

IN THE SUPERIOR COURT OF FORSYTH COUNTY  
STATE OF GEORGIA

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ADMINISTRATIVE ORDER 15-10 *nunc pro tunc* to March 19, 2015  
J. G. ALLEN, CLERK  
SUPERIOR & STATE COURT  
FORSYTH COUNTY, GEORGIA

IN RE: MENTAL HEALTH COURT

ORDER AMENDING  
ADMINISTRATIVE ORDER 15-09

The *Mental Health Court Policies and Procedures* were amended by agreement of the members of the Mental Health Court Planning Group on the 19<sup>th</sup> day of March, 2015, and accepted and approved by the Court on said date. The relevant changes reflected in the amended *Mental Health Court Policies and Procedures* were orally announced to the Mental Health Court participants and written copies of the updated *Participant Handbook*, which contained the changes to the *Mental Health Court Policies and Procedures*, were made available to all Mental Health Court participants. Nevertheless, pursuant to the terms of the Mental Health Court contract, all Mental Health Court participants are on notice that they are required to comply with all past and future Mental Health Court policies and procedures in effect. The most current *Mental Health Court Policies and Procedures* are on file with the Clerk of the Forsyth County Superior Court, which are available for review during normal business hours. This order shall be considered as an addendum to Administrative Order 14-2.

SO ORDERED, this 18<sup>th</sup> day of October, 2015, *nunc pro tunc* to March 19, 2015.

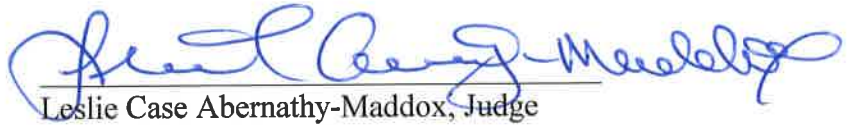
  
Jeffrey S. Bagley, Chief Judge  
Forsyth County Superior Court  
Bell-Forsyth Judicial Circuit

- 1 -

SCANNED

JUDGE ORDERS  
ORD  
Order  
979323





Leslie Case Abernathy-Maddox, Judge

Forsyth County State Court

Bell-Forsyth Judicial Circuit

Designated to sit as presiding Superior Court Judge under  
Administrative Order 14-3

# **FORSYTH COUNTY MENTAL HEALTH COURT C.A.R.E. PROGRAM POLICIES AND PROCEDURES MANUAL**



**Mental Health Court C.A.R.E. Program**  
***(Changing lives, Assisting with community linkage, Restoring to highest level of  
functioning, Enlightening towards positive change)***

*A special docket of State Court and Superior Court to address mentally ill defendants in the criminal  
justice system that would benefit from appropriate treatment versus incarceration*

## INTRODUCTION

The Georgia Supreme Court Task Force on Mental Illness found that 15% of inmates in Georgia jails have been diagnosed with a serious mental illness and receive medication for that condition. In contrast, only 5% of the general population in Georgia has been diagnosed with a severe and persistent mental illness. According to the task force the annual cost of mental health services in Georgia jails and prisons is \$70 million.

On any given day the Forsyth County Detention Center (FCDC) houses approximately 190-210 inmates with approximately 12% of the jail population estimated to have a severe and persistent mental illness; however, the jail recently implemented the Brief Jail Mental Health Screen, which would provide a clearer estimate. Therefore, it is hypothesized this is a gross underestimate of the actual number of individuals with severe and persistent mental illness in the FCDC. The FCDC does have an on-site psychiatrist who sees an average of 15 inmates per month for medication management. The FCDC also has a Mental Health Therapist who sees an average of 24 inmates per month.

Forsyth County has instituted a voluntary Mental Health Court, C.A.R.E. Program, based on proven national research and program models. The C.A.R.E. Program provides individuals with an opportunity to pursue treatment for your mental health need(s), while productively addressing associated legal problems. The C.A.R.E. Program was implemented in March 2014 under the direction of State Court Judge Leslie C. Abernathy-Maddox, as designated by Chief Superior Court Judge Jeffrey S. Bagley. The Court is a partnership between the Judge, District Attorney, Solicitor-General, Probation, Pretrial Services, Law Enforcement, Avita Community Partners, Defense Counsel, and the community.

This is a mental health treatment program that is typically 24 months in duration and consists of four phases. The goal of the program is to link individuals with mental health treatment services, and if needed, substance abuse treatment in addition to community resources that will allow them to live a healthy, productive life and reduce/eliminate future involvement with the criminal justice system.

## **PLANNING GROUP COMMITTEE**

### **PURPOSE:**

This committee is comprised of executive level personnel from each agency to facilitate the process of the Mental Health Court, to expeditiously resolve issues and maintain the standards of the program.

The committee has a clear purpose, roles of members are defined, and the committee meets on a regular, quarterly basis.

### **MEMBERS:**

- Honorable Leslie C. Abernathy-Maddox, State Court Judge, Mental Health C.A.R.E. Program Judge
  - Penny Penn, District Attorney
  - Bill Finch, Solicitor General
- Carol Simpson, Mental Health C.A.R.E. Program Coordinator
  - David Savoy, Criminal Defense Attorney
- Meghan Searles, Mental Health C.A.R.E. Program Case Manager
  - Major Matt Hester, Forsyth County Sheriff's Office
    - Avita Treatment Representative
    - Felony Probation Representative
  - Georgia Probation Management, Misdemeanor Probation

### **CONTINUING EDUCATION REQUIREMENTS:**

All group members are required to adhere to their discipline-specific requirements for certification or licensure (listed below). Additionally, all group members must attend one Accountability Court training/conference every 2 years. New group members are required to the next state or national Accountability Court training/conference.

Attorneys: 12 hours of CLEs/year  
Counselors: 35 hours of CEUs/biennially  
Probation Officers: 20 hours of POST credit/year  
Law enforcement: 20 hours of POST credit/year

### **STEERING COMMITTEE:**

A committee comprised of court officials, community organizations, healthcare providers, social service agencies, education providers, and business leaders will meet a minimum of twice per year to review the progress of all Accountability Courts in Forsyth County. Additionally, this committee is tasked with connecting Accountability Courts with appropriate services available in the community, assisting in educating the community on Accountability Courts, aiding Accountability Courts in securing additional funding for ancillary services for indigent participants, etc.

## **MISSION STATEMENT**

It is the mission of the Mental Health Court C.A.R.E. Program to provide alternatives to incarceration for individuals who have been identified with severe and persistent mental health diagnoses by linking those individuals to local, community-based treatment resources with the goal of improving public safety and helping to prevent further involvement in the criminal justice system. The C.A.R.E. Program will hold individuals accountable and assist defendants in achieving long-term stability to become law-abiding citizens and successful members of the community.

## **GOALS AND OBJECTIVES**

The Mental Health Court C.A.R.E. Program's first goal is to reduce the amount of time an individual spends in jail by a) identifying eligible participants early and b) completing their evaluations in a timely fashion. The second goal is to reduce recidivism by early linkage to services which include mental health needs, medical needs, dental needs, and vocational needs as well as educating individuals and assisting with skill-building. Another objective is to monitor closely for safety, compliance, and wellness. The C.A.R.E. Program also hopes to increase a person's ability to live and work in the community as a productive member of society by providing job assistance and training, helping the participants with stable housing, and ensuring ongoing treatment and aftercare after graduation.

## **STRUCTURE/MODEL**

The Mental Health Court C.A.R.E. Program is a pre-adjudication, pre-sentence, or post-plea, post-sentence model offered to eligible participants with a documented history of severe and persistent mental illness whose legal charges are related to their mental illness. Entry into the program is voluntary in nature and may result in positive favor in the reduction or dismissal of charges or fines based upon the agreement entering into the court program. The program is offered as an alternative to jail time and in an effort to help stabilize and rehabilitate the defendant to a higher functioning level therefore enabling them the opportunity to become law-abiding citizens.

### **Court Description**

This program is voluntary in nature and should be entered into with a clear understanding of overall program requirements. Upon entry, each defendant will complete an intake session with the Mental Health Court C.A.R.E. Office. They will be given an appointment time to meet with a representative from the treatment provider at this time and will be placed into the treatment provider's care and given a treatment schedule.

The Forsyth County Mental Health C.A.R.E. Court will meet on the second, fourth, and fifth, if applicable, Wednesdays of the month at 10:30 a.m. and Status Review meetings will take place prior to court each session at 8:30 a.m.

### **Mental Health Court C.A.R.E. Team**

The Forsyth County Mental Health Court is a partnership among the Courts, the District Attorney's Office, the Solicitor's Office, the Defense Bar, Law Enforcement, Felony and Misdemeanor Probation Services, and local, licensed Mental Health and Substance Abuse Treatment Providers. It is coordinated through the Mental Health Court C.A.R.E. Office.

### **Status Review Meetings**

Status Review meetings (typically held every second, fourth, and fifth, if applicable, Wednesdays of the month at 8:30 a.m.) will include the presiding Judge, the District Attorney's Office, the Solicitors Office, the Mental Health Court C.A.R.E. Coordinator, the Treatment Provider representative, Law Enforcement representative, Misdemeanor and Felony Probation Services representative, and an appointed Defense Bar representative. The Mental Health Court C.A.R.E. Office, Probation Services and the Treatment Providers will communicate weekly on all participants' progress and any issues that need immediate resolution will be brought to the team.

# **STAFFING AND RESPONSIBILITIES**

## **JUDGE'S ROLE**

The C.A.R.E. Program Judge is a vital member of the C.A.R.E. Team. The C.A.R.E. Program Judge presides over all court hearings, attends all status review meetings, and reinforces therapeutic interventions through the application of legal sanctions and incentives. All sanctions will be immediate and will specifically address the participant's noncompliance. The C.A.R.E. Program Judge has knowledge of the impact of mental illness and substance abuse on the court system, the lives of participants, and the entire community and is, therefore, committed to the Program mission and goals, and works as a lead partner to ensure its success. One way the C.A.R.E. Program Judge leads is through assisting the Treatment Team in developing policies and procedures for the program. In the courtroom, the Judge develops a personal, working relationship with each participant while monitoring participant progress.

The Judge attends non-court settings such as staff meetings to discuss possible candidates for the program and to determine appropriate, effective sanctions for program violations, as well as incentives for continued compliance. Such determinations are made using knowledge of all life areas that may impact a participant's success. A further role of the Judge is to advocate for the program by creating community interest and support for the program and to develop community resources to assist participants in their treatment.

## **DISTRICT ATTORNEY'S ROLE**

The District Attorney's Office have representatives that attend status review meetings and C.A.R.E. Court hearings to determine legal eligibility on all referrals and appropriate sanctions and incentives for current participants. The Prosecutor has many responsibilities to the Program. The Prosecutor presents each case to the Judge and facilitates entry into the C.A.R.E. Program if appropriate. Another role of the Prosecutor is to contribute to efforts in community education and acquisition of community resources to aid the Program. The Prosecutor educates peers, colleagues, and judiciary on the effectiveness of the C.A.R.E. Program. In the event that you are terminated from the Program, the Prosecutor will make recommendations to the Court regarding your sentencing if you have felony charges.

## **SOLICITOR- GENERAL'S ROLE**

The Solicitor-General's Office has representatives that attend status review meetings and C.A.R.E. Court hearings to determine legal eligibility on all referrals and appropriate sanctions and incentives for current participants. The Solicitor-General has many responsibilities to the Program. The Solicitor-General presents each case to the Judge and assists referral into the Program. Another role of the Solicitor-General is to contribute to the efforts in community education and acquisition of community resources to aid the program. The Solicitor-General educates peers, colleagues, and judiciary on the effectiveness of the C.A.R.E. Program. In the event a participant is terminated from the C.A.R.E. Program, the Solicitor-General will make recommendations to the Court regarding probation revocation if a participant has misdemeanor charges.

## **DEFENSE ATTORNEY'S ROLE**

The C.A.R.E. Program Defense Attorney represents most participants in the Program. The Defense Attorney's role is to evaluate the defendant's legal situation and ensure that his/her legal rights are protected. Additionally, the Defense Attorney effectively advises the defendant on his/her legal rights, legal options, treatment options, program conditions, and sentencing outcomes while developing a relationship with the defendant that promotes his/her long term best interest. The Defense Attorney will also communicate with the defendants' attorney regarding the C.A.R.E. Program. They also monitor participant progress and ensure the appropriate provision of treatment and other rehabilitative services. The Defense Attorney attends staff

meetings to discuss possible candidates for the program and to determine appropriate sanctions and incentives for current participants. Like the Prosecutor, the Defense Attorney also contributes to educating the community and assists in educating peers, colleagues, and judiciary in the effectiveness of C.A.R.E.

### **LAW ENFORCEMENT'S ROLE**

A representative from the Forsyth County Detention Center attends status review meetings and court sessions. This individual facilitates referrals from the Detention Center and ensures current C.A.R.E. participants receive needed care while serving jail sanctions. Law enforcement also facilitates home checks at the request of the C.A.R.E. Program Team. Information gained during home visits and reports on participant attitude and behavior are discussed in the status review meetings each week. Law enforcement provides accountability for participation in this program through weekly staff meetings and recommendations.

### **CLINICAL COORDINATOR**

The C.A.R.E. Program Clinical Coordinator is responsible for overseeing the treatment operations of the program under the direction of the Judge. The Coordinator provides programmatic information to all those involved in the facilitation of the program to ensure monitoring and evaluation. Other responsibilities include coordinating continuing education for staff and stakeholders, acquiring and updating outside funding sources, chairing meetings of the C.A.R.E. Program Team, and gathering information for the preparation of an annual report on the operation of the program.

Additionally, the Coordinator is responsible for seeing that interviews and assessments of all appropriate candidates and referrals for possible inclusion in the Program are made in a timely manner. The Coordinator also takes the lead in any day-to-day operational responsibilities, as needed. The Coordinator interviews participants and/or families using acceptable techniques to obtain necessary information regarding medical, social, and/or emotional background in order to determine eligibility. The Coordinator contacts other health care professionals within or outside the organization as necessary to obtain background information on participants.

An essential role of the Coordinator is to ensure long-term sustainability of the program and maintain programmatic integrity. The Coordinator is active in community outreach to include education of the public regarding the impact the Program is having on recidivism, community safety, employment, family restoration, and other issues related to participant success.

The Clinical Coordinator also serves as the Case Manager to participants. He/she provides direct participant care to those assigned to him/her. He/she is involved in planning and organizing groups and providing staff and other contracted employees/treatment providers with information to be addressed in treatment groups. The Clinical Coordinator maintains participant files, leads groups, makes home visits, may be required to observe drug screens, monitors participant compliance, and assists participants in individual sessions which effectively addresses their personal, social, and physical/medical development; assists with and participates in group/family counseling or educational sessions to effectively address medical and psychosocial needs; and provides appropriate emotional support and encouragement to participants and their families.

### **AVITA COMMUNITY PARTNERS LIAISON**

Participants are referred to the local CSB for mental health treatment. The liaison provides individual and group therapy for the participants in the program, attends all treatment team meetings, and reports participants' progress in treatment. The liaison also maintains active contact with the C.A.R.E. Program Clinical Coordinator in order to ensure continuity of care.

## **ELIGIBILITY CRITERIA**

Eligible participants will meet the following criteria:

- Documented history of severe and persistent mental health diagnosis
  - Presence in United States is legally documented
    - Live in Forsyth County
    - At least 17 years old
  - Current involvement in the legal system with charges related to mental illness
- Not taking any Opiates, Benzodiazepines, Amphetamines, Sedatives, or any other addictive medications
  - Cases will be considered on a case by case basis

## **DISQUALIFICATION CRITERIA**

The following will disqualify an defendant from participation in the Forsyth County Mental Health Court C.A.R.E. Program:

- Violent charges which include but are not limited to murder, armed robbery, aggravated child molestation, aggravated sexual battery, kidnapping, rape, voluntary manslaughter, child molestation, child exploitation, possession of child pornography, sexual battery of a minor, and statutory rape
  - Involvement in sale or distribution of illegal drugs
    - Live outside of Forsyth County
- Taking any Opiates, Benzodiazepines, Amphetamines, Sedatives, or any other addictive medications
  - Primary diagnosis or developmental disorder or traumatic brain injury

# ENTRY PROCESS

## CLINICAL SCREENING/EVALUATION PROCESS

Individuals are screened for clinical eligibility based on an extensive clinical interview and completion of a symptom checklist. The referral completes the Bio/Psycho/Social, TCU Drug Screen II, Modified Mental Health Screening Form and TCU Criminal Thinking Short Form to determine level of substance use and criminal thinking. The Level of Service Inventory-R is administered to determine risk/needs of each referral. In addition, releases are signed so collateral information can be obtained from mental health hospitals, primary care physicians, psychiatrists, and community mental health treatment providers. All of the aforementioned information is presented in staffing to determine if the referral meets the clinical eligibility criteria into the Program.

During the referral process, the individual is evaluated for clinical eligibility. If at any point during the referral process the question of competency is raised by a clinician, attorney, or any other team member, the referral process is halted. The individual is immediately referred to the appropriate legal avenues for evaluation and competency restoration.

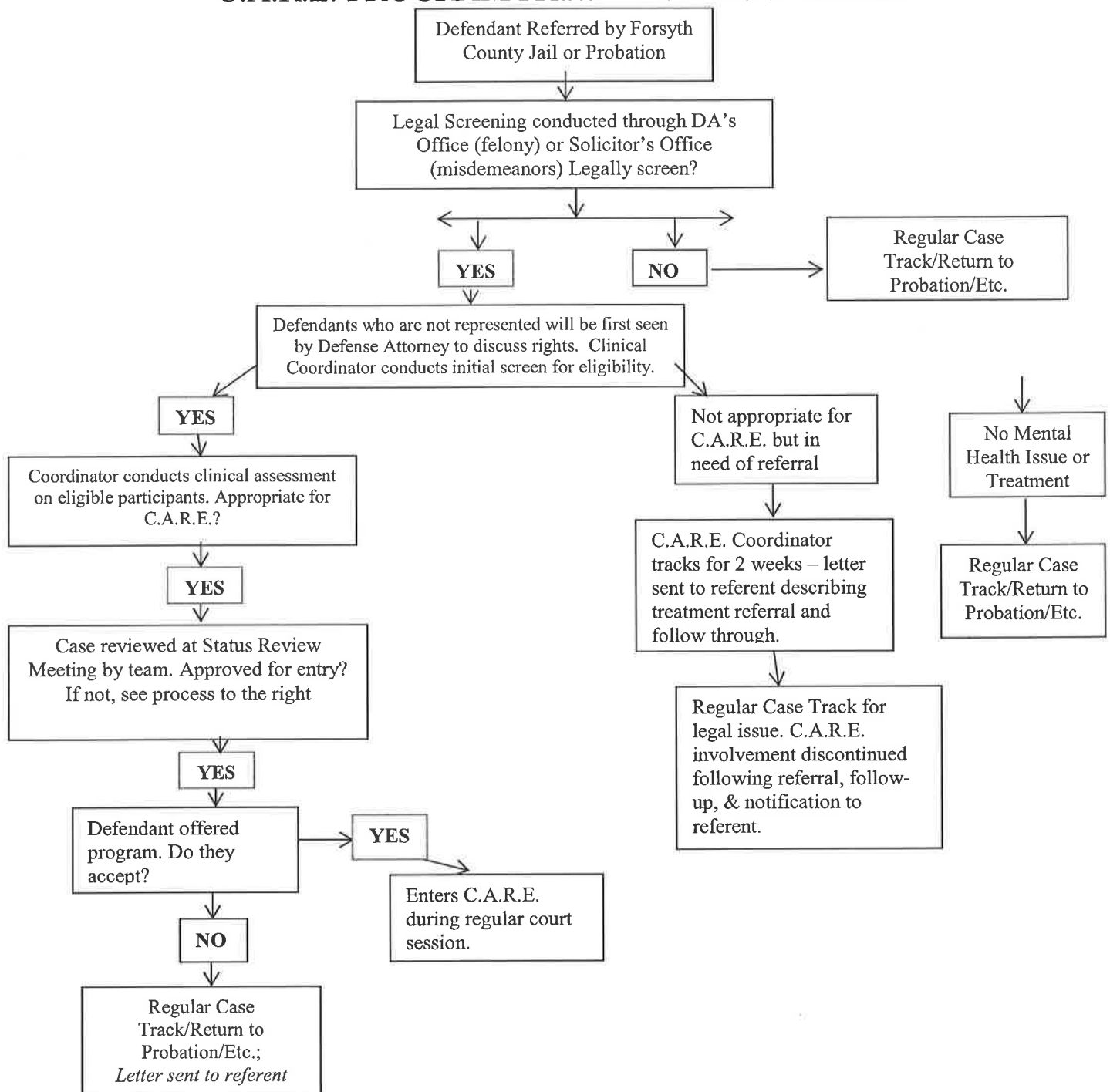
## REFERRALS

The C.A.R.E. Program currently has several mechanisms in place to receive appropriate referrals throughout different intercepts in the criminal justice system. The local police and sheriff's departments are educated on the referral process. The Sheriff's Department has also committed to having all of their officers CIT certified on a time line. The District Attorney's office has a mental health court representative that acts as the referral source for the program and forwards referrals to the Coordinator. The Solicitor's Office has a mental health court representative that acts as the referral source for this office. The Detention Center directly refers individuals who report mental illness to the Coordinator for screening. The team will educate individuals at the different intercepts on necessary information regarding the program and any changes at least once per year.

A defendant is referred to the Program and a legal screening is conducted by the Assistant District Attorney or the representative from the Solicitor's Office assigned to the Team. If the person is deemed ineligible at any point, a treatment recommendation and referral is made and the individual is denied entry into the C.A.R.E. Program. One of the goals of the team is to link individuals to treatment resources in the community so these referrals would be made at the time of denial into the program. If the person is eligible following the legal screening, a clinical assessment is conducted to deem clinical eligibility for the program. Before the clinical screening, each potential participant has an opportunity to meet with the Defense Attorney to discuss terms of participation and participant handbook. If they are interested in the program the clinical screening will follow. The clinical eligibility includes a diagnosis of an Axis I severe and persistent mental illness. The individual cannot have a primary substance abuse, developmentally disabled, or traumatic brain injury diagnosis. The current legal involvement has to be linked to the mental illness in some way to be deemed clinically eligible.

If the participant is eligible legally and clinically, the case is presented to the C.A.R.E. Program Team at the status review meeting. All known issues are discussed and a determination of entry will be made. Those who are offered the program and accept will be admitted in court at the next session, and all entrance paperwork is completed. The entrance diagram follows:

## C.A.R.E. PROGRAM REFERRAL FLOW CHART



## **CONFIDENTIALITY**

**Releases of Information:** Employees and all permanent or temporary members of the C.A.R.E. team shall regard all case-related materials and information as confidential and such information cannot be released to anyone without proper authority in accordance with Federal Confidentiality Rules 42 CFR (Code of Federal Regulations) Part 2 and HIPAA regulations.

The operation of the C.A.R.E. Program, as it relates to the release of client information, shall be bound by the current federal and state laws on the subject. The legal citation for the federal law is 42 USC (United States Code) 290dd-2 and the associated regulations, 42 CFR, Part 2. All HIPAA regulations shall also be followed. All C.A.R.E. Program personnel and representatives are required to be familiar with the federal confidentiality regulations regarding alcohol/drug abuse prevention, mental health treatment confidentiality regulations, and the associated criminal and civil liability.

**Releases of Information to Agencies and Agency Personnel:** Information gained through C.A.R.E. Program operations and all other case-related information may be disclosed to authorized agencies and their authorized personnel only in accordance with statutory provisions of Federal and State Law along with established C.A.R.E. Program procedures. Release of third party information is prohibited.

**Release of Information to News Media:** Only the C.A.R.E. Program Judge, District Attorney, or individuals so designated by the Judge may release information concerning activities of the Program to representatives of the news media and then only in accordance with Federal and State confidentiality regulations. All requests from the news media for such information shall be referred to the C.A.R.E. Program Judge, District Attorney, and/or the Judge's designee.

All sensitive, healthcare material and clinical information will be kept in a separate clinical file which is kept locked with access only permitted by the Coordinator of the program.

## **PROVISIONAL PERIOD**

The purpose of this policy is to provide a fair and equitable response regarding the process for individuals who entered into the C.A.R.E. Program on a 90-day provisional period. This track is utilized for referrals when the Treatment Team is unable to clearly establish a definitive diagnosis of Severe and Persistent Mental Illness (SPMI) versus Primary Substance Abuse.

Participants who officially enroll under the C.A.R.E. Program provisional period are placed on a 90-day review period. The Treatment Team makes specific recommendations for the level of treatment based on the clinical assessment. This recommendation could include direct enrollment into residential treatment or intensive substance abuse treatment in the community. If the referral does not agree to attend the proposed level of treatment, the enrollment will not proceed.

During the 90-day provisional period, the participant is allowed an admonishment and three program sanctions. However, after three official program violations, the participant is discharged from the C.A.R.E. Program. The participant is either returned to the regular trial track or scheduled for a termination hearing. If a provisional participant violates any of the conditions outlined in the participant handbook for automatic termination, then the participant would be automatically terminated.

At the conclusion of the 90-day provisional period, the Treatment Team makes a final determination on full enrollment into the program. Participants are either officially enrolled based on a definitive diagnosis of SPMI or released from the provisional period to return to regular trial track. If the Treatment Team determines an individual is primary substance abuse, a recommendation is made for either an evaluation through Substance Abuse Services or enrollment into appropriate residential treatment facility.

1<sup>st</sup> Program violation = Admonishment

2<sup>nd</sup> Program violation = Based on sanctioning grid

3<sup>rd</sup> Program violation = Based on sanctioning grid

## PHASES

The Forsyth County Mental Health Court C.A.R.E. Program is a minimum of 24 months in duration. The program consists of four phases. Phase 1 is the Stabilization Phase, Phase 2 is the Early Recovery Phase, Phase 3 is the Maintenance Phase, and the Phase 4 is the Preparation Phase. Each participant completes an individualized treatment plan upon entry into program. This plan is updated prior to each phase move.

The primary goal of Phase I is to introduce the client to mental health treatment and substance abuse treatment, if needed. It is expected there will be an adjustment period during this phase and changes to the treatment plan are made as needed to support the client. All participants in phase I will participate in individual counseling at least once per week. Additionally, participants may be required to participate in substance abuse counseling, group counseling, and/or family counseling. Linkage will be made through the CARE Program Office. All participants will be required to have regular, random drug screening. The stabilization level of the client will be a large factor in the decision to move to Phase II.

The primary goal of Phase II is to make mental health and substance abuse (SA) treatment, if necessary, a habit for the participant. Medication compliance is a key part of this phase, and this is the time for the participant to notify the psychiatrist of side effects or other medication issues. The medication regimen should be in place prior to a phase move. Additionally, links to community resources (vocational rehabilitation, AA meetings, Social Security Administration) are fostered to prepare for the recovery phases of the Program.

The primary goal of Phase III is to prepare the participant for increased dependence on the community for support. The life goals of employment and housing are the focus in this phase. Therapeutic attendance should be well established at this point and medication should be in the maintenance phase. The participant should move from acceptance of SA issue, if present, in Phase I to a willingness to address SA, if present, in Phase II. A sponsor should be obtained to prepare the co-occurring client for a time when he/she will not have the external motivation of screening. Phase III should find the participant working to actively better his/her life and sustaining a sober existence.

Phase IV works to solidify the new achievements of the participant and prepare the individual for life after the program. Phase IV works toward maintenance of stable housing, employment, recovery, and therapeutic attendance. The participant should be addressing needs in the community with less involvement by staff. The participant should have a good working relationship with their sponsor if dually-diagnosed. The Defense and State meet to discuss each client's legal charges and come to an agreement about their sentencing and/or requirements. This will allow clients to receive additional support when dealing with this legal transition.

Graduation requirements include: Exit interview with Coordinator, exit interview with the Judge, and completion of a graduation packet. This packet will include: review of program tenure (setbacks and achievements), brief explanation of importance of medication management, insight on value of treatment, demonstration of consistent employment and housing, after-care MH plan, a sobriety plan for COCD clients and review of a required 20 hour public service project. Packet will be submitted and reviewed at least 30 days prior to graduation.

\*Each phase-up request will be reviewed by the Mental Health C.A.R.E. Court Team before allowing the phase-up.

\*Law Enforcement home visits may occur during each phase.

\*The number of meetings, etc., listed here are minimum requirements. It may be necessary for participants to submit to additional groups, court sessions, probation appointments, and/or screens based on their level of commitment, progress, etc.

## RECOVERY MEETING REQUIREMENTS

It should also be noted that only 1 approved recovery meeting per day will be counted for program requirements unless otherwise approved by the C.A.R.E. Office in sanction situations. Participants are not allowed to alter the recovery meeting log once it has been signed by the group leader. If an error is made, participants should draw an arrow to another day on the log and write the correct information. If the recovery meeting log is not turned in to the C.A.R.E. Office on time, or not on the correct log (provided by the C.A.R.E. Office), the participant will be sanctioned according to policy. A recovery meeting "week" runs from Tuesday to the following Monday and the log will be due on Tuesdays before 12:00 p.m. to the C.A.R.E. Office or the drop boxes provided at the screening site. All recovery meeting logs should have original signatures (no copies of the log are to be submitted) and documentation and should contain no forgeries of any type.

## LEAVE REQUESTS

Leave requests must be submitted in writing (on the proper request form) to the C.A.R.E. Office two weeks in advance. All requests must be submitted to the C.A.R.E. Office Monday by 5:00 pm before the next Court session. Requests will be reviewed the Court date before the anticipated leave. Participants in Phase 1 will not be granted leave for any reason other than emergencies and/or documented court appearances, etc. Participants in Phase 2, 3, and 4 will be granted 2 leave requests per phase and will be limited to a maximum of three days. The participant will be allowed to miss 1 group/individual counseling session during each leave request, but will be required to make the group/individual session up by the next C.A.R.E. court session unless otherwise directed by the C.A.R.E. Office. The participant will be required to provide written documentation of the make-up session and the documentation is to be signed off on by the treatment team leader. Lastly, the participant will be required to submit to an EtG upon returning from the leave. The participant must contact the C.A.R.E. Office to schedule the screen. No leave requests will be granted for out of the country travel. These requests are apart from any emergency, subpoena, court appearance, etc.

All recovery meetings will need to be completed while on leave. *However, the recovery meeting log may be turned in to the C.A.R.E. Office upon return from approved leave.* All leave requests will be submitted to the C.A.R.E. Team for review and discussion. The Team will make a recommendation to the C.A.R.E. Court Judge regarding the leave request, but the Judge will have the sole discretion to approve or disapprove the leave request. This process will be completed during C.A.R.E. Court staffing. If a participant is not required to be in Court the day his/her leave request is being reviewed, he/she will need to report to Court to be informed of the Judge's decision or will be notified by the C.A.R.E. Office.

## MEDICAL LEAVE/MATERNITY LEAVE

The purpose of this policy is to ensure program compliance for individuals who provide a medical necessity to be placed on Medical Leave. Furthermore, this policy is intended to ensure a fair and equitable sanctioning process for participants who violate the terms and conditions set forth in the Medical Leave contract. A participant may be placed on Medical Leave if he/she provides medical documentation showing proof that he/she will be temporarily unable to fully participate in the program due to medical reasons.

During Medical Leave/Maternity Leave, participant progress in the program stops. A participant must submit appropriate medical documentation and sign releases of information waivers with C.A.R.E. Program Staff and his/her doctor's office before Medical Leave is granted. It is at the C.A.R.E. Program Team's discretion for the participant to report to court reviews, provide drug screens, or be placed on curfew for the duration of Medical Leave. The participant will provide a negative drug screen and provide documentation that he/she is released from a doctor's care before he/she is eligible to return to treatment.

It is presumed that Medical Leave will not last more than 60 days. C.A.R.E. Program Staff reviews Medical Leave status every two weeks. If the condition is not improving, the C.A.R.E. Program Team may grant an extension if longer than 60 days is needed on Medical Leave.

**Maternity Leave:** A participant may be granted two weeks of Maternity Leave following childbirth. The participant is not required to attend group sessions, drug screens, or court reviews during that two week period.

***If a participant fails to comply with conditions set forth in the Medical/Maternity Leave contract, he/she will be sanctioned at the discretion of the C.A.R.E. PROGRAM Team.***

## **EMPLOYMENT**

Participants will be required to maintain full-time or part-time employment while in the C.A.R.E. Court Program unless that participant is unable to work based on disability or enrolled full-time in school. If a participant is unable to get a job and/or maintain a job they may be referred at the discretion of C.A.R.E. Staff to Vocational Rehab or put on a daily job search.

## **PHASES OF TREATMENT**

The C.A.R.E. Program is a four-phase treatment process, lasting a minimum of 24 months. Each participant is required to complete a Phase Up Review with the Coordinator prior to phasing up.

Phases will be as follows:

- Phase 1: comply with treatment plan; 1 approved recovery/community support meeting/week if dual-diagnosis for a minimum of 3 months; meet with Psychiatrist and start meds; attend C.A.R.E. Court twice per month; 30 days without jail time sanctions and 21 days without an unexcused absences to transfer to Phase 2; find employment or enroll in Vocational Rehab or if disabled apply for SSI; remain productive with time; find stable housing; comply with random drug screening; curfew from 10:00 p.m. to 6:00 a.m.
- Phase 2: comply with treatment plan; 1 approved recovery/community support approved meeting if dual-diagnosis/week for a minimum of 6 months; maintain medication compliance and meet with Psychiatrist; set 5 personal life goals; attend C.A.R.E. Court twice per month; 60 days without jail time sanctions, 30 days with no unexcused absence, and med compliance for 60 days to transfer to Phase 3; maintain stable housing; find employment or continue involvement with Vocational Rehab; be productive with time; comply with random drug screening; curfew from 10:00 p.m. to 6:00 a.m.
- Phase 3: comply with treatment plan; 2 approved recovery/community support meetings/week if dual-diagnosis for minimum of 6 months; maintain medication management and meeting with Psychiatrist; attend C.A.R.E. Court twice per month; 90 days without jail time sanctions, 30 days without unexcused absences, and 120 days med compliance to transfer to Phase 4; comply with random drug screening; maintain stable housing and employment.
- Phase 4: comply with treatment plan; 2 approved recovery/community support meetings/week if dual-diagnosis for a minimum of 9 months; complete letter to Judge & 20 hour Giving Back Project; comply with random drug screening; 120 days without jail time sanctions and 120 days of documented sobriety to graduate from program; maintained stable employment and housing; attend C.A.R.E. Court twice per month.

\*\*\* The 30 day, 60 day, and 90 day wait without jail time sanctions in order to transfer to the next phase begins the day the sanction is ordered. If the Court date is postponed, changed or cancelled and a participant was to receive a sanction on the originally scheduled court date, the participant will receive credit from the originally scheduled Court date for the 30, 60, and 90 day waiting period.

## TERMINATION CRITERIA

The Forsyth County C.A.R.E. Program has identified criteria to be used in deciding whether to terminate a participant from the program. The following will be used as guidelines only and will not be absolute. The C.A.R.E. Court Team will use discretion regarding each individual situation.

- A new arrest/charge
- Substituting or otherwise tampering with a drug/alcohol screen, which may include continuous dilution of drug screens
- Chronic non-compliance evidenced by, but not limited to, continued use, multiple missed groups, failure to follow program requirements or poor attitude
  - Being AWOL from the program for over 3 months
- Threats/violence toward other participants or any C.A.R.E. Court staff member
  - Possessing a firearm

## GRADUATION CRITERIA

The following criteria must be completed **thirty days** prior to graduation date (unless otherwise specified by the C.A.R.E. Court Office).

1. Write letter to Judge regarding progress in the C.A.R.E. Program, letter must be submitted to and approved by the C.A.R.E. Office, and must include the following:
  - Background: Life before C.A.R.E. Court
  - Arrest situation
  - Reflections on C.A.R.E. Court successes
  - Reflections on C.A.R.E. Court struggles
  - Plans/Goals for future: personal and recovery/progress on Life Goals
2. Complete Giving Back Project
  - Project/Site to be approved by C.A.R.E. Court Office
  - Submit detailed plan of anticipated activities in project to C.A.R.E. Court Office before phasing into Phase IV
  - Minimum of 24 volunteer hours
  - Documentation of hours must be verified by C.A.R.E. Court Office (letter on company letterhead with hours & job completed and a contact person with a phone number is acceptable)
  - Submit a written summary of how/why project was chosen, feelings while completing project, personal reactions after project completion.
3. Complete Graduation Request & submit to C.A.R.E. Court Office
4. All Probation Fees and fines must be paid in full or substituted community service work must be completed.
5. Attend exit interview with the C.A.R.E. Court Judge and Coordinator as scheduled by the C.A.R.E. Court Office (approximately 1-2 weeks before graduation).

## **MAXIMUM BENEFIT CRITERIA**

If a participant reaches the end of his/her probation and does not have enough time left to graduate the program successfully, but is participating fully in the program at date of discharge, he/she will be granted a Certificate of Maximum Benefit. This certificate will be presented to the participant on his/her last C.A.R.E. Court date.

## **SANCTIONS, TREATMENT RESPONSES, INCENTIVES, AND GENERAL GUIDELINES**

Sanctions are the imposition of consequences, perceived as negative consequences by the receiver, as a direct result of a prohibited activity. Sanctions will be swift and appropriate. The Forsyth County C.A.R.E. Court Team will determine sanctions on an individual basis as related to the current violation. Sanctions may include but are not limited to: increased recovery meetings, observation of court, homework assignments or essays to be completed, community service work, increased drug and alcohol screens, and jail time.

## **MEDICATION NON-COMPLIANCE**

All participants must report any and all medications to their Coordinator upon receipt. Any medications other than those prescribed by Avita Community Partners must receive approval from C.A.R.E. Staff prior to a participant taking them. All participants are provided with a Participant Handbook upon enrollment into the program which outlines the Approved Medication policy in detail. It is the responsibility of participants to abide by these policies and to verify with their Coordinator if any questions arise. This Medication Policy specifically refers to those approved mental health medications that have been approved by C.A.R.E. Staff and are counted for compliance by the C.A.R.E. Coordinator.

All participants who have valid prescriptions are subject to medication counts with C.A.R.E. Staff. These medication counts can occur as often as deemed necessary by the C.A.R.E. Staff depending on compliance, level of functioning, and level of program participation. All participants are expected to follow the specific directives of each medication prescribed.

- 1<sup>st</sup> Incorrect Medication Count: Attend medication group at Avita
- 2<sup>nd</sup> Incorrect Medication Count: 4 hours Community Service and weekly medication counts for 30 days
- 3<sup>rd</sup> Incorrect Medication Count: 8 hours Community Service and weekly medication counts for 30 days

## **DRUG/ALCOHOL SCREEN VIOLATIONS**

The purpose of this policy is to provide a fair and equitable sanctioning process for individuals who have a missed screen, a "Could Not Provide", or a positive drug screen. Upon entering the C.A.R.E. PROGRAM, new intake participants are informed of the drug screening process during the initial orientation. Participants are provided with TestDayLite information and a participant handbook outlining the expectations of compliance with the rules and regulations of the drug screening process. Participants must submit a valid drug screen on the days when they are randomly called. If a participant misses a scheduled screen or is unable to provide a specimen, he/she is sanctioned according to the positive/missed sanctioning guidelines.

**Participants are given an opportunity to admit to drug or alcohol use on the drug screen sign-in sheet prior to submitting a specimen. A person's honesty can afford a reduced sanction response from the Judge.**

If a participant admits to use and tests positive with the Treatment Services Lab, he/she is sanctioned according to the positive/missed screen continuum with a reflection on their admittance and honesty. Additional treatment responses are imposed at the discretion of the C.A.R.E. Program Team.

**SANCTION GUIDELINES: For missed screens, could not provide, and positive screens (urine screens or breathalyzer tests):**

In the case of a participant relapse or missed UDS, the following *shall* occur in Phases 1, 2, and 3:

**First Positive/Missed UDS**

- Admonishment from Bench

**Second Positive/Missed UDS**

- Substance abuse treatment through Avita or 1 additional recovery support meeting per week for 2 months
- Community Policing for a minimum of 60 days

**Third Positive/Missed UDS**

- 8 hours CSW
- Substance abuse increased treatment through Avita or 2 additional recovery support meetings per week for 2 months
- Community Policing for 60 days

**Fourth Positive/Missed UDS**

- 24 hours in jail
- Community Policing for 60 days
- Curfew 8 pm-5 am for 30 days
- Completion of Daily Recovery Plan to review with CARE Coordinator
- Discussion of residential/higher level of SA treatment

**Fifth Positive/Missed UDS**

- 36 hours in jail
- Community Policing for 90 days
- Curfew 8 pm- 5 am for 30 days
- Recommend higher level of care to include residential or entry into ITP

In the case of a participant who relapses in **Phase 4** the following shall occur:

- 1<sup>st</sup> positive/missed = 24 hours in jail
- 2<sup>nd</sup> positive/missed = 48 hours in jail & re-start Phase 3
- 3<sup>rd</sup> positive/missed = 72 hours in jail
- 3<sup>rd</sup> positive/missed = 5 days in jail
- 4<sup>th</sup> positive/missed = 7 days in jail

Increased/decreased treatment responses and/or community service work may be imposed at the Team's discretion on a case by case basis.

Use of any mind or mood altering substance which includes, but is not limited to, designer drugs, synthetic marijuana, bath salts, etc., regardless of chemical compound will be sanctioned as a use (not use of over-the-counter without permission).

**For positive screens with denial at the time of drug testing:**

If a participant has a positive drug screen with a denial at the time of drug testing, the counselor or coordinator will confront the participant about the positive screen.

**For admission at time of screening:**

If a participant admits to relapse on the sign-in sheet at the time of the initial screen, the required sanction shall be half the amount listed on the sanctioning grid.

### **DILUTION/SUBSTITUTION/ADULTERATION**

The purpose of this policy is to establish a fair and equitable sanctioning process for individuals who have rendered a confirmed diluted, substituted, or adulterated urine drug screen. The C.A.R.E. Program considers a normal creatinine range to be approximately 100 – 150 mg/dl.

A **dilute screen** is defined as a creatinine level <20 mg/dl unless the criteria for a substituted specimen are met.

A **substituted screen** is defined as a urine specimen that does not exhibit the clinical signs or characteristics associated with normal human urine. The creatinine concentration is < or = to 5 mg/dl.

An **adulterated screen** is defined as a participant being observed by a staff member attempting to substitute or alter his/her screen or the participant is found to be in possession of paraphernalia or materials to adulterate his/her urine drug screen.

A screen that appears light, clear, or fluorescent in color shall be tested for dilution, substitution, and/or adulteration. Screens that are suspected to be adulterated or substituted will be sent to Redwood Labs for confirmation.

### **SANCTION GUIDELINES**

**Diluted Screen:**

- 1<sup>st</sup> Offense = Education with Coordinator/Case Manager
- 2<sup>nd</sup> & 3<sup>rd</sup> Offense = Team to Discuss

**Substituted/Adulterated Screen:**

- 1<sup>st</sup> Offense, 2<sup>nd</sup> and 3<sup>rd</sup> offense= Team to Discuss

**\*\*\*Note\*\*\*** Positive screens and dilute screens may be discussed with the participant by the Treatment Team Leader before the Court date (if possible) in which the participant is to be sanctioned in order to intervene earlier and to work out a recovery plan. The participant will also have an opportunity to discuss sanction with the defense attorney prior to start of court.

**\*\*Any C.A.R.E. PROGRAM participants who provide urine specimens with a creatinine level <50 mg/dl will be discussed by Treatment Staff to determine if they should be placed on daily screens for 14 days in order for Treatment Services to monitor creatinine levels on a daily basis. If the participant is placed on 14 days of daily screens C.A.R.E. Program Staff will review creatinine levels after 14 days and if levels appear normal, the participant will return to a regular screening schedule. However, if the**

**levels remain low, a referral is made to a medical doctor to rule out any medical conditions.\*\*\***

### **Use of Substances w/o approval**

Use of any substance that requires approval without getting prior approval from C.A.R.E. Office

- 1<sup>st</sup> time=Admonishment from the bench, therapeutic response
- 2<sup>nd</sup> time=increased treatment at Avita or meet with Coordinator
- 3<sup>rd</sup> time=increased treatment at Avita or extra recovery support meetings for 2 weeks
- 4<sup>th</sup> time=Team to discuss

### **Drug Screening Protocol Infractions**

Defined as not lifting shirt; lowering pants to knees; squatting, etc.

- Sanction as a Missed Screen.

### **Late to Screening**

- Participant will not be allowed to screen and will be sanctioned as a Missed/Positive Screen.

## **GROUP AND/OR INDIVIDUAL COUNSELING VIOLATIONS**

### **Missed Group, Individual Counseling, or Psychiatrist Appointments**

- 1<sup>st</sup> time= Admonishment from the bench
- 2<sup>nd</sup> time=makeup individual session by next court date (reschedule Psychiatrist appt)
- 3<sup>rd</sup> time= makeup individual session and attend an additional community support meeting by next court date (reschedule Psychiatrist appt)

### **Late To Group or Individual Session**

- 1<sup>st</sup> time=clean-up duty for 1 hour at screening facility
- 2<sup>nd</sup> time=clean-up duty for 4 hours at screening facility
- 3<sup>rd</sup> time= two sessions of clean-up duty for 4 hours each at screening facility

### **Failure to Circle Admit/Deny on Sign in Sheet**

- Admonishment

## **RECOVERY/COMMUNITY SUPPORT MEETING VIOLATIONS**

Participants who are required (dual diagnosis) will submit completed community-based support meeting sheets to the assigned Coordinator/Case Manager no later than Tuesday by 12 pm. The information will be verified by the Coordinator/Case Manager based on the number of required recovery/community-based support meetings per week.

## **SANCTIONING GUIDELINES:**

### **Missed community support group meetings**

- Must do one make-up meeting for each missed meeting
- Make-up meetings to be completed by next court session
- Make-up meetings can be done in advance of court

### **Forged community support group meeting forms**

- Team to discuss
- Could result in termination from program

## **PROBATION VIOLATIONS**

### **Missed Probation Meeting**

- 1<sup>st</sup> time= Admonishment
- 2<sup>nd</sup> time= Overnight to release at 6 a.m.
- 3<sup>rd</sup> time= 1 day in jail
- 4<sup>th</sup> time= 2 days in jail

## **C.A.R.E. WORK PROGRAM**

The purpose of this policy is to determine the standard employment requirements for participants in the Forsyth County C.A.R.E. Program. Participants who are not receiving disability are expected to hold full-time or part-time employment.

If a participant is disabled and cannot work, the participant must provide appropriate documentation supporting his/her disability. To be exempt from the employment requirements, the C.A.R.E. Program Team must receive appropriate medical documentation supporting said disability claim. If approved, the participant must submit a written proposal regarding a plan to account for his/her time.

Third-shift jobs are strongly discouraged and require permission from the C.A.R.E. Program Team. If a job is found to jeopardize a participant's recovery in any way, the C.A.R.E. Program Team reserves the right to have said participant change jobs.

Participants are required to keep their employment forms current. If a participant loses his/her job, he/she must notify his/her Coordinator/Case Manager the next business day.

Participants who lose or quit their job are given a two-week grace period to find employment. If after two weeks, the participant is not gainfully employed, he/she is placed on Job Search and must follow the Job Search policy.

## **JOB SEARCH POLICY**

Job Search is held at 118 Castleberry Road, Suite 106, Monday, Tuesday, Thursday, and Friday of each week. Participants are expected to take a job search form daily and apply to four jobs per day. Participants will then turn in a completed job search form the following day. Failure to complete a job search form results in a missed job search.

Job Search begins promptly at 8:30 a.m. Participants are to be dressed and ready for an interview. Appropriate attire for male participants is slacks and a collared shirt. Appropriate attire for female participants is slacks and collared shirt or skirt and blouse or dress. Participants who are in need of appropriate attire are referred to a local thrift store. Showing up late or not showing up at all is considered a missed job search.

Once a participant secures employment, he/she must submit documentation on company letterhead indicating the effective hire date and whether employment is full-time or part-time. The Coordinator/Case Manager is responsible for releasing participants from job search upon receipt of appropriate documentation.

- On the first court date following 6 weeks from Job Search entry date: 1/2 days Community Service M-F. If a client has an obligation at Avita, that will count as the community service for that day.
- On the first court date following 12 weeks from the entry date: 1/2 day Community Service M-F and 8 hours on Saturday or Sunday. If a client has an obligation at Avita, that will count as the community service for that day.

Participants who are placed on Job Search will **NOT** be released from job search without first providing a letter on the employer's letterhead that indicates the effective date of hire and whether it is full-time or part-time. Once participants turn in the appropriate letter stating they are employed, the Coordinator/Case Manager will release the participant from Job Search.

- Failure to notify Coordinator/Case Manager of the loss of employment or school by the next business day = Admonishment
- For missing Job Search = Referral to Avita Job Support or attend SUCCEED Program at New Leaf Counseling

## **CARE COURT VIOLATIONS**

### **Court Dress Code Violations**

- 1<sup>st</sup> time=Verbal Warning by coordinator
- 2<sup>nd</sup> time=4 hours of csw
- 3<sup>rd</sup> time=8 hours of csw

### **Unexcused Absence from C.A.R.E. Court Session**

- Arrest and hold to serve at least 24 hours in jail. Warrant will be signed and delivered to FC Warrants Division immediately.

### **Late to C.A.R.E. Court Session**

- 1<sup>st</sup> time=Admonishment from the bench
- 2<sup>nd</sup> time=4 hours csw

### **Unexcused Absence from Graduation**

- 1<sup>st</sup> time=4 hours csw
- 2<sup>nd</sup> time=8 hours csw
- 3<sup>rd</sup> time= 24 hours in jail

### **Late to C.A.R.E. Court Graduation**

1<sup>st</sup> time=Admonishment from the bench  
2<sup>nd</sup> time=4 hrs csw

*\*\*\*Any excused absence must be approved by the C.A.R.E. Court Office prior to Graduation or Court Session.*

## **OTHER VIOLATIONS**

### **Harassment of Staff/Peers**

- To be handled on case by case basis; termination from the program at the discretion of the Court.

### **Incomplete CSW**

- 1<sup>st</sup> time= Double the original amount
- 2<sup>nd</sup> time= Overnight in jail

### **Forged CSW Log**

- Overnight in jail if admission, 24 hours in jail with denial

### **Missed C.A.R.E. Court Office Meeting or Avita Orientation**

- 1<sup>st</sup> time= overnight in FCDC with release at 6 a.m.

### **Sanction Due Dates**

- If a sanction is **turned in late** (defined as any time after due date but before Court)= 8 hours csw
- If a sanction is **not turned in at all**=overnight in FCDC + complete original sanction

### **Contraband found in house/on person**

- Alcohol (first time) =treatment response, paper on effects of alcohol on the body and adverse interaction with medications on a case by case basis
- Alcohol (second time) = team to discuss
- Drug Paraphernalia=overnight in jail, paper on negative effects on the drug and adverse interaction with medications
- Knife = up to 48 hours in FCDC
- Ammo = up to 48 hours in FCDC
- Firearms = 2 days in FCDC to termination
  - Includes all firearms regardless of age/size/location
  - Using modified language from Federal Firearms Definitions 18 U.S. Code § 921, the term “firearm” means
    - Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or provides an electrical charge;
    - The frame or receiver of any such weapon;
    - Any firearm muffler or firearm silencer; or
    - Any destructive device.
      - The term “destructive device” means –
      - Any explosive, incendiary, or poison gas –
      - Bomb
      - Grenade
      - Rocket having a propellant charge of more than four ounces;
      - Missile having an explosive or incendiary charge of more than one-quarter ounce,
      - Mine, or
      - Device similar to any of the devices described in the preceding clauses;
    - Any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
    - Any combination of parts either designed or intended for use in converting any device into any destructive device as described in the paragraphs above and from which a destructive device may be readily assembled.

### **Address Verification**

- If a participant does not provide an accurate address where he/she resides, or does not notify/receive permission from the C.A.R.E. Court office prior to moving, he/she will be admonished and required to give address to the Judge in court

## **Curfew Violation**

Curfew is required in Phase 1 & 2 from 10:00 p.m. to 6:00 a.m. and as imposed in Phases 3, 4, and 5.

- 1<sup>st</sup> violation=Admonishment
- 2<sup>nd</sup> violation=10 hours of csw
- 3<sup>rd</sup> violation=20 hours of csw

## **Traffic Violations (Minor such as seatbelt violation, speeding ticket, failure to yield)**

- 1<sup>st</sup> violation= Clean parking lot at treatment or screening facility and/or clean up trash outside of the courthouse by the smoking area (Judge's discretion)
- 2<sup>nd</sup> violation= Clean parking lot at treatment or screening facility and write a paper on responsibility as a citizen to obey the law
- 3<sup>rd</sup> violation= Defensive driving school
- 4<sup>th</sup> violation= Relinquish driver's license for one week to the Judge

## **NEW CHARGES/OFFENSES**

The purpose of this policy is to establish a guideline for addressing participants who obtain a new charge during program tenure. This is a major issue and one that impacts the public safety realm and the overall well-being of the Program. If the charge is substance-related and/or violent in nature, this exacerbates the need to deal swiftly, but fairly, with the participant. The maintenance of public safety is of paramount importance to the C.A.R.E. Program Team members.

If a participant receives a new charge, it is discussed by the Team and a decision is made of any possible consequences. If the new charge is violent in nature this could mean immediate termination, though there may be more leeway if a substance is not involved.

- If a substance is involved AND the person commits a violent offense, termination is very likely. The Team will discuss the issues, but public safety is of paramount importance in these cases.
- Lesser charges are discussed by the Team; however, presumption of termination remains the rule in all cases with the exception of minor traffic offenses.
- In all cases (except minor traffic offenses), the participant is arrested and held pending the Team's decision regarding his/her continued participation in the program.

***The guideline for sanctioning for a new charge is discussed on a case-by-case basis.***

## **AWOL (ABSENCE WITHOUT LEAVE)**

The purpose of this policy is to provide a fair and equitable sanctioning process for individuals who have entered into the C.A.R.E. PROGRAM but immediately or within first 30 days go absent without leave (AWOL). Participants who go AWOL are presumed terminated and will be considered on a case by case basis. If the Team decides to terminate a participant, the participant will be served a notice of termination letter and will be allowed to address the court during the court review. If after hearing from the participant the Team still deems termination appropriate, the bond will be revoked (if applicable) and the participant will return to the regular trial track.

**In deciding to retain or terminate a participant in the C.A.R.E. Program, the Team will review the initial screening assessments and discuss said assessments during staffing. In addition, each party will attempt to gather collateral information to present to the Team during the 2<sup>nd</sup> staffing after the participant is in jail.**

All information will be taken into consideration to determine if retention or termination is appropriate.

If a participant is retained in the program, he/she will follow the sanction guidelines set forth below.

- 1<sup>st</sup> AWOL= Participant will serve 2 days in jail for every day gone up to 14 days in jail and team to discuss.
- 2<sup>nd</sup> AWOL= Participant will be sanctioned to serve 2 days in jail for every day he/she is gone up to a maximum of 28 days in jail and team to discuss.

#### AWOL PART-TIME

Part-Time AWOL is defined as a participant who has missed 5+ required C.A.R.E. PROGRAM obligations in one court week period. **This can be any combination of missed treatment groups, screens, doctor appointments, and/or court.** Upon becoming aware that a participant is PT AWOL, staff will notify all other Team members via email if the information is received before the Wednesday morning staffing.

A warrant is issued to have the individual detained. Once the participant is in custody, a member of the Treatment Staff will conduct an assessment to determine what recommendations should be made following the completion of the AWOL sanction.

Any Program infractions that occur during the PT AWOL will be sanctioned ONLY according to the PT AWOL sanctioning guidelines. Any missed treatment groups, screens, doctor appointments, and court reviews that are missed will count as a total of 1 program violation and will be sanctioned as a PT AWOL. If a participant has not yet used his/her admonishment, it will be taken away and he/she will also need to serve the appropriate PT AWOL sanction. If a participant is no longer considered PT AWOL, then staff will defer to the regular policies for missed groups, missed screens, and missed court reviews.

At such time the participant meets criteria for part-time AWOL, this policy supersedes other policies.

- 1<sup>st</sup> PT AWOL = 3 days in jail, curfew, 7 meetings in 7 days
- 2<sup>nd</sup> PT AWOL= 5 days in jail, curfew, 14 meetings in 14 days, team to discuss residential or termination

**FEDERAL FIREARMS REPORTING:** Upon each admission of use or positive lab confirmation (for drugs), that participant's name will be submitted to the National Instant Criminal Background Check System (NICS) for entry into the NICS Index Denied Persons File for Controlled Substance Abuse as required by federal law. Report to NICS will initiate a 1 year prohibition on the possession or purchase of firearms or ammunition. Each report will restart the 1 year prohibition.

**18 U.S.C. § 921 et seq., the Brady Handgun Violence Prevention Act (Pub. L. 103-159), the NICS Improvement Act of 2007 (Pub. L. 110-180), and implementing regulations as may be codified within the Code of Federal Regulations.**

### **THERAPEUTIC/TREATMENT RESPONSES**

Therapeutic Responses are responses to participant non-compliant behavior, but unlike sanctions, are more positive in nature. The responses are designed to help/assist the participant in his/her recovery more so than punish him/her.

#### **EtG (under 350)/EtS (100 & above)**

Participant will first meet with treatment team leader to discuss. Participant may be tested more frequently 14 days at his/her expense (or longer if deemed appropriate by the Court).

#### **Near Dilutions/Creatinine Levels 21-50**

1<sup>st</sup> time=verbal warning from C.A.R.E. Ct Office & suggest 14 day food journal

### **Positive or Dilute Screens**

Treatment team leader will meet with the participant (if possible) before Court session to discuss a recovery plan & to process the positive/dilute screen. Can refer to C.A.R.E. Program Office if participant wishes to speak to the defense attorney (the C.A.R.E. Program Office can make the appropriate referral).

### **Pairing Off**

- 1<sup>st</sup> response will be a treatment response with the treatment team leader and/or the Coordinator.
- Subsequent offenses of this nature shall be handled on a case by case basis.

### **Admit to use w/o Positive Screen**

If a participant admits to drinking/using drugs, but does not actually test positive or if a participant admits to drinking/using drugs in a previous phase (but was not "caught"), an evaluation will be completed by the treatment team leader to determine an appropriate therapeutic response.

### **90 in 90**

This response can be deemed a treatment response and used as necessary. The participant would be required to complete 90 AA/NA or other approved self-help meetings in 90 days (attending only one meeting per day).

## **INCENTIVES**

Incentives are positive responses to compliance for the participant from the team or Judge. The Forsyth County C.A.R.E. Court recognizes the importance of rewarding participants for good behavior. Incentives will also be swift to support program compliance. Incentives can range from praise from the Judge, applause/special recognition, travel privileges, Star Awards, Community Service Credit, reduction of Court Ordered fines, Phase Promotion Certificates, free sanction passes, and Graduation Certificates. The C.A.R.E. Court Program will also recognize events such as participant birthdays, special occasions (if known), and specific life events (such as babies born, death in the family, etc.) in a public forum to support participants in their recovery process.

### **Good week card/good month card**

Special recognition, a card, and to draw from the grab bag

### **Star Award**

Fast pass to jump to the front of the line for screening

### **Participant of the Month**

Can draw from the grab bag

### **Sanction Roll Off Incentive**

If a participant has no sanctions for 6 months, and then obtains a new violation, one sanction will be rolled off the total sanctions for the participant. For example, if the participant tested positive for the 3<sup>rd</sup> time, but has not tested positive in 6 months, it will be sanctioned as if it were the 2<sup>nd</sup> positive screen.

### **Free Sanction Pass**

When a participant moves to Phases 2, 3, or 4, he/she will receive a free sanction pass that can be used one time per phase for one of the following: 4 hours of community service credit, 1 stand/remind to circle admit/deny session, or 1 clean-up duty/broom award session. The free pass card must be presented in Court on the day the sanction is to be issued in order to receive credit. Final approval will be at the discretion of the Court. Participants will earn the free passes at each Phase Up and will not be allowed to accumulate the passes from one phase to the next (only one pass per phase).

### **Extra Leave Request Days**

If a participant is doing exceptionally well in the program, the Judge may allow him/her to have extra days on

a leave request. This is solely at the Court's discretion.

### **Court Fine Credits**

Up to half of the participants' court fine can be credited through completion of the program (at the Court's discretion) & the collection of the fine is delayed for 12 months.

### **Graduation With NO Sanctions**

If a participant graduates the program with no sanctions whatsoever, the participant can request a gift certificate in the amount of \$100.00 from a retailer of his/her choice. The retailer must not provide any alcohol.

The graduate will receive this gift certificate at his/her graduation ceremony.

### **Transfer to Another County**

All transfers are done as a courtesy to the participant and are at the sole discretion of the Court, and must be completed within 30 days of sentencing or otherwise at the discretion of the Court. Transfers will be requested by the participant. The Coordinator will assist as necessary in the transfer.

## **TREATMENT PROTOCOL**

All C.A.R.E. Program Court activities and locations may be viewed as an extension of the Forsyth County Mental Health Court. Participant behavior should reflect that understanding at all times. This includes treatment, community service sites, special events, and other functions associated with C.A.R.E. Court activities. Violations of program rules can result in sanctions and/or new criminal charges. All staff members of the Forsyth County C.A.R.E. Court are officers of the court, and participants are expected to follow their instructions.

1. No alcohol, drugs, weapons, or pocket knives will be brought to these facilities.
2. Groups, individual sessions, or appointments with the Psychiatrist will begin on time! Participants must be punctual, as tardiness will result in sanctions. Participants must attend and participate in the full session to receive credit.
3. Confidentiality is a must. What is said here stays here! There will be **consequences** for any violation of this rule.
4. Free expression of participant's thoughts and feelings is encouraged; however, violence, threats or intimidation will not be tolerated. Extreme use of profanity is not acceptable. Be considerate of others when using any type of profanity.
5. Leave group only in an emergency after notifying staff & the C.A.R.E. Court Coordinator.
6. No visitors allowed. Participants will be notified of scheduled exceptions to this rule. This includes children and pets.
7. Pairing up with another C.A.R.E. Court participant for an intimate relationship is not permitted.
8. Smoking is permitted outside. **However, make sure cigarettes are extinguished and placed in the ash can provided.**
9. No littering in parking lot or in building. Participants must be responsible for assisting in maintaining the cleanliness of the building.
10. Destroying or defacing property will lead to sanctions.
11. Appropriate attire and cleanliness is required for all C.A.R.E. Court related activities. No clothing with alcohol or drug related logos or accessories should be worn at any time during C.A.R.E. Court functions.

## **TREATMENT EXPECTATIONS**

**\*\*** The expectation of the C.A.R.E. Court Program is that each person entering into the treatment process will maintain a lifestyle of abstinence. **There will be no drinking or using of illegal drugs.** Any prescription medication taken must be authorized by a medical doctor, reviewed with the treatment provider, and approved by the C.A.R.E. Court Coordinator. Any medications prescribed by the Psychiatrist are expected to be taken as directed. It is expected that participants will use non-narcotic medications (if there is

documented, proven medical need) unless all other options have been tried and have failed. This would require a medical doctor to state this as the case, not the participant.

\*\* It is expected that participants will be actively involved in treatment and strive to make personal progress while they are in the program.

\*\* It is expected that participants will behave in a manner appropriate to the setting when in court.

\*\* It is expected that participants will make their treatment of primary importance. Missing treatment will be sanctioned.

\*\* It is expected that participants will give monitored drug screens when directed to do so. Missing drug screens will be treated as a positive screen for sanctioning purposes.

\*\* It is expected that participants will arrive on time for group meetings, or sanctions/work detail will be imposed.

Other expectations will be outlined in the Participant Handbook.

## **PROBATION PROTOCOL**

Participants who are on probation, felony or misdemeanor, shall follow the protocol as outlined by their officer.

## **CARE PROGRAM OFFICE PROTOCOL**

Forsyth County C.A.R.E. Program participant cases will be managed by the Coordinator. The Coordinator is responsible for maintaining client records regarding group attendance, meeting attendance, Psychiatrist appointment attendance, fulfillment of community service requirements, drug screen requirements and results, sanctions and incentives that are received, demographic information, and all other pertinent information. The information will be stored in a case management system as chosen by the C.A.R.E. Court Office and Judge. This will include all relevant data points. The Coordinator will gather such information from necessary agencies and then prepare weekly progress notes on each participant to be used in C.A.R.E. Court Team Staffing and in court. This information must be as current and accurate to ensure continuity and fairness in the sanctioning process. The CARE Office will distribute surveys to participants prior to completion of the program. As well as status review meetings the C.A.R.E. Team will meet no less than annually to review and discuss data outcomes.

## **CASE FILE PROCEDURES**

Three case files will be established and maintained. The C.A.R.E. Court Office, Probation Services and Treatment Provider will each maintain separate files on participants.

C.A.R.E. Court Office files will at least include an electronic or a hard copy of the following:

- 1) Participant's sentence.
- 2) Orientation Information (including demographics).
- 3) Copy of Assessments.
- 4) Releases of Confidentiality to include, but not limited to: the referring Court, Solicitors Office, Attorney of Record, Law Enforcement, a contact person, and treatment provider.
- 5) Participation Agreement, EtG Contract, Community Support/Recovery Meeting Agreement, Medication Agreement/Handbook Acknowledgement.
- 6) Offense notes and other pertinent legal documentation.
- 7) Weekly reports documenting level of participation in treatment and pill counts.
- 8) Weekly drug and alcohol screening results.
- 9) Sanction/Incentive Records

Treatment Provider files will include (a minimum of) the following:

- 1) Releases of Confidentiality for the entities above and for the C.A.R.E. Court Office.
- 2) Treatment Agreement.
- 3) All assessments completed.
- 4) Overview of the treatment process.
- 5) Up to date chart documentation including, but not limited to, group/individual progress notes, doctor visits, attendance records, individualized treatment plans, discharge planning, weekly progress updates and drug/alcohol screening results.

- 6) Complete a court progress report prior to each C.A.R.E. Court session.
- 7) Complete a weekly progress report on each participant to be reviewed with the C.A.R.E. Court Office.

### **CASE TRACKING PROCEDURES**

The C.A.R.E. Court Office will be responsible for accountability issues regarding the tracking of participants and will, therefore, periodically review charts of C.A.R.E. Court Participants for this purpose. Areas of review will include, but are not limited to:

1. Ensuring that all education and treatment sessions, meetings, and hearings are documented in the participant's file.
2. Ensure that the file includes all contracts, drug tests, referrals, case notes, case reviews, and results of court appearances.

### **CASE CLOSING PROCEDURES**

When a case is closed, the closing date and disposition should be documented on the outside of the participant's file and all supporting documentation should be enclosed in the file.

Graduated, Terminated, Maximum Benefit, Transfer, or Discharge

### **PARTICIPANT REQUIREMENTS**

Participants who are placed into the C.A.R.E. Court Program are required to comply with specific conditions. Failure to comply with these conditions may lead to termination from the C.A.R.E. Court Program and the revocation of the probationary sentence imposed by the Court. All participants will comply with the following:

- 1) While participating in the Forsyth County C.A.R.E. Program, participants are under the jurisdiction of the Court, which holds discretion in revoking all or any portion of the probation time in their case, if relevant. They will be required to attend C.A.R.E. Court review hearings in the Forsyth County Superior Court for a case status review on a regular basis. If non-compliant, the Court is provided with the specific details regarding the alleged violation of probation, if relevant.
- 2) Participants may attend Status Review Meetings with legal representation at any time during their participation in the C.A.R.E. Program. If the defendant wants to attend the Status Review Meeting, they need to notify the C.A.R.E. Program Office or the defense attorney prior to the scheduled review.
- 3) The C.A.R.E. Office will supervise participant cases and monitor progress and participation in treatment. The C.A.R.E. Program Coordinator/Case Manager may require periodic meetings with a participant at the C.A.R.E. Office.
- 4) As part of the treatment services, all treatment providers will provide the Court with any necessary reports concerning diagnostic intake, involvement and participation in assigned classes, assigned counseling or treatment programs, or any non-compliant status.
- 5) Participants will submit to all drug and alcohol screening requested. These will be random, monitored drug & alcohol screens.
- 6) Any arrests must be reported to the C.A.R.E. Office and to the Probation Officer immediately, if applicable. If incarceration is involved, then notification must occur immediately upon release. Obtaining any new charges will be possible grounds for termination.
- 7) Participants will submit to a search of their person, residence, papers, and/or effects, without there having to be probable cause to conduct the search, and without there being a warrant, anytime of the day or night whenever required to do so by a probation officer, law enforcement officer, or C.A.R.E. staff, and specifically consent to the use of anything seized as evidence in any hearing or judicial disciplinary proceedings.

- 8) Participants will not bring ANY weapons of ANY kind to any C.A.R.E. Program affiliated facility, including all facilities where C.A.R.E. Court events are held.
- 9) Participants will attend all group and/or individual counseling sessions to which they are assigned and will be on time for all sessions. Attendance is mandatory, but attendance alone will not satisfy the requirements for successful completion of the program. Poor participation, inattentiveness, chronic lateness, violation of the abstinence requirements, or failure to attend program assignments will result in a return for judicial review and possible revocation of probation.
- 10) The treatment provider will continually evaluate and report information about attendance, participation, and progress to the C.A.R.E. Office each week.
- 11) Participants must not use alcohol and/or illegal drugs. A medical doctor must authorize any prescription medication and the C.A.R.E. Program Coordinator/Case Manager must give approval before consuming any medications. The expectation of the program is that the participant will try non-narcotic, non-addictive medications first and use addictive medications **ONLY** if it is the last viable medical alternative according to the participant's doctor and must be submitted to the C.A.R.E. Program Coordinator/Case Manager in writing by the doctor. Abstinence is a necessity to remain involved in the Program. Regular, random drug and alcohol testing will be required. A positive reading will lead to sanction and a return to court for non-compliance. Refusal or inability to submit to a test or missing a test will be considered a positive test and be sanctioned as such.
- 12) Participants must report any changes in home address, place of employment, and work/home telephone number in writing within 24 hours of the change to the C.A.R.E. Office. These changes must be reported in writing to the Treatment Provider, the C.A.R.E. Office, and the Probation Officer.
- 13) Missing treatment or court will be excused in emergency situations only. Emergency situations are defined as:
  - a) Death in the family (as specifically defined in the Participant Handbook), or illness which must be verified in writing by a physician.
  - b) Family emergency, which must be verified in writing by appropriate parties involved.Participants must have prior approval from the C.A.R.E. Program Coordinator for class or Court absence. If a participant misses a scheduled group meeting, counseling appointment, or C.A.R.E. Court session and has notified the C.A.R.E. Office by telephone, this absence will not be excused until written documentation is provided verifying the absence. In addition, the written excuse must be in the C.A.R.E. Office a minimum of 24 hours of missing the session.
- 14) Participation in the Forsyth County Mental Health Court C.A.R.E. Program will require attendance at outside support group meetings, and will require documentation on a log that will be issued by the C.A.R.E. Office. The participant is responsible for the accuracy of the log and who signs off on the log. Another Court participant cannot sign off on the log if they are leading the group. The log needs to be signed off on by someone else. Only one meeting per day will be credited towards program requirements, and "banking" of the meetings will not be allowed. Only originals of the Recovery log will be accepted; no copies.
- 15) Participants will not be allowed to cohabitate together whether they are romantically involved or not. This includes participants from any other Accountability Court. Exceptions will be made for participants who enter the program that were married prior to entering the program.
- 16) Confidentiality is of the highest importance in treatment. The identity of other group members and any personal information they may share during the group sessions is confidential and may not be disclosed to anyone without the written permission of the person it pertains to. Violation of confidentiality will lead to sanctions and possible termination.
- 17) Failure to satisfy any of the previously stated terms will result in the participant's case being returned to the Court for appropriate action.

## TESTING PROTOCOL

For the duration of the client's participation in the C.A.R.E. Program, it is their responsibility to check daily to determine if they are required to drug or alcohol test that day. Drug/Alcohol testing is performed on a random basis; however, a breath or urine specimen may be required at any time. **Participants must call the screening line at (678)965-7205 each day to check on required drug testing and times. In the event that, for any reason, they cannot access this information by phone, it is their responsibility to report to the treatment facility during scheduled drug/alcohol testing hours. Regular drug/alcohol testing hours are Sun-Sat 7am to 9 am.**

The majority of drug/alcohol testing will be conducted at the treatment facility, other than those tests conducted at the Courthouse, Probation Office or C.A.R.E. Court Office. Drug testing days will be randomly chosen with the two hour compliance window. **Late arrivals will not be allowed to test and the failure to submit a specimen will be considered a positive screen. Tampering with or diluting a drug screen can be grounds for termination from the Forsyth County C.A.R.E. Court Program.**

### **Upon reporting for a drug screen:**

1. Participants must sign-in at arrival for the drug screen and must indicate an admission or denial (on the sign-in sheet) of use prior to submitting the screen and grant permission for confirmation of results if appropriate. This will be the participant's only opportunity to admit or deny use of alcohol or drugs. If a participant does not sign the sign-in sheet (regardless of whether the participant was actually there and tested), the participant will be sanctioned. **Honesty is a crucial component for recovery and participation in the Forsyth County C.A.R.E. Court Program. Self-disclosure of use will be considered by the court when sanctions are imposed.** The participant should not admit use if he/she is taking a medication that has been approved by the C.A.R.E. Court Office.
2. Only one participant is allowed in the testing area at a time. A staff member must accompany participants at all times during the drug screening process.
3. Participants must make sure that they hand their specimen to a staff member and watch them put the participant's label on the bottle/screen.
4. Participants will not be allowed to leave the testing facility or drink excessive fluids until a specimen is received. It is recommended that participants not drink excessive fluids 2 hours prior to screening.
5. A staff member of the same sex must always witness the sample being given.
6. Participants must not carry purses, coats, bags, etc. into the testing area.
7. Shirt sleeves should be rolled up to the elbow and clients may be required to remove additional clothing to ensure validity of specimen.
8. The test cup must contain a minimum of 1/3 level to be adequate for testing.

If a drug screen is positive and a confirmation is requested, the specimen will be tested again at a qualified testing facility. A minimum \$25.00 confirmation fee will be billed to the participant's account because it is the participant's responsibility to provide a clean, unadulterated, testable sample.

Participants may not be able to stop using drugs or alcohol immediately and recovery may not occur overnight. However, all use of illegal drugs or alcohol will be sanctioned. This is not intended as a punishment, but to encourage sobriety. Thus, the ultimate goal of drug testing is to provide accountability and confirmation of an individual's progress towards recovery.

## **BASIC NEEDS**

|                                                            |                                              |
|------------------------------------------------------------|----------------------------------------------|
| Consumer Credit Counseling<br>(404) 527-7630               | Family & Children Services<br>(770) 781-6700 |
| Gainesville Baptist Rescue Mission (Men)<br>(770) 287-9700 | Good News at Noon<br>(770) 503-1366          |
| Forsyth Area Transit<br>(770) 538-2602                     | Housing Authority<br>(770) 536-1294          |
| My Sister's Place (Women)<br>(770) 532-5111                | Salvation Army<br>(770) 534-7589             |
| United Way<br>(770) 781-4110                               | Driver's License Renewal<br>(770) 205-5401   |
| Labor Finders<br>(678) 513-7328                            | Dial-A-Ride<br>(770) 781-2195                |
| The Place<br>(770) 887-1098                                | St. Vincent DePaul<br>(678) 947-0677         |
| Ninth District Opportunity<br>(770) 532-3191               | Family Haven<br>(770) 887-1121               |
| Georgia Highlands Medical Center<br>(770) 887-1668         | Senior Citizens Center<br>(770) 781-2178     |
| Forsyth County Health Department<br>(770) 781-6900         |                                              |

## **CRISIS LINES**

|                                                  |                                                                                                  |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Georgia Crisis & Access Line<br>(800) 715-4225   | Gateway House (Domestic Violence)<br>(770) 536-5860                                              |
| Georgia Council on Child Abuse<br>(800) 532-3208 | Georgia Mts. Com. Srv. (M.Health)<br>Emergency: (800) 347-5827<br>Regular Office: (770) 535-5403 |
| Rape Response<br>(770) 503-7273                  |                                                                                                  |

## **SUBSTANCE ABUSE**

|                                                  |                                                                                |
|--------------------------------------------------|--------------------------------------------------------------------------------|
| Alcoholics Anonymous (Georgia)<br>(404) 525-3178 | Cocaine Hotline<br>(800) 905-8666                                              |
| Drug Helpline<br>(800) 378-4435                  | Forsyth County MANS/Drug Hotline<br>24 Hours: (770) 297-6267<br>(770) 531-6878 |
| Laurelwood<br>(770) 531-3800                     | Narcotics Anonymous (Atlanta)<br>(404) 362-8484                                |