

JOURNAL ENTRY
COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO
Tom Orlando, Clerk

IN THE MATTER OF:

Case #: _____

**LORAIN COUNTY GENERAL DIVISION
RECOVERY COURT
PARTICIPANT AGREEMENT**

The purpose of the Lorain County Recovery Court is to provide assistance to the participant in an effort to address my substance abuse problem. The Lorain County Recovery Court is a treatment-based, non-adversarial process designed to affect positive and successful results. The participant has the right to request the attendance of Defense Counsel during the portion of the Treatment Team meeting concerning the participant. **Sup.R., Appx. I, Std. 2 (C)**

I have been offered, and accepted, on a voluntary basis, the opportunity to participate in this program. I have received a copy of the Participant Handbook and the program guidelines and expectations have been reviewed with me.

In doing so, I voluntarily **waive** the right of confidentiality, including medical records and the Doctor-Patient Privilege and I understand that any and all information gathered throughout my participation in Recovery Court may be dispersed to Team Members, the Lorain County Prosecutor, and the Court.

Program Expectations:

I understand that entrance into the Recovery Court is voluntary. However, once I agree to participate in the Program, I will be Court Ordered to complete the Program and follow all the rules and procedures of the Lorain County Recovery Court Program, and that failure to do so may result in sanctions or termination.

The Recovery Court Judge and Team meet weekly to staff the Recovery Court cases prior to biweekly Court hearings with the participants. The Team advocates, supports, reports compliance and non-compliance, submits plans and requests interventions and sanctions. The Court monitors compliance, review plans, addresses participants, affords participants an opportunity to be heard and issues and enforces Court orders.

Participants are required to attend biweekly Status Hearing during the First Phase of the program and their attendance will decrease as the participant advances through the additional phases of the program.

The goal of the Lorain County Recovery Court is to stop the abuse of alcohol and other drugs and related criminal activity. Recovery Court promotes recovery through a coordinated response to offenders dependent on alcohol and other drugs. Realization of these goals requires a team approach, including cooperation and collaboration of the judges, prosecutors, defense counsel, probation authorities, other corrections personnel, law enforcement, pretrial services agencies, evaluators, an array of local service providers, and the greater community. **Sup.R., Appx. I, Std. 2 (D)**

Objectives are:

- To provide an intensive program through the collaboration of Team members to address addiction issues, housing, financial issues with regular oversight, case management, and court attention for cases in which compliance with case plan orders has been problematic.
- To ensure a comprehensive approach to assist with addiction issues of participants and addressing case plan issues and compliance with Court orders.
- To provide regular contact with the Court to effectuate case plan goals, provide intervention, enforce Court orders and provide sanctions in a timely and effective manner.

Assessment, Referral & Treatment Expectations:

I understand that I will receive a treatment plan based on my individual needs and receive services that incorporate evidenced-based strategies. These plans are designed by both the treatment provider and the Adult Probation Department. Specialized docket treatment plans take into consideration services that are gender responsive, culturally appropriate and effectively address co-occurring disorders. Adult Probation and external treatment providers are tasked with ensuring that the treatment and case plans are appropriate and clinically necessary to the degree that available resources allow.

While this technically depends on the client's progress, the Recovery Court Program can last a minimum of 12 months. The participant shall be engaged in treatment services and program and will attend as required.

Sup.R., Appx. I, Std. 4(C)

The Recovery Court makes every attempt to ensure that participants have prompt access to a continuum of approved treatment and rehabilitation services. The Probation Officer and Treatment Team representatives maintain a current treatment plan and a record of activities. All treatment and programming is provided by programs or persons appropriately licensed and trained to deliver such services according to the standards of their profession.

The participant shall sign a release of information to provide communication about confidential information, participation/progress in treatment, and compliance with provisions of relevant law, including disclosure of protected health information pursuant to the Health Insurance Portability and Accountability Act, 42 U.S.C. 300 gg- - as amended, and R.C. 2151.421 and 2152.99. **Sup.R., Appx. I, Std. 4(B)**

Participant Monitoring:

Movement through Program Phases measures the participant's degree of compliance with the case plan. Each participant is given a handout of the program phases and how progression through the program works. Phases are the steps in which a participant's performance and progress through the specialized docket are monitored. Phase advancement is not solely based on preset timelines. **Sup.R., Appx I, Std. 6(D)**

Program participants are advanced biweekly through the phases when the Treatment Team discusses their sobriety, mental health status, progress in treatment and compliance with all Court orders. The time between Status Review Hearings is increased or decreased based upon compliance with treatment protocols and observed progress. **Sup.R., Appx. I, Std. 6(E)**

The Treatment Team engages in ongoing communication, including frequent exchange of timely and accurate information about a participant's overall performance. Team members may communicate in person, via email, telephone, or other electronic communication. Team members agree to sign a confidentiality

agreement to keep information secure and confidential. Participants sign a participant agreement and release of information which indicate that the Treatment Team will be communicating about their case on a regular basis and how that information may be transmitted. The Judge has ongoing judicial interaction with each participant and engages in meaningful discussion with the participants during Status Hearings.

Sup.R., Appx. I, Std. 7(A)

Participants will appear before the Judge on a weekly basis during the initial phase of the program. **Sup.R., Appx. I, Std. 7(B)(1)**. Thereafter, the participant will regularly appear before the Judge to review the participant's progress through the docket. **Sup.R., Appx. I, Std. 7(B)(2)**

The Recovery Court docket shall not terminate participants unless provided notice of intent to terminate, a hearing, and representation by an attorney. Said participants shall have a commensurate level of rights as those required for community control revocation hearings. A participant may waive the right to a hearing, so long as the participant has had the right to consult with an attorney, and the waiver is made knowingly, intelligently and voluntarily.

The Recovery Court shall not impose a jail sanction for non-compliance without providing notice, a hearing, and representation by an attorney. A participant may waive the right to a hearing, so long as the participant has had the right to consult with an attorney, and the waiver is made knowingly, intelligently and voluntarily. Participants do not have the right to contest the imposition of sanctions that do not impact liberty interests. Adjustments in treatment activities are not sanctions.

Substance Monitoring:

The Recovery Court monitors a participant's substance use by random, frequent, and observed alcohol-and drug-testing protocols. **Sup.R., Appx. I, Std. 8.**

Drug screens are random. Participants will utilize the Substance Abuse Monitoring System (SAMS) to be advised of random testing. The drug testing phone number is 440-335-5254.

- Drug results are interpreted as follows:
 - No show or failing to submit a sample = positive
 - Submitting a diluted sample /or Flushing of the system (failing specific gravity) = positive
 - Submitting sample of another individual= positive
 - Submitting an adulterated sample= positive
- All positive test will result in immediate and graduated sanctions.
- Any noncompliance by the participant, with regard to testing or otherwise, will be governed by immediate and graduated sanctions.

Completion & Termination Criteria: Sup.R., Appx. I, Std. 6(E)

The Judge has the discretion to determine when the participant will successfully complete the program. The process for determining when a participant has successfully completed the program includes:

- How the participant is nominated for successful completion
- Treatment Team review of compliant behavior and accomplishments
- Treatment Team recommendation
- Judicial decision that participant successfully completed specialized docket

- Award of a certificate
- Graduation ceremony

Cases may meet unsuccessful termination criteria for any reason at the discretion of the Court. Other possible grounds may include:

- Failure to appear for hearing
- Failure to consistently maintain sobriety
- Failure to comply with treatment plan and make progress in treatment
- Refusal to acknowledge drug/alcohol dependency
- Failure to meet other case plan objectives (as outlined by the alcohol/drug plan and/or the Recovery Court Team's case plan)

Initial all conditions as required by the Lorain County Recovery Court program.

_____ I agree to have my case/supervision permanently transferred to the specialized docket of the Lorain County Recovery Court.

_____ I will abide by all conditions and requirements of the Recovery Court.

_____ I will appear at all scheduled Recovery Court hearings. I will be on time and dressed appropriately.

_____ I understand that the **only manner in which I may be excused from Recovery Court hearings, treatment, individual sessions with treatment agency or any other program pertaining to my case plan** is to be excused specifically by my Probation Officer.

_____ I understand that any request to be excused from Recovery Court hearings must be made in an acceptable time frame, prior to the scheduled hearing time. Last minute requests will **not** be considered.

_____ I will be drug/alcohol tested on a random basis in the manner determined appropriate by my Probation Officer. Any tampered specimen, missed drug test, failure to pass Specific Gravity, or inability to provide a specimen will be considered a **positive** test result. A positive test may result _____ in further sanctions or treatment recommendations.

_____ If I am employed, I will not miss work unless verified by my employer or the Court.

_____ I will agree to cooperate in additional referrals for Anger Management, Parenting Skills, Criminal Addictive Thinking, Courage to Change, Domestic Violence sessions, or any other recommended programs determined appropriate by my Probation Officer or Treatment Team.

_____ I will provide written verification of Community Support meetings in accordance with my phase in Recovery Court. Participant's shall submit to their Probation Officers self-help meeting sheets as directed by their individual Probation Officer, but in no case shall self-help meetings be submitted to the P.O. later than the day preceding a participant's compliance hearing. The penalty for failing to comply with this program condition shall have an appropriate sanction at the discretion of the supervising agency and the Recovery Court Judge.

_____ If recommended, I will pursue and participate in educational/GED programming.

_____ I will attend and participate in my recommended drug/alcohol treatment plan.

_____ I will comply with the specific requirements of my case plan.

_____ I understand that there will be sanctions for non-compliance with the Recovery Court and treatment plan. Sanctions may include, but are not limited to: increased drug/alcohol testing, increased contact with my Probation Officer, Case Manager or other Court liaison, written assignments, increased status hearings before the Court, loss of driving privileges, detainment in the Lorain/Medina CBCF, Lorain County Jail or termination from the Recovery Court Program.

_____ I understand that this consent will expire upon completion and/or termination from the Recovery Court Program.

_____ THIS PARTICIPANT ACKNOWLEDGES THAT HE/SHE HAS READ AND UNDERSTANDS THIS AGREEMENT, FREELY AND VOLUNTARILY RELINQUISHES THE RIGHTS DISCUSSED HEREIN AND AGREES TO ABIDE BY ALL THE RULES AND CONDITIONS OF THE RECOVERY COURT.

PARTICIPANT

DATE

WITNESS

DATE