

**LORAIN COUNTY COMMON PLEAS WELLNESS COURT
PARTICIPATION AGREEMENT**

PARTICIPANT: _____ **Case No.:** _____

DATE: _____ **JUDGE** _____

I agree to enter the Lorain County Common Pleas Wellness Court. I understand and agree that I have certain obligations and responsibilities and will have to follow orders from the Judge, Treatment Team and others involved in the Wellness Court Program. The Participant acknowledges that he/she consulted with his/her attorney regarding the legal ramifications of entering into the Wellness Court Program and reviewed this document with his/her attorney.

These are the standard conditions for the Intensive Supervised Probation. In addition to the following conditions, you will be held to the requirements that apply to the Wellness Court.

In consideration of having been granted supervision, I agree to the following conditions:

1. I will obey federal, state and local laws and ordinances, and all rules and regulations of Lorain County Common Pleas Court.
2. I will always keep my probation officer informed of my residence and place of employment. I will obtain permission from my probation officer before changing my residence or my place of employment.
3. I will not leave the State without written permission of the Lorain County Adult Probation Department.
4. I will not enter upon the grounds of any correctional facility nor attempt to visit any prisoner without the written permission of my probation officer, nor will I communicate with any prisoner without first informing my probation officer of the reason for such communication.
5. I will comply with all orders given to me by my probation officer or other authorized representative of the Court, including any written instructions issued at any time during the period of supervision.
6. I will not possess, use, purchase or have under my control any firearms, deadly weapons, ammunition or dangerous ordnance, including chemical agents, electronic devices used to immobilize or explosive devices.
7. I will not possess, use, purchase, or have under my control any narcotic drug or other controlled substance, including any instrument, device or other object used to administer drugs or to prepare them for administration, unless it is lawfully prescribed for me by a

licensed physician. I agree to inform my probation officer promptly of any such prescription and I agree to submit to drug testing.

8. I will report any arrest, citation of a violation of the law, conviction or any other contact with a law enforcement officer to my probation officer no later than the next business day, and I will not enter into any agreement or other arrangement with any law enforcement agency which might place me in the position of violating any law or condition of my supervision unless I have obtained permission from the Court.
9. I agree to search without warrant of my person, my motor vehicle, or my place of residence by a probation officer at any time if the probation officer has reasonable grounds to believe that I am not abiding by the law or otherwise not complying with the conditions of the felony offender's nonresidential sanction.
10. I agree to sign a release of confidential information from any public or private agency that is reasonably related to the participant's rehabilitation and participation in the program, if requested to do so by a probation officer.
11. I agree and understand that if I am arrested in any other State or territory of the United States or in any foreign country, my signature as witnessed at the end of the page will be deemed to be a waiver of extradition and that no other formalities will be required for authorized agents of the State of Ohio to bring about my return to this state for revocation proceedings.
12. I agree not to have on my premises any aggressive animals, specifically dog(s) that restrict or impedes an Officer from entering into the residence.
13. I agree to provide a DNA sample, as required by law per R.C. 2901.07.

WELLNESS COURT REQUIREMENTS

14. I shall follow and comply with the treatment plan and Wellness Court's rules and requirements.
15. I understand that Wellness Court is an intensive probation program that lasts at least 12 months, and I will be required to satisfy the Four (4) phase requirements described in the Wellness Court Participant Handbook.
16. I also understand that all court costs, fees, and restitution (if any) must be paid before I will be eligible for graduation from Wellness Court. Upon successful completion of the program, the judge has the discretion to waive my fines, court costs and/or supervision fees. Restitution cannot, under any circumstances, be waived.

17. Upon acceptance into Wellness Court, I understand that I have the right to an attorney to consult with and be present at Wellness Court Status Review Hearings and Treatment Team Meetings upon my request.
18. I further understand if I am **unsuccessfully** terminated from Wellness Court, as determined by the Court or in the event I voluntarily terminate participation in the program, I shall be subject to a probation revocation proceeding that may result in the reserved sentence being imposed. I also understand that failure to complete the program could preclude admission to Wellness Court on future cases.
19. At the conclusion of the probation term and after **successfully** completing the Wellness Court program, I will have no further obligation to the Court in this case.

ASSESSMENT, TREATMENT AND REFERRAL

20. I am willing to attend and fully participate in all treatment and programming assessments to which I am referred.
21. I shall complete Release of Information form(s) to provide confidential communication about my participation and progress in treatment in compliance with the provisions of relevant law, including the “Health Insurance Portability and Accountability Act of 1996,” 42 U.S.C. 300gg-42, as amended, and §§2151.421 and 2152.99 of the Ohio Revised Code.
22. I shall keep confidential all information regarding other participants which is shared at Review Hearings or other group sessions.
23. I understand that I will be placed as soon as possible in appropriate treatment services and programs, and my attendance at these sessions is **required**.

PARTICIPANT MONITORING

24. I understand that my treatment plan is a term of my probation, and it will include supervision by my case manager and probation officer.
25. I understand I am required to submit to random, individual, observed and frequent drug and alcohol testing. I understand I must sign a release of information so my urine test results can be shared with my caseworker, probation officer and/or the court. All urine screens will be collected in accordance with the collection site’s policies and procedures, and participants will be observed by a staff member when submitting the tests. Each sample will be collected

by a staff member and must register the correct temperature. If the collector has concerns that the sample has been tampered with, I may be asked to submit another sample. If I fail to submit to testing, submit an adulterated sample or the sample of another individual, or dilute the sample, the test will be treated as positive. The Court will immediately be notified of any and all test results. I could be subject to **immediate sanction(s)** upon a positive test.

26. I understand that I am required to attend status review hearings with the Judge initially on a weekly basis. I also understand I am required to attend status review hearings with the Judge as I move through my treatment plan and Wellness Court program phases, and these review hearings may be every two or four weeks, depending upon my progress.
27. I further understand that Wellness Court involves ongoing judicial interaction with each participant as an essential component.
28. I understand successful completion of the Wellness Court program requires progression through the four phases of the WELLNESS Court program within a minimum period of 12 months. The phases include Orientation, Stabilization, Community Reintegration and Maintenance, which have been fully described to me in the Wellness Court Participant Handbook.
29. I understand that I shall be placed under reporting supervision to monitor my compliance with the Court's requirements.
30. My Treatment Team will meet immediately prior to my status review hearings in order to exchange timely and accurate information about my overall performance in the Wellness Court program. I also understand that there will be ongoing communication among my treatment team members while I am in the program.
31. My progress through Wellness Court is based upon my participation in my treatment plan and compliance with Wellness Court's requirements through each phase. My progress through Wellness Court is based upon my individual progress and **not** a pre-set timeline. However, it is anticipated that I will graduate from Wellness Court in approximately 12 months.
32. I understand that if I do not comply with my treatment plan and/or any other term of my probation, I may receive an immediate and graduated sanction which may include a jail term. I understand I have a right to a hearing in order to determine whether the terms of my treatment plan and/or any other terms of my probation have been violated, and I am entitled to have an attorney present at that hearing.

SUCCESSFUL COMPLETION OF WELLNESS COURT

33. I understand that I will graduate from Wellness Court upon:
- A. Completing my treatment plan;
 - B. Completing the four phases of Wellness Court;
 - C. Paying all restitution (if applicable), costs and fees; and
 - D. Completing the necessary paperwork and application for graduation.
34. I understand that attendance at Wellness Court graduation is mandatory.

UNSUCCESSFUL TERMINATION FROM WELLNESS COURT

35. I understand that should I not comply with my treatment plan, Wellness Court requirements, and/or any other term of my probation, a hearing before the Wellness Court Judge will be scheduled. If the Court finds I did not comply with my treatment plan and/or any other term of my probation, the Judge will impose a sanction, up to and including the imposition of the reserved sentence.

I have either read this Wellness Court Participation Agreement or it has been read to me, I understand it, and I wish to enter the Wellness Court program.

Attorney for Participant

Participant

Prosecutor

Signed in open court this _____ day of _____, 201_.

IT IS SO ORDERED.

JUDGE JAMES MIRALDI