

**ST. MARY PARISH
FAMILY FOCUSED JUVENILE DRUG COURT**

A DRUG COURT TREATMENT PROGRAM

IN AND FOR THE

**16TH JUDICIAL DISTRICT COURT
PARISH OF ST. MARY
FRANKLIN, LOUISIANA**



POLICY & PROCEDURE MANUAL

LAST UPDATED 09/2011

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ST. MARY FAMILY FOCUSED JUVENILE DRUG COURT
POLICY & PROCEDURES MANUAL

INTRODUCTION

Only a few years ago a juvenile with substance abuse charges might be one of a group of kids caught smoking marijuana with friends behind the local convenience store, with a few joints in a backpack for the friends. Today, the juvenile judge is more often faced with a 13 or 14 year old arrested with \$1,000 in his pocket and 10 rocks of crack cocaine to distribute. With this change in youthful offenders, a more complex set of sanctions and treatment options are required by the Juvenile Court. For success with this population of juveniles, the interventions such as counseling or tutoring that are often utilized with low-level juvenile offenders must be greatly supplemented.

Treatment for the substance-abusing delinquent must involve the long-term, intensive approaches used with adult substance abusers. But juveniles are usually still a part of a family, which is also likely to be composed of substance abusers and/or adult drug offenders. Juvenile Court judges have long been aware of the importance of working with the entire family of the substance abusing juvenile during the juvenile court process, but have lacked both the sanctions and treatment options to address the needs of the family. With the adult drug offender, treatment, relapse prevention, and rehabilitative services are focused on getting the offender out of his substance-abusing criminal lifestyle, into a job and away from his criminally oriented peers. But when it comes to juvenile offenders, the judge may send a fourteen-year-old to Gateway Treatment Center in Alexandria for three months, and to a halfway house in New Orleans for another six months, where he may remain drug-free. Eventually, however, he will have to return to his family, some members of which abuse drugs or alcohol, and to his neighborhood where he is likely to associate with the same peers as prior to treatment and start the cycle of abuse and criminal behavior all over again.

To have any chance of success with juvenile substance-abusing offenders, the Juvenile Court requires additional options. And, just as the drug scene has changed through the years, the treatment scene has also changed. When Medicaid dollars flowed like oil, there were numerous inpatient programs for juvenile substance abusers in Louisiana. Currently, there are three State-funded inpatient facilities in Louisiana that will accept juveniles, and they have a waiting list. The advent of HMO's has also limited treatment options in the private sector. Although drug and alcohol by young people has risen across the nation, in few other areas of the country are there drive-through "daiquiri shops" where minors can buy a 32-ounce mixed drink with a shot of Everclear (grain alcohol) added. And although drug use is a national problem, nowhere is it more closely connected with alcohol abuse than in Southwest Louisiana, where the customary acceptance of alcohol dependence as a part of everyday life translates into a tolerance of drug abuse as well. Student surveys in St. Mary Parish high schools from 1998 indicate that 20% of students report using marijuana, up from 7% in 1990. To deal effectively with the juvenile offender and his family, the Court requires supervision of both the juvenile and his family throughout the treatment process and a treatment provider that will work with offenders and their family on a daily basis. Legislation in Louisiana that created the Families In Need Of Services (FINS) Program that allows the Juvenile Court to lay down rules with the entire family about treatment provides the tool for supervision of families.

The St. Mary Parish Juvenile Drug Court offers a provider that is one of the most highly regarded of all public and private substance abuse treatment facilities in the State of Louisiana, that has a

proven track record in establishing a Drug Court Program, and that has experience working with substance abusing women through the Claire House Program. St. Mary Parish has established a Family-Focused Juvenile Drug Court, modeled on the Juvenile Drug Court program in Pensacola, to provide treatment to 50 juvenile offenders and their families.

MISSION STATEMENT

It is the belief of the Family Focused Juvenile Drug Court (FFJDC) that the adolescent criminal justice population has a substance abuse problem, which is a primary factor in the causation of crime within St. Mary Parish and the 16th Judicial District of Louisiana. St. Mary Parish Juvenile Drug Court Clinic will provide intensive outpatient substance abuse treatment to adolescents and their families as required without the utilization of waiting lists.

PROGRAM PHILOSOPHY

Alcoholism and drug dependency are regarded as diseases with multiple causation, which may involve emotional, physiologic, environmental and maladaptive factors. The St. Mary Parish Juvenile Drug Court Clinic is an outpatient program for the rehabilitation and reunification of chemically dependent adolescents and their families who are referred by the 16th Judicial District Court. The philosophy of the program is that, utilizing appropriate adaptive mechanisms, availing oneself of the resources of family, friends, community and treatment, and also structuring a suitable recovery environment, all people would be capable of living free from abuse or dependency of alcohol or other drugs. St. Mary Parish Juvenile Drug Court Clinic is designed to mentally and emotionally rehabilitate most patients within a treatment period structured to meet their individual needs so that they should be able to successfully participate in outpatient treatment free from alcohol or other drugs. The treatment modalities used to accomplish this is the concept, which is similar to the methods used by most other recognized programs for substance abusers. Involved is the utilization of group, individual and family therapy, the self-help programs of AA/NA and case management in a structured and disciplined environment.

STANDARD I

A. LA R.S. 13:5301-5304

St. Mary Parish Family Focused Juvenile Court is in practice and compliance with LA R.S. 13:5301-5304. See LA R.S. 13:5301-5304 in the index.

B. THE DRUG COURT TEAM

The Judge is the “leader,” he oversees the entire program. He works with all other players from admission to discharge. He monitors progress of clients, meets with clients on a regular basis at status hearings. The Judge has the final word on sanctions and incentives.

The District Attorney or Assistant District Attorney assigned to drug court meets regularly with all staff to discuss client issues and attends status hearings. He refers all clients for admission. He recommends appropriate sanctions for non-compliance. He monitors probation officers and police officers to assure compliance with court instructions.

The Indigent Defender or client’s personal attorney meets with clients prior to admission to advise on program criteria and expectations. He also helps clients discern whether the program is appropriate for their particular case. He advises clients regarding the consequences of failure to complete the program. He is present at time of pleading and revocation. He also addresses legal issues should they arise during client’s participation.

The Police Liaison acts as a conduit between the Court and treatment provider, working with all parties to assure client compliance. She works closely with the Judge, relaying information obtained in the field such as; clients’ home environment, work environment and places frequented by the client that may constitute an obstacle to maintaining sobriety. The liaison also follows up on any bench warrants issued and communicates daily with all community police agencies to monitor any re-arrests of participants.

The Administrator is responsible for the treatment component of the program. He supervises the Program Director and all administrative functions of treatment for the 16th Judicial District Drug Court including financial and budgetary responsibilities. He establishes policy and procedure in accordance with the Louisiana Department of Health & Hospitals and reports to the Regional Administrator for that agency.

The Program Director reports to the Administrator. She is responsible for the day-to-day operations of the Clinic including the training and supervision of all counseling staff. She is also responsible for the supervision and training of the drug testing component as well as the case management staff. She attends all staff meetings and status hearings. She directs activities and reporting to ensure quality and care to all clients.

The Family Intervention Specialist or Counselor is responsible for facilitating the client’s recovery through family focused outpatient treatment. The treatment will include education on drugs of abuse, chemical dependency, and relapse prevention. The methods use will include

individual counseling and psycho educational group sessions, as well as parent education sessions. The Family Intervention Specialist will be responsible for maintaining accurate and complete case records on each client. He will attend status hearings and make recommendations to the court with regard to appropriate sanctions and incentives and phase advancements.

The Case Manager is involved in screening clients for admission and once accepted, begins to address client needs for ancillary services. These services include; medical educational and employment needs. They may also include detox and / or inpatient treatment. He also follows up on the status of clients when referred to other facilities. The case manager also prepares reports and maintains client records relating to school and medical testing. The Case Manager is responsible for compiling all of the data that is presented at each status hearing. This status report lists each person on that day's docket, what happened at the last court appearance, what the current status of the client is in treatment, recommendations based on clients' participation and tracks what happens at the current status hearing. This report is given to the Judge, the ADA, Probation, and Treatment. The report is used in the staff meeting prior to the status hearing (pre-status conference).

C. OTHER SUPPORTIVE STAFF

The Probation Officer screens all candidates and makes referrals for assessment by the treatment provider. Once client is admitted, probation collects all fees due to the court, monitors any sanctions rendered by the court, i.e.: community service. The probation officer meets weekly with treatment staff to monitor client participation. She is available daily should problems arise. She is assigned exclusively to the drug court program. She reports to the court on a regular basis concerning status of clients and attends all status hearings.

The Support Staff includes Licensed Practical Counselors, Licensed Social Workers, Board Certified Substance Abuse Counselors, Contracted Medical Director, Lab Technicians, an Administrative Manager, Van Driver, Contract Therapists and Psychiatrist and Clerical employees.

The Evaluator will do an independent process and outcome evaluation.

STANDARD II

A. ELIGIBILITY SCREENING

St. Mary Parish Family Focused Juvenile Court screens all clients for eligibility in accordance with the Drug Court Law Statue, La. R.S.13: 5301-5304.

REFERRAL

Referrals from any one of the following sources: local city court jurisdictions, St. Mary Parish F.I.N.S. (Family in Need of Services), or the 16th Judicial District Court. The St. Mary Parish Juvenile Drug Court and the District Attorney's Probation Department then screen all referrals for eligibility.

B. CRITERIA FOR ADMISSION

- 1) Possession of small amount of drugs or paraphernalia
- 2) No evidence of substantial drug dealing
- 3) No pattern of chronic violent offenses
- 4) No sex offenders
- 5) Between the ages of 13 and 17 years old

C. TREATMENT SCREENING

The forms utilized in the screening process are attached in the index and listed below:

- a. Intake Screening
- b. TANF Eligibility Checklist
- c. Consent for Drug Screens
- d. SASSI (Substance Abuse Subtle Screening Inventory)
- e. Consent to Release Information to Court and its Officers

D. PLEA AGREEMENT

The District Attorney's Office and the Public Defender's Office in the 16th Judicial District have designed a plea agreement which clients sign before entering the program. The District Attorney has used great discretion in the eligibility of program applicants in the Program and can be expected to make recommendations for sanctions that are fair and show a willingness to give each participant an opportunity to succeed in the program. For the Family-Focused Juvenile Drug Court, the Assistant District Attorney, will handle all cases involving juveniles and their families. Recommendations will be made to the District Attorney's Office from local law enforcement agencies and other city court jurisdictions.

There is a 30-day opt out period for the court and 14 day opt-out period for the client. During this

period, clients are continually assessed for appropriateness and motivation for treatment, monitored closely by probation and police liaison officer and begin a relationship with the drug court judge. It is hoped that this close scrutiny will be a predictor of success. It also gives the client and guardian an opportunity to make the commitment to the program based on first hand knowledge and experience of the program.

E. COURT CONSENTS

All clients sign a “Consent to Release Information to Court and its Officers” form to allow communication about confidential information and participation and progress in treatment in compliance with 42 CFR, Part 2 and La. R. S. 13:5301.

F. ASSESSMENT

St. Mary Parish Juvenile Drug Court will assess all juveniles upon entrance into the Family-Focused Juvenile Drug Court. A computerized version of the Addiction Severity Index (ASI) will be administered at the time of intake. The Case Manager will review the report to determine the kinds of services each client needs, including: education, employment, mental health, vocational training, detox, inpatient treatment, treatment for family members, etc. A physical examination will be scheduled for the first week of admission to the program. From that examination, the physician and the Case Manager will make referrals for other service needs such as mental health screening, HIV testing, etc. Since juveniles require a somewhat different approach than the adult drug court client, a part of the assessment is to indicate the intensity and projected duration of substance abuse treatment services and ancillary services, such as treatment for the juvenile's family.

STANDARD III

A. PROGRAM STANDARDS

TREATMENT REQUIREMENTS AND METHODS

St. Mary Parish Juvenile Drug Court's F.I.R.S.T. Model was developed by the adolescent and family treatment team at St. Mary Parish Juvenile Drug Court in response to the need for a family-therapy model which addressed the unique characteristics of a juvenile drug court program.

Realizing that the family plays an essential role in the development of adolescents, St. Mary Parish Juvenile Drug Court focuses on the family system rather than individual dynamics. That is, most of the counselor's focus is on the family unit rather than the targeted juvenile. As a result, this model is *Family-Intensive*.

All families in the Family-Focused Juvenile Drug Court have chosen to enter the program in lieu of their son or daughter going to jail for some juvenile offense. Some families enter the program eager to receive assistance; others view the program as an inconvenience and an invasion of their privacy. These families view drug court as the lesser of two evils. With this in mind, it is no wonder that there exists a great deal of resistance and hostility from not only the adolescents, but from their parents, who often plea innocence and blame their children for having to participate in the program. This in turn places even more pressure on an already overwhelmed adolescent manifesting itself in even more negative behaviors.

This cycle of blame and resentment has played a large part in the circumstances that present themselves when the family has reached this point. For this reason, counselors in this model focus on process rather than content dynamics; that is, *how* the family communicates rather than *what* they are communicating. This is the key tool in getting families to become healthier in their interactions with each other and with others outside their family system. Structured family therapy is utilized as it emphasizes organizational issues. Short term, interpersonal goals designed to reduce negatives in the family system are established with full input from all family members. Typical goals include correcting dysfunctional roles by putting parents in charge of their children and identifying subsystems that exist within the family. Other goals attempt to alter the faulty family structure by modifying the way each member relates to the other. These goals are kept simple and are stated in plain language that even the youngest family member can understand. Goals focus on the present and use direct, indirect and paradoxical directives. At no time is a goal established that may set the family up for failure.

No model of family therapy can encompass all the problems a family will face as it grows and changes. This model is designed to provide each family with a repertoire of tools and coping skills it can use to best handle a given situation. There will be setbacks, arguments, parent-child tug-of-wars, etc. These are inevitable and exist in even the healthiest of households. This model focuses on altering the family only as much as needed to allow it to maintain itself without the use of the presenting problem. In this sense, the model is labeled *Realistically Structured Therapy*.

B. FAMILY FOCUS

Realizing that the family plays an essential role in the development of adolescents, St. Mary Parish Juvenile Drug Court focuses on the family system rather than individual dynamics. That is, most of the counselor's focus is on the family unit rather than the targeted juvenile.

Counselors focus on process rather than content dynamics; that is, *how* the family communicates rather than *what* they are communicating. This is the key tool in getting families to become healthier in their interactions with each other and with others outside their family system. Structured family therapy is utilized as it emphasizes organizational issues. Short term, interpersonal goals designed to reduce negatives in the family system are established with full input from all family members. Typical goals include correcting dysfunctional roles by putting parents in charge of their children and identifying subsystems that exist within the family. Other goals attempt to alter the faulty family structure by modifying the way each member relates to the other. These goals are kept simple and are stated in plain language that even the youngest family member can understand. Goals focus on the present and use direct, indirect and paradoxical directives. At no time is a goal established that may set the family up for failure.

C. CASE MANAGEMENT

St. Mary Parish Juvenile Drug Court will provide case management for clients. Following completion of the intake, the Case Manager will review the computer-generated report to determine the services needed by the juvenile client. Referrals and appointments will then be made for such services as: education, mental health, detox, or inpatient treatment. For example, when the intake and previous family history indicates a need for treatment for a juvenile's parents, the Case Manager will make the referral to the Fairview Treatment Center Inpatient Program, to Claire House if the family consists of mother and children under age 10, or to the St. Mary Parish Alcohol and Drug Abuse Outpatient Clinic. Perhaps the most important aspect of case management with substance abuse clients is frequent case monitoring and communication with all parties involved. Family-Focused Juvenile Drug Court will provide case monitoring routinely. For any client who is not in compliance with the program, Fairview will communicate with the court by fax on the day of noncompliance and by telephone to provide further, in-depth details. Immediate scheduling for status hearings, bench warrants and treatment referrals will then be addressed promptly.

All clients receive a chart number and charts are maintained in compliance with licensing standards set forth by the State of Louisiana, Department of Health & Hospitals.

Each chart includes the following, documentation can be found in the index:

- Client Termination & Discharge Summary
- Case Activity Form
- Emergency Information
- Labs
- Medical Screening
- Doctor's Progress Note

- Client Data Sheet
- Patient Rights
- Drug Screen Consent
- Treatment Plans
- Client Contract
- Progress Notes
- Intake Form
- ASI
- SASSI
- Substance Abuse Evaluation
- Proof of Income
- Occupants in the Household
- Group Therapy Contract
- Referral Form
- Court Reports
- Arrest Reports
- Correspondence
- UA Log Sheet
- Urine Screen Results
- Group Therapy Rules
- Orientation Session
- Releases of Information
- Consent For Blood Work and TB Testing
- Statement of Income
- Treatment Contract
- Parent Group Confidentiality Contract

D. EDUCATIONAL/EMPLOYMENT

All clients will be required to attend school on a regular basis. Clients may attend traditional schools, alternative schools, or learning centers. Clients are required to obtain or be working toward their diplomas or GED certificates. School attendance and status will be monitored and reported to the judge. Students who have completed their high school requirements will be required to attend higher education classes or obtain employment. It is the client’s obligation to inform their employer of their participation in the Drug Court program (both clients and their adult family members) and make necessary arrangements for court appearances, groups, meetings, etc.

E. TREATMENT FEES

Fees are assessed at intake and are based on the client’s ability to pay. There are fines and fees that are due and payable to the District Attorneys’ Office and are separate from treatment fees. All treatment fees are based on a sliding scale provided by the Louisiana Department of Health & Hospitals. In the event that a treatment fee is assessed, terms are agreed upon and payment commences within the first 30 days. All clients are charged for drug screens, regardless of income. Those fees are:

Phase I	\$10.00
Phase II	\$7.50
Phase III	\$5.00
Phase IV	\$5.00
Aftercare	\$5.00

Once a client becomes employed, their ability to pay is re-assessed and they may have a treatment fee. All clients are informed of this condition at intake.

F. PHASE ADVANCEMENT TASKS

These are the Phase Advancement tasks that have been extracted from the client handbook.

PHASE ADVANCEMENT TASKS

PHASE I ADVANCEMENT TASKS

ATTENDANCE

Each client must complete a minimum of 8 weeks of Adolescent Groups. Group attendance is required 2 times a week. Failure to appear for these lectures (whether excused or unexcused) may affect a client's ability to advance to Phase II.

Individual sessions will be scheduled as needed per client and/or counselor.

RECOVERY SUPPORT ACTIVITIES

The purpose of these activities is to help the youth engage in activities that are positive and help support their recovery efforts.

Each client is required to turn in one Recovery Support activity each week. Acceptable recovery activities include: church services and/or youth group participation, team sports practices and/or games, library activity (such as reading and learning about addiction and recovery), and attendance at Narcotics Anonymous or Alcoholics Anonymous meetings.

Participation in weekly Recovery Support Activities is a requirement for the successful completion of the St. Mary Parish Juvenile Drug Court. Any youth who attends group unprepared with their Recovery Support activity will be referred to the judge and sanctions may be imposed.

MAINTAINING SOBRIETY/DRUG FREE STATUS

Any positive drug screen/breath test will result in sanctions and possibly delay advancement to Phase II.

FAMILY ATTENDANCE

Parent(s) or guardian(s) are required to attend and participate in Family Group.

Parent(s) or guardian(s) must attend one family group session with the client on the last Thursday of each month.

EDUCATION/EMPLOYMENT

Every client must be enrolled in school or have a full time job. The case manager will contact schools or employers biweekly for status performance updates.

Client must attend school regularly as you are required to attain a diploma or GED certificate.

Clients that are working full time and have not received a high school diploma or GED certificate, must also enroll in a GED program.

FEES

Clients must have a minimum balance of \$50.00 on their drug screen bill in order to advance to Phase II.

PHASE II ADVANCEMENT TASKS

ATTENDANCE

Each client must complete a minimum of 16 weeks of Adolescent Groups. Group attendance is required 1 time a week. Failure to appear for these lectures (whether excused or unexcused) may affect a client's ability to advance to Phase III.

Individual sessions will be scheduled as needed per client and/or counselor.

RECOVERY SUPPORT ACTIVITIES

The purpose of these activities is to help the youth engage in activities that are positive and help support their recovery efforts.

Each client is required to turn in one Recovery Support activity each week. Acceptable recovery activities include: church services and/or youth group participation, team sports practices and/or games, library activity (such as reading and learning about addiction and recovery), and attendance at Narcotics Anonymous or Alcoholics Anonymous meetings.

Participation in weekly Recovery Support Activities is a requirement for the successful completion of the St. Mary Parish Juvenile Drug Court. Any youth who attends group unprepared with their Recovery Support activity will be referred to the judge and sanctions may be imposed.

MAINTAINING SOBRIETY/DRUG FREE STATUS

Any positive drug screen/breath test will result in sanctions and possibly delay advancement to Phase III.

FAMILY ATTENDANCE

Parent(s) or guardian(s) are required to attend and participate in Family Group.

Parent(s) or guardian(s) must attend one family group session with the client on the last Thursday of each month.

EDUCATION/EMPLOYMENT

Every client must be enrolled in school or have a full time job. The case manager will contact schools or employers biweekly for status performance updates.

Client must attend school regularly as you are required to attain a diploma or GED certificate.

Clients that are working full time and have not received a high school diploma or GED certificate, must also enroll in a GED program.

FEES

Clients must have a minimum balance of \$50.00 on their drug screen bill in order to advance to Phase III.

PHASE III ADVANCEMENT TASKS

ATTENDANCE

Each client must complete a minimum of 12 weeks of Adolescent Groups. Group attendance is required 1 time a week. Failure to appear for this group (whether excused or unexcused) may affect a client's ability to advance to Phase IV.

Individual sessions will be scheduled as needed per client and/or counselor.

RECOVERY SUPPORT ACTIVITIES

The purpose of these activities is to help the youth engage in activities that are positive and help support their recovery efforts.

Each client is required to turn in one Recovery Support activity each week. Acceptable recovery activities include: church services and/or youth group participation, team sports practices and/or games, library activity (such as reading and learning about addiction and recovery), and attendance at Narcotics Anonymous or Alcoholics Anonymous meetings.

Participation in weekly Recovery Support Activities is a requirement for the successful completion of the St. Mary Parish Juvenile Drug Court. Any youth who attends group unprepared with their Recovery Support activity will be referred to the judge and sanctions may be imposed.

MAINTAINING SOBRIETY/DRUG FREE STATUS

Any positive drug screen/breath test will result in sanctions and possibly delay advancement to Phase IV.

FAMILY ATTENDANCE

Parent(s) or guardian(s) are encouraged to continue to attend and participate in Family Group. However, it is not mandatory.

EDUCATION/EMPLOYMENT

Every client must be enrolled in school or have a full time job. The case manager will contact schools or employers biweekly for status performance updates.

Client must attend school regularly as you are required to attain a diploma or GED certificate.

Clients that are working full time and have not received a high school diploma or GED certificate, must also enroll in a GED program.

FEES

Clients must have a minimum balance of \$50.00 on their drug screen bill in order to advance to Phase IV.

PHASE IV ADVANCEMENT TASKS

ATTENDANCE

Each client must complete a minimum of 12 weeks of treatment. Client must attend one Individual Session monthly with his or her counselor. Failure to appear for an Individual Session (whether excused or unexcused) may affect a client's ability to graduate.

MAINTAINING SOBRIETY/DRUG FREE STATUS

Any positive drug screen/breath test will result in sanctions and possibly delay graduation from the program.

Clients must have at least 2 months of continuous sobriety or one month without any sanctions from the judge in order to qualify for graduation.

FAMILY ATTENDANCE

Parent(s) or guardian(s) are encouraged to continue to attend and participate in Family Group. However, it is not mandatory.

Parent(s) or guardian(s) must attend a mandatory monthly session with the client and his or her counselor to discuss family issues.

EDUCATION/EMPLOYMENT

Every client must be enrolled in school or have a full time job. The case manager will contact schools or employers biweekly for status performance updates.

Client must attend school regularly as you are required to attain a diploma or GED certificate.

Clients that are working full time and have not received a high school diploma or GED certificate, must also enroll in a GED program.

FEES

All fees owed to probation for fees and fines and to the clinic for treatment or drug screens must be paid in full prior to being nominated for graduation.

PROGRAM COMPLETION AND AFTERCARE

GRADUATION

The Family-Focused Juvenile Drug Court Judge will determine graduation from the program with input from the Treatment Provider, District Attorney, Public Defender, and the Juvenile Probation Officer. All four Phase of the program must be successfully completed in order to be eligible to graduate. In addition, the court may require all fines and restitution be paid. Although expulsion from the program will be a matter of last resort, the Judge, upon advice from the parties mentioned above, will determine it. Expulsion, or revocation, can occur for any number of reasons including, but not limited to, commission of a violent crime while in program, threats made to staff or clients, refusal to participate in or comply with the program.

AFTERCARE

Aftercare services are offered to each client and their parent or guardian prior to graduation from the program. Aftercare services include monthly individual sessions with a Family Intervention Specialist as well as access to counselor on-call services. See aftercare contract in Appendix 2.

REVOCAATION

Once a participant has passed the initial opt out period, he/she may be unsuccessfully discharged from the drug court program due to the following conditions:

- Re-arrest for a new crime, such as, a serious drug charge or commission of a violent crime, with or without a weapon.
- A hold from another jurisdiction not previously discovered.
- A pattern of failure to maintain sobriety.

- Serious non-compliance with program rules.
- A pattern of nonattendance to treatment and/or status hearings.

STANDARD IV

DRUG TESTING

Drug testing will follow the testing policies and procedures already developed for the Adult Drug Court Program. Written policies and procedures are in place. Trained technicians from the contracted laboratory, SECON, supervise all specimen collection. Eight drugs of abuse are screened in addition to alcohol breath tests (Amphetamine, Barbiturates, Benzodiazepines, Cannabis, Cocaine, Opiates, Oxycotin, PCP, Soma, and Suboxone). The potential also exists for additional, specialized tests for specific drugs. Each juvenile client will be tested at least three times per week during Phases I and II for the first four to six months and then twice per week until the client graduates. When test samples indicate the positive presence of drugs, the client will have the opportunity to admit or deny the use of drugs. If the juvenile makes a denial, the sample is sent to the State-contracted lab for testing. The Court is informed of positive tests and confirmation tests. If a client fails to submit or falsifies a sample, the Court will be notified by fax on the same day and a hearing will be set on the next available court date to address the problem.

DRUG SCREENING

The policy of St. Mary Parish Family Focused Juvenile Drug Court (FFJDC) with respect to drug screening is based on a random color-coded system. Additional tests such as oral swabs are used with GCMS confirmation available.

A. RANDOM TESTING

Clients are given the UA line telephone number to call daily for their urine screen color. Each phase is given a color suiting to SCDCO requirements for the randomness of its urine screens. Clients are given a color specific to their phase and/or counselor. Each client is given a handbook that outlines specific information for days and times to contact the UA line for urine screens. Clients are also informed that they may be asked to provide a urine specimen on days when their color is not called.

Amount of times colors are called:

- Phase I—2-4 times per week
- Phase II—2-4 times per week
- Phase III—1-3 times per week
- Phase IV—1-2 times per week

B. URINANALYSIS

During the screening at the Clinic, the defendant is required to submit a full panel drug screen. A positive test result does not exclude a defendant, but is used to determine first course of treatment, which may be medical or social detox or inpatient care. Additional drug screening that may be used includes oral swabs (saliva testing). A recommendation is made to probation based on the results of the total screening.

This drug screen includes testing for the following drugs of abuse:

- **Amphetamines**
- **Barbiturates**
- **Benzodiazepines**
- **Cocaine**
- **Ethanol**
- **Marijuana**
- **Methadone**
- **Opiates**
- **Oxycotin**
- **PCP**
- **Soma**
- **Suboxone**

C. ORDERING TESTS

Full panel drug screens will be ordered on any prospective client that comes to the Clinic to be screened for admission to the program. Full panels will also be ordered on every client entering the program and on clients that have been absent for a week or more. Any positive tests must be repeated at each testing until 2 consecutive negative screens have been recorded. From that point on, only 2 panels should be ordered for each client being tested. These 2 panels should vary depending upon reasonable suspicion or clients' drug of choice.

D. THE COLLECTOR

SECON provides St. Mary Parish Family Focused Juvenile Drug Court (FFJDC) with a trained collector. A collector is a trained individual who instructs and assists a donor at a collection site, receives and makes an initial inspection of the urine specimen provided by a donor, and initiates and completes the Drug Testing Chain of Custody Form.

A collector should have appropriate identification. The collector is required to provide his or her identification (or collection company identification) if requested by the donor. There is no requirement for the collector to have a picture I.D. or to provide his or her driver's license with an address. Also, the collector is not required to provide any certification or other documentation to the donor proving the collector's training in the collection process.

E. COLLECTION SITE

1. A collection site is a facility (permanent or temporary) where a donor provides a specimen for a drug test. A collection site must have:
2. A restroom/stall with a toilet for the donor to have privacy while providing the urine specimen. The presence of a toilet is not absolutely necessary when a single-use collection container is used that has sufficient capacity to contain the entire void. Whenever available, a single toilet restroom is preferred. All types of restrooms including a mobile facility (e.g., a vehicle with an enclosed toilet) are acceptable.

3. A source of water for washing hands that, if practical, is external to the restroom/stall where urination occurs. If a water source is not available, providing a moist towelette outside the restroom/stall is an acceptable alternative.
4. Security features to prevent unauthorized access to the site during the collection.
5. Clients will be admitted into the clinic and the collection area in a controlled manner. Only 5 clients per staff member will be permitted at any one time in the collection area.
6. Features to prevent the donor or anyone else from gaining unauthorized access to the collection materials/supplies. The collector must ensure that the donor does not have access to items that could be used to adulterate or dilute the specimen (e.g., soap, disinfectants, cleaning agents, water).
7. Features to provide for the secure handling/storage of specimens from collection until shipment.

F. COLLECTION SUPPLIES

The following items must be available at the collection site to conduct proper collections:

1. Single-use plastic collection containers. Each collection container must be individually sealed using a tamper-evident system (such as, sealed plastic bag, shrink wrap, or another easily visible tamper-evident system), be large enough to easily catch and hold at least 55 mL urine, and have graduated volume markings clearly noting levels of 45 mL and above.
2. Single-use plastic specimen bottles. Each specimen bottle with cap must be sealed using a tamper-evident system (such as, sealed plastic bag, shrink wrap, or another easily visible tamper-evident system), be large enough to hold at least 35 mL (or they may be two distinct sizes of specimen bottles providing that the bottle designed to hold the primary specimen holds at least 35 mL of urine and the bottle designed to hold the split specimen holds at least 20 mL), have screw-on or snap-on caps that prevent leakage, have markings clearly indicating the appropriate levels (30 mL for the primary specimen and 15 mL for the split specimen) of urine to be poured into each bottle, be designed so that the required tamper-evident bottle label/seal on the CCF fits with no damage to the seal when the employee initials it nor with chance that seal overlap would conceal printed information, and be leak-resistant.
3. Drug Testing Chain of Custody Forms (CCF).
4. Tamper-evident seals. Occasionally, the tamper-evident label/seal provided with the CCF will not properly adhere to the specimen bottle because of environmental conditions (e.g., moisture, temperature, specimen bottle material). If this occurs, the collector should have a separate tamper-evident label/seal that can be used to seal the specimen bottle.

5. Leak-resistant plastic bags. The plastic bag must have two sealable compartments or pouches (i.e., one large enough to hold two specimen bottles and the other large enough to hold the CCF).
6. Absorbent material. The absorbent material is placed with the specimen bottles inside the leak-resistant plastic bag in case a specimen bottle leaks during shipment.
7. Shipping containers. Boxes or bags that are used to transport specimens to the laboratory and can be securely sealed to prevent the possibility of undetected tampering. A shipping container/mailed is not necessary if a laboratory courier hand-delivers the sealed leak-resistant plastic bags containing the specimen bottles directly from the collection site to the laboratory.
8. Secure temporary location. If the sealed leak-resistant plastic bag containing the specimen bottles is not immediately placed in a shipping container, the sealed plastic bag must always be maintained within the line of sight of the collector to ensure that no one has access to the specimen until it is placed in a shipping container or it must be placed in a secured temporary location (e.g., inside a refrigerator that can be secured, inside a cabinet that can be secured). If the collector always places the sealed plastic bags immediately into shipping containers, there is no need to have a secure temporary location available at the collection site.

G. DRUG TESTING CHAIN OF CUSTODY FORM (CCF)

All urine specimens must be collected using chain of custody. Chain of custody is the term used to describe the process of documenting the handling and storage of a specimen from the time a donor gives the specimen to the collector to the final disposition of the specimen. SECON provides the chain of custody. The chain of custody is completed by the Drug Court Staff and provided to the SECON staff during time allotted for client urine screens.

H. COLLECTION PROCEDURE

The following steps describe a typical urine collection procedure.

STEPS

1. The collector prepares the collection site to collect urine specimens. All collection supplies must be available, the area properly secured, water sources secured, and bluing agent placed in all toilets.
2. The collector begins the collection without delay after the donor arrives at the collection site.

Note: Do not wait because the donor is not ready, is unable to urinate, or an authorized employer or employee representative is delayed in arriving.

3. The collector requests the donor to present an acceptable form of identification as described above.
4. The collector reviews the instructions on the CCF with the donor.
5. The collector begins entering information and/or ensures that the required information is provided at the top of the CCF (the laboratory name and address and a pre-printed specimen ID number) and in Step 1 of the CCF (employer's name, address, and I.D. number (if applicable), donor SSN or employee ID number, reason for test, drug test to be performed, collection site information).
6. The collector asks the donor to remove any unnecessary outer clothing (e.g., coat, jacket, hat, etc.) and to leave any briefcase, purse, or other personal belongings he or she is carrying with the outer clothing. The donor may retain his or her wallet.
7. The collector directs the donor to empty his or her pockets and display the items to ensure that no items are present that could be used to adulterate the specimen. If nothing is there that can be used to adulterate a specimen, the donor places the items back into the pockets and the collection procedure continues.
8. The collector instructs the donor to wash and dry his or her hands, preferably under the collector's observation and must not wash his or her hands again until after delivering the specimen to the collector.

Note: The donor must not be allowed any further access to water or other materials that could be used to adulterate/dilute the specimen.

9. The collector either gives the donor or allows the donor to select the collection container from the available supply. Either the collector or the donor, with both present, then unwraps or breaks the seal of the collection container.

Note: Do not unwrap or break the seal on any specimen bottle at this time.

Note: Do not allow the donor to take anything except the collection container into the room used for urination.

10. The collector directs the donor to go into the room used for urination, provide a specimen of at least 30 mL.

Note: Pay close attention to the donor during the entire collection process to note any conduct that clearly indicates an attempt to substitute or adulterate a specimen.

11. After the donor hands the specimen to the collector, the collector must check the specimen volume, and inspect the specimen for adulteration or substitution.

12. The collector and donor complete the chain of custody form, seal the specimen, and prepare the specimen for shipping.

I. SHIPPING PROCEDURE

1. All specimens shall be prepared for shipping to the laboratory via overnight courier. The laboratory will provide the necessary shipping materials and airbills.
2. The laboratory will document receipt of each specimen delivered by the overnight courier.

J. LABORATORY PROCEDURE

1. The laboratory personnel accession the specimens, review the chain of custody forms for accuracy, inspect the specimen seals to ensure integrity of the sample. If there are no discrepancies, the specimen is prepared for testing. If the specimen numbers on the CCF and the security seal do not match, or the CCF is improperly completed, or the security seal is broken, the laboratory will issue a “No Test” for this specimen.
2. The screening procedure used at is immunoassay technology for the following five drug groups: cannabinoids, amphetamines, cocaine metabolite, opiates, and phencyclidine. In addition, to determine specimen integrity a urine creatinine concentration is assayed on all samples. If the creatinine is abnormal, the specific gravity is determined with a refractometer and the color, clarity and odor are noted. These measures of specimen character constitute the adulterant test. Samples suspected of chlorine, glutaraldehyde or soap adulteration are also tested further
3. After each run, the analyst must review and sign the printout and aliquot chain of custody after determining the quality control acceptability. A “negative batch report” of each test specimen is generated from the host computer, followed by a review of the run data by another technologist. The certifying officer will review and sign the accompanying forms and enter the results into the computer. All suspect positive and adulterants are held in the computer to be released at a later time.
4. Positive screened specimens are held in frozen storage, and/or submitted to GC/MS confirmation testing, when requested.

K. RESULT REPORTING

Final reports are submitted by SECON via their website. Urine screen results are stored on their secure website and available for viewing daily.

L. POSITIVE RESULTS

Any client that has been identified as having provided a positive result is given the opportunity to admit or deny using drugs. If the client admits to using, it is addressed therapeutically as part of

the client’s addiction and reported to the court for appropriate sanction. A review of the client’s relapse prevention plan will be conducted. A decision will be made as to whether the client is in need of referral for services outside the scope of this clinic, such as detox, inpatient treatment, or halfway house placement.

If the client denies using he or she is offered the opportunity to have the sample in question sent to the state contracted lab for GC/MS confirmation testing. The Judge offers the client the opportunity to have a GC/MS performed.

M. GCMS TESTING

St. Mary Parish Family Focused Juvenile Drug Court (FFJDC) recognizes that samples are not confirmed positive until tested and confirmed by GC/MS testing procedures. All positive results are presumptive until the judge orders GC/MS testing and the client pays the fee for the GCMS to be performed.

The prices for **GCMS Testing** are as follows:

\$25.00	Alcohol	\$25.00	Suboxone
\$25.00	Barbiturates	\$25.00	Oxycotin
\$25.00	Benzodiazepines	\$30.00	Amphetamines
\$25.00	Cocaine	\$50.00	Opiates
\$25.00	Marijuana	\$52.00	Soma
\$25.00	METG		

Positive urine samples will remain under the control of the Lab Tech once they are collected for up to 6 months.

Every effort must be made to avoid the possible risk of contamination of any sample to be tested. Should contamination be suspected, the sample in question will be disposed of and any results derived from sample will be disregarded and deleted from the clients’ record.

N. CUTOFF LEVELS

The cutoff levels established are those that have been agreed to with Louisiana Reference Labs (or other state contracted independent lab) as being detectable by GC/MS confirmation testing at the lowest levels possible in accordance with the “zero tolerance” policy of the drug court philosophy.

Amphetamines	500 ng/ml	Ethanol	20 mg/dl	Opiates	300 ng/ml
Barbiturates	200 ng/ml	Marijuana	50 ng/ml	PCP	25 ng/ml
Benzodiazepines	200 ng/ml	Methadone	300 ng/ml	Soma	100 ng/ml
Cocaine	150 ng/ml				

O. ADULTERATED SAMPLES

Any client suspected of providing adulterated samples will be asked to provide a second sample immediately. If the results of the second sample differ significantly from the results of the first sample, a third sample may be requested. Once all test results have been obtained, the client may be cleared of suspicion or face sanction for this violation.

P. INFECTION CONTROL

Any staff member involved in the collection, handling and testing or has contact in any way with urine specimens is required to wear protective gloves while working in this environment.

In the event that a urine specimen comes in contact with anyone, the following safety precautions will be implemented:

- < *Eye Contact:* The eye should be flushed immediately with cold water and reported to the nurses' station on the 2nd floor of Fairview Treatment Center. An incident report must be completed and reported to the program director.
- < *Skin Contact:* The skin should be washed immediately with soap and water and an incident report completed. Notify the program director.
- < *Clothing Contact:* The clothing should be removed immediately if possible. If not, the affected area should be soaked and diluted immediately. The clothing should be changed at the earliest possibility. An incident report must be completed and the program director notified.

No food or drink is allowed in the Lab at any time.

STANDARD V

A. JUDICIAL SUPERVISION

Status hearings are an integral part of the Juvenile Drug Court Program. These hearings give the juvenile client, the court and the treatment program an opportunity to review his or her progress. Currently, Juvenile Court in St. Mary Parish meets only twice a month, and includes a docket of delinquency, FINS, and dependency cases, with little time for the intense supervision required with substance abusing offenders. The Family-Focused Juvenile Drug Court Judge, staff from St. Mary Parish Juvenile Drug Court, and the District Attorney will appear at all status hearings, in addition to the juvenile offender and appropriate family. In addition to regularly scheduled status hearings, representatives from the judiciary, prosecution, corrections, law enforcement and treatment will meet weekly to discuss client progress and program direction. Other community organizations will attend when necessary. The St. Mary Parish Public Schools, for example, makes referrals to the Juvenile Court for FINS cases and will be present when at-risk juveniles have been referred for FINS.

B. COURTROOM PROCEDURES

Prior to each status hearing, the drug court team will meet to discuss client performance for that period. In attendance should be the judge, DA, probation, program director, FIS counselors, case managers, and compliance officer. At this point the judge is given a report on each client along with a recommendation for incentives or sanctions. Once in the courtroom, the DA calls each client to the stand along with that client's family members. The judge asks the client for a report of his/her progress. The judge then praises or admonishes the client and delivers an incentive or sanction. The other members of the team are available for clarification at the judge's request, but do not play a large role in the hearing. A court clerk is on hand to record the minutes of the hearing and to serve each client with a summons for their next status hearing.

C. INCENTIVES

Incentives are a vital "tool" in the drug court program. Incentives are rewards for responsible and positive behaviors. These rewards could range from public praise in court from the Judge to advancements to the next treatment phase. You decide what you will receive based on the decisions you make and the actions you take. There is a direct relationship between what you do and what you get. The incentives utilized are as follows:

Incentives: (range of incentives)

- Verbal Praise
- Phase Advancement and Certificates
- Decreased Frequency of Court Appearances
- Extended Curfew
- Reduced Supervision
- Reduced Fines or Fees
- Dismissal of Criminal Charges or Reduction in Probation Term
- Reduced or Suspended Sentence
- Graduation

D. SANCTIONS

Sanction means that if a client fails to follow through with your responsibilities, there will be consequences. There is a wide range of sanctions available that the Judge could impose, ranging from a verbal reprimand to dismissal from the program and serving your detention sentence. Sanctions are individualized based on the client and the infraction. The sanctions utilized are as follows:

Sanctions: (range of sanctions)

- Verbal Warning
- Community Service
- Detention Confinement
- Essay Writing
- Demotion to Previous Phase
- Increased Frequency of Urine Screen Testing
- Increased Frequency of Court Appearances
- Increased Monitoring and/or Treatment Intensity
- Termination From the Program and Reinstatement of Regular Court Processing

STANDARD VI

A. STATUS HEARINGS SCHEDULE BY PHASES

- ❖ Phase I - Status Hearing every week.
- ❖ Phase II - Status Hearing every 2 weeks.
- ❖ Phase III - Status Hearing every 3 weeks.
- ❖ Phase IV - Statue Hearing every 4 weeks.

B. INCENTIVES AND SANCTIONS

As reported in Standard V, all clients are subject to incentives and sanctions in accordance with their behavior. The judge implies sanctions according to our sanction schedule. Incentives are given to reward the quality and improved behavior of the clients.

C. PROBATION

16th JDC District Attorney's Office supplies St. Mary Parish Family Focused Juvenile Drug Court with a Probation Officer. She is assigned exclusively to the drug court program. The probation officer collects all fees, fines, and restitution due to the court. Clients must schedule a monthly meeting with her to make payments. Clients are sanctioned if they do not attend their monthly appointment. She reports to the court on a regular basis concerning status of clients and attends all status hearings.

STANDARD VII

A. PROGRAM GOALS & OBJECTIVES

ADMINISTRATIVE GOALS

GOAL 1: TO DEVELOP AND MAINTAIN A CONTRACT WITH SECON DRUG SCREENING COMPANY TO PROVIDE URINE SCREENING SERVICES.

Objective 1: This service will be utilized to handle all urinalysis testing for the facility

Objective 2: Continue to provide services in keeping with OAD Licensing Requirements and all regulations set forth by funding sources.

Goal 2: Continue participation in the Mentor Court Program through the National Association of Drug Court Professionals.

Objective 1: The Program Director will be responsible for the training of visitors from other programs as well as representation at national conferences.

Objective 2: Program will participate in the Mentor Court Showcase at the annual training conference for the National Association of Drug Court Professionals.

Goal 3: Continue to work with the Supreme Court Drug Court Office in the development of the statewide drug court MIS system.

Objective 1: The facility will provide support with the testing of the system and provide feedback.

Fiscal Goals

Goal 1: To continue to research funding opportunities.

Objective 1: Work closely with grant coordinator to maximize grant-awarding potential in both the public and private sector.

Goal 2: To continue a cost reimbursement contract with St. Mary Parish Council to administer funds appropriately.

Objective 1: Work closely with Finance Director for St. Mary Parish.

Goal 3: To improve cost effectiveness of program by working closely with purchasing and accounting to monitor all expenses.

Objective 1: The Administrator will have monthly contact with the director of finance to monitor all accounts.

Personnel Goals

Goal 1: To enhance in-house training and supervision of all clinical staff.

Objective 1: A primary focus of the Program Director will be supervision and training of clinical staff.

Goal 2: Provide resources for additional training such as workshops and conferences.

Goal 3: To continue to support all counseling staff in their efforts to become licensed and or certified.

Treatment Services

Goal 1: Achieve an active caseload, which fulfills the number of slots allotted by the Supreme Court Drug Court Office.

Objective 1: This caseload can be served with current staff.

Goal 2: To establish an on-going consultation relationship with a Psychiatrist for client evaluation, medication management, and follow-up care.

Objective 1: This service will be utilized for those clients who evidence a need for further mental health evaluation and treatment.

Goal 3: To follow the Supreme Court Drug Court Program policies and procedures.

Objective 1: To implement Supreme Court Program Policies and procedures by next fiscal year.

Prevention / Education Services

Goal 1: Provide educational sessions to local high schools and other community programming which request speakers.

Goal 2: To support and enhance the growth of the Louisiana Association of Drug Court Professionals organization.

- Objective 1: Encourage staff to become members.
- Objective 2: To attend meetings and conferences held by the organization.

VI. ANNUAL FISCAL AND PROGRAM MONITORING

The SCDCO, as a fiscal agent of St. Mary Parish Family Focused Juvenile Drug Court, is responsible for monitoring program activities. St. Mary Parish Family Focused Juvenile Drug Court maintains compliance with State and Federal statutes, regulations, policies, standards and/or guidelines. The SCDCO reviews both fiscal and programmatic operations.

VII. DCCM (DRUG COURT CASE MANAGEMENT SYSTEM)

St. Mary Parish Family Focused Juvenile Drug Court has entered into an agreement with Louisiana Supreme Court to assist this drug court program in the implementation of an additional evaluation. The La. Supreme Court will monitor the evaluation implementation, develop process and outcome analysis as well as, cost effectiveness analysis. This process has begun with monthly data reports completed by our office and sent to the Supreme Court. The DCCM (Drug Court Case Management System) provide drug court and SCDCO with information that can help assess drug court performance and impact.

As a secure system the DCCM maintains two levels of integrity of stored data:

1. All client information is housed on a secure server at the Louisiana Supreme Court where redundant systems and disaster recovery protocols have been established.
2. An employee's position and role within the drug court determines his/her rights to the DCCM, including type and level of user access, i.e., screen access, data entry, and edit or view only capabilities.

The St. Mary Parish Family Focused Juvenile Drug Court utilize the Supreme Court's web based application for data entry, the Drug Court Case Management System (DCCM). All users are issued logon ID's and passwords in accordance with Supreme Court Policy. All Drug Court employees and contract personnel must adhere to written policies, consistent with state and federal guidelines that protect against unauthorized disclosure of client records and personal identifying information.

VIII. CONTINUED INTERDISCIPLINARY EDUCATION

St. Mary Parish Family Focused Juvenile Drug Court promotes continued education for our members so they may serve the best interest of their clients and the profession. Each licensed staff member, in accordance with their respective profession, must maintain a certain amount of CEUs each year for renewal of licensure. Staff members must turn in a

copy of CEU certificates to the Administrative Manager to be filed in their personnel records as documentation of attaining these credits.

We pride ourselves in promoting continued education. The following organizations provide opportunities to learn about a variety of subjects pertaining to Drug Court:

LADCP (Louisiana Association of Drug Court Professionals)

NADCP (National Association of Drug Court Professionals)

IX. TANF ELIGIBILITY

St. Mary Parish Family Focused Juvenile Drug Court is a recipient of Temporary Assistance to Needy Families (TANF) Funds. As a condition of receiving TANF funds, we certify the eligibility of our drug court participants, renew eligibility client annually, maintain files regarding TANF supported expenditures, and retain records relating eligibility and TANF expenditures.

We insure St. Mary Parish Family Focused Juvenile Drug Court client eligibility by use of the SCDCO TANF Eligibility Checklist (attached in the Index.). Some main factors in determining eligibility are age and custody and /or proof of maternity or paternity for a non-custodial parent.

X. RECORD MAINTENANCE POLICY

In accordance with state policy, all client records are stored for 6 years after discharge from the program. All clients' records are shredded after those 6 years have expired.

XI. CONTINUITY OF OPERATIONS PLAN (COOP)

In compliance with the Louisiana Supreme Court we have an Emergency Plan put into place for different types of emergency events. See COOP in Index.

XII. QUALIFIED SERVICES ORGANIZATION

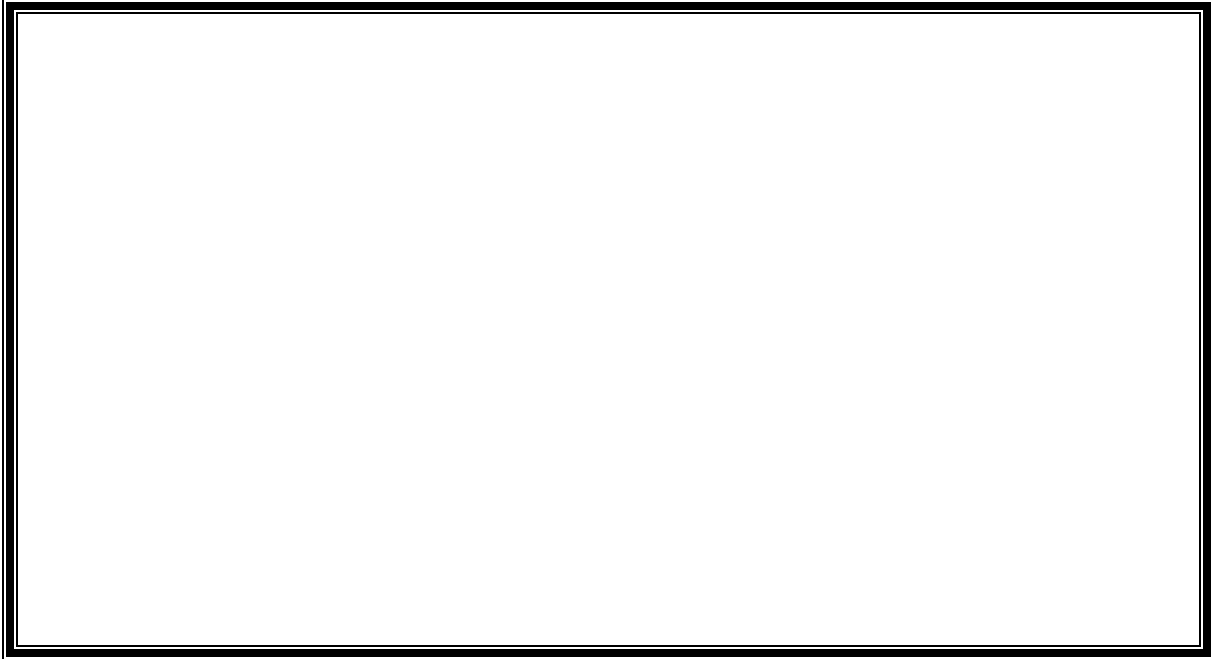
St. Mary Parish Juvenile Drug Court Clinic and the following organizations or persons have entered into a cooperative agreement to provide ancillary services for our clients.

- Dr. Mark DeManuelle, M.D.: to provide medical examinations and referrals for additional medical treatment.
- Teche Action Clinic: provides medical services including psychiatric as well as physicals for clients based on their ability to pay.
- LA Technical College: assists clients in continuing education to obtain an associates degree. Help clients access funding, transportation and childcare.
- LA Department of Public Health: provides follow up care including medications for clients that have been diagnosed with sexually transmitted diseases, tuberculosis, hepatitis or other communicable diseases.
- Chitimacha Tribal Human Services: provides comprehensive social services to members of the Chitimacha Tribe of Louisiana.
- City Court of Morgan City: provides referrals to the St. Mary Parish Juvenile Drug Court program as well as ongoing case monitoring.
- Franklin City Court: provides referrals to the St. Mary Parish Juvenile Drug Court program as well as ongoing case monitoring.
- St. Mary Parish School Board: provides basic and special educational services to clients as residents of St. Mary Parish. Child Welfare and Attendance and Special Services Departments specifically work in cooperation with drug court staff in

order to track client behavior, school performance, as well as accommodations of special needs.

- The Adolescent Center: provides inpatient substance abuse treatment services to adolescents in the state.
- Gateway Adolescent Center: provides inpatient substance abuse treatment services to adolescents in the state.
- Springs of Recovery: provides inpatient substance abuse treatment services to adolescents in the state.
- Office of Addictive Disorders Region III: state Alcohol and Drug Abuse treatment authority.
- Louisiana Rehabilitation Services: provides rehabilitate services, assists in accessing public funds for education, as well as case management.
- 16th Judicial District Court: acts as a referral source for St. Mary Parish Juvenile Drug Court.

INDEX



ENROLLED

Regular Session, 1997

HOUSE BILL NO. 2412

BY REPRESENTATIVE JACK SMITH

AN ACT

To enact Chapter 33 of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R1.3S:.5 301 through 5304, relative to state district courts; to provide for drug and alcohol treatment programs through drug divisions to be operated by the district courts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 33 of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:5301 through 5304, is hereby enacted to read as follows:

CHAPTER 33. DRUG DIVISIONS

§5301. Purpose

The Legislature of Louisiana recognizes the critical need for criminal justice system programs to reduce the incidence of alcohol and drug use, alcohol and drug addiction,

and crimes committed as a result of alcohol and drug use and alcohol and drug addiction. The legislature also recognizes that the problem of alcohol and drug abuse among the citizens of Louisiana is excessive and needs to be addressed and corrected not only for the health and welfare of the citizens of this state, but also because alcohol and drug abuse or dependency has been identified as a contributing factor in the commission of many crimes. It is the intent of the legislature by this Chapter to create a program to facilitate the creation of alcohol and drug treatment divisions in the various district courts of this state.

§5302. Goals

The goals of the alcohol and drug treatment divisions created under this Chapter include the following:

- (1) To reduce alcoholism and drug abuse and dependency among offenders.
- (2) To reduce criminal recidivism.
- (3) To reduce the alcohol and drug-related workload of the courts.
- (4) To increase the personal, familial, and societal accountability of offenders.
- (5) To promote effective interaction and use of resources among criminal justice personnel and community agencies.
- (6) To reduce the overcrowding of prisons.

§5303. Definitions

For the purposes of this Chapter:

- (1) "Alcohol and drug abuse program" means a program licensed by the state of Louisiana to provide education, prevention, and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers or addicts.
- (2) "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically and endangers the health, safety, and welfare of the abuser and others.
- (3) "Alcohol or drug-related offense" means an alcohol or drug-related offense and also an offense in which alcohol and/or drug abuse or addiction is determined from the evidence to have been a factor in the commission of the offense.
- (4) "Alcoholic or drug addict" means any person who habitually uses alcohol or other drugs to the extent that the person endangers the health, safety, or welfare of that person or any other person or groups of persons.

(5) "Conditions of probation" means the specification of formal terms and conditions which a defendant must fulfill in order to have the charges against that person dismissed in accordance with the provisions of Code of Criminal Procedure Articles 893 and 894.

(6) "Drug division" means the division or divisions of the court to which alcohol or drug-related offenses are assigned or the employee of the court designated to administer the probation program, as provided by R.S. 13:5304(A).

(7) "Probation" means referral of a defendant who has entered a plea of guilty in a criminal case charging an alcohol or controlled dangerous substance related offense to a supervised probation program as provided in Code of Criminal Procedure Articles 893 and 894.

(8) "Probationer" means a person who has been accepted into a drug division probation program.

(9) "Treatment program" means any governmental agency or other entity which is licensed by the state of Louisiana to provide substance abuse or addiction treatment on a residential or outpatient basis.

§5304. The drug division probation program

A. Each district court by rule may designate as a drug division one or more divisions to which alcohol or drug-related offenses are assigned and may establish a probation program to be administered by the presiding judge or judges thereof or by an employee designated by the court.

B. Participation in probation programs shall be subject to the following provisions:

(1) The district attorney may propose to the court that an individual defendant be screened for eligibility as a participant in the drug division probation program if all of the following criteria are satisfied:

(a) The individual is charged with a violation of a statute of this state relating to the use and possession of any narcotic drugs, coca leaves, marijuana, stimulants, depressants, or hallucinogenic drugs, or where there is a significant relationship between the use of alcohol or drugs, or both, and the crime before the court.

(b) The district attorney has reason to believe that the individual who is charged suffers from alcohol or drug addiction.

(c) It is in the best interest of the community and in the interest of justice to provide the defendant with treatment as opposed to incarceration or other sanctions.

(2) Upon receipt of the proposal provided for in Paragraph (1) of this Subsection, the court shall advise the defendant that he or she may be eligible for enrollment in a court-authorized treatment program through the drug division probation program.

(3) In offering a defendant the opportunity to request treatment, the court shall advise the defendant of the following:

(a) If the defendant is accepted into the drug division probation program, then the defendant must waive the right to a trial. The defendant must enter a plea of guilty to the charge, with the stipulation that sentencing be deferred or that sentence be imposed, but suspended, and the defendant placed on supervised probation under the usual conditions of probation and under certain special conditions of probation related to the completion of such substance abuse treatment programs as are ordered by the court.

(b) If the defendant requests to undergo treatment and is accepted, the defendant will be placed under the supervision of the drug division probation program for a period of not less than twelve months.

(c) During treatment the defendant may be confined in a treatment facility or, at the discretion of the court, the defendant may be released on a probationary basis for treatment or supervised aftercare in the community.

(d) The court may impose any conditions reasonably related to the complete rehabilitation of the defendant.

(e) The defendant shall be required to participate in an alcohol and drug testing program at his own expense, unless the court determines that he is indigent.

(f) If the defendant completes the drug division probation program, and successfully completes all other requirements of his court-ordered probation, the conviction may be set aside and the prosecution dismissed in accordance with the provisions of Code of Criminal Procedure Articles 893 and 894. If the defendant was sentenced at the time of the entry of the plea of guilty, the successful completion of the drug division probation program and the other requirements of probation will result in his discharge from supervision. If the defendant does not successfully complete the drug division probation program, the judge may revoke the probation and impose sentence, or the judge may revoke the probation and order the defendant to serve the sentence previously imposed and suspended, or the court may impose any sanction provided by Code of Criminal Procedure Article 900, and extend probation and order that the defendant continue treatment for an additional period, or both.

(4) The defendant has the right to be represented by counsel at all stages of a criminal prosecution and in any court hearing relating to the drug division probation program. The defendant shall be represented by counsel during the negotiations to determine eligibility to participate in the drug division probation program and shall be represented by counsel at the time of the execution of the probation agreement, and at any

hearing to revoke the defendant's probation and discharge him from the program, unless the court finds and the record shows that the defendant has knowingly and intelligently waived his right to counsel.

(5) The defendant must agree to the drug division probation program. If the defendant elects to undergo treatment and participate in the drug division probation program, the court shall order an examination of the defendant by one of the court's designated licensed treatment programs. Treatment programs shall possess sufficient experience in working with criminal justice clients with alcohol or drug addictions, or both, and shall be certified and approved by the state of Louisiana. The designated treatment program shall utilize standardized testing and evaluation procedures to determine whether or not the defendant is an appropriate candidate for a treatment program and shall report such findings to the court and the district attorney.

(6) The designated treatment program shall examine the defendant, using standardized testing and evaluation procedures, and shall report to the court and the district attorney the results of the examination and evaluation along with its recommendation as to whether or not the individual is a suitable candidate for the drug division probation program. Only those defendants who suffer from alcoholism or a drug addiction, or both, or who are in danger of becoming dependent on alcohol or drugs and who are likely to be rehabilitated through treatment shall be considered for treatment.

(7) The court shall inform the defendant that the treatment program examiner or district attorney may request that the defendant provide the following information to the court:

(a) Information regarding prior criminal charges.

(b) Education, work experience, and training.

(c) Family history, including residence in the community.

(d) Medical and mental history, including any psychiatric or psychological treatment or counseling.

(e) Any other information reasonably related to the success of the treatment program.

(8) The designated program shall recommend to the court a preliminary length of stay and level of care for the defendant.

(9) Besides the report submitted by the examiner, the judge and district attorney shall consider the following factors in determining whether drug court probation would be in the interests of justice and of benefit to the defendant and the community:

(a) The nature of the crime charged and the circumstances surrounding the crime.

(b) Any special characteristics or circumstances of the defendant.

(c) Whether the defendant is a first time offender of an alcohol or drug-related offense, and, if the defendant has previously participated in this or a similar program, the degree of success attained.

(d) Whether there is a probability that the defendant will cooperate with and benefit from probation and treatment through the drug division probation program.

(e) Whether the available drug division probation program is appropriate to meet the needs of the defendant.

(f) The impact of the defendant's probation and treatment upon the community.

(g) Recommendations, if any, of the involved law enforcement agency.

(h) Recommendations, if any, of the victim.

(i) Provisions for and the likelihood of obtaining restitution from the defendant over the course of his probation.

(j) Any mitigating circumstances.

(k) Any other circumstances reasonably related to the individual defendant's case.

(10) In order to be eligible for the drug division probation program, the defendant must satisfy each of the following criteria:

(a) The defendant cannot have any prior felony convictions for any offenses defined as crimes of violence in R.S. 14:2(13).

(b) The crime before the court cannot be a crime of violence as defined in R.S. 14:2(13), including domestic violence.

(c) Other criminal proceedings alleging commission of a crime of violence as defined in R.S. 14:2(13) cannot be pending against the defendant.

(d) The defendant cannot have been convicted of aggravated burglary or simple burglary of an inhabited dwelling if the defendant has a record of one or more prior felony convictions.

(e) The crime before the court cannot be a charge of driving under the influence of alcohol or any other drug or drugs that resulted in the death of a person.

(f) The crime charged cannot be one of multiple counts of distribution, possession with intent to distribute, production, manufacture, or cultivation of controlled dangerous substances.

(11) (a) The judge shall make the final determination of eligibility. If, based on the examiner's report and the recommendations of the district attorney and the defense counsel, the judge determines that the defendant should be enrolled in the drug division probation program, the court shall accept the defendant's guilty plea and suspend or defer the imposition of sentence and place the defendant on probation under the terms and conditions of the drug division probation program. The court also may impose, sentence and suspend the execution thereof, placing the defendant on probation under the terms and conditions of the drug division probation program.

(b) If the judge determines that the defendant is not qualified for enrollment, the judge shall state for the record the reasons for that determination.

(c) A treatment program may petition the court to reject a referral through the drug division probation program if the treatment program administrator deems the defendant to be inappropriate for admission to the treatment program. Additionally, a treatment program may petition the court for immediate discharge of any individual who fails to comply with treatment program rules and treatment expectations or who refuses to constructively engage in the treatment process.

C. (I) The terms of each probation agreement shall be decided by the judge. The defendant must agree to enter the program and sign a probation agreement stating the terms and conditions of his program. The defendant must plead guilty to the charge in order to be eligible for the drug division probation program.

(2) Any probation agreement entered into pursuant to this Section shall include the following:

(a) The terms of the agreement, which shall provide that if the defendant fulfills the obligations of the agreement, as determined by the court, then the criminal charges may be dismissed and the prosecution set aside in accordance with the provisions of Code of Criminal Procedure Articles 893 and 894, or, if the defendant has been sentenced following the plea of guilty, then the successful completion of the drug division probation program may result in the discharge of the defendant from continued supervision.

(b) A waiver by the defendant of the right to trial by jury under the laws and constitution of Louisiana and the United States.

(c) The defendant's full name.

(d) The defendant's full name at the time the complaint was filed, if different from the defendant's current name.

- (e) The defendant's sex and date of birth.
 - (f) The crime before the court.
 - (g) The date the complaint was filed.
 - (h) The court in which the agreement was filed.
 - (i) A stipulation of the facts upon which the charge was based, as agreed to by the defendant and the district attorney.
 - (j) A provision that the defendant will be required to pay a probation supervision fee.
 - (k) A provision in cases where applicable that the defendant will be required to pay restitution to the victim.
 - (l) A provision that once the defendant is receiving treatment as an outpatient or living in a halfway house he will participate in appropriate job training or schooling or seek gainful employment.
 - (m) A copy of the plea agreement.
- (3) A defendant who is placed under the supervision of the drug division probation program shall pay the cost of the treatment program to which he is assigned and the cost of any additional supervision that may be required, to the extent of his financial resources, as determined by the drug division.
- (4) If the probationer does not have the financial resources to pay all the related costs of the probation program:
- (a) The court, to the extent practicable, shall arrange for the probationer to be assigned to a treatment program funded by the state or federal government.
 - (b) The court, with the recommendation of the treatment program, may order the probationer to perform supervised work for the benefit of the community in lieu of paying all or a part of the costs relating to his treatment and supervision. The work must be performed for and under the supervising authority of a parish, municipality, or other political subdivision or agency of the state of Louisiana or a charitable organization that renders service to the community or its residents.
- D.(l) When appropriate, the imposition or execution of sentence shall be postponed while the defendant is enrolled in the treatment program. As long as the probationer follows the conditions of his agreement, he or she shall remain on probation. At the conclusion of the period of probation, the district attorney, on advice or the person

providing the probationer's treatment and the probation officer, may recommend that the drug division take one of the following courses of action:

(a) That the probationer's probation be revoked and the probationer be sentenced because the probationer has not successfully completed the treatment and has violated one or more conditions of probation; or, if already sentenced, that the probation be revoked and the probationer be remanded to the appropriate custodian for service of that sentence.

(b) That the period of probation be extended so that the probationer may continue the program.

(c) That the probationer's conviction be set aside and the prosecution dismissed because the probationer has successfully completed all the conditions of his or her probation and treatment agreement.

(2) The district attorney shall make the final determination on whether to request revocation, extension, or dismissal.

(3)(a) If an individual who has enrolled in a program violates any of the conditions of his probation or his treatment agreement or appears to be performing unsatisfactorily in the assigned program, or if it appears that the probationer is not benefiting from education, treatment, or rehabilitation, the treatment supervisor, probation officer, or the district attorney may move the Court for a hearing to determine if the probationer should remain in the program or whether the probation should be revoked and the probationer removed from the program and sentenced or ordered to serve any sentence previously imposed. If at the hearing the moving party can show sufficient proof that the probationer has violated his probation or his treatment agreement and has not shown a willingness to submit to rehabilitation, the probationer may be removed from the program or his treatment agreement may be changed to meet the probationer's specific needs.

(b) If the court finds that the probationer has violated a condition of his or her probation or a provision of his or her probation agreement and that the probationer should be removed from the probation program, then the court may revoke the probation and sentence the individual in accordance with his or her guilty plea or, if the individual has been sentenced and the sentence suspended, order the individual to begin serving the sentence.

(c) If a defendant who has been admitted to the probation program fails to complete the program and is thereafter sentenced to jail time for the offense, he shall be entitled to credit for the time served in any correctional facility in connection with the charge before the court.

(d) At any time and for any appropriate reason, the probationer, his probation officer, the district attorney, or his treatment provider may petition the court to

reconsider, suspend, or modify its order for rehabilitation or treatment concerning that probationer.

(e) The burden of proof at all such hearings shall be the burden of proof required to revoke probation as provided by law.

E. The appropriate alcohol and drug treatment program shall report the following changes or conditions to the district attorney at any periodic reporting period specified by the court:

(1) The probationer is changed from an inpatient to an outpatient.

(2) The probationer is transferred to another treatment center or program.

(3) The probationer fails to comply with program rules and treatment expectations.

(4) The probationer refuses to engage constructively in the treatment process.

(5) The probationer terminates his or her participation in the treatment program.

(6) The probationer is rehabilitated or obtains the maximum benefits of rehabilitation or treatment.

F. Upon successful completion of the drug division probation program and its terms and conditions, the judge, after receiving the recommendation from the district attorney, may vacate the judgment of conviction and dismiss the criminal proceedings against the probationer or may discharge the defendant from probation in accordance with the provisions of Code of Criminal Procedure Article 893 or 894.

G. Discharge and dismissal under this Chapter, as provided in Code of Criminal Procedure Articles 893 and 894, shall have the same effect as acquittal, except that the conviction may be considered in order to provide the basis for subsequent prosecution of the party as a multiple offender and shall be considered as an offense for the purposes of any other law or laws relating to cumulation of offenses. Dismissal under this Chapter shall occur only once with respect to any person. Nothing herein shall be construed as a basis for the destruction of records of the arrest and prosecution of the person.

H. Nothing contained in this Chapter shall confer a right or an expectation of a right to treatment for a defendant or offender within the criminal justice system.

I. Each defendant shall contribute to the cost of substance abuse treatment received in the drug treatment program based upon guidelines developed by the drug division.

J. Each judicial district that establishes a drug division shall adopt written policies and guidelines for the implementation of a probation program in accordance with this Chapter. The policies and guidelines shall include provisions concerning the following:

(1) How to examine the defendant initially to determine if he or she is qualified for enrollment.

(2) How to advise the defendant of the program if the court has reason to believe the defendant may suffer from alcohol or drug addiction.

(3) What licensed treatment programs are certified by the court.

K. Each drug division shall develop a method of evaluation so that its effectiveness can be measured. These evaluations shall be compiled annually and transmitted to the judicial administrator of the Supreme Court of Louisiana.

L. (1) Except as otherwise provided for by law, the registration and other records of a treatment facility are confidential and shall not be disclosed to any person not connected with the treatment facility or the drug division and district attorney without the consent of the patient.

(2) The provisions of Paragraph (1) of this Subsection shall not restrict the use of patients' records for the purpose of research into the cause and treatment of alcoholism and drug addiction, provided that such information shall not be published in a way that discloses the patient's name and identifying information.

M. No statement, or any information procured therefrom, with respect to the specific offenses with which the defendant is charged, which is made to any probation officer or alcohol and drug treatment worker subsequent in the granting of probation, shall be admissible in any civil or criminal action or proceeding, except a drug division probation revocation proceeding.

N. A record of the fact that an individual has participated in a drug division probation program shall be sent to the office of the attorney general and shall be made available upon request to any district attorney for the purpose of determining if an individual has previously participated in a drug division probation program.

O. The provisions of Code of Criminal Procedure Article 893(A) and (D) which prohibit the court from suspending or deferring the imposition of sentences for violations of the Uniform Controlled Dangerous Substances Law or for violations of R.S. 40:966(A), 967(A), 968(A), 969(A), or 970(A) shall not apply to prosecutions in drug division probation programs as authorized by this Chapter.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA
APPROVED:



St. Mary Parish Drug Courts

1101 Southeast Blvd. Bayou Vista, LA 70380

Phone: 985-399-5777 ~ Fax: 985-399-4777

EMPLOYEE LIST (JUVENILE DRUG COURT)

LARS LEVY, DRUG COURT ADMINISTRATOR, FT

ANGELA LANCON, ADMINISTRATIVE SERVICES, ADULT & JUVENILE, PT

**KEONA LANCESLIN, LMSW, LAC, CCS, PROGRAM DIRECTOR ADULT
AND JUVENILE SERVICES AND DWI COURT, FT**

LATASHA LEWIS, LMSW, COUNSELOR

**MONIQUE FRANCIS, POLICE LIASON, ADULT AND JUVENILE SERVICES,
FT**

JAMES BARKEY, VAN DRIVER, PT

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