments, nor will I stop taking my mental health medications (without prior approval). If I am financially unable to refill my prescription I will notify a Jefferson County Drug Court Team Member in time for arrangements to be made. Failure to follow these rules may result in dismissal from the Jefferson County Drug Court Program.

Client signature

Date of signature

Staff signature

Date of signature

Witness signature (when applicable)

Date of signature

**Arkansas Department of Community Correction
11th Judicial District West Drug Court
Pine Bluff, Arkansas**

Transfer

I, _____, understand that I have read the or had read to me the Jefferson County Drug Court handbook, in particular the section on Transferring In. I understand that upon acceptance into the Jefferson County Drug Court I will be responsible for all of the conditions of this drug court, to include but not limited to the \$600.00 Drug Court

Assessment Fee and the 200 hours of community service while I am in the 11th Judicial District West Drug Court.

Participant Signature

Date

Witness Signature

Date

RECEIPT OF HANDBOOK

I, _____ received a copy of the DCC - Drug Court *Outpatient Handbook*. Program staff discussed the content of the handbook with me. Furthermore, I agree to abide by the expectations and rules specified in the handbook.

Client signature

Date of signature

Staff signature

Date of signature

Witness signature (when applicable)

Date of signature

Detach and file in Section V of the client=s treatment record.

***These are the rules and handbook that will govern all Drug Court participants.
Adopted 10/07/2009***

INTRODUCTION

Welcome to the Jefferson County District Court-D.W.I. Court. The Jefferson County District Court-D.W.I. Court is a 12-month post adjudication program designed primarily for people who have incurred multiple drunk driving offenses. You enter the program by pleading guilty and being sentenced to D.W.I. Court. You will receive little or no jail time then, but the maximum jail time may be imposed if you fail in the program and you can be billed for the cost of your incarceration in addition to the fine, costs, restitution, cost of counseling/treatment and probation monitoring. Arkansas Driver Control imposes drivers' license sanctions.

For a person to be eligible, they cannot have a history of violent crimes or sexual offenses, they must reside within Jefferson County, they cannot have any other pending charges and the Prosecuting Attorney must have no objections to their candidacy.

This handbook is provided to help you understand the services the Program provides, the Program's rules, expectations of behavior and your rights as a recipient of substance abuse services. If you have any questions concerning the Program, or need clarification on any of the items found in this handbook, please feel free to contact your assigned counselor, probation officer or Court staff.

During your participation in this program, you are expected to:

REFRAIN FROM ALL USE OF ALCOHOL AND/OR DRUGS.

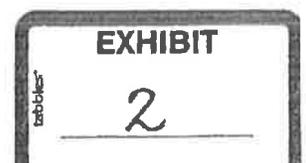
BE HONEST. We can work through almost any problem together if you are completely truthful with us.

NOT COMPLAIN. This program is about accountability and personal responsibility. Sobriety does not come easy for anyone. Anything in life worth having requires some sacrifice.

SHOW UP ON TIME FOR APPOINTMENTS, HEARINGS AND TESTING. Ultimately, this program is about self-respect and respect for others. Show respect for the time of others by appearing on time.

COST OF THE PROGRAM

A payment plan can be established with the Court until all fines, costs and restitution are paid in full, if applicable. However, you will be expected to pay for breath tests and drug tests/urine screens at the time of testing. Treatment cost will vary depending on your income and the agency providing your treatment. There are also costs associated for probation monitoring that will vary depending on what *Phase* you are in within the program. You will be expected to pay all fees as you progress from one phase to the next.



TREATMENT

D.W.I. Court participants must undergo a substance abuse assessment before entering the program. The assessment determines the proper level of treatment. There is very little tolerance for missed counseling appointments. If you do not believe you need treatment, you do not belong in D.W.I. Court. The Court will be communicating on a regular basis with your counselor to discuss progress and attendance. The D.W.I. Court reserves the right to modify your treatment to better suit your needs as may be necessary.

THE D.W.I. COURT TEAM

The key to your success is the TEAM approach. The D.W.I. Court Team consists of the Judge, Prosecutor, Defense Attorney, Probation Officer(s), Law Enforcement, Treatment Providers, D.W.I. Court Graduates, Drug Testing Facilitators, and YOU. You are the main player. The rest of us are here to support you. Each case is reviewed on a regular basis by the team members prior to review hearings.

REVIEW HEARINGS

Participants in D.W.I. Court are required to attend Review Hearings every one to four weeks. The Judge, Prosecutor, Defense Attorney, Law Enforcement, Probation Officers, Treatment Providers, other D.W.I. Court participants, family members and friends are invited to attend these hour-long hearings. The Judge will review your progress with your treatment providers and your probation officer, and determine what rewards, sanctions or adjustments may be appropriate for you.

You are encouraged to ask questions and voice any concerns you may have about your treatment program. You will be given notice of your next report day and the next review hearing. It is your responsibility to keep track of your court dates and testing schedule, as you will have many appointments and meetings to attend, particularly in the early phases.

REPORT DAYS

D.W.I. Court participants are expected to report to their Probation Officer on their assigned report day and on time. You should come prepared with proof of 12-step meeting attendance and any other verification that is requested. If you have changes in your life such as address, phone number, roommates, employment, etc. you need to inform your Probation Officer of those changes on report day.

EMPLOYMENT AND/OR SCHOOL

The Judge may require you to obtain/maintain employment or enroll in a vocational/educational program. D.W.I. Court requires that participants without a high school diploma pursue a General Equivalency Diploma (G.E.D.) or complete high school. If you are enrolled in a vocational/educational program, you will be required to attend classes and present documentation of course and/or program completion. Your employment and/or enrollment in an educational program may be verified by the Probation Officer appearing at your place of employment or the educational institution.

If you lose your job while in the program, you will be given a time frame in which to secure other employment. While searching for employment, you may be required to participate in job training or community service.

D.W.I. Court staff will routinely verify your employment and/or educational program through phone contact with the employer or educational institution, through copies of paycheck stubs, grade reports, class attendance records, etc. We strongly encourage you to notify your employer of your participation in the D.W.I. Court Program including required court appearances and treatment sessions.

PBTs AND URINE SCREENS

D.W.I. Court participants are expected to undergo frequent PBTs, possibly daily, and random urine screens for the first 120 days of the program. Thereafter, testing may decrease depending on your success in the program.

If you miss a PBT or urine screen, it is mandatory that you call your Probation Officer. Missed PBTs or urine screens are considered a positive result and subject to immediate sanction(s), and will be dealt with further at the next Review Hearing.

If you attempt to tamper with a test sample, or engage in any type of falsification of a submitted sample, or seek to have another do so, you will be subject to sanction(s) and/or termination from the program.

NOTE: If you believe you may test positive, you should notify your Probation Officer **before** you test.

NOTE: At any time during the program, you may be tested for drugs and/or alcohol at any time by the Probation Officer, Law Enforcement, or a drug testing facility. Testing may include a drug test, breathalyzer, or any other form of testing deemed appropriate.

REWARDS & SANCTIONS

In order to help encourage positive change, the program will utilize rewards and sanctions. This may include time spent in phases, increased or decreased appearances in court, and the imposition or suspension of community service, Electronic home detention and jail time.

TERMINATION

You may be terminated from the program for a variety of reasons including:

- You petition the Court for voluntary termination;
- You exhibit violent behavior or threats of violent behavior toward yourself or others;
- You display inappropriate, disruptive or non-compliant behavior;
- You refuse to satisfactorily participate in program requirements;
- You are charged with another criminal offense;
- You fail to appear for review hearings or report days;
- Repeated violation of program rules;
- Repeated dilute, missed or positive drug screens/PBT's.

RESIDENCE

In order to participate in D.W.I. Court, you must be a resident of Jefferson County. Your place of residence must be verified. If you attempt to falsify your place of residence, you may be subject to sanction(s) and/or termination from the program. You may not leave the area without obtaining permission from the D.W.I. Court Team or your Probation Officer.

Your Probation Officer may appear at your place of residence at any time of the day or night to conduct a drug and/or alcohol test on you. As part of your participation in D.W.I. Court, you agree to allow the officer to conduct the test. If you are not present at your residence, and you are not working or at school, or do not otherwise have a legitimate, verifiable reason for not being home, you may be subject to sanction(s) and/or termination from the program.

D.W.I. COURT PROGRAM DESCRIPTION

Listed below are the general requirements for each phase. Please keep in mind that each participant in the D.W.I. Court program has different needs: You may be required to participate in one or more activities that are not on this list. Ultimately the D.W.I. Team will determine what program best fits your individual needs.

PHASE I

- Frequent, possibly daily, PBTs for a least 90 days.
- Weekly random urine drug/alcohol screens (1 to 3 times per week).
- Contact with Probation Officer a minimum of twice per week.
- Maintain a personal log/diary daily.
- Review Hearing attendance at least once per week.
- 90 A.A./N.A. meetings within 90 days (one per day) followed by a minimum of 3 per week, with verification.
- Obtain A.A./N.A. sponsor with verification and actively work a 12-step program.
- Meet with Treatment Provider, enroll in counseling as recommended by substance abuse assessment, with verification, no unexcused absences.
- Random home/employer visits by Probation/Law Enforcement.
- Regular payments toward fines/costs
- Minimum of 90 days sobriety to move to *Phase II*.

PHASE II

- Random PBTs
- Random urine drug/alcohol screens (minimum once per week).
- Contact with probation officer minimum of once per week.
- Review Hearing attendance at least once every two weeks.
- Attendance at a minimum of (3) three 12-Step meetings per week with verification.
- Random home visits by Probation/Law Enforcement.
- Continued recommended treatment sessions with treatment provider.
- Continued compliance with payment schedule. A minimum of half fines and costs must be paid prior to moving into *Phase III*.

PHASE III

- Random PBTs.
- Random urine screens (minimum 2 times per month).
- Contact with Probation Officer minimum once every 2 weeks.
- Review Hearings attendance every 2 weeks.
- Continued participation at 12-Step meetings with verification (minimum of two (2) per week).
- Random home visits by Probation/Law Enforcement.
- Fines and costs paid in full.
- Written narrative describing lifestyle changes.
- Continued recommended treatment sessions with treatment provider.
- Complete Community Service before moving to *Phase IV*.

PHASE IV

- Random PBTs.
- Random urine screens (minimum once per month).
- Contact with Probation Officer minimum once per month.
- Review Hearing attendance at least once per month.
- Continued treatment/counseling & 12 step meeting medal/plaque.

GRADUATION

You will be eligible for graduation from the program when each of the following conditions have been met:

- You successfully complete each phase of the program (minimum 12 months);
- You have demonstrated sobriety for at least 120 consecutive days;
&
- The D.W.I. Court Team determines you are suitable for graduation.

CONFIDENTIALITY

Federal law requires that drug court participants' identities and privacy be protected. In response to these regulations, the D.W.I. Court has developed policies and procedures that guard your privacy. Upon entry into D.W.I. Court, you will be asked to sign a *Consent for Disclosure and Exchange of Confidential Substance Abuse and Mental Health Information*. This disclosure of information gives the D.W.I. Court permission to obtain prior and current substance abuse treatment information and allows the D.W.I. Court teams to discuss your progress. You will be expected to allow the Teams' access to medical and other records of care and services (as necessary, and with your full knowledge) that may impact your participation in the program.

D.W.I. COURT RULES OF ETIQUETTE

Here is a listing of rules regarding conduct from each participant for when appearing before the D.W.I. Court Team:

- Be quiet in Court and when it is your turn to talk to the Judge, call her "Judge" or "Your Honor".
- Turn off your cell phone.
- No chewing gum.
- Dress appropriately for court: a shirt or blouse, pants, dress or skirt of reasonable length; shoes must be worn at all times; clothing bearing violent, racist, sexist, drug or alcohol-related themes or promoting or advertising alcohol or drug use is considered inappropriate. No shorts, no gang attire, no tank tops or halter tops.
- No hats.
- Be prepared! Have any reports regarding A.A./N.A. meetings, diary, proof of employment, etc... with you.
- Most importantly, be on time! A pattern of late arrivals may result in a sanction.

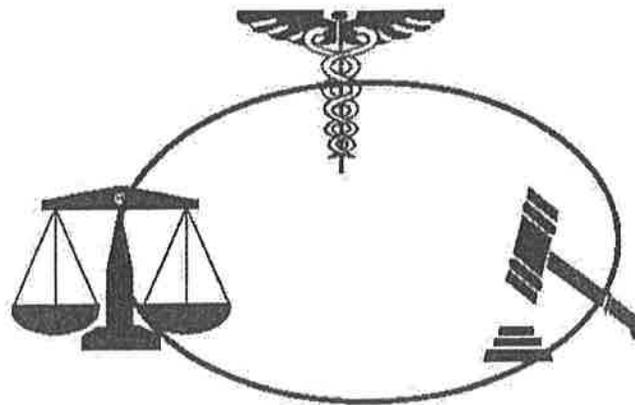
Important telephone numbers:

Jefferson County District Court.....	(870) 541-4646
Protract Development (probation supervision).....	(870) 850-6843
Alcoholics Anonymous (Grace Episcopal Church).....	(870) 535-3852
Family Service Agency.....	(501) 372.4242

If you have any questions or concerns at any time, call one of the numbers above. You have many people supporting your efforts to succeed in this program. Your success is our success!

**11th JUDICIAL DISTRICT WEST DIVISION 6
JEFFERSON and LINCOLN COUNTY
JUVENILE DRUG COURT**

PARTICIPANT HANDBOOK



December 2010

EXHIBIT
3

Table of Contents

Section	Page
Juvenile Drug Court Team.....	3
Introduction to Juvenile Drug Court.....	4
Program Description.....	5
Drug Court Program Rules.....	6
Family Involvement.....	7
Supervision.....	8, 9
Treatment.....	10
Treatment Phases and Advancement Criteria.....	10, 11, 12
Drug Testing and Medication Policy.....	13
Sanctions.....	14
Incentives, Graduation, Confidentiality & Summary.....	15

Table of Contents

Section	Page
Juvenile Drug Court Team.....	3
Introduction to Juvenile Drug Court.....	4
Program Description.....	5
Drug Court Program Rules.....	6
Family Involvement.....	7
Supervision.....	8, 9
Treatment.....	10
Treatment Phases and Advancement Criteria.....	10, 11, 12
Drug Testing and Medication Policy.....	13
Sanctions.....	14
Incentives, Graduation, Confidentiality & Summary.....	15

Juvenile Drug Court Team

Juvenile Drug Court Judge	Earnest E. Brown, Jr.
Chief of Staff	Roderick Shelby, Sr.
Deputy Chief of Staff	Juawana Jackson
Drug Court Coordinator	Dennis L. Johnson
Assistant Drug Court Officer	Vivian Butler
Prosecuting Attorney	Mickie Tucker
City Attorney	Therese Free
Public Defender	Tom Owens
	Wilson Bynum
Treatment Representative	Southeast Arkansas Behavior Healthcare System
	Bessie Lancelin
	United Family Services
	Betty Butler
	Larry Battles
Arkansas Counseling Associate	Ernie Murray
Educational Representative	Dr. Patsy Clark-Pace

Introduction to Juvenile Drug Court

The Juvenile Drug Court program is for those youth who are abusing substances and are involved in the Juvenile Department because they committed a crime.

This program is able to provide additional support and accountability to youth and their families.

The mission of the Juvenile Drug Court is to partner with Jefferson County Teens and Families to build drug-free lives focusing on success through intensive therapy, supervision and incentives.

Our goal is to reduce recidivism among at-risk juveniles, thereby reducing drug-related juvenile offenses in the county by determining the participants most-at-risk of failure and what programs will have the strongest impact on the juvenile's success rate.

The benefits of being involved in the Juvenile Drug Court Program may include:

- Dismissal of new charge upon successful completion
- Intensive treatment and supervision
- Individualized interventions
- Family support
- Reduced timeline between arrest and intervention
- Remain in your home, school and community
- Personal involvement in planning treatment
- Suspension of Driver's License waived

Program Description

The Jefferson and Lincoln County Drug Court Program is a Court-supervised, comprehensive treatment program for youth and their families. The Program includes treatment, which involves drug testing, individual/family/group counseling, regular attendance in support groups and Court appearances before the Juvenile Drug Court Judge. The Juvenile Drug Court Program is a combined effort by the Circuit Court, Prosecuting Attorney, Public Defender, Juvenile Department, United Family Services, and other community-based organizations. The program length is determined by each participant's progress and placement in treatment, but is designed to last at least eight (8) months.

If the Drug Court Team determines you to be eligible and appropriate you will be offered the choice of Juvenile Drug Court. The Drug Court Coordinator, Case Managers, or Intake Officer will discuss the Juvenile Drug Court with you and a Public Defender, or your private counsel, will advise you of your legal options. While in the program, you will be required to comply with specific terms and conditions. On your initial Court date you will be assigned a Case Manager who will provide supervision, answer questions, and assist you in completing the program. Supervision will include unannounced home visits, school visits, and random drug screens.

As a Juvenile Drug Court participant, you and a parent, guardian, caretaker, or significant adult will be required to appear in Drug Court on a regular basis. At each appearance, the Judge will be given a progress report regarding drug test results, treatment and school attendance, and participation. The Judge will ask questions about your progress and discuss any specific problems you may be experiencing. If you are meeting the goals as set out, you will be allowed to continue with the program. If you commit program violations (for example, positive or missed drug screens, failure to attend or participate properly in individual/group counseling, failure to attend support groups, missing school, failing to report to your Case Manager, etc.) the Judge may impose sanctions (See Sanctions) With repeated violation of program requirements, and /or failure to progress satisfactorily, the Judge may discharge you from the program and your case will be set for disposition or sentencing.

New arrests could result in termination from the program. Other violations which could result in termination or sanctions include: drug use, new law violation, violence or aggressive behavior in treatment, failure to meet treatment goals, behavior that is disruptive in group or threatens the success of other participants, failure to attend treatment groups or court reviews, etc. If you are terminated from the Juvenile Drug Court Program you will be returned to Court for disposition, which could include: Formal probation, residential treatment, commitment to the Juvenile Detention Center or the Division of Youth Services.

Drug Court Program Rules

- As a Juvenile Drug Court participant, you will be required to do the following:
- Not possess or use any alcohol, inhalants or illegal drugs or possess any drug-related paraphernalia.
- Not violate any city, county, state, or federal laws.
- Appear in Court on scheduled court dates and times. Failure to appear in Court may result in a warrant for your arrest.
- Comply with all the requirements of your treatment plan, including counseling sessions, treatment groups, and other activities. The Drug Court Team must approve all absences.
- Notify the Case Manager immediately of any address/telephone number changes.
- Contact the Case Manager as scheduled and co-operate with home visits.
- Comply with regular and frequent drug testing and the drug-testing contract.
- Attend self-help meetings (such as NA/AA) weekly, as set out in your treatment plan and provide written verification.
- Satisfactorily progress in school as demonstrated by attending school regularly, maintaining good academic performance, and following all school rules and expectations.
- Provide written proof of excused absences if requested.
- Not share information that is discussed while in the Juvenile Drug Court Program with others.
- Provide a list of prescription medications that you are taking and notify your Case Manager of any changes.
- Attend full time work/school, or a combination of both on a daily basis as directed.
- Pay all required fees in a timely manner.
- You will not travel outside of the four county area (Jefferson, Pulaski, Lincoln and Desha) without first receiving permission from your case manager and/or drug court team.

Family Involvement

Family involvement is critical to effective drug and alcohol treatment and juvenile court interventions. Since substance-abusing adolescents respond best to treatment when their families support their efforts, the family must agree to participate in each child's treatment. Parental education groups and family therapy will be a part of the adolescent's treatment program. Supporting a child in drug and alcohol treatment requires considerable effort and diligence in providing supervision, support, and caring.

Parental Responsibility Includes:

- Signing waivers for exchange of information between the Drug Court Team members and various agencies.
- Active participation in Family Therapy.
- Recognizing that substance abuse is a family problem and educate themselves on its impact on their children and family.
- Recognizing how it can seriously harm their children if the parent(s) have a substance abuse problem.
- Providing appropriate role models that do not approve of drug and alcohol abuse.
- Recognizing signs of drug and alcohol use in their children and responding with appropriate sanctions.
- Providing a substance free environment that promotes recovery. All alcohol should be out of the home. All medications should be locked up including over the counter medication.
- Establishing and enforcing behavioral ground rules.
- Participating as an "active" member of the Drug Court team by attending court and communicating with the other members of the team.

Supervision

As a participant of the Drug Court Program, you will have a case manager who will supervise your case and discuss the program's rules with you. The case manager will oversee, but not limited to, the following terms:

PAGING

The Drug Court team is dedicated to all participants with regard to assisting your family in the recovery process. For that reason we are on call to you on a 7-day a week, 24 – hour basis. The case manager carries a cellular telephone in order to respond to emergency situations when you are not able to handle the situation yourself. It is required that you contact your child's Probation Officer within 24 hours if he/she violates any Drug Court Probation rules.

There will be times when you feel as if you must contact someone immediately. We think that you will find the vast majority of the time you can handle the situation yourself. We encourage you to do so. Remember that we are a team and in any emergency, we will be there for you. However, one of the treatment goals is for you to be able to handle all situations as a family.

CURFEWS

Curfews are determined according to age and program phase. Participants are to be in the home at the time of curfew and remain home until the next day at 6:00 a.m. Participants are only permitted to be out past curfew when accompanied by a parent.

Curfews may be periodically checked by unannounced home visits and/or telephone calls. It is required that the Case Manager sees the participant face to face and/or speaks to them directly on the telephone.

WORK SCHEDULES/PAY STUBS

If a participant works while in Drug Court, they are responsible for submitting work schedules on a weekly basis. Work schedules are to be submitted every week. Schedules are to be turned in at the beginning of the week, or as soon as they are available. Pay stubs must be submitted to the Probation Officer every time a paycheck is issued.

HOUSE ARREST

When a youth is on house arrest they are not to leave their residence without being accompanied by a parent/guardian or an approved adult.

The only times a youth is allowed to leave their residence without being accompanied by a parent/guardian is when in transit to Juvenile Drug Court meetings, groups, school and work.

JUVENILE ELECTRONIC MONITORING PROGRAM

This program entails wearing an ankle bracelet (a small monitor which looks similar to a pager) to monitor a client's whereabouts.

The family is required to have a phone line available for the monitoring equipment to function. All extra services (i.e. call waiting, voice messaging, etc.) must be removed from the line. (See attachment)

All scheduling will be authorized through the Case Manager or as ordered by the Juvenile Drug Court Judge.

FEES

There will be a \$5.00 treatment fee for each treatment session. This fee will be waived if the juvenile and/or family attend the sessions. A \$20.00 fee will be imposed for drug tests and other fees may be incurred for confirmation of positive drug tests. Court costs will be ordered in the amount of \$35.00. All fees will be paid to the Jefferson County Juvenile Court. Under certain circumstances the case manager and/or case manager will grant a waiver for extenuating circumstances. You must contact your case manager ahead of time if you are going to be absent.

COURT APPEARANCES

You will be required to attend court at various intervals throughout the drug court program for hearings. Generally, you will appear in court more frequently at first, and less as you progress in the program. Your demeanor and appearance in Court is very important. You are expected to dress appropriately for Court. While in Court, participants will be expected to wear a shirt or blouse, pants, dress, or skirt of reasonable length. Shoes must be worn at all times. Participants are expected to wear clothes that are not sagging or that reveal stomachs, belly buttons, underwear, cleavage, or rear ends.

Clothing bearing drug or alcohol related themes, promoting or advertising drug use, or bearing profanity is considered inappropriate. Absolutely no shorts, tube tops, halter type tops, or hats are allowed in the courtroom. Also, cellular phones and pages should not be brought into court. Sunglasses are not to be worn inside the Court unless medically approved. While in Court, you should respond openly and honestly when addressed by the Judge. You are expected to converse directly with the Judge about your progress. When addressing the Judge, you should look at him and address him as "Your Honor". You should also sit/stand up straight and answer questions in a tone loud enough for the Judge to hear you.

Treatment

TREATMENT PLAN

You, your parent, Case Manager, and Treatment Counselor will develop an individualized treatment plan based on an overall assessment of your problems and needs. The treatment plan will act as a guide for your initial treatment phase and within it, you will set goals, select methods for meeting these goals, and develop target dates for achieving those goals. The treatment plan will be maintained by you and your Treatment Counselor and will be updated as you progress through the program.

COUNSELING

Substance abuse counseling will be done in several ways: individual, family, and group. As a part of your treatment plan, you will be required to participate in group counseling and may be asked to participate in family and individual counseling. Your attendance and participation at the counseling sessions will be reported to the Judge as a part of your progress report.

SUPPORT GROUP MEETINGS

Attendance will be required in a sobriety support group such as AA/NA. The frequency of attendance is determined by your progress in the program and your phase level. Attendance is an important part of your recovery process to help familiarize you with a recovery program and help you develop levels of trust and to learn and create social bonds with others in recovery. Your Treatment Counselor will provide you with information regarding the time and location of meetings and will also direct you to special interest and recovery events in the community. You must provide proof of attendance to your Case Manager.

Treatment Phases and Advancement Criteria

The treatment program is a minimum of eight (8) months in length and is comprised of four (4) distinct phases;

PHASE I

During this phase (minimum of three (3) months), you will be assigned a Treatment Counselor and provided with a complete assessment. You will meet with the Treatment Counselor to establish a treatment plan that addresses problem areas and needs. This plan will include family treatment goals. This phase will also include the following expectations:

Attend Court twice a month;

Meet weekly with Case Manager;

Attend Phase 1 group, three times a week, for at least 12 weeks;

Begin family therapy sessions. One session must be completed during Phase 1;

Attend Process Group every other week alternating with Family Process Group;

Attend Family Process Group every other week alternating with Process Group, at counselor's discretion;

Attend one individual counseling per week if indicated by your treatment plan;

Comply with random drug testing (UA's will be observed) and have clean UA's for 30 days immediately prior to phase advancement;

Regularly attend school or structured community activity (i.e., work, community volunteering, GED preparation, vocational training, etc.);

Identify a support group (NA, AA, MA, etc.) to regularly attend while in Phase 2;

Meet goals and objectives of your treatment plan;

Demonstrate improved behavior at home;

PHASE II

During this phase (minimum of two (2) months), you and your Treatment Counselor will meet to develop an individualized treatment plan that addresses issues in this second phase. This should include but is not limited to family therapy goals, relapse prevention planning, vocational, social and living skills, and include the following:

Attend Court twice a month;

Meet with Case Manager every week, unless otherwise directed;

Attend group, twice a week, for at least eight (8) weeks;

Attend counseling as indicated by your treatment plan;

Continue family therapy sessions (if indicated);

Attend community support group once a week, unless ordered to attend more;

Comply with random drug testing (UA's will be observed) and have clean UA's for 45 days immediately prior to phase advancement;

Regularly attend school or structured community activity (i.e. work, community volunteering, GED preparation, vocational training, etc.);

Meet all goals and objectives of individualized treatment plan;

Attend Family Process Group one (1) time per month; Demonstrate improved behavior at home;

PHASE III

During Phase III (minimum of 1 1/2 months), you will be encouraged to take further steps of action in your recovery. You and your Treatment Counselor will develop an individualized treatment plan that addresses the following action steps: social, living, vocational, and educational skills, relapse prevention, and family therapy goals.

Attend Court one time per month;

Meet with Case Manager at least once a month;

Attend group, once a week, for at least 6 weeks;

Attend counseling as indicated by your treatment plan;

Attend community support group twice a week, unless ordered to attend more;

Comply with random drug testing (UA's will be observed) and have clean UA's for 45 days immediately prior to phase advancement;

Regularly attend school or structured community activity (i.e. work, community volunteering, GED preparation, vocational training, etc.);

Meet all goals and objectives of individualized treatment plan;

Help orient new youth to the program (if asked)

Construct an aftercare plan, which includes sobriety support, mental health outpatient counseling, or group attendance that is appropriate to your needs;

Demonstrate an understanding of personal problems of drug abuse, criminal behavior and relapse prevention;

AFTERCARE

The Aftercare Phase (minimum of 1 1/2 months) consists of a joint plan that includes expectations from the Drug Court Team and aspects important to participants and families to assist the youth in living a clean and sober lifestyle. The goal of the Aftercare Phase is to allow the youth to utilize the supports and skills they have developed to maintain a healthy, positive and productive lifestyle.

Drug Testing and Medication Policy

- You will be tested throughout your entire participation in Juvenile Drug Court. Failure to take a drug test will be considered a positive drug test result. The following are other expectations for drug testing:
- Drug testing will be required on a frequent and random basis. All drug tests will be supervised. Drug Testing will be performed by both the treatment team staff and case manager or other team member as ordered.
- A positive or “dirty” drug test will lead to a sanction or further recommendations made by the Juvenile Drug Court Team and could lead to termination from Juvenile Drug Court.
- Juvenile Drug Court will test for a variety of drugs and alcohol. The test will also screen for tampering. If you submit a sample that appears to have been diluted or tampered with, you will be required to wait until a legitimate sample can be obtained or it will be deemed positive.
- Any refusal or failure to give a drug test at the time requested by a treatment team staff, case manager or other team member as ordered would be considered a positive test.
- You may be required to pay for the costs of any positive drug tests as well as altered tests that are sent to the laboratory for further confirmation.
- Passive inhalation (second hand smoke) is not an excuse for a positive drug test.
- You must immediately notify the Juvenile Drug Court Case Manager if medication is prescribed for you. You are not allowed to take prescription medication that has not been prescribed to you by a physician and you must take such medication as directed. **A COPY OF THE PRESCRIPTION WILL BE REQUIRED.**
- You will refrain from taking over-the-counter medications and products (including mouthwash) that contain alcohol. You will refrain from the use of food products that contain poppy seed.
- The only over the counter medication you are authorized to take are Ibuprofen, Motrin, Tylenol, and similar generic brands.
- Robitussin, Nyquil, cold, allergy, or sinus medication may not be taken without a doctor’s note.

Sanctions

Non-compliance with the Drug Court Participant Contract or the court order will lead to sanctions. These may include, but are not limited to:

- Increase in treatment sessions or additional treatment requirements
- Increased monitoring and supervision
- Weekday and/or weekend curfews
- Repeating an earlier phase of the program for failure to graduate to a higher level
- Limited contact with peers, restriction on associates and activities
- Written papers and letters of apology
- Community Service hours
- Payment of fees
- Electronic Monitoring
- Restricted driving privileges
- House confinement, or ability to leave home only when accompanied by a parent
- Detention
- Discharge from the program

Incentives

Incentives will be provided to encourage or reward outstanding efforts or participation. Incentives include:

- Promotion to next phase
- Curfew extensions
- Special prizes
- Special Recognition
- Permission to participate in special events
- Waiver or Reduction in Fees

Graduation

Once you have successfully completed the criteria for each phase, you will be a candidate to graduate from the Juvenile Drug Court Program. It will be necessary to discuss your progress toward the goals you initially set and why you believe you have met the graduation criteria. Your family will be invited to join you in your graduation ceremony.

Confidentiality

Your identity and privacy will be protected consistent with Arkansas and federal laws. In response to these regulations, policies and procedures have been developed which guard your confidentiality. Your parent or guardian will be asked to sign a waiver authorizing the transfer of information between participating agencies.

Summary

The Juvenile Drug Court Program has been developed to help you achieve total abstinence from drugs and all criminal activity. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible member. The Judge and the Juvenile Drug Court Team are present to guide and assist you, but the final responsibility is yours. We hope this handbook has been helpful and answered most of your questions. If you have any additional questions, please contact us at 870-5415455.

Attachments

1. Group Rules
2. Treatment Program Expectations
3. Agreement by Parent(s)/Guardian(s)
4. Drug Testing Agreement
5. Travel/Special Request Form
6. Request for waiver of appearance of court or
counseling session

JUVENILE DRUG COURT PROGRAM GROUP RULES

1. I agree to come to group sessions free from the influence of any mood altering chemicals whatsoever.
2. I agree to abstain from the use of alcohol and all other drugs during my participation in the program.
3. I agree to attend all scheduled sessions and to arrive on time without fail.
4. I agree to preserve the anonymity and confidentiality of all group members. I will not divulge the identity of any group member or the content of any group or individual discussions to persons outside the group.
5. I agree to remain in the group for the time prescribed by the Juvenile Drug Court Team.
6. I understand that if I use, offer drugs or alcohol to any member of the group or use together with any group member; my actions will be immediately reported to the court.
7. I agree to raise for discussion in the group any issue which threatens my own or another member's recovery. I will not keep any secrets regarding another member's substance use or destructive behavior.
8. I agree to give a supervised urine sample and/or breathalyzer exam whenever requested.
9. I agree to dress appropriately and to conduct myself in an appropriate manner during each session, which includes refraining from any verbally or physically abusive behavior.

ACCEPTABLE BEHAVIORS IN GROUP

- | | | |
|---|---------------------------------|---------------------------------------|
| 1 | Sharing information about self. | 5. Personalizing: I, Me, My. |
| 2 | Giving feedback. | 6. Identifying feelings. |
| 3 | Accepting feedback. | 7. Listening and responding in group. |
| 4 | Constructive confrontation. | 8. Paying attention and caring. |

JUVENILE DRUG COURT PROGRAM EXPECTATIONS

As a participant in the Juvenile Drug Court Program, I understand I am expected to:

1. Attend all group sessions as scheduled.
2. Telephone to request permission to miss a session. (Permission must be granted by the case manager and/or Drug Court Team Treatment Staff. Participants may be required to attend group to participate in urine screens only.)
3. Participate in the formulation of my treatment plan and all sessions suggested.
4. Complete all assignments.
5. Report to staff any medical, psychiatric, or psychological services I receive.
6. Report any medical or emotional changes that I may experience to the staff.
7. Report any prescription/non-prescription drugs I take.
8. Make an attempt to follow all directions and recommendations for behavior changes and accept referral that may be offered by the staff.
9. Participate in all group, individual and family sessions, and to interact honestly with peers, family and staff.

The above has been reviewed and explained to me and my signature indicates an understanding of the Juvenile Drug Court Program expectations and willingness to comply.

Participant Signature _____ Date _____

Witness/Staff Signature _____

AGREEMENT BY PARENT(S)/GUARDIAN(S)

1. I/We understand the terms and conditions that will be imposed and must be followed in order for _____ to participate in Juvenile Drug Court and hereby give permission for him/her to participate in the program subject to those conditions.
2. I/We agree to participate in Multi-family group sessions and in Family Therapy sessions.
3. I/We also understand and agree that as a condition of this program, I/We must participate in all diagnostic and treatment session that will be required by the Juvenile Drug Court.
4. I/We agree not to reveal anyone else's information that I/We learn in Court or during treatment about any Juvenile Drug Court participants or their families.
5. I/We hereby authorize the release of all information about the medical and psychological condition, diagnostic evaluation(s), and/or treatment of _____ or me/us with the understanding that the information will only be used by the Juvenile Drug Court Team for the purpose of evaluating his/her progress in the Juvenile Drug Court program.

Parent(s)/Guardian(s) Signature

Date

Parent(s)/Guardian(s) Signature

Date

DRUG TESTING AGREEMENT

As a participant of the Jefferson and Lincoln County Juvenile Drug Court, I understand that I am required to provide a urine and/or breath sample at any time upon request by any member of the drug treatment court team. Such screens are conducted for the purpose of determining the presence of mood altering substances.

I understand and agree to the following conditions:

1. I am to provide a urine sample that is my own and that all urine screens are to be observed by a same-sex member of the drug team.
2. Attempts to adulterate a urine sample (including dilution) are considered a violation and will result in sanctions being imposed.
3. Urine samples must be submitted within thirty (30) minutes of request or they are considered positive. If at group time, a urine sample that is not submitted within thirty (30) minutes after the scheduled start of group will be considered positive.
4. The taking of another person's prescribed medication is a program violation subject to sanctions being imposed. Furthermore, should I be prescribed medication from my own physician, I will advise my probation officer or counselor immediately of this fact. I will refrain from taking over the counter medications and products (including mouthwash) that contain alcohol. Participants should also refrain from the use of fool products that contain poppy seeds.
5. I understand that I am to avoid being in the presence of the use of illegal substances. I am aware that my failure to remove myself from such situations may result in the imposition of sanctions.
6. I understand that drug testing is performed using on-site testing equipment or other approved drug testing devices. Should a urine sample be required to be sent to the laboratory for a confirmation test, I will be assessed the costs of the test. Should the confirmation test return negative, I understand that I will not be assessed any fee for the test.

I have read the above and/or have had the above read to me and understand the drug testing requirements of the Jefferson and Lincoln County Juvenile Court.

Participant Signature

Date

Parent/Guardian Signature

Date

Drug Court Staff Signature

Date

TRAVEL/SPECIAL EVENT REQUEST FORM

Vacation Curfew Extension Special Event

Full Name: _____ Date: _____

Names, Relationship, Address, and Telephone Number of Destination:

Purpose of Trip/Reason for Extension:

Date Leaving: _____ Date of Return: _____

Method of Travel: _____

Accompanied By: _____

Client Signature: _____

APPROVED BY:

Judge _____ Drug Court Officer _____

Date: _____ Date: _____

**REQUEST FOR WAIVER OF APPEARANCE AT COURT
OR COUNSELING SESSIONS**

Full Name: _____

Date requested: _____

Describe in detail why waiver is necessary:

Date(s) wavier is necessary: _____

Client Signature: _____

APPROVED BY:

Judge _____ Drug Court Officer: _____

Date: _____ Date: _____

AMENDED
IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ARKANSAS
ELEVENTH JUDICIAL DISTRICT-WEST
SIXTH DIVISION
FAMILY TREATMENT DRUG COURT

WELCOME TO FAMILY TREATMENT DRUG COURT (FTDC)

The Family Treatment Drug Court is a program designed to provide you with the opportunity to address your substance abuse as you work through dependency issues with your child(ren).

To reach this goal, FTDC will refer you to a Chemical Dependency treatment program (and community based support groups) and then monitor your progress while you attend court.

The total length of the program is about 12 to 15 months though each participant work through the program at his/her own pace. We hope that by working together, we can help you break the cycle of addition and build a better life for yourself and your children.

This program requires that you complete Chemical Dependency treatment, remain clean and sober and fulfill other requirements set forth by the FTDC Team.

THE BENEFITS OF FTDC

You will be linked to an appropriate treatment program by the Division of Children and Family Services (DHS), and your progress in treatment will be regularly reported to the FTDC Team.

You will be linked to health care, educational and vocational training and other services. You will receive ongoing support if you have problems getting or staying clean and sober. You will have the support of other parents in the FTDC program who are dealing with many of the same challenges you're facing with recovery and involvement with the child welfare system.

ELIGIBILITY REQUIREMENTS

A person may participate in cases where a foster care dependent neglect case is opened and services are offered.

Parents are eligible for FTDC when a foster care case is filed on a juvenile who has a minor child or parent that use drugs in Jefferson or Lincoln County and the petition contains an allegation of child maltreatment resulting from parental substance abuse. Referrals will be made at the time of probable cause, adjudication, or review hearings. Potential participant information is presented to the drug court team at a staffing (generally the DHS staffing prior to adjudication) and the team approves admissions to the program. There are some criteria that make parents generally ineligible to participate in the program. However, the team will review each case individually. There is no eligibility criteria based upon the child's characteristics. Case eligibility and ineligibility criteria are outline below:

1. CASE ELIGIBLE TO PARTICPATE IN FTDC

- Parent is a resident of Jefferson or Lincoln County.
- Parent consents to participate in drug court.
- Parent agrees to voluntarily participate in the FTDC program.
- Parent is able to secure transportation to access services and to meet program requirements.(DCFS may provide reasonable assistance for a period of time)
- Abuse/Neglect petition is filed on a juvenile where drug usage of a parent is an issue.
- **Parent has the cognitive ability to participate in the program.**

2. CASE INELIGIBLE TOPARTICIPATE IN FTDC

- Parent is deemed a violent offender as defined by federal, state, or local law.
- Parent has committed sexual abuse of a child.
- Substance Abuse is the diagnosed primary cause of deficiency.
- Parent's intellectual functioning leave him/her ineligible for alcohol and drug treatment.
- Parent is a convicted drug dealer **(subject to team or judicial review)**.
- Parent with a history of a prior termination of parental rights action will be considered on a case by case basis.
- Parent has committed any physical abuse of child**(subject to team or judicial review)**.
- Parent has had a diagnosis of serious mental illness with long-term history of noncompliance with treatment.
- Parents who have previously participated in FTDC will be considered on a case by case basis.
- Parent is experiencing severe and/or terminal medical issues which would prevent full participation in the program **(subject to team or judicial review)**.

- Child is in foster care/out-of home placement at the time of the permanency planning hearing in the underlying dependency case(subject to team or judicial review).

GETTING STARTED—THE FIRST WEEK OF FTDC

While having to face the truth of your addiction to chemicals and the need to begin treatment, you will now have to deal with the additional challenges of compliance to DCFS and our program.

If at any point you are confused about what to do next, or if you feel overwhelmed or discouraged, just talk to any FTDC Team Member for guidance.

Your primary weekly contact will be with your DCFS Case Worker and your treatment counselor. There is more information about the FTDC Team Members and their individual roles attached to this handbook.

Once you have passed your FTDC Interview and signed your Opt-In paperwork, you will likely ask "Now what do I do?" We've included a quick list (see next page) of the things you'll need to remember to do during your first week.

<u>For Treatment</u>	If you are in treatment or set to start—proceed as planned. If you are not sure about how you are supposed to proceed, call Kristin McCool at (870) 541-5455 for further instructions. If you leave a voicemail message, PLEASE leave an accurate contact number so treatment can call you back.
<u>12 Step Meetings</u> (done every week)	Attend at least 3 12-step meetings (AA,CA,NA, etc.) Please turn in your meeting verification slip (slips and schedules located in the back of this handbook) by each Thursday to your substance abuse treatment counselor. Slips may either be delivered in person or they can be faxed to (870) 541-8504.
<u>FOR DCFS</u> (done every week)	Please make contact with your DCFS Case Worker weekly to "check-in". Contact information is attached to this document.
<u>Court</u> (once per month)	Attend Court on the 4th Thursday of each month at 12:30 p.m.

PROGRAM RULES AND EXPECTATIONS

Although each "Phase" in Family Treatment Drug court has specific things you need to do for completion, there are general program rules and expectation you need to follow regardless of what "Phase" you are in. Here is a list of these rules:

- ✓ You must abstain from use of all non-prescribed mood or mind altering chemicals(including alcohol).
- ✓ You must reside in Jefferson or Lincoln County while participating in FTDC.
- ✓ **You must be prepared to take a drug test 7 days a week-365 days a year.**
- ✓ When taking a drug test, you cannot deliberately consume large amounts of liquid to dilute your urine or add anything to the urine afterwards to try and change the results.
- ✓ You must attend court as scheduled. If any emergency occurs and you cannot attend court(medical, accident, family, etc.) please call the Coordinator as soon as possible and leave a message stating why you will not be present in court.
- ✓ You must attend treatment as scheduled each week and complete all requirements set forth by your treatment counselor.
- ✓ You are required to attend (3) 12 -step meeting each week and turn in your slips to your treatment counselor (in person or by fax) by 12:00 noon on each Thursday.
- ✓ You must complete the "Medication Form" for any and all prescription medicines. Be aware of over the counter medicines that are prohibited in the FTDC program.
- ✓ If you change your address or phone number, you must complete a "Change of Address Form" and submit it within 24 hours to Kristin McCool, FTDC Coordinator and your DCFS caseworker.
- ✓ You cannot associate with known drug users, dealers, manufacturers or deliverers, and you cannot go to drug houses, bars or taverns.
- ✓ If you are planning on leaving the area for more than 24 hours you must complete a "Trip Request Form" and submit it to the FTDC Coordinator 2 weeks prior to your planned trip. Permission to leave the area for extended periods of time is subject to the approval of the FTDC Team.
- ✓ You must contact a member of the FTDC Team immediately if you have relapsed. Your success in Family Treatment Drug Court requires you to be honest about any continued use or relapse.

REVIEW HEARING/COURT APPEARANCE

You are required to attend regularly scheduled court review hearings at least monthly which the Judge reviews your progress toward recovery. Your treatment counselor will complete a status report in conjunction with each scheduled court date. You are expected to arrive promptly and be appropriately dressed (see Rules and Responsibilities) for court. Participants are expected to remain until the end of the court session each week.

Frequency of court appearances will decrease as you progress successfully through the program.

RULES AND RESPONSIBILITIES

COURTROOM RULES

Participants have a responsibility to dress and appear in the court and at the treatment center according to standard of propriety, safety and health and according to the following guidelines:

1. Turn off all pagers, cell phones and Blue Tooth devices BEFORE entering the courtroom.
2. Use of the Internet and texting are not allowed in this courtroom. You cannot engage in any outside communications while in court.
3. Participants will be fully attired at all times.
4. Tank tops, muscle shirts, halters, undershirts (as outer garments) are not acceptable.
5. Participants must wear shirts at all times. No bare midriffs, plunging necklines, or see-through fabric for men or women.
6. Pants must be worn at the waist, not around the hips. Skirts (including those with slits) must be no more than five inches above the knee.
7. Appropriate footwear must be worn, i.e. no flip flops.
8. No clothing displaying alcoholic beverages, drugs, nude pictures, obscenities or other words or images that may be offensive to other participants or staff will be allowed.
9. No hats, caps, bandanas, sweatbands or other non-religious headgear will be permitted at any time. No sunglasses will be allowed to be worn in the courtroom.
10. You are not to leave the courtroom once court has started. Take care of any personal needs (bathroom, phone calls, smoking etc.) before entering the courtroom.
11. Pay attention and respond to your turn at the podium then walk quietly to your seat.
12. Do not use the courtroom for socializing. Side talking is disrespectful and distracting.
13. No gum, food or drink except water is allowed in the courtroom.
14. No profanity or disrespectful language.
15. The Judge should always be addressed as "Judge" or "Your Honor". Stand at the podium when addressing the Judge.

DRUG TESTING

You are required to provide urine samples on a regular basis to monitor your progress. At times you may also be required to submit to other recognized drug/alcohol monitoring techniques. Urinalysis results and results of other monitoring techniques will be documented and made available to the court. Any positive urine screens, tampered or diluted samples, or refusal to provide a sample can be grounds for sanctions.

Do not ingest the following:

1. Any controlled substances (absent a valid prescription); or alcohol in any form like beer, wine or hard liquor. (Be aware that alcohol can be in medicines like Nyquil, or in cooking products like Bar-B-Que sauces, or in beverages like Near Beer)
2. Poppy seeds in any form (muffins, bagels, bread, salad dressing, etc.).
3. "Natural" or herbal remedies or supplements (e-ola, Mah huang).
4. Over the counter or prescription medicines without prior approval of your treatment provider.
5. Medications from Canada not sold over the counter in USA(222's etc.)

Read labels and ask questions before you put a substance in your body. Claiming that you did not know what was in something will not be accepted as an excuse. If you receive a positive drug test because you used one of the above and failed to follow the directions of the FTDC Team, you will receive a sanction. Be aware of what you are putting into your body.

You will be sanctioned for any positive urinalysis test result unless medically excused. A failure to appear on time or to provide a measureable urine sample will be treated the same as a positive test. An out of range sample (low creatinine, out of range temperature, PH or specific gravity, etc.) will be treated the same as a positive test. Any adulterated sample will be treated the same as a positive test.

If you have questions, ask your treatment counselor first

PRESCRIPTION MEDICATIONS

Participants in FTDC are expected to be drug free, including the use of mind or mood altering, potentially addictive, prescription medications. Participants with chronic pain requiring repeated use of prescription pain medication (opiate, narcotic or benzodiazepine medications) are not good candidates for the program. If you choose to participate in FTDC, you will be required to discontinue all addictive medications.

Clients who have opted into FTDC and have an acute pain episode must have the FTDC Medication Form completed by their doctor before they take any pain medication. The form must include the doctor's name, any medication given at time of services, medication prescribed, amount prescribed (including refills), reason for prescription, duration of treatment, and acknowledgement by the physician that you revealed that you are a substance abuser and the physician feels this is the best course of treatment. This form, with copies of the prescriptions, must be provided to your treatment counselor immediately.

PHASES OF PARTICIPATION

The FTDC program is divided into four "Phases". The FTDC Team will closely monitor your progress in each Phase as you work to become clean and sober and work toward permanency for your child(ren).

General criteria include participant's sobriety, progress in treatment and their dependency case, healthy interaction with their children, compliance with court orders and team recommendations.

RESPECTIVE GUIDELINES

PHASE 1: INTENSIVE
(1-3 MONTHS)

Goals of Phase 1

- Substance Abuse Assessment
- Participation in community-based treatment
- Detoxification and abstinence
- Assessment and referrals for additional services
- Assessment of children's need
- Develop educational and vocational goals
- Develop parenting skills
- Improve interaction with children
- Seek and maintain stable housing
- Develop dependency-case treatment plan

PHASE 2: KEEPING PACE
(4-8 MONTHS)

Goals of Phase 2

- Continued abstinence
- Follow continuing treatment plan
- Begin other services as determined by assessments and the drug court team
- Obtain a sponsor and verify weekly contact
- Educational or vocational training or employment
- Demonstrate parenting skills
- Maintain stable housing
- Healthy interaction with children

PHASE 3: TRANSITION
(8-10 MONTHS)

Goal of Phase 3

- Continued abstinence
- Follow continuing treatment plan
- Develop relapse prevention plan with treatment provider and present it to the team
- Develop aftercare plan
- Maintain stable housing

PHASE 4: AFTERCARE
(11-15 MONTHS)

Goals of Phase 4

- Continued abstinence
- Follow continuing treatment plan
- Follow relapse prevention plan including safety plan for children
- Maintain educational or vocational training and/or employment
- Maintain stable housing
- Continue to demonstrate stable parenting skills
- Continued healthy interaction with children

ACHIEVEMENTS AND INCENTIVES

WHAT IS AN INCENTIVE?

As you successfully progress in FTDC you will periodically receive incentives. The purpose of an incentive is to give you a tangible, positive acknowledge from the FTDC Team that you are doing well in the program. Incentives can be applause in the courtroom, verbal acknowledgement from the Judge, a decrease in required court appearances and/or UA frequency, gift cards to local retailers or sobriety gifts.

Are the incentives the same for everyone?

There are several possible incentives that can be granted for each particular achievement or milestone. Since every case is a little bit different, the FTDC Team decides which incentive is most appropriate for each case.

SANCTIONS

Just as it is important to recognize progress, it is also important to respond quickly to problems or shortfalls you may have in treatment participation. By imposing sanctions if you are not in compliance with program rules and expectations, the FTDC hopes to help you learn that there will be swift consequences for your actions. The objectives, however, are not only to remind you that you need to comply fully, but to help you stay engaged in the program and encourage you to continue working through the recovery process.

WHAT IS A SANCTION?

A sanction is a response to a failure to meet FTDC requirements. The seriousness of the failure determines the severity of the sanction imposed. If failure to meet program requirements accumulate, the sanctions become harsher.

Some examples of sanctions in FTDC include: reprimand from the Judge, increased court appearances, increased drug testing, demotion from a Phase, community service hours, essay writing, increased time in a treatment phase or termination from the program.

How many sanctions can I get before being terminated from the Family Treatment Drug Court? This is on an individual basis. There is some room for behavioral mistakes and adjustments. However, you will not get unlimited opportunities to change your behavior and succeed in FTDC. When you run out of opportunities, you risk being terminated from the program.

GRADUATION

After you have fulfilled all the FTDC Graduation Requirements (see below), you will graduate the program.

Graduations are very special in FTDC and are celebrated by the awarding of completion certificates by the Judge and by having family & friends present in court to vocalize their congratulations.

GRADUATION REQUIREMENTS

- ✓ Abstinance throughout Phase Four
- ✓ Successful discharge from a substance abuse treatment program
- ✓ Documented participation in an aftercare program
- ✓ Attain stable housing
- ✓ Resolve any outstanding warrants
- ✓ Maintain support system, relapse prevention plan, and safety plan for the children
- ✓ Appropriate permanency plan for children
- ✓ Drug Court team recommendation

The Family Treatment Drug Court Program has been developed to help you be a better parent and to live a clean and sober life.

The Judge and the FTDC Team are here to assist and guide you, but the final responsibility is yours. We care about our participants, but you are the one who has to make it! If you have any additional questions or concerns about this FTDC, talk to us.

Finally, do not forget your family and those who are close to you! Make them a part of what you are trying to accomplish, and let them share in your success.

MEMORANDUM OF UNDERSTANDING

between

Central Arkansas Veterans Healthcare System (CAVHS)

and

Dept. of Veterans Affairs Regional Office (VARO)

and

Jefferson County District Courts, Division I and II

Background: Each year many Veterans are charged with misdemeanor offenses in Jefferson County, Arkansas. Many of these Veterans have medical, mental health, substance abuse and other problems, including those which are related to their military service. These Veterans are often unable to access rehabilitative services except through the Department of Veterans Affairs (VA). The Jefferson County District Courts, Division I and II, have agreed to establish a Veterans Treatment Court with the VA to divert select members of the Veteran population, who are charged with qualifying offenses, and who have underlying substance abuse, or a co-occurring substance abuse and mental health issues, away from jail and into appropriate rehabilitative programs. The Veterans Treatment court will operate as an exceptional sub-set of the existing Jefferson County District Courts, Division I and II.

Purpose : The purpose of this Memorandum of Understanding (MOU) between Central Arkansas Veterans Healthcare System (CAVHS), the Dept. of Veterans Affairs Regional Office (VARO) and the Jefferson County District Courts, Division I and II, is to establish the Jefferson County Veterans Treatment Court (VTC). This VTC will provide the opportunity for interested Veterans to be diverted from jail and into appropriate rehabilitative services. It is the mission of the VTC program to promote recovery and rehabilitation from addiction, to provide reasonable access to appropriate mental health services, to reduce recidivism from criminal activity, and to return and reintegrate the offender to productive functioning within the community.

Parties to this MOU agree as follows:

1. The VTC will include representatives from the Jefferson County District Courts, Division I and II, the Pine Bluff City Attorney, Jefferson County Prosecutor's Office, Jefferson County Public Defender's Office, District Court Probation Office, the Department of Veterans Affairs Regional Office (VARO) (by telephone or special request), the Veterans Treatment Court Mentor Program, and the Central Arkansas Veterans Healthcare System (CAVHS).
2. Current qualifying misdemeanor criminal charges.
3. The VTC is a voluntary program, which requires Veterans charged with qualifying offenses to agree to participation, in writing, prior to entry into the VIC.

70



4. The VTC will provide all necessary participation forms. This will include a release of information form which will allow communication between the VA and the court regarding the participating Veterans' treatment, criminal history and charges and other specified information. The parties understand and agree that only the information specified on the release of information signed by the Veteran can be discussed as it relates to the Veterans participation in the VTC. The parties understand and agree that if the consent to release information is revoked by the Veteran/defendant, at any time, the VA will be unable to provide any information to the VTC pursuant to federal privacy laws.
5. The CAVHS will provide a Veterans Treatment Court Liaison whose responsibilities will include:
 - a. Obtain and scan into the VA's Computerized Patient Record System (CPRS) consents for Release of information between the VA and the VTC for each Veteran/defendant and verifying validity of the same prior to any disclosure.
 - b. Appear at the VTC docket on a monthly basis to respond to court inquires and assist with scheduling of treatment appointments.
 - c. Provide treatment plans and status to VTC on a regular basis.
 - d. Assist in the assessment and treatment planning and placement for Veteran/defendants.
 - e. Provide assistance with VA enrollment and eligibility determinations.
6. The VARO will provide one Veterans Treatment Court Liaison whose responsibilities shall include:
 - a. Obtain and file consents for Release of Information between the VARO and the VTC on behalf of each Veteran/defendant and verify eligibility of said claims prior to any disclosure.
 - b. Appear at the VTC docket , or be available by telephone on an as needed basis.
 - c. Provide assistance to Veterans/defendants regarding VA benefits and program eligibility determinations as needed.
7. The CAVHS agrees to adopt the treatment recommendations proposed by the VTC on a regular basis as long as the treatment is consistent with the CAVHS's standard of care. If the CAVHS is unwilling to adopt the treatment recommendation proposed by the VTC, the parties shall attempt to reach an agreement as to the proposed level of treatment to be provided by the CAVHS; however, in the absence of such an agreement, the VTC will seek alternative treatment options existing within the community.
8. The parties understand and agree that the CAVHS may provide an assessment of a Veteran/defendant in the case that the VTC evaluator is unable to do so; however, under no circumstances can the VA provide treatment to a Veteran/defendant while the Veteran/defendant is in custody. Pursuant to 38 U.S.C. § 1717(h); 38 C.F.R. § 17.38(c) (5), VA will not furnish hospital and outpatient care to a Veteran-defendant who is an inmate of an institution of another governmental agency if that agency has the duty to give the care and services.

9. The VTC agrees that the referral for treatment shall be general as to the level of treatment and it is within the discretion of the CAVHS to develop a specific treatment plan for each Veteran/defendant. The VA shall provide treatment to the degree and duration needed in accordance with the CAVHS standard of care.
10. The parties understand and agree that the CAVHS may only provide treatment through programs and services the CAVHS has available and to which a Veteran is eligible and entitled to receive under federal law. Also, that the CAVHS may be limited in its treatment options due to budget and availability of providers.
11. The parties understand and agree that Veteran/defendants participating in the VTC program may not receive priority over Veterans who are not participating in the VTC.
12. The Veterans Treatment Court Mentor Program will be the responsibility of the Jefferson County District Courts, Division I and II.
13. CAVHS's authority to pay for care for a Veteran/defendant at non-VA facilities is limited to those specific situations as set forth in 38 U.S.C. § 1703.
14. In order to assist in treatment planning, the VTC agrees to provide the VA with the Veteran/defendant's criminal history and current charges at the time of referral to the VA .
15. The parties shall not make any statements, representations or commitments of any kind, to bind another party except as expressly provided herein or otherwise agreed to by the parties in writing.

Confidentiality of Identifiable Health Information:

- A. Medical Records produced or maintained by the VA shall be and remain the property of the VA and shall not be removed or transferred from the VA except in accordance with 5 U.S.C. § 552a (Privacy Act), 38 U.S.C. § 5701 (Confidentiality of Claimants Records), 5 U.S.C. § 552 (Freedom of Information Act), 38 U.S.C. § 5705 (Confidentiality of Medical Quality Assurance Records), 38 U.S.C. § 7332 (Confidentiality of Certain Medical Records) and federal laws, rules and regulations. Subject to applicable federal confidentiality and privacy laws, Veteran/defendant's and their properly designated representatives, the VTC designated representatives , and designated representative of the federal regulatory agencies with jurisdiction, upon written request, may, during normal business hours have access to the Veteran/defendant's information from the VA records.

All individually identifiable health information shall be treated as confidential by the parties in accordance with all applicable federal, state, and local laws, rules and regulations governing the confidentiality and privacy of individually identifiable health information, including, but without limitation, the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

B. Mutual Responsibility Regarding Use of Disclosure of Contractor's responsibilities Regarding Use and Disclosure of Protected Health Information (PHI) as defined in 45 CFR § 160.103 or Electronic Protected Health Information (E PHI)

- (1) **General:** The parties agree to be bound by all applicable Federal and State of Arkansas licensing authorities' laws, rules and regulations regarding records and governmental records, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, the HIPAA regulations (codified at 45 CFR Parts 160 and 164). Where federal law conflicts with State of Arkansas Law, federal law prevails.
- (2) **Representations:** Each party represents that it is familiar with the Privacy and Security Requirements and with Federal and Arkansas requirements governing information relating to HIV/AIDS, mental health, and drugs and alcohol treatment or referral.
- (3) **Specific:** Each party agrees to:
 - a. Nondisclosure of PHI: Not to use or disclose PHI received from the other party or created, compiled, or used by the other party pursuant to this Agreement other than as permitted or required by this Agreement, or as otherwise required by law.
 - b. Limitation on Further Use or Disclosure: Not to further use or disclose PHI received from the other party or created, compiled, or used by the other party pursuant to this Agreement in a manner that would be prohibited by the Privacy and Security Requirements if disclosure was made by another party, or if either party is otherwise prohibited from making such disclosure by any present or future Arkansas or Federal law, regulation, or rule.
 - c. Safeguarding PHI: To use appropriate safeguards to prevent use or disclosure of PHI other than as provided for by this Agreement or as required by Arkansas or Federal law, regulation or rule.
 - d. Reporting Unauthorized Disclosures: To report to the other party any use or disclosure of PHI that is not authorized by this Agreement immediately upon becoming aware of such unauthorized use or disclosure.

- e. Safeguarding EPHI: To implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of EPHI.
- f. EPHI Subcontractors and Agents: To ensure that any agent to whom the party provides EPHI, including a subcontractor, agrees to implement reasonable and appropriate safeguards to protect such EPHI.
- g. Reporting EPHI Incidents: To report to the other party any security incident.
- h. Subcontractors and Agents: To make all reasonable efforts to ensure that any subcontractor or agent, to whom, a party provides PHI pursuant to this Agreement, agrees to the same restrictions and conditions that apply to the party with respect to such PHI.
- i. Mitigation: To mitigate, to the extent practicable, any harmful effect that is known to the party of a use or disclosure of PHI or EPHI by the party or by its subcontractor or agent resulting from a violation of this agreement.
- j. Notice-Access by Individual: To notify the other party in writing of any request by an individual for access to the individual's PHI and, upon receipt of such a request, provide access to the degree required or permitted by law, or, if the other party maintains the requested records, to direct the individual to the other party for access to the individual's PHI.
- k. Notice-Request for Amendment: To notify the other party in writing of any request by an individual for amendment to the individual's PHI and, upon receipt of such request from the individual, make such amendments as required or permitted by law, or if the other party maintains the records, to direct the individual to the other party to request amendment of the individual's PHI.
- l. Notice-Request for Accounting: Upon receipt of any request from an individual for an accounting of disclosures made of the individual's PHI, to provide such an accounting as required or permitted by law, and to notify the other party in writing of any such request; or if the other party maintains the records, direct the individual to the other party for an accounting of the disclosures of the individual's PHI. Pursuant to 45 CFR 164.528(a) an individual has a right to receive an accounting of certain disclosures of PHI in the six years prior to the date on which the accounting is requested.
- m. Document of Disclosures: To document disclosure of PHI and information related to such disclosures as is necessary for either party to respond to a request by an individual

for an accounting of disclosures of PHI in accordance with 45 CFR § 164.528, as amended.

- n. Termination Procedures: Upon termination of this agreement for any reason, to transfer to the other party the PHI received from the other party or created, compiled, or used for the other party pursuant to this Agreement, or, is specially requested to do so by other party in writing, destroy all PHI of the other party. If a party determines that transferring or destroying the PHI is infeasible, the party shall: (i) provide to the requesting party a notification of the conditions that make transfer or destruction infeasible; (ii) extend the protections of this agreement to such PHI; and (iii) limit any further uses and disclosures of such PHI to those purposes that make infeasible the return, or transfer, or destruction.
- o. Notice-Termination: Upon written notice to the other party, a party may terminate any portion of this agreement under which the other party maintains, compiles, or has access to PHI or EPHI. Additionally, upon written notice, a party may terminate the entire agreement if it determines that the other party has repeatedly violated a Privacy or Security Requirement.
- p. Survival of Privacy Provisions: obligations with regard to PHI and EPHI shall survive termination of this Agreement.
- q. Amendment Related to Privacy and Security Requirements: The parties agree to take such action as is necessary to amend this agreement if necessary to comply with the Privacy and Security requirements, or any other law or regulation effecting the use or disclosure of PHI or EPHI. Any ambiguity in this Agreement shall be resolved to permit the parties to comply with applicable Federal and Arkansas law.

Independent Contractors and Sub-contractors: For the purposes of this MOU, the relationship of the parties shall not be construed or interpreted to be a partnership, association, joint venture, or agency. The relationship of the parties is an independent contractor relationship and not agents, representatives, or employees of the other party. No party shall have the authority to make any statements, representations, or commitments of any kind or to take action that shall be binding on another party, except as may be expressly provided for herein or authorized in writing.

Liability: Each party shall retain the rights and remedies available under applicable Federal and State laws. Each party shall be responsible and liable for the errors and omissions of their employees, agents and representatives. VA employees performing under this MOU are covered by the Federal Tort Claims Act and do not carry separate insurance.

Modifications: This agreement may require future modifications. Any party may propose changes to this MOU during its term. All modifications shall be in writing and except for cancellations have the written consent of all parties. Changes shall be in the form of an amendment and shall become effective upon signature by all of the parties. Only those individuals signing below may approve binding modifications to this agreement.

Notices: Any notices required or resulting from this MOU shall be in writing and made to the following:

Dr. Margie Scott, Acting Director
Central Arkansas Veterans Healthcare System
2200 Ft. Roots Dr.
North Little Rock, AR 72114

Lisa C. Breun, Director
Dept. of Veterans Affairs Regional Office
2200 Ft. Roots Dr., Building 65
North Little Rock, AR 72114

Honorable Judge Kim Bridgforth, Division I
Jefferson County District Court, Division I
200 East 8th Street
Pine Bluff, AR 71601

Honorable Judge John Kearney, Division II
Jefferson County District Court, Division II
200 East 8th Street
Pine Bluff, AR 71601

Terms of Agreement: The term of this MOU is one (1) year commencing on October 21, 2014 2014. Thereafter, for all parties who do not opt out by written notification to all parties, it will automatically renew for consecutive one (1) year terms commencing on the anniversary date, of each year until amended. Any party may terminate its participation in this MOU at any time by providing written notice to all other parties not less than thirty (30) days prior to the effective date of such termination. If a party terminates its participation in the MOU, the parties agree to honor any and all agreements entered into with participating Veteran/defendants until the conclusion of their criminal case.

IN WITNESS WHEREOF, this instrument has been executed on behalf of the Central Arkansas Veterans Healthcare System, the Department of Veterans Affairs Regional Office, and the

Jefferson County District Courts, Division I and II, by a duly authorized representative of the same:

Accepted for Central Arkansas Veterans Healthcare System:

Dr. Margie Scott, Acting Director

Date

Accepted for the Dept of Veterans Affairs Regional Office:

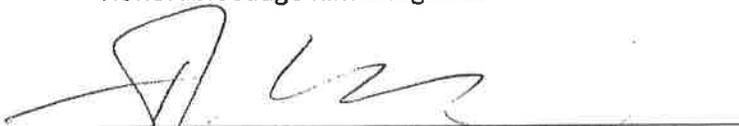
Lisa Breun, Director

Date

Accepted for Jefferson County District Court, Division I and II:

Honorable Judge Kim Bridgforth

Date



Honorable Judge John Kearney

10-27-14
Date