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Welcome

Welcome to the Fargo Juvenile Drug Court. This handbook is designed to answer your questions and provide overall information about the Drug Court Program. As a participant, you will be expected to follow the instructions given in drug court by the judge and comply with the treatment plan developed for you by your treatment provider and the drug court team.

This handbook will describe what is expected of you as a drug court participant. It will review general program information.

IMPORTANT PHONE NUMBERS

JDC Probation Officer (Nicole Burkhartsmeier)	701-451-6986
JDC Coordinator	701-451-6979
Community Service RESTORE	701-239-0078
Southeast Human Service Center	701-298-4500
Drake	701-293-5429
Prairie St. Johns	701-476-7200
Suicide Prevention	800-273-8255
Cass County Regional Dispatch	701-451-7660
Defense Attorney	701-235-7501
First Link Helpline	2-1-1
Cass County Sherriff's Office	701-241-5800
West Fargo Police Department	701-433-5500

During the JDC team meeting, any JDC team member can make a recommendation for termination of a participant. The JDC judge makes the final determination for a participant to be terminated from the program upon the recommendation of the JDC team.

OVERVIEW

The Fargo Juvenile Drug Court (JDC) is a separate court but it is part of the Juvenile Court System within the District Court. The JDC differs from regular Juvenile Court in that the juvenile is in court on a weekly basis with the JDC team. This group process facilitates meaningful court orders on a weekly basis.

The program is aimed at intervening in the lives of substance abusing juveniles. The JDC aims to reduce the delinquent and unruly behavior that frequently co-occurs through intense judicial supervision and participation in treatment programs.

Elements of the JDC program include frequent drug testing, intense judicial and probation supervision, individual, group and family counseling, drug abuse treatment, educational opportunities and the use of sanctions and incentives. Program participants will be required to complete a four path program culminating with graduation. The path program was designed to be completed in 9 to 12 months.

JDC participants can expect to receive sanctions if they violate JDC program rules or fail to achieve Path requirements. Participants who maintain positive participation in the JDC program may receive appropriate incentives as well. These incentives will be determined by the JDC and will be dependent on available resources.

JDC is a post petition/post adjudication program with dismissal of the current petition if the participant successfully completes the program.. In addition, the juvenile may be entitled to expungement of his juvenile record under North Dakota Supreme Court Policy 403.

Juvenile Drug Courts were started because alcohol and drug abuse are widespread among juveniles who are arrested. The first Juvenile Drug court started in 1995 in Visalia, California. The North Dakota Juvenile Drug Court program began operation in May, 2000.

THE DRUG COURT TEAM

The JDC judge will make all decisions regarding your participation in the JDC Program with input from the JDC team. In addition to the judge, the drug court team consists of the following members:

- Judge Judge Steven McCullough
- JDC Coordinator Eryn Lutjens
- JDC Probation Officer Nicole Burkhartsmeier
- Defense Attorney Jay Greenwood
- State's Attorney Kimberlee Hegvik
- Treatment Providers Sara Nicoli and Jen Bartsch
- School Representative Amy Riccio
- Law Enforcement Matt Neimeyer, Mike Bloom, & Matt Iverson

****Reminder to Parents: Our JDC team considers parents to be a fundamental part of our team and program. Please, feel free to address any concerns or provide positive feedback in court in regards to your child's progress. We are welcome to suggestions, as we are continuously striving to better our program.**

STAFFING

Prior to your weekly drug court hearing, the JDC team will meet and discuss each participant's progress. This discussion will include your drug testing results, tracking reports, attendance, grades and behavior at school, participation and cooperation in the treatment program, employment and/or other requirements that may have been imposed. The JDC team will discuss your progress and if you are meeting your weekly requirements, you may be rewarded with reduced program requirements or, at times, other incentives. If you are not meeting your weekly requirements, the JDC team will discuss appropriate sanctions or ways in which we can help you reach your goals in the program. There may be times where your parents are required to attend staffing to be a part of that process.

TERMINATION FROM DRUG COURT

The team has the option to terminate a participant from the JDC Program. When considering termination of a participant from the JDC Program, the team should take into account, but not be solely limited to the following facts:

- A. Termination for Cause A participants may be terminated from the JDC Program for cause. Cause includes a participant's:
- New adjudication for possession of a controlled substance with the intent to sell or manufacture, or delivery of controlled substance, or is adjudicated with a violent felony offense
 - Subsequent Offense – The nature of the offense, the circumstances under which it was committed and its seriousness.
 - Noncompliance with the treatment process, unabated continued use of illegal and/or harmful substances, duration of the participant's involvement in treatment, and the treatment provider's prognosis.
 - Disobedience to probation terms and conditions, attitude regarding JDC directives, efforts to complete those directives, and the duration of involvement in the JDC Program.
 - Presence of over-riding mental health issues, family dynamics which continually inhibit recovery and continued evidence of an inability or unwillingness to make healthy choices regarding associates, peers, family, employment, and school.
- B. Termination for Other Reasons
- Participant has moved out of the jurisdiction of the JDC.
 - Participant is transferred to another JDC.
 - Participant is terminated, but does not meet any of the Termination for Cause grounds.

or refusal of a client to provide a sample will be reported as a positive test and subject to sanctions by the Judge.

Curfew/Electronic Monitoring

Juvenile Drug Court utilizes various programs and devices to provide consistent and regular monitoring of your compliance with the requirements set by the Drug Court. During periods determined by the Drug Court, a voice monitoring system GPS system will monitor your location. If you fail to check in, check-in later, check-in from the wrong location, or do not check in properly, your juvenile court officer will be notified immediately.

GRADUATION

JDC graduation is a celebration of a youth's successful completion of all drug court requirements. Successful completion of all Paths of the program is required for graduation. All financial obligations, including restitution and community service fees, must be paid in full.

The JDC celebration consists of a ceremony in court. All participants of the program are asked to be present for a graduation. The celebration provides a specific time for the team, the participant, and the participant's family to acknowledge the work and success of the youth and to support the youth's future endeavors.

Dismissal of Current Offense:

Six months after graduation, if the graduate remains offense free, the adjudicated offense may be dismissed at the discretion of the judge.

Dismissal of Juvenile Record:

In addition to the dismissal of the current offense, the juvenile may be entitled to expungement of his juvenile court record under Supreme Court Policy 403 if the graduate remain offense free for two years.

DRUG COURT HEARINGS

As a drug court participant, you will be required to appear in drug court on a regular basis. The number of times you must appear depends on what Path you are currently in. Failure to appear may result in a pick-up- and-hold order being issued and detention at the Clay County Detention Center until you can appear before the court. The Fargo JDC holds hearings every Monday at 4:00 pm. You are required to attend every Monday unless you are excused by the JDC Judge.

CONFIDENTIALITY

Before you are admitted into the JDC program you are required to sign a *Consent for the Release of Confidential Information* that will allow the Drug Court team to communicate with one another regarding your progress in drug court. The confidentiality of alcohol and drug abuse patient records maintained by this program is protected by federal law and regulations. Generally, the program may not say to a person outside the program that a patient attends the program, or disclose any information identifying a patient as an alcohol or drug abuser UNLESS:

1. The patient consents in writing; or
2. The disclosure is allowed by a court order; or
3. The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.

JUVENILE DRUG COURT PATHS

Juvenile Drug Court consists of four paths and lasts a minimum of ten months. A participant must successfully complete each path before transitioning to the next path. Each path has its own minimal time period the participant must complete before moving onto the next path. When requesting a promotion the participant must complete a written application. As JDC participants progress through the paths, the requirements are less restrictive. Once a participant has successfully completed all four paths, he/she will graduate.

PATH I

In Path I, participants will be expected to complete but will not be limited to the following requirements:

- Active participation in appropriate treatment program
- Weekly hearing
- Random Drug and/or Alcohol screens
- 1-2 weekly probation contacts
- Intensive tracking
- Enrolled in school or working.
- Minimum of 12 weeks, at that time, progress is evaluated, and determination is made if participant is ready to apply for Path II.
- 15 days of continuous sobriety at the time of advancement to Path 2.

PATH II

- Active participation in appropriate treatment program
- Bi-Weekly hearing
- Random Drug and/or Alcohol screens
- Probation contacts as ordered
- Regular tracking
- Enrolled in school or working.
- Minimum of 12 weeks, at that time, progress is re-evaluated and determination is made if participant is ready to apply for Path III.

DRUG TESTING

Drug testing is mandatory throughout the drug court program in order to monitor participant's compliance. The Paths of the JDC determine the frequency of drug & alcohol testing.

A case aide will be assigned to each participant in juvenile drug court. The case aide will primarily administer drug and alcohol tests; however, the participant's probation officer may also administer a drug/alcohol test at any time.

Once a case aide has been assigned to a participant they will meet with the participant, their family and the probation officer for an intake in order to review the rules and the roles. This initial meeting will be scheduled by the case aide.

Case aides will conduct drug tests on a random basis. All tests will be observed. The positive sample will be sent to the lab for further analysis.

The role of the case aide or probation officer that is obtaining the test is to observe the participant providing the sample. You are required to submit to drug testing on a regular basis to monitor progress. The inability or refusal of a client to provide a sample will be reported as a positive test and subject to sanctions by the judge.

Case aides will not provide information to the participants and their families as to possible recommendations for the JDC participant.

Alcohol Testing

JDC utilizes different types of testing for alcohol. Participants may be ordered to have a MEMS machine which is located in the participants home or a participant may be tested by an oral alcohol test. The probation officer will provide further information if you are assigned the MEMS machine. The inability

SANCTIONS

If you fail to attend treatment, school, and meetings; test positive for alcohol or drugs; or fail to comply with other conditions of the program, a sanction will be imposed by the Drug Court team. Non-compliance in the program may include; but will not be limited to the following sanctions.

- Admonishment by JDC judge
- Community service hours
- Written Assignments
- Reduction of curfew/homebound/electronic monitoring
- Increased drug testing
- Loss of privileges, such as driver's license and free time
- Detention as authorized by statute
- Suspension from the program.
- Termination from the program

INCENTIVES

Incentives for participation and compliance with the program may include,

- Recognition at review hearing (fish bowl, nice catch, best kid, rocket docket)
- Decreased drug testing
- Waiver of community service hours
- Gift certificates, gas coupons, tickets to local events
- Increased curfew
- Dismissal of current offense

Incentives may be provided to you throughout the program (i.e. positive school report, perfect court reports, successful completion of phase, and/or graduation).

***The court reserves the right to distribute incentives as deemed appropriate.

- 30 days of continuous sobriety at the time of advancement to Path 3

PATH III

- Active participation in appropriate treatment program
- Hearings as ordered.
- Random Drug and/or Alcohol Screens
- Probation contacts as ordered
- Regular Tracking
- Completion of all community service hours to be eligible for Path 4
- Enrolled in school or working.
- Minimum of 12 weeks, at that time, progress is re-evaluated and determination is made if participant is ready to apply for Path IV.
- 45 days of continuous sobriety at the time of advancement to Path 4.

PATH IV

- This Path provides more freedom and independence and less structure for the participant. **It will be based completely on an individual basis.**
- Court Hearings as ordered
- Probation contacts as ordered
- Random Drug Screens as ordered
- Enrolled in school or working
- Tracking as ordered
- 90 days continuous sobriety at graduation. 45 days from Path 3 may carry over.
- Minimum of 6 weeks, at that time, progress is re-evaluated and determination is made if participant is ready to apply for graduation.

COMMUNITY SERVICE WORK

Each participant will be assigned meaningful court approved community service. Community service is assigned by the Community Service Representative. Community service will be group projects and individual assignments. Additional hours may be ordered as necessary.

TREATMENT

Treatment is an essential component to the drug court program and every participant is required to actively participate in a substance abuse treatment program while they are in drug court. The treatment facility will keep the JDC team informed of the participant's progress or lack thereof, which will include attendance, level of cooperation, results of urinalysis and any concerns regarding parenting. The primary treatment facilities that are utilized by the Fargo JDC are:

- Southeast Human Service Center
2624 – 9th Avenue South, Fargo, ND
(701)298-4500
- Drake Counseling Center
1202 – 23rd Street South, Fargo, ND
(701)293-5429
- Prairie St. John's
510 – 4th Street South, Fargo, ND
(701)476-7200

Cognitive Restructuring Programs

Cognitive Restructuring offered in Fargo include:

- Anger Management
- Girl's Group
- Independent Living

Community service hours may be credited to you for sessions attend as decided by the JDC Team.

Parent/Family Responsibilities

Parents are expected to attend JDC progress review hearings and treatment with their child. Progress review hearings are held at the Cass County Courthouse on Mondays at 4:00 pm. In the case of the courthouse being closed on a Monday for a holiday, review hearings may be moved to Tuesday at 4:00 pm. The juvenile's family is expected to provide a supportive environment and adequate supervision to help ensure the youth's active participation during their involvement in the JDC program.

Parents are expected to notify the probation officer if their child is not following drug court rules, their court order, and/or the rules at home.

ELIGIBILITY

1. Referring delinquent offense may be either drug or non-drug related. There are no restrictions on the number of prior offenses or convictions.
2. Juvenile must be between the ages of 14 and 17 and 6 months.
4. No prior termination with cause from JDC within the past 18 months.
6. Admission to the offense and/or court order to the program.
7. An assessment must be completed indicating a drug and/or alcohol abuse problem.

REFERRAL

Participants who meet criteria are identified and referred by probation officers, prosecutors, or public defenders, social workers, and treatment providers. Juveniles are referred to the probation officer and an initial interview will be scheduled. If the established criteria are met, the case will be recommended for Juvenile Drug Court.

YMCA Wellness Program

homophobic, sexual, violent or other offensive comments will be tolerated. Abusive behavior (in the form of insulting language, physical gestures, aggression, or otherwise offensive behavior) will be sanctioned and may be grounds for termination from the JDC Program.

Weapons:

No weapons are allowed at ANY JDC activity. If a weapon is found on a participant he or she will be sanctioned and may be terminated from the JDC program.

Smoking:

Smoking is prohibited at all JDC functions regardless of the participant's age.

Punctuality and Advance Notification of Absences:

Drug court participants and family members are expected to be on time for all JDC activities. If a participant is unable to attend a drug court activity, he or she must provide advance notice to their probation officer.

****All attendance, notification and/or lateness issues will be reported to the court and are subject to sanction.****

Parents:

Parents are not to use illegal substances or use alcohol in excess.

Prescriptions:

Any medication prescribed by a physician or taken over-the-counter needs to be reported to your probation officer prior to taking the medication. All medications will not automatically be accepted. Failure to comply with proper procedure or a positive screen may result in sanctions by the Judge.

Participants will have the opportunity to participate in a 12 week wellness program at the YMCA. The program will introduce them to various wellness activities and will be led by a certified wellness instructor from the YMCA. Upon completion of the 12 week program, participants will be given the opportunity to continue to attend the YMCA by using membership cards provided to them by the Drug Court program.

JUVENILE DRUG COURT GUIDELINES

The following program guidelines have been developed and approved by the JDC team. All participants and parents should read through these guidelines carefully. To avoid unnecessary sanctions and misunderstandings, please ask if you have questions.

Courtroom Behavior:

- The drug court team expects all drug court participants and family members to show respect and courtesy to all courtroom staff, families in attendance, and other observers.
- While court is in session participants are asked to remain quiet unless they are presenting to the judge or they are asked to speak.
- No food or beverages are allowed in the courtroom.
- Please turn off all cell phones and other electronic devices while court is in session.

Appropriate Dress:

Participants and family members are expected to dress appropriately for all JDC activities. Clothing displaying drug or gang symbols, colors, or inappropriate language is prohibited. There shall be no wearing of hats, see through or bare mid-drift shirts in court.

Language and Behavior:

During all JDC activities participants and family members are expected to refrain from the use of profanity and the glorification of alcohol or drug use. No racist, sexist,