

IN THE COURT OF COMMON PLEAS OF HANCOCK COUNTY, OHIO
FAMILY DEPENDENCY TREATMENT COURT

IN THE MATTER OF: _____ : Case No. _____
: _____
: _____
: _____
Name of Child : Participation Agreement
: Family Dependency Treatment Court

This matter is before the Court upon consideration of said participant _____, and their willingness to volunteer into the Hancock County Family Dependency Treatment Court program and adhere to the established participation agreement. The point of entry into the Hancock County Family Dependency Treatment Court occurs at the end of these official Court proceedings and by valid signature of stating such. The goal of the Hancock County Family Dependency Treatment Court is to provide collaborative evaluation and treatment services to substance abusing parents who have lost or are at risk of losing custody of their child(ren) due to abuse, neglect, or dependency.

The Hancock County Family Dependency Treatment Court is a treatment based, non-adversarial process designed to affect positive and successful results.

Participant _____, has stated their willingness to participate in the Hancock County Family Dependency Treatment Court. Participant understands and agrees to comply with the Hancock County Family Dependency Treatment Court terms and expectations. Participant has acknowledged receipt of the participant handbook and

that it has been reviewed with them. The participant has the right to request attendance of defense counsel during the portion of the treatment team meeting concerning the participant. Sup. R. Appx. I. Std.2 (C).

Elements of Agreement

1. Rights to be Waived- I understand my rights as set forth and provided by the United States Constitution, the Ohio Constitution, and the Ohio Revised Code as set forth below. Further, I have read the same and have had the same explained to me by the Court and/or my counsel. Therefore, I acknowledge the below rights and voluntarily waive the same. Sup. R. Appx. I. Std. 2 (D).

Due to my child(ren) having been adjudicated abused, neglected, or dependent, I have been offered, and accept, the opportunity to participate in this program. In doing so, I voluntarily waive the following rights and accept the indicated terms:

1. The right to prior written notice of hearings and service of process, including prior written notice of Contempt or Show Cause Hearings;
2. The Court may impose immediate sanctions for non-compliance with the requirements of the Hancock County Family Dependency Treatment Court;
 - a. These sanctions may include incarceration or possible termination from the program;
 - b. As a condition of this waiver, any sanction imposed will be statutorily permitted by law and will be assessed on a graduated scale, depending on the severity of the non-compliance.
3. The right of confidentiality, including medical records and the physician-patient privilege;
 - a. I waive any objections to communications between the treatment providers, Hancock County Job and Family Services, the Court and other agencies outside of my presence or the presence of my attorney;
 - b. I do not waive any right to privacy or confidentiality, regarding any aspect of my case or treatment concerning communications with any person or agency, that is not affiliated with the Hancock County Family Dependency Treatment Court;
4. I understand that any and all information gathered through my participation in the Hancock County Family Dependency Treatment Court may be disclosed to Hancock County Family Dependency Treatment Court team members;
5. I understand the Judge will preside over the Hancock County Family Dependency Treatment Court;

6. I understand a different Judge or Magistrate may hear issues related to my case;

7. I hereby acknowledge that I have discussed these waivers with my attorney and that I completely and fully understand these waivers and their significance. I freely and voluntarily waive these rights, as specified in this waiver, as long as I am a participant in the Hancock County Family Dependency Treatment Court.

I understand that entrance into the Hancock County Family Dependency Treatment Court is voluntary. However, once I agree to participate in the program, I will be Court ordered to complete the program and follow all rules and procedures of the program and that failure to do so may result in sanctions.

2. Program Expectations- The participant will follow and comply with the treatment plan, supervision plan, and Hancock County Family Dependency Treatment Court rules and requirements. This includes, but is not limited to, successful completion of all four (4) phases of the Hancock County Family Dependency Treatment Court and following all recommendations, requirements, and orders of the Hancock County Family Dependency Treatment Court team including monetary requirements such as fees, fines, costs, and child support. The participant understands that the minimum length of the program is twelve (12) months, but progression through the phases of the program is not based solely on a pre-determined timeline. The participant understands that failure to follow program expectations may result in immediate, graduated sanctions or termination.

The participant also agrees to not have illegal or illicit drugs in the home or to abuse alcohol in or out of the home.

The participant agrees to maintain medical insurance throughout the program.

3. Assessment, Referral, and Treatment Expectations- Participant is willing to attend and fully participate in all treatment and programming assessments to which they are referred.

Participant shall complete a release of information to provide for communication of confidential information, participation/process in treatment, and 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 R. C. 2151.421 and 2152.99. Sup.R.Appx. I, Std. 4(B).

Participant agrees to keep confidential all information regarding other program participants shared at status hearings or group sessions.

Participant shall be placed, as soon as possible, in appropriate treatment services and programs and shall attend as required. Sup.R.Appx. I, Std. 4(C)

4. Participant Monitoring- Participant agrees to the monitoring requirements established in each phase description provided in the participant manual.

You will be expected to submit to a drug screen on a random, weekly basis (a minimum of three (3) times per week). You will submit to individualized, frequent, random, and observed alcohol and drug screens. All alcohol and drug testing is individualized based on the participant's needs to include their primary substance of dependency, as well as a sufficient range of other substances. The participant will contact the coordinator daily to inquire as to whether or not they are expected to submit themselves to/for a screen that day. When the participant is informed that he/she needs to provide a sample, it is their responsibility to report for their drug screen in a timely manner (typically within thirty (30) minutes). Cooperation with requests made for the drug testing by the Court, or as required by Hancock County Family Dependency Treatment Court, is essential. Failure to submit, altering, submitting another's sample, or diluting a urine sample will be deemed positive and immediately sanctioned. Participant agrees to pay a confirmation scientific lab fee for secondary retesting.

Participant agrees that being in possession of illegal or illicit substances or alcohol is considered the same as using such substances and will be deemed positive for doing so.

Participant agrees to attendance requirements for status review hearings. Participant attendance for status review hearings will be weekly during the initial phase, or Phase I. Thereafter, the participant appears regularly before the Judge, as outlined in the phase descriptions, to review the participant's progress. Sup.R., Appx.I, Std. 7 (B)(2).

Phase Requirements- (Included in the participant's handbook)

A general criterion for phase advancement includes abstinence from substances, progress in treatment, compliance with Court orders, educational progress, and compliance with team recommendations.

Participant will report to the Hancock County Family Dependency Treatment Court Coordinator to monitor compliance with Court requirements. Sup. R., Appx. I, Std. 4(C).

Participant is aware that treatment providers will provide frequent, ongoing, timely communication with all treatment team members about the participant overall performance. Sup.R., Appx. I, Std. 6(C).

Participant understands and agrees that they will begin attendance immediately, and that the program length will be determined by cooperation with the Individual Treatment

Plan. Participant may earn additional time in the program if they fail to maintain abstinence or they do not complete all of the requirements of their mental health and/or drug and alcohol treatment plans. Participant's progress is NOT based solely on preset timelines. Sup.R.,Appx. I, Std.6(D).

Participant has reviewed Court responses to program compliance and non-compliance outlined in the participant handbook. Participant acknowledges and understands criteria for program termination. Sup.R.,Appx. I, Std.6(E)

Participant understands that frequent ongoing judicial interaction is one (1) of the most essential pieces of the Hancock County Family Dependency Treatment Court program. Sup. R., Appx. I, Std 7 (A). The participant will appear weekly during the initial phase of the Hancock County Family Dependency Treatment Court program. Sup.R.,Appx. I, Std. 7(B)(1). In subsequent phases the participant shall appear regularly. Sup.R.,Appx. I, Std. 7(B)(2).

Participant agrees that the Hancock County Family Dependency Treatment Court program shall monitor the participant's substance use by individualized, frequent, random, and observed alcohol and other drug testing plans, up to five (5) times per week. Sup.R., Appx. I, Std. 8 (B).

Participant agrees that at the time of the positive test, during intake or if they relapse while in the program, the treatment team may consider an adjustment in treatment and/or the possibility of sanctions. Any change in the treatment plan and/or sanction is enforced and reinforced by the Judge. Sup.R.,Appx.I, Std.8(C).

Participant understands that immediate notification to the Court will occur when they test positive, fail to submit, submit an adulterated sample or the sample of another individual, or dilute the sample. Submitting any of the described tests will be treated as a positive and immediately sanctioned. Sup.R.Appx. I, Std. 8 (D). The Judge will enforce appropriate sanctions for submitting positive samples.

Participant agrees that non-compliance will be governed by immediate and graduated sanctions. The Judge may impose sanctions as a result of non-compliance: Community service, daily reporting, filing of Contempt of Court charges, and the possibility of incarceration. Sup.R.,Appx. I, Std. (10).

5. Successful Completion of Criteria

Upon request of the participant and review of the completion criteria the treatment team will recommend successful completion. The Judge has the discretion to determine when the participant will successfully complete the program.

6. Unsuccessful Termination Criteria

- a. Ongoing non-compliance with treatment or resistance to treatment;
- b. New criminal charge or serious violent activity;
- c. A serious Hancock County Family Dependency Treatment Court docket infraction or series of infractions;
- d. Long term inability to provide negative alcohol and/or drug screens;
- e. New allegations of physical or sexual abuse of a child;
- f. Participant fails to embrace or engage in substance abuse recovery, good mental health, and personal growth;
- g. Participant continues willful non-compliance with program goals and expectations;
- h. Participant poses a risk of health and safety to other participants.

An unsuccessful termination may result in Job and Family Services filing a Motion for Permanent Custody and the possibility of an additional Contempt of Court filing on case plan.

Depending on the circumstances, the participant may be subject to incarceration and/or other penalties.

The procedure for unsuccessful termination includes:

- a. Notice to the participant;
- b. Hearing concerning the unsuccessful termination with the participant represented.

Unsuccessful terminations may result in:

- a. Job and Family Services filing a Motion for Permanent Custody;
- b. Additional Contempt of Court filing on case plan;
- c. Depending on the circumstances, the participant may be subject to incarceration and/or other penalties/sanctions.

Termination/Discharge hearings

Participants may be terminated or neutrally discharged from the Hancock County Family Dependency Treatment Court program upon recommendations by the Hancock County Family Dependency Treatment Court team. A treatment team meeting is held and a course of action is recommended. The case will be set for a hearing and the team will present its recommendation to the Judge who will make the final decision regarding termination or neutral discharge. Sup. R., Appx. I, Std. 6(E).

THE PARTICIPANT ACKNOWLEDGES THAT HE/SHE HAS READ AND FULLY UNDERSTANDS THIS AGREEMENT AS IT DETAILS AND OUTLINES REQUIREMENTS AND PROCESSES. Sup. R., Appx. I. Std.2 (D), FREELY AND VOLUNTARILY RELINQUISHES THE RIGHTS DISCUSSED HEREIN AND AGREES TO ABIDE BY ALL THE RULES AND CONDITIONS OF THE SPECIALIZED DOCKET.

CERTIFICATE

I HEREBY CERTIFY that I have read and understood the above Waiver and agree to all of its terms and conditions.

Signature of participant

Date

Printed name of participant

Judge