



## **A Guide to Preparing the Specialized Docket Participant Handbook**

### **Purpose of Document**

The purpose of this document is to serve as a guide to identify the issues to be addressed in a specialized docket participant handbook. Under Sup.R., Appx. I, Std. 1(D) and 2(D), participants are provided a participant handbook.

The participant handbook is given to participants and individually reviewed with each participant by a member of the specialized docket treatment team prior to entry into the program. This document delineates all of the requirements and expectations of the specialized docket program and serves as a reference guide for the participant. Thus, it is important for the specialized docket team to ensure that this document is drafted at an appropriate reading level for the participants being served.

### **How to Use this Document**

The participant handbook identifies each element necessary to demonstrate compliance with both the standards and recommended practices contained in Sup.R. 36.02, Appx. I, and is meant to be used as a guide.

This document is based on an adult drug-court model. Other specialized dockets, such as mental health courts, OVI courts, juvenile specialized dockets, and family dependency treatment courts may have to make adjustments to the information provided. Depending on the type of docket, information on the target population, assessment and referral, treatment team, and phases may need to be adjusted. For free technical assistance in developing or revising a participant handbook, contact the Supreme Court of Ohio Specialized Dockets Section at 614.387.9425.

## **Welcome and Introduction-Standard 2**

Sup.R. 36.02, Appx. I

This section welcomes and introduces the participant to the program.

The following statement is included in the handbook introduction:

*This handbook details the participants' rights and responsibilities in the specialized docket.*

A minimum time frame for the program is stated so the participant has a general expectation of program length. Language explaining that there is no guarantee to complete the program within the minimum timeframe also is included, along with reasons why the participant's time in the program may be extended.

As a way of creating buy-in for the program by the participant, the participant handbook may want to include:

The benefits of the specialized docket to the participant, such as:

- A clean and sober lifestyle
- Improved familial and social relationships
- Overall healthier lifestyle.

The resources the specialized docket offers the participant, such as:

- Access to a range of alcohol and drug treatment services
- Case management services to assist with linkages to local services, such as employment, educational or vocational opportunities, housing assistance, and transportation assistance
- Incentives
- Relationships with the specialized docket team members, including the judge, probation officer, case manager, and others.

A list of the basic requirements of the specialized docket, such as:

- Abstain from alcohol and drug use
- Attend status review hearings
- Attend appointments with treatment providers and case managers
- Attend appointments with the coordinator or probation officer
- Comply with the program requirements
- Submit to frequent and random alcohol and drug screens;
- Comply with sanctions for infractions;
- Engage in a sober support community
- No further violations of the law.

### **Eligibility--Standard 3**

Sup.R. 36.02, Appx. I

The participant handbook states the specific legal and clinical eligibility criteria for the specialized docket. This section includes notice to the participant that there is no right to participate in the specialized docket. Eligibility criteria are explained in clear, simple, and understandable terms. This may include the types of charges that would exclude someone from program participation and the type of clinical diagnosis needed to benefit from the program. Typically, participant handbooks also include a statement concerning the voluntariness of the program.

### **Program Entry-Standards 1, 4, 5, and 9**

Sup.R. 36.02, Appx. I

The participant handbook includes information regarding referral and screening, clinical assessment, acceptance into the docket, and summary of supervision and treatment requirements.

#### *Referral and Screening*

- The steps necessary to enter the specialized docket, including meeting with specialized docket staff to review program requirements and completion of necessary forms
- Information regarding the initial referral and screening process to enter the specialized docket
- The timeframe in which to complete the referral process
- The type of information that will be collected about the participant, such as criminal history, residency information, education, employment, family, medical, and other information.

#### *Clinical Assessment*

- Information on how to complete the clinical assessment
- The timeframe in which to complete the clinical assessment
- What the participant does if there are issues with completing the clinical assessment
- What could happen if the participant does not complete the clinical assessment.

#### *Acceptance into docket*

- Eligibility information reviewed by the treatment team
- Even if the participant may be eligible, the participant may not be offered participation
- Even if the participant appears to meet the written eligibility criteria, the participant does not have the right to participate
- The judge is the final decision-maker regarding acceptance into the specialized docket.

In this section, the participant handbook references when the participant will be provided the date of the first status review hearing.

## *Summary of Supervision and Treatment Requirements*

### Supervision Requirements

- General reporting requirements
- Reasons for increased reporting
- When and to whom the participant is to report changes in address, employment, family or other matters
- The documentation the participant is expected to bring to office visits
- General alcohol- and drug-screening information
- Unannounced random home visits.

### Summary of Treatment Requirements

The participant handbook includes basic treatment and programming service requirements.

Services and programming may include:

- Residential treatment
- Intensive outpatient treatment
- Individual treatment sessions
- Gender specific programming
- Family therapy
- Medication
- Medication monitoring
- Ongoing mental health treatment
- Case management.

The participant handbook also references any required ancillary services, which may include:

- Education
- Vocational training
- Employment
- Transportation
- Housing
- Parenting classes
- Domestic violence programming
- Physical, mental, and dental health.

## **Treatment Team-Standard 1**

Sup.R. 36.02, Appx. I

The participant handbook identifies the members of the treatment team by title and a brief description of their roles and responsibilities. The participant handbook contains enough information about each team member so participants are fully aware of who their treatment team members are and what role each treatment team member has in the specialized docket process.

### *Judge*

- Leader of the treatment team
- Decision-maker, especially concerning incentives, sanctions, phase advancement, and successful completion or termination
- Discusses progress with the participant at status review hearings.

### *Probation Officer*

- Monitors compliance with supervision plan
- Conducts alcohol and drug screens
- Monitors compliance with any sanctions
- Visits the participant at home, school, or other locations
- Attends treatment team meetings and status review hearings
- During treatment team meetings, provides progress reports and recommendations to the treatment team
- Participates in discussions about incentives, sanctions, phase advancement, successful completion, and termination.

### *Treatment Provider*

- The participant's therapist or counselor
- Conducts an assessment to evaluate needed services
- Develops an individualized service plan
- Conducts random drug screens
- During treatment team meetings, gives treatment updates and makes recommendations regarding treatment needs
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination; and
- Attends the status review hearings.

If the participant has more than one treatment provider or the possibility of more than one treatment provider, this information is contained in the participant handbook.

*Prosecutor-Standard 2(A)*  
Sup.R. 36.02, Appx. I

If the prosecutor plays an active role:

- Attends treatment team meetings and status review hearings
- Makes recommendations concerning incentives, sanctions, phase advancement, successful completion, and termination.

The prosecutor may not play an active role in the specialized docket. Some brief information concerning the prosecutor is included, such as providing input concerning acceptance into the specialized docket.

For family dependency treatment courts, the prosecutor role would be the same for the agency attorney if a prosecutor does not represent the agency.

*Defense Counsel-Standard 2(B) and Standard 2(C)*  
Sup.R. 36.02, Appx. I

If defense counsel is not active, then at a minimum, defense counsel:

- Explains to the participant what rights are waived by entering the program
- Explains possible sanctions that may be imposed
- Explains the circumstances that may lead to termination
- Explains the effect of termination from the specialized docket
- Assists with decision-making regarding participation in the specialized docket.

The participant handbook includes the participant's right to request attendance of defense counsel during the portion of a specialized docket treatment team meeting concerning the participant. The participant handbook notifies the participant that it is the participant's responsibility to contact defense counsel for attendance at treatment team meetings.

If defense counsel is active, then defense counsel makes recommendations to the judge regarding incentives, sanctions, phase advancement, successful completion, and termination at treatment team meetings, as well as assists the participant at status review hearings.

*Specialized Dockets Coordinator*

- Maintains the daily operations of the specialized docket
- Meets with any potential participant upon referral
- Gathers progress reports from treatment and service providers to present to the treatment team;
- Attends treatment team meetings and status review hearings
- Participates in any discussions regarding incentives, sanctions, phase advancement, successful completion, and termination
- Coordinates random alcohol and drug screens and monitors compliance with any sanctions

- Meets with a participant regularly to discuss individualized program goals and progress while the participant is in the specialized docket.

### *Case Manager*

Not all specialized dockets have access to case management services for their participants. If the docket does utilize case management services, then a brief description of the duties for the case manager should be included in the participant handbook.

These duties may include:

- Meets with the participant on a regular basis
- Assists with transportation, housing, education, employment, obtaining medical care, family issues, training, and applying for government assistance
- Makes referrals to other agencies
- Conducts random alcohol and drug screens and monitors medication compliance
- Attends appointments to provide assistance
- Attends treatment team meetings and status review hearings
- During treatment team meetings, provides reports and recommendations to the treatment team
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination.

For family dependency treatment courts, include Children Services Caseworker.

### *Children Services Caseworker*

- Ensures the well being of a participant's child(ren)
- Meets with participant on a regular basis and monitors compliance with the children services case plan;
- Makes referrals for services
- Arranges visitation with children if not residing with the participant
- Assists with transportation, obtaining government benefits, and locating resources
- Attends treatment team meetings and status review hearings
- Provides the treatment team with information regarding case plan progress and reports any issues or concerns
- Participates in discussions on incentives, sanctions, phase advancement, successful completion, and termination.

## **Treatment Team Meetings and Status Review Hearings-Standards 2, 6, and 7**

Sup.R. 36.02, Appx. I

The participant handbook includes basic information concerning treatment team meetings and status review hearings, including appearance requirements in the initial phase of the specialized docket and appearance requirements after the initial phase.

The handbook includes the statement that the participant has the right to request the attendance of defense counsel during the portion of the specialized docket treatment team meeting concerning the participant. (*See page 6.*)

The participant handbook references how the judge monitors each participant's performance and progress at frequent status review hearings. The handbook also references that the judge provides explanations of responses to compliance and noncompliance, including reviewing the criteria for termination during status review hearings.

Other basic information regarding status review hearings is included, such as:

- What the participant brings to the status review hearing
- What to expect at the status review hearing, such as direct interaction with the judge regarding progress
- Notice of having to sign any waivers and consent forms to discuss progress in open court
- Who is present
- What happens to the participant upon the failure of the participant to attend status review hearings, such as sanctions or the issuance of an arrest warrant.

## **Phases-Standards 3 and 6**

Sup.R. 36.02, Appx. I

Drug court docket phases typically are divided into an orientation phase and four treatment phases. Mental health court docket phases typically are divided into an orientation phase and three treatment phases. Phases vary depending on the type of specialized docket, the treatment or program for the specialized docket, and the community resources. Phases may be displayed in the participant handbook as an itemized list of goals, tasks, and participant requirements or may be displayed as a chart or graph. Sample charts or graphs can be obtained through the Specialized Dockets Section. The participant handbook has enough phase information to inform participants of the requirements to progress to the next phase.

Regardless of the type of specialized docket, the participant handbook needs to contain certain information, such as:

- How progression through the specialized docket is based upon the participant's performance in the treatment plan and upon compliance with the specialized docket phases
- How participants will not advance through phases based on preset timelines.

Regardless of the number of phases utilized by the specialized docket, phases have common elements that include:

- Beginning treatment as soon as possible and thereafter attend as required
- Submitting to random urine screens
- Attending sober support group meetings
- Complying with ongoing case management services
- Reporting for status review hearings
- Complying with supervision requirements as identified by the court.

If the specialized docket utilizes a four-phase approach, then the specialized docket may want to include the following:

### Orientation Phase

Tasks the participant is expected to complete include:

- Meeting with coordinator or probation officer to review and complete the participation agreement and release of information forms
- Reviewing the participant handbook
- Attending initial specialized docket status review hearing
- Introducing the participant to treatment team members, which may include: specialized docket coordinator, probation officer, clinician(s), case manager(s) and others
- Becoming familiar with the location of service providers and address any issues of transportation
- Engaging in the treatment plan process.

### Phase 1 (Compliance Phase)

Tasks the participant is expected to complete include:

- Attending required status review hearings
- Attending treatment sessions and activities
- Attending meetings with the case manager, coordinator, and probation officer
- Submitting to alcohol and drug testing
- Cooperating with random home visits by probation officer, case manager, and others
- Engaging in a sober support community (for drug courts)
- Abiding by rules of the specialized docket, probation, and the laws.

### Phase 2 (Engagement Phase)

Tasks the participant is expected to complete include:

- Attending required status review hearings
- Continuing to attend treatment sessions and activities
- Continuing to cooperate with random home visits by the probation officer, case manager, and others
- Continuing to attend meetings with the coordinator, case manager, and probation officer
- Continuing to submit and provide negative results to alcohol and drug testing
- Beginning to develop plans for employment or educational opportunities

- Engaging with housing, educational, vocational, and employment service agencies;
- Continuing to abide by rules of the specialized docket, probation, and the laws
- Participating in a sober support community (for drug courts)
- Following through on housing, educational, vocational, and employment referrals.

### Phase 3 (Growth and Development Phase)

Tasks the participant is expected to complete include:

- Attending required status review hearings
- Continuing to attend treatment or programming sessions and activities
- Continuing to cooperate with random home visits by the probation officer, case manager, and others
- Continuing to attend meetings with the coordinator, case manager, and probation officer
- Continuing to submit and provide negative results to alcohol and drug testing
- Continuing to abide by rules of the specialized docket program, probation, and the laws
- Continuing to participate in a sober support community (for drug courts)
- Obtaining and maintaining employment or consistently participate in other vocational activities
- Obtaining stable housing.

### Phase 4 (Maintenance Phase)

Phase 4 is the last phase. When the participant reaches Phase 4, the participant has successfully and faithfully adhered to treatment and specialized docket requirements. The participant handbook includes any additional tasks to complete in Phase 4 that would be in addition to the standard tasks from the previous phases.

When the participant moves to Phase 4, the participant is preparing for successful completion. The participant handbook contains a description of the behavior and accomplishments needed in order to successfully complete. The participant handbook also reminds the participant that only the judge determines when the participant has complied with the program requirements and successfully completed the program.

Compliant behavior may include:

- Completing community service hours
- Demonstrating a period of abstinence from alcohol and drugs, evidenced by submitting negative alcohol and drug screens, a minimum of 90 days prior to completion
- Attending sober support group meetings
- Being an active member in a sober support group and helping others obtain sponsors
- Displaying a change in thinking, attitude, and beliefs
- Successfully completing treatment or programming
- Maintaining consistent employment
- Demonstrating an ability to identify and eliminate criminal thinking patterns
- Completing a project about a recovery-related topic or writing an essay requesting program completion.

Accomplishments may include:

- Demonstrating abstinence from alcohol and drugs as evidenced by negative screens
- Completing treatment
- Establishing a relapse prevention plan
- Regularly attending sober support meetings
- Completing specialized docket program requirements, including community service
- Completing a vocational or educational plan
- Displaying responsibility for his/her behavior
- Demonstrating stability in the community
- Petitioning for successful completion.

### **Incentives-Standard 10**

Sup.R. 36.02, Appx. I

Note that *Standard 6(E)* also applies here. The participant handbook can also serve as one of the ways the specialized docket provides an explanation of responses to compliance and noncompliance including the criteria for termination.

The participant handbook includes reasons why incentives are important to the participant. There is also a statement that incentives are provided on a case by case basis.

The participant handbook briefly describes the types of positive changes and behaviors that may lead to an incentive. These behaviors may include:

- Attending required court appearances
- Attending required treatment appointments
- Maintaining close and productive contact with the case manager
- Reaching individual treatment objectives
- Abstaining from alcohol and drugs, as evidenced by negative test results
- Engaging in vocational or educational activities
- Securing stable housing
- Advancing in specialized docket phases
- Accomplishing any other milestone identified by the team.

The participant handbook includes a general list of the types of incentives that may be provided, such as:

- Encouragement and praise from the judge
- Ceremonies and tokens of progress, including advancement in specialized docket phases
- Reducing supervision contacts
- Decreasing frequency of court appearances
- Increasing or expanding privileges
- Encouragement to increase participation in positive activities the participant finds pleasurable, such as writing, art work, or other positive hobbies
- Gifts of inspirational items, including books, pictures, and framed quotes
- Assistance with purchasing clothing for job interviews

- Gift cards for restaurants, movie theaters, recreational activities, or personal care services
- Gifts of small personal care items, hobby or pet supplies, plants or small household items
- Dismissing criminal charges or reducing the term of probation
- Reducing or suspending jail, prison, or detention days
- Successfully completing the specialized docket.

### **Sanctions-Standard 10**

Sup.R. 36.02, Appx. I

Note that *Standard 6(E)* also applies here. The participant handbook also can provide an explanation of responses to compliance and noncompliance, including the criteria for termination.

As with incentives, the participant handbook provides a brief explanation of why sanctions are important. A statement that sanctions are provided on a case-by-case basis also is included.

The participant handbook briefly describes the types of behaviors that could lead to a sanction. These behaviors include:

- Failing to attend court appearances and treatment appointments
- Failing to follow specialized docket rules
- Failing to keep scheduled appointments with the probation officer, case manager, or other team members
- Not complying with other requirements of the treatment plan
- Not complying with random alcohol and drug screens or testing positive for alcohol and drugs
- Failing to improve troublesome behaviors
- Failing to meet employment or vocational goals as determined by the treatment team
- Failing to keep other appointments as scheduled, such as those for public benefit aid, health care benefits, housing assistance, social security applications, etc.

The participant handbook needs to explain how graduated sanctions are used to address noncompliant behaviors, as well as listing possible sanctions, including the ultimate sanction of termination. These sanctions include:

- Warnings and admonishment from the judge
- Demotion to an earlier specialized docket phase
- Increasing frequency of alcohol and drug testing
- Increasing frequency of court appearances
- Refusing specific requests, such as permission to travel
- Denying additional or expanded privileges or rescinding privileges previously granted
- Increasing supervision contacts and monitoring
- Individualized sanctions, such as writing essays, reading books, or performing other activities to reflect upon unacceptable behavior
- Requiring community service or work programs

- Escalating periods of jail or out-of-home placement, including detention for juveniles
- Filing of community control or probation violation
- Termination from the specialized docket.

### **Termination-Standard 3**

Sup.R. 36.02, Appx. I

Unsuccessful termination criteria will vary depending on the type of docket. The participant handbook should include behaviors that lead to unsuccessful termination, a brief statement regarding the termination process, and what happens after unsuccessful termination. The participant is informed in plain, understandable terms of unsuccessful termination consequences.

The participant handbook contains a statement that the judge has discretion to decide termination from the specialized docket in accordance with the termination criteria.

Common behaviors that lead to unsuccessful termination include:

- Ongoing noncompliance with treatment
- Resistance to treatment
- New serious criminal convictions
- A serious specialized docket infraction or series of infractions
- A serious probation violation or series of probation violations.

Common effects of unsuccessful termination include:

- Loss of future eligibility for the specialized docket
- Further legal action, including revocation of intervention in lieu of conviction, motion for probable cause, probation or parole violation, or contempt for family dependency treatment court
- Depending on the circumstances, the participant may be subject to jail and other penalties.

### **Substance Use Monitoring-Standard 8**

Sup.R. 36.02, Appx. I

The participant must be aware of the requirements and expectations for the specialized docket drug- and alcohol-testing program. The participant handbook briefly describes the substance monitoring policies and procedures the participant is expected to follow. The participant handbook briefly describes the random, frequent, and observed alcohol and drug testing method. The handbook also includes a statement explaining how drug- and alcohol-testing plans are individualized to meet the needs of the participant.

This section of the participant handbook includes a reference to clearly established plans for addressing a participant who tests positive at intake or who relapses that include those treatment guidelines and sanctions that, when appropriate, are enforced and reinforced by the specialized docket judge.

*Standard 8(C)* also requires that the participant be notified that the following acts will be treated as positive tests and immediately sanctioned:

- Failing to submit to testing
- Submitting an adulterated sample
- Submitting the sample of another individual
- Diluting samples.

The participant handbook clearly states that test results will be shared with the treatment team and testing positive will result in a sanction.

Participant responsibilities also are included in the participant handbook. These include:

- The participant is responsible for traveling to the testing location during the hours indicated
- The participant is expected to arrive promptly for testing
- The sample is to be produced within a certain timeframe.

If the participant is required to test at different locations, then the participant handbook reflects what the participant must do to comply with the testing protocol at the additional testing locations. Also, the participant is notified that these other testing entities will immediately notify the judge and the treatment team of positive, adulterated, and diluted tests, failure to provide tests, or if the sample of another is provided.

If the specialized docket uses instant urine screens and allows for laboratory confirmation, then the participant handbook includes specific information on how the participant contests the screen and requests a laboratory confirmation. This may include the need for the participant to put the request in writing, within a certain timeframe, and pay the laboratory cost with the written request. The participant handbook also explains what happens if the laboratory test comes back positive or negative.