

Paving the Road to Recovery

Handbook for
Kentucky Drug Court Participants

Kentucky Drug Court Participant Handbook

Welcome to Kentucky Drug Court.

Drug Court is a shining example of Kentucky's success in specialty courts, which give eligible participants the opportunity to make positive changes in their lives. Instead of spending time in jail, participants complete a substance abuse program overseen by a judge that provides case management, treatment and drug testing.

Drug Court graduates are more likely to return to productive lives and stay gainfully employed, pay child support and meet other obligations.

What started as a pilot program in 1996 is now offered in 113 Kentucky counties. The program's successful track record has convinced leaders in state government, along with judges, prosecutors and treatment providers, that Drug Court is an essential part of the state court system.

Your Drug Court team looks forward to working with you during all phases of your participation in the program.

Success by the Numbers

1996 – June 30, 2016

The numbers show how effective Drug Court and other Specialty Court programs* have been in helping participants lead a lifestyle of recovery while saving Kentucky millions by providing treatment instead of incarceration.

Number of graduates	7,952
Amount of child support paid	\$5,897,934
Amount of other court obligations paid	\$6,327,117
Number of community service hours	1,690,210
Number of drug-free babies born	1,105

Drug Court graduates have saved Kentucky more than \$101 million in prison costs since the program's inception in 1996.

**Kentucky Specialty Courts include Drug Court, DUI Court, Mental Health Court and Veterans Treatment Court.*

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How Drug Court Works

Kentucky Drug Court was created to assist individuals who have entered the criminal justice system as a result of drug use or drug-related criminal activity and are choosing to achieve and maintain recovery. As you enter this voluntary, court-monitored program, you need to be motivated to work toward changes that will help you live a sober life.

Drug Court combines close court supervision and treatment with other services to help you identify and remove barriers to a successful recovery.

The program uses a team approach that requires collaboration among judges, Specialty Court staff, prosecutors, defense counsel, treatment professionals, law enforcement officers and other community agencies. These professionals are committed to helping addicted individuals regain control of their lives and remain in the community as sober, productive citizens. This is accomplished through judicial oversight, intensive supervision and monitoring, participation in substance abuse treatment sessions and self-help groups, frequent and random urine screens, and referrals to community service agencies and other services.

This program is accessible regardless of race, religion, sex, ethnic origin, sexual orientation, marital status, age, disability or any other characteristic protected by law.

Program Eligibility

Kentucky Drug Court allows eligible defendants to enter the program one of three ways:

- Diversion based on approved local procedures.
- As a condition of probation.
- Through deferred prosecution.

The program consists of three phases and aftercare and can be completed in a minimum of 18 months for participants with felony convictions and 15 months for those convicted of misdemeanors. However, it takes an average of 22 to 25 months to complete the program.

As you successfully progress through the program, your requirements will decrease as your privileges increase. One key to moving forward is accepting responsibility for your own choices and the resulting outcomes.

Benefits of Completing Program

In addition to the benefits of leading a recovery lifestyle, the participants who successfully complete the program may be eligible for legal relief. Those who entered the program:

- As a result of a **diversion agreement** may be eligible to have their charges dismissed and their record expunged.
- On the **probation track** may be eligible to have the remainder of their probationary period conditionally discharged.
- Through **deferred prosecution** may be eligible to have their charges dismissed.

Your Individual and Program Goals

Drug Court participants are expected to meet individual goals and program goals.

Individual Goals

Drug Court staff will help you establish and accomplish your individual goals. These include, but are not limited to:

- Obtaining a GED.
- Obtaining employment.
- Finding sober housing.
- Regaining custody or visitation with your children.

Program Goals

Every participant must also meet program goals. These include, but are not limited to:

- To learn and live a recovery lifestyle free of alcohol and drugs.
- To learn and practice acceptable and productive coping skills.
- To develop a non-criminal pattern of living.
- To enhance employment skills through vocational training and educational pursuits.
- To build a support system through attendance at 12-step or self-help groups.
- To increase sober social skills.
- To enhance self-esteem and self-motivation.
- To learn the warning signs of relapse and develop a relapse prevention plan.

- To accept responsibility for financial obligations and learn budgeting skills.
- To develop time management skills.

Participant Rules

The Drug Court team will review any infraction of the rules. Infractions may result in sanctions. While each local program may create additional rules, the following participant rules apply to all programs:

1. You must wear appropriate clothing at all times.
2. You must not wear sunglasses inside the Drug Court office or in court.
3. You must not wear clothing bearing drug- or alcohol-related themes or promoting or advertising alcohol or drug use.
4. You must attend all scheduled drug tests, counseling sessions, educational sessions and court sessions unless you obtain prior approval to be absent. You must arrive on time and you may not leave until the meeting is over. If you are late, you may not be allowed to attend the session and may be considered absent. You are responsible for arranging to make up missed counseling sessions before your next court appearance.
5. You must turn off your cell phone during court and group sessions.
6. You must comply with curfews set by the Drug Court team.
7. You are expected to behave appropriately at all times during Drug Court sessions and while in the courthouse. The judge shall be addressed with respect. Unless prior approval is given, you must remain for the entire Drug Court proceeding. No talking is permitted while you are seated in the audience.

Costs Related to the Program

There are no direct costs for you to participate in Drug Court. However, the treatment provider may require a minimal co-payment for substance abuse treatment services. You may be assessed a reimbursement fee if you request a laboratory confirmation of a positive drug test.

The fees will be collected in the form of certified check, cashier's check or money order. At no time will Drug Court staff accept cash from a participant.

Court-Related Financial Obligations

Any Drug Court participant with court-related financial obligations – such as child support, restitution, crime victims fund, public defender fees or jail rent – will make court-approved payments on a regular schedule and will provide staff with documentation of the payments.

Unless a specific amount is ordered by the court, amounts and payment schedules are to be established by the Drug Court team with your input. If you cannot make the agreed-upon payment, you must discuss the situation with Drug Court staff so that arrangements can be made prior to the due date.

Failure to make timely payments may result in sanctions and could delay your advancement to the next phase or delay your graduation from the program.

Participant Requirements

Drug Court consists of three phases and aftercare. The program can be completed in a minimum of 18 months for felony participants and 15 months for misdemeanor participants. However, it takes an average of 22 to 25 months to complete the program.

While local programs may add other requirements, these are the minimum requirements you must complete during each phase:

Phase I: Stabilization Phase

- Provide at least three random urine drug/alcohol screens per week.
- Attend at least three clinical contact hours per week.
- Attend one court session each week.
- Obtain and/or maintain court-approved, full-time employment, training or education.
- Obtain and/or maintain court-approved housing.
- Make arrangements to pay court obligations.
- Have at least one individual contact with Drug Court staff each week.
- Demonstrate an initial understanding of substance abuse treatment.
- Enroll and attend a self-help program, such as a 12-step program.
- Be drug free for at least 30 consecutive days before being considered for promotion to the next phase.

Phase II: Education Phase

- Provide at least two random urine drug/alcohol screens per week.
- Attend at least two clinical contact hours per week.
- Attend one court session every two weeks.
- Maintain court-approved, full-time employment, training or education.
- Maintain court-approved housing.
- Continue paying court obligations.
- Have at least one individual contact with Drug Court staff each week.
- Demonstrate an appropriate understanding of recovery principles.
- Continue to attend self-help programs, such as a 12-step program.
- Be drug free for the final 90 consecutive days before being considered for promotion to the next phase.

Phase III: Self-Motivational Phase

- Provide at least one random urine/drug screen per week.
- Attend at least one clinical contact hour per week.
- Attend one court session every three weeks.
- Maintain court-approved, full-time employment, training or education.
- Maintain court-approved housing.
- Continue paying court obligations.
- Have at least one individual contact with Drug Court staff each week.
- Demonstrate an appropriate understanding of a recovery lifestyle.
- Continue to attend self-help programs, such as a 12-step program.
- Be drug free for 90 consecutive days, for a total of 180 consecutive days for Phases II and III, before being considered for aftercare.

You may be ordered to comply with additional requirements while in the program, which include, but are not limited to:

- Visits to your place of employment, school and/or home by Drug Court staff. Drug Court staff shall be accompanied by a law enforcement officer for any home visit.
- Domestic violence counseling with a certified domestic violence treatment provider or other types of counseling, as referred by Drug Court staff.
- Curfews as established by Drug Court staff.
- Medical and/or mental health referrals and subsequent treatment recommendations.

Aftercare Component

Drug Court provides an aftercare component for participants who have completed the first three phases of the program. Aftercare is intended to provide ongoing support in a less-structured environment to help you maintain a sober lifestyle.

While the aftercare component has fewer requirements than the first three phases, you must still meet all of the conditions established by your local Drug Court team. The aftercare component varies among Drug Court programs as it is based on the availability of local resources and the needs of the individual participant.

Suspension

If you are unable to meet Drug Court obligations due to inpatient treatment, incarceration or similar circumstances in which you are being monitored by an authorized third party, you will be placed in suspended status. When you are released, you will resume standard Drug Court participation. During the time you are in suspended status you will not earn any credit toward completion of the Drug Court phases.

Temporary Inactive Status

If you are unable to meet Drug Court obligations due to situations such as contagious or infectious disease, short-term medical care for a family member or any other reason that would cause a temporary inability to meet Drug Court requirements, you will be placed in temporary inactive status. When you are released, you will resume standard Drug Court participation. During the time you are in temporary inactive status you will not earn any credit toward completion of the Drug Court phases.

Substance Abuse Treatment and Education

All Drug Court participants will be required to attend substance abuse education and treatment groups and self-help meetings. You may be referred to outside community resources to address issues that could impact your recovery. Additional services may include, but are not limited to:

- Programs for domestic violence victims or perpetrators.
- Anger management and parenting classes.
- Family counseling.
- Mental health treatment services.
- Medical services.
- Inpatient or residential treatment or recovery-based facilities.

You will be required to sign Release of Information forms to allow Drug Court staff to communicate with all outside agencies. Drug Court staff will verify your attendance at all appointments by communicating with the agency providing the service.

Random Drug Screens

Random drug screens play a significant role in your recovery. They should be used as a tool to help you stay clean and sober. You are responsible for making sure you understand and comply with the guidelines explained to you during your program orientation.

Doctor Appointments

If you go to the doctor, you must take the Drug Court Medical Verification form with you for the doctor to sign and then you must return the signed form to Drug Court staff.

Prescription & Over-the-Counter Medications

If you are prescribed any medications while in the program, you must bring the prescription to the Drug Court office along with the Medical Verification form prior to filling the prescription. You must also report any over-the-counter medications to the Drug Court staff prior to taking them.

If the situation is an emergency, the prescription may be filled; however, the Medical Verification form and the medication should be brought to the Drug Court office the very next business day. Failure to comply with the proper procedures may result in sanctions.

Employment

Unless a doctor has determined that you are physically or mentally disabled and unable to maintain employment, you will be required to obtain and maintain approved employment or be involved in an ongoing educational program throughout your time in Drug Court.

You are permitted to change jobs while in the program. However, Drug Court staff must be notified and give approval prior to the change. If you do not obtain employment on your own within a reasonable period after entering the program or if you are terminated from a job, you will be required to complete a minimum of 20 hours of community service a week until you find employment. You may also be referred to the Kentucky Office of Vocational Rehabilitation or another job training program.

Drug Court staff will routinely verify employment through phone contact with your employer or copies of your paycheck stubs. Drug Court staff will also conduct on-site visits to your workplace. You are responsible for informing your employer of your participation in Drug Court and making necessary arrangements for Drug Court appearances, drug testing, group sessions, meetings and any other court-ordered obligations.

Incentives

The Drug Court program may provide incentives during sessions, which may include, but are not limited to:

- Promotion to the next phase.
- Certificates and tokens.
- Decreased supervision.
- Increased privileges and responsibilities.
- Praise from the Drug Court judge and team.
- Extended curfews.
- Other individual incentives approved by the Drug Court team.

Although tangible incentives may be given, you will come to recognize that intangible incentives are occurring throughout your time in Drug Court. These include re-establishing relationships and trust with your family, obtaining employment, meeting educational goals, becoming current on financial obligations and reaping other rewards as a result of maintaining a drug-free, crime-free lifestyle.

Sanctions

You are expected to comply with all requirements and other conditions established by Drug Court. Failure to comply will result in the Drug Court judge imposing sanctions. Sanctions may include, but are not limited to:

- Admonishments from the Drug Court judge.
- Community service.
- Phase demotion.
- Increased contacts with the Drug Court staff.
- Home incarceration.
- Imprisonment in jail.
- Termination from the program.

Sanctions that increase in severity may be used for continuous non-compliance. All sanctions will be appropriate, consistent and applied immediately.

Treatment Response

In addition to sanctions, you will also receive a treatment-related response (also referred to as therapeutic adjustments) for issues of non-compliance. This response may include, but not be limited to:

- Recovery-related writing or journaling assignments.
- Increased level of outpatient treatment.
- Inpatient treatment.
- Long-term residential treatment.
- Increased attendance at self-help meetings.

These treatment-related responses are designed to address issues that present barriers to your recovery process and enhance your overall treatment experience.

Successful Completion of Program

You will have successfully completed Drug Court when it is determined that you have:

- Completed all three phases of Drug Court.
- Completed aftercare.
- Paid all restitution owed, if feasible, considering the amount owed and the time in Drug Court. If the total restitution amount is too large to be paid in full while in the program, the Drug Court team will determine a reasonable amount to be paid prior to determining that you have successfully completed Drug Court.
- Remained drug free for a minimum of 180 consecutive days.
- Have no pending criminal charges, costs, fines or fees.

Upon successfully completing Drug Court, the judge may choose to:

- Dismiss the charges if you are on the **diversion track** and any restitution has been paid in full.
- Conditionally discharge the remainder of your probationary period if you are on the **probation track** and any restitution has been paid in full.
- Dismiss the charges and seal your record if you are on **deferred prosecution**.

Exit Interview

Prior to graduation, you will be asked to complete an exit interview where you will have the opportunity to explain how your involvement in Drug Court has positively influenced your life.

Drug Court Graduation Ceremonies

Drug Court graduates will be honored and receive a certificate at a graduation ceremony. Drug Court programs conduct completion/graduation ceremonies, which are open to the public. Your participation in the ceremony is completely voluntary and you may choose not to take part.

If you decide not to participate, the Drug Court staff will present your certificate of successful completion apart from the public ceremony.

Separation From Drug Court Program

There are three ways a participant can leave the Drug Court Program other than successfully completing it: administrative discharge, voluntary termination and termination.

Administrative Discharge

If a Drug Court participant cannot complete Drug Court through no fault of his or her own, he or she may be administratively discharged. Reasons for granting administrative discharge include, but are not limited to:

- Death of the participant.
- Participant has received permission to move out of state.
- Medical necessity (such as when a participant is medically required to use medications that interfere with accurate drug testing).

If the Drug Court team determines that administrative discharge is appropriate, the Drug Court judge will inform the participant in a Drug Court session and Drug Court staff will provide the judge with a Request for Administrative Discharge. If you receive an administrative discharge, the judge will place your case on the regular criminal docket for disposition.

Voluntary Termination

Drug Court participants may petition the Drug Court judge for termination from Drug Court. If the Drug Court judge determines that the termination request is knowingly and voluntarily made, the Drug Court judge may voluntarily discharge the participant from Drug Court.

Following termination, the case will be placed on the docket of the Drug Court judge or the sentencing judge for further proceedings.

Termination

The Drug Court staff may recommend to terminate a participant as a result of non-compliance with Drug Court requirements or conditions.

If the Drug Court judge agrees with the termination, the participant will be informed of the judge's decision to terminate during a Drug Court session unless the participant has absconded. Upon termination, the case is to be docketed on a criminal motion hour for further proceedings.

General Information

Reporting Suspected Abuse or Neglect

Kentucky Drug Court shall comply with state and federal laws and regulations, including the following:

- KRS 620.030 requiring the reporting of a child who is dependent, neglected or abused.
- KRS 209.030 requiring the reporting of an adult who has suffered abuse, neglect or exploitation.
- KRS 209A.030 requiring the reporting of an adult who has suffered abuse or neglect inflicted by a spouse.
- Federal law and regulations, which do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.

Participant Grievance Procedure

Kentucky Drug Court is committed to providing high-quality services to all participants. However, if any individual participating in a Drug Court program believes he or she has been discriminated against in any way or has experienced a violation of any of his or her rights, the participant may complete and sign a written statement and send it to Kentucky Drug Court at the Administrative Office of the Courts.

The complaint may be emailed to drugcourt@kycourts.net or faxed to 502-782-8700. The complaint will be forwarded to the appropriate Drug Court regional supervisor for investigation.

Disaster Preparedness Plan

In the event of a natural or man-made disaster, every Drug Court participant must call the Drug Court office and leave a message on the answering machine as to where you can be contacted. It is your responsibility to call and provide any updates to this information.

Program Hours

The Drug Court program generally operates Monday through Friday from 8 a.m. to 4:30 p.m. local time, with evening and weekend group sessions.

State Holidays

Drug Court offices will be closed to observe state holidays in Kentucky. Because the actual dates may vary depending on the calendar, please confirm with your Drug Court staff which days state government will be closed in any given year.

Although your Drug Court office will be closed on state holidays, you may be drug tested those days and must still contact the drug testing phone number.

- New Year's (two days)
- Martin Luther King Jr. Day
- Spring Holiday (one-half day)
- Memorial Day
- Independence Day
- Labor Day
- Presidential Election Day
- Veterans Day
- Thanksgiving (two days)
- Christmas (two days)

Important Phone Numbers

Drug Court Office _____

Drop Line and MIS ID # _____

Self-Help Hotlines _____

Sponsor _____

Treatment Providers _____

Sober Support Network _____

Other _____



Kentucky Specialty Courts
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