

JUVENILE TREATMENT COURT
POLICY AND PROCEDURES
MANUAL

SANTA CLARA COUNTY, CALIFORNIA



2007

MISSION STATEMENT

The mission of the Santa Clara County Juvenile Treatment Court (JTC) is to improve public safety and assist the county's youth by providing judicially supervised intensive multi-agency treatment and services to youth involved in the juvenile justice system because of their substance abuse. The goal is to promote long term sobriety, rehabilitation, and strong families and communities.

GOALS OF THE JUVENILE TREATMENT COURT

- Treatment and recovery
- Promote understanding/realization of the seriousness of the offense
- Accountability
- Establish and sustain sobriety
- Responsibility to others
- Address emotional, physical and gender-related substance-use issues that impact self-image and confidence
- Deter high risk sexual behavior and/or unintended pregnancies
- Break the cycle of child abuse and neglect
- Increase self-esteem
- Improve educational/vocational training
- Life skills training
- Improve family relationships
- Create community of support for minors and their families
- Connect minors to positive role models
- Develop hope and ability to set goals for the future
- Reduce court sanctions that result in extended involvement in the delinquency system or termination of JTC participation, incarceration, Juvenile Hall stays or other out-of-home placements
- Improve community safety
- Reduce recidivism and criminal behavior
- Make restitution to victims
- Establish a broad spectrum of graduated sanctions that provides accountability and a continuum of services to respond appropriately to the needs of each minor

KEY COMPONENTS OF THE JUVENILE TREATMENT COURT

JTC has fourteen key components which it uses as guiding principals. These components make up the basis for the program design. All JTC team members should adhere to these guiding principles. They are:

1. Integrating alcohol and drug treatment services with the juvenile case processing system.
2. Using a non-adversarial approach with both prosecution and defense counsel promoting public safety while protecting minors' due process rights.
3. Early identification and prompt placement of eligible minors.
4. Providing access to a continuum of alcohol, drug, and other related treatment and rehabilitation services that reflect an appropriate level of care that is culturally relevant, gender responsive, developmentally appropriate and strengths-based.
5. Frequent staffing (team meetings), where each minor's progress, strengths, obstacles, and options are discussed individually, and case plans are updated as needed.
6. Monitoring abstinence through frequent and random alcohol and drug testing.
7. Coordinated strategy that governs JTC's responses to minors' compliance.
8. Providing ongoing judicial interaction with each JTC minor.
9. Utilization of Motivational Interviewing strategies to motivate JTC minors to change.
10. Engaging families in the treatment court by providing a continuum of family-based treatment and ancillary services using a strengths-based approach.
11. Appropriate confidentiality requirements that are specific to minors under court supervision.
12. Continuing interdisciplinary education for staff to promote planning, implementation and operations.
13. Monitoring and evaluating the achievement of program goals to assure effectiveness.
14. Forging partnerships among Juvenile Courts, public agencies, and community-based organizations to generate local support and enhance JTC's effectiveness.

JUVENILE TREATMENT COURT ELIGIBILITY

Minors meeting the criteria listed below are eligible for JTC:

1. The minor has a history of substance abuse or use and is engaging in delinquent behavior.
2. The minor has a current referral to the Juvenile Probation Department alleging delinquent conduct or a probation violation.
3. The minor **does not** have any pending or previously sustained petitions for sales, or possession for sales, of controlled substances.
4. The minor **does not** have any pending or previously sustained petitions alleging offenses described in Welfare and Institutions Code Section 707(b).
5. The minor **does not** have any pending or previously sustained petitions alleging felony sexual offenses.
6. The minor **does not** have any pending or previously sustained petitions alleging an offense involving possession, use or brandishing of a firearm.
7. The minor **does not** have any prior JTC commitment.*
8. The minor is under 18 years of age at the time of admission to JTC.

***This criterion may be evaluated on a case-by-case basis by the JTC team.**

REFERRAL AND SCREENING PROCESS

In general, there are two ways a minor may be referred to the JTC program. The first is when the Court orders a case be screened. The second is when a Probation Officer (PO) believes the minor would benefit from JTC. Anyone on the JTC team can refer a minor to probation for consideration.

Referral and Screening Process when the Court orders a JTC screening:

- The Court, the District Attorney (DA) or a minor's defense attorney may request that a minor be referred to JTC.
- The Court and the DA will check to see if the minor is not excluded by the eligibility criteria.
- The assigned Probation Officer (PO) will complete the JTC/Department of Drug and Alcohol Services (DADS) form in the JAS system.
- The assigned PO will then print out one completed copy of the referral form and hand-deliver it to the DADS personnel box in the Probation Court Unit. Even if the minor has previously been assessed by DADS, a new referral form will need to be completed.
- DADS therapists will then conduct a comprehensive ASAM clinical assessment. They will assess the minor's needs, stage of change and determine a level of care and make a treatment recommendation.

Referral and Screening Process when PO initiates referral:

- If a PO believes that a minor may benefit from JTC, he or she must review the "JTC Eligibility Checklist".
- If the minor is eligible, the PO must review the case with the DA.
- The DA will conduct a legal screening to confirm that the minor is eligible.
- If the minor is eligible, the DA will stamp the petition "JTC Eligible."
- The PO must then complete the JTC/DADS form in the JAS system.
- The PO must hand-deliver a completed copy of the referral form to the DADS personnel box in the Probation Court Unit. Again, even if the minor has previously been assessed, a referral form must be completed.
- When the PO enters the referral into JAS, it will automatically be sent to the JTC PO for screening.
- The assigned PO will discuss the case with the JTC PO.
- DADS will conduct an ASAM clinical assessment.

Probation will provide DADS with a weekly list of minors who have been referred for JTC assessment and screening. This will allow both probation and DADS to verify that they both have all referrals from the Court and the Juvenile Probation Department.

The JTC team will meet weekly on Thursday mornings to staff and screen cases. All court reviews will be conducted on Thursday afternoons. JTC minors will waive confidentiality so that all minors may be present for all JTC review hearings when necessary. If a minor would like to discuss a sensitive matter in private with the team, he or she may request to do so.

JTC SUITABILITY

Once a minor is determined to be eligible for the program, the Probation Department must screen the cases for suitability and DADS will conduct a clinical assessment. It is important for the team to utilize Motivational Interviewing techniques whenever they have contact with the minor. JTC team members must encourage minors to change. In doing so, they must remember that adolescents lack maturity and adults must therefore utilize developmentally appropriate, gender responsive and culturally relevant approaches at all times.

The Probation Department must screen the minors for suitability based on the following factors:

- Motivation: Youth motivation is viewed by the JTC Probation Officers as the reasons the minor gives for wanting to be involved in JTC; some examples may include:
 - Get off probation (Viewed in the context of his past adjustment)
 - Acknowledgment of a substance abuse problem/use
 - Desire to stop the cycle of use/returns to Juvenile hall
 - Willingness to participate in treatment/ follow program rules
 - Family issues: (Problems that incarceration/probation have caused) (Supportive family who wants minor to get help)
 - Choice to participate (After hearing about the program and its requirements)
- Ability to benefit from services:
 - After a review of all available material (Probation notes, court documents, and DADS assessments) will the minor be able to access the necessary services?
- Existence of services to address the minor's needs
- Probability that the minor's delinquent conduct will be corrected, or significantly reduced, by involvement in the program.

DADS must complete a bio-psycho-social ASAM assessment of the minor for suitability and to determine:

- Level of care/treatment
- Availability of services to meet the minor's needs
- Degree of motivation: Research on motivation indicates that motivation is more complex than the dichotomy of "motivated - unmotivated".
 - All clients are motivated: the motivation of "unmotivated" clients may simply not match the counselor's goals or expectations.
 - Motivation is a dynamic process: influenced by both parties' contributions to the interaction.
 - Motivation level is determined by context as much as by personality
- Screen for mental health issues that may need further assessment
- Gender specific needs
- Screen for family, school and community issues that may impact the provision of treatment services to the minor
- Minor's ability/inability to benefit from available services

Prior to screening, the Probation Department will provide the JTC team members with a list of all minors to be screened. The JTC team will meet every Thursday morning prior to staffing to screen minors for suitability to participate. DADS and Probation will provide the team with the results of their assessments. JTC team members will provide input regarding each minor's suitability and the Judge will make the determination as to whether or not the minor is suitable to participate. The JTC team will consider the following criteria in assessing suitability:

- Motivation: See above.
- Ability to benefit from services.
- Existence and availability of services to address the minor's needs.
- Probability that the minor's delinquent behavior will be corrected or significantly minimized by his or her participation (i.e. Minor's drug use is a significant factor driving his or her delinquent behavior.)
- Minor's prior attempts at treatment.

If the minor is accepted, the minor admits the petition (if the minor has not already admitted the petition), receives an orientation packet at the first hearing and reviews the contract to ensure understanding of the expectations. The minor will sign the Dispositional Agreement (Attachment "C") and it will be filed with the Court.

Once a minor is accepted into JTC, his or her case is assigned to the JTC Judge for all purposes. Should a JTC minor appear in another juvenile court for violation of probation, new petition or detention hearing, his or her case will be transferred to the JTC Judge for discussion by the entire JTC team.

The petition will be sustained (if it has not already been sustained). The Court will receive appropriate dispositional recommendations from the assigned JTC PO. The JTC PO will draft recommendations factoring in the minor's history, the impact of the offense, and a greater understanding of the minor's treatment needs.

Recommendations may include stayed time which might be imposed as a possible sanction/incentive to comply. Disposition will be imposed and all custodial times and fines suspended. If there is any victim restitution, that will not be stayed and the minor may be required to pay that in full prior to graduation. Upon successful completion of JTC, probation will be terminated. The stayed portions of the disposition, including fines and fees, will never be imposed. If there is any victim restitution outstanding, it will convert to a civil judgment and minor will be unable to seal his/her records until it is paid in full.

In the event that a minor does not graduate from JTC, the previously stayed disposition will be immediately imposed.

TESTING

Random and frequent drug and alcohol testing will be required of all JTC participants. All testing will be conducted by the Probation Department. The minor's treatment providers may also conduct random testing at their discretion and pursuant to their own guidelines and procedures. Testing at probation will occur as follows:

- All testing will be conducted by urinalysis. (Discussion of breathalyzer in the future.)
- All testing will be carried out by Probation Department Staff. Probation Officers or Community Workers will test minors pursuant to Probation Department guidelines.
- Testing shall be conducted by same gender staff and be observed to allow proper documentation of chain of custody requirements. Any testing carried on outside this protocol will be considered unverifiable and as such used only for monitoring purposes.
- Staff will complete the necessary paperwork and label the specimen bottle with complete and accurate information. The sample will have the security measures in place to assure tamper-proof results. The completed sample will then be sent to the County Medical labs for testing.
- Positive samples will be confirmed by the lab with a second test of the sample. Written verification with necessary levels and calibrations can be submitted for formal examination, if needed.
- Lab testing can usually provide a result within two (2) to three (3) working days.
- Any refusal to test or unexcused failure to appear for testing will be considered a positive test.
- Use of any chemical agent to mask drug use is strictly prohibited.
- Falsifying a drug test or assisting another minor in falsifying a drug test is prohibited and will be addressed by the JTC team and could potentially result in termination from JTC.
- A diluted test will be considered a positive test.

PHASES

JTC is comprised of three (3) phases. The minor will have a list of minimum requirements which he or she must complete in order to advance to the next phase. Because each minor's treatment plan is individualized, some requirements may differ based on each minor's needs. Each minor will make a list of individual, short-term, realistic, and achievable goals for each phase. The duration of each phase is the minimum that the minor must complete, however a minor may require additional time to complete his or her phase requirements.

In order to advance from one phase to the next phase, the minor must successfully petition the JTC Team. The minor must make a brief oral, visual or written presentation to the team.

The JTC Team will decide on a case by case basis whether to allow promotion to the next phase when the sobriety time has been achieved as a result of custody time or inpatient program.

The JTC Team will decide on a case by case basis the effective date of any minor's phase promotion. Failure to comply with phase requirements may result in the minor being required to re-start the phase or repeat a phase component. Re-starting a phase is only one possible sanction for a violation. The team must consider other possible sanctions that will motivate the minor to progress. The phase may be re-started effective the date of resumed compliance, the date of disclosure of non compliance, or the date of JTC review. The JTC Team will make this decision based on the previous progress of the minor and the current treatment needs of the minor. The length of the JTC program shall be based on the minor's needs and his/her progress in the program.

PHASE I
DURATION: SIX (6) WEEKS
Stabilization, Orientation, Assessment

1. Orientation /Overview of the program.
2. Assessment and initial treatment plan development.
3. Treatment plan will include a minimum of four (4) hours of intervention per week unless more hours are deemed necessary to meet the minor's individual needs.
This would include:
 - a. A pro-social activity which is defined as participation in volunteer or community service activities, attending faith-based meetings or participating on a sports team or any other positive activity approved by the PO and/or the JTC team.
 - b. Any of the following (could include all one type or a combination)
 - i. Family Intervention
i.e. family counseling, multidisciplinary team meetings (MDTs), family meetings with religious leaders, family meetings with PO, marriage counseling for parents, etc.
 - ii. Individual Counseling
 - iii. Classes, Groups or Program (cognitive, anger/conflict resolution)
4. Urinalysis testing- minimum of two (2) random tests per week. Testing will be frequent and random.
5. Report to the Probation Officer twice weekly at minimum.
6. Mandatory curfew.
7. Weekly review with JTC Judge.
8. Prepare a list of individual Phase I goals.

Advancement Criteria for Phase I

- No positive urinalysis results within past 15 consecutive days prior to advancement;
- No unexcused absences for scheduled services within past 15 consecutive days prior to advancement;
- Full time school/employment or positive response to educational/vocational goals;
- Completion of individual goals and criteria for Phase I; and
- Successful petition to the JTC team.

PHASE II
DURATION: EIGHT (8) WEEKS

Family treatment focused on sobriety, self-esteem, and improved family communication

1. Emphasis placed on improved family communications.
2. Ongoing review and updating of treatment /transition plans.
3. Treatment plan will include a minimum of four (4) hours of intervention per week
 - a. Pro-social activity- 1 per week
 - b. Any of the following (Could include all one type or a combination of the following.)
 - i. Family intervention
 - ii. Individual Counseling
 - iii. Classes, Groups or Programs (could include but not be limited to: cognitive, anger/conflict resolution, self esteem/assertiveness, gender specific, relapse prevention, support groups)
 - c. Educational/Vocational support
4. Urinalysis testing – minimum two (2) random tests per week.
5. Report to the Probation Officer once weekly at minimum.
6. Review with JTC three times per month at minimum.
7. Community Service.
8. Parent or responsible adult will be asked to participate in one parent workshop and/or support group. Should a parent fail to attend, the minor will not be prevented from advancing to Phase II, assuming all other requirements have been completed.
9. Prepare a list of individual Phase II goals.

Advancement Criteria for Phase II

- No positive urinalysis results within past 20 consecutive days prior to advancement;
- No unexplained absences for scheduled services within past 20 consecutive days prior to advancement;
- Full time school/employment or positive response to educational/vocational goals;
- Completion of individual goals and criteria for Phase II; and
- Successful petition to JTC team.

PHASE III

DURATION: TWELVE (12) WEEKS

Transition focused on Peer Relations, Decision Making, and Educational/Vocational Issues

1. Greater emphasis placed on progress of educational/vocational plans.
2. Ongoing review and updating of treatment/transition plans.
3. Treatment plan will include a minimum of four (4) hours of intervention per week unless more or fewer hours are deemed necessary to meet the minor's individual needs. This would include:
 - a. Pro-social activity- 1 per week, and
 - b. Any of the following: (Could include all one type or combination)
 - i. Family intervention
 - ii. Individual Counseling
 - iii. Classes, Groups, Programs (could include but not limited to: cognitive, anger/conflict resolution, self esteem/assertiveness, gender specific, relapse prevention, support, life skills)
4. Urinalysis testing- minimum one (1) random test per week.
5. Report to Probation Officer twice monthly at minimum.
6. Review with JTC twice per month at minimum.
7. Prepare an aftercare/sobriety/transition plan and present to Court.
8. Prepare a list of individual goals for Phase III.

Advancement Criteria for Phase III

- No positive urinalysis results within past 45 consecutive days prior to advancement;
- No unexcused absences for scheduled services within past 45 consecutive days prior to advancement;
- Full time school/employment or positive response to educational/vocational goals;
- Completion of individual goals and criteria for Phase III; and
- Successful petition to JTC team.

GRADUATION CRITERIA:

In order to graduate the minor must have:

- Have stayed clean and sober within past 45 consecutive days in Phase III prior to graduation;
- Minor must have completed a transition/sobriety/aftercare plan and achieved his or her individual goals;
- The client must be doing well in group counseling (treatment groups and/or have graduated treatment);
- The minor must be in school, training, and /or working daily at a job;
- The minor must be doing well and in compliance with probation;
- The minor, in some cases, must have paid any victim restitution in full; and
- The minor must make a brief oral, written or visual presentation to the JTC Team explaining why he or she should be allowed to graduate.

RELAPSE

Addiction is a chronic disease that is prone toward relapse. Relapse, therefore should not be viewed as a loss of hope for recovery. Relapse should be viewed as a learning experience and adjustment to the treatment plan may be all that is necessary to address a relapse.

JTC is based on honesty. If a minor relapses and is honest about it, treatment can be increased, and the minor may have to restart his or her current “phase” or repeat a component of a phase or receive another sanction which will be determined by the JTC team. Without honesty, trust and credibility are difficult to establish. It is important that the entire team work with the minors on being honest with the team and with their treatment providers.

Relapse may result in a revision to a minor’s treatment plan, which may include an increase in the frequency or intensity of treatment. Increase in treatment is not a sanction and should never be presented to the minor as a sanction.

JUVENILE TREATMENT COURT RULES

RULES AND PROCEDURES

PROHIBITED ACTS

- Minors shall not engage in any illegal or harmful harassment or intimidation of other minors involved in the JTC process.
- Minors shall not violate any city, state or federal laws. Any arrest or contact with police must be reported to the JTC PO within 24 hrs.
- Minors shall not commit any acts of violence or threats of violence.
- Minors shall not have in their possession, use, sell, distribute or have under their control any paraphernalia or illegal drug. The goal of JTC is complete abstinence therefore the use of medical marijuana is prohibited.
- Minors shall not use or possess any alcoholic beverages nor frequent any establishment where alcoholic beverages are the primary item sold or used.
- Minors shall not attend any program requirement under the influence of alcohol and/or any illicit drug.
- Minors shall not attend any program requirement while in possession of a weapon of any form including firearms or knives.
- Minors shall not refuse to comply with any reasonable program requirement.
- Minors shall not miss any scheduled probation meetings, JTC appearances or urine tests, family sessions or any other group, program or class without an excused absence.
- Minors shall not refuse to cooperate with JTC personnel at each level and they shall strive to progress through each level to the best of their ability.
- Minors will cooperate with drug testing, whenever requested.
- Minors must not falsify or dilute drug tests and must not use any chemical agents designed to mask drug use.
- Minors must not assist others in falsifying a drug test.

REQUIRED ACTS

- Minors will be completely honest in all communications with the JTC PO, treatment providers, the Court and the JTC team;
- Minors will attend all required meetings and be on time.
If a minor is unable to attend, the minor will call the probation officer at least two hours in advance.
- Attend all JTC appearances and be on time.
- Submit to urine, or other tests as required. Refusal or stalling (15 minutes or more) will be considered a positive test.
- Submit any required reports to JTC as ordered.
- Keep the JTC PO informed of a current address, phone numbers, my space site, cell-phone number, e-mail address and whereabouts. The minor shall not change address or phone number without notifying the JTC PO in advance.
- Attend school full time or take steps towards other educational or vocational goals.
- Submit to any rehabilitative, medical or psychological program as directed by JTC.
- Shall comply with directives of JTC, JTC PO and treatment providers.
- Make satisfactory progress in the program as measured by each level requirement.
- Provide probation and treatment with a list of all medications the minor is currently taking.

COURTROOM RULES

The JTC approach is a team approach involving Judges, Prosecutors, Public Defenders, Probation Officers, DADS staff, and various members of the JTC team. The following rules and regulations for Courtroom conduct must be followed in all JTC hearings.

- All minors will be on time for all Court appearances.
- Do not speak when the Judge is speaking.
- Minors must address all Team members in a respectful manner.
- No minor shall approach the bench.
- No minor shall sit on counsel table in the courtroom.
- Bare feet, wearing of sandals, hats, ball caps, sunglasses, shorts, abbreviated shirts and blouses are prohibited in the Courtroom.
- It is forbidden to be under the influence of any intoxicating beverage and/or illicit drug.
- All weapons are banned from the Courtroom.
- All cell phones or pagers must be turned off.
- All JTC minors will agree to waive confidentiality in court so that all JTC minors may be present for all JTC hearings when necessary. No minor will be requested to waive confidentiality as to any sensitive/private matters and may request a private hearing with the JTC team as to any such matters.

ORIENTATION SERVICES

The JTC Orientation is a mandatory part of the program. The JTC PO's are responsible for coordinating the program. They notify parents and minors of the time and date. The orientation will include an overview of the Juvenile Treatment Court Program, including an explanation of the role of the Court, Probation Officer and Treatment counselor. A question and answer session will be included and information pamphlets will be distributed. The minor will receive a Participant Handbook containing the JTC rules and requirements.

ORIENTATION GROUP

Once a minor has started in JTC, he/she shall attend a 6 week orientation group held on Thursdays at Juvenile Probation and conducted by DADS personnel. This is a mandatory program that all new minors will participate in until they have treatment services in place. If minors complete the 6 weeks and are still without treatment services, they will continue in group until a provider is found.

During each 6 week cycle, one of the Drug Court POs will provide a brief summary of what the expectations are from Probation and what minors will be expected to do. These sessions will include a question and answer component to allow for greater communication between the minor and the PO.

Other topics to be addressed in the JTC Orientation group include: What is drug and alcohol treatment? Relapse triggers: What are they? Family issues, Social Skills and pro-social activities.

SANCTIONS AND INCENTIVES

INCENTIVES

Program incentives are an important of the JTC plan. Because minors are developmentally immature and powerfully impacted by negative peer influences, it is even more critical that they be given immediate reinforcement for every incremental change that they make in a positive direction. An incentive should be provided for every positive step made towards recovery or progress on probation.

Minors must be encouraged through the use of incentives and continual positive reinforcement, to participate in JTC, starting with the first contact with JTC team members and throughout their involvement in JTC. Incentives are intended to reinforce positive change. They also reward individuals who achieve and maintain treatment and other goals. It is possible for a minor to receive a sanction and incentive in the same court review. The JTC team can award incentives at Court reviews at their discretion.

The JTC contract allows the Court to grant one or more of the following possible incentives to reward positive behavior and progress.

- Applause
- Praise from JTC team
- Prizes from the “Big Bowl”
- Decreased reporting
- More liberal curfew
- Decreased restrictions
- Participation in reward nights, such as sports events, movie nights, miniature golf, etc. when available
- Gift certificates when available
- Early movement to next JTC phase
- Have their case heard first in court
- Certificates for phase promotions
- Graduation certificates
- Participation in graduation ceremony
- Other incentives as available

SANCTIONS

Sanctions are also an integral part of JTC. Sanctions are consequences for unacceptable behaviors. A sanction must be imposed for every violation. Sanctions will be graduated and designed to motivate the minor to correct unacceptable behaviors. Sanctions will also be immediate to the extent possible and take into account the levels of logical consequences and the minor's developmental stage and maturity. Upon acceptance into JTC, all minors will waive notice of a violation of probation. This will allow the court to impose immediate sanctions. Sanctions will be swift, fair and consistently applied.

Prior knowledge of the consequences is very important because we believe that minors tend to make better decisions when they are aware of the consequences for poor decision making behaviors. Sanctions serve to discourage undesirable behaviors while incentives reinforce positive behaviors. In all cases the sanctions are a result of a rule violation or violations. Each case will be dealt with on an individual basis, incorporating the specific minor's needs, history and length of time in program.

The JTC contract allows the Court to impose one or more of the following possible sanctions during any review hearing in response to any program violation.

- Essay or group presentation on importance of JTC or any other relevant topic
- Community Service/ Work Program
- Verbal reprimand/warning
- Expulsion from group until conference between Probation, family and treatment provider to resolve behavior
- Curfew imposition
- Electronic monitoring (EMP)
- Increased reporting or Court appearances
- Movement back to former treatment phase or repeat a phase component
- Detention in Juvenile Hall
- Termination from JTC and imposition of stayed disposition

TERMINATION

The JTC Judge will make a decision as to whether the minor will be terminated from the program. A JTC team discussion shall precede any termination. No JTC minor shall be terminated from JTC without the JTC team's knowledge and discussion. A JTC minor's case(s) are assigned to the JTC Judge for all purposes.

The most serious violation, a new arrest, does not automatically terminate a minor from the program. If the charge falls under those non eligible offenses (see Eligibility Criteria), the minor will be unsuccessfully terminated from JTC. If the new arrest involves violence, the minor will be unsuccessfully terminated from JTC.

Violations for any of the following may result in termination:

- Repeated positive urine tests
- Repeated missed or refused urine tests
- Falsifying or diluting a drug test
- Assisting another minor in falsifying a drug test
- Using a chemical agent to mask drug use
- Repeated failure to attend Court
- Repeated failure to participate or cooperate in counseling
- Repeated failure to report to the Probation Officer
- Repeated failure to attend outside treatment programs
- Repeated failure to attend school/work
- Failure to cooperate at home
- Violence or threat of violence against program staff or participants
- Possession of any illegal drugs or alcohol at treatment facility
- Any violation which affects the integrity and credibility of the JTC program.

CONFIDENTIALITY AND INFORMATION SHARING

In order to provide the court and the team with all relevant information in each minor's case before his or her next court review, all JTC team members will agree to share information according to the law.

- All minors will sign a waiver/consent form with DADS which allows DADS to provide information to the team. DADS will provide a written copy of their assessments and provider treatment status reports (TSR) to the Court, Probation, District Attorney and Defense Counsel, 48 hours prior to the next court review or screening or as promptly as the reports become available. (See Attachment "A")
- Pursuant to the Court's standing Welfare and Institutions Code Section 827 order, Probation will provide a written review of a minor's progress to the Court, the District Attorney, Defense Counsel and DADS at least 48 hours prior to the next scheduled court review or as promptly as the reports become available. Other JTC team members will be allowed to review written reports but will not be allowed to maintain copies or leave the courtroom with copies of any confidential documents unless specifically ordered by the court. (See Attachment "B") (Also see Attachment "D")
- All minors will sign a waiver of confidentiality which will allow JTC team members to share information during team discussions. Minors will be required to waive confidentiality during their court review hearings so that all JTC minors may be present for all JTC hearings when necessary. (See Attachment "C")
- Probation will provide DADS with a weekly list of all minors referred for JTC assessment and screening. This will assist DADS in completing all assessments in a timely manner.
- All JTC Team members will treat all information received in court as confidential.

PROGRAM REVIEW AND TRAINING

An initial review of this JTC Policy and Procedures Manual will take place no later than one (1) year from the date of approval of the manual by the stakeholder agencies.

This JTC Policy and Procedures Manual (including all attachments), the Participant Rule book, and the Dispositional Agreement shall be subject to annual review and revision.

The JTC Judge will coordinate and convene a minimum of a quarterly meeting of the JTC team to review procedures and respond to any problems the team may be experiencing.

Training programs will be scheduled on a routine basis and must be attended by a representative of each stakeholder agency. There should be a minimum of two trainings per year for the entire JTC team.

JUVENILE TREATMENT COURT

TEAM ROLES

The Judge

Drug courts require judges to step beyond their traditionally independent and objective arbiter roles and develop new expertise. The structure of drug courts allows for early and frequent judicial intervention.

The Judge is the leader of the JTC team and does the following:

- Links minors to drug treatment and to the criminal justice system. This active, supervising relationship, maintained throughout treatment, increases the likelihood that a minor will remain in treatment and improves the chances for sobriety and law-abiding behavior.
- Provides ongoing judicial supervision which communicates to minors, often for the first time, that someone in authority cares about them and is closely watching what they do.
- Is the voice of the JTC team and presents the team's decisions to minors during court reviews.
- Encourages appropriate behavior and discourages and sanctions inappropriate behavior.
- Understands treatment methods and their limitations.
- Applies appropriate incentives and sanctions to match the minor's treatment progress and progress on probation.
- Supervises the payment of restitution which is part of the minor's treatment.
- Attends and leads all JTC staffing and screenings.
- Convenes a quarterly meeting to address training issues or changes in procedures or practices or any concerns affecting the team.
- Attends all JTC trainings.

Probation Officer

As a public safety agency, the primary goal and responsibility of a JTC Probation Officer is to protect the community. JTC Probation Officers accomplish this goal by supervising and monitoring a caseload of high risk minors, whose delinquent behavior is a direct result of their substance abuse. Probation will do the following:

- Provide progress reports to the Court (written and oral) and the JTC team.
- Conduct investigations into new law and probation violations and submit reports and recommendations.
- Conduct suitability interviews with perspective JTC candidates.
- Make recommendations on suitability to JTC team based on interview and Probation supervision history.
- Provide the team with a list of all minors scheduled for screening.
- Work with DADS to ensure that all minors who have been referred are screened and assessed in a timely manner.
- Maintain contact with treatment providers and provide appropriate intervention in between scheduled court appearances.
- Supervise and assist minors with understanding and succeeding on probation (Intensive supervision and monitoring); including home visits and random drug/alcohol testing.
- Work with members of the JTC team to determine the appropriate services for minors.
- Refer minors to the FLY program when needed.
- Provide support for both the minor and the family, while also providing structure and guidance to help effect a positive change.
- Ensure that Court orders and expectations are adhered to by the minor, while providing an extra sense of security for both the minor and the community.
- Attend JTC staffing, screening and training.

District Attorney:

The Deputy District Attorney (DDA), as an advocate for the people of the State of California, is responsible for the following:

- Reviewing eligibility of all minors referred to JTC.
- Reviewing the minor's file to determine if the minor has any offense ineligible adjudications and whether a minor's participation will negatively impact public safety.
- Proposing appropriate sanctions and incentives for participating minors.
- Protecting the public safety.
- Protecting the minor's due process rights.
- Encouraging minor's rehabilitation.
- Ensuring that victim restitution is properly ordered and paid by the minor.
- Attending all JTC staffing, screenings and trainings.

Defense Counsel

A minor may be represented by the Public Defender, a Legal Aid/Conflict's Attorney or by a privately retained attorney. All defense attorneys representing minors in JTC act as part of the JTC team and advocate for the minor. All defense attorneys are responsible for the following:

- Working with the minor to determine whether or not JTC is appropriate for the minor.
- Ensuring that all necessary referrals and assessments are completed in a timely and efficient manner.
- Referring minors to the FLY program when needed.
- Working with the team to ensure that the minor is receiving the appropriate sanctions and incentives to motivate and assist in rehabilitating the minor.
- Protecting the minor's rights while encouraging the minor to be honest with the court.
- Working with the team to protect public safety while protecting the minor's due process rights.
- Attending all staffing, screenings and training.

Department of Alcohol and Drug Services (DADS):

DADS, as the treatment providers and treatment experts, are responsible for the following:

- Receiving and documenting referrals for DADS assessments from Probation to JTC.
- Working with probation to ensure that all minors are screened and assessed in a timely manner.
- Maintaining frequent contact with probation to ensure that minors receive appropriate intervention in between court appearances.
- Completing assessments:
 - Complete ASAM assessment for all minors
 - Complete GAIN for HERA minors
 - Make level of care recommendations
 - Complete in custody within 7 days of receipt of referral
 - Complete out of custody within 14 days of receipt of referral
 - Distribute written assessments to Court unit and the JTC PO
- Coordinating mental health treatment when working with dually-diagnosed minors.
- Assisting with referrals to drug and alcohol treatment providers and communicating with providers.
- Attending meetings with treatment providers and Probation when a minor is in crisis.
- Obtaining updated treatment status of minors in program.
- Evaluating the need for residential services and case management while in residential placement.
- Attending JTC/HERA staffing, screening and training.
- Providing Therapeutic Case Management for JTC/HERA
 - In-home visits
 - Individual and Family counseling
 - Minimum of weekly contact which may be reduced to an individualized basis as the minor stabilizes in recovery.
 - Providing Level 1 Outpatient Services for JTC/HERA
 - Group Counseling once a week for 6 months
 - Individual and family counseling on an as-needed basis
 - Coordinate and monitor JTC/HERA treatment at the IOP and Residential levels of care.
- Providing minimum of six week Orientation Group for all JTC minors
 - Meet with minor individually for one orientation session if other treatment prevents them from attending the orientation group.

Mental Health:

Mental Health is responsible for providing the following:

- Information/education on mental health services.
- Information/education on psychotropic medications.
- Brief mental health examinations/screenings of minors to identify mental health issues and treatment needs.
- Consultation regarding the need for any additional testing.
- Information on the effects of a particular sanction/incentive on a minor's mental/emotional health.
- Input as to whether or not a sanction/incentive will achieve the desired effect.
- Links to available mental health services and other related community resources for minors.
- Attendance at JTC staffing, screening and training.

Educational Advocate- Friends Outside

The educational advocate is responsible for the following:

- Screening JTC minors for indicators of learning disabilities which may be interfering with school attendance or success.
- Assisting minors in obtaining appropriate educational services.
- Providing information to the team on a minor's educational needs.
- Attending JTC staffing, screening and training.

FLY

Fresh Lifelines for Youth JTC Mentor Program will be responsible for the following:

- Working with Probation minors who need a positive adult role model and have experimented with drugs/alcohol
- Matching minors with an adult role model who works one on one with the minor to help them develop new attitudes, behaviors and ambitions. The mentor helps the minor discover how to solve problems without turning to drugs or alcohol, and how to have fun in a clean and sober way.
 - Mentors meet with the minor one-on-one on a weekly basis for a period of 1 year to provide support, guidance and be a positive outlet.
 - Services Provided: After receiving a referral, program staff do home visits with minors to determine if they are eligible and suitable for the program by completing an intake and assessment. Once selected they receive the following:
 - Weekly contact with the mentor.
 - Monthly recreational activities such as horseback riding, hiking and white-water rafting which build new peer groups who are committed to sobriety. The activities teach minors to have fun in a clean and sober way. The activities also place minors in a community of adults who model positive behavior and provide support.
 - Each pair is assigned a case manager who provides the following:
 - Bi-weekly contact with mentor/mentee to provide constant support
 - Crisis management services to address any questions or problems that mentors, youth or family members may have.
 - Mentors attend the minor's Court hearings to provide input and support.
 - Reporting to the team on minor's progress in the FLY program.
 - Attending JTC staffing, screening and training.

**ACKNOWLEDGMENT AND ACCEPTANCE
OF THE POLICY AND PROCEDURES MANUAL**

All the JTC stakeholder agencies signing this agreement acknowledge that a representative of their agency has received, reviewed and accepts the “Juvenile Treatment Court Policy and Procedures Manual” (the manual) (revised December 2007) and all attachments. All agencies hereby agree to abide by the procedures contained in the manual and attachments.

It further agreed that the policies and procedures set forth in the manual will be effective January 17, 2008 with the stakeholder agencies signing this acknowledgment on or before January 17, 2008. All signatories agree that all minors participating in JTC as of January 17, 2008 will be subject to the policies and procedures in the manual. As previously (before January 17, 2008) participating minors promote to a new phase under the former policies and procedures, they will sign a new contract and commence the new phase under the January 17, 2008 policies and procedures. (For example, John Doe is currently participating in JTC and is scheduled to promote to Phase II under his original contract. John will still promote to Phase II, however he will be subject to the Phase II requirements contained in the December 2007 manual. He will sign a new Dispositional Agreement.)

DATED: _____

Judge of the Superior Court

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DATED: _____

_____ Dept. of Drug & Alcohol Services

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DATED: _____

Juvenile Probation Department

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OF THE POLICY AND PROCEDURES MANUAL**

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DATED: _____

Office of the Santa Clara County Public Defender

**ACKNOWLEDGMENT AND ACCEPTANCE
OF THE POLICY AND PROCEDURES MANUAL**

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DATED: _____

Office of the Santa Clara County District Attorney

GLOSSARY

Abstinence-based

Treatment with the goal of becoming free of alcohol and drug use.

Adjudication

Determination of the charges contained in the petition.

ASAM

American Society of Addiction Medicine

ASAM Clinical Assessment (Adapted from ASAM, 1996)

ASAM-PPC-2 Assessment Dimensions

ASAM-PPC-2 Assessment Dimensions
This is the most widely-used national guideline for placement, continued stay and discharge determinations. It matches severity of illness with intensity of services.
Dimension 1 - Acute Intoxication and/or Withdrawal Potential
What risk is associated with the patient's current level of acute intoxication? Is there significant risk of severe withdrawal symptoms or seizures, based on the patient's previous withdrawal history, amount, frequency, and recency of discontinuation or significant reduction of alcohol or other drug use? Are there current signs of withdrawal? Does the patient have supports to assist in ambulatory detoxification, if medically safe?
Dimension 2 - Biomedical Conditions and Complications
Are there current physical illnesses, other than withdrawal, that need to be addressed or that may complicate treatment? Are there chronic conditions that affect treatment?
Dimension 3 - Emotional/Behavioral Conditions and Complications
Are there current psychiatric illnesses or psychological, behavioral, or emotional problems that need to be addressed or which complicate treatment? Are there chronic conditions that affect treatment? Do any emotional/behavioral problems appear to be an expected part of addiction illness, or do they appear to be autonomous? Even if connected to the addiction, are they severe enough to warrant specific mental health treatment?
Dimension 4 - Treatment Acceptance/Resistance
Is the patient actively objecting to treatment? Does the patient feel coerced into treatment? How ready is the patient to change? If willing to accept treatment, how strongly does the patient disagree with others' perception that he or she has an addiction problem? Does the patient appear to be compliant only to avoid a negative consequence, or does he or she appear to be internally distressed in a self-motivated way about his or her alcohol/other drug problems?

Dimension 5 - Relapse/Continued Use Potential
Is the patient in immediate danger of continued severe distress and drinking/drug-taking behavior? Does the patient have any recognition of, understanding of, or skills with which to cope with his or her addiction problems in order to prevent relapse or continued use? What severity of problems and further distress will potentially continue or reappear if the patient is not successfully engaged in treatment at this time? How aware is the patient of relapse triggers, ways to cope with cravings to use, and skills to control impulses to use?
Dimension 6 - Recovery Environment
Are there any dangerous family members, significant others, living situations, or school/working situations that pose a threat to treatment engagement and success? Does the patient have supportive friendships, financial resources, or education/vocational resources that can increase the likelihood of successful treatment? Are there legal, vocational, social service agency, or criminal justice mandates that may enhance the patient's motivation for engagement in treatment?
<i>Source: American Society of Addiction Medicine, 1996.</i>

Case management

The process of coordinating and monitoring services and supports for a JTC minor and his or her family. This process is generally assigned to a designated professional- the case manager. As the minor transitions through different settings, the case is consistently managed across systems using a single, comprehensive case plan. The plan is developed and changed as needed by the JTC team.

Continuum of care

A wide array of programs that ensures that there are no gaps in services and that options for all levels of care are available throughout a minor's involvement in JTC and after the minor has graduated.

Culturally sensitive

The ability to adjust one's perceptions, behaviors, and practice styles to effectively meet the needs of different ethnic or racial groups.

Detention Hearing

When a minor is arrested and brought into custody, he or she must have a hearing before the Juvenile court to determine whether or not the minor will remain in custody pending a jurisdictional hearing.

Disposition

The court's sentence in a juvenile case. A disposition is **stayed or suspended** when it is not immediately imposed by the court but is put aside pending the minor's successful completion of JTC.

Gender responsive services (adapted from Covington & Bloom)

Creating an environment through site selection, staff selection, program development, content and material that reflects an understanding of the realities of women and girls and that addresses and responds to their strengths and challenges.

Intervention

Any program, service, or action taken by the JTC team to bring about or reinforce change in the minor.

Jurisdictional hearing

Court proceeding where the Judge determines or the minor admits that he or she has committed a crime which brings the minor under the court's supervision.

Legal screening

Process of reviewing a minor's adjudicated petitions to determine if he or she is legally eligible to participate in JTC.

Levels of Care

The number of hours and array of services to be provided to a minor, as determined during the initial and ongoing assessments. The level of care is described in the minor's treatment plan and is determined by DADS assessors, in conjunction with treatment providers, and using ASAM criteria. The following are the levels of care:

- **Level I Outpatient Services (OP)** This level is targeted at individuals meeting criteria for abuse or dependence who have stable or manageable symptoms of withdrawal and medical or psychological problems. Level I services are tailored to each client's individual clinical severity and are designed to help the client achieve a permanent change in his or her alcohol or other drug-abusing behaviors. Treatment addresses familial, attitudinal, behavioral and cognitive issues that are associated with adolescent drug and alcohol use.
 - Level I OP services are recommended for both the adolescent who recognizes their problems, appear to be able to resist use, and do not have a hostile home environment, as well as for the adolescent patient who is in the early stages of readiness to change and who has not yet committed to recovery: *“(it is recommended) to use a less intensive level of care to engage the adolescent in treatment by enhancing his or her motivation and/or modifying the response(s) of the various systems that affect the adolescent. Such an approach may prepare the adolescent for a more intensive level of care, or even forestall the need for more intensive treatment services.”* ASAM PPC2R, p.209
 - Level I OP services are under 6 hours per week for adolescents.
- **Level II Intensive Outpatient Services(IOP)** This level is targeted at participants meeting criteria for abuse or dependence who require multiple supportive contacts per week to avoid relapse, are having any medical or psychological problems addressed through consultation/referral, or who have continued to use substances during outpatient care.

- Treatment interventions and modalities are tailored to engage adolescents who are at varying levels of developmental maturity. The precise number of hours per week of service is tailored to each client's individual needs.
- Treatment consists primarily of counseling and education about alcohol and other drug problems, other family problems and emotional issues on an individualized basis with ready access (within 24 hours by phone) to psychiatric, medical and laboratory services.
- Level II IOP is 6-15 hours of treatment services per week for adolescents.
- **Level III.5 Clinically-Managed, Medium Intensity Residential Services** This level targets participants who have unsafe living environments, need time to develop their recovery skills, and medical monitoring of manageable medical or psychological problems. Level III residential services offer organized treatment services that feature a planned regimen of care in a 24 hour residential setting. Such programs are housed in permanent facilities where adolescents can reside safely. They are staffed 24 hours a day. The goals and modalities of treatment focus not only on substance use but behavior, emotions, attitudes, values, learning, family, culture, lifestyle and overall health.

Levels of Logical Consequences

Not all consequences are equal. Some are more effective in producing the desired behavior. Obviously, the most effective consequences are the ones that are naturally occurring. Since natural consequences do not always occur, we create consequences (logical consequences) for children. Here, in descending order of effectiveness, are three types of consequences:

1. A **relevant consequence** is one that directly involves the child practicing a desired behavior.
2. A **related consequence** is one that has some relationship to the problem behavior or the desired behavior.
3. An **impactful consequence** is one that motivates the child to change his or her behavior, but is not necessarily directly related to the problem behavior or the desired behavior.

Motivational Interviewing Strategies

An interviewing strategy which attempts to minimize resistance, resolve ambivalence and induce change. All minors are accepted at their level of readiness for change and that level is used as a starting point for treatment rather than a reason to eliminate a minor from treatment services. Research on motivation indicates that motivation is more complex than the dichotomy of "motivated - unmotivated".

1. All clients are motivated: the motivation of "unmotivated" clients may simply not match the counselor's goals or expectations.
2. Motivation is a dynamic process: influenced by both parties contributions to the interaction.
3. Motivation level is determined by context as much as by personality.

Motivational Interviewing Strategies must be employed to address minor's developmental needs and to help them deal with the often powerful negative influences of peers, gangs, and family members. JTC team members must be trained in

Motivational Interviewing Strategies and should use them in their interactions with minors.

Non-adversarial approach

All JTC Team members must work together toward achieving the goals of JTC. Unlike a traditional courtroom, JTC utilizes a team approach in decision making which involves power sharing and information sharing according to the policy and procedure manual. Even when team members disagree, they will support the team's decision in court. The JTC Judge will act as the unified voice of the team and the minor must never see division among the team members.

Petition

The formal charging document that alleges that a minor has committed certain enumerated crimes or has violated his or her probation. Once a minor has admitted (pled guilty) the petition or a court has found the minor guilty after a court trial, the petition is **sustained**.

Relapse (see ASAM assessment Dimension 5 above)

Relapse is seen in the context of addiction as a chronic disease that is prone toward relapse. Relapse is not unusual, nor is it a cause for loss of hope for recovery. In the best of circumstances, relapse is viewed as a learning experience, and minors are encouraged to learn what triggers were that led to the return to active drug or alcohol use. Adjustment of the treatment plan may be required after a relapse.

Restitution

Re-paying a victim for economic losses incurred due to the minor's delinquent behavior.

Staffing

JTC team meetings held in private prior to the minor's court hearing to discuss the minor's progress and to determine the appropriate response by the JTC team.

Strengths-based

An approach to working with minors and families that is focused on the positive characteristics of the minor. This approach engages the minor and his or her family as full partners in the process of change.

Substance abuse

Adapted from DSM-IV: A maladaptive system of substance use that leads to clinically significant impairment or distress, as manifested by one or more of the following symptoms within a 12 month period:

1. Recurrent substance use that result in failure to fulfill major obligations at work, school, or home.
2. Recurrent substance use in situations where it is physically hazardous.
3. Recurrent substance-related legal problems.

4. Continued substance use despite having persistent or recurrent social or interpersonal problems that are caused or exacerbated by the effects of the substance.

The symptoms have never met the criteria for substance dependence for this class of substance.

Substance dependence

A chronic relapsing disease with bio-psycho-social antecedents.

Adapted from DSM IV: A maladaptive pattern of substance use that leads to clinically significant impairment or distress, as manifested by three or more of the following symptoms occurring at any time during a 12-month period:

1. The user experiences tolerance- as defined by either of the following:
 - a. A need for markedly increased amounts of the substance to achieve intoxication or the desired effect.
 - b. Markedly diminished effect with continued use of the same amount of the substance.
2. The user suffers withdrawal when he or she stops using the substance.
3. The user takes the substance in larger amounts or over a longer period than was intended.
4. The user's efforts to cut down or control substance use are unsuccessful.
5. The user spends a lot of time in activities to obtain the substance, use the substance, or recover from its effects.
6. The user gives up or reduces important social, occupational, or recreational activities because of substance use.
7. The user continues to abuse the substance even though he or she has a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance.

Violation of Probation (VOP)

When a minor has failed to comply with one or more term of his or her probation, the probation officer may file a notice of violation (equivalent to a petition). The notice must contain a statement of facts that supports the conclusion that the minor has failed to comply with his or her probation orders.

*Dedicated to the Health
of the Whole Community*



Children, Family, and Community Services
2101 Alexian Drive, Suite 110
San Jose, CA 95116
Tel: 408 272-6521
Fax: 408 272-6569

ATTACHMENT "A"

SANTA CLARA COUNTY JUVENILE JUSTICE SYSTEM REFERRAL AUTHORIZATION FOR RELEASE OF CONFIDENTIAL INFORMATION

I, _____ (*print name of client*)
authorize the Department of Alcohol & Drug Services to share
information with its staff or contract providers as necessary to meet my
treatment needs. I further authorize my county or private provider to
disclose to the following juvenile justice agencies:

Superior Court (including Drug Treatment Court); Juvenile Probation
Department; my defense attorney(s); District Attorney's Office; Mental
Health Department; Fresh Lifelines for Youth and Friends Outside the
following information:

All information obtained during the course of my participation in AOD
services which is necessary to monitor my participation in, and
compliance with, treatment including assessments, treatment plans,
treatment status (admission, participation, cooperation, progress
completion, termination) and drug testing information.

The purpose of this exchange of information is to inform the juvenile
justice agencies of my eligibility for, enrollment in, attendance at, and
progress in completing AOD treatment ordered by the court.

I understand that my AOD treatment records are protected under Federal
Regulations governing Confidentiality and Drug Abuse Patient Records, 42
C.F.R. Part 2, and the Health Insurance Portability and Accountability Act
(HIPAA) of 1996, 45 C.F.R. parts 160 and 164, and cannot be disclosed

without my written authorization unless otherwise provided for by regulations. The exceptions are set forth in the Department of Alcohol and Drug Services (DADS) Notice of Privacy Practices for County programs and in the privacy notices of private programs where I received services.

I understand that this consent cannot be revoked by me until the Court has formally and effectively terminated or revoked my participation in the Court mandated drug treatment program which was ordered as a result of Petition/File Number _____.

I understand that generally AOD treatment programs may not condition the provision of treatment to me on whether I sign an authorization form, but that in certain limited circumstances I may be denied treatment if I do not sign an authorization form.

Client Signature: _____ Date: _____

Client, guardian, or representative where required:

I have received a copy of this authorization.

Client's signature

NOTE TO RECIPIENT: Federal Regulations prohibits further disclosure of this information without specific written authorization from the person whom this information pertains. A general release for medical or other information is not sufficient for this purpose.

Attachment "B"

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SANTA CLARA JUVENILE COURT**

ORDER FOR ACCESS TO JUVENILE RECORDS

In order to assess and provide treatment to minors participating in the Santa Clara County Juvenile Treatment Court (JTC), the Santa Clara County Department of Alcohol and Drug Services (DADS) is hereby authorized to inspect records maintained by the Juvenile Court and other juvenile probation records maintained by the Santa Clara County Juvenile Probation Department. This order also authorizes members of the JTC team to share information with DADS. This order remains in effect throughout the duration of the minor's participation in JTC. This access is permitted on the condition that DADS signs a Memorandum of Understanding (MOU) agreeing to maintain all information obtained pursuant to this order confidential and to destroy any and all documents obtained pursuant to this order upon a minor's termination or graduation from JTC.

DATED: _____

Judge of the Superior Court, Santa Clara County

Attachment "C"

STATE OF CALIFORNIA
SANTA CLARA COUNTY SUPERIOR COURT
JUVENILE TREATMENT COURT
DISPOSITIONAL AGREEMENT

PETITION NO. _____

MINOR _____

I have admitted the charges listed below. I have discussed the charges with my attorney along with all possible defenses and all other options available to me.

Charge: _____	Offense Date: _____
Charge: _____	Offense Date: _____
Charge: _____	Offense Date: _____
Charge: _____	Offense Date: _____
Charge: _____	Offense Date: _____
Charge: _____	Offense Date: _____

By signing this form, I am agreeing to participate in the Santa Clara County Juvenile Treatment Court (JTC) program and to the following:

1. I understand that participation in JTC is voluntary.
2. I have read all the Terms and Conditions of my probation. The minor's Terms and Conditions of Probation are attached and made part of this Dispositional Agreement.
3. I have also been given and I have read the JTC Participant Handbook.
4. I understand that I must follow the rules of the program as explained in my Terms and Conditions of Probation and the JTC Participant Handbook. If I do not follow the rules, I understand that I will receive sanctions as a consequence and that I may possibly be failed from JTC, depending on the violation. I agree to waive my right to notice of a violation of probation while I am participating in JTC. I waive confidentiality for JTC court hearings so that all JTC minors may be present in court for all JTC hearings when necessary.
5. I understand that the Court will be staying time in Juvenile Hall or the Juvenile Rehabilitation Facility (the Ranch) as an incentive for me to graduate from JTC. I also understand that the Court will be staying other terms of my probation such as fines and fees. If I graduate from JTC, my probation will be terminated and the stayed portions of my probation will not be imposed. I will not have to serve the stayed custody time. I understand that if I owe victim restitution, it will not be stayed and I will be required to pay it according to the law.
6. I will fully participate in all counseling and treatment programs as detailed in my treatment plan and as ordered by my Probation Officer and the JTC Judge.
7. I will come to court and to all my appointments on time and as directed by the Judge, my Probation Officer and my treatment providers.

8. I will be honest with the JTC team, my Probation Officer, my Treatment Providers and the JTC Judge about my drug use and my progress between court reviews. I understand that the District Attorney has agreed that any statements I make about drug use while participating in JTC will not be used against me in any criminal adversarial proceeding.
9. I will follow through with any referrals that my treatment providers determine I need.
10. I will not commit any new crimes. I will obey all laws.
11. I will obey my parents/guardian.
12. I understand that my Terms and Conditions of Probation may change during the course of my JTC participation. I also understand that my treatment plan may change during the course of my JTC participation. I agree to comply with any changes.
13. In the event that I am unsuccessful in the program as determined by the JTC Judge, or in the event that I terminate my participation in JTC, I understand that my stayed disposition will be immediately imposed.
14. I agree to appear before the Court, within two (2) days of written notice, to me and/or my parent(s), from the Court, the Juvenile Probation Department or the District Attorney. Failure to appear in court can result in sanctions or in prosecution for contempt of a lawful order of the Court, pursuant to Section 213 of the Welfare and Institutions Code.
15. I understand that I will only be allowed to participate in JTC once. Should I fail, I will not be allowed to participate again. If I graduate and commit a new crime, I will not be allowed to return to JTC.

DATE: _____

Minor

Defense Attorney

Judge of the Superior Court

I/We agree to fully cooperate with the JTC team. I/We grant the Court permission to place the minor as deemed appropriate and necessary by the JTC team.

Parent/Guardian

Parent/Guardian

MEMORANDUM OF UNDERSTANDING
REGARDING MINOR'S STATEMENTS MADE
WHILE PARTICIPATING IN
SANTA CLARA COUNTY JUVENILE TREATMENT COURT

The District Attorney of Santa Clara County supports the Juvenile Treatment Court and recognizes that appropriate treatment and rehabilitation requires the minor to speak honestly regarding his/her substance abuse/use history.

The District Attorney agrees that the statements made by the minor while participating in the Juvenile Treatment Court, regarding his/her substance abuse/use history, will not be used in any criminal adversarial proceeding.

DATED: _____

Dolores A. Carr, District Attorney

CONSENT FOR THE RELEASE OF CONFIDENTIAL INFORMATION
CRIMINAL JUSTICE SYSTEM REFERRAL/
JUVENILE TREATMENT COURT
SANTA CLARA COUNTY

I _____, hereby consent to communication between the assessment staff, the treatment program, the probation officer and the members of the Santa Clara County Juvenile Treatment Court regarding the following information:

- Assessment and diagnosis results pertaining to the level of treatment needed;
- Information on referral to particular treatment modalities;
- Treatment program attendance or lack of attendance at treatment sessions;
- My participation and cooperation with the treatment program;
- Results of my drug tests; and
- Whether or not I have paid program fees;

I understand that this consent will remain in effect and cannot be revoked by me unless there has been a formal and effective completion, termination or revocation of my Release from the Juvenile Treatment Court program.

I understand that the disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations governing confidentiality of alcohol and drug abuse patient records and that recipients of this information may disclose it only in connection with their official duties.

DATED: _____

Signature of the minor

Signature of minor's Attorney

Signature of Parent/Guardian

Signature of Parent/Guardian

Attachment "D"

**MEMORANDUM OF UNDERSTANDING
REGARDING INSPECTING AND COPYING
JUVENILE COURT AND JUVENILE PROBATION FILES
SANTA CLARA COUNTY JUVENILE TREATMENT COURT**

The Santa Clara Department of Alcohol and Drug Services (DADS) agrees that it will destroy any and all Juvenile Court and Santa Clara Juvenile Probation Department documents in its possession upon a minor's graduation or termination from the Juvenile Treatment Court (JTC). DADS also agrees to destroy any other documents regarding JTC minors which DADS received from other JTC team members. Additionally DADS agrees to maintain all records and all information obtained from the Juvenile Court and the Juvenile Probation Department confidential.

DATED: _____

DADS REPRESENTATIVE

