

A Participant's Guide/Handbook  
to the  
Drug Court Diversion Program

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This handbook is designed to answer questions, address concerns and provide overall information about the Superior Court Diversion Program. As a participant, you will be expected to follow the instructions given by the Drug Court Judge or Commissioner and comply with the Case Recovery Plan developed with you by the treatment provider to whom you have been assigned. This handbook will detail what is expected of you as a Drug Court participant and review general program information.

### **PROGRAM DESCRIPTION**

The Diversion Program is a court-supervised, comprehensive program for non-violent offenders. The Judge or Commissioner makes the final determination of entry into the program with input from the Attorney General and Defense Counsel. This is a voluntary program, which includes regular court appearances before a Drug

Court Judge or Commissioner, participation in groups, outpatient counseling services, possible inpatient treatment and random drug testing as required. The program length is determined by each participant's progress but will be a minimum of six months. If you elect to enter the Diversion Program, an attorney will advise you of the rights you waive and will review your Agreement to enter the program. You must sign an Agreement and will also be requested to complete the Drug Court Diversion Screening Form.

You will be required to sign the police report or affidavit of probable cause, attached to the Agreement, and acknowledge that the information in it is true. You will be required to stipulate to the elements of the charge(s) on which you are entering Drug Court. If you successfully complete the Diversion Program, your charge(s) will be dismissed and you will be able to keep or apply for a driver's license. However, if you are non-compliant and the

Drug Court Judge decides that your behavior warrants termination, the Judge then will hold a stipulated trial or you will enter an agreed-upon guilty plea. If you are found guilty, you then will face sentencing. Your attorney will represent you at any termination trial and sentencing. Both of you will have a chance to speak to the Judge or Commissioner.

### **DRUG COURT SUPERVISION**

As a Drug Court participant, you will be required to appear in Drug Court on a regular basis. At each appearance, the treatment provider will give the Judge or Commissioner a status report regarding your drug test results, attendance and participation. The Judge or Commissioner may ask you questions about your progress and discuss any specific problems you have been experiencing. If you are doing well, you will be encouraged to continue with the Program and work with your clinical team toward success. If you are not doing well, the Judge or

Commissioner will discuss this with you and the treatment agency to determine further action. If you commit program violations (i.e. missed or positive drug tests, failure to attend individual or group counseling, etc.), the Court may impose intermediate sanctions (See Intermediate Sanctions on page 15). With repeated violations of program expectations and a failure to progress satisfactorily, the Court may terminate you from the program (See Termination on page 16).

Failure to appear in court on the date and time you are scheduled could result in the issuance of a capias (warrant) for your arrest. If you cannot appear in court as scheduled, you must notify the drug court coordinator or your treatment provider and your attorney as soon as possible prior to the court date or time, to explain why you cannot appear.

Warrants and/or new arrests could result in termination from the Drug Court Program. Other violations which could

result in termination include missing drug tests, repeated and prolonged positive drug tests, missing court and/or counseling appointments, demonstrating a lack of program response by failing to cooperate with treatment, tampering with urine samples, and violating the program rules or making threats of violence directed at the treatment team or other participants. The Drug Court Judge or Commissioner will make all decisions regarding termination from the program.

### **DRUG COURT PROGRAM RULES**

As a Drug Court participant, you will be required to abide by the following rules:

1. **Do not use or possess any alcohol or illegal drugs-** You must abstain from the use of alcohol and all illegal drugs while you are participating in the Drug Court Diversion program.
2. **Prescription Medication-** If your Doctor prescribes any medication for you while you are in the Drug Court Diversion program, you must promptly provide

a copy of the prescription to your treatment provider. You must abstain from using prescription drugs for which you do not have a prescription. If you are in Kent or Sussex Counties Drug Diversion Court you may not use prescription narcotics unless you are on the prescription drug track.

3. **Attend all ordered treatment sessions-** This includes individual and psychoeducational/group counseling. If you are unable to attend a scheduled session, you must contact your Counselor/Case Manager in advance.
4. **Submit to urinalysis as directed-** You will be required to submit to urine testing at the request of the treatment provider or the Court as directed. Any missed urine test will be considered a positive test.
5. **Be on time-** If you are late, you will not be allowed to attend your session and will be considered non-compliant.
6. **Do not make threats toward other participants or staff or behave in a violent manner-** Violent or disruptive inappropriate behavior will not be tolerated and will be reported to the Court. This may result in termination from the Drug Court Diversion Program.

**7. Dress appropriately for court and treatment**

**sessions-** As a participant, you will be expected to dress clean and neatly. Clothing bearing drug or alcohol related themes or promoting or advertising alcohol or drug use is considered inappropriate.

Sunglasses are not to be worn inside the court or treatment center unless medically approved.

Arrangements for childcare will need to be made since children should not be brought to court.

**8. While in court, remain seated and quiet at all**

**times-** It is very important to observe appropriate behavior in court for the benefit of yourself and others present.

**PROGRAM FEES**

As a participant in the Diversions Program you will be required to pay \$200 to the Prothonotary of the court to cover court costs. In addition, you may be required to pay a fee to the treatment provider. Your financial information will be reviewed during the intake process. You should set up a payment plan when you enter the program to make

sure you are able to pay these fees. However, no one will be refused program services due to an inability to pay.

**PROGRAM PROCEDURES**

If you decide to enter the Diversion Program, you will be assessed to determine your needs. This assessment consists of an interview and a urine screen. The results of both of these will not be used against you but are important for your case planning. Following your assessment, a determination will be made as to what level of care is appropriate. Depending on your individual needs, you may be assigned to psycho-education groups and urine monitoring, or to outpatient or to residential treatment.

**Recovery Plan**

Your case recovery plan will serve as a guide. It will include your goals, methods for meeting those goals and target dates for achieving those goals. It will address all identified areas, which may include housing, education, employment, mental health, trauma, etc.

**Drug Testing**

You will be tested throughout your participation in the

Drug Court Diversion Program. The Drug Court Judge or Commissioner will have access to all drug test results and may order additional drug tests at any time. If you fail to submit a urine sample within the specified period of time, or refuse to submit a sample or submit a diluted sample to the Drug Court treatment provider, it will be considered the same as a positive urinalysis result. A positive or dirty test will not automatically disqualify you from the Drug Court Diversion Program. The Judge or Commissioner will be reviewing your overall performance in the program. It is preferable to submit a positive sample rather than refuse a sample because it indicates a willingness to face up to problems.

### **Educational Groups**

You may be required to attend a minimum of twelve psycho-educational group sessions over a period of twelve weeks. These sessions will be 90 minutes in duration and

will include time at the end of each session for discussion about the material covered. Your attendance at educational sessions will be reported to the Judge or Commissioner.

### **Counseling**

Substance abuse counseling may include individual and/or group sessions. Counseling sessions are designed to develop self-awareness, realize self-worth and develop the strength to practice self-discipline. Your attendance at counseling sessions will be reported to the Judge or Commissioner as part of your progress report. You must have prior permission from your counselor/case manager to be excused from a counseling session or to leave before it is over. Your counselor/case manager is also available to meet with you to discuss any problems you may be experiencing. If you are unable to achieve abstinence from substances in outpatient counseling, further assessment and referral to a higher level of care may be necessary.

Counseling services are available for other matters, such as grief counseling, parenting, domestic violence or other trauma related matters, sexual assault, victimization and other issues. Some treatment programs may require you to attend the twelve-step program and provide documentation of attendance.

### **CONFIDENTIALITY**

Consistent with Federal Law and Regulations and Delaware Law, your identity and privacy will be protected during your participation in the Drug Court Diversion Program. In response to these regulations, policies and procedures have been developed which guard your confidentiality. As a condition of entry and continuation in the program, however, you will be asked to sign a waiver or release of information authorizing the transfer of information among all participating agencies and/or treatment entities and/or physicians.

### **GRADUATION CRITERIA**

- Active involvement with the diversion program for a minimum of six (6) month
- Attendance and participation in all of the required psycho-educational sessions
- Successful completion of required individual and/or group counseling sessions or other treatment programs
- If referred to a higher level of care, successful completion of that treatment program
- Completion of the goals outlined in the recovery plan
- Meet with treatment provider for exit interview and discharge/aftercare plan
- Provide a minimum of 18 consecutive negative screens
- Maintenance of a drug and alcohol free lifestyle confirmed by consecutive urinalysis reports that are negative for all illegal drugs, alcohol and legal drugs for which you do not have a prescription
- Avoidance of criminal activity



## INTERMEDIATE SANCTIONS

If you fail to comply with the Drug Court Diversion Program, the Drug Court Judge or Commissioner and/or the treatment provider will impose intermediate sanctions.

Sanctions that may be imposed include:

- Increased frequency of drug testing
- Homework assignments to be presented in education class
- Requirement to attend additional individual or group counseling sessions
- Assessment and referral to a higher level of care
- Sanctions tailored to fit your particular needs
- Jeopardy contracts when other sanctions have been ineffective
- Restarting certain portions of a new treatment program
- A warning, detainment, overnight incarceration or extended incarceration

The Drug Court Judge or Commissioner may choose to order a variety of sanctions, including:

- All of the above
- Increased frequency of court appearances
- Attendance at Drug Court Sessions as an observer
- Completion of community service hours
- Review of bond
- Zero tolerance mandate
- Sanctions tailored to fit your particular need.

## TERMINATION

The Drug Court Judge or Commissioner decides whether to discharge or terminate you from the Drug Court Diversion Program. However, the treatment provider will recommend discharge to the Judge for reasons that include the following:

- Continued use of legal but non prescribed drugs/illegal drugs or alcohol
- Misuse of prescribed drugs/medications
- Repeated failure to attend and participate in the psycho-educational classes or continued disruption

of the classes

- Repeated failure to attend and participate in required individual and/or group counseling sessions
- Failure to successfully complete higher level of care when referred
- Failure to abide by or complete any special conditions of your entry into the program
- Failure to observe and respond to intermediate sanctions
- Repeated violation of program rules
- Failure to attend court status conferences without being excused
- New criminal charges

The Judge or Commissioner will schedule a termination hearing. At that time the Judge or Commissioner will read the documents and paperwork submitted at time of your entry to the Program and the Police report or the affidavit of probable cause to determine whether you are guilty of the offense(s) listed on your Agreement solely on the basis of what is stated in those

documents. The trial rights which have been waived (given up) by voluntarily entering this Program are listed on the Agreement you signed when you entered the program.

This stipulated trial will be very brief and, if the Judge determines that you are guilty, you will proceed directly to sentencing. Your sentence will be within the discretion of the Drug Court Judge. It may include a fine, probation, work release, home confinement, incarceration and/or mandatory participation in substance abuse treatment. You and your attorney will be given a chance to speak about whether you should be terminated and on sentencing issues.

## CONCLUSION

The Drug Court Diversion Program has been developed to help you achieve abstinence from all illegal drugs, from legal but non-prescribed drugs, alcohol, and after you graduate, criminal activity. The program is designed to promote self-sufficiency and to help you become a productive and responsible member of the

community. The program is voluntary and is your personal choice. The Judge or Commissioner, the Court staff and the treatment provider agencies are present to guide and assist you, but the final responsibility is yours. You must be motivated to make this change and commit to a drug and alcohol free life.

We hope this handbook has been helpful to you and answered most of your questions. If you have any additional questions or concerns about the Drug Court Diversion Program, please feel free to ask your Case Manager.