

**BJA Drug Court Clearinghouse
Justice Programs Office, School of Public Affairs
American University**

**EXCERPTS FROM STATE AND LOCAL COURT
RULES AND ADMINISTRATIVE ORDERS
RELATING TO
DRUG COURT PROGRAMS**

June 2006

Compiled by:

**Caroline S. Cooper, Director
BJA Drug Court Clearinghouse**

This report was prepared by the Bureau of Justice Assistance (BJA) Drug Court Clearinghouse and Technical Assistance Project at American University, Washington D.C. This project is supported by Grant 2002-DC-BX-K013 and 2005-DC-BX-K047 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

CONTENTS

Page

CONTENTS

Page

CALIFORNIA

STATEWIDE RULES

TITLE SIX. JUDICIAL ADMINISTRATION RULES	1
DIVISION I. JUDICIAL COUNCIL	1
CHAPTER 2. JUDICIAL COUNCIL ADVISORY COMMITTEES AND TASK FORCES	
Rule 6.56. Collaborative Justice Courts Advisory Committee	

CALIFORNIA RULES OF COURT	1
APPENDIX TO CALIFORNIA RULES OF COURT	
DIVISION I. STANDARDS OF JUDICIAL ADMINISTRATION RECOMMENDED BY THE JUDICIAL COUNCIL	
§ 36. Guidelines for diversion <u>Drug court</u> programs	

LOCAL RULES

MADERA COUNTY	3
Miscellaneous Order No. 02-5: IN THE MATTER OF ASSIGNMENT OF JUDGES FOR ALL PURPOSES UNDER RULE 213	

SACRAMENTO COUNTY

4

CHAPTER 17. JUVENILE DEPENDENCY COURT	
RULE 17.07 DIRECT CALENDARING, CALENDAR CALL, APPEARANCES, AND PEREMPTORY CHALLENGES	

SAN DIEGO COUNTY

5

DIVISION III. CRIMINAL. CHAPTER 1. GENERAL

5

RULE 3.1.3 FAILURE TO APPEAR IN MISDEMEANOR "NOTIFY LETTER" CASES	
---	--

DIVISION VI. JUVENILE.

5

CHAPTER 1. JUVENILE DEPENDENCY PROCEEDINGS

5

RULE 6.1.19. SUBSTANCE ABUSE RECOVERY MANAGEMENT SYSTEM (SARMS)	
---	--

RULE 6.19: SUBSTANCE ABUSE RECOVERY MANAGEMENT SYSTEM (SARMS)	
---	--

6

CHAPTER 3. ATTORNEY SCREENING AND STANDARDS OF RULE 6.33 STANDARDS OF REPRESENTATION	6
	7

RULE 6.3.4. STANDARDS OF REPRESENTATION

8

Page

SANTA CLARA COUNTY

8

Local Rules of Court, Crim. Rule 1

SONOMA COUNTY

9

RULE 8. RULES APPLICABLE TO CRIMINAL FELONY TRIAL PROCEEDINGS
RULES APPLICABLE TO PRELIMINARY HEARINGS AND MISDEMEANOR
TRIALS
RULE 8.19 CALENDARING SYSTEM

STANISLAUS COUNTY SUPERIOR COURT

10

CRIMINAL RULES

Rule 4.20 Drug Court

10

Rule 4.22 DRUG TREATMENT COURT--DRUG TREATMENT
COURT Procedures

11

YUBA COUNTY

13

Chapter 7. Juvenile Law Department

RULE 7.0 JUVENILE LAW DEPARTMENT CALENDAR

DELAWARE

13

COURT RULES

KENT COUNTY

13

CRIMINAL CASE MANAGEMENT PLAN

15

Criminal Case Mgmt Plan § 1
TRACK I--PROBATIONERS
Criminal Case Mgmt Plan § 2
TRACK II—DIVERSION

15

NEW CASTLE COUNTY

Criminal Case Mgmt Plan § K. Diversion

16

Criminal Case Mgmt Plan § Q Courtroom Management

16

DISTRICT OF COLUMBIA

17

RULES OF THE DISTRICT OF COLUMBIA COURT OF APPEALS. APPENDIX OF FORMS
FORM 2. NOTICE OF APPEAL CRIMINAL DIVISION AND FAMILY COURT
(JUVENILE CASES ONLY)

FLORIDA

18

LOCAL ADMINISTRATIVE ORDERS

SIXTH JUDICIAL CIRCUIT (PASCO AND PINELLAS COUNTIES)

19

2004-102 PI-CIR. ADULT DRUG COURT SECTION

Page

SEVENTH JUDICIAL CIRCUIT (FLAGLER, PUTNAM, ST. JOHNS AND VOLUSIA
21 COUNTIES

FM 2002-031 VL. CREATION OF VOLUSIA COUNTY JUVENILE

21

DEPENDENCY DRUG TREATMENT DIVISION

FM 2002-029 VL. CREATION OF VOLUSIA COUNTY JUVENILE

22

DELINQUENCY DRUG TREATMENT COURT

NINTH JUDICIAL CIRCUIT ((ORAND AND OSCEOLA COUNTY)

23

Administrative Orders

2005-01-01. AMENDED ORDER RE: DRUG TREATMENT COURT PROGRAM

23

& ASSIGNMENT OF CASES IN CRIMINAL JUSTICE DIVISION FOR ORANGE
COUNTY

2005-01. ADMINISTRATIVE ORDER RE: DRUG TREATMENT COURT

24 PROGRAM & ASSIGNMENT OF CASES IN CRIMINAL JUSTICE
DIVISION

FOR ORANGE COUNTY

2004_01. ADMINISTRATIVE ORDER GOVERNING Drug Court FILES

26

IN THE CUSTODY OF THE CLERK OF COURT

2003_04. ADMINISTRATIVE ORDER ESTABLISHING THE FELONY

27

(NON_VOP) POST_PLEA Drug court PROGRAM IN ORANGE COUNTY

30

2001_19. ADMINISTRATIVE ORDER ESTABLISHING THE FELONY

POST_PLEA Drug court PROGRAM IN ORANGE COUNTY

33

2000_34. ADMINISTRATIVE ORDER RE: ASSIGNMENT OF CASES IN
CRIMINAL JUSTICE DIVISION_ORANGE COUNTY

34

2000_18_2. AMENDED ADMINISTRATIVE ORDER ESTABLISHING A

Drug court PROGRAM IN ORANGE COUNTY

35

2000_4_1. AMENDED ADMINISTRATIVE ORDER ESTABLISHING A

Drug court PROGRAM IN OSCEOLA COUNTY

37

2000_4. ADMINISTRATIVE ORDER ESTABLISHING A Drug court

PROGRAM IN OSCEOLA COUNTY

38

2004_01. ADMINISTRATIVE ORDER GOVERNING Drug court FILES IN

THE CUSTODY OF THE CLERK OF COURT

40

2003_04. ADMINISTRATIVE ORDER ESTABLISHING THE FELONY

(NON_VOP) POST_PLEA Drug court PROGRAM IN ORANGE COUNTY

Page

43

2001_19. ADMINISTRATIVE ORDER ESTABLISHING THE FELONY

POST_PLEA Drug court PROGRAM IN ORANGE COUNTY

46

2000_4_1. AMENDED ADMINISTRATIVE ORDER ESTABLISHING A

Drug court PROGRAM IN OSCEOLA COUNTY

47

ELEVENTH JUDICIAL CIRCUIT (MIAMI-DADE COUNTY) Administrative Orders

05-08. EXPANSION OF JUVENILE DRUG TREATMENT COURT

98_23. CRITERIA FOR SPECIAL ASSIGNMENT OF HART PROGRAM

50

CASES TO THE CRIMINAL DIVISION OF THE CIRCUIT COURT

52

97_16. RELEASE OF SECTION CF 51 ELIGIBLE DEFENDANTS BY THE
METROPOLITAN DADE COUNTY PRE_TRIAL SERVICES PROGRAM

53

97_15. CRITERIA FOR ASSIGNMENT OF CASES TO SECTION CF 51
OF THE CRIMINAL DIVISION OF THE CIRCUIT COURT

55

94_4. AUTHORIZATION OF USE OF ELECTRONIC REPORTING OF
CERTAIN PROCEEDINGS OF Drug court

56

94_3. CHANGE OF VENUE FOR Drug court CRIMINAL CASES

57

THIRTEENTH JUDICIAL CIRCUIT (HILLSBOROUGH COUNTY) Administrative Orders

57

S-2005-188. JUVENILE DELINQUENCY PROCEDURES

58

S-2005-188,RE: MENTAL HEALTH COURT SUBDIVISION WITHIN THE
CIRCUIT CRIMINAL DIVISION

59

S_2003_077. Drug court

67

2002_016 (Supersedes Administrative Order S_2001_041).

ADMINISTRATIVE PROCEDURES FOR THE JUVENILE DIVISION

68

27_96_098. COMPREHENSIVE PLAN FOR COURT REPORTING SERVICES

69

2003_077 (Supersedes Administrative Order S_2000_117) Drug court

76

FIFTEENTH JUDICIAL CIRCUIT ADMINISTRATIVE (PALM BEACH COUNTY)

PROBATE AND GUARDIANSHIP

6.007_3/00. COMMUNITY Drug court PILOT PROJECT

5

Page

	6.010_3/94. COMMUNITY <u>Drug court</u> PILOT PROJECT (WEST PALM BEACH)	77
78	6.011_5/94. COMMUNITY <u>Drug court</u> PILOT PROJECT	
79	10.033_8/00. CREATION OF PALM BEACH COUNTY <u>Drug court</u> AND ASSIGNMENT OF DIVISION "KD":	
81	11.044_1/02. <u>Drug court</u> GRANT/ADMINISTRATIVE PROCEDURES	
82	11.044__12/02: IN RE: <u>Drug court</u> GRANT	
82	SEVENTEENTH JUDICIAL CIRCUIT (BROWARD COUNTY) VI-06-I-2.	
84	MISDEMEANOR <u>DRUG TREATMENT COURT</u> DIVISION ADMINISTRATIVE ORDER NO.: III-06-S-1A	
85	ADMINISTRATIVE ORDER NO. I_92_E_1: IN RE: ELECTRONIC REPORTING OF IN_COURT PROCEEDINGS	
86	AMINISTRATIVE ORDER NO. III_92_E_1: IN RE: <u>Drug court</u> DIVISION WITHIN THE CRIMINAL DIVISION	
86	III_94_E_2: IN RE: <u>Drug court</u> JUDICIAL PRETRIAL INTERVENTION PROGRAM	
89	III_99_E_3. <u>Drug court</u> DIVISION	
91	III_94_E_4. CHANGE OF VENUE FOR <u>Drug court</u> CRIMINAL CASES	
93	III_96_E_5. <u>Drug court</u> DIVISION CASE TRANSFERS	
	V_02_K_1: ESTABLISHMENT OF A DEPENDENCY <u>Drug court</u> PILOT	

93

III-05-E-3. DRUG COURT DIVISION

95

TWENTIETH CIRCUIT COURT (CHARLOTTE, COLLIER, GLADES, HENDRY
AND LEE COUNTIES)

96

3.15. ESTABLISHMENT OF DRUG TREATMENT COURT

97

12.2. IMPLEMENTATION OF MODEL FAMILY COURT RECOMMENDATIONS
AND ESTABLISHMENT OF UNIFIED FAMILY COURT

97

Page

GEORGIA

98

LOCAL COURT RULES AND PROCEDURES

98

GWINNETT COUNTY

VIII. DRUG TREATMENT COURT CASE ASSIGNMENTS

IDAHO

99

STATE WIDE RULES

RULE 25. DISQUALIFICATION OF JUDGE

99

RULE 55. DRUG TREATMENT COURTS AND MENTAL HEALTH COURTS

99

ILLINOIS

100

LOCAL RULES

100

TWELFTH JUDICIAL CIRCUIT (WILL COUNTY)

RULES OF THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT

7

INDIANA

100

STATEWIDE RULES

**DRUG COURT RULES ADOPTED MARCH 21, 2003 (EFFECTIVE APRIL 21, 2003)
BY THE JUDICIAL CONFERENCE OF INDIANA**

102	Section 1.	Applicability
102	Section 2.	Approval Requirements
102	Section 3.	Definition of Terms
103	Section 4.	Compliance
104	Section 5.	Notification of Intent
104	Section 6.	Initial Certification Procedures
105	Section 7.	Certification Procedures for Preexisting Drug Courts
106	Section 8.	Recertification Procedures
106	Section 9.	Denial of Application for Certification or Recertification
107	Section 10.	Grounds for Denial or Revocation
107	Section 11.	Suspension and Revocation Procedures
108	Section 12.	Hearing Procedures
109	Section 13.	Notice of Change
109	Section 14.	Funding Authorization
109	Section 15.	Drug Court Management
111	Section 16.	Drug Court Staff Requirements

Page

	Section 17.	Reports and Evaluations
--	-------------	-------------------------

112	Section 18.	Eligibility Screenings
112	Section 19.	Orientation
112	Section 20.	Privacy and Confidentiality of Records
113	Section 21.	Clinical Rights
114	Section 22.	Clinical Screening
115	Section 23.	Treatment Plan
116	Section 24.	Participation Agreement
116	Section 25.	Case Management
116	Section 26.	Facilities
117	Section 27.	Fiscal Management
117	Section 28.	Personnel Management
118	Section 29.	Chemical Testing
119		

LOCAL RULES

RULE 4. JURISDICTION AND ASSIGNMENT OF CRIMINAL DOCKETS

119

RULE 41. ALLOCATION OF JUDICIAL RESOURCES

120

MARION COUNTY (INDIANAPOLIS)

121

Marion County Superior Court Criminal Rule 1 Filing, Assignment and Transfer of Cases

ST. JOSEPH COUNTY

121

St. Joseph Superior Court Rule 2. Organization of the Court.

121

St. Joseph Superior Court Rule 10. Assignment of Criminal Cases.

122

VANDERBURGH COUNTY

122

KENTUCKY

123

STATE RULES

123

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
AP VI, SEC. 6 SUBSTITUTE COURT REPORTERS
PART XIII. DRUG TREATMENT COURT

AP XIII Definitions

123

AP XIII, Sec. 1 Key Components of a DRUG TREATMENT COURT

125

AP XIII, Sec. 2 Mission Statement

126

AP XIII, Sec. 3 Administrative Office of the Courts to Oversee

126

DRUG TREATMENT COURT

Page

AP XIII, Sec. 4 DRUG TREATMENT COURT Referral Process

126

AP XIII, Sec. 5 Eligibility and Assessment

126

AP XIII, Sec. 6 Admissibility into DRUG TREATMENT COURT

127

AP XIII, Sec. 7 Transfer of Case to DRUG TREATMENT COURT

128

AP XIII, Sec. 8 DRUG TREATMENT COURT Participant Requirements

128

AP XIII, Sec. 9 Incentives

129

AP XIII, Sec. 10 Sanctions for Non-compliance with DRUG TREATMENT COURT

129

AP XIII, Sec. 11 Involuntary Termination from DRUG TREATMENT COURT

130

AP XIII, Sec. 12 Voluntary Termination

130

AP XIII, Sec. 13 Administrative Discharge

131

AP XIII, Sec. 14 Successful Completion of DRUG TREATMENT COURT

131

132	AP XIII, Sec. 15 <u>DRUG TREATMENT COURT</u> Staffings
132	AP XIII, Sec. 16 <u>DRUG TREATMENT COURT</u> Sessions
132	AP XIII, Sec. 17 Confidentiality
132	AP XIII, Sec. 18 Filing of <u>DRUG TREATMENT COURT</u> Documents
133	AP XIII, Sec. 19 Collection of Fees
133	AP XIII, Sec. 20 Transfer of Cases Between <u>DRUG TREATMENT COURTS</u>
135	AP XIII, Sec. 21 Student Interns
135	AP XIII, Sec. 22 Volunteers
135	AP XIII, Sec. 23 Drug Testing
136	AP XIII, Sec. 25 <u>DRUG TREATMENT COURT</u> Staff

LOCAL RULES

136	BOONE, CAMPBELL, GALLATIN AND KENTON COUNTIES. LOCAL CRIMINAL RULES-CIRCUIT COURT KENTON COUNTY. Rule 5 Kenton Circuit Drug Court. ULCr Rule 5 Kenton Circuit <u>DRUG TREATMENT COURT</u>
137	JEFFERSON CIRCUIT COURT (THIRTEENTH JUDICIAL CIRCUIT) RULES OF PRACTICE OF THE JEFFERSON CIRCUIT COURT, THIRTIETH JUDICIAL CIRCUIT RULE 12 ALLOCATION OF CASES
137	Rule 1201 Method of Allotment
137	RULE 6. TRAFFIC/CRIMINAL PRACTICE Rule 610 Time Guidelines

LOUISIANA
138

STATEWIDE RULES
138

RULES FOR LOUISIANA DISTRICT COURTS AND NUMBERING SYSTEMS FOR

LOUISIANA FAMILY AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS.
TITLE III. RULES FOR CRIMINAL PROCEEDINGS IN DISTRICT COURTS
CHAPTER 14. ALLOTMENT OF CASES. Rule 14.0 Allotment of Cases

Page

LOCAL RULES

139

PARISHES OF EAST BATON ROUGE, ORLEANS, JEFFERSON AND CADDO
ORLEANS PARISH JUVENILE COURT

RULES FOR LOUISIANA DISTRICT COURTS AND NUMBERING SYSTEMS FOR
LOUISIANA FAMILY AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS
TITLE V. NUMBERING SYSTEM FOR RULES FOR JUVENILE PROCEEDINGS IN
DISTRICT COURTS AND IN JUVENILE COURTS FOR THE PARISHES OF EAST BATON
ROUGE, ORLEANS, JEFFERSON AND CADDO ORLEANS PARISH JUVENILE COURT
CHAPTER 41. COURT ORGANIZATION AND SESSIONS
Rule 2.11. Hours of Court

MARYLAND

ORDER GOVERNING THE ESTABLISHMENT OF DRUG TREATMENT COURTS

139

MISSOURI

141

STATEWIDE RULES

141

SUPREME COURT RULES. SUPREME COURT OPERATING RULES
COURT OPERATING. RULE 4. UNIFORM RECORD KEEPING SYSTEM
4.24. Confidential Records. RULE 8 . 8.02. Definitions

LOCAL RULES

143

SEVENTH JUDICIAL CIRCUIT [Clay County]

143

RULE 6. ASSIGNMENT OF JUDGES, CASES, AND TRANSFER OF CASES
RULE 6.2. ASSIGNMENTS TO CIRCUIT DIVISIONS
6.2.7. DRUG TREATMENT COURT.
6.2.7.1. The DRUG TREATMENT COURT shall be assigned by
administrative order.

12

143	NINTH JUDICIAL CIRCUIT [Chariton, Linn and Sullivan Counties]
	RULES RELATING TO PARTICULAR ACTIONS
	RULE 67. CRIMINAL CASES
	RULE 67.4 <u>Drug court</u>
143	ELEVENTH JUDICIAL CIRCUIT (St. Charles County)
	RULES RELATING TO PARTICULAR ACTIONS
	RULE 75. <u>Drug court</u>
143	RULE 75.1 ESTABLISHMENT OF <u>Drug Court</u>
	RULE 75.2 PURPOSES OF <u>Drug Court</u>
144	RULE 75.3 APPOINTMENT OF A <u>Drug court</u> JUDGE
144	RULE 75.4 APPOINTMENT OF A <u>Drug court</u> COMMISSIONER
144	RULE 75.5 APPOINTMENT OF A <u>Drug court</u> ADMINISTRATOR
144	RULE 75.6 BUDGET OF <u>Drug Court</u>
145	RULE 75.7 <u>Drug court</u> POLICIES AND PROCEDURES
145	RULE 75.8 CONDITIONS FOR REFERRAL OF PROCEEDINGS TO
145	THE <u>Drug Court</u>
145	RULE 75.8.1 ASSIGNMENT OF CASES TO THE <u>Drug Court</u>
146	RULE 75.8.2 TRANSFER OF PROCEEDINGS TO CIRCUIT COURT
146	UPON TERMINATION FROM <u>Drug court</u> PROGRAM
	(Adult <u>Drug court</u>)
146	RULE 75.8.3 FEES FOR PARTICIPATION IN <u>Drug court</u> PROGRAM
	(Adult <u>Drug court</u>)
146	RULE 75.8.4 <u>Drug court</u> PROGRAM (Adult <u>Drug court</u>)
146	THIRTEENTH JUDICIAL CIRCUIT [Boone and Callaway Counties]
146	Rule 1. Divisions of Court
147	FOURTEENTH JUDICIAL CIRCUIT [Howard and Randolph Counties]

	RULE 17. SUPREME COURT TIME STANDARDS
147	JACKSON COUNTY [SIXTEENTH JUDICIAL CIRCUIT] [Jackson County]
	RULE 17. SUPREME COURT TIME STANDARDS
148	CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT [Cole County]
	RULE 1. DIVISIONS OF COURT
	RULE 2. HOURS AND TERMS OF COURT
	RULE 2.3. LAW DAYS
149	CIRCUIT COURT OF THE TWENTY_SECOND JUDICIAL CIRCUIT [St. Louis City]
	RULE 1. DIVISIONS OF COURT
149	CIRCUIT COURT OF THE TWENTY_SECOND JUDICIAL CIRCUIT [St. Louis City]
	RULES RELATING TO PARTICULAR ACTIONS
150	RULE 67. CRIMINAL CASES
	RULE 67.5 ARRAIGNMENTS
150	RULE 100.14 <u>Drug court</u>
	100.14.1 Purposes of the <u>Drug court</u> .
	100.14.2 Appointment of <u>Drug court</u> Commissioner.
	100.14.3 Appointment of <u>Drug court</u> Administrator.
	100.14.4 Duties of <u>Drug court</u> Administrator.
	100.14.5 Budget of the <u>Drug court</u> .
	100.14.6 <u>Drug court</u> Committee. .
	100.14.7 <u>Drug court</u> Policies and Procedures.
	100.14.8 Assignment of Cases to <u>Drug court</u> .
	100.14.9 Transfer of Cases in <u>Drug court</u> .
151	RULES OF THE CIRCUIT COURT OF THE THIRTIETH JUDICIAL CIRCUIT
	[Benton, Dallas, Hickory, Polk and Webster Counties]
	RULES RELATING TO PARTICULAR ACTIONS
	RULE 67. CRIMINAL CASES
	RULE 67.12 DRUG COURTS WITHIN THE CIRCUIT
151	CIRCUIT COURT OF THE THIRTY_FIRST JUDICIAL CIRCUIT [Greene County]
	RULE 2. ASSIGNMENT OF CASES
	RULE 2.9 COURT REPORTING INTENSIVE SUPERVISION

PROGRAM__(C.R.I.S.P.)

Rule 3. Case Management

RULE 3.3 ROUTINE MOTIONS

154

CIRCUIT COURT OF THE THIRTY_SIXTH JUDICIAL CIRCUIT

154

[Butler and Ripley Counties]

INTERNAL ORGANIZATION RULE 100. INTERNAL ORGANIZATION

154

RULE 100.14 Drug court

100.14.1 Authority and Purpose of Drug court.

100.14.2 Assignment of Drug court Judge.

100.14.3 Time and Place of Drug court.

100.14.4 Conditions for Referral.

100.14.5 Acceptance by Drug court Judge Required.

100.14.6 Drug court Policies and Procedures.

100.14.7 Disposition of Cases Terminated by the Drug court.

CIRCUIT COURT OF THE FORTY_FOURTH JUDICIAL CIRCUIT

155

[Douglas, Ozark and Wright Counties] ADMINISTRATION

RULE 7. ASSIGNMENT OF JUDGES, CASES, AND TRANSFER OF CASES

155

RULE 7.2 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

7.2.4 Drug court. Local Court Rule 31.4:

RULE 31. Drug court

156

RULE 31.1 PURPOSE OF THE Drug court

156

RULE 31.2 APPOINTMENT OF Drug court COORDINATOR

156

RULE 31.3 BUDGET OF THE Drug court

156

RULE 31.4 JURISDICTION OF THE Drug court

156

RULE 31.5 Drug Court TEAM

156

RULE 31.6 Drug court POLICIES AND PROCEDURES

156

RULE 31.7 ASSIGNMENT OF CASES TO Drug court

157

RULE 31.8 TERMINATION FROM Drug court

157

157	RULE	31.9	FEES	AND	COSTS
157	RULE	31.10	CONFIDENTIALITY	OF	<u>Drug court</u> CASES

Page

MONTANA

157

LOCAL RULES

158

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT RULES - YELLOWSTONE
COUNTY
RULE 1 DEPARTMENTS __DIVISION OF BUSINESS

NEBRASKA

158

STATEWIDE RULES

158

NEBRASKA COURT RULES AND PROCEDURE
CHAPTER 29. CRIMINAL PROCEDURE
ARTICLE 22. JUDGMENT ON CONVICTION
(c) PROBATION § 29-2246. Terms, defined

NEVADA

159

STATEWIDE RULES

159

PROPOSED LOCAL CRIMINAL RULES FOR THE SECOND JUDICIAL DISTRICT
COURT. ADKT. 327.

LOCAL RULES

160

Second Judicial District (Washoe District) Court Criminal Practice Rules

161

Rule 3. Initial appearance and arraignment

161

Rule 9. Sentencing.

161

EIGHTH JUDICIAL DISTRICT COURT (LAS VEGAS)

162

PART I. ORGANIZATION OF THE COURT AND ADMINISTRATION

162

Rule 1.33. Specialization of judges; procedure for selection
Rule 1.48. Criminal division masters.

NEW JERSEY

163

STATEWIDE RULES

New Jersey Directives Dir. 2_02. CRIMINAL PRACTICE

163

Directive 2_02. Manual for Operation of Adult Drug courts in New Jersey
Directive #2_02 : July 22, 2002 Issued by: Richard J. Williams, Administrative Director

New Jersey Directives

164

Directive 14-04. Drug Court Transfer Policy

Page

NEW YORK

169

STATEWIDE RULES

NEW YORK RULES OF COURT. STANDARDS AND ADMINISTRATIVE
POLICIES. RULES OF THE CHIEF JUDGE

169

PART 43. SUPERIOR COURTS FOR DRUG TREATMENT

169

§ 43.1 Superior Courts for Drug Treatment

NORTH CAROLINA

170

LOCAL RULES

170

WAKE COUNTY

Family Court Local Rules for Juvenile Delinquency & Undisciplined Proceedings
RULE 8. HEARING SCHEDULES

NORTH DAKOTA

17

170

STATEWIDE RULES

170

NORTH DAKOTA SUPREME COURT ADMINISTRATIVE RULES
AR 36. NORTH DAKOTA RULES ON CONTINUING JUDICIAL EDUCATION
Rule 1. Continuing Judicial Education Commission.

OHIO

171

LOCAL RULES

171

CUYAHOGA COUNTY Common Pleas.

Juvenile Rule 9. Drug Court

172

HAMILTON COUNTY Court of Common Pleas

RULE 35 COURT GUIDED ADDICTION TREATMENT PROGRAM (CGAT)

LUCAS COUNTY Court of Common Pleas. RULES OF THE JUVENILE DIVISION
173

Rule 10 DRUG TREATMENT COURT

173

SUMMIT COUNTY Court of Common Pleas (Akron)

RULE 7 CASE ADMINISTRATION AND DISPOSITION

Page

OREGON

174

LOCAL RULES

174

BAKER COUNTY

LOCAL RULES. CHAPTER 7. CASE MANAGEMENT AND CALENDARING
Rule 7.025. Court Scheduling

TENNESSEE

174

LOCAL RULES

KNOX COUNTY

174

RULES OF PROCEDURE FOR THE GENERAL SESSIONS COURT OF

174

KNOX COUNTY, TENNESSEE.

RULE 4. GENERAL SESSIONS COURT DOCKETS

175

SUMNER COUNTY

175

**LOCAL RULES OF PRACTICE FOR THE CHANCERY, PROBATE, CIRCUIT,
AND CRIMINAL COURTS OF THE 18TH JUDICIAL DISTRICT OF TENNESSEE**

VIRGINIA

176

LOCAL RULES

CIRCUIT COURT OF THE CITY OF NORFOLK. CRIMINAL CASE PROCEDURES

176

**City of Norfolk Circuit Court Crim. Proc. 4
IV. DOCKET PROCEDURES**

WASHINGTON

176

LOCAL RULES

COWLITZ COUNTY

176

RULE 77. SUPERIOR COURT AND JUDICIAL OFFICERS

KING COUNTY

178

**XIII. LOCAL CRIMINAL RULES
LCrR 5.1 COMMENCEMENT OF ACTIONS; CASE ASSIGNMENT AREA . .**

SKAGIT COUNTY Superior Court

179

RULE 1. INTRODUCTORY

Page

WISCONSIN

180

LOCAL RULES

First Judicial District

180

PART 4 RULES FOR THE FELONY AND MISDEMEANOR DIVISIONS

II. FELONY DIVISION

Rule 414. Scheduling Conference.

CALIFORNIA

STATEWIDE RULES

**CALIFORNIA RULES OF COURT
TITLE SIX. JUDICIAL ADMINISTRATION RULES
DIVISION I. JUDICIAL COUNCIL
CHAPTER 2. JUDICIAL COUNCIL ADVISORY COMMITTEES AND TASK FORCES**

Rule 6.56. Collaborative Justice Courts Advisory Committee

- (a) [Area of Focus] The committee shall make recommendations to the Judicial Council on criteria for identifying and evaluating collaborative justice courts and for improving the processing of cases in these courts, which include Drug courts, domestic violence courts, youth courts, and other collaborative justice courts. Those recommendations shall include "best practices" guidelines and methods for collecting data to evaluate the long-term effectiveness of collaborative justice courts.
- (b) [Additional Duties] In addition to the duties described in rule 6.34 on the duties and responsibilities of advisory committees, the committee shall
- (1) Assess and measure the success and effectiveness of local collaborative justice courts;
 - (2) Identify and disseminate to trial courts locally generated best practices;
 - (3) Recommend minimum judicial education standards and educational activities to support those standards to the Governing Committee of the Center for Judicial Education and Research;
 - (4) Advise the council of potential funding sources;
 - (5) Make recommendations regarding grant funding programs that are administered by the Administrative Office of the Courts for Drug courts and other treatment courts; and
 - (6) Recommend appropriate outreach activities needed to support collaborative justice courts.
- (c) [Membership] The committee shall include the following:
- (1) At least five judicial officers. Nominations for these appointments shall be made in accordance with rule 6.32. The list of nominees shall enable the Chair of the Judicial Council to appoint a committee that reflects a variety of court experience (e.g., criminal, juvenile, family, general civil), expertise, and court sizes and types (e.g., urban, suburban, and rural as well as small, medium, and large).
 - (2) At least one member from each of the following categories:
 - (A) Judicial administrator,
 - (B) District attorney,
 - (C) Criminal defense attorney,
 - (D) Law enforcement (police/sheriff),
 - (E) Treatment provider or rehabilitation provider,
 - (F) Probation officer,
 - (G) Court treatment coordinator,
 - (H) Treatment court graduate, and
 - (I) Public member

**CALIFORNIA RULES OF COURT
APPENDIX TO CALIFORNIA RULES OF COURT
DIVISION I. STANDARDS OF JUDICIAL ADMINISTRATION RECOMMENDED BY THE JUDICIAL
COUNCIL**

§ 36. Guidelines for diversion Drug court programs

- (a) [Minimum components] The components specified in this section should be included as minimum requirements in any pre-plea diversion Drug court program developed under Penal Code section 1000.5.
- (b) [Early entry] Eligible participants should be identified early and enter into a supervision and treatment

program promptly.

- (1) A declaration of eligibility should be filed by the district attorney no later than the date of the defendant's first appearance in court.
- (2) Participants designated as eligible by the district attorney should be ordered by the assigned **Drug court** judge to report for assessment and treatment supervision within five days of the first court appearance.
- (c) [Treatment services] Participants should be given access to a continuum of treatment and rehabilitative services.
 - (1) The county drug program administrator should specify and certify appropriate drug treatment programs pursuant to Penal Code section 1211.
 - (2) The certified treatment programs should provide a minimum of two levels of treatment services to match participants to programs according to their needs for treatment, recognizing that some divertees may be at the stage of experimenting with illicit drugs while others may be farther along in the addiction's progression.
 - (3) Each treatment level should be divided into phases in order to provide periodic reviews of treatment progress. Each phase may vary in length. It should be recognized that a participant is expected to progress in treatment but may relapse. Most participants, however, should be able to successfully complete the treatment program within 12 months.
 - (4) Each pre-plea diversion **Drug court** program should have an assessment component to ensure that participants are initially screened and then periodically assessed by treatment personnel to ensure that appropriate treatment services are provided and to monitor the participants' progress through the phases.
 - (5) Treatment services should include educational and group outpatient treatment. Individual counseling, however, should be made available in special circumstances if an assessment based on acceptable professional standards indicates that individual counseling is the only appropriate form of treatment. Referrals should be made for educational and vocational counseling if it is determined to be appropriate by the judge.
- (d) [Monitoring] Abstinence from and use of drugs should be monitored by frequent drug testing.
 - (1) Alcohol and other drug (AOD) testing is essential and should be mandatory in each pre-plea diversion **Drug court** program to monitor participant compliance.
 - (2) Testing may be administered randomly or at scheduled intervals, but should occur no less frequently than one time per week during the first 90 days of treatment.
 - (3) The probation officer and court should be immediately notified when a participant has tested positive, has failed to submit to AOD testing or has submitted an adulterated sample. In such cases, an interim hearing should be calendared and required as outlined in subdivision (e)(4).
 - (4) Participants should not be considered to have successfully completed the treatment program unless they have consistently had negative test results for a period of four months.
- (e) [Judicial supervision] There should be early and frequent judicial supervision of each diversion **Drug court** participant.
 - (1) Each participant should appear in court before a specifically assigned diversion **Drug court** judge within 30 days after the first court appearance. At this time the participant should provide proof of registration, proof of completion of assessment, proof of entry into a specific treatment program, and initial drug test results.
 - (2) The second **Drug court** appearance should be held no later than 30 days after the first **Drug court** appearance. The third **Drug court** appearance should be held no later than 60 days after the second **Drug court** appearance.
 - (3) A final **Drug court** appearance should be required no sooner than 12 months from entry into treatment unless continued treatment is found to be appropriate and necessary.
 - (4) Interim **Drug court** appearances should be required within one week of the following: positive

- drug test results, failure to test, adulterated test, or failure to appear or participate in treatment.
- (5) At each **Drug court** appearance, the judge should receive a report of the participant's progress in treatment and drug test results and should review, monitor, and impose rewards and sanctions based on the participant's progress or lack of progress.
 - (f) [Sanctions and incentives] The **Drug court** responds directly to each participant's compliance or noncompliance with graduated sanctions or incentives.
 - (1) A clear regimen of incentives and sanctions should be established and implemented at each court hearing.
 - (2) The suggested range of incentives should be as follows:
 - (i) encouragement;
 - (ii) advancement to next treatment phase;
 - (iii) reduction in diversion program fees (other than state-mandated fees);
 - (iv) completion of treatment and required court appearances and shortening of the term of diversion; and
 - (v) other incentives the court may deem necessary or appropriate.
 - (3) The suggested range of sanctions should be as follows:
 - (i) demotion to earlier treatment phase;
 - (ii) increased frequency of testing, supervision, or treatment requirements;
 - (iii) graduated length of incarceration for violating diversion order to abstain from use of illegal drugs and for nonparticipation in treatment; and
 - (iv) reinstatement of criminal proceedings.
 - (4) A participant should be terminated from the pre-plea diversion **Drug court**, and criminal proceedings reinstated, if the **Drug court** judge, after a hearing, makes a final and specific finding and determination at any time during the period of diversion that the participant has
 - (i) not performed satisfactorily in treatment;
 - (ii) failed to benefit from education, treatment, or rehabilitation;
 - (iii) been convicted of a misdemeanor that reflects the participant's propensity for violence; or
 - (iv) engaged in criminal conduct rendering him or her unsuitable for continued treatment.
 - (g) [National standards] In addition to meeting these minimum standards, courts are encouraged to look to the nationally accepted guidelines, *Defining **Drug courts**: The Key Components*, developed by the National Association of **Drug court** Professionals in cooperation with the Department of Justice, for further and detailed guidance in developing an effective diversion **Drug court** program.

<u>LOCAL RULES</u>

<u>MADERA COUNTY</u>

**MADERA COUNTY
 SUPERIOR COURT
 SUPERIOR COURT OF CALIFORNIA COUNTY OF MADERA LOCAL RULES OF COURT
 APPENDIX 1 INDEX TO LOCAL RULES [OMITTED]
 Miscellaneous Order No. 02-5: IN THE MATTER OF ASSIGNMENT OF JUDGES FOR ALL
 PURPOSES UNDER RULE 213, CALIFORNIA RULES OF COURT**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA

IN THE MATTER OF ASSIGNMENT OF JUDGES FOR ALL PURPOSES UNDER RULE 213, CALIFORNIA

RULES OF COURT

MISCELLANEOUS ORDER No. 02-5

IT IS ORDERED that effective January 6, 2003.....

5. The Hon. John W. DeGroot is assigned all proceedings under Sections 300, 601 and 602 of the California Welfare and Institutions Code, as well as all truancy cases, **DRUG TREATMENT COURT** and all adoption proceedings for all purposes including law & motion, settlement and trial under Rule 213, California Rules of Court. He is assigned to the Borden Court, Department 6.

The Clerk of this Court shall post copies of this Order for public inspection.

Dated: December 9, 2002 /s/ Edward P. Moffat
Presiding Judge

SACRAMENTO COUNTY

**SACRAMENTO COUNTY
SUPERIOR COURT
LOCAL RULES FOR THE SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO
CHAPTER 17. JUVENILE DEPENDENCY COURT**

**RULE 17.07 DIRECT CALENDARING, CALENDAR CALL, APPEARANCES, AND PEREMPTORY
CHALLENGES**

(A) Dependency departments are operated on a direct calendaring system. Counsel are referred to the Dependency Calendar Directory located on the court's web site at <http://www.saccourt.com> for further information.....

(D) Upon a matter being assigned to a home court or **DRUG TREATMENT COURT**, any affidavit and motion for prejudice filed pursuant to Code of Civil Procedure section 170.6 against a referee regularly assigned to that home court or **DRUG TREATMENT COURT** must be filed as follows:

- (1) Full-time home courts: Within ten calendar days after the party's first appearance in the case.
- (2) Job-share home courts: For non-evidentiary hearings or trials, within ten calendar days after the party's first appearance in the case. For evidentiary hearings or trials that are set to be heard in ten calendar days or more, at least five calendar days before the evidentiary hearing or trial date.

(3) **DRUG TREATMENT COURT**: Within ten calendar days after the party elects to proceed in **DRUG TREATMENT COURT**.

(E) Upon the absence of the referee regularly assigned to a home court or **DRUG TREATMENT COURT** department, or if the case is assigned to any other judicial officer for a hearing less than ten (10) days before the date set for the hearing, any affidavit and motion for prejudice filed pursuant to Code of Civil Procedure section 170.6 must be filed with the newly-assigned judicial officer or the Presiding Judge of the Juvenile Court before the commencement of the hearing.

SAN DIEGO COUNTY SUPERIOR COURT

**SAN DIEGO COUNTY
SUPERIOR COURT
SUPERIOR COURT OF CALIFORNIA SAN DIEGO SUPERIOR COURT RULES
DIVISION III. CRIMINAL
CHAPTER 1. GENERAL**

RULE 3.1.3 FAILURE TO APPEAR IN MISDEMEANOR "NOTIFY LETTER" CASES

If a defendant fails to appear in court for arraignment after a notify letter has been issued by the prosecutor in a misdemeanor case, the court will set a date 90 days in the future by which time the prosecutor will decide if he or she will file an Affidavit In Support of Arrest Warrant. If the prosecutor files an affidavit within this 90-day period, the case will be referred to the designated criminal department for issuance of a warrant. If no affidavit is filed within 90 days, the case will be dismissed for lack of prosecution unless the prosecutor petitions the court within this 90-day period and shows good cause for an extension of time to either send a notify letter or to file an Affidavit in Support of Arrest Warrant.

This rule does not apply to domestic violence, DRUG TREATMENT COURT and Penal Code section 1210, et seq., cases.

**CALIFORNIA LOCAL COURT RULES PAMPHLETS AND
CALIFORNIA RULES OF
COURT**

**SAN DIEGO COUNTY
SUPERIOR COURT
SAN DIEGO SUPERIOR COURT RULES
DIVISION VI. JUVENILE**

CHAPTER 1. JUVENILE DEPENDENCY PROCEEDINGS

RULE 6.1.19. SUBSTANCE ABUSE RECOVERY MANAGEMENT SYSTEM (SARMS)

At the detention or initial hearing, if the HHSA report informs the court that a parent has alcohol and/or drug issues, the court will refer that parent to the Substance Abuse Recovery Management System ("SARMS") for an assessment. If the court subsequently assumes jurisdiction and the parent has not been assessed voluntarily, the court will order that parent to report to SARMS for assessment within 48 hours. If the assessment indicates a need for treatment, the SARMS Recovery Specialist will develop a Recovery Services Plan (RSP) with the parent. The RSP will state the requirements for successful completion of the treatment program (e.g., submission to random urine testing, attendance at treatment program meetings, participation in individual and/or group therapy, et al.) and will be incorporated by reference into the court-ordered reunification case plan. Once the RSP has been developed, the parent must begin treatment immediately.

SARMS shall submit all biweekly progress reports to the court and HHSA. Upon request by counsel, the court will make copies of the progress reports available. SARMS also shall submit reports of noncompliance to the parent's attorney. The progress reports must state whether the parent is actively participating in treatment, the number of

sessions or meetings missed, if any, whether those absences were excused, and the results of each urinalysis. After the court has ordered participation in SARMS, review hearings are held after 30 days and 60 days to review the parent's progress.

Noncompliance with the RSP (i.e., a "noncompliant event" as defined in the court's Order to Participate in SARMS, Form SUPCT JUV-131) will result in the following sanctions: For the first violation, the parent will receive a judicial reprimand. For each subsequent violation, the parent will be cited for contempt of court for disobeying a court order; a finding of contempt may result in a fine and/or incarceration for up to five days. If and when the parent is found in contempt of court and ordered to jail, the dependency judge will also order that the parent report for a Dependency **DRUG TREATMENT COURT** screening hearing after his or her release from jail.

San Diego Superior Court Rules, Rule 6.19

All counties, except Los Angeles, current with amendments received through 01/01/2005. Los Angeles county, current with amendments received through 12/15/2004.

RULE 6.19: SUBSTANCE ABUSE RECOVERY MANAGEMENT SYSTEM (SARMS)

At the detention or initial hearing, if the HHSA report informs the court that a parent has alcohol and/or drug issues, the court shall refer that parent to the Substance Abuse Recovery Management System ("SARMS") for an assessment. If the court subsequently assumes jurisdiction and the parent has not been assessed voluntarily, the court shall order that parent to report to SARMS for assessment within 48 hours. If the assessment indicates a need for treatment, the SARMS Recovery Specialist shall develop a Recovery Services Plan (RSP) with the parent. The RSP shall state the requirements for successful completion of the treatment program (e.g., submission to random urine testing, attendance at treatment program meetings, participation in individual and/or group therapy, et al.) and shall be incorporated by reference into the court-ordered reunification case plan. Once the RSP has been developed, the parent shall begin treatment immediately.

SARMS shall submit all biweekly progress reports to the court and HHSA. Upon request by counsel, the court will make copies of the progress reports available. SARMS also shall submit reports of noncompliance to the parent's attorney. The progress reports shall state whether the parent is actively participating in treatment, the number of sessions or meetings missed, if any, whether those absences were excused, and the results of each urinalysis. After the court has ordered participation in SARMS, review hearings are held after 30 days and 60 days to review the parent's progress.

Noncompliance with the RSP (i.e., a "noncompliant event" as defined in the court's Order to Participate in SARMS. Form SUPCT JUV-131) shall result in the following sanctions: For the first violation, the parent shall receive a judicial reprimand. For each subsequent violation, the parent shall be cited for contempt of court for disobeying a court order; a finding of contempt may result in a fine and/or incarceration for up to five days. If and when the parent is found in contempt of court and ordered to jail, the dependency judge will also order that the parent report for a Dependency **Drug Court** screening hearing after his or her release from jail.

Effective. July 1, 2003.

CHAPTER 3. ATTORNEY SCREENING AND STANDARDS OF REPRESENTATION

RULE 6.33 STANDARDS OF REPRESENTATION

(a) Basic Attorney-Client Obligations

(b) Relevant Laws and Programs

All attorneys practicing in dependency proceedings must have a working knowledge of the following statutes and rules, as well as the cases interpreting and applying them:

9. San Diego Superior Court Local Rules, Division VI-Juvenile.

The following areas of the law and local programs are critical in many dependency cases, and counsel must develop a working knowledge of them as they become applicable to individual cases.

1. The Substance Abuse Recovery Management System ("SARMS") and Dependency Drug court. . . .
2. Special immigrant juvenile status under Title 8, United States Code section 1101;

(c) Legal Skills

In addition to basic legal knowledge, counsel must have and continue to develop the following basic legal skills:

1. Basic trial skills (e.g., proper and succinct direct and cross_ examination, proper objections);
2. Basic advocacy skills (e.g., client interviewing and counseling, case investigation, settlement negotiation, witness preparation, use of experts);
3. Relevant motion practice (e.g., motions pursuant to WIC §§ 350, 388, 390);
4. Sufficient understanding of writ and appellate practice to advise a client whether and how to seek such remedies and to arrange for a specialist to pursue them when necessary.

(d) Relevant Interdisciplinary Skills

The dependency system is complex in that it frequently involves issues arising from a variety of disparate and highly specialized areas. A collaborative problem-solving approach usually improves outcomes for children and families. Attorneys appearing in dependency court cannot effectively represent their clients without a fundamental understanding of the interdisciplinary issues listed below and the ability to obtain more detailed insight as the demands of individual cases require. Attorneys should have a general familiarity with and receive ongoing training in the following areas:

1. Dynamics of child abuse and neglect
2. Child development
 - a. Interviewing children
 - b. Children as witnesses
 - c. Developmental milestones as they relate to the identification and consequences of child abuse and neglect
3. Risk assessment
4. Substance abuse- the addiction and recovery process
5. Mental health issues.
 - a. Purposes and uses of psychological and psychiatric evaluations
 - b. Purposes and expectations of various modalities of therapy
 - c. Psychotropic medications
6. Medical issues
 - a. Traumatic injuries
 - b. Nutritional deficits
 - c. Drug toxicity in children
7. Government payment issues
 - a. AFDC-Foster Care
 - b. CalWORKS and TANF
 - c. Medi-Cal
 - d. County Treasury funds

- e. Supplemental Security Income (SSI)
 - f. Social Security Administration (SSA)
 - g. Adoption Assistance Program (AAP)
 - h. Kin-GAP funds
- 8. Cultural issues
- 9. Poverty issues
 - 10. Education issues
 - 11. Domestic violence
 - 12. Family reunification and preservation
 - 13. Reasonable efforts

**SAN DIEGO COUNTY
SUPERIOR COURT
SUPERIOR COURT OF CALIFORNIA SAN DIEGO SUPERIOR COURT RULES
DIVISION VI. JUVENILE
CHAPTER 3. ATTORNEY SCREENING AND STANDARDS OF REPRESENTATION**

RULE 6.3.4. STANDARDS OF REPRESENTATION

(a) Basic Attorney-Client Obligations

All attorneys appearing in dependency proceedings must advise their clients of the legal and factual aspects of the client's case and must represent their clients' interests vigorously within applicable legal and ethical boundaries.

In performing these duties, each attorney is expected to:

9. San Diego Superior Court Rules, Division VI-Juvenile.

The following areas of the law and local programs are critical in many dependency cases, and counsel must develop a working knowledge of them as they become applicable to individual cases.

1. The Substance Abuse Recovery Management System ("SARMS") and Dependency **DRUG TREATMENT COURT**.

SANTA CLARA COUNTY SUPERIOR COURT

**Superior Court for the State of California, County of Santa Clara
Local Rules of Court, Crim. Rule 1**

RULE 1 GENERAL

A. SUPERVISING JUDGE__CRIMINAL

E. CALENDAR SCHEDULE

(1) Hall of Justice Facility

The Felony Master Trial Calendar shall be called at 8:30 a.m. on Monday. The Felony Arraignment Calendar shall be called on Monday at 1:30 p.m. If Monday is a holiday, these two calendars shall be called on Tuesday at the above times. The Felony After-Arraignment Calendar shall be called at 1:30 p.m. on Wednesday. The deadline to place matters on the Felony After_ Arraignment Calendar is noon on the Thursday immediately before the calendar is called, except for motions pursuant to Penal Code section

1050 which are governed by Rule 2.

(2) OTHER FACILITIES

Specific calendars for other facilities will be as specified in the "Santa Clara County Superior Court Protocol" on file in the Clerk's Office of each facility and available in each courtroom in these facilities.

(3) Drug court CALENDARS

- a. The presiding judge shall assign to the Criminal Division of the Superior Court a sufficient number of judges to serve at a designated facility to process all felony drug cases. Judges at this facility shall conduct all felony arraignments, pre-trial proceedings, settlement conferences, pleas and sentencing proceedings as well as the assignment of dates for preliminary examinations.
- b. The establishment of the Drug court calendars is based upon the following statements:
 - (1) The Court receives a substantial number of narcotic cases each year that are recognized as a distinct subject within the Criminal Division.
 - (2) The establishment of the Drug court calendars recognizes the need to incorporate substance abuse treatment programs where appropriate with criminal case processing in a timely and efficient manner.
 - (3) The drug treatment court as approved in September of 1995 by the judges of the former Municipal and Superior Courts of Santa Clara County is recognized as a component of the Drug court calendars.
- c. Schedules for the Drug court calendars will be specified in the Santa Clara County Superior Court Protocol on file in the Clerk's Office.
- d. Criteria for the assignment of cases to the Drug court calendars, including the drug treatment court, shall be specified in the Santa Clara County Superior Court Protocol on file in the Clerk's Office.

SONOMA COUNTY SUPERIOR COURT

**RULE 8. RULES APPLICABLE TO CRIMINAL FELONY TRIAL PROCEEDINGS
RULES APPLICABLE TO PRELIMINARY HEARINGS AND MISDEMEANOR TRIALS**

RULE 8.19 CALENDARING SYSTEM

A. FIRST APPEARANCE DATE

First appearance date for out of custody felony defendants will be two weeks after arrest.

First appearance date for out of custody misdemeanor defendants will be four weeks after arrest except in cases where defendant is charged with violations of §§ 11550 and 11377 of the Health and Safety Code in which the first appearance date shall be ten (10) days after arrest. Penal Code § 853.6

When a defendant is charged with violations of Penal Code §§ 243(e)(1), 273.5, 273.6, 166(a)(4) or 422, the first appearance date shall be fourteen (14) days after date of arrest when the defendant is not in custody.

B. ARRAIGNMENTS

Public Defender and District Attorney will be present at all arraignments. Defendants without attorneys and who are not indigent will be referred to the Sonoma County Criminal Defense Bar Attorney Referral Service. The case will be continued on the arraignment calendar one week for this referral. If the District Attorney indicates that the defendant is eligible for Drug court, the defendant shall appear in Drug court 48 hours

thereafter, and the **Drug court** Judge shall make the referral for counsel. With general counsel, the defendant may be granted up to three (3) weeks to enter a plea. If no plea is entered at the end of that time, the defendant will either represent himself or be appointed a Public Defender subject to P.C. 987.8. Any person appointed a Public Defender will be assessed fees if that person is found able to pay them.

Upon entry of a plea of not guilty, the case will be set for Settlement Conference, unless a court trial is requested. . . .

STANISLAUS COUNTY SUPERIOR COURT CRIMINAL RULES
--

4.20 **Drug court**

The intent of the **Drug court** Program is to provide a system of treatment and accountability for drug offenders in order to break the cycle of substance abuse and incarceration.

- A. Program Eligibility. Eligible persons must meet the following criteria:
1. No history or current charges of significant drug trafficking.
 2. No prior felony convictions for crimes of violence.
 3. Related to the current offense, the defendant was not charged with or the offense did not involve the carrying, possession, or use of a firearm or other dangerous weapon, or the use of force against the person of another, or the death or serious bodily injury to any other person.
 4. Eligible and suitable candidate for felony probation.
 5. No current or prior commitments to state or federal prison.
 6. No currently pending cases on disqualifying charges.
 7. No holds resulting from outstanding out of county warrants or foreign holds.
 8. Will reside in local area and be available for **Drug court** programs.
 9. Currently addicted to the use of narcotic or controlled substances
- B. Program Priority. Within the eligible population, priority consideration will be given to the following offenders, in order: pregnant addicts, including offenders who are charged with crimes which are drug related or drug induced; addicts who do not have a lengthy history of opiate addiction; addicts who do not appear to require medical detoxification or residential treatment services. Addicts who fall into the last two categories above may be required to participate in alternate treatment programs, including residential programs, prior to consideration of **Drug court**. Upon a finding by the **Drug court** Judge that the currently available **Drug court** Programs have reached capacity, the Judge may, subject to review of the Executive Committee, partially or completely suspend referral of new participants to **Drug court** under this rule. Such a suspension will not affect participants already accepted into **Drug court**.
- C. Case Processing. The District Attorney will file a check list indicating eligibility based on charges and criminal history in all appropriate cases. The Public Defender, in all appointed cases, or private attorney in retained cases, will review the case further for eligibility in accordance with other criteria specified. Those cases screened as eligible by the attorney will, upon the Court's approval and time waiver of the defendant, be scheduled for the next **Drug court** session. Prior to that session, the participant will be interviewed by **Drug court** staff for a final determination of eligibility. At the **Drug court** session, staff will make a recommendation as to acceptance to the **Drug court** Judge.
- D. Exceptions. Except in the case of pregnant addicts, cases which are not initially referred to **Drug court** as

described above may only be considered at a later stage in the criminal proceedings through the following process:

1. The assigned attorney in all appointed cases (regardless of firm), or the retained attorney, must contact the Deputy Public Defender assigned to Drug court, who must agree that the case is appropriate for referral. The attorney must then contact the Deputy District Attorney assigned to Drug court, who must also agree that the case is appropriate for referral and file a checklist indicating this.
 2. The defendant must plead guilty as agreed with the attorneys in the referring Court with no conditions relating to Drug court.
 3. The attorney must then contact the Drug court staff and schedule an interview by staff. If the defendant will be recommended for Drug court by the staff, the case may then be scheduled for the next Drug court session.
- E. Program Policies and Procedures.
1. Upon acceptance into Drug court, the defendant must plead guilty, waive all pretrial rights, waive referral to the Probation Department for pre_ sentence report and investigation, and waive time for the pronouncement of judgment.
 2. Pronouncement of judgment will be deferred without a set date by the Drug court Judge and the defendant will be released on O.R., conditioned upon satisfactory participation in the Drug court program.
 3. The defendant must sign a Drug court Participant Contract, setting forth the program rules and requirements, and agreeing to the use of progressive sanctions pursuant to PC § 1000.6, subd. (b)(1), as appropriate.
 4. The participant must agree to urine testing.
 5. The participant must agree to a search condition pursuant to PC § 1000.6, subd. (c)(6).
 6. Upon satisfactory completion of the Drug court Program, the Drug court Judge will withdraw the guilty plea and the case will be dismissed.
 7. Upon unsatisfactory termination of the Drug court Program, the Drug court Judge will immediately pronounce judgment.

4.22 DRUG TREATMENT COURT--DRUG TREATMENT COURT Procedures

The mission of the Stanislaus County DRUG TREATMENT COURT Program is to hold accountable and treat non-violent substance abuse offenders through an intensive program that embraces the principles of regular judicial intervention, a highly structured treatment program, a system of graduated rewards and sanctions, and emphasizes maintaining family structure.

The intent of the DRUG TREATMENT COURT Program is to provide a system of treatment and accountability for substance abuse offenders in order to break the cycle of substance abuse and incarceration in state prison.

The DRUG TREATMENT COURT Team consists of the DRUG TREATMENT COURT Judge, the DRUG TREATMENT COURT Deputy District Attorney, the Defense Attorney, the Probation Officer assigned, and the substance abuse counseling staff.

Eligibility Criteria

1. The program is open to a defendant who acknowledges current or significant and problem alcohol or drug use that is verified by the facts of the offense and/or past history. (e.g. Criminal, Family Court, Treatment and Probation history).
2. The defendant must reside in Stanislaus County while participating in DRUG TREATMENT COURT.
3. The defendant must currently be abusing alcohol, narcotics or controlled substances.
4. The offenses for which a defendant is referred to DRUG TREATMENT COURT must include at least one

felony.

5. Acceptance into the **DRUG TREATMENT COURT** Program requires the unanimous agreement of the **DRUG TREATMENT COURT** Team.

6. A defendant is not eligible for **DRUG TREATMENT COURT** if currently charged with sales

or possession for sales or manufacturing. A defendant with any prior conviction for sales or possession for sales or manufacturing is not eligible, except with the unanimous agreement of the **DRUG TREATMENT COURT** Team.

7. A defendant with a felony or misdemeanor conviction for a crime of violence within the last five (5) years is not eligible, except with the unanimous agreement of the **DRUG TREATMENT COURT** Team.

8. A defendant is not eligible if the current charges allege, or if the facts of the offense involve, the carrying, possession, or use of a firearm or other dangerous weapon, or the use or threat of force against the person of another, or the death or serious bodily injury to any other person.

9. A defendant with any current commitments to state or federal prison is not eligible.

10. A defendant with any prior commitment to state or federal prison is ineligible, except in unusual circumstances where it appears in the discretion of the **DRUG TREATMENT COURT** judge that the defendant will benefit from treatment and is not currently on State Parole.

11. A defendant with a pending case, or pending pronouncement of judgment, on disqualifying charges is not eligible.

12. A defendant with outstanding out-of-county warrants or foreign holds is not eligible.

13. A defendant who qualifies for and is available for another treatment program, such as PC 1000 Deferred Judgment or Prop 36 (PC 1210.1), is not eligible.

14. A defendant currently charged with any offense listed in PC 1192.7 or PC 667.5 (c) is not eligible.

15. A defendant with any prior conviction for any offense listed in PC 1192.7 or PC 667.5 (c) is not eligible, except with the unanimous agreement of the **DRUG TREATMENT COURT** Team.

16. A defendant with either current charges or prior convictions for sex-related offenses, including, but not limited to, those enumerated in PC 290, PC 311, PC 314, PC 647 (a), and PC 647.6, is not eligible.

Policies and Procedures

1. Upon acceptance into **DRUG TREATMENT COURT**, the defendant must plead guilty or nolo contendere, waive all pretrial rights, and waive referral to the Probation Department for a pre-sentence report and investigation.

2. For the purpose of participation in the **DRUG TREATMENT COURT** Program, upon a felony conviction, no indicated sentences will be stated, and the defendant shall be informed of the maximum sentence that could be imposed. Imposition of sentence or execution of sentence shall be suspended and the defendant shall be sentenced to formal probation under general terms and conditions and the following recommended specific terms of probation:

A. Make full restitution (if appropriate).

B. Totally abstain from the use or possession of intoxicating beverages or being in or about any place of business where the primary item sold is intoxicating beverages for consumption on the premises.

C. Submit your person, vehicle, property to search for controlled substances, alcohol, and any other appropriate search required.

D. Registration pursuant to 11590 H&S (if appropriate).

E. Urine Testing.

F. Do not use or possess narcotics, controlled substances, and restricted or prescribed drugs except with a valid prescription.

G. Complete an Aids Education Program pursuant to PC 1001.10 (if appropriate).

H. Participate in and complete the **DRUG TREATMENT COURT** Program.

I. Participate in and complete an in custody or residential treatment program (if appropriate).

J. Comply with all directives in the **DRUG TREATMENT COURT** Contract.

K. All required fees and fines be imposed but stayed pending successful completion.

3. If participants have pled prior to entry into **DRUG TREATMENT COURT** then upon satisfactory completion of the **DRUG TREATMENT COURT** Program, the **DRUG TREATMENT COURT** Judge will terminate probation and reduce any felony to a misdemeanor (if appropriate).

4. A defendant who pleads guilty or no contest in order to enter DRUG TREATMENT COURT shall, upon successful completion of DRUG TREATMENT COURT and payment of restitution, if any, have the charges(s) dismissed.

5. Upon termination from the DRUG TREATMENT COURT Program, after consideration of factors in mitigation and aggravation, the DRUG TREATMENT COURT Judge will immediately pronounce judgment.

YUBA COUNTY SUPERIOR COURT

CHAPTER 7. JUVENILE LAW DEPARTMENT

RULE 7.0 JUVENILE LAW DEPARTMENT CALENDAR

The Juvenile Calendar is heard each Monday and Wednesday at 9:00 a.m. and 1:30 p.m.; each Thursday at 9:00 a.m., and each Friday at 9:00 a.m. for specially set long cause matters and detention hearings. Juvenile Treatment Court (Drug court) is heard each Tuesday at 8:30 a.m.

Fla. R. Jud. Admin., Rule 2.050

DELAWARE

COURT RULES

STATE OF DELAWARE Superior Court of Kent County

Criminal Case Management Plan

SUPERIOR COURT
KENT COUNTY
CRIMINAL CASE
MANAGEMENT PLAN

The following Plan is adopted by the Superior Court of the State of Delaware in order to ensure the orderly and prompt disposition of criminal cases in Kent County.

INTRODUCTION

The Superior Court in Kent County processes cases on three different case tracks. Primary responsibility for track assignment will rest with the Attorney General. All tracks will focus on improving case processing time, with two of the tracks being tied to the range of treatment and case management services for offenders who are using illicit drugs and who can benefit from prison or community based treatment.

TRACK I__PROBATIONERS

All defendants who are currently serving a probationary sentence from Kent County Superior Court, and then are arrested on a new drug offense, are subject to Track I. (Other probationers who manifest a drug problem may be designated for this track by the Attorney General or the Court.) A violation hearing will be scheduled within 21 days of arrest to attempt to resolve both the violation and new charge simultaneously. If both are resolved by plea agreement then an appropriate sentence and treatment program will be established. The case will be monitored actively by the Track I judge. If no agreement is reached, the violation allegations will be heard promptly and the new charges will be moved to Trial Track III and promptly scheduled. Deferring action on the violation of probation until after disposition of the new charge will no longer occur. Probation/Pretrial Services and the Attorney General will rapidly identify these defendants as Track I appropriate and notify the Drug court Case Manager who will then schedule the violation hearing. Notice will immediately be given by the Drug court Case Manager to the attorneys, defendant, Medical Examiner and the Treatment Access Center (TASC). TASC will conduct a substance abuse assessment and submit a preliminary treatment recommendation to the Drug court Coordinator for distribution to the attorneys prior to the violation hearing. TASC will be responsible for program placement and monitoring upon the imposition of a sanctions_with_treatment sentence. The Attorney General will communicate with the Medical Examiner to expedite the preparation of the Controlled Substance Laboratory Report.

This is not a diversion program. Its goal is to provide efficient case management of defendants' violation of probation hearings which are triggered by a new drug offense. The goal is to offer a forum in which both the violation of probation and the new charge promptly may be resolved. Since this track includes a defendant on probation to Kent County Superior Court for any conviction together with any new drug offense, it must be recognized that this track will include serious offenders. Therefore, if resolved by either a finding of a violation of probation or a conviction on the new charge, the Court must balance the need for substance abuse treatment with the traditional sentencing considerations, including the safety of the community.

TRACK II__DIVERSION

This track includes those defendants arrested for drug offenses with no, or minimal prior felony or drug convictions who are charged with offenses not carrying a mandatory sentence. These defendants are those likely to be placed in intermediate sanctions; that is they would not usually be considered for Level V (incarceration). They will be designated as Track II offenders by the Attorney General, who will decide that any offer of diversion or a plea with probation is forthcoming. A diversionary track, has been established for offenders meeting the above criteria. The Attorney General will decide that for certain defendants an expedited decision with treatment and control is preferable to trial. Diverted and supervised offenders who are ordered into urine monitoring or treatment may keep their drivers licenses and may avoid a judgment of guilty if conditions are met. To participate, the offender must waive a speedy trial, a jury trial, and agree to trial upon stipulated facts in the event the individual is terminated from the program.

The Attorney General will rapidly identify these defendants as Track II appropriate and notify the Drug court Case Manager who will schedule the initial proceedings within 30 days of arrest and coordinate the accomplishment of his/her substance abuse assessment and recommendation together with the treatment providers. Notice immediately will be given by the Drug court Case Manager to the attorneys, defendant, Medical Examiner and treatment providers. The substance abuse assessment and preliminary treatment recommendation shall be distributed to the Court, the attorney and the provider. The Attorney General will communicate with the Medical Examiner to expedite the preparation of the Controlled Substance Laboratory Report. This is the diversion program and is designed to primarily to provide substance abuse treatment to help individuals get off the drug path. It has a "carrot" and "stick" approach. The "carrot" is if the person is successful, there will be no loss of license or conviction. The "stick" in the program is monitoring which is tougher than probation and if unsuccessful, the defendant faces a conviction. With a conviction, the Court has traditional sentencing options, including incarceration and treatment.

TRACK III__TRIAL TRACK

Arraignment

Prior to receiving a case review date, the defendant will be required to have counsel of record established by the filing of a Rule 10(c) form or the entry of an appearance in open court or a determination of the defendant's pro se status. The Prothonotary shall include a case review date to counsel to include on the 10(c) form. Arraignment shall be scheduled within 10 days of indictment or the filing of an information. Case review shall be scheduled within 21 days of arraignment. Any conflicts regarding representation and waiver thereof should be determined by the time of arraignment. The Public Defender's Office and counsel shall communicate and give notice of conflicts as quickly as possible.

Superior Court of Kent County Crim Case Mgmt Plan § 1

**DELAWARE RULES OF COURT
SUPERIOR COURT RULES OF CRIMINAL PROCEDURE
SUPERIOR COURT OF KENT COUNTY CRIMINAL CASE MANAGEMENT PLAN
TRACK I--PROBATIONERS**

All defendants who are currently serving a probationary sentence from Kent County Superior Court, and then are arrested on a new drug offense, are subject to Track I. (Other probationers who manifest a drug problem may be designated for this track by the Attorney General or the Court.) A violation hearing will be scheduled within 21 days of arrest to attempt to resolve both the violation and new charge simultaneously. If both are resolved by plea agreement then an appropriate sentence and treatment program will be established. The case will be monitored actively by the Track I judge. If no agreement is reached, the violation allegations will be heard promptly and the new charges will be moved to Trial Track III and promptly scheduled. Deferring action on the violation of probation until after disposition of the new charge will no longer occur.

Probation/Pretrial Services and the Attorney General will rapidly identify these defendants as Track I appropriate and notify the DRUG TREATMENT COURT Case Manager who will then schedule the violation hearing. Notice will immediately be given by the DRUG TREATMENT COURT Case Manager to the attorneys, defendant, Medical Examiner and the Treatment Access Center (TASC). TASC will conduct a substance abuse assessment and submit a preliminary treatment recommendation to the DRUG TREATMENT COURT Coordinator for distribution to the attorneys prior to the violation hearing. TASC will be responsible for program placement and monitoring upon the imposition of a sanctions-with-treatment sentence. The Attorney General will communicate with the Medical Examiner to expedite the preparation of the Controlled Substance Laboratory Report.

This is not a diversion program. Its goal is to provide efficient case management of defendants' violation of probation hearings which are triggered by a new drug offense. The goal is to offer a forum in which both the violation of probation and the new charge promptly may be resolved. Since this track includes a defendant on probation to Kent County Superior Court for any conviction together with any new drug offense, it must be recognized that this track will include serious offenders. Therefore, if resolved by either a finding of a violation of probation or a conviction on the new charge, the Court must balance the need for substance abuse treatment with the traditional sentencing considerations, including the safety of the community.

Superior Court of Kent County Crim Case Mgmt Plan § 2

**DELAWARE RULES OF COURT
SUPERIOR COURT RULES OF CRIMINAL PROCEDURE
SUPERIOR COURT OF KENT COUNTY CRIMINAL CASE MANAGEMENT PLAN
TRACK II--DIVERSION**

This track includes those defendants arrested for drug offenses with no, or minimal prior felony or drug convictions who are charged with offenses not carrying a mandatory sentence. These defendants are those likely to be placed in intermediate sanctions; that is they would not usually be considered for Level V (incarceration). They will be designated as Track II offenders by the Attorney General, who will decide that any offer of diversion or a plea with probation is forthcoming.

A diversionary track, has been established for offenders meeting the above criteria. The Attorney General will decide that for certain defendants an expedited decision with treatment and control is preferable to trial. Diverted and supervised offenders who are ordered into urine monitoring or treatment may keep their drivers licenses and may avoid a judgment of guilty if conditions are met. To participate, the offender must waive a speedy trial, a jury trial, and agree to trial upon stipulated facts in the event the individual is terminated from the program. The Attorney General will rapidly identify these defendants as Track II appropriate and notify the **DRUG TREATMENT COURT** Case Manager who will schedule the initial proceedings within 30 days of arrest and coordinate the accomplishment of his/her substance abuse assessment and recommendation together with the treatment providers. Notice immediately will be given by the **DRUG TREATMENT COURT** Case Manager to the attorneys, defendant, Medical Examiner and treatment providers. The substance abuse assessment and preliminary treatment recommendation shall be distributed to the Court, the attorney and the provider. The Attorney General will communicate with the Medical Examiner to expedite the preparation of the Controlled Substance Laboratory Report.

This is the diversion program and is designed to primarily to provide substance abuse treatment to help individuals get off the drug path. It has a "carrot" and "stick" approach. The "carrot" is if the person is successful, there will be no loss of license or conviction. The "stick" in the program is monitoring which is tougher than probation and if unsuccessful, the defendant faces a conviction. With a conviction, the Court has traditional sentencing options, including incarceration and treatment.

.....The Criminal Assignment Judge shall ensure that all available resources are used to try all cases assigned for trial that week including available judges assigned to the Civil Division, **DRUG TREATMENT COURT** and the Criminal Assignment Judge handling trials in the afternoon, if necessary.

Superior Court of New Castle County Crim Case Mgmt Plan § K

**DELAWARE RULES OF COURT
SUPERIOR COURT RULES OF CRIMINAL PROCEDURE
SUPERIOR COURT OF NEW CASTLE COUNTY CRIMINAL CASE MANAGEMENT PLAN
K. Diversion**

The **DRUG TREATMENT COURT** Diversion program will proceed under the specific guidelines and procedures previously adopted.

Superior Court of New Castle County Crim Case Mgmt Plan § Q

**DELAWARE RULES OF COURT
SUPERIOR COURT RULES OF CRIMINAL PROCEDURE
SUPERIOR COURT OF NEW CASTLE COUNTY CRIMINAL CASE MANAGEMENT PLAN
Q. Courtroom Management**

Criminal matters will be handled in six courtrooms as follows:

- 4 trials each day;
- 1 **DRUG TREATMENT COURT** diversion/VOP Fast Track each day;
- Case reviews one day per week (handled by 6 judges on Mondays);
- Trials will be scheduled 4 days per week (Tuesday- Friday).

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA RULES OF COURT RULES OF THE DISTRICT OF COLUMBIA COURT OF APPEALS APPENDIX OF FORMS

FORM 2. NOTICE OF APPEAL CRIMINAL DIVISION AND FAMILY COURT (JUVENILE CASES ONLY)

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
NOTICE OF APPEAL
CRIMINAL DIVISION AND FAMILY COURT (JUVENILE CASES ONLY)

Superior Court Case Caption: _____

Superior Court Case No.: _____

Appoint new counsel: ____ Yes (If trial counsel seeks appointment for the appeal, counsel must be on the Court of Appeals CJA list and file the required certification.)

A. Notice is given that (person appealing) _____ is appealing an order/judgment from the Criminal Division ____ (or) Family Court/Juvenile and Neglect Branch ____

[Please check one]

- Juvenile Felony Misdemeanor
 Traffic D.C. Case Special Proceedings
 DRUG TREATMENT COURT Domestic Violence

Date of entry of judgment or order appealed from (if more than one judgment or order is being appealed, list all):

Superior Court Judge: _____

Description of judgment or order: _____

Most serious offense at conviction: _____

Has there been any other notice of appeal filed in this case? () YES () NO

If so, list the other appeal numbers: _____

List any co-defendants and their Superior Court case number(s): _____

.....
Date of Proceeding/Portion Reporter/Courtroom Date ordered

.....
E. Provide the names and addresses of all parties and counsel to be served:

For Defendant/Respondent: _____

For Government: _____

F. Person filing appeal: () Counsel for Government () Defendant Pro Se () Counsel for Defendant/Respondent

ATTACH A COPY OF THE ORDER, JUDGMENT OR DOCKET ENTRY FROM WHICH THIS APPEAL IS TAKEN

Print Name of Appellant/Attorney Signature Bar No.

Address Telephone Number

FLORIDA
LOCAL ADMINISTRATIVE ORDERS

FLORIDA LOCAL RULES AND ADMINISTRATIVE ORDERS

SIXTH JUDICIAL CIRCUIT (PASCO AND PINELLAS COUNTIES)
ADMINISTRATIVE ORDERS
PINELLAS COUNTY

CIRCUIT COURT

Sixth Judicial Circuit Pinellas Cir CT Administrative Order No. 2004-102 PI-CIR

2004-102 PI-CIR. ADULT DRUG COURT SECTION N

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT IN AND FOR PINELLAS COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO. 2004-102 PI-CIR

RE: ADULT **DRUG COURT** SECTION N

Section N of the circuit criminal division in Pinellas County was first created by Administrative Order 2000-02 PI-CIR as a regular criminal section in the criminal division.

Section N began operating as an adult **drug court** as contemplated by section 397.334, Florida Statutes, effective January 16, 2001.

In order to ratify and affirm the establishment of an adult **drug court** in the Circuit Court in Pinellas County and in order to clearly establish the parameters of adult **drug court**, it is:

ORDERED:

1. The purpose of **drug court** is to reduce recidivism by emphasizing treatment and rehabilitation as an alternative to incarceration, while also requiring offender accountability. The goal of **drug court** is to provide the defendant with the resources and skills necessary to overcome addiction so that the defendant may become a productive member of society.
2. Circuit criminal cases shall not be assigned on a random basis to section N. Cases shall be assigned to section N in accordance with this Administrative Order.
3. The State Attorney's Office identifies which cases are to be heard in **drug court**. The State Attorney's Office may use whatever procedures it deems appropriate to identify those cases to be heard in **drug court**. The cases may either be initially assigned by direct information to section N by the State Attorney's Office or be transferred from another criminal section to section N upon written notification by the State Attorney's Office to the Administrative Office of the Courts. Those cases assigned to the Pre-Trial Intervention program may also be heard in **drug court**.
4. If the defense attorney desires to have a case heard in **drug court**, he or she must make a request to transfer, which must be processed and approved by the State Attorney's Office.
5. The judge assigned to section N retains ultimate responsibility for approving a case as appropriate for **drug court**. While the State Attorney's Office makes the decision as to whether a case will be filed in or transferred to section N, the judge assigned to section N retains authority to decide that a case will not remain in section N. If the judge decides that a case will not remain in section N, the State Attorney's Office and the defense attorney shall be notified and the case shall be transferred back to the regular criminal section from which it was transferred. If a case has been initially assigned to section N, the case shall be randomly assigned to another criminal section.
6. A defendant may voluntarily elect not to have his or her case heard in **drug court**. Upon a defendant electing not to have his or her case heard in **drug court**, the case shall be transferred back to the regular criminal section from which it was transferred. If a case has been initially assigned to section N, the case shall be randomly assigned to another criminal section.

7. Each defendant has only one opportunity to have his or her case heard in **drug court**. If a defendant is charged with a new offense and has already had a prior case heard and resolved in **drug court**, the new case will be heard in a regular circuit felony division absent specific approval by the State Attorney's Office.
8. By agreeing to have his or her case heard in **drug court**, the defendant agrees that no depositions will be taken, trial dates scheduled, or substantive pre-trial motions heard. If a pre-trial motion must be heard, the case will be transferred back to the regular criminal section from which it was transferred. If a case has been initially assigned to section N, the case shall be randomly assigned to another criminal section.
9. As contemplated by 42 C.F.R. § 2.35, a defendant whose case has been assigned to **drug court** must voluntarily and truthfully provide information to aid the court at each step in the process. As a condition of having his or her case heard in **drug court**, the defendant must execute a written consent form with a waiver of confidentiality as to treatment as provided in 42 C.F.R. § 2.31, prior to disposition of the case. If the defendant refuses to execute the written consent, the case shall be transferred back to the regular criminal section from which it was transferred. If a case has been initially assigned to section N, the case shall be randomly assigned to another criminal section.
10. Before a plea is tendered or a defendant can be sentenced in **drug court**, the defendant must submit to an initial substance abuse evaluation. The evaluation should occur within 21 days of arraignment or within such other time as may be ordered by the court. The evaluation provides an overall assessment of the defendant's addiction and the resources needed to overcome that addiction. The provider who administers the evaluation must use objective standards and criteria and must be licensed by the Department of Children and Families. The written evaluation is the primary document consulted by the trial judge in fashioning an appropriate sentence.
11. Staff in the Administrative Office of the Courts facilitate the process by which a defendant is evaluated; coordinate the procedure by which the written evaluation is furnished to the state, defense counsel, and the trial judge; assist the court in managing its caseload; compile statistics; prepare the cases scheduled on the calendar; schedule initial appointments with treatment providers; and perform other case management functions for the courts as required.
12. The sanctions imposed in **drug court** are within the court's discretion and include but are not limited to outpatient treatment programs, non-secure residential treatment programs, and intensive, secure, long-term residential treatment programs. Treatment providers must be licensed by the Department of Children and Families for the type of treatment provided. Some providers are funded by Pinellas County and are selected through a request for proposal process. Other providers are funded and selected by the Department of Corrections. **Drug court** probation is the initial sanction typically imposed. As a condition of **drug court** probation, a defendant will typically be sentenced to the least intensive treatment program necessary for rehabilitation. Other conditions of probation may be ordered, such as random drug testing or obtaining a G.E.D.
13. The sanctions imposed for a violation of probation are within the trial judge's discretion. The trial judge may continue probation, may revoke probation and order a new term of probation, may impose a term of incarceration in either the county jail or Department of Corrections, as provided by the Criminal Punishment Code, or impose any other sanction authorized by law.
14. Every defendant sentenced in **drug court** must periodically return to court for a judicial review. The purpose of a judicial review is to assess the defendant's level of participation in treatment, monitor the overall success of treatment, and admonish or encourage the defendant in his or her attempt at rehabilitation. Prior to a judicial review, the judge may hold a case staffing with treatment providers, court staff, Department of Corrections personnel, assistant public defenders, assistant state attorneys, and others selected by the judge.
15. Subject to existing law, for defendants in the pretrial intervention track, successful completion and graduation from the program will result in having the charges dismissed. For defendants on the post-plea probationary track,

successful completion and graduation may result in the judge withholding adjudication of guilt or a reduced probationary period.

16. The trial judge will review a defendant's successful completion of the assigned treatment. The trial judge will make the ultimate decision as to whether a defendant may graduate from **drug court**.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this ___ day of December, 2004.

David A. Demers, Chief Judge

cc: All Pinellas Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Robert H. Dillinger, Public Defender
The Honorable Karleen F. DeBlaker, Clerk of Court, Pinellas County
The Honorable Ken Burke, Clerk-Elect, Pinellas County
Carol Heath, Director, Court Services Division, Pinellas County Clerk's Office
Gay Inskeep, Trial Courts Administrator
Michelle A. Bourrie, Chief Deputy Court Administrator
Dave Fynan, **Drug Court** Case Manager
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

SEVENTH JUDICIAL CIRCUIT (FLAGLER, PUTNAM, ST. JOHNS AND VOLUSIA COUNTIES)
--

**FLORIDA LOCAL RULES AND ADMINISTRATIVE ORDERS
SEVENTH JUDICIAL CIRCUIT (FLAGLER, PUTNAM, ST. JOHNS AND VOLUSIA COUNTIES)
ADMINISTRATIVE ORDERS
FAMILY/JUVENILE ORDERS
FM 2002-031 VL. CREATION OF VOLUSIA COUNTY JUVENILE DEPENDENCY DRUG TREATMENT DIVISION**

IN THE CIRCUIT COURT OF FLORIDA, SEVENTH JUDICIAL CIRCUIT IN AND FOR VOLUSIA COUNTY

REF: FM-2002-031--VL

RE: CREATION OF VOLUSIA COUNTY JUVENILE DEPENDENCY DRUG TREATMENT DIVISION

WHEREAS, the Volusia County Family **DRUG TREATMENT COURT** Task Force, convened pursuant to Administrative Order # R-2002-085, has recommended the establishment of a Juvenile Dependency Drug Treatment Division in the Seventh Judicial Circuit, Volusia County;

NOW THEREFORE, I, ROBERT K. ROUSE, JR., Chief Judge of the Seventh Judicial Circuit of Florida, hereby

21

order the establishment of the Volusia County Juvenile Dependency Drug Treatment Division to r such juvenile dependency matters involving drug-related issues as may be assigned.

IT IS FURTHER ORDERED that a Circuit Court Judge shall preside in the Volusia County Juvenile Dependency Drug Treatment Division and that the Volusia County Juvenile Dependency Drug Treatment Division shall be designated as Division 27 for assignment purposes. Upon receipt of appropriate orders of the Court, the Clerk of the Circuit Court, Volusia County, shall assign designated cases to Division 27, Juvenile Dependency Drug Treatment Division.

IT IS FURTHER ORDERED that in cases in which parties have been referred to the Juvenile Dependency Drug Treatment Division and elect not to participate in the program within 30 days of the referral, or are rejected from participating in the program due to failure to meet eligibility criteria, the Juvenile Dependency Drug Treatment Division Judge shall issue orders transferring the applicable cases back to the previously assigned division(s) for further consideration.

IT IS FURTHER ORDERED that the Volusia County Juvenile Dependency Drug Treatment Division shall commence on September 10, 2002.

TO BE RECORDED in Volusia County, Florida.

DONE AND ORDERED in Daytona Beach, Volusia County, Florida, this 10th day of September, 2002.

/s/R.K. ROUSE

ROBERT K. ROUSE, JR.
CHIEF JUDGE

Seventh Judicial Circuit FM 2002-031 VL, FL ST 7 J CIR FM 2002-031 VL

**FLORIDA LOCAL RULES AND ADMINISTRATIVE ORDERS
SEVENTH JUDICIAL CIRCUIT (FLAGLER, PUTNAM, ST. JOHNS AND VOLUSIA COUNTIES)
ADMINISTRATIVE ORDERS
FAMILY/JUVENILE ORDERS
FM 2002-029 VL. CREATION OF VOLUSIA COUNTY JUVENILE DELINQUENCY DRUG
TREATMENT COURT**

IN THE CIRCUIT COURT OF FLORIDA, SEVENTH JUDICIAL CIRCUIT IN AND FOR VOLUSIA COUNTY

REF: FM- 2002-029--VL

RE: CREATION OF VOLUSIA COUNTY JUVENILE DELINQUENCY DRUG TREATMENT COURT

WHEREAS, the Juvenile DRUG TREATMENT COURT Task Force, convened pursuant to Administrative Order O-98-161, recommended the establishment of a Juvenile Delinquency DRUG TREATMENT COURT in the Seventh Judicial Circuit, Volusia County;

NOW THEREFORE, I, ROBERT K. ROUSE, JR., Chief Judge of the Seventh Judicial Circuit of Florida, hereby

order the establishment of the Volusia County Juvenile Delinquency DRUG TREATMENT COURT to hear such juvenile delinquency matters involving drug-related offenses as may be assigned.

IT IS FURTHER ORDERED that a Circuit Court Judge shall preside in the Volusia County Juvenile Delinquency DRUG TREATMENT COURT and that the Volusia County Juvenile Delinquency DRUG TREATMENT COURT shall be designated as Division 06 for assignment purposes. Upon receipt of appropriate orders of the Court, the Clerk of the Circuit Court, Volusia County, shall assign designated cases to Division 06, Juvenile Delinquency DRUG TREATMENT COURT.

IT IF FURTHER ORDERED that in cases in which youth have been referred to the Juvenile Delinquency DRUG TREATMENT COURT and subsequently elect not to participate in the program, are rejected from participating in the program, or are otherwise removed from the program, the Juvenile DRUG TREATMENT COURT Judge shall issue orders transferring the applicable cases back to the previously assigned divisions for further consideration.

IT IS FURTHER ORDERED that youth participating in the Volusia County Juvenile Delinquency DRUG TREATMENT COURT Program shall be supervised by Florida Department of Juvenile Justice staff.

IT IS FURTHER ORDERED that the Volusia County Juvenile Delinquency DRUG TREATMENT COURT shall commence on October 2, 2000.

TO BE RECORDED in Volusia County, Florida.

DONE AND ORDERED in Daytona Beach, Volusia County, Florida, this 15th day of July, 2002.

/s/R.K. ROUSE

ROBERT K. ROUSE, JR.
CHIEF JUDGE

NINTH JUDICIAL CIRCUIT (ORANGE AND OSCEOLA COUNTY)

2005-01-01. AMENDED ORDER RE: DRUG TREATMENT COURT PROGRAM & ASSIGNMENT OF CASES IN CRIMINAL JUSTICE DIVISION FOR ORANGE COUNTY

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO. 2005-01-01

AMENDED ORDER RE: DRUG TREATMENT COURT PROGRAM & ASSIGNMENT OF CASES IN
CRIMINAL JUSTICE
DIVISION FOR ORANGE COUNTY

WHEREAS, effective January 3, 2006, the **DRUG TREATMENT COURT** Program in Orange County will be reassigned from Subdivision 11 to Subdivision 19 in the Criminal Justice Division of the Circuit Court; and

WHEREAS, the time in administering and hearing cases in Subdivision 19 will increase; and

WHEREAS, in anticipation of that increase, procedures are necessary to provide a balanced caseload within Subdivision 19, as well as among all subdivisions in the Criminal Justice Division of the Circuit Court;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit Court of Florida under Florida Rule of Judicial Administration 2.050, order the following, effective immediately:

1. Based on the case assignment allocation per each subdivision in the Criminal Justice Division, 75% of new cases allocated for Subdivision 19 shall be assigned by the Clerk of Court to Subdivision 19 and the remaining 25% of new cases allocated for Subdivision 19 shall be assigned by the Clerk of Court equally among the other subdivisions of the Criminal Justice Division.
2. Subdivision 11 shall begin receiving 100% of new cases allocated for Subdivision 11 plus the allocated portion of the remaining 25% of news cases allocated for Subdivision 19.

DONE AND ORDERED at Orlando, Florida, this 9th day of September, 2005.

/s/ Belvin Perry, Jr.

Belvin Perry, Jr.
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List

<http://www.ninja9.org>

Ninth Judicial Circuit Administrative Order No. 2005-01-01, FL ST 9 J CIR 2005-01-01

2005-01. ADMINISTRATIVE ORDER RE: DRUG TREATMENT COURT PROGRAM & ASSIGNMENT OF CASES IN CRIMINAL JUSTICE DIVISION FOR ORANGE COUNTY

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO. 2005-01

ADMINISTRATIVE ORDER RE: **DRUG TREATMENT COURT** PROGRAM & ASSIGNMENT OF CASES
IN CRIMINAL

JUSTICE DIVISION FOR ORANGE COUNTY

WHEREAS, due to the assignment of the DRUG TREATMENT COURT Program in Orange County to Subdivision 11 in the Criminal Justice Division of the Circuit Court, the time in administering and hearing cases in Subdivision 11 will increase; and

WHEREAS, procedures are necessary to provide a balanced caseload among all subdivisions in the Criminal Justice Division of the Circuit Court;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit Court of Florida under Florida Rule of Judicial Administration 2.050, order the following, effective nunc pro tunc to January 1, 2005:

Based on the case assignment allocation per each subdivision in the Criminal Justice Division, 75% of new cases allocated for Subdivision 11 shall be assigned by the Clerk of Court to Subdivision 11 and the remaining 25% of new cases allocated for Subdivision 11 shall be assigned by the Clerk of Court equally among the other nine subdivisions of the Criminal Justice Division.

DONE AND ORDERED at Orlando, Florida, this 18th day of January, 2005.

/s/ Belvin Perry, Jr.

Belvin Perry, Jr.
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Attorney's Office
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar Association
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar

2004_01. ADMINISTRATIVE ORDER GOVERNING Drug court FILES IN THE CUSTODY OF THE CLERK OF COURT

ADMINISTRATIVE ORDER NO. 2004_01

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE AND OSCEOLA COUNTIES, FLORIDA
ADMINISTRATIVE ORDER GOVERNING Drug court FILES IN THE CUSTODY OF THE CLERK OF COURT

WHEREAS, pursuant to section 948.16, Florida Statutes (2001), which established a pre-trial intervention program for persons charged with offenses involving controlled substances, and pursuant to section 397.334, Florida Statutes which provides for "Treatment based drug court programs," the Florida Legislature intended to implement treatment based drug court programs in each judicial circuit in an effort to reduce crime and recidivism, abuse and neglect cases, and family dysfunction by breaking the cycle of addiction which is the most predominant cause of cases entering the justice system; and

WHEREAS, the United States Congress originally passed 42 U.S.C. § 290dd_ 2., "Confidentiality of records," in 1970, and passed the most recent amendments in 1998. This statute and its implementing regulations, codified at 42 C.F.R. § 2.1, et seq., were designed to restrict the disclosure of confidential information, or "records," about patients of drug abuse treatment centers including information such as patient identities, diagnoses, treatment plans, and progress reports. In passing this confidentiality law, Congress intended "to shield the drug addict from public scrutiny while the addict seeks treatment." U.S. v. Johnston, 810 F.2d 841, 842 (8th Cir. 1987); and

WHEREAS, the purpose of these laws was to encourage persons to get help for addictions. Specifically, Congress wanted to avoid placing people who seek treatment in a worse position, privacy-wise, than people with substance abuse problems whose privacy remains intact simply because they do not seek help. See Mosier v. American Home Patient, Inc., 170 F. Supp. 2d 1211 (N.D. Fla. 2001). In Mosier, the Court stated that this privilege of confidentiality "is a strong one, not to be lightly set aside." Id. at 1214; and

WHEREAS, 42 C.F.R. § 2.1 et seq. and its regulations apply to any treatment_ based intervention program that receives federal assistance; and

WHEREAS, the state of Florida has a specific statute concerning confidentiality of records pertaining to substance abuse treatment, section 397.501(7)(a) of the Florida Statutes, which states that the records of service providers which pertain to the identity, diagnosis, and prognosis of and service provision to any individual client are confidential in accordance with this chapter and with applicable federal confidentiality regulations and are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; and

WHEREAS, the Ninth Judicial Circuit's drug court programs receive federal assistance and therefore both the federal and Florida confidentiality statutes and regulations apply to records of persons participating in the drug court programs in this Circuit; and

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 order the following effective immediately:

1. Pursuant to the federal confidentiality statutes and regulations, including 42 C.F.R. § 2.1 et seq. and section

397.501(7)(a) of the Florida Statutes, drug court files in the custody of the Clerk of Court are deemed to be nonpublic records.

2. The Clerk of Court for Orange County and the Clerk of Court for Osceola County shall not release drug court records without approval from the Court and pursuant to the limited exceptions as provided under the applicable federal confidentiality statutes and regulations including 42 C.F. R. § 2.1 et seq. and applicable laws of Florida.

DONE AND ORDERED at Orlando, Florida, this 27 th day of January, 2004.

/s/ Belvin Perry, Jr.

Belvin Perry, Jr.

Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Police Legal Advisor, Orlando Police Department
Orange County Attorney's Office
Osceola County Attorney
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar of Central Florida
Central Florida Association for Women Lawyers
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller

2003_04. ADMINISTRATIVE ORDER ESTABLISHING THE FELONY (NON_VOP) POST_PLEA Drug court PROGRAM IN ORANGE COUNTY

ADMINISTRATIVE ORDER NO. 2003_04

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY, FLORIDA

ADMINISTRATIVE ORDER ESTABLISHING THE FELONY (NON_VOP) POST_PLEA Drug court

27

PROGRAM IN ORANGE COUNTY

WHEREAS, pursuant to the success of the Drug court Program currently in effect in the Criminal Justice Division of the Ninth Judicial Circuit for eligible pre-plea felony drug cases and post plea felony violation of probation cases in Orange County, expansion of the Drug court Program to include additional eligible post plea felony cases will provide a substantial benefit to the criminal justice system and the community as a whole;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 order the following:

1. Effective March 1, 2003 the Drug court Program (hereinafter referred to as "Drug court") currently in effect in Orange County for eligible pre-plea felony drug cases per Administrative Order No. 2000_18_2 and for eligible post plea felony violation of probation cases per Administrative Order No. 2001_19 shall be expanded to provide for the inclusion of additional eligible post plea felony cases.

2. Eligible Offenses: Offenses eligible for inclusion in Drug court are the following:

- a. Possession of a controlled substance;
- b. Purchase of a controlled substance;
- c. Obtaining a controlled substance by fraud;
- d. Introduction of a controlled substance into a correctional facility;
- e. Theft related crimes;
- f. Dealing in stolen property;
- g. Burglary of a conveyance.

3. Eligible Defendants: Defendants who are eligible for inclusion in Drug court must be Orange County residents who have a serious alcohol or other drug problem and are nonviolent offenders;

4. Non_Eligible Defendants: Defendants who are not eligible for inclusion in Drug court are the following:

- a. Defendants who have been previously ejected from the pre-plea Drug court Program or the post plea violation of probation Drug court Program;
- b. Defendants who have prior violent felony conviction(s);
- c. Defendants who are currently on parole;
- d. Defendants who are currently on felony probation for an ineligible offense(s);
- e. Defendants who have career criminal status;
- f. Defendant whose score is mandatory prison;
- g. Defendants who have prior conviction(s) for trafficking in controlled substances;
- h. Defendants who have prior conviction(s) for the sale and delivery of controlled substances shall be reviewed on a case by case basis.

5. The procedure for placement of eligible defendants into Drug court is as follows:

a. The referral of a defendant into Drug court may be made by any of the criminal trial divisions with no plea taken, and may be made by defense counsel, the State Attorney's Office, the Court, the Drug court Coordinator's Office, Human Services Associates, Inc. (hereinafter referred to as "HSA"), the Pretrial Services Unit of the Orange County Department of Corrections, or other interested party. As part of the referral, the referring person/agency shall initiate the issuance of a Drug court Referral Form (hereinafter referred to as "Referral Form") and shall forward the Referral Form to the Drug court Coordinator's Office for screening and assessment. All necessary information regarding the defendant shall be provided on the Referral Form. Screening and assessment shall include a determination of eligibility of the offense, eligibility of the offense, and eligibility of criminal history.

b. If the Drug court Coordinator's Office approves the Referral Form, the Drug court Coordinator's Office

shall forward the Referral Form to HSA for assessment of suitability of the defendant for participation in Drug court. If approved by the Drug court Coordinator's Office and HSA, the Referral Form and treatment recommendation shall be forwarded to the State Attorney's Office. Upon receipt of the Referral Form, the State Attorney's Office shall determine whether or not the defendant is eligible, shall indicate this information on the Form, and shall forward the Form to the Clerk of Court's Office for placement on the Drug court arraignment docket. Prior to arraignment, the defendant shall enter treatment and shall begin random urinalysis testing. The defendant's progress as to the treatment and random urinalysis testing shall be reported to the Drug court Judge prior to the defendant being ordered into Drug court.

c. A copy of the completed Referral Form shall be forwarded by the Drug court Coordinator's Office, to the assigned trial judge, to defense counsel, and to the State Attorney's Office.

d. Upon receipt of a Referral Form indicating approval by HSA and the Drug court Coordinator's Office and determination of eligibility by the State Attorney's Office, the Administrative Judge for the Criminal Justice Division of Circuit Court shall enter an order transferring the case to Subdivision 10. The Subdivision 10 Judge shall schedule a hearing to advise the defendant of the defendant's eligibility for Drug court as well as other sentencing options. It is anticipated that this hearing shall be set as early as possible after receipt of the approved Referral Form. If the defendant elects to participate in Drug court, the defendant shall enter a plea admitting the offense and shall sign the Drug court Agreement. If the Subdivision 10 Judge agrees that Drug court is appropriate for the defendant, he/she shall sentence the defendant to a term of no less than two years of probation with a special condition of "the successful completion of Drug court according to the terms of the Drug court Agreement". All other standard and any other special conditions as needed shall be imposed. If the defendant elects not to participate in Drug court or if the Subdivision 10 Judge determines that the defendant is not appropriate for Drug court, then the case shall be returned to the original trial subdivision.

e. The defendant shall be supervised by the Florida Department of Corrections and case management shall be supplied by the Florida Department of Corrections and by HSA.

f. Should the defendant be ejected from Drug court as a result of a program violation, the Florida Department of Corrections shall initiate an affidavit of violation of probation and shall submit the affidavit to the Subdivision 10 Judge. Nothing herein shall prohibit the Florida Department of Corrections from filing a violation of probation for any failure of the defendant to comply with conditions of probation. If the Subdivision 10 Judge determines that there is a legal basis to do so, he/she shall issue a warrant for violation of probation. Upon arrest on the violation of probation warrant, the Subdivision 10 Judge shall resolve the violation of probation proceeding via a plea or hearing and impose a sentence if appropriate. The Court shall not reinstate or resentence the defendant to Drug court as part of the disposition of the violation of probation.

g. Should the defendant successfully complete Drug court and comply with all other special and standard conditions of probation (including restitution) the Court shall give due consideration to the early termination of probation.

6. The procedures in this Order are applicable specifically to eligible post_plea felony cases only and are in addition to the procedures in Administrative Order No. 2000_18_2 dated May 30, 2001 and Administrative Order No. 2001_19 dated November 15, 2001 which shall remain in effect.

DONE AND ORDERED at Orlando, Florida, this 6th day of February, 2003.

/s/ Belvin Perry, Jr.

Belvin Perry, Jr.

Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Police Legal Advisor, Orlando Police Department
Orange County Attorney's Office
Osceola County Attorney
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar of Central Florida
Central Florida Association for Women Lawyers
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections

Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller
Judicial Circuit Administrative Order No. 2001_19

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY,
FLORIDA**

ADMINISTRATIVE ORDER NO. 2001_19

**ADMINISTRATIVE ORDER ESTABLISHING THE FELONY POST_PLEA Drug court PROGRAM IN
ORANGE COUNTY**

WHEREAS, pursuant to the success of the Drug court Program currently in effect in the Criminal Justice Division of the Ninth Judicial Circuit for eligible pre-plea felony drug cases in Orange County, expansion of the Drug court Program to include eligible post plea felony violation of probation cases will provide a substantial benefit to the criminal justice system and the community as a whole;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 order the following:

1. Effective December 19, 2001 the Drug court Program (hereinafter referred to as "Drug court") currently in effect in Orange County for eligible pre-plea felony drug cases per Administrative Order No. 2000_18_2 shall be expanded to provide for the inclusion of eligible post plea felony violation of probation cases.

2. Eligible Offenses: Offenses eligible for inclusion in Drug court for which defendants were placed on probation for are the following:

- a. Possession of any drug;
- b. Purchase of any drug;
- c. Obtaining any drug by prescription fraud;
- d. Introduction of contraband into a correctional facility (incidental to booking).

3. Eligible Violation of Probation Cases: Violation of probation cases which are eligible for inclusion in Drug court are those cases where the defendant has violated any technical term of probation or has committed a new criminal offense as stated above in section 2 of this Order.

4. Non_Eligible Violation of Probation Cases: Violation of probation cases which are not eligible for inclusion in Drug court are the following:

- a. Cases where the defendant has violated probation by the commission of any criminal offense other than the offenses as stated above in section 2 of this Order;
- b. Cases where the sentencing guidelines mandate state prison sentences for the violation of probation or for the newly committed criminal offense;
- c. Cases where the minimum mandatory state prison sentences are mandated for the violation of probation or newly committed criminal offense.

5. Non_Eligible Defendants: Defendants who are not eligible for placement into Drug court are those defendants who have been previously ejected from the pre_ plea Drug court Program and defendants who have a criminal history of conviction or finding of guilt for violent felonies, sale and delivery of controlled substances and trafficking in controlled substances.

6. The procedure for placement of eligible defendants into Drug court is as follows:

- a. The Florida Department of Corrections Probation Officers shall indicate on the Violation of Probation Report that a defendant may be suitable for Drug court based on drug dependency.
- b. The Florida Department of Corrections Probation Officers shall forward copies of Violation of Probation Reports indicating suitability for Drug court to the Drug court Coordinator's Office for screening and assessment. Screening and assessment shall include a determination of eligibility of the offense, eligibility of the violation, and eligibility of criminal history. The issuance of a Violation of Probation Drug court Referral Form (hereinafter referred to as "Referral Form") shall be initiated by the Drug court Coordinator's Office. In addition, defense counsel, the State Attorney's Office, the Court, the Drug court Coordinator's Office, Human Services Associates, Inc. (hereinafter referred to as "HSA"), or other interested party may initiate the issuance of a Referral Form and shall forward the Referral Form to the Drug court Coordinator's Office for screening and assessment.
- c. If the Drug court Coordinator's Office approves the Referral Form, the Drug court Coordinator's Office shall forward the Referral Form to HSA for assessment of suitability of the defendant for participation in Drug court. If approved by the Drug court Coordinator's Office and HSA, the Referral Form shall be forwarded to the State Attorney's Office. Upon receipt of the Referral Form, the State Attorney's Office shall determine whether or not the defendant is eligible, shall indicate this information on the Form, and shall forward the Form to the Drug court Coordinator's Office.
- d. A copy of the completed Referral Form shall be forwarded by the Drug court Coordinator's Office, to the assigned trial judge, to defense counsel, and to the State Attorney's Office.
- e. Upon receipt of a Referral Form indicating approval by HSA and the Drug court Coordinator's Office and determination of eligibility by the State Attorney's Office, the Administrative Judge for the Criminal Justice Division of Circuit Court shall enter an order transferring the case to Subdivision 10. The Subdivision 10 Judge shall schedule a hearing to advise the defendant of the defendant's eligibility for Drug court as well as other sentencing options. It is anticipated that this hearing shall be set as early as possible after receipt of the approved Referral Form. If the defendant elects to participate in Drug court, the defendant shall enter a plea admitting the violation of probation and shall sign the Drug court

Agreement. If the Subdivision 10 Judge agrees that Drug court is appropriate for the defendant, he/she shall sentence the defendant to a term of no less than three years of probation with a special condition of "the successful completion of Drug court according to the terms of the Drug court Agreement". All other standard and special conditions shall be reimposed. If the defendant elects not to participate in Drug court, the Subdivision 10 Judge shall resolve the violation of probation (via a plea or hearing) and impose an appropriate sentence if a finding is made that a violation occurred.

f. The defendant shall be supervised by the Florida Department of Corrections and case management shall be supplied by the Florida Department of Corrections and by HSA.

g. Should the defendant be ejected from Drug court as a result of a program violation, the Florida Department of Corrections shall initiate an affidavit of violation of probation and shall submit the affidavit to the Subdivision 10 Judge. Nothing herein shall prohibit the Florida Department of Corrections from filing a violation of probation for any failure of the defendant to comply with conditions of probation. If the Subdivision 10 Judge determines that there is a legal basis to do so, he/she shall issue a warrant for violation of probation. Upon arrest on the violation of probation warrant, the Subdivision 10 Judge shall resolve the violation of probation proceeding via a plea or hearing and impose a sentence if appropriate. The Court shall not reinstate or resentence the defendant to Drug court as part of the disposition of the violation of probation.

h. Should the defendant successfully complete Drug court and comply with all other special and standard conditions of probation (including restitution) the Court shall give due consideration to the early termination of probation.

7. The procedures in this Order are applicable specifically to eligible post_ plea violation of probation felony cases only and are in addition to the procedures in Administrative Order No. 2000_18_2 dated May 30, 2001 which shall remain in effect.

DONE AND ORDERED at Orlando, Florida, this 15 th day of November, 2001.

/s/ Belvin Perry, Jr.
Belvin Perry, Jr.
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Attorney's Office
Osceola County Attorney
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar of Central Florida
Central Florida Association for Women Lawyers

Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office

Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY,
FLORIDA**

ADMINISTRATIVE ORDER NO. 2000_34

**2000_34. ADMINISTRATIVE ORDER RE: ASSIGNMENT OF CASES IN CRIMINAL JUSTICE
DIVISION_ORANGE COUNTY**

WHEREAS, due to the implementation of the Drug court Program in Orange County and its impact on the cases assigned to Subdivision 10 in the Criminal Justice Division of the Circuit Court, the time in administering and hearing cases in Subdivision 10 has increased dramatically; and

WHEREAS, procedures are necessary to provide a balanced caseload among the nine subdivisions in the Criminal Justice Division of the Circuit Court;

NOW, THEREFORE, I, Ted Coleman, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida, under Florida Rule of Judicial Administration 2.050, order the following effective, December 1, 2000.

Based upon the case assignment allocation per each Subdivision in the Criminal Justice Division, 75% of new cases allocated for Subdivision 10 shall be assigned by the Clerk of Court to Subdivision 10 and the remaining 25% of that Subdivision's allocated new cases shall be assigned by the Clerk of Court equally among the other eight Subdivisions in the Criminal Justice Division.

DONE AND ORDERED at Orlando, Florida, this 30th day of November, 2000.

/s/ Ted Coleman
Ted Coleman, Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Attorney's Office
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association Ninth Judicial Circuit Administrative Order No. 2000_18_2

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY,
FLORIDA**

ADMINISTRATIVE ORDER NO. 2000_18_2

**AMENDED ADMINISTRATIVE ORDER ESTABLISHING A Drug court PROGRAM IN ORANGE
COUNTY**

WHEREAS, section 948.08(6)(a), Florida Statutes and the inherent authority of the Ninth Judicial Circuit provide the authority to establish a Pretrial Substance Abuse Education and Intervention Program; and

WHEREAS, funding has been obtained to establish a program to provide drug treatment through a program to be known as "Drug court"; and

WHEREAS, the proper implementation of a Pretrial Substance Abuse Education and Intervention Program authorized by section 948.08(6)(a), Florida Statutes and the inherent authority of the Ninth Judicial Circuit, would provide a valuable alternative to prosecution in appropriate drug cases;

NOW, THEREFORE, I, Ted Coleman, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 hereby order the following:

1. A Pretrial Substance Abuse Education and Intervention Program hereinafter referred to as "Drug court" was approved in Orange County and began operating on August 11, 2000.
2. The Orange County Corrections Pretrial Services Unit shall conduct the initial screening of defendants at the Orange County jail upon arrest and shall refer those defendants who seem to qualify for Drug court to Human Services Associates, Inc. and/or the Drug court Case Coordinator. Defendants who are not screened at the Orange County jail, but who are referred by the Judges, defense counsel, or the State Attorney for screening as possible candidates for Drug court shall be referred to the Drug court Coordinator for screening. The Drug court Coordinator shall then refer qualified defendants to Human Services Associates, Inc. for a comprehensive substance abuse evaluation.
3. Human Services Associates, Inc. shall evaluate the referred defendants focusing on the eligibility requirement of section 948.08(6)(a), Florida Statutes and additional criteria established by Drug court. Human Services Associates, Inc. shall forward referrals of defendants to the Drug court Coordinator. The Drug court Coordinator shall then forward the referrals to the State Attorney's Office for review and final approval.
4. Upon review and final approval/disapproval of the referrals by the State Attorney's Office, the State Attorney's Office shall forward the original completed referral forms to the Clerk of Court for filing and copies of completed referral forms to defense counsel, Human Services Associates, Inc., and the Drug court Coordinator.
5. Upon receipt of the completed referral forms from the State Attorney's Office for approved defendants, the Drug court Coordinator shall refer the approved defendants to Human Services Associates, Inc. for continuing treatment, supervision and case management services.
6. Upon the State Attorney's filing of an Information and notification with the Clerk of Court of the defendant's inclusion in Drug court, the Clerk of Court shall assign or reassign those cases referred to Drug court to Subdivision 10 in the Circuit Court Criminal Division and shall schedule said cases for arraignment. Cases where the defendants have been rejected from participating in Drug court, or cases where the defendants have chosen to opt out of Drug court, shall be reassigned back to the subdivision where the case was originally assigned.
7. Human Services Associates, Inc. shall notify the Drug court Coordinator, State Attorney, and defense counsel of any violations of the conditions of the Order placing the defendant in Drug court. The notification shall also provide a recommendation as to whether the Court should remove the defendant from

- Drug court.**
8. Human Services Associates, Inc. shall advise the Court immediately should it become unable to provide the services as stated in this Administrative Order.
 9. In cases where the defendants have successfully completed the **Drug court** Program, the State Attorney shall file a nolle prosequi.
 10. All defendants participating in **Drug court** shall pay a fee of \$550.00 dollars to the **Drug court** Program. The Clerk of Court shall receive \$10.00 of this fee to help offset its costs involved with the Program.
 11. This Administrative Order is effective immediately and Administrative Order No. 2000_18_1 dated March 7, 2001 is vacated and set aside.

DONE AND ORDERED at Orlando, Florida, this 30th day of May, 2001.

/s/ Ted Coleman

Ted Coleman, Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Attorney's Office
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar Association
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller

2000_4_1. AMENDED ADMINISTRATIVE ORDER ESTABLISHING A Drug court PROGRAM IN OSCEOLA COUNTY

ADMINISTRATIVE ORDER NO. 2000_4_1

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR OSCEOLA COUNTY, FLORIDA

AMENDED ADMINISTRATIVE ORDER ESTABLISHING A **Drug court** PROGRAM IN OSCEOLA COUNTY

WHEREAS, the Florida Legislature enacted section 948.08(6)(a), Florida Statutes, which provides each judicial

35

circuit with the authority to establish a Pre_Adjudication and Post Adjudication Substance Abuse Education and Intervention Program; and

WHEREAS, funding has been obtained to establish a program to provide drug treatment through a program to be known as "Drug court"; and

WHEREAS, the proper implementation of a Pre_Adjudication and Post Adjudication Substance Abuse Education and Intervention Program authorized by section 948.08(6)(a), Florida Statutes, would provide a valuable alternative to prosecution in appropriate drug cases;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 hereby order the following effective immediately:

1. A Pre_Adjudication and Post Adjudication Substance Abuse Education and Intervention Program hereinafter referred to as "Drug court" is approved in Osceola County.
2. The Osceola County Jail and Pretrial Release shall conduct the initial screening of defendants upon arrest and shall refer those defendants who seem to qualify for Drug court to Human Services Associates, Inc.
3. Human Services Associates, Inc. shall screen the referred defendants focusing on the eligibility requirement of section 948.08(6)(a), Florida Statutes and additional criteria established by Drug court. Human Services Associates, Inc. shall forward referrals of defendants to the State Attorney's Office for review and approval and shall forward copies of referrals to defense counsel.
4. Upon receipt and review of the referrals from Human Services Associates, Inc., the State Attorney shall forward all approved cases to the Drug court Coordinator.
5. The Drug court Coordinator shall refer the approved defendants to the Florida Department of Corrections and to Human Services Associates, Inc. which shall process the defendants. Both the Florida Department of Corrections and Human Services Associates, Inc. shall provide case management services.
6. Human Services Associates, Inc. shall coordinate with the Clerk of Court to place the cases on the Drug court appearance docket. The Clerk of Court shall assign or reassign all cases referred to Drug court to Subdivision 10 in the Circuit Court Division.
7. Human Services Associates, Inc. shall notify the Drug court Coordinator, State Attorney, and defense counsel of any violations of the conditions of the Order placing the defendant in Drug court. The notification shall also provide a recommendation as to whether the Court should remove the defendant from Drug court.
8. Human Services Associates, Inc. shall advise the Court immediately should it become unable to provide the services as stated in this Administrative Order.
9. All defendants participating in Drug court shall pay a fee of \$1,510.00 to the Drug court Program for drug testing and treatment services. The Clerk of Court shall receive an initial service fee of \$10.00 to help offset its costs involved with the Program. All defendants exceeding the minimum term of the Drug court Program requirement shall pay \$125.00 per month until graduation or discharge from the Program.
10. Administrative Order No. 2000_4 dated March 8, 2000 is vacated and set aside.

DONE AND ORDERED at Orlando, Florida, this 12 th day of May, 2003.

/s/ Belvin Perry, Jr.
Belvin Perry, Jr.
Chief Judge

Copies to:
All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit

General Counsel, Orange County Sheriff's Office
Police Legal Advisor, Orlando Police Department
Orange County Attorney's Office
Osceola County Attorney
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association

Paul C. Perkins Bar Association
Hispanic Bar of Central Florida
Central Florida Association for Women Lawyers
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller

**2000_4. ADMINISTRATIVE ORDER ESTABLISHING A Drug court PROGRAM IN OSCEOLA COUNTY
IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR OSCEOLA COUNTY,
FLORIDA**

ADMINISTRATIVE ORDER NO. 2000_4

ADMINISTRATIVE ORDER ESTABLISHING A Drug court PROGRAM IN OSCEOLA COUNTY

WHEREAS, the Florida Legislature enacted section 948.08(6)(a), Florida Statutes, which provides each judicial circuit with the authority to establish a Pretrial Substance Abuse Education and Intervention Program; and

WHEREAS, funding has been obtained to establish a program to provide drug treatment through a program to be known as "Drug court"; and

WHEREAS, the proper implementation of a Pretrial Substance Abuse Education and Intervention Program authorized by section 948.08(6)(a), Florida Statutes, would provide a valuable alternative to prosecution in appropriate drug cases;

NOW, THEREFORE, I, Ted Coleman, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 hereby order the following:

1. A Pretrial Substance Abuse Education and Intervention Program hereinafter referred to as "Drug court" is approved in Osceola County and shall begin operating on March 10, 2000.
2. The Osceola County Jail and Pretrial Release shall conduct the initial screening of defendants upon arrest and shall refer those defendants who seem to qualify for Drug court to Human Services Associates, Inc.
3. Human Services Associates, Inc. shall screen the referred defendants focusing on the eligibility requirement of section 948.08(6)(a), Florida Statutes and additional criteria established by Drug court. Human Services Associates, Inc. shall forward referrals of defendants to the State Attorney's Office for review and approval

- and shall forward copies of referrals to defense counsel.
4. Upon receipt and review of the referrals from Human Services Associates, Inc., the State Attorney shall forward all approved cases to the **Drug court** Coordinator.
 5. The **Drug court** Coordinator shall refer the approved defendants to the Florida Department of Corrections and to Human Services Associates, Inc. which shall process the defendants. Both the Florida Department of Corrections and Human Services Associates, Inc. shall provide case management services.
 6. Human Services Associates, Inc. shall coordinate with the Clerk of Court to place the cases on the **Drug court** appearance docket. The Clerk of Court shall assign or reassign all cases referred to **Drug court** to Subdivision 10 in the Circuit Court Division.
 7. Human Services Associates, Inc. shall notify the **Drug court** Coordinator, State Attorney, and defense counsel of any violations of the conditions of the Order placing the defendant in **Drug court**. The notification shall also provide a recommendation as to whether the Court should remove the defendant from **Drug court**.
 8. Human Services Associates, Inc. shall advise the Court immediately should it become unable to provide the services as stated in this Administrative Order.
 9. All defendants participating in **Drug court** shall pay a fee of \$550.00 dollars to the **Drug court** Program. The Clerk of Court shall receive \$10.00 of this fee to help offset its costs involved with the Program.

DONE AND ORDERED at Orlando, Florida, this 8 th day of March, 2000.

/s/ Ted Coleman

Ted Coleman, Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar Association
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller
Administrative Order No. 2000_4

2004_01. ADMINISTRATIVE ORDER GOVERNING Drug court FILES IN THE CUSTODY OF THE

CLERK OF COURT

ADMINISTRATIVE ORDER NO. 2004_01

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE AND OSCEOLA COUNTIES, FLORIDA

ADMINISTRATIVE ORDER GOVERNING Drug court FILES IN THE CUSTODY OF THE CLERK OF COURT

WHEREAS, pursuant to section 948.16, Florida Statutes (2001), which established a pre-trial intervention program for persons charged with offenses involving controlled substances, and pursuant to section 397.334, Florida Statutes which provides for "Treatment based drug court programs," the Florida Legislature intended to implement treatment based drug court programs in each judicial circuit in an effort to reduce crime and recidivism, abuse and neglect cases, and family dysfunction by breaking the cycle of addiction which is the most predominant cause of cases entering the justice system; and

WHEREAS, the United States Congress originally passed 42 U.S.C. § 290dd_ 2., "Confidentiality of records," in 1970, and passed the most recent amendments in 1998. This statute and its implementing regulations, codified at 42 C.F.R. § 2.1, et seq., were designed to restrict the disclosure of confidential information, or "records," about patients of drug abuse treatment centers including information such as patient identities, diagnoses, treatment plans, and progress reports. In passing this confidentiality law, Congress intended "to shield the drug addict from public scrutiny while the addict seeks treatment." U.S. v. Johnston, 810 F.2d 841, 842 (8th Cir. 1987); and

WHEREAS, the purpose of these laws was to encourage persons to get help for addictions. Specifically, Congress wanted to avoid placing people who seek treatment in a worse position, privacy-wise, than people with substance abuse problems whose privacy remains intact simply because they do not seek help. See Mosier v. American Home Patient, Inc., 170 F. Supp. 2d 1211 (N.D. Fla. 2001). In Mosier, the Court stated that this privilege of confidentiality "is a strong one, not to be lightly set aside." Id. at 1214; and

WHEREAS, 42 C.F.R. § 2.1 et seq. and its regulations apply to any treatment_ based intervention program that receives federal assistance; and

WHEREAS, the state of Florida has a specific statute concerning confidentiality of records pertaining to substance abuse treatment, section 397.501(7)(a) of the Florida Statutes, which states that the records of service providers which pertain to the identity, diagnosis, and prognosis of and service provision to any individual client are confidential in accordance with this chapter and with applicable federal confidentiality regulations and are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; and

WHEREAS, the Ninth Judicial Circuit's drug court programs receive federal assistance and therefore both the federal and Florida confidentiality statutes and regulations apply to records of persons participating in the drug court programs in this Circuit; and

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 order the following effective immediately:

1. Pursuant to the federal confidentiality statutes and regulations, including 42 C.F.R. § 2.1 et seq. and section 397.501(7)(a) of the Florida Statutes, drug court files in the custody of the Clerk of Court are deemed to be nonpublic records.
2. The Clerk of Court for Orange County and the Clerk of Court for Osceola County shall not release drug court

records without approval from the Court and pursuant to the limited exceptions as provided under the applicable federal confidentiality statutes and regulations including 42 C.F. R. § 2.1 et seq. and applicable laws of Florida.

DONE AND ORDERED at Orlando, Florida, this 27 th day of January, 2004.

/s/ Belvin Perry, Jr.

Belvin Perry, Jr.

Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Police Legal Advisor, Orlando Police Department
Orange County Attorney's Office
Osceola County Attorney
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar of Central Florida
Central Florida Association for Women Lawyers
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller

Ninth Judicial Circuit Administrative Order No. 2003_04

2003_04. ADMINISTRATIVE ORDER ESTABLISHING THE FELONY (NON_VOP) POST_PLEA Drug court PROGRAM IN ORANGE COUNTY

ADMINISTRATIVE ORDER NO. 2003_04

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY, FLORIDA

ADMINISTRATIVE ORDER ESTABLISHING THE FELONY (NON_VOP) POST_PLEA Drug court

PROGRAM IN ORANGE COUNTY

WHEREAS, pursuant to the success of the Drug court Program currently in effect in the Criminal Justice Division of the Ninth Judicial Circuit for eligible pre-plea felony drug cases and post plea felony violation of probation cases in Orange County, expansion of the Drug court Program to include additional eligible post plea felony cases will provide a substantial benefit to the criminal justice system and the community as a whole;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 order the following:

1. Effective March 1, 2003 the Drug court Program (hereinafter referred to as "Drug court") currently in effect in Orange County for eligible pre-plea felony drug cases per Administrative Order No. 2000_18_2 and for eligible post plea felony violation of probation cases per Administrative Order No. 2001_19 shall be expanded to provide for the inclusion of additional eligible post plea felony cases.
2. Eligible Offenses: Offenses eligible for inclusion in Drug court are the following:
 - a. Possession of a controlled substance;
 - b. Purchase of a controlled substance;
 - c. Obtaining a controlled substance by fraud;
 - d. Introduction of a controlled substance into a correctional facility;
 - e. Theft related crimes;
 - f. Dealing in stolen property;
 - g. Burglary of a conveyance.
3. Eligible Defendants: Defendants who are eligible for inclusion in Drug court must be Orange County residents who have a serious alcohol or other drug problem and are nonviolent offenders;
4. Non_Eligible Defendants: Defendants who are not eligible for inclusion in Drug court are the following:
 - a. Defendants who have been previously ejected from the pre-plea Drug court Program or the post plea violation of probation Drug court Program;
 - b. Defendants who have prior violent felony conviction(s);
 - c. Defendants who are currently on parole;
 - d. Defendants who are currently on felony probation for an ineligible offense(s);
 - e. Defendants who have career criminal status;
 - f. Defendant whose score is mandatory prison;
 - g. Defendants who have prior conviction(s) for trafficking in controlled substances;
 - h. Defendants who have prior conviction(s) for the sale and delivery of controlled substances shall be reviewed on a case by case basis.
5. The procedure for placement of eligible defendants into Drug court is as follows:
 - a. The referral of a defendant into Drug court may be made by any of the criminal trial divisions with no plea taken, and may be made by defense counsel, the State Attorney's Office, the Court, the Drug court Coordinator's Office, Human Services Associates, Inc. (hereinafter referred to as "HSA"), the Pretrial Services Unit of the Orange County Department of Corrections, or other interested party. As part of the referral, the referring person/agency shall initiate the issuance of a Drug court Referral Form (hereinafter referred to as "Referral Form") and shall forward the Referral Form to the Drug court Coordinator's Office for screening and assessment. All necessary information regarding the defendant shall be provided on the Referral Form. Screening and assessment shall include a determination of eligibility of the offense, eligibility of the offense, and eligibility of criminal history.
 - b. If the Drug court Coordinator's Office approves the Referral Form, the Drug court Coordinator's Office

shall forward the Referral Form to HSA for assessment of suitability of the defendant for participation in Drug court. If approved by the Drug court Coordinator's Office and HSA, the Referral Form and treatment recommendation shall be forwarded to the State Attorney's Office. Upon receipt of the Referral Form, the State Attorney's Office shall determine whether or not the defendant is eligible, shall indicate this information on the Form, and shall forward the Form to the Clerk of Court's Office for placement on the Drug court arraignment docket. Prior to arraignment, the defendant shall enter treatment and shall begin random urinalysis testing. The defendant's progress as to the treatment and random urinalysis testing shall be reported to the Drug court Judge prior to the defendant being ordered into Drug court.

c. A copy of the completed Referral Form shall be forwarded by the Drug court Coordinator's Office, to the assigned trial judge, to defense counsel, and to the State Attorney's Office.

d. Upon receipt of a Referral Form indicating approval by HSA and the Drug court Coordinator's Office and determination of eligibility by the State Attorney's Office, the Administrative Judge for the Criminal Justice Division of Circuit Court shall enter an order transferring the case to Subdivision 10. The Subdivision 10 Judge shall schedule a hearing to advise the defendant of the defendant's eligibility for Drug court as well as other sentencing options. It is anticipated that this hearing shall be set as early as possible after receipt of the approved Referral Form. If the defendant elects to participate in Drug court, the defendant shall enter a plea admitting the offense and shall sign the Drug court Agreement. If the Subdivision 10 Judge agrees that Drug court is appropriate for the defendant, he/she shall sentence the defendant to a term of no less than two years of probation with a special condition of "the successful completion of Drug court according to the terms of the Drug court Agreement". All other standard and any other special conditions as needed shall be imposed. If the defendant elects not to participate in Drug court or if the Subdivision 10 Judge determines that the defendant is not appropriate for Drug court, then the case shall be returned to the original trial subdivision.

e. The defendant shall be supervised by the Florida Department of Corrections and case management shall be supplied by the Florida Department of Corrections and by HSA.

f. Should the defendant be ejected from Drug court as a result of a program violation, the Florida Department of Corrections shall initiate an affidavit of violation of probation and shall submit the affidavit to the Subdivision 10 Judge. Nothing herein shall prohibit the Florida Department of Corrections from filing a violation of probation for any failure of the defendant to comply with conditions of probation. If the Subdivision 10 Judge determines that there is a legal basis to do so, he/she shall issue a warrant for violation of probation. Upon arrest on the violation of probation warrant, the Subdivision 10 Judge shall resolve the violation of probation proceeding via a plea or hearing and impose a sentence if appropriate. The Court shall not reinstate or resentence the defendant to Drug court as part of the disposition of the violation of probation.

g. Should the defendant successfully complete Drug court and comply with all other special and standard conditions of probation (including restitution) the Court shall give due consideration to the early termination of probation.

6. The procedures in this Order are applicable specifically to eligible post_ plea felony cases only and are in addition to the procedures in Administrative Order No. 2000_18_2 dated May 30, 2001 and Administrative Order No. 2001_19 dated November 15, 2001 which shall remain in effect.

DONE AND ORDERED at Orlando, Florida, this 6th day of February, 2003.

/s/ Belvin Perry, Jr.

Belvin Perry, Jr.
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Police Legal Advisor, Orlando Police Department
Orange County Attorney's Office
Osceola County Attorney
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar of Central Florida
Central Florida Association for Women Lawyers
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections

Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller
Judicial Circuit Administrative Order No. 2001_19

**2001_19. ADMINISTRATIVE ORDER ESTABLISHING THE FELONY POST_PLEA Drug court
PROGRAM IN ORANGE COUNTY**

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY,
FLORIDA**

ADMINISTRATIVE ORDER NO. 2001_19

ADMINISTRATIVE ORDER ESTABLISHING THE FELONY POST_PLEA Drug court PROGRAM IN
ORANGE COUNTY

WHEREAS, pursuant to the success of the Drug court Program currently in effect in the Criminal Justice Division of the Ninth Judicial Circuit for eligible pre-plea felony drug cases in Orange County, expansion of the Drug court Program to include eligible post plea felony violation of probation cases will provide a substantial benefit to the criminal justice system and the community as a whole;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 order the following:

1. Effective December 19, 2001 the **Drug court** Program (hereinafter referred to as "**Drug court**") currently in effect in Orange County for eligible pre-plea felony drug cases per Administrative Order No. 2000_18_2 shall be expanded to provide for the inclusion of eligible post plea felony violation of probation cases.
2. Eligible Offenses: Offenses eligible for inclusion in **Drug court** for which defendants were placed on probation for are the following:
 - a. Possession of any drug;
 - b. Purchase of any drug;
 - c. Obtaining any drug by prescription fraud;
 - d. Introduction of contraband into a correctional facility (incidental to booking).
3. Eligible Violation of Probation Cases: Violation of probation cases which are eligible for inclusion in **Drug court** are those cases where the defendant has violated any technical term of probation or has committed a new criminal offense as stated above in section 2 of this Order.
4. Non_Eligible Violation of Probation Cases: Violation of probation cases which are not eligible for inclusion in **Drug court** are the following:
 - a. Cases where the defendant has violated probation by the commission of any criminal offense other than the offenses as stated above in section 2 of this Order;
 - b. Cases where the sentencing guidelines mandate state prison sentences for the violation of probation or for the newly committed criminal offense;
 - c. Cases where the minimum mandatory state prison sentences are mandated for the violation of probation or newly committed criminal offense.
5. Non_Eligible Defendants: Defendants who are not eligible for placement into **Drug court** are those defendants who have been previously ejected from the pre_ plea **Drug court** Program and defendants who have a criminal history of conviction or finding of guilt for violent felonies, sale and delivery of controlled substances and trafficking in controlled substances.
6. The procedure for placement of eligible defendants into **Drug court** is as follows:
 - a. The Florida Department of Corrections Probation Officers shall indicate on the Violation of Probation Report that a defendant may be suitable for **Drug court** based on drug dependency.
 - b. The Florida Department of Corrections Probation Officers shall forward copies of Violation of Probation Reports indicating suitability for **Drug court** to the **Drug court** Coordinator's Office for screening and assessment. Screening and assessment shall include a determination of eligibility of the offense, eligibility of the violation, and eligibility of criminal history. The issuance of a Violation of Probation **Drug court** Referral Form (hereinafter referred to as "Referral Form") shall be initiated by the **Drug court** Coordinator's Office. In addition, defense counsel, the State Attorney's Office, the Court, the **Drug court** Coordinator's Office, Human Services Associates, Inc. (hereinafter referred to as "HSA"), or other interested party may initiate the issuance of a Referral Form and shall forward the Referral Form to the **Drug court** Coordinator's Office for screening and assessment.
 - c. If the **Drug court** Coordinator's Office approves the Referral Form, the **Drug court** Coordinator's Office shall forward the Referral Form to HSA for assessment of suitability of the defendant for participation in **Drug court**. If approved by the **Drug court** Coordinator's Office and HSA, the Referral Form shall be forwarded to the State Attorney's Office. Upon receipt of the Referral Form, the State Attorney's Office shall determine whether or not the defendant is eligible, shall indicate this information on the Form, and shall forward the Form to the **Drug court** Coordinator's Office.
 - d. A copy of the completed Referral Form shall be forwarded by the **Drug court** Coordinator's Office, to the assigned trial judge, to defense counsel, and to the State Attorney's Office.
 - e. Upon receipt of a Referral Form indicating approval by HSA and the **Drug court** Coordinator's Office and determination of eligibility by the State Attorney's Office, the Administrative Judge for the Criminal

Justice Division of Circuit Court shall enter an order transferring the case to Subdivision 10. The Subdivision 10 Judge shall schedule a hearing to advise the defendant of the defendant's eligibility for Drug court as well as other sentencing options. It is anticipated that this hearing shall be set as early as possible after receipt of the approved Referral Form. If the defendant elects to participate in Drug court, the defendant shall enter a plea admitting the violation of probation and shall sign the Drug court Agreement. If the Subdivision 10 Judge agrees that Drug court is appropriate for the defendant, he/she shall sentence the defendant to a term of no less than three years of probation with a special condition of "the successful completion of Drug court according to the terms of the Drug court Agreement". All other standard and special conditions shall be reimposed. If the defendant elects not to participate in Drug court, the Subdivision 10 Judge shall resolve the violation of probation (via a plea or hearing) and impose an appropriate sentence if a finding is made that a violation occurred.

f. The defendant shall be supervised by the Florida Department of Corrections and case management shall be supplied by the Florida Department of Corrections and by HSA.

g. Should the defendant be ejected from Drug court as a result of a program violation, the Florida Department of Corrections shall initiate an affidavit of violation of probation and shall submit the affidavit to the Subdivision 10 Judge. Nothing herein shall prohibit the Florida Department of Corrections from filing a violation of probation for any failure of the defendant to comply with conditions of probation. If the Subdivision 10 Judge determines that there is a legal basis to do so, he/she shall issue a warrant for violation of probation. Upon arrest on the violation of probation warrant, the Subdivision 10 Judge shall resolve the violation of probation proceeding via a plea or hearing and impose a sentence if appropriate. The Court shall not reinstate or resentence the defendant to Drug court as part of the disposition of the violation of probation.

h. Should the defendant successfully complete Drug court and comply with all other special and standard conditions of probation (including restitution) the Court shall give due consideration to the early termination of probation.

7. The procedures in this Order are applicable specifically to eligible post_ plea violation of probation felony cases only and are in addition to the procedures in Administrative Order No. 2000_18_2 dated May 30, 2001 which shall remain in effect.

DONE AND ORDERED at Orlando, Florida, this 15 th day of November, 2001.

/s/ Belvin Perry, Jr.
Belvin Perry, Jr.
Chief Judge

Copies to:
All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Attorney's Office
Osceola County Attorney
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar of Central Florida
Central Florida Association for Women Lawyers

Clerk of Courts, Orange County
Orange County Law Library

Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller

2000_4_1. AMENDED ADMINISTRATIVE ORDER ESTABLISHING A Drug court PROGRAM IN OSCEOLA COUNTY

ADMINISTRATIVE ORDER NO. 2000_4_1

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR OSCEOLA COUNTY, FLORIDA

AMENDED ADMINISTRATIVE ORDER ESTABLISHING A Drug court PROGRAM IN OSCEOLA COUNTY

WHEREAS, the Florida Legislature enacted section 948.08(6)(a), Florida Statutes, which provides each judicial circuit with the authority to establish a Pre_Adjudication and Post Adjudication Substance Abuse Education and Intervention Program; and

WHEREAS, funding has been obtained to establish a program to provide drug treatment through a program to be known as "Drug court"; and

WHEREAS, the proper implementation of a Pre_Adjudication and Post Adjudication Substance Abuse Education and Intervention Program authorized by section 948.08(6)(a), Florida Statutes, would provide a valuable alternative to prosecution in appropriate drug cases;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 hereby order the following effective immediately:

1. A Pre_Adjudication and Post Adjudication Substance Abuse Education and Intervention Program hereinafter referred to as "Drug court" is approved in Osceola County.
2. The Osceola County Jail and Pretrial Release shall conduct the initial screening of defendants upon arrest and shall refer those defendants who seem to qualify for Drug court to Human Services Associates, Inc.
3. Human Services Associates, Inc. shall screen the referred defendants focusing on the eligibility requirement of section 948.08(6)(a), Florida Statutes and additional criteria established by Drug court. Human Services Associates, Inc. shall forward referrals of defendants to the State Attorney's Office for review and approval and shall forward copies of referrals to defense counsel.
4. Upon receipt and review of the referrals from Human Services Associates, Inc., the State Attorney shall forward all approved cases to the Drug court Coordinator.
5. The Drug court Coordinator shall refer the approved defendants to the Florida Department of Corrections and to Human Services Associates, Inc. which shall process the defendants. Both the Florida Department of Corrections and Human Services Associates, Inc. shall provide case management services.
6. Human Services Associates, Inc. shall coordinate with the Clerk of Court to place the cases on the Drug court appearance docket. The Clerk of Court shall assign or reassign all cases referred to Drug court to Subdivision 10 in

the Circuit Court Division.

7. Human Services Associates, Inc. shall notify the Drug court Coordinator, State Attorney, and defense counsel of any violations of the conditions of the Order placing the defendant in Drug court. The notification shall also provide a recommendation as to whether the Court should remove the defendant from Drug court.

8. Human Services Associates, Inc. shall advise the Court immediately should it become unable to provide the services as stated in this Administrative Order.

9. All defendants participating in Drug court shall pay a fee of \$1,510.00 to the Drug court Program for drug testing and treatment services. The Clerk of Court shall receive an initial service fee of \$10.00 to help offset its costs involved with the Program. All defendants exceeding the minimum term of the Drug court Program requirement shall pay \$125.00 per month until graduation or discharge from the Program.

10. Administrative Order No. 2000_4 dated March 8, 2000 is vacated and set aside.

DONE AND ORDERED at Orlando, Florida, this 12 th day of May, 2003.

/s/ Belvin Perry, Jr.
Belvin Perry, Jr.
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Police Legal Advisor, Orlando Police Department
Orange County Attorney's Office
Osceola County Attorney
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association

Paul C. Perkins Bar Association
Hispanic Bar of Central Florida
Central Florida Association for Women Lawyers
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller

ELEVENTH JUDICIAL CIRCUIT (MIAMI_DADE COUNTY)

**FLORIDA LOCAL RULES AND ADMINISTRATIVE ORDERS
ELEVENTH JUDICIAL CIRCUIT (MIAMI-DADE COUNTY)
ADMINISTRATIVE ORDERS**

05-08. EXPANSION OF JUVENILE DRUG TREATMENT COURT

THE ELEVENTH JUDICIAL CIRCUIT MIAMI-DADE COUNTY, FLORIDA

CASE NO. 05-1 (Court Administration)

ADMINISTRATIVE ORDER NO. 05-08

IN RE: EXPANSION OF JUVENILE DRUG TREATMENT COURT

WHEREAS, the Miami-Dade County Juvenile DRUG TREATMENT COURT of the Eleventh Judicial Circuit ("Juvenile DRUG TREATMENT COURT") was established as a mechanism to increase the participation of juveniles in community-based substance abuse intervention and treatment services, who were arrested and identified as having a substance abuse problem; and

WHEREAS, Juvenile DRUG TREATMENT COURT was founded on the premise that arrest and court involvement provides an ideal opportunity for the juvenile justice system and treatment providers to work together to intervene in adolescent delinquent and substance abusing behaviors; and

WHEREAS, the goal of the Juvenile DRUG TREATMENT COURT is to reduce juvenile recidivism rates by providing offenders with the tools and community support to assist them in curbing the substance abusing behavior that may be putting them at risk of delinquent behavior; and

WHEREAS, the Juvenile DRUG TREATMENT COURT is designed to be a multi-faceted collaborative effort between the Judiciary, the Office of the State Attorney, the Office of the Public Defender, the Administrative Office of the Courts, the Department of Children and Families, the Department of Juvenile Justice, Department of Human Services, Miami-Dade County Police Department, Miami-Dade County Public Schools, and community treatment providers; and

WHEREAS, the Juvenile DRUG TREATMENT COURT is intended to provide comprehensive assessment, referrals and linkages to community services, ongoing case management, family intervention, and consistent judicial monitoring of the offender's progress based on a structured reward and consequence system; and

WHEREAS, the Juvenile DRUG TREATMENT COURT is intended to serve Miami-Dade County residents, between the ages of 13 and 17, who have been arrested and identified as having a moderate to severe drug abuse problem; and

WHEREAS, pursuant to the success of the Juvenile DRUG TREATMENT COURT currently in effect in this Circuit for eligible post-adjudication drug cases in Miami-Dade County, expansion of the Juvenile DRUG TREATMENT COURT to include eligible pre-adjudication drug cases will provide a substantial benefit to the criminal justice system and the community as a whole in that it will reduce recidivism by emphasizing treatment and rehabilitation as an alternative to incarceration, while also requiring offender accountability;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.050 of the Florida Rules of Judicial Administration, it is hereby ORDERED that:

1. Effective January 1, 2006, the Juvenile DRUG TREATMENT COURT, currently in effect in the Eleventh Judicial Circuit for eligible post-adjudication drug cases will expand to provide for the inclusion of eligible pre-adjudication drug cases.

2. Eligible Offenses: Pursuant to Section 985.306, Fla. Stat. (1998), a juvenile who is charged by petition under Chapter 893, Fla. Stat., with a felony of the second or third degree for purchase or possession of a controlled substance, and who has not previously been adjudicated for a felony nor been admitted to a delinquency pretrial intervention program under Section 985.306(1)(a), Fla. Stat., is eligible for admission into a delinquency pretrial substance abuse program.

3. Non-eligible Offenses: Youth who have been charged with the following offenses will not be eligible:

- a. gun offenses (i.e., possession of a firearm);
- b. sale of drug offenses (i.e., intent to sell);
- c. violent offenses (i.e., aggravated assault; aggravated battery; assault charges (misdemeanor or felony); strong arm robbery (unless victim approval is given for misdemeanor and felony battery charges only);
- d. sexual battery offenses;
- e. those whose current offense is likely to merit commitment or direct file charges;
- f. those who live outside of Juvenile **DRUG TREATMENT COURT** boundaries;
- g. youths who are 18 years of age or older;
- h. youths with severe mental illness, retardation, or other severe disabilities that would likely result in the inability to successfully complete the **DRUG TREATMENT COURT** conditions; and
- i. youths who meet the criteria for long term residential services.

Additionally, if the State Attorney believes that the facts and circumstances of the case suggest the youth's involvement in the dealing and selling of controlled substances, the court shall hold a preliminary hearing. If the State Attorney establishes by a preponderance of the evidence at such hearing that the youth was involved in the dealing and selling of controlled substances, the youth is ineligible and the court shall deny the youth's admission into Juvenile **DRUG TREATMENT COURT**.

4. Placement Procedure: The procedure for placement of eligible defendants into Juvenile **DRUG TREATMENT COURT** is as follows:

- a. Referral: A referral can be made to Juvenile **DRUG TREATMENT COURT** by Judges, Assistant Public Defenders, Assistant State Attorneys, Juvenile Probation Officers, and others.
- b. Screening: Most of the Juvenile **DRUG TREATMENT COURT** participants are initially screened by the Juvenile Assessment Center ("JAC"). If the JAC, or other service provider, after testing the juvenile, determines that the juvenile has a substance abuse problem, the JAC will classify the juvenile as mild, moderate or severe drug abuser.
- c. Eligibility Determination: After a juvenile is found to be a drug abuser by the JAC or other service provider, then the staffing team consisting of members from the Administrative Office of the Courts, the Office of the Public Defender, the Office of the State Attorney, the Department of Juvenile Justice, Miami-Dade Public School System, and various treatment providers (collectively, "Staffing Team"), will meet once a week to screen new filings to determine Juvenile **DRUG TREATMENT COURT** eligibility.
- d. Acceptance: After a petition has been filed, but prior to adjudication and after the Staffing Team determines a juvenile is eligible to participate in Juvenile **DRUG TREATMENT COURT**, the Assistant Public Defender then meets with his/her client to discuss whether or not the juvenile wishes to participate in Juvenile **DRUG TREATMENT COURT**. If the juvenile wishes to participate, the case is referred to the Juvenile **DRUG TREATMENT COURT** Judge for acceptance into the Juvenile **DRUG TREATMENT COURT**.
5. Once the juvenile is accepted into Juvenile **DRUG TREATMENT COURT**, the juvenile is monitored by the Staffing Team on a weekly basis. If the Staffing Team determines that Juvenile **DRUG TREATMENT COURT** is no longer a viable option for the juvenile or the juvenile drops out of Juvenile **DRUG TREATMENT COURT**, the Juvenile **DRUG TREATMENT COURT** Judge will refer the case back to the original delinquency division.
6. As provided in Section 985.306 (1)(b)(2), Fla. Stat., the court shall determine, by written finding, whether the youth has successfully completed the delinquency pretrial intervention program and may dismiss the charges upon finding that the youth has successfully completed the delinquency pretrial intervention program.

This Order shall take effect as of January 1, 2006 and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this ___ day
of _____, 2005.

JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

ADMINISTRATIVE ORDERS
98_23. CRITERIA FOR SPECIAL ASSIGNMENT OF HART PROGRAM CASES TO THE CRIMINAL
DIVISION OF THE CIRCUIT COURT

THE ELEVENTH JUDICIAL CIRCUIT, DADE COUNTY, FLORIDA

CASE NO. 98_1 (Court Administration)

ADMINISTRATIVE ORDER NO. 98_23

IN RE: CRITERIA FOR SPECIAL ASSIGNMENT OF HART PROGRAM CASES TO THE CRIMINAL
DIVISION OF THE CIRCUIT COURT

WHEREAS, Miami-Dade County and the Eleventh Judicial Circuit it has instituted a Homeless Assessment, Referral and Tracking ("HART") Program whereby homeless defendants who meet the guidelines for the Program may be eligible for pre_ trial release;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, I hereby establish procedures for assigning cases involving certain homeless defendants to a special calendar of Section CF_51 within the Criminal Division of the Circuit Court:

1. Notwithstanding the eligibility criteria for the assignment of cases to Section CF_51 (**Drug court**), cases involving homeless defendants charged with one or more felony offenses, or a misdemeanor offense originally charged as a felony [FN1], and who could be eligible for pretrial release but for their homeless status, may be transferred by the Clerk, pursuant to court order or upon the recommendation of Miami-Dade County's Homeless Assessment, Referral and Tracking Program (HART) or Miami-Dade County's Pretrial Release Services Program (PTS) to a special calendar of Section CF_51 for determination of eligibility for HART and pretrial release.
2. Each defendant transferred hereunder to the special calendar of Section CF_ 51 and who is subsequently declared eligible for HART and pretrial release may be released to HART, provided such defendant has consented to such release. If the Judge assigned to Section CF 51 determines, after hearing objections, if any, from the State Attorney and defense counsel, that pretrial release is proper, the Judge may then enter a Pretrial Release Order with HART as a special condition.
3. Once HART accepts a defendant into its program, HART shall be responsible for assessment and addressing of defendant's medical and/or social needs, and for monitoring and tracking defendant's progress in the program. HART shall also be responsible for acceptance of notice of all subsequent court hearings and for defendant's transportation to court. HART shall assure defendant's attendance at all scheduled court hearings.

4. Those defendants accepted into HART who also meet the eligibility requirements for Drug court/Section CF_51 may remain in Section CF_51 for participation in the drug diversion program.
5. Cases involving defendants transferred to special calendar of Section CF_ 51, pursuant to the terms hereof and who do not qualify for HART or pretrial release or who are not accepted by HART for some reason, as well as cases involving defendants duly enrolled in HART but who have been scheduled for arraignment, shall be transferred by the Clerk's Office from Section CF_51 to the appropriate Section to whom the case was originally blind filed for arraignment and all subsequent judicial proceedings.
6. Cases involving homeless defendants charged with one or more felony offenses or "felony bind down to county court" offenses and who could be eligible for pretrial release, but who were not originally transferred to the special CF_51 calendar, may be calendared before the division trial judge to request a referral to the HART Program for an evaluation. The case should be set for "Report Re: HART" in two or three days, if the referral is granted.
7. Trial judges, Assistant State Attorneys and defense attorneys shall now have the option to request "HART supervision" as a special condition of probation, if the case has been accepted by HART prior to the arraignment and the defendant consents to all of the HART conditions and rules as part of the plea agreement. If a defendant meets the criteria for HART and pretrial services but was not referred to HART prior to the arraignment, a referral to HART may be made at the arraignment to determine if "HART supervision" as a special condition of probation is appropriate. Once accepted by HART, the defendant shall not be released from jail until bed space in the HART selected program has become available. The case shall be set, on calendar, "Report Re: HART" until bed space has become available and HART will transport the defendant to the program. The special condition of probation must read "successful completion of the HART supervision," not the name of the residential placement program.
8. Once HART accepts a defendant as a special condition of probation, HART shall be responsible for assessment and addressing of defendant's medical and/or social needs, and for monitoring and tracking defendant's progress in the program and reporting this information to the probation officer. HART shall also be responsible for acceptance of notice of all subsequent court hearings and for defendant's transportation to court and to the probation office, if needed. HART shall assume responsibility for defendant's attendance at all scheduled court hearings and probation office meetings, if needed. A HART representative shall be available to testify, pursuant to a subpoena, at any probation violation hearing or any related deposition.
9. When facts become known to HART employees or agents which reasonably indicate that the pre-trial Defendant has violated one of the agreed terms and conditions of pre-trial release, a representative of HART shall contact the appropriate court division to place the possible program violation matter on the court calendar for a hearing, within 24 hours, to advise the court of such facts and, if the court finds that a violation has occurred, to request an order revoking or modifying the defendant's HART release and/or to issue an arrest warrant for the defendant. Once the defendant has been taken into custody on the arrest warrant, the defendant shall be brought before the appropriate court division within 24 hours.
10. When facts become known to HART employees or agents which reasonable indicate that the probationary Defendant has violated one of the agreed terms and conditions of probation, a representative of HART shall inform the Defendant's probation officer of the alleged violation, within 24 hours. The probation officer shall verify the violation information within 24 hours and shall then prepare an arrest warrant for a circuit court judge to sign and issue if the court finds that a probation violation has occurred. Once the Defendant has been taken into custody on the arrest warrant for violation of probation, the Defendant shall be brought before the appropriate Court division within 24 hours after the initial first appearance hearing.
11. Procedures previously established for HART Program cases which are not in conflict with the terms of this Order shall continue to be in effect.
12. This Administrative Order supersedes those portions of Administrative Order No. 97_15 that relate to the HART Program. The provisions of Administrative Order No. 82_24, filed in Case No. 82_1 (Court Administration), and Administrative Order No. 94_23, filed in Case No. 94_1 (Court Administration), regarding the initial assignment of cases in the Criminal Division are hereby suspended for those cases where the defendant meets the HART Program criteria. All other provisions of said Orders governing

transfer and reassignment of cases and those Orders relating to the operation of Section CF_51 shall remain in full force and effect.

The Order shall take effect on Monday, October 26, 1998.

DONE AND ORDERED, in Chambers at Miami, Miami-Dade County, Florida, this 23rd day of October-, 1998.

JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

**97_16. RELEASE OF SECTION CF 51 ELIGIBLE DEFENDANTS BY THE METROPOLITAN DADE
COUNTY PRE_TRIAL SERVICES PROGRAM**

THE ELEVENTH JUDICIAL CIRCUIT DADE COUNTY, FLORIDA

CASE NO. 97_1 (Court Administration)

ADMINISTRATIVE ORDER NO. 97_16

**IN RE: RELEASE OF SECTION CF 51 ELIGIBLE DEFENDANTS BY THE METROPOLITAN DADE
COUNTY PRE_TRIAL SERVICES PROGRAM**

WHEREAS, Section CF 51 ("Drug court") of the Circuit Court Criminal Division is designed to effectively and efficiently hear and offer drug treatment and supervision to all eligible defendants;

WHEREAS, the Drug court in this Circuit has recently been recognized by the Supreme Court by a Commendation from the Chief Justice and has continually received national recognition;

WHEREAS, this Circuit, with the assistance of the Office of the Public Defender, the Office of the State Attorney, the Office of the Clerk of the Court, and the Metropolitan Dade County Pretrial Services, has recently re_examined and reevaluated the Drug court in order to enhance the Drug court as well as to enhance the efficient administration of justice. This re_evaluation has led to the revisions set forth herein; and

WHEREAS, revised procedures have been identified which will further enhance and facilitate the process by which eligible defendants will be admitted to Section CF 51;

NOW, THEREFORE, I, JOSEPH P. FARINA, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, do hereby order that the Metropolitan Dade County Pre-trial Services (PTS) Program shall release defendants arrested during the period 3:00 p.m. Fridays through noon on Sundays and on legal holidays and who are eligible for Section CF 51 on the condition that said defendants promise to report to Section CF 51 at its next scheduled session. If the defendant fails to appear before Section CF 51 at the next scheduled session, an appropriate notice will be issued to the defendant by the Section CF 51 presiding judge who shall issue an alias capias if such notice is not responded to by the defendant, provided an information has been filed.

I further hereby order that the PTS Program shall release defendants who are booked and identified as Section CF 51 eligible defendants during the period 2:00 a.m. through 11:00 a.m. on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays (excluding legal holidays) on the condition that said defendants promise to report to Section CF 51 at its

52

next scheduled session. If the defendant fails to appear before Section CF 51 at the next scheduled session, an appropriate notice will be issued to the defendant by the Section CF 51 presiding judge who shall issue an alias capias if such notice is not responded to by the defendant, provided an information has been filed.

In addition, in all cases where the PTS Program has made a determination that a defendant is Section CF 51 eligible and has communicated said determination, in writing, to the Clerk of the Court, the Clerk is hereby authorized and directed, notwithstanding existing Administrative Orders related to blind filing, to change the assigned blind filed section to Section CF 51.

Nothing herein is intended to affect the court's prerogative to determine the terms and conditions of pre-trial release in accordance with the criteria set forth in '921.046, Fla. Stat., and Fla.R.Crim.P. 3.131(b). Further, the terms of this Order are neither intended to alter in any way the application of minimum criteria and parameters for eligibility for acceptance of persons into the Metropolitan Dade County program for non_financial custody release nor to restrict in any way the application of other criteria established by the Pre_trial Release Program. Administrative Order No. 95_24, filed in Case No. 95_1 (Court Administration), is hereby rescinded and held for naught.

This order shall become effective on August 25, 1997.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this ___ day of August, 1997.

JOSEPH P. FARINA, CHIEF JUDGE, ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

**97_15. CRITERIA FOR ASSIGNMENT OF CASES TO SECTION CF 51 OF THE CRIMINAL DIVISION
OF THE CIRCUIT COURT**

THE ELEVENTH JUDICIAL CIRCUIT DADE COUNTY, FLORIDA

CASE NO. 97_1 (Court Administration)

ADMINISTRATIVE ORDER NO. 97_15

**IN RE: CRITERIA FOR ASSIGNMENT OF CASES TO SECTION CF 51 OF THE CRIMINAL DIVISION
OF THE CIRCUIT COURT.**

WHEREAS, Section CF 51 ("Drug court") of the CRIMINAL DIVISION of the CIRCUIT COURT was designed to effectively offer drug treatment and supervision to eligible defendants;

WHEREAS, the Drug court in this Circuit has recently been recognized by the Supreme Court of Florida by a Commendation from the Chief Justice and has continually received national recognition;

WHEREAS, this Circuit, with the assistance of the Office of the Public Defender, the Office of the State Attorney, the Office of the Clerk of the Court, and Metropolitan Dade County Pre_Trial Services, has recently re_examined and reevaluated the Drug court in order to enhance the Drug court as well as to enhance the efficient administration of justice. This re_evaluation has led to the revisions set forth herein; and

WHEREAS, with the approval of the above agencies, new criteria has been established to determine whether cases involving defendants charged with possession and/or purchase of a controlled substance may be eligible for

assignment to CF 51.

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, I hereby establish Section CF 51 to hear only those criminal cases involving defendants who meet the criteria outlined in "Attachment A", the terms of which are expressly incorporated herein by this reference, and the guidelines set forth below.

For purposes of assignment to Section CF 51, cases disposed of by a withhold of adjudication shall be considered convictions.

As a condition of a defendant's case being accepted into Section CF 51, the defendant shall consent to the release to the Court of information pertaining to the defendant's treatment and supervision. The defendant shall also execute a written consent form provided by the Court.

Defendants who are sentenced in accordance with statutory sentencing guidelines (Chapter 921 [FN1], Fla. Stat., and Rule 3.702, Florida Rules of Criminal Procedure), to successfully complete drug treatment and supervision available through Section CF 51 as a special condition of probation, may be transferred to Section CF 51 only if they satisfy the criteria outlined in "Attachment A" hereto. In these transfer cases, upon filing of a violation of probation affidavit involving a new substantive charge, the case may be referred to the original sentencing judge.

Criminal cases involving defendants who meet the eligibility criteria for Section CF 51, as set forth in "Attachment A", shall continue to be calendared by the Clerk in a different manner than criminal cases involving defendants sentenced to successfully complete treatment and supervision and shall continue to be transferred to Section CF 51 as a special condition of probation. Defendants who are assigned or transferred to Section CF 51 to receive treatment and/or supervision on the effective date of the Order shall remain in Section CF 51 until such treatment and/or supervision is completed.

HART PROGRAM WITHIN SECTION CF 51

Notwithstanding the eligibility criteria set forth in "Attachment A", cases involving homeless defendants charged with one or more nonviolent felony offenses and who would be eligible for pretrial release but for their homeless status, may be transferred by the Clerk, pursuant to court order or upon the recommendation of Metropolitan Dade County's Homeless Assessment, Referral and Tracking Program (HART) or Metropolitan Dade County's Pretrial Release Services Program (PTS) to a special calendar of Section CF 51 for determination of eligibility for HART and pretrial release.

Each defendant transferred hereunder to the special calendar of Section CF 51 and who is subsequently declared eligible for HART and pretrial release may be released to HART, provided such defendant has consented to such release. If the Judge assigned to Section CF 51 determines, after hearing objections, if any, from the State Attorney and defense counsel, that pretrial release is proper, the Judge may then enter a Pretrial Release Order with HART as a special condition.

Once HART accepts a defendant into its program, HART shall be responsible for assessment and addressing of defendant's medical and/or social needs, and for monitoring and tracking defendant's progress in the program. HART shall also be responsible for acceptance of notice of all subsequent court hearings and for defendant's transportation to court. HART shall assure defendant's attendance at all scheduled court hearings. Those defendants accepted into HART who also meet the eligibility requirements for Drug court/Section CF 51 may remain in Section CF 51 for participation in the drug diversion program. Cases involving defendants transferred to special calendar of Section CF 51, pursuant to the terms hereof and who do not qualify for HART or pretrial release or who are not accepted by HART for some reason, as well as cases involving defendants duly enrolled in HART but who have been scheduled for arraignment, shall be transferred by the Clerk's Office from Section CF 51 to the appropriate Section to whom the case was originally blind filed for arraignment and all subsequent judicial proceedings.

Procedures previously established for HART Program cases shall continue to be in effect.

Administrative Order No. 95_14 and amendments, filed in Case No. 95_1 (Court Administration) are hereby rescinded and held for naught.

The provisions of Administrative Order No. 82_24, filed in Case No. 82_1 (Court Administration), and Administrative Order No. 94_23, filed in Case No. 94_1 (Court Administration), regarding the initial assignment of cases in the Criminal Division are hereby suspended only in those cases where the defendant meets the eligibility criteria for Section CF 51, as set forth in "Attachment A" herein and in those cases where the defendant meets the HART Program criteria. All other provisions of said Orders governing transfer and reassignment of cases shall remain in full force and effect.

The Order shall take effect on August 25, 1997.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this ___ day of August, 1997.

JOSEPH P. FARINA, CHIEF JUDGE, ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

ATTACHMENT A

Drug court CRITERIA

Cases ELIGIBLE for Section CF 51:

1. Possession and/or Purchase of a Controlled Substance (Marijuana excluded)
 - A. With no prior felony conviction (for ultimate nol pros); or
 - B. With no more than (2) two prior non_forcible felony (as defined in § 776.08, Fla. Stat.) convictions (see 2(A) below); or
 - C. Accompanied by a misdemeanor charge.
2. Those defendants who are
 - A. Admitted to Section CF 51 with prior felony
 - B. Who have received and completed prior treatment through section CF 51 or another approved treatment program (e.g., probation and outpatient substance abuse treatment, may receive a withhold of adjudication upon completion; however their cases will not be nol prossed.

CASES NOT ELIGIBLE FOR SECTION CF 51 (**Drug court**):

1. Where the defendant's prior record contains any conviction for a forcible felony, as defined in § 776.08 (unless the burglary is part of a grand theft vehicle charge) or (1) one or more Trafficking, as defined in § 893.135, Fla. Stat., convictions;
 2. Where the defendant is charged with Sale/Delivery of Controlled Substance;
 3. Where the defendant is charged with Possession of a Controlled Substance with the Intent to Sell or Deliver.

**94_4. AUTHORIZATION OF USE OF ELECTRONIC REPORTING OF CERTAIN PROCEEDINGS OF
Drug court**

THE ELEVENTH JUDICIAL CIRCUIT DADE COUNTY, FLORIDA

CASE NO. 94_1 (Court Administration)

ADMINISTRATIVE ORDER NO. 94_4

**IN RE: AUTHORIZATION OF USE OF ELECTRONIC REPORTING OF CERTAIN PROCEEDINGS OF
Drug court**

WHEREAS, the concept of treating nonviolent offenders who are drug involved through a Drug court diversion program in order to reduce addition and crime is strongly supported by the Eleventh Judicial Circuit;

WHEREAS, in order to be effective, treatment through a Drug court diversion program requires close, direct supervision by the Drug court Judge;

WHEREAS, to assure close, direct supervision by the Drug court Judge and to alleviate the necessity of transporting Drug court clients from a residential facility to the courthouse for non_adversarial status conferences, the Judge of the Drug court now schedules these conferences at the Turner Guilford Knight (TKG) Correctional Center;

WHEREAS, Rule 2.070(a), Florida Rules of Judicial Administration, requires that all criminal proceedings shall be reported, and it is sometimes inconvenient to require a court reporter to attend these conferences scheduled at the TKG facility;

THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, and pursuant to Rule 2.070(c) of the Florida Rules of Judicial Administration, it is deemed both appropriate and necessary that the non_adversarial conferences above referenced may be electronically reported. It is therefore

ORDERED AND ADJUDGED as follows:

1. At the discretion of the Drug court Judge, non_adversarial proceedings held at the TKG Correctional Facility for Drug court clients may be electronically reported in lieu of stenographic reporting by a court reporter.
2. The Judge presiding over the proceeding, or a person designated by the judge, shall be responsible to ensure that a reliable record of the proceedings are produced.
3. The electronically produced tape or cassette shall be appropriately designated, identified, and authenticated, and shall be deposited with the Clerk of the Court who shall maintain the custody thereof.
4. Notwithstanding the provision of this Order, any interested party may employ at his or here own expense and have in attendance a court reporter to stenographically record and report the proceedings to supplement the electronic reporting.

This Administrative Order shall become effective upon signing.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this 26th day of January, 1994.

LEONARD RIVKIND, CHIEF JUDGE, ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

94_3. CHANGE OF VENUE FOR Drug court CRIMINAL CASES

THE ELEVENTH JUDICIAL CIRCUIT DADE COUNTY, FLORIDA

CASE NO. 94_1 (Court Administration)

IN RE: CHANGE OF VENUE FOR Drug court CRIMINAL CASES

WHEREAS, the Legislature has given authority to the Court and criminal justice authorities to refer substance abuse impaired offenders to service providers for assessment and treatment. Fla. Stat. 397.705, as created by Ch. 93_39, Laws of Florida, and Fla. Stat. 948.08(6);

WHEREAS, the concept of treating nonviolent offenders who are drug involved through a Drug court diversion program in order to reduce addiction and crime is strongly supported by the Eleventh and Seventeenth Circuits (Dade and Broward Counties);

WHEREAS, in some instances Broward County residents are arrested in Dade County;

WHEREAS, in order to be effective, treatment through a Drug court diversion program requires close, direct supervision by the Drug court Judge; and the manageability of the offender has been found to be much better accommodated by locating treatment in the circuit where the offender resides; and

WHEREAS, the Circuit Courts of Broward and Dade County have agreed to accept venue of these cases when they involve residents of their circuit who have been arrested in the neighboring circuit;

NOW, THEREFORE, I, LEONARD RIVKIND, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, it is hereby

ORDERED AND ADJUDGED:

1. That Drug court Judges of the Eleventh Judicial Circuit may, with the consent of the State Attorney and the defendant, pursuant to Fla. Stat. 910.03, order a change of venue for Drug court clients who are Broward County residents, if such a change is in the best interest of community safety and substance abuse rehabilitation.
2. That Drug court Judges of the Eleventh Judicial Circuit may hear and determine cases originating in Broward County, involving clients who are residents of Dade County, and which are accepted into the Drug court diversion program in Broward County, where a change in venue to the Eleventh Judicial Circuit has been properly effected.

This Order shall remain in effect until further Order of this Court.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this 26th day of January, 1994.

LEONARD RIVKIND, CHIEF JUDGE, ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

THIRTEENTH JUDICIAL CIRCUIT (HILLSBOROUGH COUNTY)
--

**FLORIDA LOCAL RULES AND ADMINISTRATIVE ORDERS
THIRTEENTH JUDICIAL CIRCUIT (HILLSBOROUGH COUNTY)
ADMINISTRATIVE ORDERS
S-2005-188. JUVENILE DELINQUENCY PROCEDURES**

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT FOR HILLSBOROUGH COUNTY, FLORIDA

ADMINISTRATIVE ORDER S-2005-188

(Supersedes Administrative Order S-2002-108)

JUVENILE DELINQUENCY PROCEDURES

WHEREAS it is necessary for the proper and efficient administration of justice to update the uniform procedures established for the Juvenile Delinquency Division; it is therefore:

ORDERED:

1. DIVISIONS

There are three designated divisions in the Juvenile Delinquency Division: Divisions "A," "B," and "F." There is also a division designated as Juvenile DRUG TREATMENT COURT Division "E" and another division designated as Unified Family Court Division "G." This administrative order does not govern the procedures in Juvenile DRUG TREATMENT COURT Division "E." This administrative order only governs the procedures in Unified Family Court Division "G" to the extent delinquency matters are handled in this division.

2. ASSIGNMENT OF CASES

A. Children and Families in Need of Services Petitions and Truancy Petitions

All petitions under chapter 984, Florida Statutes, will be filed in Unified Family Court Division "G."

.....
.....

14. EFFECTIVE DATE

This administrative order is effective November 14, 2005.

DONE and ORDERED in chambers, at Tampa, Hillsborough County, Florida this 12th day of October, 2005.

\s\ Manuel Menendez, Jr.
Manuel Menendez, Jr., Chief Judge
Original to:
Pat Frank, Clerk of the Circuit Court

Copies to:
ALL Juvenile Judges

Mark A. Ober, State Attorney
Julianne Holt, Public Defender
Department of Juvenile Justice

**Thirteenth Judicial Circuit Administrative Order No. S-2005-188, FL ST 13 J CIR S-2005-188
IN RE: MENTAL HEALTH COURT SUBDIVISION WITHIN THE CIRCUIT CRIMINAL DIVISION**

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD
COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.: III-06-S-1A

IN RE: MENTAL HEALTH COURT SUBDIVISION WITHIN THE CIRCUIT CRIMINAL DIVISION

In accordance with the authority vested in the Chief Judge by Rule 2.050, Florida Rules of Judicial Administration:

IT IS ORDERED that effective January 17, 2006, Administrative Order No. III-03-S-1, which created the Mental Health Court Subdivision within the Circuit Criminal Division, is hereby amended as follows:

.....

C. COMPETENCY AND INSANITY

.....

8. Defendants whose cases are qualified for and assigned to the **DRUG TREATMENT COURT**, pursuant to Administrative Order No.: III-05-E-3A, or subsequent related orders governing said court, who are declared to be incompetent to proceed, are deemed eligible for the Felony Mental Health Court. After a finding that a Defendant has been declared incompetent to proceed, the case shall be transferred by the Clerk of the Court, upon filing of a transfer order, to the Felony Mental Health Division, until such time as the Defendant is restored to competency. Once the Defendant is restored to competency, the case shall be transferred, upon filing of a transfer order, back to the **DRUG TREATMENT COURT** Division, unless the Defendant elects to remain in the Felony Mental Health Division to resolve his or her case.

.....

IT IS FURTHERMORE ORDERED that this order supercedes any conflicting language in any previous administrative orders concerning mental health in these criminal courts.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida on this the 17th day of January, 2006.

/s/DALE ROSS

DALE ROSS, CHIEF JUDGE

**ADMINISTRATIVE ORDERS
THIRTEENTH JUDICIAL CIRCUIT (HILLSBOROUGH COUNTY)
ADMINISTRATIVE ORDERS
S_2003_077. Drug court**

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT FOR HILLSBOROUGH COUNTY, FLORIDA

ADMINISTRATIVE ORDER S_2003_077 (Supersedes Administrative Order S_2000_117)

Drug court

WHEREAS it is well established and generally recognized that the illegal use of drugs fuels much crime and that the provision of drug treatment to criminal defendants reduces the likelihood of defendants engaging in further criminal behavior; and

WHEREAS section 397.334, Florida Statutes, codifies the Florida Legislature's intent to implement treatment based drug court programs in each judicial circuit; and

WHEREAS the choice to participate in the drug court model is a privilege rather than a right; and

WHEREAS it is necessary for the proper and efficient operation of the Thirteenth Judicial Circuit to establish a specialized section of the Criminal Justice Division to handle drug cases; and

WHEREAS changes are needed to more efficiently manage the cases in the drug divisions; it is therefore

ORDERED:

1. PURPOSE

The purpose of this administrative order is to provide a framework for the reorganization of the Drug Division. It is expected that this reorganization will ultimately result in the continuation of the pre-trial intervention program as a separate division and the transition of the two existing drug divisions into a single drug court division and a new criminal justice division. The single drug court division will have limited eligibility.

The purpose of a single drug court division is to provide a non-adversarial forum, in addition to the pre-trial intervention program, whereby an individual who meets the eligibility criteria and wishes to avail himself or herself of the benefits of drug court treatment may do so by pleading guilty and entering into a drug court treatment program as determined by the judge presiding in the drug court division.

Any eligible defendants with cases pending in the drug divisions on the effective date of this administrative order who are not already participating in the drug court model will be offered a choice of either participating in the drug court model or litigating their case. Once the defendant's decision is made, the division in which the defendant's case remains or to which the case is transferred, will be determined.

2. DEFINITIONS

For purposes of this administrative order, the following terms have the following meanings:

- a. "Codefendant case"__means two or more defendants charged, in the same case, with at least one drug offense (e.g. constructive possession of a controlled substance).
- b. "Community sanctions"__means probation, drug offender probation, community control, or community control II.
- c. "Drug court model"__means a case management system for drug offenses in which court supervised drug treatment is used rather than litigation (i.e., no trials or pre-trial motions). The treatment may include, but is not limited to, community sanctions, varying levels of drug treatment, and incarceration pursuant to the Criminal Punishment Code. The drug court model applies a protocol which includes the use of in court substance abuse evaluators to aid the presiding judge in fashioning appropriate substance abuse treatment, conditions of community sanctions, and case reviews every four to six weeks as needed.
- d. "Drug offense"__means a felony violation of chapter 893, Florida Statutes.
- e. "Drug treatment"__means outpatient, intensive day-night, residential, or in-jail treatment programs.
- f. "Felony"__has the same meaning as provided in section 775.08(1), Florida Statutes.

g. "Forcible felony" __means any felony listed in section 776.08, Florida Statutes.

h. "Guilty plea" __means a plea of guilty to a criminal charge pursuant to Florida Rules of Criminal Procedure 3.170(a) and 3.172(d) in which the defendant either acknowledges his or her guilt or acknowledges that he or she feels the plea to be in his or her best interest.

i. "Lettered division" __means one of the divisions "A" through "G" of the Criminal Justice Division. On a date after the effective date of this administrative order, as determined by the chief judge, "lettered division" will also include Division "X," to then be re_designated as Division "I."

j. "Post_disposition case" __means a drug offense case in which the defendant has pled guilty or nolo contendere and has been sentenced.

k. "Pre_disposition case" __means a drug offense case in which the defendant has not pled guilty or nolo contendere or in which the defendant has pled guilty or nolo contendere and is awaiting sentencing.

l. "VOP" __means violation of probation, violation of drug offender probation, violation of community control, or violation of community control II.

3. DIVISION "W" __PRE_TRIAL INTERVENTION

Drug court Division "W" will continue to be the pre_trial intervention program division available to defendants who have been charged with a third degree felony drug offense but who have not been previously adjudicated guilty of a felony. Defendants will be required to enter into an agreement for treatment, but will not be required to enter a plea of guilty or nolo contendere to the charges that caused them to be assigned to **drug court**. Successful completion of the drug treatment program will result in dismissal of the charge(s) against the defendant. See § 948.08, Fla. Stat. (2003).

4. DIVISION "X" __TRANSITIONAL LETTERED DIVISION "I"

A. General

Drug Division "X" will initially focus on disposing of all drug offenses pending in Divisions "X" and "Y" in which defendants desire in any way to contest the charges. Division "X" will thereafter transition from a drug division to a traditional lettered division. Division "X" will be re_ designated as Division "I" on a date to be determined by the chief judge.

B. Cases Pending on the Effective Date of this Administrative Order

1. Transfer of Eligible Cases to Division "Y"

a. Pre_disposition Cases

Any pre_disposition case pending in Division "X" on the effective date of this administrative order in which a defendant (a) qualifies for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) wishes to participate in the **drug court** model; (c) does not have any forcible felony offense pending; (d) has never been previously adjudicated guilty of a forcible felony; (e) does not have any offense pending that is greater than a third degree felony; (f) does not have any offense pending that is dealing or selling of controlled substances; and (g) does not desire in any way to contest the criminal charges will be transferred to Division "Y" as long as the defendant enters a guilty plea. Prior to transfer, the presiding judge in

Division "X" will accept the guilty plea. If the defendant pleads guilty and accepts the **drug court** model, the case will be transferred to and set for sentencing in Division "Y."

b. Post_disposition Cases

Any post_disposition case pending in Division "X" on the effective date of this administrative order in which a defendant is on community sanctions and already participating in the **drug court** model will be transferred to Division "Y." All such cases will be transferred to Division "Y" even if the defendant (a) previously had a forcible felony offense pending in Division "X"; (b) was previously adjudicated guilty of a forcible felony; or (c) previously had an offense pending in Division "X" that was greater than a third degree felony.

c. Notification of Next Hearing

For any case pending in Division "X" on the effective date of this administrative order that is transferred to Division "Y" for disposition, the clerk will provide notification in open court of the next hearing date in Division "Y."

ii. Disposition of Remaining Cases in Division "X"

a. Pre_disposition Cases

Any pre_disposition case pending in Division "X" on the effective date of this administrative order in which a defendant (a) does not qualify for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) does not wish to participate in the **drug court** model; (c) has a forcible felony offense pending; (d) has been previously adjudicated guilty of a forcible felony; (e) has an offense pending that is greater than a third degree felony; (f) has an offense pending that is dealing or selling of controlled substances; or (g) desires in any way to contest the criminal charges will remain in Division "X" for disposition.

b. Post_disposition Cases

Any post_disposition case pending in Division "X" on the effective date of this administrative order in which a defendant is not participating in the **drug court** model will remain in Division "X" for disposition.

C. New Case Filings

No new cases will be filed in Division "X" on and after the effective date of this administrative order. Division "X" will be re_designated as Division "I" on a date to be determined by the chief judge and will thereafter participate in the allocation of felony cases based on an equitable random distribution.

5. DIVISION "Y" **Drug court** MODEL

A. General

Drug court Division "Y" will be the single **drug court** division to handle eligible drug offenses. These drug offenses will be strictly managed by the presiding judge according to the traditional **drug court** model. Division "Y" will handle all eligible cases through final disposition, including VOPs.

B. Cases Pending on the Effective Date of this Administrative Order

1. Automatic Transfer of Certain Cases to Division "X"

Any pre_disposition case pending in Division "Y" on the effective date of this administrative order in which a defendant (a) does not qualify for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) has a forcible felony offense pending; (c) has been previously

adjudicated guilty of a forcible felony; (d) has an offense pending that is greater than a third degree felony; or (e) has an offense pending that is dealing or selling of controlled substances will be transferred to Division "X" for disposition.

ii. Defendant's Choice in Eligible Cases

A defendant in any pre_disposition case pending in Division "Y" on the effective date of this administrative order in which the defendant (a) qualifies for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) does not have any forcible felony offense pending; (c) has never been previously adjudicated guilty of a forcible felony; (d) does not have any offense pending that is greater than a third degree felony; and (e) does not have any offense pending that is dealing or selling of controlled substances will be offered a choice of either participating in the drug court model or contesting the criminal charges.

At the next scheduled hearing, any such defendant will either: (a) decide to contest the charges; (b) decide to participate in the drug court model; or (c) request more time to decide whether to contest the charges or to participate in the drug court model.

a. Decision to Contest Charges

If, at the next scheduled hearing of a defendant who has a case pending in Division "Y" on the effective date of this administrative order but who is not already participating in the drug court model, the defendant decides to contest the charges, then the presiding judge in Division "Y" will direct the Clerk of the Circuit Court ("clerk") to transfer the case to Division "X" for disposition.

b. Decision to Participate in the Drug court Model

If, at the next scheduled hearing of a defendant who has a case pending in Division "Y" on the effective date of this administrative order but who is not already participating in the drug court model, the defendant decides to participate in the drug court model, the defendant must enter a plea of guilty and then be set for sentencing.

c. Request More Time for Decision

If, at the next scheduled hearing of a defendant who has a case pending in Division "Y" on the effective date of this administrative order but who is not already participating in the drug court model, the defendant requests more time to decide whether to participate in the drug court model or contest the charges, the presiding judge in Division "Y" may set a subsequent date to accept a plea. The subsequent date should be no more than 21 days from the date of the scheduled hearing, absent good cause shown. During this period, no pre_trial motions will be heard other than motions for pre_trial release or bond reductions.

(1) Not Guilty Plea & Transfer of Case

If, on the plea date, the defendant decides to contest the charges and plead not guilty, then the presiding judge in Division "Y" will direct the clerk to transfer the case to Division "X" for disposition.

(2) Guilty Plea & Participation in the Drug court Model

If, on the plea date, the defendant decides to participate in the drug court model, the defendant must enter a plea of guilty and then be set for sentencing.

iii. Notification of Next Hearing

For any case pending in Division "Y" on the effective date of this administrative order that is transferred to Division

"X" for disposition, the clerk will provide notification in open court of the next hearing date in Division "X."

iv. Post_disposition Cases

Any post_disposition case pending in Division "Y" on the effective date of this administrative order will remain in Division "Y." All such cases will remain in Division "Y" even if the defendant (a) previously had a forcible felony offense pending in Division "Y"; (b) was previously adjudicated guilty of a forcible felony; or (c) previously had an offense pending in Division "Y" that was greater than a third degree felony.

C. New Case Filings

On and after the effective date of this administrative order, all third degree felony drug offenses, except co_defendant cases, will be initially filed in **Drug court** Division "Y." All other drug offenses, including all co_defendant cases, will be filed in a lettered division according to the assignment procedures in the Criminal Justice Division.

6. **Drug court** ELIGIBILITY

A. Application

The following eligibility criteria apply to all cases filed in Division "Y" on and after the effective date of this administrative order. These eligibility criteria do not apply to cases already pending in Division "Y" on the effective date of this administrative order.

B. Eligibility Criteria for Newly Filed Cases to Remain in Division "Y"

In order for a case to remain pending in Division "Y" after the initial filing, a defendant must (a) qualify for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) wish to participate in the **drug court** model; (c) not have any forcible felony offense pending; (d) never have been previously adjudicated guilty of a forcible felony; (e) not have any offense pending that is greater than a third degree felony; (f) not have any offense pending that is dealing or selling of controlled substances; and (g) not wish in any way to contest the criminal charges.

7. ARRAIGNMENTS IN DIVISION "Y"

A. Information Provided to Defendant

At arraignment, all police reports and Criminal Punishment Code score sheets, including relevant prior criminal history, shall be provided by the Office of the State Attorney to the defendant to afford the defendant a meaningful opportunity to discuss options with counsel, to be verified for eligibility, and to be evaluated by a court substance abuse evaluator if desired.

B. Verification of Eligibility

At arraignment, the presiding judge in Division "Y" will verify that all cases filed on and after the effective date of this administrative order meet the eligibility criteria for Division "Y." If any case does not meet the eligibility criteria for Division "Y," the judge will direct the clerk to transfer the case to a lettered division for disposition.

C. Defendant's Decision

For those cases meeting the eligibility criteria for Division "Y," at arraignment the defendant will either: (a) decide to contest the charges; (b) decide to participate in the **drug court** model; or (c) request more time to decide whether to contest the charges or to participate in the **drug court** model.

i. Decision to Contest Charges

If, at arraignment, the defendant decides to contest the charges, then the presiding judge in Division "Y" will direct the clerk to transfer the case to a lettered division for disposition.

ii. Decision to Participate in the **Drug court** Model

If, at arraignment, the defendant decides to participate in the **drug court** model, the defendant must enter a guilty plea and then be set for sentencing.

iii. Request More Time for Decision

If, at arraignment, the defendant requests more time to decide whether to contest the charges or to participate in the **drug court** model, then the presiding judge in Division "Y" may set a subsequent date to accept a plea. The subsequent date should be no more than 21 days from the date of arraignment, absent good cause shown. During this period, no pre_trial motions will be heard other than motions for pre_trial release or bond reductions.

a. Not Guilty Plea & Transfer of Case

If, on the plea date, the defendant decides to contest the charges and plead not guilty, then the judge will direct the clerk to transfer the case to a lettered division for disposition.

b. Guilty Plea & Participation in the **Drug court** Model

If, on the plea date, the defendant decides to participate in the **drug court** model, the defendant must enter a plea of guilty and then be set for sentencing.

8. SENTENCING IN DIVISION "Y"

The defendant's sentence will be imposed by the presiding judge in Division "Y" after the defendant is assessed at sentencing by a court substance abuse evaluator to determine appropriate treatment options. Except as provided in section 9 of this administrative order, any defendant sentenced in Division "Y" will remain in Division "Y" until final disposition of the case.

9. VOP IN DIVISION "Y"

A. Technical VOP

If a VOP arises as a result of any violation that does not involve a new criminal charge, the presiding judge in Division "Y" will handle the VOP in accordance with the **drug court** model to final disposition.

B. Forcible Felony Charges & Charges Greater than Third Degree Felony

If a VOP arises as a result of a new forcible felony charge or a new charge greater than a third degree felony, the new charge and corresponding VOP will be transferred from Division "Y" to a lettered division for disposition.

C. Third Degree Felony Charges

If a VOP arises as a result of a new third degree felony charge, the presiding judge in Division "Y" will handle the VOP in accordance with the **drug court** model unless the defendant wishes to contest the new substantive charge. If the defendant decides to contest only the new substantive charge, then the presiding judge in Division "Y" will direct the clerk to transfer the new substantive charge and corresponding VOP to a lettered division for disposition. Otherwise, all VOPs will remain in Division "Y."

10. DEFENDANT'S INVOLVEMENT IN THE DEALING AND SELLING OF DRUGS IN DIVISION "Y"

If the state attorney believes that the facts and circumstances of an otherwise eligible case pending in Division "Y" suggest the defendant's involvement in the dealing and selling of controlled substances, the court will hold an eligibility hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in the dealing or selling of controlled substances, the court may order that such defendant's case be transferred to a lettered division pursuant to the assignment procedures in the Criminal Justice Division.

11. CO_DEFENDANT CASES

All co_defendant cases will be initially filed in a lettered division according to the assignment procedures in the Criminal Justice Division. See Administrative Order S_2002_048 or any subsequent administrative order.

A. Discretionary Transfer to Division "Y"

Any defendant in a co_defendant case may be transferred to Division "Y" by the presiding judge in a lettered division if such defendant (a) qualifies for either community sanctions under the Criminal Punishment Code or sentencing

under the Florida Youthful Offender Act; (b) wishes to participate in the drug court model; (c) does not have any forcible felony offense pending; (d) has never been previously adjudicated guilty of a forcible felony; (e) does not have any offense pending that is greater than a second degree felony; (f) does not have any offense pending that is dealing or selling of controlled substances; and (g) does not desire in any way to contest the criminal charges. If the presiding judge in a lettered division decides to allow an eligible defendant in a co_defendant case to be transferred to Division "Y," the presiding judge will accept such a defendant's guilty plea and then transfer the defendant to Division "Y" for sentencing.

B. Disposition of Remaining Cases in Lettered Division

Any defendant in a co_defendant case who (a) does not qualify for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) does not wish to participate in the drug court model; (c) has a forcible felony offense pending; (d) has been previously adjudicated guilty of a forcible felony; (e) has an offense pending that is greater than a second degree felony; (f) has an offense pending that is dealing or selling of controlled substances; or (g) desires in any way to contest the criminal charges will not be eligible for transfer to Division "Y" and will remain in the lettered division for disposition.

C. Co_defendant Case in Separate Divisions

If any co_defendant case involves at least one defendant who is transferred to Division "Y" and at least one defendant who remains in a lettered division, the clerk will use his or her best efforts to ensure that the court file is in the appropriate courtroom whenever a hearing occurs involving one of the respective defendants.

12. TRANSFER OF CASE FROM A LETTERED DIVISION TO DIVISION "Y"

If at any time the presiding judge in a lettered division determines that a defendant (a) qualifies for or is already serving either community sanctions under the Criminal Punishment Code or a sentence under the Florida Youthful Offender Act; (b) wishes to participate in the drug court model; (c) does not have any forcible felony offense pending; (d) has never been previously adjudicated guilty of a forcible felony; (e) does not have any offense pending that is greater than a second degree felony; (f) does not have any offense pending that is dealing or selling of controlled substances; and (g) does not wish in any way to contest the criminal charges, the judge may transfer the case to Division "Y," subject to the limitation in section 13 of this administrative order.

If a judge decides to transfer such a case in which a defendant has not entered a plea or has not been adjudicated for the pending criminal charge, the presiding judge in a lettered division will accept the defendant's guilty plea prior to transferring the case to Division "Y" for sentencing.

13. TRANSFER OF CASE FROM DIVISION "Y" TO A LETTERED DIVISION

If a case is transferred from Division "Y" to a lettered division for any reason [see §§ 5(B)(i); 5(B)(ii)(a); 5(B)(ii)(c)(1); 7(B); 7(C)(i); 7(C)(iii)(a); 9; and 10 of this administrative order], such case will not be transferred back to Division "Y," absent good cause shown and with the consent of the presiding judge in Division "Y."

All cases transferred from Division "Y" to a lettered division will be reassigned a lettered division based on an equitable random distribution as provided in section 2 of Administrative Order S_2002_048, unless the case originated from a lettered division. If a case is transferred into Division "Y" from a lettered division (see sections 11 and 12 of this administrative order) and is subsequently transferred out of Division "Y," such case will be reassigned

back to the lettered division from which the case originated. For any case transferred from Division "Y," the clerk will provide notification in open court of the lettered division to which the case is reassigned.

14. Drug court OVERSIGHT COMMITTEE

A permanent Drug court Oversight Committee is hereby created to oversee drug court operations in order to ensure proper training of court personnel and correct implementation of the drug court model. The committee will be charged with recommending strategies to maintain the quality and effectiveness of drug court and to ensure that the many treatment options now available for drug court remain viable. The Drug court Oversight Committee will be comprised of representatives from the Public Defender' Office, State Attorney's Office, Administrative Office of the Courts, Community Corrections' Office of the Department of Corrections, Hillsborough County Sheriff's Office, treatment providers, and judicial representatives as determined by the chief judge.

15. PREVIOUS ADMINISTRATIVE ORDER SUPERSEDED

Administrative Order S_2000_117 is hereby superseded.

16. EFFECTIVE DATE

This administrative order is effective January 1, 2004.

DONE AND ORDERED in chambers in Tampa, Hillsborough County, Florida, this 9 th day of December, 2003.

\s\ Manuel Menendez, Jr.

Manuel Menendez, Jr., Chief Judge

original to: Richard Ake, Clerk of the Circuit Court

copies to: All Criminal Justice Division Judges

Julianne Holt, Public Defender

Mark A. Ober, State Attorney

Ward Griffin, Department of Corrections, Community Corrections

S_2002_016. ADMINISTRATIVE PROCEDURES FOR THE JUVENILE DIVISION

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT FOR HILLSBOROUGH COUNTY, FLORIDA

ADMINISTRATIVE ORDER S_2002_016 (Supersedes Administrative Order S_2001_041)

ADMINISTRATIVE PROCEDURES FOR THE JUVENILE DIVISION

WHEREAS it is necessary for the prompt and efficient administration of justice in this circuit that the Juvenile Division, as established by Amended Local Rule 1, be subdivided into a Juvenile Delinquency Division, a Juvenile Dependency Division, and a Juvenile Drug court Division; and

WHEREAS the proper administration of justice in this circuit will be served by the adoption of uniform administrative procedures for the Juvenile Division and its subdivisions; it is therefore:

ORDERED:

1. Separate Divisions

There shall be six divisions in the Juvenile Division. Divisions "A" and "B" shall be designated as the Juvenile Delinquency Divisions. Divisions "C," "D," and "S" shall be designated as the Juvenile Dependency Divisions. Division "E" shall be designated as the Juvenile **Drug court** Division.

2. Administrative Judges

There shall be associate administrative judges assigned to the respective Delinquency, Dependency, and **Drug court** Divisions.

3. Court Files

The Clerk of the Circuit Court ("clerk") shall create separate court files for dependency (including termination of parental rights) and delinquency (including families and children in need of services) proceedings. Court files existing prior to the effective date of this administrative order which include both dependency and delinquency matters and which have not already been separated into separate court files shall be divided into separate court files upon reactivation. . . .

4. Effective Date

This administrative order shall be effective March 1, 2002.

DONE and ORDERED in chambers, at Tampa, Hillsborough County, Florida this 28 th day of February, 2002.

\s\ Manuel Menendez, Jr.

Manuel Menendez, Jr., Chief Judge

THIRTEENTH JUDICIAL CIRCUIT (HILLSBOROUGH COUNTY)

S_27_96_098. COMPREHENSIVE PLAN FOR COURT REPORTING SERVICES

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT FOR HILLSBOROUGH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. S_27_96_098 (Supersedes Administrative Order No. S_27_95_108)

IN RE: COMPREHENSIVE PLAN FOR COURT REPORTING SERVICES

WHEREAS Florida Rule of Judicial Administration 2.070 directs that an administrative order be entered developing and implementing a circuit-wide plan for court reporting of all proceedings to ensure that all court reporting services are provided by qualified persons; and. . . .

ORDERED:

.....

B. This circuit shall utilize video and/or audio technology as deemed most appropriate. Pursuant to Administrative Order S_15_27_95_69, the responsibilities of Electronic Court Services will include, but not necessarily be limited to, coverage of county criminal court proceedings, civil traffic hearing officer proceedings, **Drug court**, family and child support hearing officer proceedings, preliminary presentation court, and the Children's Advocacy Center. . . .

8. Effective Date; Previous Administrative Order Superseded:

This administrative order shall become effective November 1, 1996, and shall supersede Administrative Order No. S_27_95_108.

DONE AND ORDERED in Chambers in Tampa, Hillsborough County, Florida, this 18th day of October, 1996.

\S\ F. Dennis Alvarez

F. Dennis Alvarez, Chief Judge

Thirteenth Judicial Circuit Administrative Order No. S_2003_077

S_2003_077. Drug court

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT FOR HILLSBOROUGH COUNTY, FLORIDA

**ADMINISTRATIVE ORDER S_2003_077 (Supersedes Administrative Order S_2000_117)
Drug court**

WHEREAS it is well established and generally recognized that the illegal use of drugs fuels much crime and that the provision of drug treatment to criminal defendants reduces the likelihood of defendants engaging in further criminal behavior; and

WHEREAS section 397.334, Florida Statutes, codifies the Florida Legislature's intent to implement treatment_based drug court programs in each judicial circuit; and

WHEREAS the choice to participate in the drug court model is a privilege rather than a right; and

WHEREAS it is necessary for the proper and efficient operation of the Thirteenth Judicial Circuit to establish a specialized section of the Criminal Justice Division to handle drug cases; and

WHEREAS changes are needed to more efficiently manage the cases in the drug divisions; it is therefore

ORDERED:

1. PURPOSE

The purpose of this administrative order is to provide a framework for the reorganization of the Drug Division. It is expected that this reorganization will ultimately result in the continuation of the pre_trial intervention program as a separate division and the transition of the two existing drug divisions into a single drug court division and a new criminal justice division. The single drug court division will have limited eligibility. The purpose of a single drug court division is to provide a non_adversarial forum, in addition to the pre_trial intervention program, whereby an individual who meets the eligibility criteria and wishes to avail himself or herself of the benefits of drug court treatment may do so by pleading guilty and entering into a drug court treatment program as determined by the judge presiding in the drug court division. Any eligible defendants with cases pending in the drug divisions on the effective date of this administrative order who are not already participating in the drug court model will be offered a choice of either participating in the drug court model or litigating their case. Once the defendant's decision is made, the division in which the defendant's case remains or to which the case is transferred, will be determined.

2. DEFINITIONS

For purposes of this administrative order, the following terms have the following meanings:

- a. "Co_defendant case"__means two or more defendants charged, in the same case, with at least one drug offense (e.g. constructive possession of a controlled substance).
- b. "Community sanctions"__means probation, drug offender probation, community control, or community

control II.

c. "**Drug court** model" __means a case management system for drug offenses in which court supervised drug treatment is used rather than litigation (i.e., no trials or pre_trial motions). The treatment may include, but is not limited to, community sanctions, varying levels of drug treatment, and incarceration pursuant to the Criminal Punishment Code. The **drug court** model applies a protocol which includes the use of in court substance abuse evaluators to aid the presiding judge in fashioning appropriate substance abuse treatment, conditions of community sanctions, and case reviews every four to six weeks as needed.

d. "Drug offense" __means a felony violation of chapter 893, Florida Statutes.

e. "Drug treatment" __means outpatient, intensive day_night, residential, or in_jail treatment programs.

f. "Felony" __has the same meaning as provided in section 775.08(1), Florida Statutes.

g. "Forcible felony" __means any felony listed in section 776.08, Florida Statutes.

h. "Guilty plea" __means a plea of guilty to a criminal charge pursuant to Florida Rules of Criminal Procedure 3.170(a) and 3.172(d) in which the defendant either acknowledges his or her guilt or acknowledges that he or she feels the plea to be in his or her best interest.

i. "Lettered division" __means one of the divisions "A" through "G" ' of the Criminal Justice Division. On a date after the effective date of this administrative order, as determined by the chief judge, "lettered division" will also include Division "X," to then be re_designated as Division "I."

j. "Post_disposition case" __means a drug offense case in which the defendant has pled guilty or nolo contendere and has been sentenced.

k. "Pre_disposition case" __means a drug offense case in which the defendant has not pled guilty or nolo contendere or in which the defendant has pled guilty or nolo contendere and is awaiting sentencing.

l. "VOP" __means violation of probation, violation of drug offender probation, violation of community control, or violation of community control II.

3. DIVISION "W" __PRE_TRIAL INTERVENTION

Drug court Division "W" will continue to be the pre_trial intervention program division available to defendants who have been charged with a third degree felony drug offense but who have not been previously adjudicated guilty of a felony. Defendants will be required to enter into an agreement for treatment, but will not be required to enter a plea of guilty or nolo contendere to the charges that caused them to be assigned to **drug court**. Successful completion of the drug treatment program will result in dismissal of the charge(s) against the defendant. See § 948.08, Fla. Stat. (2003).

4. DIVISION "X" __TRANSITIONAL LETTERED DIVISION "I"

A. General

Drug Division "X" will initially focus on disposing of all drug offenses pending in Divisions "X" and "Y" in which defendants desire in any way to contest the charges. Division "X" will thereafter transition from a drug division to a traditional lettered division. Division "X" will be re_ designated as Division "I" on a date to be determined by the chief judge.

B. Cases Pending on the Effective Date of this Administrative Order

i. Transfer of Eligible Cases to Division "Y"

a. Pre_disposition Cases

Any pre_disposition case pending in Division "X" on the effective date of this administrative order in which a defendant (a) qualifies for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) wishes to participate in the **drug court** model; (c) does not have any forcible felony offense pending; (d) has never been previously adjudicated guilty of a forcible felony; (e) does not have any offense pending that is greater than a third degree felony; (f) does not have any offense pending that is dealing or selling of controlled substances; and (g) does not desire in any way to contest the criminal charges will be transferred to

Division "Y" as long as the defendant enters a guilty plea. Prior to transfer, the presiding judge in Division "X" will accept the guilty plea. If the defendant pleads guilty and accepts the **drug court** model, the case will be transferred to and set for sentencing in Division "Y."

b. Post_disposition Cases

Any post_disposition case pending in Division "X" on the effective date of this administrative order in which a defendant is on community sanctions and already participating in the **drug court** model will be transferred to Division "Y." All such cases will be transferred to Division "Y" even if the defendant (a) previously had a forcible felony offense pending in Division "X"; (b) was previously adjudicated guilty of a forcible felony; or (c) previously had an offense pending in Division "X" that was greater than a third degree felony.

c. Notification of Next Hearing

For any case pending in Division "X" on the effective date of this administrative order that is transferred to Division "Y" for disposition, the clerk will provide notification in open court of the next hearing date in Division "Y."

ii. Disposition of Remaining Cases in Division "X"

a. Pre_disposition Cases

Any pre_disposition case pending in Division "X" on the effective date of this administrative order in which a defendant (a) does not qualify for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) does not wish to participate in the **drug court** model; (c) has a forcible felony offense pending; (d) has been previously adjudicated guilty of a forcible felony; (e) has an offense pending that is greater than a third degree felony; (f) has an offense pending that is dealing or selling of controlled substances; or (g) desires in any way to contest the criminal charges will remain in Division "X" for disposition.

b. Post_disposition Cases

Any post_disposition case pending in Division "X" on the effective date of this administrative order in which a defendant is not participating in the **drug court** model will remain in Division "X" for disposition.

C. New Case Filings

No new cases will be filed in Division "X" on and after the effective date of this administrative order. Division "X" will be re_designated as Division "I" on a date to be determined by the chief judge and will thereafter participate in the allocation of felony cases based on an equitable random distribution.

5. DIVISION "Y" **Drug court** MODEL

A. General

Drug court Division "Y" will be the single **drug court** division to handle eligible drug offenses. These drug offenses will be strictly managed by the presiding judge according to the traditional **drug court** model. Division "Y" will handle all eligible cases through final disposition, including VOPs.

B. Cases Pending on the Effective Date of this Administrative Order

i. Automatic Transfer of Certain Cases to Division "X"

Any pre_disposition case pending in Division "Y" on the effective date of this administrative order in which a defendant (a) does not qualify for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) has a forcible felony offense pending; (c) has been previously adjudicated guilty of a forcible felony; (d) has an offense pending that is greater than a

third degree felony; or (e) has an offense pending that is dealing or selling of controlled substances will be transferred to Division "X" for disposition.

ii. Defendant's Choice in Eligible Cases

A defendant in any pre_disposition case pending in Division "Y" on the effective date of this administrative order in which the defendant (a) qualifies for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) does not have any forcible felony offense pending; (c) has never been previously adjudicated guilty of a forcible felony; (d) does not have any offense pending that is greater than a third degree felony; and (e) does not have any offense pending that is dealing or selling of controlled substances will be offered a choice of either participating in the drug court model or contesting the criminal charges.

At the next scheduled hearing, any such defendant will either: (a) decide to contest the charges; (b) decide to participate in the drug court model; or (c) request more time to decide whether to contest the charges or to participate in the drug court model.

a. Decision to Contest Charges

If, at the next scheduled hearing of a defendant who has a case pending in Division "Y" on the effective date of this administrative order but who is not already participating in the drug court model, the defendant decides to contest the charges, then the presiding judge in Division "Y" will direct the Clerk of the Circuit Court ("clerk") to transfer the case to Division "X" for disposition.

b. Decision to Participate in the Drug court Model

If, at the next scheduled hearing of a defendant who has a case pending in Division "Y" on the effective date of this administrative order but who is not already participating in the drug court model, the defendant decides to participate in the drug court model, the defendant must enter a plea of guilty and then be set for sentencing.

c. Request More Time for Decision

If, at the next scheduled hearing of a defendant who has a case pending in Division "Y" on the effective date of this administrative order but who is not already participating in the drug court model, the defendant requests more time to decide whether to participate in the drug court model or contest the charges, the presiding judge in Division "Y" may set a subsequent date to accept a plea. The subsequent date should be no more than 21 days from the date of the scheduled hearing, absent good cause shown. During this period, no pre_trial motions will be heard other than motions for pre_trial release or bond reductions.

(1) Not Guilty Plea & Transfer of Case

If, on the plea date, the defendant decides to contest the charges and plead not guilty, then the presiding judge in Division "Y" will direct the clerk to transfer the case to Division "X" for disposition.

(2) Guilty Plea & Participation in the Drug court Model

If, on the plea date, the defendant decides to participate in the drug court model, the defendant must enter a plea of guilty and then be set for sentencing.

iii. Notification of Next Hearing

For any case pending in Division "Y" on the effective date of this administrative order that is transferred to Division "X" for disposition, the clerk will provide notification in open court of the next hearing date in Division "X."

iv. Post_disposition Cases

Any post_disposition case pending in Division "Y" on the effective date of this administrative order will remain in Division "Y." All such cases will remain in Division "Y" even if the defendant (a) previously had

a forcible felony offense pending in Division "Y"; (b) was previously adjudicated guilty of a forcible felony; or (c) previously had an offense pending in Division "Y" that was greater than a third degree felony.

C. New Case Filings

On and after the effective date of this administrative order, all third degree felony drug offenses, except co_defendant cases, will be initially filed in **Drug court** Division "Y." All other drug offenses, including all co_defendant cases, will be filed in a lettered division according to the assignment procedures in the Criminal Justice Division.

6. **Drug court** ELIGIBILITY

A. Application

The following eligibility criteria apply to all cases filed in Division "Y" on and after the effective date of this administrative order. These eligibility criteria do not apply to cases already pending in Division "Y" on the effective date of this administrative order.

B. Eligibility Criteria for Newly Filed Cases to Remain in Division "Y"

In order for a case to remain pending in Division "Y" after the initial filing, a defendant must (a) qualify for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) wish to participate in the **drug court** model; (c) not have any forcible felony offense pending; (d) never have been previously adjudicated guilty of a forcible felony; (e) not have any offense pending that is greater than a third degree felony; (f) not have any offense pending that is dealing or selling of controlled substances; and (g) not wish in any way to contest the criminal charges.

7. ARRAIGNMENTS IN DIVISION "Y"

A. Information Provided to Defendant

At arraignment, all police reports and Criminal Punishment Code score sheets, including relevant prior criminal history, shall be provided by the Office of the State Attorney to the defendant to afford the defendant a meaningful opportunity to discuss options with counsel, to be verified for eligibility, and to be evaluated by a court substance abuse evaluator if desired.

B. Verification of Eligibility

At arraignment, the presiding judge in Division "Y" will verify that all cases filed on and after the effective date of this administrative order meet the eligibility criteria for Division "Y." If any case does not meet the eligibility criteria for Division "Y," the judge will direct the clerk to transfer the case to a lettered division for disposition.

C. Defendant's Decision

For those cases meeting the eligibility criteria for Division "Y," at arraignment the defendant will either: (a) decide to contest the charges; (b) decide to participate in the **drug court** model; or (c) request more time to decide whether to contest the charges or to participate in the **drug court** model.

i. Decision to Contest Charges

If, at arraignment, the defendant decides to contest the charges, then the presiding judge in Division "Y" will direct the clerk to transfer the case to a lettered division for disposition.

ii. Decision to Participate in the **Drug court** Model

If, at arraignment, the defendant decides to participate in the **drug court** model, the defendant must enter a guilty plea and then be set for sentencing.

iii. Request More Time for Decision

If, at arraignment, the defendant requests more time to decide whether to contest the charges or to

participate in the drug court model, then the presiding judge in Division "Y" may set a subsequent date to accept a plea. The subsequent date should be no more than 21 days from the date of arraignment, absent good cause shown. During this period, no pre_trial motions will be heard other than motions for pre_trial release or bond reductions.

a. Not Guilty Plea & Transfer of Case

If, on the plea date, the defendant decides to contest the charges and plead not guilty, then the judge will direct the clerk to transfer the case to a lettered division for disposition.

b. Guilty Plea & Participation in the Drug court Model

If, on the plea date, the defendant decides to participate in the drug court model, the defendant must enter a plea of guilty and then be set for sentencing.

8. SENTENCING IN DIVISION "Y"

The defendant's sentence will be imposed by the presiding judge in Division "Y" after the defendant is assessed at sentencing by a court substance abuse evaluator to determine appropriate treatment options. Except as provided in section 9 of this administrative order, any defendant sentenced in Division "Y" will remain in Division "Y" until final disposition of the case.

9. VOP IN DIVISION "Y"

A. Technical VOP

If a VOP arises as a result of any violation that does not involve a new criminal charge, the presiding judge in Division "Y" will handle the VOP in accordance with the drug court model to final disposition.

B. Forcible Felony Charges & Charges Greater than Third Degree Felony

If a VOP arises as a result of a new forcible felony charge or a new charge greater than a third degree felony, the new charge and corresponding VOP will be transferred from Division "Y" to a lettered division for disposition.

C. Third Degree Felony Charges

If a VOP arises as a result of a new third degree felony charge, the presiding judge in Division "Y" will handle the VOP in accordance with the drug court model unless the defendant wishes to contest the new substantive charge. If the defendant decides to contest only the new substantive charge, then the presiding judge in Division "Y" will direct the clerk to transfer the new substantive charge and corresponding VOP to a lettered division for disposition. Otherwise, all VOPs will remain in Division "Y."

10. DEFENDANT'S INVOLVEMENT IN THE DEALING AND SELLING OF DRUGS IN DIVISION "Y"

If the state attorney believes that the facts and circumstances of an otherwise eligible case pending in Division "Y" suggest the defendant's involvement in the dealing and selling of controlled substances, the court will hold an eligibility hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in the dealing or selling of controlled substances, the court may order that such defendant's case be transferred to a lettered division pursuant to the assignment procedures in the Criminal Justice Division.

11. CO_DEFENDANT CASES

All co_defendant cases will be initially filed in a lettered division according to the assignment procedures in the Criminal Justice Division. See Administrative Order S_2002_048 or any subsequent administrative order.

A. Discretionary Transfer to Division "Y"

Any defendant in a co_defendant case may be transferred to Division "Y" by the presiding judge in a lettered division if such defendant (a) qualifies for either community sanctions under the Criminal

Punishment Code or sentencing under the Florida Youthful Offender Act; (b) wishes to participate in the drug court model; (c) does not have any forcible felony offense pending; (d) has never been previously adjudicated guilty of a forcible felony; (e) does not have any offense pending that is greater than a second degree felony; (f) does not have any offense pending that is dealing or selling of controlled substances; and (g) does not desire in any way to contest the criminal charges. If the presiding judge in a lettered division decides to allow an eligible defendant in a co_defendant case to be transferred to Division "Y," the presiding judge will accept such a defendant's guilty plea and then transfer the defendant to Division "Y" for sentencing.

B. Disposition of Remaining Cases in Lettered Division

Any defendant in a co_defendant case who (a) does not qualify for either community sanctions under the Criminal Punishment Code or sentencing under the Florida Youthful Offender Act; (b) does not wish to participate in the drug court model; (c) has a forcible felony offense pending; (d) has been previously adjudicated guilty of a forcible felony; (e) has an offense pending that is greater than a second degree felony; (f) has an offense pending that is dealing or selling of controlled substances; or (g) desires in any way to contest the criminal charges will not be eligible for transfer to Division "Y" and will remain in the lettered division for disposition.

C. Co_defendant Case in Separate Divisions

If any co_defendant case involves at least one defendant who is transferred to Division "Y" and at least one defendant who remains in a lettered division, the clerk will use his or her best efforts to ensure that the court file is in the appropriate courtroom whenever a hearing occurs involving one of the respective defendants.

12. TRANSFER OF CASE FROM A LETTERED DIVISION TO DIVISION "Y"

If at any time the presiding judge in a lettered division determines that a defendant (a) qualifies for or is already serving either community sanctions under the Criminal Punishment Code or a sentence under the Florida Youthful Offender Act; (b) wishes to participate in the drug court model; (c) does not have any forcible felony offense pending; (d) has never been previously adjudicated guilty of a forcible felony; (e) does not have any offense pending that is greater than a second degree felony; (f) does not have any offense pending that is dealing or selling of controlled substances; and (g) does not wish in any way to contest the criminal charges, the judge may transfer the case to Division "Y," subject to the limitation in section 13 of this administrative order.

If a judge decides to transfer such a case in which a defendant has not entered a plea or has not been adjudicated for the pending criminal charge, the presiding judge in a lettered division will accept the defendant's guilty plea prior to transferring the case to Division "Y" for sentencing.

13. TRANSFER OF CASE FROM DIVISION "Y" TO A LETTERED DIVISION

If a case is transferred from Division "Y" to a lettered division for any reason [see §§ 5(B)(i); 5(B)(ii)(a); 5(B)(ii)(c)(1); 7(B); 7(C)(i); 7(C)(iii)(a); 9; and 10 of this administrative order], such case will not be transferred back to Division "Y," absent good cause shown and with the consent of the presiding judge in Division "Y." All cases transferred from Division "Y" to a lettered division will be reassigned a lettered division based on an equitable random distribution as provided in section 2 of Administrative Order S_2002_048, unless the case originated from a lettered division. If a case is transferred into Division "Y" from a lettered division (see sections 11 and 12 of this administrative order) and is subsequently transferred out of Division "Y," such case will be reassigned back to the lettered division from which the case originated. For any case transferred from Division "Y," the clerk will provide notification in open court of the lettered division to which the case is reassigned.

14. **Drug court** OVERSIGHT COMMITTEE

A permanent **Drug court** Oversight Committee is hereby created to oversee **drug court** operations in order to ensure proper training of court personnel and correct implementation of the **drug court** model. The committee will be charged with recommending strategies to maintain the quality and effectiveness of **drug court** and to ensure that the many treatment options now available for **drug court** remain viable. The **Drug court** Oversight Committee will be comprised of representatives from the Public Defender' Office, State Attorney's Office, Administrative Office of the Courts, Community Corrections' Office of the Department of Corrections, Hillsborough County Sheriff's Office, treatment providers, and judicial representatives as determined by the chief judge.

15. PREVIOUS ADMINISTRATIVE ORDER SUPERSEDED
Administrative Order S_2000_117 is hereby superseded.

16. EFFECTIVE DATE
This administrative order is effective January 1, 2004.

DONE AND ORDERED in chambers in Tampa, Hillsborough County, Florida, this 9 th day of December, 2003.

\s\ Manuel Menendez, Jr.

Manuel Menendez, Jr., Chief Judge

original to: Richard Ake, Clerk of the Circuit Court

copies to: All Criminal Justice Division Judges

Julianne Holt, Public Defender

Mark A. Ober, State Attorney

Ward Griffin, Department of Corrections, Community Corrections

Fifteenth Judicial Circuit Administrative Order No. 6.007_3/00

FIFTEENTH JUDICIAL CIRCUIT (PALM BEACH COUNTY)

**ADMINISTRATIVE ORDERS
PROBATE AND GUARDIANSHIP**

6.007_3/00. COMMUNITY Drug court PILOT PROJECT:

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH
COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 6.007_3/00

IN RE: COMMUNITY Drug court PILOT PROJECT:

WHEREAS, Article V, Section 7, of the Florida Constitution states that "[a] circuit or county court may hold civil and criminal trials and hearings in any place within the territorial jurisdiction of the court as designated by the chief judge of the circuit;" and

WHEREAS, the City of Riviera Beach has offered to provide facilities within the Riviera Beach located at 200 W. 12 th Street, Riviera Beach, Florida 33404, so that the court may conduct civil commitment hearings for drug and alcohol abuse pursuant to Chapters 396 and 397, Florida Statutes (1991); and

76

WHEREAS, there exists an urgent need to provide treatment modalities for drug and alcohol abuse outside of the criminal justice system, i.e., without the taint of arrest and conviction; and

WHEREAS, various agencies and entities have offered their resources and cooperation to support a community based Drug court;

NOW, THEREFORE, it is ORDERED as follows:

- (1) A community Drug court pilot project is hereby established to conduct civil commitment hearings and to commit alcohol and drug abusers to treatment programs.
- (2) The chief judge, by separate order, shall assign a judge to preside over the community based Drug court.
- (3) The facility, located at 200 W. 12th Street in the City of Riviera Beach, is hereby designated as an approved location at which the Circuit Court for the Fifteenth Judicial Circuit may conduct civil commitment hearings pursuant to Chapters 396 and 397, Florida Statutes (1991).
- (4) The presiding judge shall report periodically to the chief judge as to the benefits derived from the project.
- (5) An employee of the City of Riviera Beach, who shall be designated by the presiding judge or the special master, is authorized to take custody of the court files of cases scheduled to be heard in the Riviera Beach City Hall.
- (6) The clerk is hereby authorized and ordered to make available the necessary court files to the municipal employee referred to in paragraph 5 above.
- (7) The designated municipal employee shall receive the court files from the clerk on the Friday preceding the hearing. The files shall be returned to the clerk on the Monday following the hearing.

DONE and SIGNED in Chambers at West Palm Beach, Florida, this 27th day of March, 2000.

_____/s/ _____

Walter N. Colbath, Jr., Chief Judge

(supersedes admin. order 6.007_3/98)

**FIFTEENTH JUDICIAL CIRCUIT (PALM BEACH COUNTY)
ADMINISTRATIVE ORDERS
PROBATE AND GUARDIANSHIP**

6.010_3/94. COMMUNITY Drug court PILOT PROJECT (WEST PALM BEACH)/

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH
COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 6.010_3/94

IN RE: COMMUNITY Drug court PILOT PROJECT(WEST PALM BEACH)/

WHEREAS, Article V, Section 7, of the Florida Constitution states that "[a] circuit or county court may hold civil and criminal trials and hearings in any place within the territorial jurisdiction of the court as designated by the Chief Judge of the circuit," and

77

WHEREAS, the City of West Palm Beach has offered to provide facilities within the City of West Palm Beach located at 200 Second Street, West Palm Beach, Florida, so that the court may conduct civil commitment hearings for drug and alcohol abuse pursuant to Chapter 397, Florida Statutes (1993); and

WHEREAS, there exists an urgent need to provide treatment modalities for drug and alcohol abuse outside of the criminal justice system, i.e., without the taint of arrest and conviction; and

WHEREAS, various agencies and entities have offered their resources and cooperation to support a community based **Drug court**;

NOW, THEREFORE, it is ORDERED as follows:

- (1) A community **Drug court** pilot project is hereby established to conduct civil commitment hearings and to commit alcohol and drug abusers to treatment programs.
- (2) The Chief Judge, by separate order, shall assign a judge to preside over the community based **Drug court**.
- (3) The West Palm Beach City Hall located at 200 Second Street, West Palm Beach, Florida, is hereby designated as an approved location at which the Circuit Court for the Fifteenth Judicial Circuit may conduct civil commitment hearings pursuant to Chapter 397, Florida Statutes (1993).
- (4) The presiding judge shall report periodically to the Chief Judge as to the benefits derived from the project.
- (5) An employee of the City of West Palm Beach, who shall be designated by the presiding judge or the Special Master, is authorized to take custody of the court files or cases scheduled to be heard in the City of West Palm Beach Commission Chambers.
- (6) The clerk is hereby authorized and ordered to make available the necessary court files to the municipal employee referred to in paragraph 5 above.
- (7) The designated municipal employee shall receive the court files from the clerk on the Friday preceding the hearing. The files shall be returned to the clerk on the Monday following the hearing.

DONE and ORDERED in Chambers at West Palm Beach, Florida, on this 7th day of March, 1994.

/s/ Jack H. Cook, Chief Judge

Fifteenth Judicial Circuit Administrative Order No. 6.011_5/94

**FIFTEENTH JUDICIAL CIRCUIT (PALM BEACH COUNTY)
ADMINISTRATIVE ORDERS
PROBATE AND GUARDIANSHIP
6.011_5/94. COMMUNITY Drug court PILOT PROJECT/**

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO. 6.011_5/94

IN RE: COMMUNITY **Drug court** PILOT PROJECT/

WHEREAS, Article V, Section 7, of the Florida Constitution states that "[a] circuit or county court may hold civil

and criminal trials and hearings in any place within the territorial jurisdiction of the court as designated by the Chief Judge of the circuit," and

WHEREAS, the City of Delray Beach has offered to provide facilities within the City of Delray Beach located at 100 N.W. First Street, Delray Beach, Florida, so that the court may conduct civil commitment hearings for drug and alcohol abuse pursuant to Chapter 397, Florida Statutes (1993); and

WHEREAS, there exists an urgent need to provide treatment modalities for drug and alcohol abuse outside of the criminal justice system, i.e., without the taint of arrest and conviction; and

WHEREAS, various agencies and entities have offered their resources and cooperation to support a community based **Drug court**;

NOW, THEREFORE, it is ORDERED as follows:

- (1) A community **Drug court** pilot project is hereby established to conduct civil commitment hearings and to commit alcohol and drug abusers to treatment programs.
 - (2) The Chief Judge, by separate order, shall assign a judge to preside over the community based **Drug court**.
 - (3) The Delray Beach City Hall located at 100 N.W. First Street, Delray Beach, Florida, is hereby designated as an approved location at which the Circuit Court for the Fifteenth Judicial Circuit may conduct civil commitment hearings pursuant to Chapter 397, Florida Statutes (1993).
 - (4) The presiding judge shall report periodically to the Chief Judge as to the benefits derived from the project.
 - (5) An employee of the City of Delray Beach, who shall be designated by the presiding judge or the Special Master, is authorized to take custody of the court files or cases scheduled to be heard in the City of Delray Beach City Hall.
 - (6) The clerk is hereby authorized and ordered to make available the necessary court files to the municipal employee referred to in paragraph 5 above.
 - (7) The designated municipal employee shall receive the court files from the clerk on the Friday preceding the hearing. The files shall be returned to the clerk on the Monday following the hearing.
- DONE and ORDERED in Chambers at West Palm Beach, Florida, on this 18th day of May, 1994.

/s/

Jack H. Cook, Chief Judge

Fifteenth Judicial Circuit Administrative Order No. 10.033_8/00

**FIFTEENTH JUDICIAL CIRCUIT (PALM BEACH COUNTY)
ADMINISTRATIVE ORDERS
COUNTY COURT CRIMINAL AND TRAFFIC**

10.033_8/00. CREATION OF PALM BEACH COUNTY **Drug court** AND ASSIGNMENT OF DIVISION "KD":

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY,
FLORIDA

Administrative Order No. 10.033_8/00

IN RE: CREATION OF PALM BEACH COUNTY Drug court AND ASSIGNMENT OF DIVISION "KD":

WHEREAS, in April 1999 after and pursuant to unanimous vote of the criminal court judges of the Fifteenth Judicial Circuit, the Palm Beach County Criminal Justice Commission (CJC) successfully submitted an application to the Drug courts Program Office of the U.S. Department of Justice for a Drug court planning grant of \$30,000; and

WHEREAS, the Palm Beach County Board of County Commissioners approved the required matching grant of \$10,000 from the County Drug Abuse Trust Fund; and

WHEREAS, upon receipt of that planning grant a Drug court Planning Committee was created with County Court Judge Nelson E. Bailey as Chairperson; and

WHEREAS, in August 2000 after and pursuant to unanimous vote of the Drug Abuse Trust Fund Committee, \$275,000 was allotted to be used for Drug court treatment; and

WHEREAS, the Drug court Planning Committee proposes the Drug court be operational at the existing "first appearance" and "arraignment" court at the Criminal Justice Complex at Gun Club Road in West Palm Beach.

NOW, THEREFORE, it is ORDERED as follows:

I, Walter N. Colbath, Jr., as Chief Judge of the Fifteenth Judicial Circuit, hereby order the establishment of the Palm Beach County Drug court, to hear such qualified drug related charges pursuant to criteria set forth in Division KD procedural manual.

IT IS FURTHER ordered that County Court Judge Nelson E. Bailey shall preside, sitting as a Circuit Court Judge, over the Palm Beach County Drug court, and that in his absence County Court Judge Sheree Cunningham shall preside, sitting as a Circuit Court Judge, over the Palm Beach County Drug court, at the Gun Club Road courtroom facilities.

Drug court shall be designated as Division KD for case assignment purposes, and that upon receipt of appropriate orders of the Court transferring individual cases to the Drug court, the Clerk of the Circuit Court, Palm Beach County, shall assign those designated cases to "Division KD, Drug court."

Drug court hours of operation shall be Monday through Friday at 1:00 p.m. for Drug court First Appearances in Courtroom #1 of the Gun Club Courthouse, and Monday and Fridays at 1:30 p.m. for Drug court Status Check Hearings in Courtroom #2 of the Gun Club Courthouse.

To allow for the scheduling of Drug court at the Gun Club Courthouse, the current Monday 1:00 p.m. "Civilian & Jail MM/TC V.O.P. Hearings" will be assigned to West Palm Beach Courthouse Divisions on a random, equitable, rotational basis.

The scheduling of Drug court at the Gun Club Courthouse, the current Friday 1:30 p.m. "Civilian Traffic Arraignments" are eliminated and those affected cases shall be absorbed on the Tuesday, Wednesday, or Thursday traffic calendar.

In all cases in which defendants have been referred to Drug court but they subsequently elect not to participate in the program, or they are rejected from the program for any reason, or they are removed from the program prior to entry of a plea of guilty or nolo contendere, then the Drug court and/or Clerk of Court shall transfer those defendants' cases back to the cases' previously assigned divisions for further consideration.

Felony offenders participating in the Palm Beach County Drug court Program shall be supervised mutually by Drug court staff and the Florida Department of Corrections staff, in accordance with the procedures and orders of the Drug court.

The Drug court shall commence operation on November 6, 2000.

The Drug court program office shall maintain statistics in a format compatible with CJIS development.

DONE AND ORDERED, in Chambers, at the Palm Beach County Courthouse, in West Palm Beach, Florida, this 24th day of August, 2000.

_____/s/ _____

WALTER N. COLBATH, JR., CHIEF JUDGE

**FIFTEENTH JUDICIAL CIRCUIT (PALM BEACH COUNTY)
ADMINISTRATIVE ORDERS
INTERNAL PROCEDURES AND POLICIES**

11.044_1/02. Drug court GRANT/ADMINISTRATIVE PROCEDURES

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH
COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 11.044_1/02

IN RE: Drug court GRANT/ADMINISTRATIVE PROCEDURES

WHEREAS, the Court began operation of the Drug court on November 6, 2000 pursuant to requirement set forth in Florida Statute 397.334; and

WHEREAS, the Court has received grant funding for substance abuse treatment from the U.S. Department of Justice, Drug court Program Office for the period October 1, 2001 through September 30, 2002; and

WHEREAS, the Sheriff's Office currently contracts with the Drug Abuse Foundation for substance abuse treatment services for its SAAP program and the Court has signed a Memorandum of Understanding with the Drug Abuse Foundation to provide substance abuse treatment services for its Drug court program;

NOW THEREFORE, it is ORDERED that any services rendered by the Drug Abuse Foundation for the Court shall be paid for by the Board of County Commissioners from the existing budget (001_522_5240). The Administrative Office of the Court shall be responsible for establishing all necessary procedures for auditing and reconciling funds and operating expenses related to this treatment component.

DONE and SIGNED, in Chambers, at West Palm Beach, Florida this 15th day of January, 2002.

/s/

Edward Fine, Chief Judge

**Fifteenth Judicial Circuit Administrative Order No. 11.044_12/02
INTERNAL PROCEDURES AND POLICIES
11.044_12/02. Drug court GRANT/ADMINISTRATIVE PROCEDURES**

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 11.044_12/02

IN RE: Drug court GRANT/

ADMINISTRATIVE PROCEDURES

_____ /

WHEREAS, the Court began operation of the Drug court on November 6, 2000 pursuant to requirement set forth in Florida Statute 397.334; and

WHEREAS, the Court has received grant funding for substance abuse treatment from the U.S. Department of Justice, Drug court Program Office for the period September 1, 2001 through August 30, 2002 and has subsequently received a Grant Adjustment Notice extending the grant period through August 30, 2003; and

WHEREAS, the Sheriff's Office currently contracts with the Drug Abuse Foundation for substance abuse treatment services for its SAAP program and the Court has signed a Memorandum of Understanding with the Drug Abuse Foundation to provide substance abuse treatment services for its drug court program;

NOW THEREFORE, it is ORDERED that any services rendered by the Drug Abuse Foundation for the Court shall be paid for by the Board of County Commissioners from the existing budget (001_522_5240) for the period through August 30, 2003.

FURTHER, the Administrative Office of the Court shall be responsible for establishing all necessary procedures for auditing and reconciling funds and operating expenses related to this treatment component.

DONE and SIGNED, in Chambers, at West Palm Beach, Florida this ___ 18th ___ day of December, 2002.

/s/

Edward Fine, Chief Judge

supersedes admin. order no. 11.044_1/02

SEVENTEENTH JUDICIAL CIRCUIT (BROWARD COUNTY)

I FLORIDA LOCAL RULES AND ADMINISTRATIVE ORDERS

SEVENTEENTH JUDICIAL CIRCUIT (BROWARD COUNTY)

ADMINISTRATIVE ORDERS

COUNTY ORDERS

82

VI-06-I-2. MISDEMEANOR DRUG TREATMENT COURT DIVISION
IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD
COUNTY, FLORIDA

ADMINISTRATIVE ORDER: VI-06-I-2

IN RE: MISDEMEANOR DRUG TREATMENT COURT DIVISION

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration and Section 948.16 of Florida Statutes.

The Misdemeanor DRUG TREATMENT COURT Division of the County Court Criminal Division shall be created in Division ZD effective September 9, 2005.

The Misdemeanor DRUG TREATMENT COURT Division caseload will consist of cases involving defendants eligible to enter into the misdemeanor pretrial substance abuse education and treatment intervention program (hereinafter referred to as the Misdemeanor DRUG TREATMENT COURT Program or MDCP) as delineated in this Order, and all cases referred to the division for DRUG TREATMENT COURT monitoring by other misdemeanor division judges.

Defendants are deemed qualified to participate in MDCP if the offense they are charged with is possession of cannabis, or possession of drug paraphernalia under Chapter 893 of Florida Statutes. Defendants with these qualifying charges will be eligible to enter MDCP if they have not previously been convicted of a felony for which adjudication of guilt was entered or if they have not previously admitted to a pretrial intervention program.

The State Attorney will review criminal background information as well as the probable cause affidavit to determine eligibility. Defendants who do not meet any of the above criteria may be admitted only with the consent of the Judge, the State, and the defendant. Defendants ineligible for diversion may plead to probation and participate in MDCP.

Eligibility may be precluded if the State Attorney objects to defendant's entry due to involvement with dealing or selling of controlled substances. Evidence of dealing or selling of a controlled substance must be established by a preponderance of the evidence at a hearing before the Judge to whom the case is originally assigned or DRUG TREATMENT COURT Judge.

Any defendant arrested or given a notice to appear for these qualifying charges will have their cases assigned to one of the regular criminal divisions in the ordinary course. Motions for transfer into the Misdemeanor DRUG TREATMENT COURT Division (ZD) may be made sua sponte by any court or ore tenus, with the defendant present, by the Defense or the State accompanied by documentation, testimony, or any other specific evidence that would convince the court in support thereof. After transfer by the referring court, and completion of a transfer order, the case will be set on the arraignment docket of the Misdemeanor DRUG TREATMENT COURT Division Judge, who shall make the final determination of the defendant's eligibility.

Eligible defendants may enter into MDCP strictly on a voluntary basis. The defendant must waive the right to speedy trial and formal discovery upon application/motion for entry into MDCP. Appropriate waivers of confidentiality shall be obtained upon entry. Any eligible defendant electing not to enter into MDCP will be set on the court's regular criminal docket or transferred to the original criminal division judge to whom the case is assigned, for trial or disposition.

At the time of arraignment or as soon thereafter as practical, the State Attorney shall advise the court of the

defendant's eligibility. The Broward Sheriff's Office Day Reporting and Reentry Division (DRRD) will provide a deferred prosecution agreement to be signed by the defendant who opts into MDCP. DRRD will direct the defendant to the Broward-Dade Safety Council (BDSC) for substance abuse evaluation, education, and referral to treatment.

Completion of MDCP requires participation for a minimum of six (6) months, taking into consideration the defendant's prior criminal history, recommendations of treatment, and compliance with all rules and regulations of the Misdemeanor **DRUG TREATMENT COURT** Division Judge, DRRD and BDSC. Upon successful completion, the Judge shall dismiss the applicable charge(s) or may early terminate probation.

A defendant may no longer be eligible for MDCP for the following reasons: the defendant demands a trial or hearing to determine any legal or factual issues; the Judge determines that the defendant is no longer sufficiently participating in or benefiting from MDCP; or the defendant poses a threat to public safety, or the defendant has been arrested or charged with a subsequent criminal offense or the defendant is capiased for a period more than thirty (30) days. Upon a determination of ineligibility, the case will be transferred back to the original division or disposed of. Upon transfer back to the original division, the defendant's right to a speedy trial, formal discovery, and assertion of legal defenses will be reinstated upon written demand from the date of filing by the defendant.

This Administrative Order does not preclude a regular criminal division judge from sentencing any defendant who desires and is amenable to treatment to attend and complete MDCP under the direction and supervision of the Misdemeanor **DRUG TREATMENT COURT** Division Judge.

DONE AND ORDERED at Fort Lauderdale, Broward County, Florida this 27th day of January, 2006.

/s/DALE ROSS

DALE ROSS, Chief Judge

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.: III-06-S-1A

IN RE: MENTAL HEALTH COURT SUBDIVISION WITHIN THE CIRCUIT CRIMINAL DIVISION

In accordance with the authority vested in the Chief Judge by Rule 2.050, Florida Rules of Judicial Administration:

IT IS ORDERED that effective January 17, 2006, Administrative Order No. III-03-S-1, which created the Mental Health Court Subdivision within the Circuit Criminal Division, is hereby amended as follows:

I. ELIGIBILITY.....

C. COMPETENCY AND INSANITY

.....

8. Defendants whose cases are qualified for and assigned to the **DRUG TREATMENT COURT**, pursuant to Administrative Order No.: III-05-E-3A, or subsequent related orders governing said court, who are declared to be incompetent to proceed, are deemed eligible for the Felony Mental Health Court. After a finding that a Defendant

has been declared incompetent to proceed, the case shall be transferred by the Clerk of the Court, upon filing of a transfer order, to the Felony Mental Health Division, until such time as the Defendant is restored to competency. Once the Defendant is restored to competency, the case shall be transferred, upon filing of a transfer order, back to the **DRUG TREATMENT COURT** Division, unless the Defendant elects to remain in the Felony Mental Health Division to resolve his or her case.

.....

IT IS FURTHERMORE ORDERED that this order supercedes any conflicting language in any previous administrative orders concerning mental health in these criminal courts.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida on this the 17th day of January, 2006.

/s/DALE ROSS

DALE ROSS, CHIEF JUDGE

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD,
COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. I_92_E_1

IN RE: ELECTRONIC REPORTING OF IN_COURT PROCEEDINGS

_____/

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration, it is ORDERED that:

1. Electronic recording may be used in all civil, traffic, juvenile and criminal matters for the purpose of taking depositions and recording all proceedings required to be recorded, or requested by the parties to be recorded. Such electronic recordings shall constitute an official court record.
2. All mental health proceedings before the General Masters shall be electronically recorded except as stated below. The General Masters are hereby authorized to operate electronic recording equipment for the purpose of establishing the record as required by Rule 1.490(f), Florida Rules of Civil Procedure.
3. All juvenile proceedings shall be electronically recorded by an Electronic Court Reporter when an official court record of the proceedings is required or requested except as stated below.
4. Electronic recording shall be phased in by Court Administration. When phase-in is complete, **Drug court** and all County Court proceedings will be electronically recorded except trials at the Central Courthouse. . . .
12. There shall be no charge to the county for transcripts for which the county is obligated to expend funds. Other requesting parties shall pay charges for transcripts and tapes in accordance with the schedules set forth from time to time, and approved by the Chief Judge. These charges shall be remitted to the Board of County Commissioners of Broward County, Florida.

Done and Ordered at Fort Lauderdale, Florida, this 30th day of July, 1992.

/s/DALE ROSS
DALE ROSS, Chief Judge

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD,
COUNTY, FLORIDA**

AMINISTRATIVE ORDER NO. III_92_E_1

IN RE: Drug court DIVISION WITHIN THE CRIMINAL DIVISION

_____ /

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration,

This Court's previous order creating Drug court entered on June 27, 1991 is hereby amended to add the following:

Any defendant charged with Possession and/or Purchase of cocaine for which offense a minimum mandatory sentence is not required by law, who has previously been convicted of a felony drug offense will be eligible to participate in Drug court provided that the prior felony conviction occurred more than ten (10) years prior to the arrest for which the defendant seeks entry into Drug court, and that the defendant has been free from state control or custody as a result of the prior conviction more than ten (10) years from the date of arrest for which the defendant seeks entry into Drug court.

Any defendant charged with Tampering with Evidence, in which the evidence involves no more than three (3) cocaine rocks shall be eligible for Drug court.

Any defendant charged with Possession and/or Purchase of Barbiturates or Amphetamines of no more than fifteen (15) pills shall be eligible to participate in Drug court.

Any defendant charged with Possession and/or Purchase of Cocaine and Possession and/or Purchase of Marijuana {not exceeding one (1) pound} shall be eligible to participate in Drug court.

Any defendant charged with Possession and/or Purchase of Cocaine and Tampering with Evidence of no more than three (3) cocaine rocks shall be eligible to participate in Drug court.

In all other respects, the Administrative Orders of June 27, 1991, November 7, 1991 AND December 19, 1991 shall remain in full force and effect.

DONE AND ORDERED in chambers in Fort Lauderdale, Broward County, Florida, this 31st day of March, 1992.

/s/DALE ROSS

Dale Ross, Chief Judge

III_94_E_2. Drug court JUDICIAL PRETRIAL INTERVENTION PROGRAM

86

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD
COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. III_94_E_2

IN RE: Drug court JUDICIAL PRETRIAL INTERVENTION PROGRAM

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration and Section 948.08 (6), of Florida Statutes, and

WHEREAS this Circuit has created by Administrative Order No. III_91_E_1 as modified by Administrative Orders No.III_91_E_1B, III_92_E_1 and III_93_E_2A a Drug court Division operational within the Criminal Division.

WHEREAS the Drug court Division was empowered to handle cases involving first time offenders who voluntarily chose to participate and were charged after June 17, 1991 with possession and/or purchase of cocaine and in limited specified circumstances, tampering with evidence, possession and/or purchase of barbiturates and amphetamines, and possession or purchase of marijuana.

WHEREAS it was a prerequisite for entry into the Drug court Division that the participant plea Guilty or No Contest and successfully complete year of probation and the Drug court Division Program at the Drug Treatment Facility.

WHEREAS since the Florida legislature by Florida Statute 948.08 (6) has empowered the judiciary within each circuit with diversionary drug program, it is now therefore

ORDERED that Effective upon signing of this Order, the Drug court Division of the Criminal Division will continue in effect as herein modified by this Order.

The Drug court Division Judge's caseload will exclusively consist of cases involving defendants eligible to participate in the Broward County Judicial Pretrial Intervention Program (hereinafter referred to as "the program") as delineated in this Order.

Defendants arrested on or after the date of this Order, who are otherwise eligible may participate in the program. Participation is strictly on a voluntary basis. Any eligible defendant electing not to enroll in the program will have their case handled by a regular criminal division judge to whom the case is assigned. A participant must be an existing resident of Broward County, Florida or establish residence in this County and must be eighteen (18) years of age or older at the time of their arrest or a juvenile being prosecuted as an adult.

A defendant will have thirty (30) calendar days from the date of arraignment to apply to the Department of Corrections pretrial officer for admission into the program. The Department of Corrections will have thirty (30) calendar days from the date of receipt of application to determine qualification for entry into the program.

Defendants are deemed qualified to participate in the program if the offense

they are charged with by Information or Indictment is a second or third degree felony as defined in Florida Statutes 893.13, alleging the purchase or possession for personal use and not for resale or redelivery of any controlled substance identified in Florida Statute 893.03.

However, defendants formally charged with a qualifying offense would not be eligible to participate in the program if they have previously been admitted into any pretrial intervention program (regardless of successful completion) or if they have a prior felony conviction for which an adjudication of guilt was entered. However, a defendant charged with a qualifying offense who has previously been adjudicated guilty of a possession or purchase of a controlled substance for which a minimum mandatory sentence was not imposed more than ten (10) years prior to the arrest for which the defendant seeks entry into the program and who has been free from state control or custody as a result of that prior conviction more than ten (10) years from the date of arrest for which the defendant seeks entry into the program will be eligible to participate.

Defendants arrested for a qualifying offense and an additional nonqualifying felony offense are ineligible to participate in the program unless the nonqualifying felony charge is "tampering with evidence" or is an offense otherwise eligible for participation in the Felony Pretrial Intervention Program jointly operated by the Department of Corrections and the State Attorney and the victim of such nonqualifying offense consents to the defendant's involvement in the judicial pretrial intervention program.

A prerequisite for admission into the program is that the defendant furnish a sworn admission of guilt to the qualifying crime charged or an admission that the defendant had knowledge of the existence of the drugs in question and is in need of drug help. This sworn statement of admission may only be used as rebuttal evidence against the defendant if he testifies at trial in the event he is discharged from the program and he is prosecuted in a regular criminal division.

A written waiver of the defendant's speedy trial rights is required to be submitted to the Department of Corrections as part of the application for admission into the program prior to acceptance into the program.

If a defendant is rearrested and charged by Information for the misdemeanor offenses of DUI or possession of cannabis or any felony during the pendency of their participation in the program immediate automatic removal and termination from the program will result. Under these circumstances the defendant's qualifying offense and the new felony offense(s) will be reassigned by the clerk of court to a regular criminal division judge. In the event the new charge is dismissed or nolle prosequi the defendant would be eligible for reinstatement into the program.

Completion of the program requires attendance for a period of one (1) year at the BARC Drug court Treatment Facility operated by Broward County and compliance with all rules and regulations of the Drug court Division Judge, the Drug court Treatment Facility and the Department of Corrections including but not limited to a period of twelve months of drug_free urine testing. The period of one year attendance may begin at any time prior to formal written application for admission or the judicial determination of eligibility if the Broward Sheriff's Office pretrial services officer "preliminary" concludes after conducting a criminal history review that a defendant would appear to qualify as a candidate for the program. A defendant will have eighteen (18) months from entry into the program to complete the requirements of the program.

Eligibility for participation in the program will be precluded if it is factually determined by the Drug court Division Judge that the defendant was involved in dealing or selling the controlled substance for which arrest the defendant is seeking admission into the program. In these circumstances the defendant's case will be reassigned by the clerk of court to a regular criminal division judge. The motion to exclude eligibility must be filed by the state attorney in a timely manner and evidence of dealing or selling the controlled substance in question must be established by a preponderance of the evidence.

Once admitted into the Drug court Program, the Court upon its own motion or upon motion of any interested person(s), (i.e., Public Defender, Defense Attorney, State Attorney, Broward Sheriffs"s Office Pre_trial Services, Probation Department, BARC Treatment personnel, Defendant's Family members, any interested victim(s), etc.)

may seek to terminate the Defendant's participation in the Drug court.

The Court shall set a hearing within Ten (10) days of the filing of any motion for termination to determine a Defendant's continued participation.

The Defendant shall be terminated from the Drug court Program if at that hearing it is found that:

- A. the Defendant has violated any of the eligibility requirements as contained in this Order, or;
- B. the Defendant has failed a total of seven (7) drug tests, (urinalysis) during the term of his participation, or;
- C. the Defendant has failed any three (3) consecutive drug tests (urinalysis) during the term of his participation in the program, or;
- D. the Defendant has been rearrested and charged for DUI, possession of cannabis, or any felony.
- E. the Defendant has failed to appear for BARC treatment, or Court on any three (3) or more occasions.
- F. For failing to comply with the terms of his/her treatment program.

The provisions of subparagraphs (A) through (F) shall not prohibit the Court from terminating a Defendant's participation for other compelling reasons, as justice may require.

The motion to terminate shall be filed at the option of the movant, before the Drug court Judge, Administrative Judge of Felony Division or before the Chief Judge.

Upon recommendation of the administrator of the BARC Drug court Treatment Facility and the recommendation of the Department of Corrections pretrial intervention officer that the defendant has successfully completed the program, the Drug court Judge shall dismiss the charge.

This Administrative Order does not preclude a regular criminal division judge from sentencing any defendant after an evaluation and recommendation by BARC and/or TASC as a condition of drug offender probation regardless of the crime charged to attend and complete the drug treatment program at the drug treatment facility under the direction and supervision of the Drug court division judge. Any warrants alleging violation of drug offender probation shall be presented to, issued by and disposed of by the regular criminal division judge ordering the defendant to attend the drug treatment facility.

DONE AND ORDERED in Chambers in Fort Lauderdale, Broward County, Florida, this 27th day of September, 1994.

/s/DALE ROSS

Dale Ross, Chief Judge

III_99_E_3. Drug court DIVISION

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. III_99_E_3

IN RE: Drug court DIVISION

_____ /

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration and Section 948.08(6), of Florida Statutes.

The **Drug court** Division of the Criminal Division will continue in effect. This Order shall replace and supersede all prior Administrative Orders concerning this Division, effective October 1, 1999.

The **Drug court** Division Judge's caseload will consist of cases involving defendants eligible to participate in the Broward County Judicial Pretrial Intervention Program (hereinafter referred to as "the program") as delineated in this Order, and all cases referred to the division for **Drug court** monitoring by other felony division judges.

Defendants arrested on or after October 1, 1993, who are otherwise eligible may participate in the program. Participation is strictly on a voluntary basis. Any eligible defendant electing not to enroll in the program will have their case handled by a regular criminal division judge to whom the case is assigned for trial or after pleading to probation in the **Drug court** division.

Defendants are deemed qualified to participate in the program if the offense they are charged with by Information or Indictment is a second or third degree felony, as defined in Florida Statute § 893.13, alleging the purchase or possession for personal use, tampering with evidence, obtaining a controlled substance by fraud, or solicitation for purchase of a controlled substance, and not for resale or redelivery, of any controlled substance identified in Florida Statute § 893.03.

As with any other felony booking, any defendant arrested for these qualifying charges will have their case randomly assigned to one of the regular criminal divisions.

For those defendants who qualify for the program and are financially unable to post bond, the Broward Sheriff's Office Pretrial Services ("pretrial services") will expeditiously interview on a daily basis those arrestees in custody to preliminarily determine eligibility to participate in the Judicial Pretrial Intervention Program ("the program"), interest, and need in receiving the drug treatment that the program offers.

Defendants preliminarily determined by pretrial services to be eligible and interested in the program, will be released from custody on pretrial release status and as a condition of their release, they must immediately report to and attend the Drug Treatment Facility at the direction of the BSO and report to the **Drug court** Judge when instructed by the pretrial services officer and/or BSO counselor.

The pretrial services officer will furnish on a daily basis to the Department of Corrections, Probation and Parole Division, a list of those defendants preliminarily determined to be eligible for the program and released on pretrial release together with the applicable booking sheet, probable cause affidavit, and pretrial **Drug court** release order. The Department of Corrections will then conduct a criminal background records check for those listed defendants and furnish its results within 24 hours to the pretrial services officer.

Upon receipt of verification of eligibility from the Department of Corrections, the pretrial services officer will notify the Clerk of Court and the Clerk of Court shall immediately transfer the eligible defendant's case from the regular criminal division to which the case was originally assigned to the **Drug court** Division.

With respect to defendants who post a cash or surety bond, the pretrial services officer shall on a daily basis preliminarily review the criminal history for those arrestees charged with a qualifying charge to determine those defendants eligible to participate in the program. The pretrial services officer will then request the Department of Corrections to conduct a criminal records background check on the bonded defendants identified as potential candidates for the program. The pretrial services officer will then notify the Clerk of Court on a daily basis. The

Clerk of Court will then immediately transfer the eligible defendant's case from the regular criminal division to the **Drug court** Division. To expedite and encourage immediate participation by the bonded defendants in the program, the pretrial services officer will notify the defendant, the bondsmen, and the attorney to contact and report to the Drug Treatment Facility and the **Drug court** Judge as soon as possible.

At the time of the arraignment, the Department of Corrections will provide a deferred prosecution agreement to be signed by the defendant who opts into the **Drug court** Treatment Program. The defendant shall apply to Pre_Trial Intervention and undergo an initial interview. Those defendants who do not choose to participate in the program, shall plead to probation or have their cases transferred to the felony division to which they were originally assigned for trial purposes.

Defendants formally charged with a qualifying offense would not be eligible to participate in the program if they have previously been admitted into any pretrial intervention program (regardless of successful completion) or if they have a prior felony conviction for which an adjudication of guilt was entered. They may, however, plead to probation and participate in **Drug court**.

Completion of the program requires attendance for a minimum of one (1) year at the BSO **Drug court** Treatment Facility operated by the Broward County Sheriff's Office and compliance with all rules and regulations of the **Drug court** Division Judge, the **Drug court** Treatment Facility, and the Department of Corrections. A defendant will receive credit for the one (1) year requirement of participation in the program as of the date the defendant signs the deferred prosecution agreement. The Court shall consider the recommendation of the BSO **Drug court** Treatment Facility and the Department of Corrections Pretrial Intervention Program Administrator to determine that the defendant has successfully completed the program. Upon successful completion, the **Drug court** Judge shall dismiss the charge or may early terminate their probation.

Eligibility for participation in the PTI program will be precluded if it is factually determined by the **Drug court** Division Judge that the defendant was involved in dealing or selling the controlled substance for which arrest the defendant is seeking admission into the program. In these circumstances, the defendant's case will be reassigned to a regular criminal division judge for trial or for future handling after a plea to probation. The motion to exclude eligibility must be filed by the State Attorney in a timely manner and evidence of dealing or selling the controlled substance in question must be established by a preponderance of the evidence.

This Administrative Order does not preclude a regular criminal division judge from sentencing any defendant to attend and complete the **Drug court** treatment program, under the direction and supervision of the **Drug court** division judge. Any warrants alleging violation of probation shall be presented to and issued and disposed of by the regular criminal division judge ordering the defendant to attend the drug treatment facility.

All prior orders concerning participation in ADAs **Drug court** will be modified to BSO **Drug court**.

This Order supersedes and voids Administrative Order No. III_96_E_5.

DONE AND ORDERED at Fort Lauderdale, Broward County, Florida this 4th day of October, 1999.

/s/DALE ROSS

DALE ROSS, Chief Judge

Seventeenth Judicial Circuit Administrative Order No. III_99_E_3

III_94_E_4. CHANGE OF VENUE FOR Drug court CRIMINAL CASES

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA

**ADMINISTRATIVE ORDER NO. III_94_E_4
Replaces III_94_B_4**

IN RE: CHANGE OF VENUE FOR Drug court CRIMINAL CASES

_____ /

WHEREAS, the Legislature has given authority to the court and criminal justice authorities to refer substance abuse impaired offenders to service providers for assessment and treatment, Fla. Stat. 397.705, as created by CH. 93_39, Law of Florida, and Fla. Stat. 948.08(6);

WHEREAS, the concept of treating non_violent offenders who are drug involved through a Drug court diversion program in order to reduce addiction and crime is strongly supported by the Eleventh and Seventeenth Circuits (Dade and Broward Counties);

WHEREAS, in some instances Broward County residents are arrested in Dade County;

WHEREAS, in order to be effective, treatment through a Drug court diversion program requires close, direct supervision by the Drug court Judge; and the manageability of the offender has been found to be much better accommodated by locating treatment in the circuit where the offender resides; and

WHEREAS, the Circuit Courts of Broward and Dade County have agreed to accept venue of these cases when they involve residents of their circuit who have been arrested in the neighboring circuit;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Seventeenth Judicial Circuit of Florida, it is hereby:

ORDERED AND ADJUDGED:

1. That Drug court Judges of the Seventeenth Judicial Circuit may, with the consent of the State Attorney and the defendant, pursuant to Fla. Stat. 910.03, order a change of venue for Drug court clients who are Dade County residents, if such a change is in the best interest of community safety and substance abuse rehabilitation.
2. That Drug court Judges of the Seventeenth Judicial Circuit may hear and determine cases originating in Dade County, involving clients who are residents of Broward County, and which are accepted into the Drug court diversion program in Dade County, where a change in venue to the Seventeenth Judicial Circuit has been properly effected.

DONE AND ORDERED at Fort Lauderdale, Broward County, Florida, this 15th day of February, 1994, nunc pro tunc January 25, 1994.

/s/DALE ROSS

DALE ROSS, Chief Judge

III_96_E_5. Drug court DIVISION CASE TRANSFERS

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. III_96_E_5

IN RE: Drug court DIVISION CASE TRANSFERS

_____/

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration it is

ORDERED that the Drug court Judge shall have the authority to accept a negotiated plea on behalf of a Drug court defendant, where the defendant either does not wish to participate in Drug court or does not qualify for Drug court.

Once a Drug court defendant has accepted a plea in lieu of participating in Drug court, his/her case shall go back to the original division from which it originated.

DONE AND ORDERED at Fort Lauderdale, Broward County, Florida this 2nd day of February, 1996.

/s/DALE ROSS

DALE ROSS, Chief Judge

V_02_K_1. ESTABLISHMENT OF A DEPENDENCY Drug court PILOT

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.: V_02_K_1

RE: ESTABLISHMENT OF A DEPENDENCY Drug court PILOT

_____/

WHEREAS, the rate of substance abuse among parents and legal custodians of children alleged to be abused, neglected or abandoned is significantly high; and

WHEREAS, the court, the Department of Children and Families, Child Protective Investigations Division of the Broward Sheriff's Office, Child Welfare Legal Services Division of the Office of the Attorney General, Guardian Ad Litem Program, and appointed counsel have met and developed protocol and procedures for the eligibility criteria and operations of a Dependency Drug court Pilot; and

WHEREAS, it is in the best interest of children and families that this circuit pilot a Dependency Drug court to provide the most appropriate permanency options for children and families at the earliest possible time in a dependency case; and

In accordance with the authority vested in the Chief Judge, by Rule 2.050 of the Florida Rules of Judicial

Administration, it is

ORDERED that:

There is established a Dependency Drug court Pilot in the Seventeenth Judicial There is established a Dependency Drug court Pilot in the Seventeenth Judicial Circuit, which will operate in Dependency Subdivision DB. Cases meeting the eligibility criteria may be assigned to the Dependency Drug court Pilot by the presiding judge if the affected parties knowingly and willfully consent to the assignment by executing the proper consents and agreements developed for the Dependency Drug court Pilot.

Eligibility Criteria:

8. Principal residence will need to remain in Broward County for the next 12 months.
2. The prospective participant shall have no open or pending felony criminal charges or related open probation cases. (Misdemeanor offenses unresolved, or active misdemeanor probation, or unresolved traffic citations/infractions will be reviewed and considered on a case_by_case basis for eligibility).
3. The prospective participant shall have no present mental disorder that would preclude the participant for standard functioning within the Dependency Drug court Pilot.
4. The alleged harm, established risk, and resulting "protective" factors for the dependency case implicate principally the Dependency Drug court Pilot participant as the offending parent.
5. The presumed chemical dependency issue of the Dependency Drug court Pilot participant appears to be the principal reason for the participant's inability to provide properly for the dependent child(ren).
6. The referred participant must have no prior dependency action on child or siblings within the past two years, except for a withheld adjudication, dismissal, or special condition case. The court's approval shall be required for any exceptions.
7. The referred parent shall have no other adult in their home regarded as presently chemically addicted and not in active treatment. The court's approval shall be required for any exceptions.
8. The cases must not appear appropriate for the initiation of " Expedited termination of parental rights" in the initial stages of the dependency action. In addition, there must be no allegations that the parent or parents have committed any of the acts listed as grounds for expedited termination of parental rights in s. 39.806(1)(d), (f)_ (i), Florida Statutes. The affected parties will be held to the terms and conditions as set out in the Dependency Drug court acknowledgments and agreements executed by them and as otherwise ordered by the court and as stated in Chapter 39, Florida Statutes. Dependency Drug court Pilot cases will be reviewed on a weekly basis by the presiding judge or assigned general master, unless otherwise ordered by the court.

DONE AND ORDERED in Chambers in Fort Lauderdale, Broward County, Florida this 26th day of February, 2002.

/s/DALE ROSS

DALE ROSS, Chief Judge

Seventeenth Judicial Circuit Administrative Order No. III-05-E-3

**FLORIDA STATUTES
FLORIDA LOCAL RULES AND ADMINISTRATIVE ORDERS
SEVENTEENTH JUDICIAL CIRCUIT (BROWARD COUNTY)
ADMINISTRATIVE ORDERS**

94

**CRIMINAL
III-05-E-3. DRUG COURT DIVISION**

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. III-05-E-3

IN RE: **DRUG COURT DIVISION**

_____:

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration and Section 948.08(6), of Florida Statutes.

The **Drug Court** Division of the Criminal Division will continue in effect. This Order shall replace and supersede all prior Administrative Orders concerning this Division, effective February 15, 2005.

The **Drug Court** Division Judge's caseload will consist of cases involving defendants eligible to participate in the Broward County Judicial Pretrial Intervention Program (hereinafter referred to as "the program") as delineated in this Order, and all cases referred to the division for **drug court** monitoring by other felony division judges.

Defendants arrested on or after February 15, 2005, who are otherwise eligible may participate in the program. Entry into the program is strictly on a voluntary basis. Any eligible defendant electing not to enroll in the program will have their case handled by a regular criminal division judge to whom the case is assigned for trial or after pleading to probation in the **Drug Court** division.

Defendants are deemed qualified to participate in the program if the offense they are charged with by Information or Indictment is a second or third degree felony, as defined in Florida Statute S 893.13, alleging the purchase or possession for personal use, tampering with evidence, obtaining a controlled substance by fraud, or solicitation for purchase of a controlled substance, and not for resale or redelivery, of any controlled substance identified in Florida Statute S 893.03.

As with any other felony booking, any defendant arrested for these qualifying charges will have their case randomly assigned to one of the regular criminal divisions.

For those defendants who qualify for the program and are financially unable to post bond, the Broward Sheriff's Office Pretrial Services ("pretrial services") will expeditiously interview on a daily basis those arrestees in custody to preliminarily determine eligibility to participate in the Judicial Pretrial Intervention Program ("the program"), interest, and need in receiving the drug treatment that the program offers.

Defendants preliminarily determined by pretrial services to be eligible and interested in the program, will be released from custody on pretrial release status and as a condition of their release, they must immediately report to and attend the Drug Treatment Facility at the direction of the BSO and report to the **Drug Court Judge** when instructed by the pretrial services officer and/or BSO counselor.

The pretrial services officer will furnish on a daily basis to the Department of Corrections, Probation and Parole Division, a list of those defendants preliminarily determined to be eligible for the program and released on pretrial release together with the applicable booking sheet, probable cause affidavit, and pretrial **drug court** release order. The Department of Corrections will then conduct a criminal background records check for those listed defendants and furnish its results within 24 hours to the pretrial services officer.

Upon receipt of verification of eligibility from the Department of Corrections, the pretrial services officer will notify the Clerk of Court and the Clerk of Court shall immediately transfer the eligible defendant's case from the regular criminal division to which the case was originally assigned to the **Drug Court** Division.

With respect to defendants who post a cash or surety bond, the pretrial services officer shall on a daily basis

Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA Drug Court Clearinghouse. American University. June 2006.

preliminarily review the criminal history for those arrestees charged with a qualifying charge to determine those defendants eligible to participate in the program. The pretrial services officer will then request the Department of Corrections to conduct a criminal records background check on the bonded defendants identified as potential candidates for the program. The pretrial services officer will then notify the Clerk of Court on a daily basis. The Clerk of Court will then immediately transfer the eligible defendant's case from the regular criminal division to the **Drug Court** Division. To expedite and encourage immediate participation by the bonded defendants in the program, the pretrial services officer will notify the defendant, the bondsmen, and the attorney to contact and report to the Drug Treatment Facility and the **Drug Court** Judge as soon as possible.

At the time of the arraignment, the Department of Corrections will provide a deferred prosecution agreement to be signed by the defendant who opts into the **Drug Court** Treatment Program. The defendant shall apply to Pre-Trial Intervention and undergo an initial interview. Those defendants who do not choose to participate in the program, shall plead to probation or have their cases transferred to the felony division to which they were originally assigned for trial purposes.

Defendants formally charged with a qualifying offense would not be eligible to participate in the program if they have previously been admitted into any pretrial intervention program (regardless of successful completion) or if they have a prior felony conviction for which an adjudication of guilt was entered. They may, however, plead to probation and participate in **Drug Court**.

Completion of the program requires attendance for a minimum of one (1) year at the BSO **Drug Court** Treatment Facility operated by the Broward County Sheriff's Office and compliance with all rules and regulations of the **Drug Court** Division Judge, the **Drug Court** Treatment Facility, and the Department of Corrections. A defendant will receive credit for the one (1) year requirement of participation in the program as of the date the defendant signs the deferred prosecution agreement. The Court shall consider the recommendation of the BSO **Drug Court** Treatment Facility and the Department of Corrections Pretrial Intervention Program Administrator to determine that the defendant has successfully completed the program. Upon successful completion, the **Drug Court** Judge shall dismiss the charge or may early terminate their probation.

Eligibility for participation in the PTI program will be precluded if it is factually determined by the **Drug Court** Division Judge that the defendant was involved in dealing or selling the controlled substance for which arrest the defendant is seeking admission into the program. In these circumstances, the defendant's case will be reassigned to a regular criminal division judge for trial or for future handling after a plea to probation. The motion to exclude eligibility must be filed by the State Attorney in a timely manner and evidence of dealing or selling the controlled substance in question must be established by a preponderance of the evidence.

This Administrative Order does not preclude a regular criminal division judge from sentencing any defendant to attend and complete the **drug court** treatment program, under the direction and supervision of the **drug court** division judge. Any warrants alleging violation of probation shall be presented to and issued and disposed of by the regular criminal division judge ordering the defendant to attend the drug treatment facility.

All prior orders concerning participation in ADAs **Drug Court** will be modified to BSO **Drug Court**.

This Order supersedes and voids Administrative Order No. III-99-E-3.

DONE AND ORDERED at Fort Lauderdale, Broward County, Florida this 15th day of February, 2005.

/s/THOMAS M. LYNCH, IV

THOMAS M. LYNCH, IV, Acting Chief Judge

TWENTIETH CIRCUIT COURT (CHARLOTTE, COLLIER, GLADES, HENDRY AND LEE
COUNTIES)

**FLORIDA LOCAL RULES AND ADMINISTRATIVE ORDERS
TWENTIETH CIRCUIT COURT (CHARLOTTE, COLLIER, GLADES, HENDRY AND LEE COUNTIES)
ADMINISTRATIVE ORDERS
3.15. ESTABLISHMENT OF DRUG TREATMENT COURT**

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

ADMINISTRATIVE ORDER NO. 3.15

IN RE: ESTABLISHMENT OF DRUG TREATMENT COURT

Pursuant to Article V, Section 7 of the Florida Constitution and § 43.30, Fla. Stat. (1999), there is created within the Twentieth Judicial Circuit a DRUG TREATMENT COURT, which shall be a division of the Criminal Court.

This Court is authorized to be created within any county or counties in the Twentieth Judicial Circuit by such other orders as may be necessary to effectuate the intent and purpose of this enactment.

The DRUG TREATMENT COURT will preside exclusively over appropriate cases involving arrested persons who have substance abuse or addiction problems. Each participating defendant must have no significant history of crimes involving violence. All defendants so identified must meet the requirements for participation set forth in this or any other controlling DRUG TREATMENT COURT order and any program manual authorized therein. Participation by a qualified defendant will be on a voluntary basis.

The Clerk of Court in any County wherein a DRUG TREATMENT COURT is established by order of the Chief Judge shall reassign all cases to the DRUG TREATMENT COURT Division as may be determined by the DRUG TREATMENT COURT Coordinator or other designee of the Chief Judge. The State Attorney's Office will independently verify eligibility of those defendants preliminarily recommended for DRUG TREATMENT COURT. Final entry into the DRUG TREATMENT COURT is contingent upon the defendant entering a plea of "guilty" or "no contest."

Upon the successful completion of the DRUG TREATMENT COURT program, the participating defendant may be permitted to withdraw his or her plea and the State Attorney's Office will thereafter agree to drop the underlying charge or charges as provided in this or any other controlling order and the DRUG TREATMENT COURT Program Manual.

DONE AND ORDERED in Chambers at Naples, Collier County, Florida, this 27 day of Mar, 2001.

William L. Blackwell

Chief Judge

**FLORIDA LOCAL RULES AND ADMINISTRATIVE ORDERS
TWENTIETH CIRCUIT COURT (CHARLOTTE, COLLIER, GLADES, HENDRY AND LEE COUNTIES)
ADMINISTRATIVE ORDERS
12.2. IMPLEMENTATION OF MODEL FAMILY COURT RECOMMENDATIONS AND
ESTABLISHMENT OF UNIFIED FAMILY COURT**

Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA Drug Court Clearinghouse. American University. June 2006.

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

ADMINISTRATIVE ORDER NO. 12.2

IN RE: IMPLEMENTATION OF MODEL FAMILY COURT RECOMMENDATIONS AND ESTABLISHMENT OF UNIFIED FAMILY COURT

.....

12. DRUG TREATMENT COURT. Pursuant to Administrative Order 3.15, DRUG TREATMENT COURT was established throughout the Twentieth Judicial Circuit Court. Juvenile DRUG TREATMENT COURT shall be operated by separate administrative order and contained within the Administrative Code of the Twentieth Circuit Court.....

DONE AND ORDERED in Chambers, at Punta Gorda, Charlotte County, Florida this 2nd day of Jan., 2001.

William L. Blackwell

Chief Judge

<u>GEORGIA</u>

**LOCAL COURT RULES AND PROCEDURES
SUPERIOR COURT OF GWINNETT COUNTY INTERNAL OPERATING PROCEDURES
CASE MANAGEMENT
DRUG TREATMENT COURT CASE ASSIGNMENTS**

VIII. DRUG TREATMENT COURT CASE ASSIGNMENTS

All cases qualified by the DRUG TREATMENT COURT Team and accepted by the DRUG TREATMENT COURT Judge for entry into the DRUG TREATMENT COURT Program shall be assigned to division 1.

This supersedes the order dated June 6, 2005 included in the Case Management Internal Operating Procedure filed with the Clerk of Court on June 6, 2005.

ORDERED this _____ day of January, 2006.

Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA Drug Court Clearinghouse. American University. June 2006.

IDAHO

IDAHO RULES OF COURT IDAHO CRIMINAL RULES RULE 25. DISQUALIFICATION OF JUDGE

(a) Disqualification of Judge Without Cause. In all criminal actions, except actions before **DRUG TREATMENT COURTS** or mental health courts, the parties shall each have the right to one disqualification without cause of the judge or magistrate, except as herein provided, under the following conditions and procedures:

(1) Motion to Disqualify. In any criminal action in the district court or the magistrate's division thereof, excluding actions before **DRUG TREATMENT COURTS** or mental health courts, any party may disqualify one (1) judge or magistrate by filing a motion for disqualification without cause, which shall not require the stating of any grounds therefor, and the granting of such motion for disqualification without cause, if timely, shall be granted. Each party in a felony prosecution shall have one (1) disqualification without cause under this Rule as to the magistrate appointed to hear the preliminary hearing and another disqualification without cause as to the district judge appointed to hear the trial of the action. A motion for disqualification without cause shall not be made under this Rule to hinder, delay or obstruct the administration of justice.....

IDAHO RULES OF COURT IDAHO COURT ADMINISTRATIVE RULES PART V. OTHER COURT STANDARDS AND PROCEDURES

RULE 55. DRUG TREATMENT COURTS AND MENTAL HEALTH COURTS

(a) The Idaho **DRUG TREATMENT COURT** and Mental Health Court Act specifies the goals, purposes, policies for acceptance and related operating guidance for the operation of **DRUG TREATMENT COURTS** and mental health courts in Idaho. In addition, the Act establishes a statewide **DRUG TREATMENT COURT** and Mental Health Court Coordinating Committee and vests it with the responsibility for establishing standards and guidelines and providing ongoing oversight of the operation of **DRUG TREATMENT COURTS** and mental health courts in Idaho. This rule provides additional direction for the development, establishment, operations, and termination of **DRUG TREATMENT COURTS** and mental health courts. The provisions of this rule apply to all **DRUG TREATMENT COURTS** and mental health courts, including those addressing adult felony or misdemeanor cases, juvenile cases, or child protection cases.

(b) Judicial districts planning to establish a new **DRUG TREATMENT COURT** and/or mental health court must submit a letter of intent to the Statewide Drug and Mental Health Coordinator, signed by the Administrative District Judge and the Trial Court Administrator, no less than six months in advance of a proposed starting date. The Statewide **DRUG TREATMENT COURT** Coordinator will advise the **DRUG TREATMENT COURT** and Mental Health Court Coordinating Committee and shall offer assistance in planning, coordination, identifying available funds, and providing training. The Coordinating Committee will advise the judicial district as to available funding and a feasible starting date, within thirty (30) days of receiving the letter of intent.

(c) Any judicial district planning to apply for training to assist in the development or ongoing operation of a **DRUG TREATMENT COURT** and/or mental health court, through an application to the Department of Justice for the **DRUG TREATMENT COURT** Planning Initiative, must notify the Drug and Mental Health Court Coordinator, through the Administrative District Judge and Trial Court Administrator, prior to the submission of their training application. The Statewide Drug and Mental Health Coordinator will schedule a pre-training briefing with the team, in advance of their participation in the national training, to orient the team to Idaho statute, guidelines, and available resources. Acknowledgement of or participation in the national training will not guarantee that the **DRUG TREATMENT COURT** and Mental Health Court Coordinating Committee will approve the subsequent proposal for the new **DRUG TREATMENT COURT** and/or mental health court.

(d) The judicial district must submit an operations application, on a form to be prescribed by the **DRUG TREATMENT COURT** and Mental Health Court Coordinating Committee, prior to beginning operations of a new **DRUG TREATMENT COURT** and/or mental health court. This application shall be signed by the Administrative

District Judge and the Trial Court Administrator and shall be submitted to the **DRUG TREATMENT COURT** and Mental Health Court Coordinating Committee no less than sixty days in advance of a proposed starting date. The **DRUG TREATMENT COURT** and Mental Health Court Coordinating Committee shall approve or disapprove the application and may adjust the proposed starting date, consistent with available resources. The operations application shall include the following:

(1) A memorandum of agreement (MOA) signed by the Administrative District Judge, Trial Court Administrator, one or more proposed presiding judges, the prosecuting attorney(s) and city attorneys for the participating jurisdictions, the public defender(s) for the participating jurisdictions, the community supervision agency, and other community entities such as the Regional Substance Abuse Authority and / or Regional Mental Health Council. This MOA will describe each agency or organization's participation and specific commitments to the drug or mental health court.

(2) Documentation of training of the core team for the **DRUG TREATMENT COURT** and/or mental health court either through the National **DRUG TREATMENT COURT** Planning Initiative or by the Statewide Drug and Mental Health Court Coordinator.

(3) Assurance of understanding and a plan for addressing the applicable Statewide Guidelines For Effectiveness And Evaluation.

(4) Assurance of understanding and plan for collecting and reporting required data, including utilization of the ISTAR **DRUG TREATMENT COURT** system.

(e) Any district court operating a **DRUG TREATMENT COURT** and/or mental health court shall annually review and report back to the Statewide **DRUG TREATMENT COURT** and Mental Health Coordinating Committee, through the Administrative District Judge and Trial Court Administrator, as to how the court is operating in accordance with the Guidelines, the approved participant capacity, and any directions from the **DRUG TREATMENT COURT** and Mental Health Court Coordinating Committee.

(f) A judicial district planning to terminate a **DRUG TREATMENT COURT** and/or mental health court must submit a letter of planned termination, to the Statewide Drug and Mental Health Court Coordinator for communication to the **DRUG TREATMENT COURT** and Mental Health Court Coordinating Committee, signed by the Administrative District Judge and Trial Court Administrator, as soon as reasonably possible and prior to the proposed ending date. The **DRUG TREATMENT COURT** and Mental Health Court Coordinating Committee shall approve or disapprove the planned termination and may adjust the proposed termination date.

ILLINOIS

LOCAL RULES

TWELFTH JUDICIAL CIRCUIT (Will County)

RULES OF THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT [Will County]

5.05 Drug court

Any Defendant requesting admission to **Drug court** shall send a **Drug court** Referral Form, as provided by the State's Attorney, to the **Drug court** Coordinator for consideration for admission to the **Drug court** Program.

INDIANA

STATE RULES



STAFF AGENCY FOR THE JUDICIAL CONFERENCE OF INDIANA

**NATIONAL CITY CENTER - SOUTH TOWER, SUITE 1075
115 WEST WASHINGTON STREET, INDIANAPOLIS, INDIANA 46204-3424
TELEPHONE: (317) 232-1313 FAX: (317) 233-3367**

DRUG COURT RULES

ADOPTED MARCH 21, 2003 (EFFECTIVE APRIL 21, 2003)

BY THE JUDICIAL CONFERENCE OF INDIANA

Section 1. Applicability

(a) These rules apply to any person, firm, corporation, partnership, association, foundation, governmental unit, or agency, whether public or private, that provides or intends to provide IC 12-23-14.5 certified drug court services to persons who participate in the certified drug court.

(b) Any person, firm, corporation, partnership, association, foundation, governmental unit, or agency, whether public or private, that provides or intends to provide any certified drug court service to or for persons ordered by the court to participate in the certified drug court must submit to the requirements for certification.

Section 2. Approval Requirements

A person, firm, corporation, partnership, association, foundation, governmental unit, or agency, whether public or private, that provides or intends to provide services to persons who participate in the certified drug court and whose services are within the scope of IC 12-23-14.5, may not offer, advertise, deliver, or provide services without first obtaining provisional approval or a certificate of approval from the Indiana Judicial Center.

Section 3. Definition of Terms

The following terms, when used in these rules, shall have the meanings below unless the context clearly indicates a different meaning:

"Addiction treatment services" means a broad range of planned and continuing care, treatment, and rehabilitation, including, but not limited to, counseling, psychological, medical, and social service care designed to influence the behavior of individual alcohol abusers or drug abusers, based on an individual treatment plan.

"Alcohol abuse" means the use of alcohol in a way that harms the individual or society.

"Alcoholism" means physical or psychological dependence on the use of alcohol.

"Case management" means goal oriented activities that facilitate, coordinate, or monitor the full range of basic human needs, treatment, and service resources and delivery for individual certified drug court participants.

"Case manager" means a drug court team member responsible for managing a number of individual drug court participants and the participants' respective case files.

"Case termination" means following the procedure for terminating a participant's court imposed obligation to participate in the services of a certified drug court.

"Certified drug court" means a drug court that has successfully applied for and has received a certification of approval from the Indiana Judicial Center.

"Certified services" include the services a certified drug court may provide under in IC 12-23-14.5-4 but do not include addiction treatment services or chemical testing services.

"Chemical test" means an analysis of an individual's blood, breath, hair, sweat, saliva, urine, or other bodily substances to determine the presence of alcohol or a drug.

"Clinical impression" means a written summary of the observations and conclusions of a person who has or is working to obtain clinical screening staff status based on a clinical screening the person has conducted and within the scope of the person's training.

"Clinical screening staff" means a drug court staff member or team member who refers the participant to an appropriate treatment provider, evaluates whether the participant meets clinical eligibility requirements for participation in the certified drug court, or both.

"Documentation" means a written record acceptable as evidence to demonstrate compliance with these rules.

"Drug" includes any controlled substance as defined in IC 35-48-1-9 and any drug as defined in IC 9-13-2-49.1.

"Drug abuse" means the use of drugs or harmful substances in a way that harms the individual or society.

"Drug addiction" means physical or psychological dependence on the use of drugs.

"Drug court" means an immediate and highly structured judicial intervention process for substance abuse treatment of eligible defendants or juveniles that brings together substance abuse professionals, local social programs and intensive judicial monitoring and follows the ten (10) key components.

"Drug court advisory body" is a group of people that the supervising judge may appoint to provide advice on drug court matters.

"Drug court coordinator" means the administrative head or person responsible for the management and coordination of certified drug court functions and operations. This person is responsible for the certified drug court's compliance with these rules and provides the daily supervision of the drug court's staff and coordination of the drug court team members.

"Drug court judge" means the judicial officer who presides over a certified drug court.

"Drug court services" means a broad range of planned care, including intervention, clinical screening, referral, case management and monitoring that may be extended to a certified drug court participant and that influence the behavior of the participant toward identified goals and objectives. The services and the manner in which they are provided are guided by the ten (10) key components.

"Drug court team" has the meaning set forth in section 15(a).

"Eligibility screening" means a procedure for determining a potential participant's legal eligibility for admission to the certified drug court under IC 12-23-14.5-14, IC 12-23-14.5-15 if appropriate, and court guidelines.

"Evaluation" means a systematic process used to assess the certified drug court's process or outcomes in light of identified goals and objectives.

"Harmful substance" means any substance used by an individual to produce the effect of a controlled substance or drug, although the substance is not classified as a controlled substance under IC 35-48 or as a drug under IC 9-13-2-49.1.

"Participant" means any person who has signed a participant agreement or has begun receiving certified services, whichever happens first. However, for the purposes of orientation and confidentiality (sections 19 and 20), "participant" means any person who has applied for services from the certified drug court.

"Participant orientation" means the administrative process conducted before or after a participant is admitted to a certified drug court.

"Policy" means a statement of the principles that guide and govern the activities, procedures and operations of a certified drug court.

"Preexisting drug court" means a drug court that began operation prior to July 1, 2002.

"Procedure" means a series of activities designed to implement certified drug court goals or policy.

"Substance" means any drug, controlled substance, or alcohol.

"Substance abuse" means the use of alcohol or other drugs to an extent that harms the individual or society.

"Supervising judge" means the judge who has ultimate responsibility for a certified drug court. This may or may not be the same person as the drug court judge.

"Ten (10) key components" means the ten (10) key components of drug courts published by the Drug Court Program Office of the United States Department of Justice.

"Volunteer" means a person who, without direct financial remuneration, provides ongoing services to the certified drug court.

Section 4. Compliance

(a) The Indiana Judicial Center may take the administrative actions necessary to ensure compliance with these rules, including, but not limited to:

- (1) reviews;
- (2) surveys; or
- (3) inspections;

which may be scheduled or unscheduled, announced or unannounced.

(b) In order for a certified drug court to secure and retain a certificate of approval, it must demonstrate compliance with the ten (10) key components and standards imposed by these rules in the following manner:

- (1) The certified drug court must comply with all of the standards for a certified drug court.
- (2) A certified drug court that demonstrates compliance with all the standards for a certified drug court shall be issued a certificate of approval that is valid for three (3) years from the date of issue, unless otherwise revoked.

(c) Any certified drug court which, at the time of revision of these rules is a holder of a current certificate of approval issued under other authority may continue operations with the approval of the Indiana Judicial Center until scheduled certification or re-certification review by the Center is completed. All certified drug courts must comply with these rules as revised and amended.

(d) A certified drug court is in compliance with a standard only when it has met all requirements contained in the standard.

(e) Unless otherwise indicated, these rules and any amendments to these rules take effect thirty (30) days after they are adopted by the Indiana Judicial Conference Board of Directors.

Commentary on Section 4(b). The ten (10) key components of drug courts published by the Drug Court Program Office of the United States Department of Justice are as follows:

1. *Drug courts integrate alcohol and other drug treatment services with justice system case processing.*
2. *Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.*
3. *Eligible participants are identified early and placed promptly in the drug court program.*
4. *Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.*
5. *Abstinence is monitored by frequent alcohol and other drug testing.*
6. *A coordinated strategy governs drug court responses to participant compliance.*
7. *Ongoing judicial interaction with each drug court participant is essential.*
8. *Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.*
9. *Continuing interdisciplinary education promotes effective drug court planning, implementation and operations.*
10. *Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.*

Section 5. Notification of Intent

Except as provided in section 7, a court shall notify the Indiana Judicial Center during the planning stages of the court's intention to establish a drug court.

Section 6. Initial Certification Procedures

(a) Except as provided in section 7, a court that proposes to establish a certified drug court under IC 12-23-14.5 must do the following to become certified:

- (1) Submit a standard application form and other materials required under subsection (e), to the Indiana Judicial Center.
- (2) Obtain a written statement from the Indiana Judicial Center under subsection (g) approving drug court's application and its plans for operation.
- (3) Obtain a provisional certificate of approval from the Indiana Judicial Center under subsection (i).
- (4) Obtain a three (3) year certificate from the Indiana Judicial Center under subsection (j).

(b) The prospective drug court must have the written statement from the Indiana Judicial Center described in subsection (g), approving the drug court's application before the court may:

- (1) assess and collect fees under IC 12-23-14.5-12; and
- (2) operate as a certified drug court and receive the benefits of the provisions in IC 12-23-14.5.

(c) A new drug court may not begin the delivery of participant-related services authorized by IC 12-23-14.5 until the prospective drug court has received a provisional certificate of approval under subsection (i) or certificate of approval under subsection (k).

(d) The Indiana Judicial Center will forward to the applicant, upon request, a standard initial application form.

(e) The applicant shall submit the following to the Indiana Judicial Center:

- (1) a letter requesting approval to begin the drug court certification process; and
- (2) the completed application form and any supporting documents.

(f) Upon receipt of all required documents, the Indiana Judicial Center will review the materials submitted. The Indiana Judicial Center may conduct an on-site visit to determine whether all requirements for certification have been met. The Indiana Judicial Center must offer recommendations or suggested corrections as are necessary and appropriate.

(g) The Indiana Judicial Center must determine if a prospective drug court's application should be granted or denied. If the Indiana Judicial Center finds that the applicant is in compliance with all applicable requirements, the Indiana Judicial Center must provide the applicant with a written statement approving the drug court's application and plans for operation. Denial of an application will follow procedures outlined in section 9.

(h) After a prospective drug court has received a written statement from the Indiana Judicial Center approving the drug court's application and plans for operation the certified drug court is established. Upon establishment of a certified drug court, the court:

- (1) must establish procedures required by IC 12-23-14.5, these rules, and guidelines of the state board of accounts concerning the receipt of, accountability for, and disbursement of fees collected and other revenue or monies received pursuant to IC 12-23-14.5-12; and
- (2) may set and require the assessment and collection of fees authorized by IC 12-23-14.5-12.

(i) At least thirty (30) days prior to a scheduled site visit the applicant shall submit a policy and procedures manual developed in accordance with these rules. After a drug court's application and policy and procedures manual has been favorably reviewed and the site visit has been conducted, the Indiana Judicial Center may issue a provisional certificate of approval authorizing the drug court to begin the delivery of services as a certified drug court. Provisional approval is valid for one hundred eighty (180) days of operation during which the Indiana Judicial Center will review the certified drug court's actual delivery of services and record keeping practices. The provisional certificate of approval must be displayed in a prominent place and a copy must be kept on file in the office of the Indiana Judicial Center.

(j) Except as provided for in sections 9 and 10, the Indiana Judicial Center must approve a properly completed and documented application for certification of a drug court with a written statement of its approval if the court has demonstrated the following:

- (1) The certified drug court will provide each of the services and functions it is required to be perform under IC 12-23-14.5 and these rules.
- (2) Based on the certified drug court's policies, procedures, practices, and staff, the certified drug court has the capability to provide the services proposed.
- (3) Adequate revenues and other resources will be provided to support the certified drug court and its services.
- (4) The services of the certified drug court will be delivered through methods likely to assure that participants of the certified drug court will benefit.
- (5) The certified drug court will be operated in compliance with these rules, the requirements of IC 12-23-14.5 and other applicable federal and state laws.

(k) After the applicant has met all of requirements in subsection (j), the Indiana Judicial Center will issue a certificate of approval. The certificate is valid for a period of three (3) years. This document must be displayed in a prominent place and a copy must be kept on file in the office of the Indiana Judicial Center.

Section 7. Certification Procedures for Preexisting Drug Courts

(a) This section applies to a preexisting drug court. A drug court that began operation prior to July 1, 2002, may continue to operate pending certification provided the court follows the procedures outlined in this section for certification of a preexisting drug court.

(b) Prior to October 2, 2002, the preexisting drug court must:

- (1) notify the Indiana Judicial Center in writing of the date the drug court began operation; and
- (3) request an application for initial certification.

(c) Upon receipt of the letter described in subsection (b), the Indiana Judicial Center will issue a provisional certificate to the preexisting drug court that will be valid for a period of six (6) months. The provisional certificate of approval must be displayed in a prominent place and a copy must be kept on file in the office of the Indiana Judicial Center.

(d) While the provisional certificate is in effect, the court may begin to:

- (1) assess and collect fees under IC 12-23-14.5-12; and
- (2) operate as a certified drug court and receive the benefits of the provisions in IC 12-23-14.5.

(e) The provisionally certified preexisting drug court must complete an application for initial certification and return it to the Indiana Judicial Center with any other materials requested by the Judicial Center, no later than six (6) months after the provisional certificate is issued.

(f) After the Indiana Judicial Center has reviewed the application and accompanying materials the Judicial Center will schedule and conduct a site visit and certification review.

(g) If the Indiana Judicial Center determines that requirements of section 6(j) have been met by the preexisting drug court, the Indiana Judicial Center will issue a certificate of approval that is valid for three (3) years. This document must be displayed in a prominent place and a copy must be kept on file in the office of the Indiana Judicial Center.

(h) A provisionally certified preexisting drug court must comply with these rules and the provisional certificate is subject to revocation for failure to do so.

(i) A preexisting drug court that obtains initial certification under this subsection must follow the procedures for recertification described in section 8.

Section 8. Recertification Procedures

(a) The certified drug court must follow the procedures described in this section to initiate a recertification review and obtain recertification.

(b) Prior to the actual expiration date of the certificate the drug court coordinator must do the following:

- (1) notify the Indiana Judicial Center that the certified drug court intends to apply for recertification and request an application for recertification.
- (2) schedule a review date
- (3) submit the application for recertification and all supporting materials to the Indiana Judicial Center no less than thirty (30) days prior to the review date.

(c) Recertification review may include evaluation of each of the following:

- (1) The certified drug court's compliance with IC 12-23-14.5.
- (2) The certified drug court's compliance with these rules.
- (3) The number, qualifications, and abilities of certified drug court staff.
- (4) The participation by and interaction between the drug court team members.
- (5) The qualifications and abilities of any contractor that provides services to the certified drug court or its participants, and the contractor's compliance with the terms of the contract.
- (6) The qualifications and abilities of any treatment provider that provides treatment services to the certified drug court's participants and the treatment provider's compliance with the terms of the provider referral agreement.
- (7) A review of complaints concerning the certified drug court.
- (8) Any other issues or subjects that the Indiana Judicial Center determines are relevant to the review.

(d) Upon completion of the recertification review, the Indiana Judicial Center may provide an executive summary of the review to the supervising judge and any certified drug court staff the judge wishes to have present. Not later than sixty (60) days after completion of the recertification review the Indiana Judicial Center must send a final report to the supervising judge and certified drug court coordinator.

(e) When the certified drug court has satisfied the requirements of this section and the Indiana Judicial Center determines that all standards required by these rules have been met, the Indiana Judicial Center must issue a new certificate for a period of three (3) years. This document must be displayed in a prominent place and a copy must be kept on file in the office of the Indiana Judicial Center.

Section 9. Denial of Application for Certification or Recertification

(a) The Indiana Judicial Center may deny the request for approval of an application for certification or recertification for any reason enumerated in section 10. If the Indiana Judicial Center determines that a request for Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA 106 Drug Court Clearinghouse. American University. June 2006.

certification or recertification of a drug court should be denied, the Indiana Judicial Center must follow the procedures required in this section.

(b) The Indiana Judicial Center must notify the supervising judge, by certified mail, return receipt requested, that the Indiana Judicial Center intends to deny the application. The notice of intention to deny must contain all of the following information:

- (1) A brief statement explaining the reasons for the denial.
- (2) A statement that the decision to deny the application will become final unless the supervising judge submits written objections to the Indiana Judicial Center, within thirty (30) days, stating why the denial should not become final.
- (3) If the supervising judge submits objections to the proposed denial during the thirty (30) days specified in subdivision (2), the drug court's current certificate remains in effect, except in extraordinary circumstances, until the conclusion of negotiations and hearings.
- (4) In extraordinary circumstances, the Indiana Judicial Center may limit or deny this period of extension if it determines that continued certified drug court operations present an imminent danger to the public health or safety.

If the supervising judge submits written objections, the Indiana Judicial Center must provide a full opportunity for adjustment, compromise or settling of all issues.

(c) If objections to an impending denial have been submitted, no settlement of the points of contention can be made, and the Indiana Judicial Center denies the application a second time, the supervising judge may request a hearing within fifteen (15) days of the date the second denial is issued. The Indiana Judicial Center must provide the hearing and the hearing must be conducted as described in section 12.

Section 10. Grounds for Denial or Revocation

The Indiana Judicial Center may revoke any current certificate, or deny an application for certification or recertification for one (1) or more of the following reasons:

- (1) Violation of any rule set forth in these rules by the certified drug court, its coordinator, staff or team.
- (2) Permitting, aiding, or abetting the commission of an unlawful act.
- (3) Conduct or practices found by the Indiana Judicial Center to be harmful to the health or safety of any participant in the certified drug court.
- (4) Deviation by the certified drug court from the plan of operation originally certified which, in the judgment of the Indiana Judicial Center, adversely affects the character, quality, or scope of services being provided to participants.
- (5) Failure of the applicant or holder of a certificate of approval to cooperate with the Indiana Judicial Center in connection with the certification process or an investigation.
- (6) Failure of the applicant or holder of a certificate of approval to provide accurate or reliable information (including the omission of information) on the application or regarding the certified drug court's administration operations or service delivery practices.
- (7) Previous denial or revocation of a certificate of approval.

Section 11. Suspension and Revocation Procedures

(a) Whenever the Indiana Judicial Center determines that any certified drug court may have committed an act, or may have engaged in conduct or practices justifying revocation of its certificate under these rules, the Indiana Judicial Center must, by certified mail, return receipt requested, notify the supervising judge that the Indiana Judicial Center has requested a hearing under section 12(c) to determine the issue of revocation of the drug court's certificate. Notice of the request for hearing must contain a statement of the matters of law and of fact to be determined at the hearing.

(b) The Indiana Judicial Center may, without notice, suspend any certificate simultaneously with the institution of proceedings, under subsection (a), if the Indiana Judicial Center determines that there is an imminent danger to the public health or safety that warrants this action. The suspension continues in effect until the conclusion of all hearings, including any judicial review, unless sooner withdrawn by the Indiana Judicial Center or dissolved by a court of competent jurisdiction.

(c) The Indiana Judicial Center may revoke the certificate of approval of a certified drug court for any of

the following reasons:

- (1) Any reason enumerated in section 10(1) through (6) as a reason for revoking or setting aside a certificate.
- (2) Failure of a prospective drug court to receive certification within one (1) year from the date that the drug court initiated its application for certification.

(d) Whenever the Indiana Judicial Center determines that any reason exists justifying the revocation of a drug court's certification, the Indiana Judicial Center must observe the procedures required in section 12. The revocation of a certificate to provide drug court services is also revocation of the approval by the Indiana Judicial Center of the application for certification by the drug court.

Section 12. Hearing Procedures

(a) All hearings held to determine issues relating to the denial of an application for certification or recertification or the revocation of a certificate must follow the procedures described in this section.

(b) A supervising judge who submitted written objections to a denial of an application under section 9(b) may file a request for a hearing.

- (1) The request must be in writing and must state the reason for the request.
- (2) The request may not include any reasons that were not included in the objections submitted under section 9(b).
- (3) The request must be filed with the Indiana Judicial Center within fifteen (15) days after the second denial of the application under section 9(c).

(c) Within thirty (30) days after a request for a hearing has been filed with the Indiana Judicial Center, the Court Alcohol and Drug Program Advisory Committee (CADPAC) shall conduct a hearing.

(1) The hearing shall be conducted by a hearing examiner who is selected as follows:

- (A) The executive director of the Indiana Judicial Center shall create a list naming three (3) judges who are members of the CADPAC but who are not members of the Board of Directors of the Judicial Conference.
- (B) In designating the three (3) judges the executive director shall consider availability, years of service on CADPAC and extent of participation.
- (C) The supervising judge shall select one (1) name from the three (3) listed and advise the executive director of the name selected.

(2) The hearing examiner shall conduct an informal hearing and is not required to follow any formal rules of evidence or procedure.

- (A) At least ten (10) days before the date of the hearing, the hearing examiner shall provide the supervising judge and the Indiana Judicial Center with written notice of the date, time and place of the hearing.
- (B) The party requesting the hearing must show why:
 - (1) the application meets the certification requirements established by the Judicial Conference of Indiana; or
 - (2) revocation of the certificate is justified.
- (C) Either party may submit supporting evidence, if any.
- (D) The hearing examiner shall make an electronic recording of the hearing and may have a written transcript prepared of the electronic recording. The supervising judge may obtain a copy of the electronic recording or the written transcript if a written transcript has been prepared from the Indiana Judicial Center upon payment of the cost of the copy.

(d) Within thirty (30) days after the hearing, the hearing examiner shall submit proposed written findings and recommendations to the supervising judge and the Indiana Judicial Center.

(1) Objections to the findings and recommendations must be:

- (A) in writing; and
- (B) filed with the Indiana Judicial Center no later than fifteen (15) days after the date the proposed findings and recommendations were issued.

(2) The findings and recommendations will be submitted to CADPAC unless the supervising judge gives written notice within the fifteen (15) day period that he or she has decided to withdraw the appeal.

- (3) If no objections are filed and CADPAC adopts the findings and recommendations as submitted without a hearing, those findings and recommendations become final.
- (4) If either the supervising judge or the executive director of the Indiana Judicial Center objects to the findings and recommendations, or if CADPAC proposes to modify or reject the findings and recommendations in the absence of any objections, CADPAC must conduct a hearing and provide the supervising judge and the executive director of the Indiana Judicial Center with an opportunity to be heard orally concerning the findings and recommendations. At least ten (10) days before the hearing, the Indiana Judicial Center must give written notice of the date, time and place of the hearing to the supervising judge.
- (5) CADPAC's findings and recommendations must be adopted by a majority vote of the members present and voting.

(e) The supervising judge or the executive director of the Indiana Judicial Center may request the Board of Directors of the Judicial Conference to review CADPAC's decision.

- (1) The request for review must be:
 - (A) in writing describing specific objections to the findings and recommendations adopted by CADPAC; and
 - (B) filed with the Indiana Judicial Center within fifteen (15) days after the date CADPAC renders its decision.
- (2) At least ten (10) days before the Board meeting, the Indiana Judicial Center must give written notice of the date, time and place of the meeting to the supervising judge.
- (3) The Board's findings and recommendations must be adopted by a majority vote of the members present and voting and are final.
- (4) The Indiana Judicial Center shall notify the supervising judge of the Board's decision in writing within ten (10) days after the decision is made.

Section 13. Notice of Change

(a) Any applicant or holder of a certificate of approval shall give written notice to the Indiana Judicial Center of any change of supervising judge, drug court judge, drug court coordinator, or location of drug court staff. Notice of the change shall be submitted to the Indiana Judicial Center not later than thirty (30) days after the change takes effect. The Indiana Judicial Center may require a new application and review as a result of the change.

(b) Failure of any applicant or holder of a certificate of approval to provide written notice of any change described in subsection (a), to the Indiana Judicial Center may result in the certificate of approval becoming void.

(c) Any court that terminates its certified drug court must provide the Indiana Judicial Center a written Notice of Intent, at least thirty (30) days prior to termination of its certified drug court, outlining its intent and reasons for termination.

Section 14. Funding Authorization

A drug court that is not certified by the Indiana Judicial Center, and an applicant whose plan of operation does not comply with requirements for certification under these rules is not entitled to receive a favorable review or recommendation from the Indiana Judicial Center on any application for funding of services from state, federal, or private funding sources.

Section 15. Drug Court Management

- (a) A certified drug court must have a drug court team consisting of the following members:
 - (1) The drug court judge.
 - (2) The local prosecuting attorney or a representative from the prosecuting attorney's office.
 - (3) A local criminal defense attorney.
 - (4) One (1) or more local treatment providers.
 - (2) The drug court coordinator.
 - (3) One (1) or more case managers.

(b) The drug court team must establish a policy and practice regarding regular meetings to discuss the compliance or non-compliance, progress, sanctions, or termination of participants prior to the participants' Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA 109 Drug Court Clearinghouse. American University. June 2006.

scheduled court appearances.

(c) The certified drug court shall maintain on file a description of the members of the drug court team and of the advisory body if one has been appointed.

(d) The drug court coordinator is responsible for the daily operation and administration of the certified drug court. Under IC 12-23-14.5-8, the supervising judge may appoint the clinical and administrative personnel necessary to support the certified drug court.

(e) The certified drug court must have a written statement of goals and objectives in its policy and procedure manual that clearly reflects the certified drug court's philosophy and guides the operation of the certified drug court and the delivery of services. The drug court coordinator must review the statement annually and revise it as necessary.

(f) A certified drug court must have a policy and procedure manual that contains written policies and procedures for conducting day-to-day certified drug court activities. A certified drug court must do each of the following:

- (1) Incorporate each of the ten (10) key components into its policies, procedures, and practices.
- (2) Update the manual as needed, but at least annually.
- (3) Make the manual available to the drug court team and staff.
- (4) Verify that all practices are in keeping with the policies and procedures contained in the manual.

(g) The written policies and procedures of a certified drug court must include each of the following:

(1) Full documentation of the certified drug court's operational and administrative structure including one

(1) or more organizational charts that:

- (A) depict certified drug court lines of authority;
- (B) identify all staff positions; and
- (C) accurately reflect current certified drug court practice.

(2) A description of staff functions.

(3) A description of the procedures the certified drug court will use to implement the principles and guidelines.

(4) A description of the criteria for the acceptance of substance use-involved offenders as participants who are eligible to receive one (1) or more services provided by the certified drug court.

(5) A policy and practice of nondiscrimination in providing drug court services, which must address nondiscrimination on the basis of each of the following:

- (A) Race.
- (B) Gender.
- (C) Age.
- (D) Religion.
- (E) Ethnicity
- (F) Disabilities.

Notwithstanding the policy and practice of nondiscrimination on the basis of age, an adult drug court may exclude juveniles from participating, and a juvenile drug court may consider juveniles who are waived into adult court or excluded from juvenile court to be ineligible.

(6) A policy and procedure for providing referral information to individuals denied admission to the certified drug court.

(h) Any time a certified drug court refers a participant to a provider for addiction treatment services not provided by the certified drug court, the certified drug court must do the following:

(1) Determine annually that the addiction treatment services provider is certified by the division of mental health and addiction, or an equivalent certifying agency if the addiction treatment services provider is located out-of-state, and obtain a copy of:

- (A) the provider's accreditation if the provider is an agency; and
- (B) the credentials of all individual treatment providers.

(2) Have a written referral agreement with the addiction treatment services provider that at a minimum includes procedures for the following:

- (A) Initiation and acceptance of referrals.
- (B) Exchange of participant-related information.

(C) Post-referral reporting by the addiction treatment services provider that enables the drug court to perform its participant-monitoring responsibilities.

(i) A certified drug court may contract with a person, firm, corporation, association, or governmental entity, to provide one (1) or more services for the drug court except legal eligibility determination and case termination. A contractor must possess and demonstrate the capability to provide contractual services for the drug court in the manner intended and meet all requirements contained in IC 12-23-14.5 and these rules that apply to the services the contractor will provide.

Commentary on Section 15. The supervising judge of a certified drug court is encouraged to appoint a drug court advisory body. See key component 10.

Commentary on Section 15(a). Each member of the drug court team should obtain sufficient in service training each year to stay current in drug court related issues. See key component 9. Requiring each member of the drug court team to sign a memorandum of understanding regarding confidentiality and the commitment to participate in drug court meetings is a recommended practice.

Commentary on Section 15(b). The treatment provider should participate in case staffing sessions on a regular basis. The prosecuting attorney or representative of the prosecuting attorney and local defense attorney members of the drug court team should participate in case staffing sessions each time negative sanctions are to be considered against any participant. See key components 2 and 6.

Commentary on Section 15(h)(1). The purpose of this subdivision is to ensure that certified drug courts are confirming the credentials of the addiction treatment service providers prior to making referrals. In addition, the Indiana Judicial Center encourages drug courts to refer participants to providers who assign only individuals who have a competency based substance abuse credential (such as a certificate from ICAADA, ICRC, or NAADAC) to provide addiction treatment services to the drug court participants referred to them.

Section 16. Drug Court Staff Requirements

(a) A certified drug court must have a policy and procedure describing staff qualifications.

(b) A certified drug court must have written evidence that the coordinator and each clinical screening staff member has achieved professional status by complying with at least one (1) of the following:

(1) a baccalaureate degree from an accredited university or college and thirty (30) hours of alcohol and drug specific training, thirty (30) hours of clinical screening and interviewing training in any combination, and three (3) hours training in the interpretation of chemical test results;

(2) the equivalent of four (4) years of full-time paid experience in the human service area and thirty (30) hours of alcohol and drug specific training, thirty (30) hours of clinical screening and interviewing training in any combination and three (3) hours training in the interpretation of chemical test results;

(3) a current certificate from the Indiana Counselors Association on Alcohol and Drug Abuse (ICAADA), International Counselors Reciprocity Commission (ICRC), or National Association of Alcohol and Drug Abuse Counselors (NAADAC) as a certified alcohol and drug abuse counselor and three (3) hours training in the interpretation of chemical test results; or

(4) Employed as a drug court coordinator or clinical screening staff member before May 1, 2003.

(c) A certified drug court must have written evidence that each case manager has achieved professional status by complying with at least one (1) of the following:

(1) a baccalaureate degree from an accredited university or college and thirty (30) hours of alcohol and drug specific training, thirty (30) hours of clinical screening and interviewing training in any combination, and three (3) hours training in the interpretation of chemical test results;

(2) the equivalent of two (2) years of full-time paid experience in the human service area and thirty (30) hours of alcohol and drug specific training, thirty (30) hours of clinical screening and interviewing training in any combination and three (3) hours training in the interpretation of chemical test results;

(3) a current certificate from the Indiana Counselors Association on Alcohol and Drug Abuse (ICAADA), International Counselors Reciprocity Commission (ICRC), or National Association of Alcohol and Drug Abuse Counselors (NAADAC) as a certified alcohol and drug abuse counselor and three (3) hours training in the interpretation of chemical test results; or

(4) Employed by a certified drug court as a case manager before May 1, 2003.

(d) An individual will be allowed one (1) year cumulatively, from the date of first hire, as a drug court coordinator, assessor, or case manager to achieve professional status.

(e) Professional status, once achieved, is maintained by documenting:

- (1) twenty (20) hours annually of continuing education or training related to substance abuse issues; and
- (2) five (5) hours annually of continuing education or training related to issues specific to the criminal justice system;

approved by the drug court coordinator.

(f) Status of Specimen Collection Staff.

(1) A certified drug court must require all of its employees, contractors, or volunteers performing specimen collection to have training and experience in each of the following:

- (A) The administration of chemical tests.
- (B) Specimen collection.
- (C) Chain-of-custody and documentation procedures.
- (D) Confidentiality of specimen collection and chemical test results.
- (E) The proper handling of specimens as biological waste.

(2) An individual will be allowed ninety (90) days cumulatively from the date of first hire to attain and document training as a member of the specimen collection staff.

Commentary on Section 16. A certified drug court may consider relevant life skills and life experiences in determining a person's qualifications.

Section 17. Reports and Evaluations

(a) A certified drug court must collect statistical data and submit to evaluations as required by the Indiana Judicial Center.

(b) A certified drug court must provide each participant with an opportunity to complete a participant survey intended to provide the certified drug court with the participant's written comments about the services provided. The survey must include an opportunity to comment on the following:

- (1) services provided directly by the certified drug court;
- (2) services provided by the certified drug court through a contractor; and
- (3) services or treatment provided by referral agency.

(c) The supervising judge shall do the following:

- (1) Prepare a written annual report that includes:
 - (A) a summary of the certified drug court's activities and accomplishments;
 - (B) a summary of the certified drug court's income and expenditures;
 - (C) documentation of any certification reviews or visits, if applicable; and
 - (D) statistical data and results of evaluations;

for the preceding year.

(2) Submit a copy of the annual report to the Indiana Judicial Center no later than ninety (90) days after the close of the certified drug court's reporting period.

Section 18. Eligibility Screenings

A member or members of the drug court team must be designated to conduct eligibility screenings. The designated member or members of the drug court team must do each of the following:

- (1) Determine the offender's legal eligibility for drug court under IC 12-23-14.5-14, and under IC 12-23-14.5-15 if appropriate.
- (2) Recommend the offender to the drug court team as a potential participant in the certified drug court if appropriate.

Section 19. Orientation

(a) A certified drug court must have and observe a written policy and procedure for conducting an orientation for each participant, and when appropriate, the participant's family. At a minimum, the policy and procedure must meet the following criteria:

- (1) The procedure for orientation includes an explanation of each of the following:
 - (A) Specific eligibility requirements for drug court participation including the fact that a person does not have a right to participate in drug court.
 - (B) The services offered by the certified drug court either directly or through referral.
 - (C) The requirements for successful completion of certified drug court. This explanation should include a description of the scheduling and attendance requirements including court dates, chemical testing, day reporting, appointments with case managers or treatment providers, self help and other group meetings and other regularly scheduled requirements.
 - (D) Conduct and behavior that could result in sanctions or termination from drug court.
 - (E) Possible sanctions for non-compliance with drug court requirements.
 - (F) Information about the treatment providers used by the drug court.
 - (G) Information about the cost to participants for the user fee, chemical testing, and treatment expenses and the procedure and schedule for paying those costs.
 - (H) Information about the drug court's policy and procedures for scheduling and conducting chemical tests.
- (2) Orientation may be conducted during an individual or a group appointment.

(b) A certified drug court must have a form used to advise each participant in writing of the information described in subsection (a). The form must contain a signature line or a signature page for the participant to indicate that the participant has been provided a copy of the form, understands the information provided, and agrees to comply with the chemical testing requirements. The certified drug court must place the form or the signature page with the participant's original signature in the participant's record.

Section 20. Privacy and Confidentiality of Records

(a) A certified drug court must respect the privacy of each participant to the maximum extent feasible. The drug court must specify in policy and procedure how participant privacy is maintained.

(b) A certified drug court must have a written policy and procedure, conforming to applicable state and federal laws, that ensures the confidentiality and security of participant records. At a minimum, the policy and procedure must do the following:

- (1) Provide for compliance with all federal and state laws, including federal rules pertaining to the confidentiality of alcohol and drug abuse patient records (42 CFR 2), and address any conflicts between federal and state law.
- (2) Address disclosure of information with regard to minor participants and incompetent or deceased participants.
- (3) Address disclosure of information to the following:
 - (A) Drug court team members.
 - (B) Participant's family or other contact person designated by the participant.
 - (C) Third party payers.
 - (D) Employers
 - (E) Legal counsel.
 - (F) Probation Department
 - (G) Addiction treatment services provider
- (4) Address disclosure without participant consent including but not limited to the following:
 - (A) Medical emergencies.
 - (B) Research, audit, and evaluation.
 - (C) Legal orders and subpoenas.
 - (D) Investigation and prosecution of participants for alleged violations, including child abuse and neglect.
- (5) Address the use of a valid written consent for disclosure of participant information and forms used for making disclosure.
- (6) Address storage and disposal of case records.
- (7) Identify the person responsible for authorizing disclosure of confidential information.
- (8) Require documentation in the participant record to support all information disclosed.

(c) A certified drug court must have a release of information form used to inform each participant in writing of the certified drug court's policies and procedures described in subsection (a), and to obtain the participant's consent for the release of confidential information to specified individuals for certain purposes. The form must meet the following requirements:

- (1) contain a statement indicating that the participant understands that matters relating to the participant's case and compliance will be discussed in open court;
- (2) contain a signature line for the participant to indicate that the participant understands the rights described in the form;
- (3) contain a signature line for a witness; and
- (4) any blank lines remaining after the form has been completed must be crossed out or marked "NA" to ensure the forms cannot be altered after being signed by the participant.

The certified drug court must place the form with the participant's original signature in the participant's record.

Section 21. Clinical Rights

(a) A certified drug court must have written policies and procedures that ensure that all participants are informed of their clinical rights at the time of the certified drug court orientation or the clinical screening and that include but are not limited to the following:

(1) Duty to inform participants of rights:

(A) The court must ensure that all individuals participating in the certified drug court are given a written statement of basic participant rights pursuant to its policies and procedures, and an explanation of those rights if necessary.

(B) When it is not possible to immediately inform an individual of the participant rights due to the inability of the participant to understand, this fact shall be documented in the participant's record and the individual shall be informed of the participant rights as soon as possible.

(2) Unconditional rights. Each participant has the following unconditional rights:

(A) Right to be informed of the various steps and activities involved in receiving services.

(B) Right to confidentiality under federal and state laws relating to the receipt of services.

(C) Right to make an informed decision whether to participate in drug court or to refuse treatment and resume the legal proceedings. The participant's informed consent must be in writing and included in the participant's record.

(D) Right to humane care and protection from harm, abuse and neglect.

(E) Right to practice the participant's religion.

(F) Right to contact and consult with counsel and private practitioners of the participant's choice at the participant's expense.

(G) Right to inspect and copy the participant's case record. By policy the certified drug court may permit the withholding from the participant all or part of the participant's record if:

(i) withholding is necessary to protect the confidentiality of other sources of information;

(ii) it is determined that the information requested may result in harm to the physical or mental health of the participant or another person;

(iii) the consent was not given freely, voluntarily, and without coercion; or

(iv) granting the request will cause substantial harm to the relationship between the participant and the certified drug court or to the certified drug court's capacity to provide services in general.

(3) A participant's review of the participant's case record shall be recorded in the case record. Any denial of the participant's right to review the participant's record shall be recorded in the participant's record, together with the reasons for denial of the review.

(4) Waiver of rights. A participant may waive any of the rights enumerated in subdivision (2) if the waiver is given voluntarily and knowingly. The waiver must be in writing and documented in the participant's record. The waiver may be withdrawn at any time. Admission to a certified drug court may not be conditioned upon the giving of a waiver of the unconditional rights described in subdivision (2).

(5) Investigation of violation of participant rights. A procedure for the review, determination, and amelioration of instances of alleged violations of a participant's rights shall be established by policy in accordance with the following:

(A) Cases of alleged violation of a participant's rights are investigated through the use of the established mechanism.

(B) The results of the investigation of cases of alleged violation of a participant's rights are entered in the participant's record and the personnel file of the staff members involved.

(b) A certified drug court must have a form used to inform each participant in writing of the participant's rights described in subsection (a). The form must contain a signature line or a signature page for the participant to indicate that the participant has been provided a copy of the form and understands the rights described in the form. The certified drug court must place the form or the signature page with the participant's original signature in the participant's record.

Commentary on Section 21(a)(1)(B). A drug court should take reasonable precautions to ensure that a participant understands the rights described in this section. If a drug court is willing to admit an impaired person to drug court, and the individual's inability to understand participant rights is due to the impairment, the drug court should provide as much information to the participant as possible under the circumstances and obtain the participant's signature on the form described in section 21(b). The drug court should then repeat the information and obtain a new signature as soon as possible at a time when the individual is not impaired. If an individual is not able to understand participant rights for a reason other than impairment, such as disability, age or language barrier, the drug court should wait until it has an effective means of informing the participant, such as advising a guardian or use of a translator, before having the participant sign the form described in section 21(b).

Section 22. Clinical Screening

(a) A certified drug court must have a written policy and procedure for scheduling and conducting participant clinical screenings prior to referring the participant to a treatment provider.

(b) The clinical screening must include a social history of the participant that provides, at a minimum, information about the following:

- (1) statement of the presenting problem;
- (2) social, peer group, and environmental setting from which the participant comes;
- (3) military service history;
- (4) financial status;
- (5) alcohol and drug use of family members and attitudes toward such use;
- (6) occupational and educational status;
- (7) legal history and current legal status;
- (8) history of medical problems;
- (9) history of mental health problems; and
- (10) current thoughts of suicide or homicide.

(c) The clinical screening must include an alcohol and drug use history of the participant, including information about prescription and over-the-counter drug use, that provides the following information:

- (1) substances used in the past;
- (2) substances used recently, especially those used within the last forty-eight (48) hours;
- (3) substances of preference;
- (4) frequency of use of each substance;
- (5) previous occurrences of overdose, withdrawal, or adverse drug reaction;
- (6) year of first use of each substance;
- (7) method of administration of each substance; and
- (8) history of previous substance abuse treatment received.

(d) Clinical screening staff must use a clinical screening form that contains the information described in subsections (b) and (c). All clinical screenings must meet the following criteria:

- (1) The clinical screening staff must conduct a personal interview in the presence of the participant.
- (2) The clinical screening staff must document the personal interview by producing a narrative summary of the staff member's clinical impressions and a recommendation concerning the participant's appropriateness for drug court.
- (3) The clinical screening staff must place the narrative summary, or a copy of the narrative summary, in the participant's record.

Section 23. Treatment Plan

(a) The certified drug court must obtain a written copy of the treatment provider's initial or master treatment plan for each participant.

(b) The drug court must provide a copy of the initial or master treatment plan to the participant or verify that the initial or master treatment plan includes the participant's written acknowledgement that the participant received a copy of the initial or master treatment plan.

(c) The drug court must establish a mechanism for periodically updating the treatment plan by obtaining copies of subsequent treatment plans or documenting modifications by the treatment provider through written updates submitted by the treatment provider or through progress notes maintained by the certified drug court.

(d) The initial or master treatment plan and any periodic updates must be maintained in the participant's record.

Section 24. Participation Agreement

(a) A certified drug court must develop a participation agreement that must contain each of the following:

- (1) The county or jurisdiction of the certified drug court.
- (2) All parties to the participation agreement.
- (3) The terms under which the participant enters the program, whether as a result of a guilty plea, a condition of probation, or the result of a violation of probation.
- (4) The case number or cause number accepted into the certified drug court.
- (5) The length of the drug court program.
- (6) A list of rights the participant must waive in order to participate in drug court.
- (7) A list of drug court requirements and participant responsibilities.
- (8) The effect of successful completion of drug court on the participant's case.
- (9) The consequences to the participant of unsuccessful termination of participation in the drug court.
- (10) Information related to drug court fees and procedures for payment.
- (11) A statement indicating that participation is contingent upon the participant's consent to the discussion in open court of information that would otherwise be confidential, relating to the participant's case and compliance.

(b) A certified drug court must provide each participant the opportunity to review the participation agreement with the advice of counsel.

(c) The participation agreement must include the signature of all parties to the agreement. A copy of the signed participation agreement must be maintained in the participant's record.

Section 25. Case Management

(a) A certified drug court must have a policy and procedure for recording participant progress in the record

of the participant.

- (b) The participant record kept by the case manager must include progress notes that:
 - (1) are filed or maintained in chronological order, either integrated or by type of record;
 - (2) contain the date and the signature, name, or initials of the staff member making the entry; and
 - (3) document any of the following:
 - (A) Result of the clinical screening.
 - (B) All contact with the participant.
 - (C) Any contact with an individual or an agency directly regarding the participant.

(c) The certified drug court must monitor the progress of each participant in satisfactorily completing the participant's treatment plan and participation agreement and other requirements governing the participant's conduct or performance during participation in the certified drug court. The monitoring procedure must, at a minimum, be capable of determining participants who have:

- (1) failed, as scheduled or required, to comply with the treatment plan;
- (2) failed to comply with the participation agreement or with the rules of conduct of a service provider to which the participant was referred; or
- (3) been successfully or unsuccessfully discharged or terminated by a service provider to which the participant was referred.

(d) The certified drug court shall establish a written policy and procedure for:

- (1) terminating a participant's court imposed obligation to participate in the certified drug court; and
- (2) providing written notice to the court after the participant has:
 - (A) successfully complied with the treatment plan and the participation agreement; or
 - (B) violated any requirement of the treatment plan or the participation agreement.

Section 26. Facilities

(a) All facilities where certified drug court services are provided must be located, constructed, equipped, and operated in a manner that protects and preserves the privacy, confidentiality, health and safety of certified drug court participants and staff.

(b) The certified drug court's facilities and operations must conform to all applicable federal, state, or local health and safety codes, including fire protection.

(c) All facilities must maintain recent documentation of compliance with all applicable codes.

(d) In order to ensure participant confidentiality, the certified drug court's facilities, including waiting rooms, offices, chemical testing facilities, and group areas other than the court room must be arranged in a way that minimizes disclosure to the general public of the person's status as a participant in the certified drug court. The facilities must provide adequate space for storage of participant records and permit participant records to be properly secured at all times as required under federal regulations.

Section 27. Fiscal Management

(a) The certified drug court must have developed and implemented an accounting system with the capability to ensure financial transactions are thoroughly documented and handled in a uniform and consistent manner.

(b) The certified drug court must have a current budget.

(c) The certified drug court must have a documented schedule of fees for each certified service and procedures to ensure payments for services.

(d) The cost of all certified services combined that are provided to an individual under any one (1) cause number may not exceed the amount permitted under IC 12-23-14.5-12.

(e) The certified drug court must have effective cash handling controls and procedures, which prevent theft of funds.

(f) Money a certified drug court receives from a city or town user fee fund must be used to fund drug court services in compliance with IC 33-19-8-3. Money a certified drug court receives from a county user fee fund must be used to fund drug court services in compliance with IC 33-19-8-5.

(g) The certified drug court must have a written policy and procedure that addresses this section.

Commentary on Section 27(d). The reference to “one (1) cause number” in this section is for the purpose of determining when an individual may be charged the drug court user fee. It is not intended to have any effect on how cases are counted. A certified drug court is not required to charge a new user fee on the basis of a participant having an additional cause number, but the certified drug court may charge an administrative or case management fee for the new cause number in the event that additional services are required such as a new clinical screening or compliance reporting will need to go to an additional court.

Section 28. Personnel Management

(a) The certified drug court must adhere to a written personnel policy and procedure manual, which must contain at a minimum:

- (1) Employment procedures.
- (2) An annual staff development plan for each staff member.
- (3) Rules for professional conduct.
- (4) Wages and benefits.
- (5) Job descriptions for all personnel and volunteers, which accurately reflect their actual job situations. The job descriptions must include, at a minimum:

- (A) Job title,
- (B) Qualifications,
- (C) Credentials, if applicable.
- (D) Duties and responsibilities,
- (E) Reporting and supervisory responsibilities.

(b) The certified drug court must keep records for all staff that contain the following information:

- (1) Application or resume.
- (2) Credentials.
- (3) Verification.
- (4) Licensure when applicable.
- (5) Performance evaluations.
- (6) Salary and position changes.
- (7) Documentation of staff development activities.

In addition a juvenile drug court must keep the criminal records check conducted for each staff member prior to the staff member's employment.

(c) The certified drug court must develop and adhere to a written staff development plan, which must include:

- (1) Orientation for entry level staff.
- (2) In-service and continuing education activities.
- (3) Training and development activities to assist individuals in achieving and maintaining professional status.

Section 29. Chemical Testing

(a) A certified drug court must establish and follow a written policy and procedures for scheduling and conducting chemical tests.

(b) At a minimum the policy on chemical tests must address the following:

- (1) The specific method or methods of chemical testing used by the drug court.
- (2) What samples the drug court collects and tests, such as urine, blood, breath, sweat, or saliva.
- (3) Substances identified by the tests.
- (4) The cutoff level for each substance.
- (5) Circumstances requiring a confirmation test, if any.
 - (A) The drug court's procedures for confirmation including the type of confirmation test used.
 - (B) The party responsible for paying the cost of a confirmation test.
- (6) Collection procedures including staff training and chain of custody.

LOCAL RULES

MADISON COUNTY

MADISON UNIFIED COURTS LOCAL RULES

ADMINISTRATIVE RULES

RULE 4. JURISDICTION AND ASSIGNMENT OF CRIMINAL DOCKETS

A. All felonies and misdemeanors filed in the Madison County Courts of record shall be assigned and docketed in accordance with this Rule. Charges shall be filed and assigned pursuant to Section II, if applicable. If Section II is not applicable, charges shall be filed and assigned in accordance with Section III. Cases with multiple defendants or with co-defendants shall be considered one case for filing purposes and shall be assigned to a single court, although each defendant may be given a separate cause number.

B. If jurisdiction exists in said Court, new felony and misdemeanor charges shall be filed in the Court where other charges are pending against the defendant or where the defendant is on probation or otherwise under supervision.

C. Capital cases, life without parole cases, Class A felonies, Class B felonies and Class C felonies shall be randomly filed in Circuit Court, Superior Court I and Superior Court III. Class D felonies and misdemeanors shall be randomly filed in County Courts I and II.

D. When a case requires a change of Judge, the Clerk shall randomly select a new Judge from the remaining County Court, Superior Court and/or Circuit Court Judge. The Clerk shall so notify the new Judge of the appointment as

special Judge. If a selected special Judge is unable to accept jurisdiction due to conflict of interest, or the special Judge is later disqualified, the Clerk shall select a successor special Judge at random from the remaining Judges of Circuit, Superior and County Courts.

E. A "**DRUG TREATMENT COURT**" is established to provide specialized services including intensive treatment, supervision and accountability for specified defendants and probationers where it appears that the defendant or probationer's addiction to controlled substances and/or use of illegal drugs has substantially contributed to the defendant's status or charges pending.

F. **DRUG TREATMENT COURT** policy and procedures shall be established from time to time by rule or order signed by a majority of the Judges of the Superior and County Courts exercising criminal jurisdiction. The day to day operation and management of the **DRUG TREATMENT COURT** shall be assigned for a two year term to the presiding Judge of a County or Superior Court by majority vote of the Judges of the County and Superior Courts. The initial assignment shall be to the presiding Judge of the Madison County Court, Division I.

G. All criminal charges shall be filed as provided in A through D of this rule. However, after a charge has been filed, a presiding Judge may, upon application of a defendant, and with the consent of the State of Indiana and the **DRUG TREATMENT COURT** Judge, temporarily transfer jurisdiction of the cause to the **DRUG TREATMENT COURT** for supervision and for such other orders and services as may be appropriate. No cause may remain in **DRUG TREATMENT COURT** jurisdiction for more than eighteen (18) months without the consent of the State of Indiana and the referring Judge. The **DRUG TREATMENT COURT** Judge may direct, at any time, that **DRUG TREATMENT COURT** intervention be terminated and that the cause be returned to its original referring court for trial setting or other proceedings.

H. The time during which a cause is docketed in the **DRUG TREATMENT COURT** will be charged to the defendant.

I. Subject to acceptance by the **DRUG TREATMENT COURT** Judge, a presiding Judge may require a probationer to participate in **DRUG TREATMENT COURT** treatment and supervision as a condition of a suspended or partially-suspended sentence.

**MADISON UNIFIED COURTS LOCAL RULES
PROCEDURAL RULES
RULE 41. ALLOCATION OF JUDICIAL RESOURCES**

A. The Madison County average caseload measure, pursuant to the weighted caseload statistics, is currently at one hundred thirty-one percent (131%).

B. Pursuant to Supreme Court order, caseloads for each state court in Madison County must be adjusted such that each court is within a range of twenty-five percentage points above or below the county average. Madison County caseloads should therefore fall between 106% and 156% to comply with the order.

C. The Honorable David W. Hopper, Judge of Madison County Court, Div. 1, shall receive as special Judge cases from Circuit Court, Superior Court 1, Superior Court 3, and County Court 2 for processing in the Madison County **DRUG TREATMENT COURT**. Judge Hopper will be available weekly to preside in such court. Such transfers of cases should place all courts within or very near the fifty-point range specified above, with the exception of Superior Court 2.

D. The Court Administrator for the Unified Courts shall make a quarterly analysis of caseload statistics to determine whether any state court in Madison County falls outside the permissible range for that quarter.

E. Any Judge whose numbers exceed the permissible maximum shall request permission of the Supreme Court to appoint one or more Senior Judges to assist in the processing of cases.

MARION COUNTY (INDIANAPOLIS)

Marion County Superior Court Criminal Rule 1

RULES OF ORGANIZATION AND PROCEDURE OF THE MARION SUPERIOR COURT, CRIMINAL DIVISION

Rule 1. Filing, Assignment and Transfer of Cases

Random Assignment

- (a) All criminal cases filed in Marion County in the Superior Courts shall be assigned to an individual courtroom on a random basis, with certain exceptions noted below. This rule requires the equalization of caseload among all of the individual courtrooms. . . .

FELONY CASES

A, B, and C Felony Cases

The random assignment rule for criminal cases also does not apply to certain cases designated by the Court and Prosecutor as belonging in the drug treatment court, the domestic violence courts, or cases assigned to the designated Drug court.

D Felony Cases

Initial hearings for Class D felony offenses shall be conducted in the Initial

Hearing Court, Court 11. These cases shall be subsequently assigned on a random basis to one of the multiple courtrooms designated as D Felony Courts. The random assignment rule for criminal cases does not apply to D felony cases involving allegations of domestic violence, Class D felony cases involving juveniles in possession of handguns, or to Class D felony cases designated as Drug court cases.

I

ST. JOSEPH SUPERIOR COURT

St. Joseph Superior Court Rule 2

**TITLE 34 APPENDIX COURT RULES (CIVIL)
RULES OF THE ST. JOSEPH SUPERIOR COURT
GENERAL RULES**

Rule 2. Organization of the Court.

A. General organization. The St. Joseph Superior Court shall be divided into five divisions, which shall be known as

the Criminal Trial, Civil Trial, Small Claims, Traffic and Misdemeanor, and Mishawaka Divisions. Each of the Judges of the Superior Court is permanently assigned to the Civil or Criminal Divisions of the Court. Regardless of such assignment under these Rules, is authorized at all times to conduct hearings and trials in all matters, and to exercise the full jurisdiction of the St. Joseph Superior Court.

B. Criminal Trial Division. The Chief Judge shall determine the Judges assigned to the criminal division. All felony cases, as well as all traffic and misdemeanor cases in which demand has been made for trial by jury, ordinarily shall be tried in the Criminal Trial Division. The Judge assigned to the Mishawaka Division shall be responsible for the trial of all cases assigned to that Judge. The Chief Judge shall prepare an annual schedule indicating which Judge will be available in felony cases to approve requests for warrants, to fix bonds, and to conduct arraignments.

Within the Criminal Division there may be established a Drug treatment court for which one or more Judge of the court shall be responsible. Eligibility for the drug treatment court shall be determined by written criteria currently in place, or as hereafter modified. Cases may be assigned to the Drug treatment court only upon the consent of the Prosecuting Attorney, defendant and the Judge assigned to the court, and upon the continuance of the case pursuant to the filing of a standard written agreement for such purposes.....

St. Joseph Superior Court Rule 10

Rule 10. Assignment of Criminal Cases.

This Rule applies to all criminal cases filed with the Superior Court, whether initiated by information, indictment (pursuant to St. Joseph Circuit Rule 18), or by transfer from another county. Pursuant to C.R. 2.2 of the Rules of Criminal Procedure, criminal felony and misdemeanor cases filed in the Superior Court will be assigned as follows:

.....

4. The clerk shall, upon filing, whether by indictment, initiated pursuant to St. Joseph Circuit Rule 18, or information, randomly assign, by computer, all criminal felony cases to the Judges of the criminal division, except that, should there be a Drug treatment court established pursuant to Rule 2.B., herein, all cases alleging a violation of I.C. 9_30_5 or I.C. 35_48_4 as the highest classified offenses, shall be assigned directly to the Judge assigned to the responsibility for the Drug treatment court. Such assignments shall equally divide the cases. The Chief Judge shall thereafter have authority to transfer such felonies to other Judges of the court, so as to comply with Supreme Court Administrative Rule 15 and Rule 12, herein, that being the Local Caseload Plan for St. Joseph County.

VANDEBURGH SUPERIOR COURT

RULES OF THE VANDERBURGH SUPERIOR COURT LR-82-TR81 Rule 1.02. Organization of court

A. Divisions

The Vanderburgh Superior Court shall be divided into seven (7) divisions and identified as follows:

- (1) Division One Civil
- (2) Division Two Criminal
- (3) Division Three Civil
- (4) Division Four Domestic Relations
- (5) Division Five Civil

- (6) Division Six Small Claims and Misdemeanor Traffic
- (7) Division Seven Juvenile and Probate

Divisions One through Five shall be presided over by six (6) Judges who shall rotate through these divisions on a monthly basis. Division Six shall be presided over by the Magistrates subject to the supervision of one of the Judges. Division Seven shall have assigned thereto a Judge who will serve for a minimum of one (1) year. Judges shall use their Division Six rotation to serve as backup for Division Two.

B. Chief Judge

There shall be a Chief Judge elected on a date between January 1 and January 31 of each year by the Judges who shall begin his/her term as the Chief Judge on the following February 1st . The Chief Judge will be primarily responsible for the efficient and expeditious operation and conduct of the Court. In the absence of the Chief Judge, the Judge sitting in Division One shall act as temporary Chief Judge.

The following Courts shall have Judges elected as supervisors on a yearly basis: DRUG TREATMENT COURT, misdemeanor and traffic, small claims and domestic relations. Each Judge so selected shall be responsible for the efficient and expeditious operation of that Court. Each supervisor shall report periodically to the Chief Judge and all other Judges any change in the current operations of that Court. There shall be appointed each year a Supervisor of Information and Technology to oversee and assure the Court's compliance with Administrative Rule 9.

KENTUCKY

STATE RULES

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
AP VI, SEC. 6 SUBSTITUTE COURT REPORTERS
PART XIII. DRUG TREATMENT COURT
AP XIII Definitions

As used in these sections, unless the context otherwise requires:

- (1) "Addiction assessment" means a tool used by DRUG TREATMENT COURT staff to evaluate drug use history and drug dependency for purposes of determining whether a defendant will be considered for admission into DRUG TREATMENT COURT.
- (2) "Administrative discharge" means the discharge of a participant from DRUG TREATMENT COURT due to the participant's inability to complete DRUG TREATMENT COURT through no fault of his/her own.
- (3) "Aftercare" means the time period following successful completion of Phase III of the DRUG TREATMENT COURT requirements, during which the participant shall demonstrate the ability to maintain a drug-free, alcohol-free and crime-free lifestyle and may continue to receive treatment and other supportive services. For felony DRUG TREATMENT COURTS, aftercare is 180 days and for misdemeanor DRUG TREATMENT COURTS, a minimum of 90 days.
- (4) "Agreement of Participation" means the written agreement required to be signed by all potential DRUG TREATMENT COURT participants prior to the determination of eligibility for DRUG TREATMENT COURT.

- (5) "AOC DRUG TREATMENT COURT General Manager" means the AOC employee appointed by the AOC Director to support DRUG TREATMENT COURT, and administer and oversee its funding.
- (6) "AOC" means the Administrative Office of the Courts, the agency authorized by the Kentucky Supreme Court to support DRUG TREATMENT COURT and administer and oversee its funding.
- (7) "Approved local diversion procedures" means pretrial diversion procedures authorized by the Kentucky Supreme Court within each judicial circuit.
- (8) "COJ" means the Court of Justice.
- (9) "DRUG TREATMENT COURT" means an alternative sentencing court program authorized by the Kentucky Supreme Court, combining case management, judicial oversight, treatment, and drug testing, including but not limited to, the implementation of curfews, sanctions, and incentives.
- (10) "DRUG TREATMENT COURT graduation" means the public ceremony acknowledging the successful completion of Phases I, II and III of DRUG TREATMENT COURT. Aftercare may be required in some DRUG TREATMENT COURTS prior to graduation.
- (11) "DRUG TREATMENT COURT judge with jurisdiction" means the DRUG TREATMENT COURT judge to whom the entire case is transferred for both DRUG TREATMENT COURT proceedings and all further criminal proceedings.
- (12) "DRUG TREATMENT COURT judge" means a judge who, in addition to his/her regular judicial duties, conducts DRUG TREATMENT COURT sessions and staffings, monitors and reviews the participant's progress in DRUG TREATMENT COURT, imposes sanctions and incentives, and facilitates other components of DRUG TREATMENT COURT as identified and required by the AOC, consistent with these rules.
- (13) "DRUG TREATMENT COURT staff" means personnel hired and employed by the AOC DRUG TREATMENT COURT Department who perform the daily operations of DRUG TREATMENT COURT, including but not limited to, providing case management for participants, attending DRUG TREATMENT COURT staffings and sessions, and coordinating drug testing.
- (14) "DRUG TREATMENT COURT team" means the non-adversarial group that promotes public safety while acting in the best interest of the public and the participant; and, that determines the appropriate responses for a participant's compliance or non-compliance with DRUG TREATMENT COURT requirements. While the DRUG TREATMENT COURT team determines appropriate responses for participant compliance or non-compliance, the DRUG TREATMENT COURT judge has the ultimate decision making authority. For adult DRUG TREATMENT COURTS, the DRUG TREATMENT COURT team is comprised of the DRUG TREATMENT COURT judge, DRUG TREATMENT COURT staff, law enforcement, prosecutor(s), defense counsel, and treatment provider(s). Optional members with each DRUG TREATMENT COURT may be representatives from the office of probation and parole, the circuit court clerk's office, the community, and other ancillary agencies.
- (15) "Eligible offenses" means drug or drug-related offenses, excluding violent offenses and sexual offenses.
- (16) "Home visit" means the on-site appearance of DRUG TREATMENT COURT staff who is accompanied by a law enforcement or probation and parole officer at the participant's home for the purpose of verifying stable, drug-free housing and/or curfews, among other verifiers.
- (17) "Incentives" means tangible or intangible rewards earned by participants for positive steps taken toward attaining a drug-free, crime-free lifestyle, and may include, but are not limited to, promotion to the next phase, certificates and tokens, decreased supervision, increased privileges and responsibilities, praise from the DRUG TREATMENT COURT judge and team, extended curfews, and other individual incentives approved by the DRUG TREATMENT COURT team.
- (18) "Involuntary termination" means the termination by the DRUG TREATMENT COURT judge of a participant from DRUG TREATMENT COURT due to the participant's non-compliance with DRUG TREATMENT COURT's requirements, rules, or conditions.
- (19) "Justice system case processing" means the manner in which a case is processed within the Kentucky COJ, as reflected in KyCourts II or the current COJ case management system.
- (20) "Notice of eligibility" means the document provided to the sentencing judge following the defendant's addiction assessment wherein a determination of eligibility or ineligibility for admission to DRUG TREATMENT COURT

has been made.

(21) "Non-AOC support personnel" means interns and volunteers, including but not limited to, other staff supplied by a city or county office or official not employed by the AOC DRUG TREATMENT COURT Department who work with the DRUG TREATMENT COURT.

(22) "Phase" means a set of minimum and distinct criteria required of a DRUG TREATMENT COURT participant.

(23) "Recovery program" means a long-term residential program for participants seeking recovery from alcohol or other drugs, which provides a setting for non-medical detoxification and utilizes peer-counseling and other counseling techniques.

(24) "Referring judge" means the judge who refers a defendant to DRUG TREATMENT COURT.

(25) "Sanctions" means the range of consequences imposed for the participant's failure to comply with the requirements or other conditions of DRUG TREATMENT COURT, which are appropriate, consistent and immediately applied. Sanctions may include, but are not limited to, admonishments from the judge, residential drug treatment, community service, phase demotion, increased group sessions, home incarceration, imprisonment in a detention facility, or termination from DRUG TREATMENT COURT.

(26) "Sentencing judge" means the judge who sentences the defendant in the underlying criminal case; he/she may also be the referring judge.

(27) "Session" means the scheduled appearance of the participant before the DRUG TREATMENT COURT judge, during which the progress of the participant is reviewed and discussed, and assignments, verifications, or other requested information is provided to the DRUG TREATMENT COURT judge by the participant.

(28) "Staffings" means meetings held by the DRUG TREATMENT COURT team, including the DRUG TREATMENT COURT judge, prior to a DRUG TREATMENT COURT session, for the purpose of discussing the participants' progress.

(29) "Transfer for all further proceedings" means a transfer of the underlying criminal case to the DRUG TREATMENT COURT judge for both DRUG TREATMENT COURT proceedings and all further criminal proceedings.

(30) "Transfer for DRUG TREATMENT COURT proceedings only" means a transfer of only the DRUG TREATMENT COURT component of a case to the DRUG TREATMENT COURT judge; upon successful completion or termination from DRUG TREATMENT COURT, the case does not remain with the DRUG TREATMENT COURT judge, but returns to the referring judge.

(31) "Treatment provider" means an individual or agency licensed and/or certified to provide the treatment and counseling to DRUG TREATMENT COURT participants as specified by the AOC DRUG TREATMENT COURT Department.

(32) "Voluntary termination" means the termination by the DRUG TREATMENT COURT judge of a participant from DRUG TREATMENT COURT, at the participant's request, but only after a determination has been made that the request was knowingly and voluntarily made.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE

PART I ADULT CRIMINAL DRUG TREATMENT COURT

AP XIII, Sec. 1 Key Components of a DRUG TREATMENT COURT

All DRUG TREATMENT COURT programs shall include the following key components as defined and required by the U. S. Department of Justice, Office of Justice Programs:

- (1) DRUG TREATMENT COURTs shall integrate alcohol and other drug treatment services with justice system case processing;
- (2) Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights;
- (3) Eligible participants are identified early and promptly placed in the drug court program;
- (4) DRUG TREATMENT COURTs provide a continuum of alcohol, drug, and other treatment and rehabilitative services;

- (5) Abstinence is monitored by frequent alcohol and other drug testing;
- (6) A coordinated strategy governs DRUG TREATMENT COURT responses to participants' compliance;
- (7) Ongoing judicial interaction with each DRUG TREATMENT COURT participant is essential;
- (8) Monitoring and evaluation measure the achievement of program goals and gauge effectiveness;
- (9) Continuing interdisciplinary education promotes effective DRUG TREATMENT COURT planning, implementation, and operations; and,
- (10) Forging partnerships among DRUG TREATMENT COURTS, public agencies, and community-based organizations generates local support and enhances DRUG TREATMENT COURT program effectiveness.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE

PART I ADULT CRIMINAL DRUG TREATMENT COURT

AP XIII, Sec. 2 Mission Statement

The mission of the Kentucky DRUG TREATMENT COURT is to protect public safety and reduce the recidivism rate of drug addicted offenders through an integrated approach that involves court supervision, substance abuse treatment services, education, employment and personal accountability, resulting in positive and long lasting life changes.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE

PART I ADULT CRIMINAL DRUG TREATMENT COURT

AP XIII, Sec. 3 Administrative Office of the Courts to Oversee DRUG TREATMENT COURT

The AOC shall support DRUG TREATMENT COURTS statewide, and administer and oversee its funding. The AOC shall also be authorized to establish further policies and procedures relating to DRUG TREATMENT COURT.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE

PART I ADULT CRIMINAL DRUG TREATMENT COURT

AP XIII, Sec. 4 DRUG TREATMENT COURT Referral Process

In those jurisdictions having a DRUG TREATMENT COURT, a defendant shall be referred to DRUG TREATMENT COURT through one of the following procedures:

- (1) An order of probation. A referral to DRUG TREATMENT COURT may be made at any time during probation, including a referral in lieu of revocation. A defendant who is referred to DRUG TREATMENT COURT by an order of probation shall have entered a guilty plea or been found guilty of an eligible offense(s). The sentencing judge, upon request of the attorney for the defendant or another interested party, or, alternatively, sua sponte, may order a defendant to be referred to DRUG TREATMENT COURT for a determination of the defendant's eligibility.
- (2) An order of diversion. A referral to DRUG TREATMENT COURT may be made utilizing approved local diversion procedures but only after an order of diversion has been entered.
- (3) An order of contempt of court. Any judge may refer a person charged with contempt of court to DRUG TREATMENT COURT in lieu of being incarcerated on the contempt charge, but only after an order of contempt has been entered.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE

PART I ADULT CRIMINAL DRUG TREATMENT COURT

AP XIII, Sec. 5 Eligibility and Assessment

- (1) Upon receipt of a written order of referral from a judge, DRUG TREATMENT COURT staff shall determine whether a person is eligible for addiction assessment utilizing the following criteria. The person:
- (a) Shall be eligible for diversion or probation; or, shall have been found in contempt of court; and,
 - (b) Shall not have previously graduated or been terminated from a Kentucky adult DRUG TREATMENT COURT; and
 - (c) Shall not be a "sex offender" as defined by KRS 17.550; and,
 - (d) Shall not be a "violent offender" as defined by federal regulation, 28 C.F.R. 93.3, as an offender who either:
 - 1. Is currently charged with or convicted of an offense during the course of which:
 - a. The person carried, possessed, or used a firearm or other dangerous weapon; or
 - b. There occurred the use of force against the person of another; or,
 - c. There occurred the death of or serious bodily injury to any person; without regard to whether proof of any of the elements described herein is required to convict; or,
 - 2. Has previously been convicted of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.
- (2) If a defendant is determined to be ineligible for addiction assessment, DRUG TREATMENT COURT staff shall inform the referring judge in writing utilizing the form prescribed by the AOC.
- (3) If a defendant is determined to be eligible for addiction assessment, DRUG TREATMENT COURT staff shall thoroughly explain the DRUG TREATMENT COURT process and the agreement of participation to the defendant and request that the defendant sign the agreement of participation on a form prescribed by the AOC, with or without the presence of the defendant's attorney. If a defendant refuses to sign the agreement of participation, DRUG TREATMENT COURT staff shall notify the referring judge by utilizing the notice of eligibility form prescribed by the AOC. Refusal by the defendant to sign the agreement of participation shall render him or her ineligible for participation in DRUG TREATMENT COURT.
- (4) Upon execution of the agreement of participation by the defendant, DRUG TREATMENT COURT staff shall complete an addiction assessment on a form prescribed by the AOC. After completing the assessment, DRUG TREATMENT COURT staff shall complete a notice of eligibility form on a form prescribed by the AOC. The addiction assessment, the notice of eligibility and any other pertinent information regarding the defendant shall be completed and submitted to the DRUG TREATMENT COURT team prior to the defendant's next scheduled court appearance.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 6 Admissibility into DRUG TREATMENT COURT

Upon receipt of the addiction assessment, notice of eligibility and other pertinent information regarding the defendant, the DRUG TREATMENT COURT judge and team shall determine whether the person may be admitted into DRUG TREATMENT COURT. The DRUG TREATMENT COURT team shall provide input into the decision for admission; however, the DRUG TREATMENT COURT judge shall have the final decision-making authority over whether to admit an eligible person into DRUG TREATMENT COURT. To determine admissibility, the DRUG TREATMENT COURT judge and team shall evaluate the following:

- (1) Current criminal charge(s)/conviction(s);
- (2) Past criminal conviction(s), if any;
- (3) Results of the addiction assessment;
- (4) Information regarding the victim(s), if any;
- (5) Defendant's willingness to participate; and,
- (6) Other relevant information as identified by the DRUG TREATMENT COURT judge and team members.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT

AP XIII, Sec. 7 Transfer of Case to **DRUG TREATMENT COURT**

Upon a determination of admission to **DRUG TREATMENT COURT**, and upon the defendant's acceptance of the offer to enter **DRUG TREATMENT COURT**, the referring judge shall complete an order transferring the case to **DRUG TREATMENT COURT**. The order shall indicate whether the case shall be transferred for all further proceedings or for proceedings relating to **DRUG TREATMENT COURT** only. Cases may be transferred for all further proceedings only when transferred within the same circuit or district. Cases may only be transferred to a different circuit or district pursuant to Section 20 of these rules.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE

PART I ADULT CRIMINAL **DRUG TREATMENT COURT**

AP XIII, Sec. 8 **DRUG TREATMENT COURT** Participant Requirements

(1) A **DRUG TREATMENT COURT** shall consist of three phases as follows:

- a. Phase I--stabilization phase;
- b. Phase II--education phase; and,
- c. Phase III--self-motivation phase.

Aftercare shall be required upon a **DRUG TREATMENT COURT** participant's completion of all three phases. The three phases shall take a minimum of twelve months to complete. **DRUG TREATMENT COURT**, including the aftercare component, can be completed in a minimum of eighteen months for felony defendants and fifteen months for misdemeanor defendants.

(2) **DRUG TREATMENT COURT** participants shall adhere to the following minimum requirements during each phase as follows:

(a) For Phase I, the participant shall:

- i. Provide at least three (3) random urine drug/alcohol screens per week;
- ii. Attend at least three (3) clinical contact hours per week;
- iii. Attend one court session per week;
- iv. Obtain and/or maintain court-approved full-time employment, training or education;
- v. Obtain and/or maintain court-approved housing;
- vi. Make arrangements for payments of court obligations;
- vii. Make at least one (1) weekly individual contact with **DRUG TREATMENT COURT** staff;
- viii. Indicate an initial understanding of substance abuse treatment;
- ix. Enroll and attend a self-help program, such as a 12-step program; and,
- x. Remain drug-free for at least 30 consecutive days before consideration for promotion to the next phase.

(b) For Phase II, the participant shall:

- i. Provide at least two random urine drug/alcohol screens per week;
- ii. Attend two (2) clinical contact hours per week;
- iii. Attend one (1) court session every two weeks;
- iv. Maintain court-approved full-time employment, training or education;
- v. Maintain court-approved housing;
- vi. Continue paying court obligations;
- vii. Make at least one individual contact with **DRUG TREATMENT COURT** staff per week;
- viii. Indicate an appropriate understanding of recovery principles;
- ix. Continue to attend self-help programs, such as a 12-step program; and,
- x. Remain drug-free for the final 90 days, consecutively, of this Phase before consideration for promotion to the next Phase.

(c) For Phase III, the participant shall:

- i. Provide at least one random urine/drug screen per week;
- ii. Attend one (1) clinical contact hour per week;
- iii. Attend one (1) court session every three weeks;
- iv. Maintain court-approved full-time employment, training or education;
- v. Maintain court-approved housing;
- vi. Continue paying court obligations;
- vii. Make at least one (1) individual contact with DRUG TREATMENT COURT staff per week;
- viii. Indicate an appropriate understanding of a recovery lifestyle;
- ix. Continue to attend self-help programs, such as a 12-step program; and,
- x. Remain drug-free for the full 90 days, consecutively, of this Phase, for a total of 180 consecutive days for both Phases II and III.

(3) Each DRUG TREATMENT COURT shall establish an aftercare component taking into account the availability of resources and the requirements of the DRUG TREATMENT COURT team. Each proposed aftercare component shall be submitted to the AOC DRUG TREATMENT COURT General Manager for approval no later than 180 days following implementation of DRUG TREATMENT COURT in a circuit or district. Within 30 days following the adoption of these Rules of Administrative Procedure, the aftercare components currently in effect in a circuit or district shall be submitted to the AOC DRUG TREATMENT COURT General Manager for review and approval.

(4) DRUG TREATMENT COURT participants may be ordered to comply with additional requirements, which include, but are not limited to, the following:

- (a) Employment, school, and/or home visits by DRUG TREATMENT COURT staff (DRUG TREATMENT COURT staff shall be accompanied by a law enforcement officer or a probation and parole officer for any home visit);
- (b) Domestic violence counseling with a certified domestic violence treatment provider, or other types of counseling, as referred by DRUG TREATMENT COURT;
- (c) Curfews as established by DRUG TREATMENT COURT; and,
- (d) Medical and/or mental health referrals and subsequent treatment recommendations.

(5) Random urine/drug screens: A copy of the urine/drug test results shall be prima facie evidence of their validity and content. Any chain of custody shall be waived and the results of the urine/drug tests shall be admissible as evidence in DRUG TREATMENT COURT.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 9 Incentives

Incentives may be provided during DRUG TREATMENT COURT sessions and may include, but are not limited to, promotion to the next phase, certificates and tokens, decreased supervision, increased privileges and responsibilities, praise from the DRUG TREATMENT COURT judge and team, extended curfews, and other individual incentives approved by the DRUG TREATMENT COURT team.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 10 Sanctions for Non-compliance with DRUG TREATMENT COURT Requirements

Each participant shall comply with the requirements and other conditions established by DRUG TREATMENT COURT. Failure to comply may result in the imposition of sanctions upon the participant by the DRUG TREATMENT COURT judge. Sanctions may include, but are not limited to, admonishments from the DRUG TREATMENT COURT judge, residential drug treatment, community service, phase demotion, increased group treatment, home incarceration, imprisonment in a detention facility, and termination from DRUG TREATMENT COURT. Graduated sanctions may be utilized for continuous noncompliance.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 11 Involuntary Termination from DRUG TREATMENT COURT

(1) The DRUG TREATMENT COURT staff or team may make a recommendation to the DRUG TREATMENT COURT judge that a participant be terminated from DRUG TREATMENT COURT due to the participant's non-compliance with DRUG TREATMENT COURT requirements or conditions. If the DRUG TREATMENT COURT judge agrees with the recommendation of termination, DRUG TREATMENT COURT staff shall file a written affidavit of violations on a form prescribed by the AOC requesting the judge to terminate the participant from DRUG TREATMENT COURT. The participant shall be notified of the termination in the DRUG TREATMENT COURT session unless the participant has absconded. A notice of termination shall be signed by the DRUG TREATMENT COURT judge on a form prescribed by the AOC; and, a copy of the affidavit of violations shall be attached. Upon signature of the notice of termination by the DRUG TREATMENT COURT judge, the case shall be referred back to the appropriate circuit or district for further proceedings. The notice of termination shall be filed in the official record by the circuit court clerk in the receiving court.

(2) In the case of a participant who has absconded for a period of at least ten working days, DRUG TREATMENT COURT staff shall complete an affidavit of violations on a form prescribed by the AOC. A notice of termination shall be signed by the DRUG TREATMENT COURT judge on a form prescribed by the AOC; and, a copy of the affidavit of violations shall be attached. Upon signature of the notice of termination by the DRUG TREATMENT COURT judge, the case shall be referred back to the appropriate circuit or district for further proceedings. The notice of termination shall be filed in the official record by the circuit court clerk in the receiving court.

(3) The receiving judge shall schedule the case for a hearing on a criminal motion docket for further proceedings. The notice of termination and affidavit of violations shall be filed in the official record by the circuit court clerk in the receiving court, who shall serve notice of the notice of termination on the parties, their attorneys, and probation and parole.

(4) Upon involuntary termination, a participant shall be ineligible for further participation in any Kentucky DRUG TREATMENT COURT.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 12 Voluntary Termination

Participants may petition the DRUG TREATMENT COURT judge for termination from DRUG TREATMENT COURT. If the DRUG TREATMENT COURT judge determines that the request is knowingly and voluntarily made, the DRUG TREATMENT COURT judge may terminate the participant from DRUG TREATMENT COURT on a form prescribed by the AOC and refer the case back to the appropriate circuit or district. The notice of termination shall be filed in the official record by the circuit court clerk in the receiving court, who shall serve notice of the notice of termination on the parties, their attorneys, and probation and parole. The receiving circuit or district shall schedule a hearing on the criminal motion docket for further proceedings. Upon voluntary termination, the participant shall be ineligible for further participation in any Kentucky DRUG TREATMENT COURT.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 13 Administrative Discharge

If a DRUG TREATMENT COURT participant cannot complete DRUG TREATMENT COURT, through no fault of his/her own, he/she may be administratively discharged. If the DRUG TREATMENT COURT team determines that administrative discharge is appropriate, the DRUG TREATMENT COURT staff shall complete an affidavit of administrative discharge to provide to the DRUG TREATMENT COURT judge and the DRUG TREATMENT COURT judge shall complete a notice of termination by administrative discharge on a form prescribed by the AOC and refer the case back to the appropriate circuit or district. The notice of termination shall be filed in the official record by the circuit court clerk in the receiving court, who shall serve notice of the notice of termination on the parties, their attorneys, and probation and parole. The receiving circuit or district shall schedule a hearing on the criminal motion docket for further proceedings. An administrative discharge does not make the participant ineligible to return to DRUG TREATMENT COURT at a later date.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 14 Successful Completion of DRUG TREATMENT COURT

- (1) A participant shall be determined to have successfully completed DRUG TREATMENT COURT after having:
- (a) Completed all three DRUG TREATMENT COURT phases;
 - (b) Completed aftercare;
 - (c) If feasible, paid all restitution owed. If the total restitution amount is too great to be paid in full while in DRUG TREATMENT COURT, then a reasonable amount as determined by the DRUG TREATMENT COURT team shall be paid prior to being determined to have successfully completed DRUG TREATMENT COURT; and,
 - (d) Paid all costs, fines or fees.

Further, there shall be no criminal charges pending against the participant.

- (2) Upon successful completion of DRUG TREATMENT COURT, the sentencing judge or DRUG TREATMENT COURT judge with jurisdiction may:
- (a) Dismiss the underlying charge(s), if the participant was on diversion, but only when restitution, if any, has been paid in full; or,
 - (b) Modify probation to be conditionally discharged if the participant was on probation or found in contempt of court, but only when restitution, if any, has been paid in full.
- (3) A DRUG TREATMENT COURT graduation should be held for an eligible participant within 90 days of successful completion of Phase III of DRUG TREATMENT COURT as outlined above, but in no event shall a DRUG TREATMENT COURT graduation be held later than 210 days after successful completion of Phase III. Aftercare may be required in some DRUG TREATMENT COURTs prior to graduation.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 15 DRUG TREATMENT COURT Staffings

- (1) The DRUG TREATMENT COURT judge and DRUG TREATMENT COURT staff shall attend staffings prior to a DRUG TREATMENT COURT session. The prosecutor, defense attorney, and other DRUG TREATMENT COURT team members are encouraged to attend these staffings. DRUG TREATMENT COURT

staffings shall be confidential and non-team members shall not attend absent extraordinary circumstances. If there is an extraordinary need for a non-team member to attend, upon approval by the DRUG TREATMENT COURT judge, the non-team member shall be allowed to attend the staffing, but only after signing a confidentiality agreement.

(2) At DRUG TREATMENT COURT staffings, the DRUG TREATMENT COURT team shall discuss the following:

- (a) Whether to admit potential participants into DRUG TREATMENT COURT;
- (b) Appropriate sanctions for violations by current participants;
- (c) Achievements and phase advancement of participants who will appear at the DRUG TREATMENT COURT session; and,
- (d) Other pertinent issues relating to DRUG TREATMENT COURT.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 16 DRUG TREATMENT COURT Sessions

A DRUG TREATMENT COURT judge shall conduct a DRUG TREATMENT COURT session as follows:

- (1) In a single-county circuit or district, one DRUG TREATMENT COURT session shall be conducted per week.
- (2) In a multi-county circuit or district, one DRUG TREATMENT COURT session should be held per week; however, if weekly sessions are not possible, a DRUG TREATMENT COURT judge shall conduct at least two DRUG TREATMENT COURT sessions per month. If non-weekly DRUG TREATMENT COURT sessions are held, then in any week in which a DRUG TREATMENT COURT session is not held, DRUG TREATMENT COURT staff shall meet with participants on the same day and time of the week that DRUG TREATMENT COURT meets when it is in session.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 17 Confidentiality

- (1) DRUG TREATMENT COURT proceedings shall be confidential and all proceedings shall be closed unless otherwise authorized by the DRUG TREATMENT COURT judge.
- (2) Documents contained in a participant's DRUG TREATMENT COURT case file shall be confidential and shall not be released other than those documents specified in Section 18 of these rules.
- (3) Due to the treatment component of DRUG TREATMENT COURT, DRUG TREATMENT COURT team members shall sign a confidentiality agreement.
- (4) DRUG TREATMENT COURT team members shall comply with state and federal confidentiality laws regarding treatment information.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 18 Filing of DRUG TREATMENT COURT Documents

Upon utilization of any of the following documents, a copy of such document(s) shall be filed by the DRUG TREATMENT COURT staff with the appropriate court clerk for entry into the court record of the underlying criminal offense:

- a. Order referring to DRUG TREATMENT COURT;

- b. DRUG TREATMENT COURT notice of eligibility;
- c. Order transferring to DRUG TREATMENT COURT;
- d. Affidavit of violations; and,
- e. Orders of termination, graduation, or administrative discharge.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 19 Collection of Fees

- (1) A reimbursement fee may be imposed by DRUG TREATMENT COURT for treatment services, the cost of a laboratory confirmation of a positive drug test, or other required services. The standards and policies relating to the payment of a reimbursement fee shall be established by the AOC.
- (2) Reimbursement fees shall be in the form of certified checks, cashier's checks or money orders, each of which shall be made payable to the Kentucky State Treasurer. At no time shall DRUG TREATMENT COURT staff accept cash from a participant.
- (3) No judge or DRUG TREATMENT COURT staff shall collect monies for use for DRUG TREATMENT COURT through forfeiture, plea agreements, sanctions, fees, fines or other costs, other than those referred to herein.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 20 Transfer of Cases Between DRUG TREATMENT COURTS

(1) Request for Transfer

A participant may request the transfer of only his or her DRUG TREATMENT COURT proceedings to a DRUG TREATMENT COURT in another circuit or district. If the DRUG TREATMENT COURT judge and team in the originating DRUG TREATMENT COURT approve the transfer request, the originating DRUG TREATMENT COURT staff shall initiate the transfer request. Upon a request for transfer for DRUG TREATMENT COURT proceedings only, the following procedures shall be utilized:

- (a) The originating DRUG TREATMENT COURT staff shall contact staff in the receiving DRUG TREATMENT COURT to determine whether the participant will be accepted.
- (b) If the receiving DRUG TREATMENT COURT judge and team do not agree to accept the participant, the receiving DRUG TREATMENT COURT staff shall notify the originating DRUG TREATMENT COURT judge.
- (c) If the receiving DRUG TREATMENT COURT judge and team agree to accept the participant, the receiving DRUG TREATMENT COURT staff shall notify the originating DRUG TREATMENT COURT judge and staff of the acceptance. The originating DRUG TREATMENT COURT staff or judge shall then contact the originating office of probation and parole to request that a transfer be initiated for the receiving office of probation and parole.
- (d) The originating DRUG TREATMENT COURT judge shall order the transfer of DRUG TREATMENT COURT proceedings to the receiving DRUG TREATMENT COURT on a form prescribed by the AOC. The originating DRUG TREATMENT COURT staff shall send a copy of this transfer order to the receiving DRUG TREATMENT COURT staff and to both the originating and receiving offices of probation and parole.
- (e) The participant shall contact the receiving DRUG TREATMENT COURT staff to make an appointment for orientation. This contact shall be made, and the appointment confirmed, in the presence of the originating DRUG TREATMENT COURT staff.

(f) The sentencing judge or originating DRUG TREATMENT COURT judge with jurisdiction shall retain jurisdiction over the underlying criminal case and shall handle all matters outside of the DRUG TREATMENT COURT proceedings. The receiving DRUG TREATMENT COURT judge shall handle all DRUG TREATMENT COURT proceedings, including sanctions for the participant's non-compliance with DRUG TREATMENT COURT.

(2) Documents Required to Transfer a Case

The originating DRUG TREATMENT COURT shall provide the following documents to the receiving DRUG TREATMENT COURT prior to the participant's arrival for orientation:

- (a) CourtNet criminal record;
 - (b) Addiction assessment;
 - (c) Pre-sentencing investigation;
 - (d) Initial orders referring and transferring the case to DRUG TREATMENT COURT;
 - (e) Notice of eligibility;
 - (f) Individual program plans;
 - (g) Final judgment;
 - (h) Orders for restitution, child support, fines, fees, and other orders relating to financial obligations of the participant;
 - (i) Drug screening history;
 - (j) Written summary of participant's history in the originating DRUG TREATMENT COURT; and,
 - (k) Order of transfer between DRUG TREATMENT COURTs for DRUG TREATMENT COURT proceedings only.
- (3) Transfer Confirmation

The receiving DRUG TREATMENT COURT staff shall confirm receipt of the transfer request within three working days, and shall initiate the following actions:

- (a) The receiving DRUG TREATMENT COURT staff shall meet with the participant at the previously scheduled time, and report the participant's attendance to the originating DRUG TREATMENT COURT.
- (b) Unless the office of probation and parole has already completed a home visit, the receiving DRUG TREATMENT COURT staff shall visit the home of the transferring participant and confirm that it is an approved environment. No home visit shall be made unless and until a law enforcement officer or a probation and parole officer is available to accompany DRUG TREATMENT COURT staff to the home visit.
- (c) Following completion of (a) and (b) above, the receiving DRUG TREATMENT COURT shall provide an official acceptance letter to the originating DRUG TREATMENT COURT and add the participant to its caseload.
- (d) Upon receipt of the acceptance letter, the originating DRUG TREATMENT COURT shall remove the participant from its caseload.

(4) Graduation/Termination/Administrative Discharge of a Transferred Participant

- (a) Upon successful completion of all three phases of DRUG TREATMENT COURT, the participant may be eligible for graduation; if so, he/she will be a graduate of the receiving DRUG TREATMENT COURT rather than the originating DRUG TREATMENT COURT.
- (b) When the transferring participant has successfully met the requirements of DRUG TREATMENT COURT, including aftercare, the receiving DRUG TREATMENT COURT staff shall send an official letter to the originating DRUG TREATMENT COURT, and to both the originating and receiving offices of probation and parole, acknowledging completion of all requirements. The letter shall include a request that the participant be placed on the docket of the sentencing judge or on the docket of the originating DRUG TREATMENT COURT judge with jurisdiction for either conditional discharge or formal dismissal of charges if pursuant to a diversion agreement.

(c) When a transferring participant is not able or fails to meet the requirements of DRUG TREATMENT COURT and is administratively discharged or terminated as a result, the receiving DRUG TREATMENT COURT staff shall send an official letter to the originating DRUG TREATMENT COURT and to both the originating and receiving offices of probation and parole acknowledging administrative discharge or termination, and requesting that the participant be placed on the docket of the sentencing judge or originating DRUG TREATMENT COURT judge with jurisdiction for further proceedings.

(d) Upon administrative discharge or termination, the participant shall be determined to have been administratively discharged or terminated from the receiving DRUG TREATMENT COURT rather than the originating DRUG TREATMENT COURT.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 21 Student Interns

The AOC shall maintain a DRUG TREATMENT COURT student intern program. The AOC shall establish policies relating to the program and shall have the authority to approve the acceptance of any student intern working in a Kentucky DRUG TREATMENT COURT.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 22 Volunteers

Volunteers may be permitted to serve in a limited capacity with the DRUG TREATMENT COURT. Volunteers shall not have responsibility for any aspect of the participants' supervision, treatment, or one-on-one interactions. All volunteers shall be required to sign a confidentiality agreement. The AOC shall establish policies relating to the use of volunteers.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
PART I ADULT CRIMINAL DRUG TREATMENT COURT
AP XIII, Sec. 23 Drug Testing

(1) Drug testing shall be administered to all DRUG TREATMENT COURT participants on a frequent and random basis. Phase I participants shall be tested at least three times per week; Phase II participants shall be tested at least two times per week; and, Phase III participants shall be tested at least one time per week.

(2) The AOC shall advertise for a vendor(s) to provide drug-testing services for DRUG TREATMENT COURT, utilizing policies and specifications as authorized by the AOC.

(3) All DRUG TREATMENT COURT participants shall be required to make daily telephone contact, utilizing a toll-free telephone number, wherein a recording announces phase(s) and times for specimen collections for each individual DRUG TREATMENT COURT session.

(4) Instant, laboratory, and other drug tests supplied by DRUG TREATMENT COURT shall be utilized for DRUG TREATMENT COURT participants only. Due to the cost of drug testing supplies, inventory of supplies shall be audited on a random basis.

- (5) An adulterated drug test shall be considered a positive drug test.
- (6) Medically supervised detoxification or treatment that will affect drug-testing by DRUG TREATMENT COURT staff on a temporary basis may be authorized by the DRUG TREATMENT COURT judge. However, medically supervised detoxification or treatment that will affect drug-testing by DRUG TREATMENT COURT staff beyond a 6-month period shall not be authorized and shall preclude a participant from initiating or continuing participation in DRUG TREATMENT COURT.
- (7) The AOC shall be authorized to establish further policies and procedures relating to drug-testing.

ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE
 PART I ADULT CRIMINAL DRUG TREATMENT COURT
 AP XIII, Sec. 25 DRUG TREATMENT COURT Staff

- (1) All DRUG TREATMENT COURT staff is employed by the AOC and shall report to the AOC DRUG TREATMENT COURT General Manager or his or her designee, except for non-AOC support personnel. Such non-AOC support personnel shall be coordinated with the AOC DRUG TREATMENT COURT General Manager and shall further be subject to policies and procedures relating to DRUG TREATMENT COURT operations as established by the AOC. Further, non-AOC support personnel shall sign a confidentiality agreement and shall further comply with state and federal confidentiality laws regarding treatment information.
- (2) Any participation in local court proceedings or activities outside of DRUG TREATMENT COURT sessions by DRUG TREATMENT COURT staff, in their capacity as DRUG TREATMENT COURT staff, shall first be authorized by the AOC.
- (3) DRUG TREATMENT COURT staff and non-AOC support personnel shall not transport DRUG TREATMENT COURT participants at any time.

LOCAL RULES

CIRCUIT AND DISTRICT COURTS OF BOONE, CAMPBELL, GALLATIN AND KENTON COUNTIES
--

**KENTUCKY REVISED STATUTES
 UNIFORM LOCAL RULES OF THE CIRCUIT AND DISTRICT COURTS OF BOONE, CAMPBELL,
 GALLATIN AND KENTON COUNTIES
 LOCAL CRIMINAL RULES-CIRCUIT COURT KENTON COUNTY
 Rule 5 Kenton Circuit Drug Court**

BOONE, CAMPBELL, GALLATIN AND KENTON CIRCUIT AND DISTRICT COURT
 LOCAL CRIMINAL RULES-CIRCUIT COURT KENTON COUNTY
 ULCr Rule 5 Kenton Circuit DRUG TREATMENT COURT

- 1) Upon a defendant being accepted into the Kenton Circuit DRUG TREATMENT COURT, the jurisdiction of the case shall be transferred from the referring judge to the Kenton Circuit DRUG TREATMENT COURT Judge. Upon completion of or termination of participation in DRUG TREATMENT COURT, jurisdiction over the case shall return to the judge originally assigned to the case.
- 2) A defendant is ineligible for admission into the DRUG TREATMENT COURT program if the defendant has

been previously discharged from a DRUG TREATMENT COURT program. Such a defendant shall not be permitted to re-enter a DRUG TREATMENT COURT program.

3) Kenton DRUG TREATMENT COURT staff shall attempt to assist judges with DRUG TREATMENT COURT issues; however, because of limited staff, DRUG TREATMENT COURT staff's primary function is to assist the DRUG TREATMENT COURT Judge in the implementation and operation of the Kenton Circuit DRUG TREATMENT COURT.

JEFFERSON CIRCUIT COURT, THIRTIETH JUDICIAL CIRCUIT

RULES OF PRACTICE OF THE JEFFERSON CIRCUIT COURT, THIRTIETH JUDICIAL CIRCUIT

RULE 12 ALLOCATION OF CASES

RULE 1201 METHOD OF ALLOTMENT

All cases shall be allotted equally and at random among the thirteen (13) divisions of the Court, however, the Chief Judge shall receive a twenty-five percent (25%) reduction in criminal and civil cases assigned. Also, the judge of Drug court shall receive a 25% reduction of criminal cases assigned.

- A. Civil Cases. The automated case register, located in the Circuit Court Clerk's Office, shall assign cases to the various divisions of the Court. This register has been programmed by the AOC to ensure both the randomness of the assignments and the equal distribution of the cases to the thirteen (13) divisions of the Court. All District Court Appeal cases and all other civil cases shall be allotted by the register.
- B. Criminal Cases. A stack of shuffled cards containing an equal number of cards marked for each of the thirteen (13) divisions shall be dropped in a drum. The Grand Jury Foreman, in open court, shall pull a card from the drum assigning the case to a division which division shall be written on the indictment and initialed by the Judge in open court. Indictments containing only a persistent Felony Offender Charge shall be automatically assigned to the Court where the original indictment was assigned.

RULE 6. TRAFFIC/CRIMINAL PRACTICE

RULE 610 TIME GUIDELINES

The time guidelines adopted for the District Court Criminal Divisions are:

TRAFFIC AND MISDEMEANOR CASES:

SEVENTY_FIVE PERCENT (75%) OF THE CASES SHOULD BE DISPOSED OF WITHIN FORTY_FIVE (45) DAYS;

NINETY_EIGHT PERCENT (98%) OF THE CASES SHOULD BE DISPOSED OF WITHIN NINETY (90) DAYS; AND

ONE_HUNDRED PERCENT (100%) OF THE CASES SHOULD BE DISPOSED OF WITHIN 80 DAYS.

Time guidelines are subject to modification by the Chief Judge and Administrator with the approval of the Chief Justice. Failure to meet these time guidelines shall not alone be grounds for dismissal. The model code definition of the institution of and disposition of a criminal case is adopted; i.e. a case is considered opened and the time begins to

run when an arrest is made or citation summons warrant is served.

Citations must be properly delivered to the District Court clerk within seven (7) days of issuance or will not be processed, unless with good cause shown, otherwise ordered by the Chief Judge of Jefferson District Court.

Disposition of a case occurs at the time of dismissal, plea of guilt, finding of guilt, or transfer to the Grand Jury. The following occurrences specifically do not count toward measurement of the time: show cause date, passed for sentencing, diversion cases, Drug court referral, Department of Transportation referral, defendants in mental health diversion or those evaluated for competency and or criminal responsibility, or in arrest or bench warrant status.

LOUISIANA

STATE RULES

RULES FOR LOUISIANA DISTRICT COURTS AND NUMBERING SYSTEMS FOR LOUISIANA FAMILY AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS TITLE III. RULES FOR CRIMINAL PROCEEDINGS IN DISTRICT COURTS CHAPTER 14. ALLOTMENT OF CASES

Rule 14.0 Allotment of Cases

(a) The clerk of court shall randomly allot all criminal cases, unless an exception is established by law or these rules. The method of random allotment established by each district court, or by each parish within a district where applicable, is described in Appendix 11. The method of randomly allotting traffic offenses prosecuted under Title 32 of the Louisiana Revised Statutes, wildlife offenses prosecuted under Title 56 of the Louisiana Revised Statutes, and appeals from courts of limited jurisdiction is described in Appendix 12.

(b) In districts having a designated drug fast track court, except drug courts established pursuant to R.S. 13:5301_5304, et seq., all drug cases shall be allotted to the drug court. If the drug court has more than one division, the clerk shall randomly allot drug cases to the divisions of the drug court, by the method described in Appendix 11.

LOCAL RULES

PARISHES OF EAST BATON ROUGE, ORLEANS, JEFFERSON AND CADDO ORLEANS PARISH JUVENILE COURT

RULES FOR LOUISIANA DISTRICT COURTS AND NUMBERING SYSTEMS FOR LOUISIANA FAMILY AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS TITLE V. NUMBERING SYSTEM FOR RULES FOR JUVENILE PROCEEDINGS IN DISTRICT COURTS AND IN JUVENILE COURTS FOR THE PARISHES OF EAST BATON ROUGE, ORLEANS, JEFFERSON AND CADDO ORLEANS PARISH JUVENILE COURT CHAPTER 41. COURT ORGANIZATION AND SESSIONS Rule 2.11. Hours of Court

Rule 2.11. Hours of Court

Except when otherwise specially ordered, Court shall be open at 8:30 a.m. and adjourn at 4:00 p.m. The Judges will

138

Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA Drug Court Clearinghouse. American University. June 2006.

convene and continue in session as the Judge determines and the docket requires.

Traffic matters shall be handled by the Traffic Referee from 3:00-5:30 p.m. Monday through Thursday.

Child Support matters shall be handled by the Hearing Officer from 4:00-8:00 p.m. daily.

The hours for operation of the **DRUG TREATMENT COURT** are Noon to 8:00 p.m. on Tuesday.

Adopted and effective Oct. 12, 2001

**RULES FOR LOUISIANA DISTRICT COURTS AND NUMBERING SYSTEMS FOR LOUISIANA
FAMILY AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS
TITLE V. NUMBERING SYSTEM FOR RULES FOR JUVENILE PROCEEDINGS IN DISTRICT
COURTS AND IN JUVENILE COURTS FOR THE PARISHES OF EAST BATON ROUGE, ORLEANS,
JEFFERSON AND CADDO
NINTH JUDICIAL DISTRICT COURT
CHAPTER 41. COURT ORGANIZATION AND SESSIONS
Rule 41.1 Court Administration**

Rule 41.1 Court Administration
 (b) Allotment and Setting of Cases
 Rule V

The divisions assigned to **DRUG TREATMENT COURT** and Juvenile Court are excluded from the random allotments. The allotments will be conducted by the Clerk of Court.

MARYLAND

IN THE COURT OF APPEALS OF MARYLAND

**ORDER GOVERNING THE ESTABLISHMENT
OF DRUG TREATMENT COURTS**

WHEREAS, the Maryland public and other branches of government are looking to courts to address the complex social issue of crime associated with substance abuse, focusing on problem solving and remedies not most effectively accommodated by traditional legal and adjudicatory processes; and

WHEREAS, there are principles and methods grounded in therapeutic jurisprudence, including integration of treatment services with judicial case processing, ongoing judicial intervention, close monitoring of and immediate response to behavior, multidisciplinary involvement, and collaboration with community-based and government organizations; and

WHEREAS, a drug treatment court is a specialized docket designed to divert non-violent individuals who

139

Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA Drug Court Clearinghouse. American University. June 2006.

commit crimes to support their habits into an integrated system which provides intensive treatment, case supervision and drug testing under the close supervision of the court in which offenders are held strictly and immediately accountable for their behavior through a variety of incentives and sanctions; and

WHEREAS, drug treatment courts are a proven innovation associated with reduced recidivism, and an improvement in the human condition; and

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and the administrative head of the Judicial Branch of this State, pursuant to the authority conferred by Article IV, Section 18, of the Maryland Constitution, ORDER, this 23rd day of October 2001, create the Judiciary's Drug Treatment Court Commission which shall be staffed by the Administrative Office of the Courts, shall support the establishment of drug treatment court programs in circuit courts and the District Court. The Commission will address the following program goals and services:

GOALS:

- Encourage a comprehensive systems approach to the development and implementation of Drug Treatment Courts within Maryland.
- Assist interested local jurisdiction in the development of Drug Treatment Courts by drawing upon accepted national policies and practices relevant to Drug Treatment Court programs and by providing technical assistance, training and other support.
- Provide coordination and support for local Drug Treatment Court activities with the State.
- Provide guidance and systems support for the implementation, management and evaluation of Drug Treatment Court programs.

SCOPE OF SERVICES:

- Provide technical assistance, grant writing assistance and other support for the purposes of planning and implementing Drug Treatment Court programs.
- Encourage and facilitate multi-disciplinary training regarding Drug Treatment Court policies, services and practices.
- Assist local jurisdictions in identifying and acquiring funding for all components necessary to implement a successful Drug Treatment Court.
- Establish standards and guidelines for licensed treatment providers which service Drug Treatment Court programs.
- Support implementing and continuing meritorious proposals which shall include case management and treatment services that comply with guidelines developed by the Commission
- Establish guidelines for Drug Treatment Court components including, screening, assessment, treatment services and sanctions.
- Assist in identifying, developing and implementing a range of support services to augment recovery.
- Establish management information system standards related to interoperability, connectivity, communications, networking, data collection and reporting.
- Assist in conducting evaluations to assess the effectiveness of Drug Treatment Court programs.
- Develop best practices and standards

The Commission shall be composed of representatives from the:

Judiciary
Department of Health and Mental Hygiene

Department of Public Safety and Correctional Services
Office of the Public Defender
Office of the State's Attorney
Addiction Treatment Community
Governor's Office of Crime Control and Prevention
Legislature
Maryland Association of County Health Officers
Private Criminal Bar
Each Operating Drug Treatment Court

The Commission shall have a chair and a vice chair appointed by the Chief Judge of the Court of Appeals, who shall provide periodic reports to the Chief Judge as requested. Subcommittees shall be constituted at the direction of the chair as necessary. There also shall be An Executive-Committee of the Commission composed of the Chair and Vice Chair, the Chief Judge of the Court of Appeals, the Chief Judge of the District Court, and the State Court Administrator.

/s/ Robert M. Bell
Robert M. Bell
Chief Judge

Filed: October 23, 2001

/s/ Alexander L. Cummings
Clerk
Court of Appeals of Maryland

MISSOURI

STATEWIDE RULES

**MISSOURI RULES
SUPREME COURT RULES
SUPREME COURT OPERATING RULES
COURT OPERATING RULE 4. UNIFORM RECORD KEEPING SYSTEM
4.24. Confidential Records**

1) Confidential records shall be maintained so as to be inaccessible to the general public. Such records may be sealed. The following, including court docket sheets and indexes for these matters, are confidential:....

1) **DRUG TREATMENT COURT** records under section 478.005, RSMo;...

SUPREME COURT OPERATING RULES

Supreme Court Operating Rules Rule 8.02

SUPREME COURT RULES SUPREME COURT OPERATING RULES

COURT OPERATING RULE 8

8.02. Definitions

(a) Confidential Records. Such records include:

- (1) Case records that are closed to the public by chapter 610, RSMo;
 - (2) Mental health records under section 630.140, RSMo;
 - (3) Records pertaining to sexually violent predators, required to be sealed under section 632.513, RSMo;....
- (11) **Drug court** division records under section 478.005, RSMo.....

Confidential records shall not be offered to the Missouri state archives or local archival associations.

COURT OPERATING RULE 17. CASE PROCESSING TIME STANDARDS 17.29 TO 17.33. DEFINITIONS

17.32 Circuit Felony Case Types. Felony indictments and informations.

Filing. The date of filing of the felony information or indictment or receipt of case documents on a change of venue, or, for supplemental filings, the date the supplemental filing was initiated, for instance a motion for new trial is sustained, a plea of guilty is withdrawn or the defendant fails to complete a court ordered program prior to plea, such as a **Drug court**.

Resolution. The date the jury reaches a verdict, the trial court enters a finding of guilt, dismissal, or incompetency, the court enters an order diverting the case to a program such as a **Drug court**, the prosecutor dismisses the case, the case is transferred to another county on a change of venue or the case is otherwise disposed, whichever occurs first.

17.33 Associate Criminal Case Types.

Felony cases prior to the filing of the indictment or information, misdemeanor cases, serious traffic and serious watercraft cases, municipal trials de novo, and misdemeanor certifications.

Filing. The date of the filing of the felony complaint or affidavit, misdemeanor information, or receipt of case documents on a change of venue, or, for supplemental filings, the date the supplemental filing was initiated, for instance a motion for new trial is sustained, a plea of guilty is withdrawn or the defendant fails to complete a court ordered program prior to plea, such as a **Drug court**.

Resolution. The date the case is bound over, the preliminary hearing is waived, an indictment is filed, the trial court enters a finding of guilt, dismissal, or incompetency, the jury reaches a verdict, the court enters an order diverting the case to a program such as a **Drug court**, the prosecutor dismisses the case, the case is transferred to another county on a change of venue or the case is otherwise disposed, whichever occurs first.

LOCAL RULES

SEVENTH JUDICIAL CIRCUIT [Clay County]

**MISSOURI COURT RULES
RULES OF THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT [Clay County]
ADMINISTRATION
RULE 6. ASSIGNMENT OF JUDGES, CASES, AND TRANSFER OF CASES
RULE 6.2. ASSIGNMENTS TO CIRCUIT DIVISIONS**

6.2.7. **DRUG TREATMENT COURT**

6.2.7.1. The **DRUG TREATMENT COURT** shall be assigned by administrative order.

**NINTH JUDICIAL CIRCUIT [Chariton, Linn and
Sullivan Counties]**

Ninth Judicial Circuit Court Rule 67.4

**RULES OF THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT [Chariton, Linn and
Sullivan Counties]
RULES RELATING TO PARTICULAR ACTIONS
RULE 67. CRIMINAL CASES**

RULE 67.4 **Drug court**

When an individual is ordered by the sentencing Judge to enter the **Drug court** Program of the Ninth Judicial Circuit, judicial authority to order a warrant of commitment to county jail may be entered by either the sentencing Judge or the **Drug court** Judge so long as the individual remains in the **Drug court** Program.

[Adopted eff. Nov. 21, 2003.]

**Eleventh Judicial Circuit Court [St. Charles
County]**

RULES RELATING TO PARTICULAR ACTIONS

RULE 75. **Drug court**

RULE 75.1 ESTABLISHMENT OF **Drug court**

75.1.1 There shall be a **Drug court** established in the 11th Judicial Circuit of St. Charles County, Missouri. The **Drug court** shall combine judicial supervision, drug and alcohol testing and treatment of **Drug court**

Participants.

75.1.2 The Court en banc has approved the following Drug court Models:

- (a) Adult Drug court (Deferred Prosecution Model)
- (b) Adult Drug court (120 Re_entry Model)
- (c) Adult Drug court (Probation Revocation Model)
- (d) Juvenile Drug court
- (e) Adult Drug court (DWI Model)

RULE 75.2 PURPOSES OF Drug court

- (a) The ADULT Drug court (Deferred Prosecution Model) will provide for deferred prosecution to reduce substance abuse convictions in the community by providing a program for first time, non_violent felony offenders to become drug_free and productive members in our community. Participation in this model of the Drug court is determined prior to the entry of any plea. Upon the successful completion of the Drug court program the criminal charges against the Defendant will be dismissed with prejudice.
- (b) The ADULT Drug court (120 Day Re_entry Model) provides for a defendant who has previously been sentenced to the Missouri Department of Corrections but has been released and placed on Probation pursuant to RSMo Sec. 559.115 to be assigned to the Adult Drug court as a condition of their probation. This assignment will be made by the sentencing Judge and will allow a defendant to receive the treatment and counseling available in Drug court while on probation.
- (c) The ADULT Drug court (Probation Revocation Model) will provide for an opportunity for individuals presently on probation for a criminal offense and subject to a motion to revoke probation to avoid incarceration by completing the Drug court program. The Judge who accepted the Defendant's plea will make the assignment to the Drug court.
- (d) The JUVENILE Drug court will provide for Juvenile who have a confirmed history of drug usage and subject to the jurisdiction of the Family Court.
- (e) The ADULT Drug court (DWI Model) will provide for a post plea supervision of Felony DWI defendants designed to offer an intensive treatment based supervision designed to reduce recidivism and offer defendants an opportunity for substance free life.

RULE 75.3 APPOINTMENT OF A Drug court JUDGE

A majority of the judges of the circuit court shall designate one Circuit or Associate Judge to preside over and supervise the administration of the Drug court until such time as a Drug court Commissioner may be appointed.

RULE 75.4 APPOINTMENT OF A Drug court COMMISSIONER

- (a) Subject to appropriations for such purpose, a majority of the judges of the Circuit Court may appoint a person to act as Drug court Commissioner subject to the qualifications, term, powers, duties, compensation and removal set forth in Section 478.003 RSMO., 1998.
- (b) Upon the appointment of a Drug court Commissioner, the Presiding Judge shall appoint one Circuit or Associate circuit Judge to act as Drug court Judge. the Drug court Judge shall confirm or reject any order, judgment or decree entered by the Drug court Commissioner within the time the judge could set aside such order, judgment or decree and shall preside over the Drug court in the absence or the Drug court Commissioner.

RULE 75.5 APPOINTMENT OF A Drug court ADMINISTRATOR

The Court en banc may appoint a Drug court Administrator who shall assist the Drug court Judge or Drug court Commissioner in the administration of the Drug court.

RULE 75.6 BUDGET OF Drug court

The budget of the Drug court shall be submitted in accordance with regular procedures of the 11th Judicial Circuit and shall be approved by the Court en banc.

RULE 75.7 Drug court POLICIES AND PROCEDURES

The Drug court Administrator shall prepare a Drug court Policy Manual establishing the administration of the Drug court. The manual and any proposed changes shall be submitted for approval to the Court en banc.

RULE 75.8 CONDITIONS FOR REFERRAL OF PROCEEDINGS TO THE Drug court

Applicants to the Drug court would be eligible if:

- (a) they are a first time, non_violent felony offender;
- (b) they are under the jurisdiction of the 11 [FNth] Judicial Circuit;
- (c) they are charged with possession or attempt to possess a controlled substance, fraudulent prescriptions, narcotic paraphernalia; or a non_drug, non_violent crime with indication of drug use;
- (d) they admit to police that they are a drug user at the time of the arrest;
- (e) they admit to bond investigators that they are a drug user;
- (f) they test positive for drug use at the time of the arrest or while under bond supervision;
- (g) applicant's family, friends, attorney, employer, etc state they are a drug user;
- (h) they voluntarily agree to all requirements and stipulations of the Drug court program and sign the Drug court Agreement;

Applicants may not be eligible for Drug court if the drugs possesses exceed the following amounts:

- (a) Methamphetamine 1/2 gram,
- (b) Cocaine Powder 2 grams,
- (c) Cocaine Base 1/2 gram,
- (d) LSD 5 hits,
- (e) Psilocybin 1/2 ounce,
- (f) Miscellaneous pills 5 tablets
(Valium, dilaudid, Ritalin, talwin, ecstasy, percodan) or
- (g) Marijuana less than 35 grams,

Possessors of pure Methamphetamine (ice), heroin, and/or PCP are disqualified from acceptance into the program. Firearms or knives used or displayed by the applicant during the commission of any offense disqualified them from the Drug court program regardless of the amount of controlled substance.

RULE 75.8.1 ASSIGNMENT OF CASES TO THE Drug court

The Drug court Judge or Drug court Commissioner shall accept a participant into the Adult Drug court after all of the following events have occurred:

- (a) the Prosecuting Attorney has determined that the Defendant is a non_violent person and is eligible for the Drug court program for the diversion model or a Circuit Judge or Associate Circuit Judge assigns the defendant to the Drug court pursuant to a 120 day re_entry or probation case;
- (b) that the defendant meets the criteria for Drug court referral in Rule 75.8;

- (c) the defendant participates in the Drug court screening and is found eligible for the Drug court program;
- (d) the defendant signs the Drug court Contract.

The Drug court Judge or Drug court Commissioner shall accept a participant into the Juvenile Drug court after all of the following events have occurred:

- (a) a referral has been made by a Family Court Judge or Family Court Commissioner after considering that the juvenile meets the criteria for Juvenile Drug court;
- (b) the juvenile and family completes a screening and assessment and are found appropriate for Drug court;
- (c) the juvenile and family sign the Drug court Contract.

RULE 75.8.2 TRANSFER OF PROCEEDINGS TO CIRCUIT COURT UPON TERMINATION FROM Drug court PROGRAM (Adult Drug court)

When an Adult Drug court participant voluntarily terminates or is terminated by the Drug court Judge or Commissioner for noncompliance with the Drug court Contract, the case will be transferred back to the Division which arraigned the defendant after the bound over. In the event that the defendant has not been arraigned by a Circuit Judge the case will be randomly assigned to a Circuit Court Judge for further proceedings on that Judge's regular criminal docket. All causes should be transferred to the Presiding Judge for reassignment. Eleventh Judicial Circuit Court 75.8.3

RULE 75.8.3 FEES FOR PARTICIPATION IN Drug court PROGRAM (Adult Drug court)

Participants in the Drug court Program shall be assessed a monthly fee to be approved by the Court en banc for each month or part of month they participate in the program. All fees must be paid in full before any participant will be eligible to be considered for graduation from the program. The Drug court Judge or Commissioner may waive or reduce these monthly fees at their discretion.

RULE 75.8.4 Drug court PROGRAM (Adult Drug court)

The Drug court program will be a minimum of one year in length. The program details will be fully set out in the Drug court Manual but will consist of an assessment phase and three graduated treatment phases before a participant will be eligible to apply for graduation. Treatment and progress in the program will be reviewed by a Drug court Team which will consist of the Drug court Judge, the Drug court commissioner, a representative from the Prosecutor's Office, representatives from treatment providers, representatives from Probate and Parole, the Drug court Administrator, and such other individuals as authorized by the Drug court Judge or Commissioner. Upon successful completion of the program the participants will participate in a commencement ceremony. Those participants in the Adult Drug court deferred prosecution model shall have their criminal charges dismissed by the State with the filing of a memorandum of Nolle Prosequi by the Prosecutor's Office.

THIRTEENTH JUDICIAL CIRCUIT [Boone and Callaway Counties]

CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT [Boone and Callaway Counties]

RULE 1. DIVISIONS OF COURT

- A. The circuit court of the Thirteenth Judicial Circuit shall consist of a presiding judge and other judges and commissioners assigned to hear civil, criminal, family law, probate, Drug court, small claims, and associate circuit judge cases. The assignment of dockets to the various divisions of the court shall be

- subject to change from time to time, as determined by the presiding judge.
- B. Divisions I, II, and III shall be presided over by circuit judges; divisions IV, V, IX and X shall be presided over by the Boone County associate circuit judges; divisions VI and VII shall be presided over by Callaway County associate circuit judges; and division VIII shall be the family court commissioner.
 - C. There shall be municipal divisions of the circuit court in both Boone and Callaway Counties.
 - 1. If any municipality in either Boone or Callaway County elects to retain its municipal judge, the municipal judge shall hear and determine municipal ordinance violations in a municipal division of the circuit court located in the municipality so electing to retain its municipal judge.
 - 2. If any municipality in either Boone or Callaway Counties does not elect to retain its municipal judge, municipal ordinance violations shall be heard and determined by an associate circuit judge.

**FOURTEENTH JUDICIAL CIRCUIT [Howard and
Randolph Counties]**

**CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT [Howard and
Randolph Counties]**

RULE 17. SUPREME COURT TIME STANDARDS

- 1. Pursuant to Supreme Court Administrative Rule 17, [FN1] the following standards for disposition of cases are adopted:
 - a. Fifty percent (50%) of Circuit civil cases shall be disposed of within 12 months after the case is filed.
 - b. Fifty percent (50%) of domestic relations cases shall be disposed of within four months after the case is filed.
 - c. Fifty percent (50%) of Associate civil cases shall be disposed of within 4 months after the case is filed.
 - d. Fifty percent (50%) of Circuit felony cases shall be disposed of within 4 months after the information or indictment is filed, from the date a motion for new trial is sustained, a plea of guilty is withdrawn or the defendant fails to complete a court ordered program prior to plea, such as in **Drug court**.
 - e. Fifty percent (50%) of Associate criminal cases shall be disposed of within 3 months after the felony complaint or affidavit is filed, a misdemeanor information is filed, or from the date a motion for new trial is sustained, a plea of guilty is withdrawn, or the defendant fails to complete a court ordered program prior to plea.
- 2. When determining when a case was "filed" or "resolved", definitions set forth in Supreme Court Operating Rule 17 shall be consulted.

**[SIXTEENTH JUDICIAL CIRCUIT]
[Jackson County]**

**CIRCUIT COURT OF JACKSON COUNTY [SIXTEENTH JUDICIAL CIRCUIT]
[Jackson County]**

RULE 17. SUPREME COURT TIME STANDARDS

1. Pursuant to Supreme Court Administrative Rule 17, the following standards for disposition of cases are adopted, effective January 1, 1997:
 - a. Fifty percent (50%) of Circuit Civil cases shall be disposed of within 12 months after the case is filed.
 - b. Fifty percent (50%) of Domestic Relations cases shall be disposed of within 4 months after the case is filed.
 - c. Fifty percent (50%) of Associate Civil cases shall be disposed of within 4 months after the case is filed.
 - d. Fifty percent (50%) of Circuit Felony cases shall be disposed of within 4 months after the information or indictment is filed, from the date a motion for new trial is sustained, a plea of guilty is withdrawn or the defendant fails to complete a court ordered program prior to plea, such as in **Drug court**.
 - e. Fifty percent (50%) of Associate Criminal cases shall be disposed of within 3 months after the felony complaint or affidavit is filed, a misdemeanor information is filed, or from the date a motion for new trial is sustained, a plea of guilty is withdrawn, or the defendant fails to complete a court ordered program prior to plea.
2. When determining when a case was "file" or "resolved", definitions set forth in Supreme Court Administrative Rule 17 [FN1] shall be consulted.

NINETEENTH JUDICIAL CIRCUIT [Cole County]
--

CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT [Cole County]

RULE 1. DIVISIONS OF COURT

A. There shall be five (5) divisions of Court which shall be divided and assigned classes of cases as follows:

- | | |
|-----------------|--|
| Division One: | Circuit |
| Division Two: | Circuit/Small Claims |
| Division Three: | Associate Circuit |
| Division Four: | Circuit/Probate/Juvenile/ <u>Drug court</u> |
| Division Five: | Municipal |

B. If any municipality in Cole County elects to retain or establish its municipal court, the judge of such municipal court shall hear and determine municipal ordinance violations in a municipal division of the circuit court located in the municipality so electing to retain or establish its municipal court.

If any municipality in Cole County does not elect to retain or establish its municipal court, municipal ordinance violations shall be filed, heard and determined in Division Three.

MISSOURI COURT RULES
RULES OF THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT [Cole County]
ADMINISTRATION
RULE 2. HOURS AND TERMS OF COURT
RULE 2.3. LAW DAYS

.....

D. The civil law day for Division Four will be held at 9:00 A.M. on the second Monday of each month, except when that date is a holiday that law day will be held on the Tuesday following or as otherwise directed by the Court. The criminal law day for Division Four will be held at 1:30 P.M. on the first Wednesday of each month, except when that date is a holiday that law day will be held on the Tuesday following or as otherwise directed by the Court. Probate cases shall be heard on the second and fourth Tuesday of each month at 1:30 P.M. Juvenile cases shall be heard on each Wednesday at 9:00 A.M. Juvenile detention hearings shall be held every Tuesday of the month at 3:30 P.M. Child support hearing shall be held on the first and second Tuesday of each month commencing at 1:30 P.M. Adult **DRUG TREATMENT COURT** will be held every Wednesday of the each month at 4:30 P.M.

E. Preliminary matters, status reviews, trial settings, after-trial motions, defaults, and other matters of a summary nature may be heard on law days upon five (5) days written notice to adverse parties or by consent of the parties, or upon written notice from the Court. Discretion is vested in the judge to hear any matter on a day other than law day.

There will be no published docket for civil matters taken up on law day and lawyers will be responsible for notifying judges upon their arrival so they may be placed on a schedule for appearance. All files for cases scheduled for law day will be placed in the courtroom prior to court starting by the clerk of that division.

TWENTY-SECOND JUDICIAL CIRCUIT [St. Louis City]
--

**CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT [St. Louis
City]**

RULE 1. DIVISIONS OF COURT

1. The Divisions of the Twenty-Second Judicial Circuit Court (City of St. Louis) shall be designated Nos. 1 through 31. In addition, there shall be a Municipal Court Division. The divisions of the Twenty-Second Judicial Circuit Court shall be as follows:
 - Civil Assignment
 - Civil Trial
 - Criminal Assignment/**Drug court**
 - Criminal Trial
 - Criminal Trial/Felony Bulk
 - Equity__Civil Family
 - Minor Civil__No Contest
 - Minor Civil__Non Jury Contest
 - Misdemeanor Jury
 - Misdemeanor__Traffic
 - Preliminary Hearing
 - Probate

2. The number of each division and the assignment of a judge to each division shall be as determined yearly by the presiding judge with the approval of the court en banc.

**CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT [St. Louis
City]**

RULES RELATING TO PARTICULAR ACTIONS

RULE 67. CRIMINAL CASES

RULE 67.5 ARRAIGNMENTS

Arraignments in felony cases shall be conducted in Division 25, except that arraignments in cases pending in **Drug court** may be conducted in **Drug court**; except as otherwise provided.

RULE 100.14 **Drug court**

100.14.1 Purposes of the **Drug court**. To provide a treatment_based alternative to prison, jail, and probation for non_violent, low risk criminals to the end that participants will lead crime free lives.

100.14.2 Appointment of **Drug court** Commissioner. The Court en banc shall appoint a **Drug court** Commissioner. All orders, judgments and decrees of the **Drug court** Commissioner shall be confirmed or rejected by the Criminal Assignment Judge.

100.14.3 Appointment of **Drug court** Administrator. The Court Administrator may appoint a **Drug court** Administrator, who shall serve at will.

100.14.4 Duties of **Drug court** Administrator. The **Drug court** Administrator shall assist the **Drug court** Commissioner in the administration of the **Drug court**.

100.14.5 Budget of the **Drug court**. The budget of the **Drug court** shall be compiled and submitted in accordance with the regular procedures of the 22nd Judicial Circuit and shall be approved by the Court en banc.

100.14.6 **Drug court** Committee. A **Drug court** Committee is established as a standing committee of the 22nd Judicial Circuit and shall comprise the Criminal Assignment Judge, the Judge presiding in Division 25, the **Drug court** Commissioners, and two judges appointed by the Presiding Judge. The committee shall meet when convened by the chairperson for purposes of consultation, shall consider such matters as are referred to it by the Court en banc, shall submit the **Drug court**'s budget to the Budget Committee, shall establish criteria for the admission of defendants into the **Drug court** program, and shall review the **Drug court** Manual, as provided for in Rule 100.14.7.

100.14.7 **Drug court** Policies and Procedures. For the purpose of establishing management principles concerning the administration of the **Drug court**, there shall be a **Drug court** Policy Manual. The manual shall be prepared by the **Drug court** Administrator, reviewed by the **Drug court** Committee, and approved by the Court en banc. All proposed changes shall be referred to the **Drug court** Committee, and shall be approved by the Court en banc.

100.14.8 Assignment of Cases to **Drug court**. The **Drug court** Commissioner shall, following the arrest of a defendant, and upon being satisfied that a case meets the criteria established pursuant to Rule 100.14.6, that the Circuit Attorney has determined that the defendant is a non_violent person, and that the parties have agreed to the assignments, assign the case to **Drug court**.

100.14.9 Transfer of Cases in **Drug court**. The **Drug court** Commissioner may transfer any case pending in **Drug court** to Division 16 or Division 25, as is appropriate, for further proceedings.

**THIRTIETH JUDICIAL CIRCUIT [Benton,
Dallas, Hickory, Polk and Webster Counties]**

**RULES OF THE CIRCUIT COURT OF THE THIRTIETH JUDICIAL CIRCUIT [Benton,
Dallas, Hickory, Polk and Webster Counties]
RULES RELATING TO PARTICULAR ACTIONS
RULE 67. CRIMINAL CASES**

RULE 67.12 DRUG COURTS WITHIN THE CIRCUIT

The Benton County **Drug Court** is hereby established pursuant to the provisions of § 478.001 RSMo. The Associate Circuit Judge of Benton County, Missouri is designated to hear all cases arising in the Benton County **Drug Court** subject to the provisions of §§ 478.001 to 478.006 RSMo.

The Polk County **Drug Court** is hereby established pursuant to the provisions of § 478.001 RSMo. The Associate Circuit Judge of Polk County, Missouri is designated to hear all cases arising in the Polk County **Drug Court** subject to the provisions of §§ 478.001 to 478.006 RSMo.

The Webster County **Drug Court** is hereby established pursuant to the provisions of § 478.001 RSMo. The Division Three Associate Circuit Judge of Webster County, Missouri is designated to hear all cases arising in the Webster County **Drug Court** subject to the provisions of §§ 478.001 to 478.006 RSMo.

The designated judge of any **Drug Court** within the circuit may promulgate and publish from time to time such rules and regulations as are deemed necessary for the effective and efficient operation of such **Drug Court**.

Adopted Dec. 9, 2004, eff. Jan. 1, 2005.

**THIRTY-FIRST JUDICIAL CIRCUIT [Greene
County]**

**CIRCUIT COURT OF THE THIRTY-FIRST JUDICIAL CIRCUIT [Greene
County]**

RULE 2. ASSIGNMENT OF CASES

RULE 2.9 COURT REPORTING INTENSIVE SUPERVISION PROGRAM__(C.R.I.S.P.)

Pursuant to Statute 478.001 the Court En Banc does establish the C.R.I.S.P. Court under the guidelines of the **Drug court** as established by this Statute. The C.R.I.S.P. Court shall address substance abuse and drug abuse issues concerning illegal drugs, prescription drugs, and alcohol. The C.R.I.S.P. Court shall combine judicial supervision, drug testing, and treatment of **Drug court** participants. The C.R.I.S.P. Court shall have four (4) divisions, which shall be **Drug court**, Mental Health Court, Intensive Supervision Court, and DWI Court. The purpose of the C.R.I.S.P. Court is to provide a system to reduce substance abuse convictions in the community by providing a program for non_ violent felony offenders to become drug and alcohol free and productive members in our community. All Divisions of C.R.I.S.P. shall follow the **Drug court** Model as set out in the 10 key components

151

Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA Drug Court Clearinghouse. American University. June 2006.

adopted by the Missouri **Drug court** Commission.

The Court En Banc does appoint the Circuit Judge of Division V as the administrator of the C.R.I.S.P. Court. Cases shall be assigned to the different divisions as outlined by this Rule in the following paragraphs:

- a. The **Drug court** Division Cases designated as **Drug court** cases shall be filed by the Prosecuting Attorney with the Circuit Court Clerk who shall assign the case to Division V, C.R.I.S.P. Court. The **Drug court** Judge or **Drug court** Commissioner, after being satisfied that a case meets the established **Drug court** criteria, and the Prosecuting Attorney has determined the defendant is a non_violent person utilizing the Office of Justice's definition, and the defendant has agreed to the assignment of the case to the **Drug court** Program, shall accept the assignment of the case into **Drug court**. The case shall remain with the Circuit Court Clerk, in a place designated for **Drug court** cases only, until disposition. Should the case be determined not to meet the above criteria, or should the defendant opt out of **Drug court**, the court will notify the Circuit Clerk who shall transfer the case back to the Associate Circuit Court for preliminary hearing. Upon dismissal or after a preliminary hearing and assignment to Circuit Court, the Associate Circuit Clerk shall make the required report to the State Wide Judicial Information System. Cases bound over to Circuit Court after Preliminary Hearing shall be assigned pursuant to Rule 2.4.
- b. The Mental Health Court Division
- c. Municipal Court Cases.....
- b. The municipal Probation Officer will have the following responsibilities:
 - (1) Notification to the MHC that an assessment has been scheduled. This may be done by sending a copy of the Waiver of Confidential Information and the Greene County Mental Health Court Assessment Order to the **Drug court** (DC) clerk or the DC administrator. . . .
- g. After the MHC clerk receives the municipal file:
 - (1) The Greene County Circuit Court Presiding Judge will be given a copy of the municipal file with the Mental Health Court Recommendation attached to the file or placed in the front of the file. The recommendation requests that the case be assigned to Mental Health Court. Upon acceptance of the recommendation, the Presiding Judge will sign the Order Assigning Case to Mental Health Court.
 - (2) The **Drug court** Clerk will take the Order Assigning Case to Mental Health Court and one copy of the municipal court file to the Greene County Associate Circuit Court Clerk.
 - (3) The Associate Circuit Court Clerk will assign a number to the file and set up the case in the computer. The docket code will be MHOR.
 - (4) The **Drug court** Clerk will send a copy of the order and case number to municipal court.
 - (5) The **Drug court** Clerk will make a docket entry in the new Associate Circuit Court file reflecting that the defendant has been accepted into MHC.
 - (6) The **Drug court** Clerk will make all scheduling entries in the Associate Circuit Court file.
- h. Upon successful completion of MHC, the **Drug court** Clerk will send the Notification and Order of Completion to municipal court. . . .
- c. Each associate circuit court (ACC) division will have on hand files to be completed by the court clerk that will include the referral information to be sent to MHC. If a division runs out of files, the **Drug court** Clerk should be notified. Additional files will be provided by the **Drug court** Clerk or Administrator.
 - (2) Copies of the Mental Health Court Referral, the Waiver of Confidential Information and a copy of the docket sheet and a copy of the charge(s) should be placed in the MHC file. Due to confidentiality issues, the ACC Judge's clerk should deliver this file directly to the **Drug court**

Clerk. . . .

- f. The Mental Health Court Recommendation will be executed by the **Drug court** Commissioner, Circuit Court, Division 5 and delivered to the ACC Judge. The defendant and his/her attorney will make their reappearance in the associate circuit court (as previously ordered). If the ACC Judge agrees the defendant should participate in MHC, the ACC Judge will order the defendant to appear in MHC the following Wednesday at 2:30 p.m. A docket entry should be made indicating that the defendant is ordered to enter into and successfully complete the MHC program. . . .
- j. If the defendant is determined to be ineligible for MHC, the defendant will be informed of the team's decision at his/her next court appearance in MHC. Notice of Mental Health Court Ineligibility will be completed by the **Drug court** Commissioner and returned to the ACC Judge. The defendant will be reminded to reappear in ACC on the date previously set by the ACC Judge.. . .
- c. Each circuit court division will have on hand files designated for MHC. The Court clerk will place the referral information (listed below) in the file and send it to MHC. If a division runs out of files, the **Drug court** Clerk should be notified. Additional files will be provided by the **Drug court** Clerk or Administrator.
. . . .
 - (2) Copies of the Mental Health Court Referral and Waiver of Confidential Information, a copy of the docket sheet and a copy of the charge(s) should be placed in the MHC file. Due to confidentiality issues, the Judge's clerk should deliver this file directly to the **Drug court** Clerk.
- g. The Mental Health Court Recommendation will be executed by the **Drug court** Commissioner, Circuit Court, Division 5 and delivered to the Judge prior to the defendant's reappearance. The defendant and his/her attorney will make their reappearance in the circuit court (as previously ordered). If the Judge agrees the defendant should participate in MHC, the Judge will order the defendant to appear in MHC the following Wednesday at 2:30 p.m. A docket entry should be made indicating that the defendant is ordered to enter into and successfully complete the mental health court program. . . .
- k. If the defendant is determined to be ineligible for MHC, the defendant will be informed of the team's decision at his/her next court appearance in MHC. Notice of Mental Health Court Ineligibility will be completed by the **Drug court** Commissioner and returned to the CC Judge. The defendant will be reminded to reappear in CC on the date previously set by the CC Judge.

The Intensive Supervision Court Division (ISC):

There is hereby established under the general jurisdiction of Circuit Court Division V an intensive supervision program dealing with offenders on probation referred to that program by any Circuit or Associate Circuit Judge. This program shall deal with all individuals who are referred to it that meet the criteria and eligibility. The program shall be established by the Circuit Court Judge of Division V and the **Drug court** Commissioner following the **Drug court** model and the ten key components as established by the Missouri **Drug court** Commission.

The DWI Court Division:

There is hereby established a DWI Court under the general jurisdiction of the Circuit Court, Division V. The Court shall handle all felony DWI cases. The DWI Court shall have two (2) Judges. The permanent judge will be the Judge of Division V. The Judge of Division IV will act in conflicts and as the backup judge for Division V.

Felony DWI Court cases shall be filed by the Prosecuting Attorney with the Circuit Court Clerk who shall assign the case to Division V, C.R.I.S.P. Court.

The DWI Court Judge or Drug court Commissioner after being satisfied that a case meets the established C.R.I.S.P. criteria and the Prosecuting Attorney has determined that the defendant is a non_violent offender utilizing the Office of Justice's definition, shall accept the assignment of the case into the DWI Court division. The case shall remain with the Circuit Court Clerk, in a place designated for DWI Court cases only, until disposition. . . .

Rule 3. Case Management

RULE 3.3 ROUTINE MOTIONS

Motions which will not require more than five (5) minutes for presentation may be noticed for hearing as a routine motion. Routine motions may be heard Tuesday, Wednesday, or Thursday of each week at 9:00 a.m. or as otherwise scheduled by the Court. All other motions and those designated for special setting will be set at a special time by scheduling with the assigned judge's clerk. Division V will only hear routine motions on Tuesday and Thursday. Division V will conduct Drug court on Wednesday morning from 8:00 a.m. until 10:00 a.m. The Family Court commissioners will hear routine motions from 8:30 a.m. until 9:00 a.m. on Tuesday, Wednesday and Thursday mornings.

THIRTY-SIXTH JUDICIAL CIRCUIT [Butler and Ripley Counties]

**CIRCUIT COURT OF THE THIRTY_SIXTH JUDICIAL CIRCUIT [Butler and
Ripley Counties]**

**INTERNAL ORGANIZATION
RULE 100. INTERNAL ORGANIZATION**

RULE 100.14 Drug court

100.14.1 Authority and Purpose of Drug court.

As provided by sections 478.001 to 478.006, RSMo, a Drug court is established to provide an alternative for the judicial system to dispose of cases which stem from drug use.

100.14.2 Assignment of Drug court Judge.

The Presiding Circuit Judge shall appoint a judge to preside in the Drug court. There shall be no fixed term of the appointment of the judge, but the judge appointed shall preside in the Drug court until replaced as determined appropriate by the Presiding Circuit Judge.

100.14.3 Time and Place of Drug court.

The Drug court shall be held at such times as are determined necessary for the operation of the Drug court by the judge presiding therein. All Drug court sessions shall be held at such places as determined appropriate by the Drug court judge.

100.14.4 Conditions for Referral.

Proceedings which meet the following criteria will be eligible for referral to the **Drug court**: criminal proceedings in which the defendant is charged, or has been convicted of a felony, and in which the defendant has been determined to have a drug, alcohol or substance abuse problem which contributed to the offense for which the defendant has been charged or convicted. The defendant in such cases must have been determined by the Board of Probation and Parole to be amenable to treatment and supervision. The defendant in such cases must have been determined by the prosecuting attorney to be a nonviolent person.

100.14.5 Acceptance by **Drug court** Judge Required.

Any proceeding referred to the **Drug court** shall not be transferred to the **Drug court** until accepted by the judge presiding therein.

100.14.6 **Drug court** Policies and Procedures.

The judge presiding in the **Drug court** shall cause a manual of **Drug court** policies and procedures to be prepared. Such manual shall include policies and procedures of the **Drug court**. The manual shall be submitted to the court en banc for its approval. Any changes in the **Drug court** manual shall be submitted to the court en banc for its approval.

100.14.7 Disposition of Cases Terminated by the **Drug court**.

(a) If the **Drug court** participant is determined to have completed the **Drug court** treatment program, and the defendant was referred to the **Drug court** before being convicted or pleading guilty, the **Drug court** judge shall order the underlying charges against the defendant dismissed.

(b) If the **Drug court** participant is determined to have completed the **Drug court** treatment program, and the defendant was referred to the **Drug court** after having been convicted or plead guilty, the **Drug court** judge shall return the proceeding to the court in which the defendant entered the plea of guilty or in which the defendant was convicted for final disposition.

(c) If the defendant is terminated from the **Drug court** program for failure to complete the **Drug court** program the judge presiding in the **Drug court** shall order the proceeding transferred to the court from which it was referred for final disposition.

FORTY-FOURTH JUDICIAL CIRCUIT [Douglas, Ozark and Wright Counties]

[**CIRCUIT COURT OF THE FORTY_FOURTH JUDICIAL CIRCUIT [Douglas,
Ozark and Wright Counties]**

ADMINISTRATION

RULE 7. ASSIGNMENT OF JUDGES, CASES, AND TRANSFER OF CASES

RULE 7.2 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

7.2.4 **Drug court**. Local Court Rule 31.4:

"All **Drug court** cases shall be assigned to the Circuit Clerk, Division One. The Associate Circuit Judge of each county in the 44th Judicial Circuit shall handle the day to day judicial operations of the **Drug court** by general assignment of the Presiding Judge. Any Associate Circuit Judge in the 44th Judicial Circuit may preside over a

155

Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA Drug Court Clearinghouse. American University. June 2006.

Drug court case in any county within the Circuit as assigned by the Presiding Judge. The **Drug court** Judge who presides over the **Drug court** Team is disqualified from any further participation in a case if a Defendant is terminated from the **Drug court** program.

RULE 31. **Drug court**

RULE 31.1 PURPOSE OF THE **Drug court**

To provide a treatment_based alternative to incarceration for non_violent, low risk criminals to the end that participants will lead crime free lives.

RULE 31.2 APPOINTMENT OF **Drug court** COORDINATOR

The Court En Banc shall appoint a **Drug court** Coordinator to administer the day to day operations of the **Drug court**. The first **Drug court** Coordinator has been hired by the appointment of the Presiding Judge with the advice and consent and dissent of the Associate Circuit Judges because of the time limitations imposed by the July 1, 2000 Federal grant.

Forty-Fourth Judicial Circuit Court Rule 31.3

RULE 31.3 BUDGET OF THE **Drug court**

The budget of the **Drug court** shall be compiled and submitted in accordance with the regular procedures of the 44th Judicial Circuit and shall be approved by the Court En Banc. The budget of the **Drug court** shall initially be a part of the budget of the Presiding Judge.

RULE 31.4 JURISDICTION OF THE **Drug court**

All **Drug court** cases shall be assigned to the Circuit Court, Division One. The Associate Circuit Judge of each county in the 44th Judicial Circuit shall handle the day to day judicial operations of the **Drug court** by general assignment of the Presiding Judge. Any Associate Circuit Judge in the 44th Judicial Circuit may preside over a **Drug court** case in any county within the Circuit as assigned by the Presiding Judge. The **Drug court** Judge who presides

over the **Drug court** Team is disqualified from any further participation in a case if a Defendant is terminated from the **Drug court** program.

RULE 31.5 **Drug court** TEAM

A **Drug court** Team is established as a standing committee for each county in the 44th Judicial Circuit and shall be comprised of the county Prosecuting Attorney, the Public Defender, the Treatment Facilitator, the Probation Officer, and the **Drug court** Coordinator. The team shall meet when convened by the **Drug court** Coordinator for purposes of consultation and shall consider such matters as are referred to it by the Court En Banc or by an Associate Circuit Judge. The Judge in charge of the **Drug court** in each county shall function in his or her judicial capacity and not as an equal member of the team as defined above. The Judge shall also have authority to determine specific procedural rules which may be necessary to the proper functioning of the **Drug court** in any county. Such rules shall be in writing and shall be made available to the other **Drug court** Judges in the circuit and to all team members.

RULE 31.6 **Drug court** POLICIES AND PROCEDURES

For the purpose of establishing management principles concerning the administration of the **Drug court**, there shall

be a Drug court Policy Manual. The manual shall be prepared by the Drug court Coordinator, reviewed by the Drug court Team, and approved by the Court En Banc. All proposed changes shall be referred to the Drug court Coordinator, and shall be approved by the Court En Banc.

RULE 31.7 ASSIGNMENT OF CASES TO Drug court

A candidate for Drug court shall be referred to the Drug court Team by the Prosecuting Attorney, any law enforcement officer or attorney at law. Upon defendant's successful completion of the screening process, and upon consultation with the Drug court Team, and being satisfied that the defendant has had the advice of counsel, the Drug court Coordinator shall make a recommendation to the Associate Circuit Judge in writing of defendant's admission to Drug court. The Program Outline provides that defendant waive preliminary and that defendant waive speedy trial. The Associate Circuit Judge has the final authority to grant the defendant admission into the Drug court, or to deny the defendant participation in the program.

RULE 31.8 TERMINATION FROM Drug court

If a Drug court participant is recommended for termination, a hearing shall be held in Drug court. The Drug court Coordinator shall file a written report prior to the hearing for termination. All due process rights which apply to probation violation hearings, including rights to notice and counsel, shall apply to a termination hearing.

RULE 31.9 FEES AND COSTS

Upon acceptance for participation in the Drug court Program, the defendant shall deposit the sum of \$50 to enter the program. There is also a charge to the defendant of \$5 for each court appearance. All monies shall be receipted by the Circuit Clerk. The Circuit Clerk shall pay all fees over to the Douglas County Treasurer for transfer into the 44th Judicial Circuit Drug court Fund. If for any reason the applicant is denied participation in the Drug court program, the initial fee of \$50 shall be returned to the Defendant, however the initial fee of \$50 is nonrefundable upon termination from the program. Upon successful completion of Drug court, all fees in excess of \$100 paid by the defendant shall be waived by the Court in order to keep the costs down to the participants.

RULE 31.10 CONFIDENTIALITY OF Drug court CASES

Pursuant to Section 478.006 RSMo., the Clerk of the Court shall maintain a separate confidential file for each Defendant who is admitted into the Drug court program for Drug court records. All records generated from activity during Drug court, including warrants issued, jail orders, etc., are kept in the Drug court file. The regular court file is a public record, and if a person is unsuccessfully terminated from the Drug court program, the Drug court file will be placed in confidential disposed records, and the regular court file used for further proceedings. If the person successfully completes the program and charges are dismissed, the Drug court and regular court file will be placed in the confidential disposed records with other dismissals. All state or local government agencies having records relevant to the treatment of any individual under the jurisdiction of a Drug court shall make those records available to the Drug court Team. Upon the Drug court Team's general request, those agencies shall inform the Drug court Team of all matters relevant to the treatment of the participant. All records and reports provided pursuant to Section 478.005 RSMo shall be treated as closed records and shall not be disclosed to any person outside the Drug court. The Drug court will maintain these records and reports in a confidential file not available to the public, pursuant to Chapter 478.

MONTANA

LOCAL RULES

THIRTEENTH JUDICIAL DISTRICT COURT RULES (YELLOWSTONE COUNTY)
--

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT RULES -YELLOWSTONE COUNTY

RULE 1 DEPARTMENTS__DIVISION OF BUSINESS

For the convenient classification and division of business, the District Court of the Thirteenth Judicial District is divided into five departments assigned to individual judges and their successors as follows:

- Department No. 1.....Hon. Diane G. Barz
- Department No. 2.....Hon. Russell C. Fagg
- Department No. 3.....Hon. Susan P. Watters
- Department No. 4.....Hon. Gregory R. Todd
- Department No. 5.....Hon. G. Todd Baugh

All cases of every nature shall be assigned by the Clerk in a random manner in equal numbers among the five departments, except that no assignment shall be made of the following: Abstracts of Judgment, Transcripts of Judgment, Warrants for Distrain, Certificates of Amount Due and Abstracts of Administrative Orders. If a criminal defendant, youth in need of care or delinquent youth has a second or subsequent case filed against him/her, the Clerk shall assign the new case to the Judge previously assigned to that defendant's case, or, in youth court cases to the judge who has handled a former youth in need of care case related to the same family. The Clerk must ensure that case assignments remain random and equal among the five departments. As of January 1, 2001, Department No. 3 shall begin a Family Drug court, and the Clerk shall assign all DN, Youth In Need Of Care cases, not selected by the Family Drug court, among the four other departments only.....

NEBRASKA

**NEBRASKA COURT RULES AND PROCEDURE
CHAPTER 29. CRIMINAL PROCEDURE [
ARTICLE 22. JUDGMENT ON CONVICTION
(c) PROBATION**

§ 29-2246. Terms, defined

For purposes of the Nebraska Probation Administration Act and sections 43- 2,123.01 and 83-1,102 to 83-1,104, unless the context otherwise requires:.....

(12) Non-probation-based program or service means a program or service established within the district, county, or juvenile courts and provided to individuals not sentenced to probation who have been charged with or convicted

of a crime for the purpose of diverting the individual from incarceration or to provide treatment for issues related to the individual's criminogenic needs. Non-probation-based programs or services include, but are not limited to, DRUG TREATMENT COURT programs established pursuant to section 24-1302 and the treatment of problems relating to substance abuse, mental health, sex offenses, or domestic violence.

NEVADA

STATEWIDE RULES

IN THE SUPREME COURT OF THE STATE OF NEVADA

**IN THE MATTER OF PROPOSED LOCAL CRIMINAL RULES FOR THE SECOND JUDICIAL
DISTRICT
COURT.**

ADKT 327

**ORDER ADOPTING CRIMINAL RULES OF PRACTICE FOR THE SECOND JUDICIAL DISTRICT
COURT**

Pursuant to a petition filed by the judges of the Second Judicial District Court, and it appearing to the court that adoption of local Criminal Rules for the Second Judicial District Court is warranted,

IT IS HEREBY ORDERED that the Criminal Rules of Practice for the Second Judicial District Court of the State of Nevada shall be adopted and shall read as set forth in Exhibit A.

IT IS HEREBY FURTHER ORDERED that these rule amendments shall become effective immediately. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.

DATED this 6th day of February, 2002.

BY THE COURT

A. WILLIAM MAUPIN, Chief Justice

CLIFF YOUNG, Associate Justice
DEBORAH A. AGOSTI, Associate Justice
MYRON E. LEAVITT, Associate Justice
MIRIAM SHEARING, Associate Justice
ROBERT E. ROSE, Associate Justice
NANCY A. BECKER, Associate Justice

EXHIBIT A

**CRIMINAL RULES OF PRACTICE FOR THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA**

.....
NV ST 2 DIST CT CRIM RULE 3

Rule 3. Initial appearance and arraignment.

- (a) At the initial appearance of the defendant before the district court, the court shall:
 - (1) supply the defendant a copy of the indictment or information;
 - (2) if necessary, determine whether the defendant qualifies for appointed counsel and, if so, appoint counsel to represent the defendant. In such event, newly appointed counsel shall be given an extension of time of at least 5 days before entry of plea;
 - (3) arraign the defendant upon all charges in the indictment or information;
 - (4) subject to the conditions set forth in NRS 178.4853, determine appropriate conditions for the defendant's release from custody or that detention is warranted;
 - (5) if the defendant enters a plea of not guilty, set the dates for trial, pretrial motions, evidentiary hearings or status conferences;+>>
 - (6) specify any discovery obligations of the parties beyond those contained in Chapter 174 of the Nevada Revised Statutes.
- (b) If the defendant enters a plea of guilty or nolo contendere, the court may transfer the action to the Washoe County **Drug court**, if appropriate, or order a presentence report and set a sentencing date consistent with the jail population management policies of the court and L.C. R. 9.
- (c) Subject to the provisions of NRS 176.135, a presentence report may be waived and sentence imposed at the entry of a plea of guilty or nolo contendere. . . .

NV ST 2 DIST CT CRIM RULE 9

Rule 9. Sentencing.

- (a) Counsel are required to assist the court in projecting the time required to conduct the sentencing hearing. Counsel anticipating any unusual matters affecting the length or other conditions of any sentencing proceeding shall advise the court prior to or at the setting of the sentencing date, or as soon thereafter as practicable. The court may set lengthy sentencing hearings on dates and times different from the department's customary criminal calendar.
- (b) If the court deems the defendant to be an appropriate referral, the court shall,
 - (1) at arraignment, where legally permissible, transfer the case to **Drug court** for all further proceedings. A defendant seeking entry into the **Drug court** program must obtain conditional approval prior to assignment;
 - (2) pursuant to the provisions of NRS Chapters 453 and 458, at sentencing, transfer the case to Diversion Court for all further proceedings; or
 - (3) at sentencing, order a defendant to complete **Drug court** as a condition of probation and transfer the case for that purpose. However, the sentencing department shall retain jurisdiction to decide all revocation proceedings.+>>
- (c) The court shall not consider any ex parte communication, letter, report or other document but shall forthwith notify counsel for all parties, on the record, of any attempted ex parte communication or document submission.

LOCAL RULES

SECOND JUDICIAL DISTRICT COURT (WASHOE COUNTY)

CRIMINAL RULES OF PRACTICE FOR THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA

Rule 3. Initial appearance and arraignment.

- (a) At the initial appearance of the defendant before the district court, the court shall:
- (1) supply the defendant a copy of the indictment or information;
 - (2) if necessary, determine whether the defendant qualifies for appointed counsel and, if so, appoint counsel to represent the defendant. In such event, newly appointed counsel shall be given an extension of time of at least 5 days before entry of plea;
 - (3) arraign the defendant upon all charges in the indictment or information;
 - (4) subject to the conditions set forth in NRS 178.4853, determine appropriate conditions for the defendant's release from custody or that detention is warranted;
 - (5) if the defendant enters a plea of not guilty, set the dates for trial, pretrial motions, evidentiary hearings or status conferences;
 - (6) specify any discovery obligations of the parties beyond those contained in Chapter 174 of the Nevada Revised Statutes.
- (b) If the defendant enters a plea of guilty or nolo contendere, the court may transfer the action to the Washoe County **Drug court**, if appropriate, or order a presentence report and set a sentencing date consistent with the jail population management policies of the court and L.C.R. 9.....

Added, eff. Feb. 6, 2002.

COMMENT:

The initial appearance is the occasion for the court and counsel to establish a meaningful schedule for the trial and all pretrial activity appropriate to each case. Except in unforeseen, extraordinary circumstances, the schedule will not be subsequently modified. Status conferences are conducted to monitor the progress of a case. Persons who enter a plea of guilty or nolo contendere and qualify for treatment in the Washoe County **Drug court** may, if the department deems the defendant to be an appropriate referral, be immediately referred to such court without further proceedings in the department in which the criminal action is commenced.

Second Judicial District (Washoe District) Court Criminal Practice Rules, RULE 9

Rule 9. Sentencing.

- (a) Counsel are required to assist the court in projecting the time required to conduct the sentencing hearing. Counsel anticipating any unusual matters affecting the length or other conditions of any sentencing proceeding shall advise the court prior to or at the setting of the sentencing date, or as soon thereafter as practicable. The court may set lengthy sentencing hearings on dates and times different from the department's customary criminal calendar.
- (b) If the court deems the defendant to be an appropriate referral, the court shall,
- (1) at arraignment, where legally permissible, transfer the case to **Drug court** for all further proceedings. A defendant seeking entry into the **Drug court** program must obtain conditional approval prior to assignment;
 - (2) pursuant to the provisions of NRS Chapters 453 and 458, at sentencing, transfer the case to Diversion Court for all further proceedings; or
 - (3) at sentencing, order a defendant to complete **Drug court** as a condition of probation and transfer the case for that purpose. However, the sentencing department shall retain jurisdiction to

- decide all revocation proceedings.
- (c) The court shall not consider any ex parte communication, letter, report or other document but shall forthwith notify counsel for all parties, on the record, of any attempted ex parte communication or document submission.

EIGHTH JUDICIAL DISTRICT COURT (LAS VEGAS)

EIGHTH JUDICIAL DISTRICT COURT (LAS VEGAS)
PART I. ORGANIZATION OF THE COURT AND ADMINISTRATION
Rule 1.33. Specialization of judges; procedure for selection

Rule 1.33. Specialization of judges; procedure for selection

The chief judge must assign the judges of the district (excluding family court judges) to specialized divisions of the court for 2_year terms as needed. The assignments must provide for rotation of the judges among the various divisions. In making the assignments, the chief judge shall request the district judges to recommend the assignments, and shall take into account the desires of each individual judge. The final selection, however, is left to the discretion of the chief judge. Assignments shall be made as follows:

- (a) Civil/Criminal division: judges as needed;
- (b) Business court division: at least 2 judges;
- (c) Civil only division: judges as needed;
- (d) Drug court/Overflow division: judges as needed;
- (e) Overflow division: judges as needed.

RULES OF PRACTICE FOR THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA
PART I. ORGANIZATION OF THE COURT AND ADMINISTRATION
Rule 1.48. Criminal division masters.

.....
(k) A criminal division master shall hear cases assigned by the chief judge, including:.....

(13) Upon stipulation of counsel, pursuant to negotiations, referring the defendant to DRUG TREATMENT COURT and setting the DRUG TREATMENT COURT date or referring a defendant to the Serious Offender's Diversion Program or another comparable stipulated diversion alternative.

(14) Upon stipulation of counsel, allowing the amendment of charging documents and pleadings.

(15) Pursuant to negotiations and upon stipulation and waiver, sitting as a magistrate and adjudicating and sentencing on a simple misdemeanor.

(16) Presiding over the DRUG TREATMENT COURT calendar and attending to all DRUG TREATMENT COURT related duties and procedures upon occasion and in the event that the judge assigned to preside over the DRUG TREATMENT COURT is out of the jurisdiction for judicial/Legal training, on vacation, out sick or is otherwise temporarily unable to preside over the DRUG TREATMENT COURT calendar.

Added, eff. June 10, 2004.

NEW JERSEY

STATEWIDE RULES

New Jersey Directives Dir. 2_02

CRIMINAL PRACTICE

Directive 2_02. Manual for Operation of Adult Drug courts in New Jersey

Directive #2_02 : July 22, 2002 Issued by: Richard J. Williams, Administrative Director

Last September, legislation was enacted to fund the implementation of a Statewide Drug court Program. The Manual for Operation of Adult Drug courts in New Jersey, hereinafter Drug court Manual, has been approved by the Judicial Council for statewide use. It was developed utilizing the collective expertise of the pilot Drug court programs and is a joint product of the Criminal Presiding Judges, Criminal Division Managers, Vicinage Chief Probation Officers, Vicinage Drug court Coordinators and staff from the AOC Criminal Practice and Probation Services Divisions. As part of the preapproval process the Attorney General's Office, the New Jersey County Prosecutors Association, the Office of the Public Defender and the Department of Health and Senior Services, Division of Addiction Services all reviewed the draft manual.

New Jersey is currently in a process of expansion and standardization of Drug courts. The Drug court Manual is a document that will be evolving over the next few years. The process of achieving statewide implementation, establishing new paradigms in multi_county vicinages and gathering constant feedback will undoubtedly necessitate that we amend certain procedures to better accommodate a systems approach to a statewide program. This document is intended to serve as the model for courts seeking guidance on process issues.

The Drug court Manual sets forth Drug court case processing guidelines and details the different phases of the Drug court program and the different levels of supervision within each phase. The Drug court Manual also details program eligibility criteria which the Judicial Council specifically approved at its June 27, 2002 meeting. The application of uniform statewide eligibility criteria is critical to operating the program equitably throughout the State. The two main sources for the eligibility criteria outlined in Section III of the Drug court Manual were N.J.S.A. 2C:35_14 and the December, 2000 AOC report entitled: Drug courts: A Plan for Statewide Implementation. The uniform application of these eligibility requirements will ensure that all of our Drug court programs comport with the pledges the Judiciary made to the Legislature in seeking funding for a statewide program.

As noted, while the Drug court Manual is now being promulgated for immediate statewide use, portions remain under ongoing development and refinement, e.g., the portions relating to drug testing, inter_county transfer of supervision responsibilities and data collection and reporting. As specific standards or procedures are developed and approved in those areas, the Drug court Manual will be supplemented to include them.

Questions regarding the details of this Drug court Manual or adult Drug courts in general may be directed to Assistant Director for Criminal Practice Joseph J. Barraco (609/ 292_4638) or Assistant Director for Probation Services Mary M. DeLeo (609/ 292_1589).

July 22, 2002

New Jersey Directives Directive. 14-04

Directive 14-04. Drug Court Transfer Policy

November 29, 2004 Amends Directive #2-02 Issued by Philip S. Carchman, J.A.D.

The Judicial Council approved the attached **Drug Court** Transfer Policy on June 24, 2004. This policy provides that a **drug court** participant's case may be transferred from the county where the offense was committed to the participant's county of residence either upon conviction or when he or she moves. Upon transfer, the receiving court has full responsibility for participant case management decisions, data entry, and the imposition of sanctions if necessary. This policy was recommended to the Judicial Council by the Conference of Criminal Presiding Judges upon recommendation of the **drug court** judges, with the input of the county prosecutors and public defenders.

The former policy, contained in the Manual for Operation of Adult **Drug Courts** in New Jersey, Directive # 2-02, allowed for transfers only to a county with an existing **drug court** program. Until now, this policy precluded transfers in those instances when the county of residence did not have a **drug court**. With the establishment of adult **drug courts** in every county as of September 1, 2004, the limits of the former policy are no longer required.

The **drug court** transfer policy differs from the policy for transfer of standard probation supervision cases in that the transfer of **drug court** cases requires that the county of origin relinquish all authority and responsibility for the participant after the transfer is complete. All case management decisions, the imposition of sanctions and the decision to find a violation of probation and/or terminate probation become the sole responsibility of the **drug court** in the new county of residence. If a transferred participant is re-sentenced, however, the county of origin must be notified so the appropriate information can be entered into PROMIS/Gavel.

This policy is effective immediately. It replaces Section VIII.A.4 (on pages 57-58) of the Manual for Operation of Adult **Drug Courts** in New Jersey, which was promulgated by Directive # 2-02.

Questions regarding the policy may be directed to Assistant Director Joseph J. Barraco, Criminal Practice, at (609) 292-4638, or to **Drug Court** Manager Carol Venditto at (609) 292-3488.

November 29, 2004

ADULT DRUG COURT TRANSFER POLICY

Approved by the Judicial Council June 24, 2004

Promulgated by Directive #14-04 (November 29, 2004)

Replaces Section VII.A.4 of the Manual for Operation of Adult **Drug Courts** in New Jersey promulgated by Directive #2-02

I. BACKGROUND

In the years since **drug courts** began, the need to develop a policy that will allow for transfer of cases between counties became apparent. The problem preventing the development of such a policy was that every county did not

164

Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA Drug Court Clearinghouse. American University. June 2006.

have a **drug court**. With funding for **drug courts** in every county appropriated for FY 2005, it is now possible to implement a uniform policy to cover transfers.

II. PREVIOUS POLICY

The Manual for Operation of Adult **Drug Courts** in New Jersey, Directive #2-02, July 22, 2002, provided that a participant must reside in the county in which his/her **drug court** case is processed. A court was authorized to consider transferring **drug court** supervision to the county where the offender resided only if that county had a **drug court** (Manual, page 57). Thus, individuals who did not reside in the county of offense were routinely rejected from **drug court**.

III. NEW POLICY

a. Current Participants

A current **drug court** participant may request a transfer to another vicinage when he/she moves. The **drug court** judge upon consultation with the **drug court** team may grant this transfer request.

Since a change in location and supervision requires a level of adjustment that could endanger recovery, the participant will need to demonstrate to the **drug court** team that such a change is in his/her best interests. The team will need to carefully review the transfer request and seek input from the treatment provider when considering whether a transfer request should be granted.

The county of supervision should not consider a participant's request for transfer unless that participant has articulated the reasons for the transfer in writing.

Past performance in **drug court** and the current level of cooperation with supervision should be considered. Every effort must be made to ensure that the transfer of a case is appropriate, and that unstable cases are not transferred until all concerns are resolved. No participant in danger of termination should be considered for a transfer.

A transfer request will not be considered until after the participant has successfully completed any residential treatment program.

b. **Drug Court** Applicants

1) When a Transfer May Be Granted

An eligible **drug court** applicant (that is, an offender not yet enrolled in any **drug court**) who resides in a county other than the county where the offense was committed may have his/her supervision transferred to the county of residence following conviction. The case may be transferred after sentencing in the county of offense and after the participant has successfully completed any initial residential treatment program, if required, following the procedures outlined below. Cases involving participants who require residential treatment are not to be transferred immediately after sentencing because the personal circumstances of the participant may change prior to successful completion of residential treatment rendering any transfer of supervision unnecessary. For example, some **drug court** participants abscond from residential treatment, triggering an escape notification procedure coordinated by the probation officer. Other participants, after a period of initial treatment, often conclude that returning to the county of residence would endanger their recovery. It is for these reasons that a transfer of supervision should not be completed until after successful completion of residential treatment.

2) Process for Transferring Cases

Although a transfer cannot be effectuated prior to conviction, it is essential that the **drug court** teams begin

communicating about a potential transfer case as soon as such a case is identified through the screening, assessment and acceptance process. The **drug court** coordinators should consult frequently in any transfer situation. A potential transfer case must follow the established **drug court** acceptance process in the county in which the offense occurred. If he/she is found acceptable, that **drug court** will forward the transfer request to the county of residence for review.

The participant must successfully complete any required residential treatment program before a transfer may be effectuated. If, however, the participant is to be referred to an outpatient treatment program following sentencing, the substance abuse evaluator in the county of offense should communicate with the substance abuse evaluator in the county of residence so an appropriate outpatient treatment provider program can be identified.

After the defendant is sentenced to **drug court** in the county of offense, the case is not to be considered transferred until the coordinator in the county of offense has confirmed with the coordinator in the county of residence that the participant has a scheduled appearance in the **drug court** in the county of residence and an appropriate treatment provider agency has been identified. The sentencing judge should put on the record the name of the participant's treatment provider agency and the date of the first scheduled appointment in the **drug court** where he or she resides.

The probation officer in the county of offense should remain responsible for all aspects of supervision of any pending transfer case until the individual has successfully completed any residential treatment program and the transfer process is complete.

It is essential that the probation officer/**drug court** team in the county of offense coordinate an appropriate aftercare plan with the probation officer/**drug court** team in the county of residence following residential treatment and ensure that the participant has a scheduled appearance before the **drug court** in the county of residence upon his/her release from any residential treatment program. The **drug court** probation officer in the county of residence must verify the residence of the offender before the receiving county accepts supervision of the case. Then, and only then, will the team in the county of offense relinquish responsibility to the team in the county of residence.

The relationship between the participant and his/her supervising probation officer is key and as such it is important that the officer in the county of residence attempt to establish a relationship prior to residential program completion. How this is to be accomplished will depend on a variety of resource factors, but whenever possible the probation officer in the county of residence should visit the participant while he/she is in residential treatment.

Written treatment provider reports on the status of participants in residential treatment must be submitted to both the county of offense and the county of residence so the **drug court** teams in both counties may provide a coordinated approach to participant progress.

The two teams will also need to coordinate with, and clearly articulate to, the residential provider where the participant should go for in-court status reports. The participant should be brought to the county of residence at least once prior to discharge to begin forming a relationship with the team in the county where supervision will be transferred.

The initial stages of recovery are exceptionally fragile and participants are at high risk for relapse. Therefore, any transfers need to be accomplished without a lapse in treatment, supervision or judicial involvement. If a transfer cannot be effectuated immediately following sentencing, that participant must report as directed to the county of offense until the transfer process is complete.

c. Involvement and Input of the Team in the County of Residence in Transfer Decisions

The adult **drug court** program is a statewide program structured to provide each participant in the state with equal treatment in every vicinage. For this reason, the county of residence must accept the decision of the county of offense that the defendant is an acceptable candidate for the **drug court**. An exception should only be made in the following cases:

Team members in the county of residence provide the judge/team in the county of offense with previously unknown information about this applicant that renders him/her ineligible for **drug court**, or

There is a significant change in circumstances from the time of program acceptance to the time of the

transfer request.

Only under these circumstances may the case be returned to the county of offense for further court action.

The prosecutor in the county of offense shall communicate (via telephone or through the exchange of paperwork) with the prosecutor in the county of residence about possible transfer cases before the prosecutor in the county of offense makes a formal recommendation as to whether or not the individual meets the legal requirements for acceptance into the program. It is the responsibility of the **drug court** team in the county of offense to maintain an appropriate level of communication with their peers in the county of residence to ensure that the transfer process is done with full disclosure, without needless delay or without a lapse in treatment, supervision, drug testing and judicial involvement.

Additional considerations in case transfers:

A case should not be transferred to the county of residence until such time as the participant is actually living in the residence indicated on the application form. It is the responsibility of the team in the county of offense to address any warrant and/or detainer issues before transferring the case to the county of residence.

A case should not be transferred to the county of residence while a participant remains incarcerated, unless special arrangements are made with the team in the county of residence.

Although the team members in the county of residence do not have the authority to reject a case accepted by the county of offense for legal/clinical reasons, other than as set forth above, they may do so for capacity reasons. If the county of residence can demonstrate that they are unable to accept the transfer due to a lack of sufficient resources, then the county of offense must retain supervision of that case. If a county has admitted a number of new cases at, or in excess of its monthly allotment for the past 6 months, or if their probation officer to participant ratio is in excess of 1:50, that county has reached a capacity situation justifying the rejection of transfer cases.

The county in which the defendant resides will be permitted to reject the supervision of a case in which a field visit establishes that the address provided is invalid.

A case is not considered a "transfer case" if residency remains within the same vicinage. Multi-county vicinages have the flexibility to handle internal county transfer protocols in whatever manner works best for their program.

Sometimes the receiving court may request that the participant report to the county of residence, prior to the formal transfer of supervision, so he/she can become familiar with the receiving county team members. Likewise, sometimes courts may request that the participant report to the county of offense after transfer as a means of closure. These are not mandatory actions, but rather examples of ways in which individual teams can take steps to reduce the potential negative effects of a transfer of supervision.

Special consideration should be given to assisting the participant in their "acceptance" into the **drug court** "family" of fellow participants. Asking successful Phase III participants to "mentor" the newly transferred participant may be a way of accomplishing this goal.

d. Post-transfer Participant Case Management Decisions

After the case is transferred to the county of residence, after sentencing, successful completion of residential treatment and an aftercare plan has been established, all case management decisions are the sole responsibility of the team in the county of residence. The following additional factors also apply:

As soon as possible after transfer, the county of residence/supervision will obtain a new, signed consent for release of information form to comply with federal confidentiality laws.

It is recommended that the county of residence run a new computerized criminal history (CCH) for their records.

All decisions about sanctions, incentives, phase changes, incarceration, violation of probation charges and termination are to be made by the team in the county of residence.

The **drug court** judge in the county of residence has the same authority and responsibility for the transferred participant as they do for defendants sentenced within their county.

Any violation of probation hearing, whether it results in a sanction, continuation of probation (COP) or termination is under the jurisdiction of the judge in the county where the case was transferred (the county of residence).

The judge in the county of residence is required to abide by any parameters of the case indicated on the

plea agreement form.

e. File Transfer

The following documents must be forwarded to the county of residence for review prior to the date of transfer of supervision. The team in the county of residence must be given two weeks in which to review the materials and conduct a field visit, if applicable, before the case can be formally accepted for supervision. The transfer documents are to be exchanged between **drug court** coordinators who will have the responsibility to disseminate this information to their teams.

Drug Court Application with Application for Transfer of Supervision form attached

Signed Consent for Release of Information

ASI--Clinical Assessment report prepared by the TASC evaluator in the county of offense

Prior and current pre-sentence investigation reports with discovery and police reports attached

Current Computerized Criminal History (CCH-rap sheet)

Signed Participation Agreement

Signed Standard Conditions of Probation

Indictment, Plea Agreement forms and Judgment of Conviction

Participant Handbook of the county of offense, if applicable

Any other documents deemed appropriate by the **drug court** team

Any documents not available at the time of the transfer request should be forwarded to the receiving **drug court** team as soon as they are prepared.

IV DATA ENTRY RESPONSIBILITIES

If it is known at the time of sentencing that a case will be transferred, the judge in the county of offense will issue an order changing the venue of this case to the county of residence. As part of the transfer process, the prosecutor's office in the county of offense should request that the prosecutor's office in the county of residence enter this participant's case into the Promis/Gavel system. Promis/Gavel is currently not capable of an automatic electronic transfer of post-disposition case data, therefore, case data will need to be re-entered in the county of residence manually.

By requesting that the prosecutor's office in the county of residence enter the defendant's basic case data into their Promis/Gavel system, the supervising **drug court** team will be able to track the court events and provide the **drug court** judge and other courtroom staff with an accurate court calendar. Other data entry considerations:

The last event recorded in Promis/Gavel in the sending county (generally the county of offense) should reflect the transfer and advise the viewer to refer to case data in the receiving county for further court events and/or court actions. Likewise, the receiving county will need to refer a viewer to the county of offense for prior court events. The goal is to provide a viewer with a total picture of the case's court events.

Promis/Gavel reports will be created to provide the **drug court** coordinators with a list of all cases transferred into their court and out of their court for tracking purposes.

Transferred cases should be considered active in the county of supervision (generally the county of residence) only. Once the case is successfully transferred the county that transferred the case out (generally the county where the offense occurred) no longer considers that an active case. Thereafter the case will be tracked only as a "transferred out" case.

As CAPS is capable of transferring a case from one county to the next without the problems associated with Promis/Gavel, the data entry process for transferred cases remains the same as that set by the Probation Division in other probation cases.

If a participant is supervised by the county of offense while in residential treatment, it is the responsibility of the probation officer in the county of offense to complete all case related data entries up to the point that the case is formally transferred to the county of residence.

Due to the electronic relationship between the Promis/Gavel and State Police Computerized Criminal History (CCH), the CCH flag used to link systems will not be transferred to the county of residence. It is for that reason that any new sentencing event must be recorded in Promis/Gavel in the county where the original sentence occurred. In the event that a transfer case results in a resentencing due to program termination, the data entered into Promis/Gavel to record that action must also be added to the case record in the county where the participant was originally sentenced. This needs to be done to insure that a participant's CCH properly reflects the re-sentence information.

Data entry procedures on transferred cases will be added to the **drug court** data entry process manuals for both Promis/Gavel and CAPS.

NEW YORK

NEW YORK RULES OF COURT STANDARDS AND ADMINISTRATIVE POLICIES RULES OF THE CHIEF JUDGE PART 43. SUPERIOR COURTS FOR DRUG TREATMENT § 43.1 Superior Courts for Drug Treatment

(a) A Superior Court for Drug Treatment may be established in Supreme Court or County Court in any county by order of the Chief Administrator of the Courts following consultation with and agreement of the Presiding Justice of the Judicial Department in which such county is located. A Superior Court for Drug Treatment shall have as its purpose the hearing and determination of criminal cases in the courts of the county that are appropriate for disposition by a **DRUG TREATMENT COURT**.

(b) The Chief Administrator, upon consultation with the Administrative Board of the Courts, shall promulgate such rules as are necessary to regulate operation of each Superior Court for Drug Treatment, and to permit transfer to the court, for disposition, of drug cases that are pending in another court in the same county.

STANDARDS AND ADMINISTRATIVE POLICIES RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS PART 143. SUPERIOR COURTS FOR DRUG TREATMENT § 143.1 Establishment of Superior Courts for Drug Treatment

Following consultation with and agreement of the Presiding Justice of the Judicial Department in which a county is located, the Chief Administrator of the Courts, by administrative order, may establish a Superior Court for Drug Treatment in Supreme Court or County Court in such county and assign one or more justices or judges to preside therein. Each such Superior Court for Drug Treatment shall have as its purpose the hearing and determination of:

(a) criminal cases that are commenced in the court and that are identified by the court as appropriate for disposition

by a **DRUG TREATMENT COURT**; and

(b) criminal cases that are commenced in other courts of the county, and that are identified as appropriate for disposition by a **DRUG TREATMENT COURT** and transferred to the court as provided in section 143.2 of this Part.

NORTH CAROLINA

NORTH CAROLINA RULES OF COURT LOCAL RULES WAKE COUNTY Family Court Local Rules for Juvenile Delinquency & Undisciplined Proceedings

RULE 8. HEARING SCHEDULES

8.1. Juvenile matters involving Delinquent and Undisciplined juveniles shall be regularly scheduled to be heard on Mondays, Tuesdays, Wednesdays, and Thursdays. Every other Friday morning shall be reserved for Juvenile **DRUG TREATMENT COURT**. Any variance from this regular hearing schedule may occur for good cause shown upon Order of the Chief District Court Judge.

8.2. The Tuesday afternoon hearing schedule is reserved for special settings of contested matters, sensitive sex offense hearings, multiple companion cases, and other matters determined to be appropriate by the presiding Juvenile Court Judge involved in setting matters for hearing in court.

8.3. Secured Custody hearings will generally be scheduled on Mondays and Thursdays of each week.

8.4. The assigned Assistant District Attorney shall conduct a calendar call each day and determine the order of hearings.

NORTH DAKOTA

NORTH DAKOTA COURT RULES NORTH DAKOTA SUPREME COURT ADMINISTRATIVE RULES (N.D. Sup. Ct. Admin. R.) AND ADMINISTRATIVE ORDERS (N.D. Sup. Ct. Admin. Order) ADMINISTRATIVE RULES AR 36. NORTH DAKOTA RULES ON CONTINUING JUDICIAL EDUCATION

Rule 1. Continuing Judicial Education Commission.

.....

(b) The commission shall determine what shall constitute "approved course work." Courses sponsored by the following organizations and their associated entities shall be presumptively approved:.....

;

(18) National **DRUG TREATMENT COURT** Institute;

(19) National Association of **DRUG TREATMENT COURT** Professionals;

(20) Native American Training Institute--Indian Child Welfare Act Conference; and

Rule 12. Effective Date.

This Rule, as further amended, is effective August 1, 2005.

OHIO

LOCAL RULES

CUYAHOGA COUNTY COURT OF COMMON PLEAS (CLEVELAND)

CUYAHOGA COUNTY COURT OF COMMON PLEAS RULES OF THE JUVENILE DIVISION

Cuyahoga County Common Pleas Juvenile Rule 9

Rule 9. Drug Court

(A) Establishment of **Drug Court** and Selection of Presiding Judge

Upon the original filing of a case that meets the criteria for participation in the Court's **Drug Court** Programs, the case shall be assigned to the Court's **Drug Court**. The judges of the Court shall select annually a judge from the Juvenile Court Division to serve as the Presiding Judge over the **Drug Court**. The **Drug Court's** Presiding Judge shall serve for a term of one year commencing for the first year on May 1, 1998 and then on January 1 of every subsequent year. Any judge of the Juvenile Court Division may serve unlimited consecutive terms as the Presiding Judge of the **Drug Court**.

(B) Criteria for participation in **Drug Court** Program

Cases involving the same subject-matter shall be those Felony 4, Felony 5 or Misdemeanor drug offenses or drug-related offenses, where the offender is not a violent offender and has no prior history of Felony 1 or Felony 2 convictions, violent offenses, weapons offenses or sex offenses. The offender must also be assessed as being drug dependent and amenable to treatment. The Court, Prosecutors Office and the Public Defender's Office must agree that the offender is eligible for the **Drug Court** Program.

(C) Criteria for Participation in the Family **Drug Court** Program

Cases alleging child abuse, neglect and/or dependency where the parent or guardian is assessed as being drug dependent. The Court, the Prosecutor's Office and the Public Defender's Office must agree that the parent or guardian is eligible for the Family **Drug Court** Program.

(D) Assignment of Cases to **Drug Court**

All **Drug Court** Program cases shall be transferred to the Presiding Judge of the **Drug Court** who shall be responsible for ensuring judicial accountability for the processing of individual cases and the pace of litigation. In order to ensure that the equitable distribution of cases remains, the number of non-**Drug Court** cases assigned to the **Drug Court** Presiding Judge shall be reduced in direct proportion to the number of cases assigned to the **Drug Court**.

Amended effective July 1, 2004.

RULE 22 Drug court [superceded by Rule 9]

- (A) Establishment of Drug court and Selection of Presiding Judge. Upon the original filing of a case that meets the criteria for participation in the Court's Drug court Program, the case shall be assigned to the Court's Drug court. The Judges of the Court shall select annually a Judge from the Juvenile Court Division to serve as the Presiding Judge over the Drug court. The Drug court's Presiding Judge shall serve for a term of one year commencing for the first year on May 1, 1998 and then on January 1 of every subsequent year. Any judge of the Juvenile Court Division may serve unlimited consecutive terms as the Presiding Judge of the Drug court.
- (B) Criteria for participation in Drug court Program. Cases involving the same subject matter shall be those Felony 4, Felony 5 or Misdemeanor drug offenses or drug related offenses, where the offender is not a violent offender and has no prior history of Felony 1 or Felony 2 convictions, violent offenses, weapons offenses or sex offenses. The offender must also be assessed as being drug dependent, amenable to treatment, and the Court and Prosecutors office must agree that the offender is eligible for the Drug court Program.
- (C) Assignment of Cases to Drug court. All Drug court Program cases shall be assigned to the Presiding Judge of the Drug court who shall be responsible for ensuring judicial accountability for the processing of individual cases and the timely processing of cases through prompt judicial control over cases and the pace of litigation. In order to ensure that the equitable distribution of cases remains, the number of non Drug court cases assigned to the Drug court Presiding Judge shall be reduced in direct proportion to the number of cases assigned to the Drug court.

HAMILTON COUNTY COURT OF COMMON PLEAS

RULE 35 COURT GUIDED ADDICTION TREATMENT PROGRAM (CGAT)

In order to facilitate efficient and effective treatment of drug addicted offenders, the Court of Common Pleas hereby establishes the Court Guided Addiction Treatment Program (CGAT) and orders the assignment of cases identified for this program to the judge designated to attend to and manage such cases. Said judge shall have the authority to accept or reject cases assigned to the CGAT program for supervision and guidance. Said judge shall also have the authority to conduct arraignment, accept pleas, enter findings and dispositions, conduct trials, and in the event of termination of unsuccessful participation in the CGAT program, to pronounce and enter sentence on those cases assigned pursuant to this rule. Where the offender has an active probation status, any related probation violation, which is a felony of the 4th and 5th degree, may be referred and assigned to the CGAT Judge for concurrent disposition consistent with program goals.

Criteria for assignment or referral pursuant to this rule shall be:

- 1) Drug court _ Eligibility and Section Codes:
 - Theft (drug related) _ 2913.02 (offenses of the fourth or fifth degree)
 - Possession of drugs _ 2925.11 (offenses of the fourth or fifth degree)
 - Deception to obtain a dangerous drug _ 2925.22
 - Illegal processing of drug document _ 2925.23
- the offender is determined to be a drug or alcohol dependent person or in danger of becoming a drug or alcohol dependent person and would benefit from treatment
the current charge is a probationable offense
there is no history of violent behavior

there is no history of mental illness
current and/or past criminal behavior is drug driven
the offender must demonstrate a sincere willingness to participate in the twelve to fifteen month treatment process
. no acute health condition currently exists
all offenders who are incarcerated must have the approval of the County Prosecutor before entering the program

Procedure for defendants who appear in CGAT court and are on probation shall be as follows:

a defendant who is on probation to the CGAT Judge, and acquires a new charge of the 4th or 5th degree, shall be assigned directly to the CGAT Judge for disposition and for the probation violation.

. a defendant who is on probation to the CGAT Judge, and who acquires a new felony of the 1st, 2nd, or 3rd degree, shall be assigned to the judge of the General Division for disposition of the new charge, and transfer and disposition of the probation violation.

If a defendant indicted for Theft, Possession of Drugs, Deception to Obtain a Dangerous Drug, or Illegal Processing of Drug Documents is on probation to or has a case pending before a judge of the General Division of Common Pleas, the new indictment shall remain with that judge. Multiple defendant indictments shall not be separated for the purposes of this rule.

LUCAS COUNTY COURT OF COMMON PLEAS

LUCAS COUNTY COURT OF COMMON PLEAS RULES OF THE JUVENILE DIVISION Rule 10 DRUG TREATMENT COURT

10.1 Pursuant to Evidence Rule 408, statements made in DRUG TREATMENT COURT hearings shall be treated as evidence of conduct or statements made in compromise negotiations and are not admissible to prove the underlying cause of action.

10.2 Pursuant to Evidence Rule 410, statements made in DRUG TREATMENT COURT hearings will be treated as participation in plea discussions, and will not be admissible to prove the underlying cause of action.

10.3 This rule does not limit the admissibility of evidence provable by independent, extrinsic evidence.

SUMMIT COUNTY COURT OF COMMON PLEAS (AKRON)

RULE 7 CASE ADMINISTRATION AND DISPOSITION

7.03 Criminal Cases. When a bindover from a Municipal Court or a Bill of Information is received by the Clerk, the Deputy Clerk shall give it a case number, stamping the number on the case file and the transcript.

Upon receipt of the assigned case file from the Clerk, the Criminal Assignment Administrator shall prepare the case for assignment.

The Criminal Assignment Administrator shall maintain a computer listing of the names of all Trial Judges of the

General Division of this Court. At the time of arraignment, the Criminal Assignment Administrator shall cause the computer to assign a Trial Judge, at random, with due regard for other prior or pending criminal cases. Assignments shall continue, at random, until each case has been assigned.

7.03(A) **Drug court**. Criminal cases involving Defendants who meet the eligibility requirements for the Felony **Drug court** program and are approved by the judge for entrance into the Felony **Drug court** program will be presented by way of bill of information and a waiver of prosecution by indictment. The Clerk of Courts shall assign a number to the bill of information and the criminal assignment commissioner or designee will assign these cases to the judge presiding over Felony **Drug court** pursuant to Superintendence Rule 36 (B)(2).

On a weekly basis, the court liaison with the Felony **Drug court** will provide the criminal assignment commissioner or designee with the number of cases accepted that week into the Felony **Drug court** program. At subsequent felony arraignments, the criminal assignment commissioner will reassign by random lot a corresponding number of cases allotted to the judge presiding over Felony **Drug court** that involve a felony of the fourth or fifth degree. . . .

OREGON

BAKER COUNTY LOCAL RULES CHAPTER 7. CASE MANAGEMENT AND CALENDARING Rule 7.025. Court Scheduling

Hearing notices for criminal and civil matters will be sent on prime/alternate trial dates, motions, order to show cause hearings, settlement conferences, sentencings, and pre-trial conferences, except that short-notice matters may be arranged by telephone.

Pre-Trial Conferences are scheduled on Mondays 8:15 am to 10:00 am with appearance by telephone allowed. Please call in at (541) 523-6303 Ext 11 or 18 at the scheduled pre-trial time. Restraining Orders are scheduled daily at 1:00 pm provided the petition is filed prior to 11:00 am. **DRUG TREATMENT COURT** is scheduled on Tuesday's 3:00 pm to 5:00 pm. Trials commence at 9:00 am and continue through 5:00 pm.

Juvenile cases are scheduled on Mondays from 3:30 pm to 5:00 pm and every 2nd and 4th Tuesday of each month from 8:00 am to 5:00 pm. The juvenile department will provide their notice of hearing dates to all parties.

Effective February 1, 2006.

TENNESSEE

LOCAL RULES

Knox County General Sessions Court

Knox County General Sessions Court Rule 4

RULES OF PROCEDURE FOR THE GENERAL SESSIONS COURT OF KNOX COUNTY, TENNESSEE

174

Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA Drug Court Clearinghouse. American University. June 2006.

RULE 4. GENERAL SESSIONS COURT DOCKETS

The dockets for the criminal divisions of General Sessions Court shall be posted daily in a conspicuous place at the office of the Clerk of Court of General Sessions, Criminal Division, in the City County Building. The dockets for the civil division of General Sessions Court shall be posted daily in a conspicuous place at the office of the Clerk of Court of General Sessions, Civil Division, in the Old Courthouse. Docket scheduling shall be done through the offices of the General Sessions Court Clerks, Criminal and Civil Divisions. Unless changed by the Presiding Judge because of necessity or convenience, the schedules of the courts are:

1. General Sessions Court operates five courtrooms Monday through Friday. Except as indicated below, all Sessions Courtrooms are located on the main floor of the City County Building.
2. Courts open at 9:00 a.m. (except the **Drug court** and Bonded Arraignment Court) for the daily docket. A lunch recess may be taken at noon.
3. Misdemeanor Court is held in First Sessions Courtroom. The Domestic Violence docket is heard daily at the start of the misdemeanor docket.
4. DUI Court is conducted in Second Sessions Courtroom.
5. Felony Court is held in Third Sessions Courtroom. The Domestic Violence docket is heard on a priority basis. Drug cases are heard on Wednesday. The Compliance docket is held daily at 11:00 AM, at the Cost Collection Counter.
6. Cited Court is located in the Fourth Sessions Courtroom in the Old Courthouse, third floor, in the East Atrium Courtroom. This Court hears environmental cases as well as county ordinances and traffic dockets. The State traffic docket is heard on each Friday. Mental health hearings are conducted on Tuesday and Thursday afternoons.
7. Civil Court is located in the Fifth Sessions Courtroom in the Old Courthouse, third floor, in the Supreme Court Courtroom. Civil and Detainer cases are conducted in this Court. All collections cases should be scheduled for Monday or Wednesday. Detainer cases should be scheduled for Tuesday. Thursday and Friday are designated hearing days.
8. **Drug court** is held each Tuesday at 4:30 P.M. in First Sessions Courtroom.
9. Bonded Arraignment Court is held each Monday and Wednesday at 11:00 AM in Fourth Sessions Courtroom.

SUMNER COUNTY

SUMNER COUNTY LOCAL RULES OF PRACTICE LOCAL RULES OF PRACTICE FOR THE CHANCERY, PROBATE, CIRCUIT, AND CRIMINAL COURTS OF THE 18TH JUDICIAL DISTRICT OF TENNESSEE

.....

In Chancery court contested cases requiring less than a full day are set for half days and may either begin at 9:00 a.m. or 1:00 p.m. upon request depending on availability of morning or afternoon docket. The secretary/administrative officer of the respective court will provide available dates to attorneys for trial.

The criminal court convenes at 8:30 a.m. **DRUG TREATMENT COURT** is 4:00 p.m. to 6:00 p.m. each Monday.

Effective August 2, 2004.

VIRGINIA

LOCAL RULES

175

Excerpts from State and Local Court Rules and Administrative Orders Relating to Drug Court Programs. BJA Drug Court Clearinghouse. American University. June 2006.

CIRCUIT COURT OF THE CITY OF NORFOLK

**CIRCUIT COURT OF THE CITY OF NORFOLK
CRIMINAL CASE PROCEDURES
City of Norfolk Circuit Court Crim. Proc. 4**

IV. DOCKET PROCEDURES

- A. General Scheduling. Trials by jury and by the Court without a jury, pleas of guilty, and motions will be heard Monday through Thursday only. Sentencings, probation violations, Detention and Diversion Center reviews, and returns on findings under advisement will be heard on Friday only. Bond motions may be heard any day. **Drug court** will be held on Thursday. There will no longer be designated criminal days for individual judges on Monday through Thursday. Each judge will have a full Friday criminal docket every other Friday. Thus, generally, four judges will hear criminal matters one Friday and five will do so the next Friday. A judge hearing civil motions on a Friday may also schedule criminal matters at 2:00 p.m. The criminal docket will begin at 9:30 a.m. Monday through Thursday for guilty pleas, motions, and bench and jury trials. At least one judge will also be available Monday through Thursday from 2:00 to 4:00 p.m. for guilty pleas. Cases may be set on an afternoon guilty plea docket as late as 5:00 p. m. the second preceding day. (For example, 5:00 p.m. on Monday for Wednesday afternoon.)

WASHINGTON

LOCAL RULES

COWLITZ COUNTY SUPERIOR COURT

RULE 77. SUPERIOR COURT AND JUDICIAL OFFICERS

.....(d) Superior Court Always Open.

- (1) Trial Hours. Sessions of trial departments, except as otherwise provided for in these Rules, shall be from 9 a.m. until 12 noon and from 1:00 p.m. until 5 p.m., Monday through Friday, unless otherwise ordered by the trial judge. Special sessions of any court may be held on Saturday, or at earlier or later times, at the discretion of the trial judge, to hear any and all matters that such judge sets for hearing before him and at such hours upon said day as the judge shall fix. . . .

Monday : 8:30 a.m. Juvenile court from 8:30 a.m. until 12 noon.

: 8:30 a.m. Default pro se dissolutions.

: 9:30 a.m. Docket dealing with all cases under the Uniform Reciprocal Enforcement of Support Act (URES), Uniform Parentage Act (UPA) and other child

support enforcement proceedings.

: 10:30 a.m. Docket dealing with protection orders and anti_harassment orders.

: 1:00 p.m. Criminal docket.

: 1:30 p.m. Civil Motion Calendar. Probate and guardianships; presentation of papers and trial assignments; examinations of judgment debtors; motions and orders (other than domestic relations proceedings).

: 3:00 p.m. Pro Se landlord/tenant cases.

Tuesday : 8:30 a.m. Criminal trial calendar review.

: 8:45 a.m. Juvenile court from 8:45 a.m. until 12 noon and from 1:00 p.m. until 5 p.m.

: 9:00 a.m. Criminal docket.

: 1:00 p.m. Criminal docket.

Wednesday : 8:00 a.m. Criminal docket cases which must be heard by the designated trial judges.

: 9:00 a.m. Juvenile court from 9 a.m. until 12 noon and from 1:00 p.m. until 5 p.m.

: 9:00 a.m. Criminal docket for retained counsel; motions involving testimony.

: 3:00 p.m. Criminal docket cases which cannot be heard by the criminal presiding judge.

: 3:00 p.m. Civil docket cases which cannot be heard by the civil presiding judge.

Thursday : 8:30 a.m. Criminal trial calendar review.

: 8:45 a.m. Juvenile court from 8:45 a.m. until 12 noon and from 1:00 p.m. until 5 p.m.

: 9:00 a.m. Criminal docket.

: 1:00 p.m. Criminal docket.

: 3:00 p.m. State-initiated support modification and paternity trials.

Friday: : 9:00 a.m. Domestic Relations Calendar: motions, presentation of papers, trial assignments, defaults, final

dissolution testimony.

- : 1:00 p.m. Criminal docket.
- : 1:00 p.m. Adoptions (in chambers).
- : 1:30 p.m. Paternity motion calendar.
- : 2:30 p.m. Pro Se domestic relations proceedings.
- : 3:00 p.m. **Drug court.**

Provided, however, in the event a legal holiday prevents the conduct of a docket or hearing day, the same may, on the Order of the Presiding Judge, be rescheduled and notice thereof posted prominently in the clerk's office.

- (2) Hearing Assignment. With the court's approval, any matter set on a motion docket may be assigned a specific date and time for hearing.
- (3) Time Limitations. Counsel will be allowed not more than five (5) minutes each for argument on a motion, unless further time be granted by special order of the court.
- (4) Presentation of Papers. At the commencement of hearing upon a default dissolution, marriage invalidity or legal separation case, the lawyer for the applicant shall present to the court proposed findings of fact, conclusions of law and decree. At the commencement of hearing on each probate final report, the lawyer for the personal representative shall present a proposed order approving final report and decree of distribution. For good cause, the court may extend the time for presentation of such findings, conclusions, orders and decrees.
- (5) Noting Cases. All matters to be placed on a motion docket must be noted in the clerk's office not later than 12 noon at least two (2) court days preceding the docket in question. A copy of any pleading filed within five (5) working days of a scheduled hearing must be provided to the assigned judge, or if no judge is yet assigned, to the court administrator. If no copy is provided, those pleadings may not be considered, at the discretion of the judge.

KING COUNTY SUPERIOR COURT

XIII. LOCAL CRIMINAL RULES

LCrR 5.1 COMMENCEMENT OF ACTIONS; CASE ASSIGNMENT AREA

- (d) Location for Court Proceedings for Criminal Cases Filed in King County; Filing of Papers and Pleadings and Designation of Case Assignment Area. . . .
 - (3) Standards for Case Assignment Area Designation, and Revisions Thereof.
 - (A) Case Assignment Area Designated by Prosecuting Attorney. The indictment or information filed with the Clerk shall contain the Case Assignment Area designation of the case.
 - (B) Standard for Designation. Except as provided in Section (C) below, the Prosecuting Attorney shall assign the case to the Case Assignment Area where the offense is alleged to have been committed.
 - (C) Exceptions to Standard Designation.
 - (i) The Prosecuting Attorney may designate a case assignment area different than provided in (B) above:

- a) Where the location of the offense within the county cannot be easily ascertained or the offense was committed in more than one area of the county;
- b) Where multiple offenses charged were committed in more than one area of the county;
- (ii) The following case categories shall be designated to the Seattle Case Assignment Area:
 - a) Fugitives from justice.
 - b) Appeals in criminal cases from courts of limited jurisdiction.
 - c) Cases accepted into **Drug court**. . . .

<h2 style="margin: 0;">SKAGIT COUNTY SUPERIOR COURT</h2>
--

RULE 1. INTRODUCTORY

.....

- (c) Court Schedules. Motions and other hearings.
 Monday 9:00 a.m. Domestic Violence Hearings. If Monday is a holiday, this calendar shall be heard on Tuesday at 9:00 a.m.

 Monday 10 a.m. Pro Se Dissolutions (motions and uncontested final decrees). If Monday is a holiday, this calendar shall be heard on Tuesday at 10:00 a.m. . . .

 Friday 1:30 p.m. (alternating) **Drug court**

SPOKANE COUNTY SUPERIOR COURT

LAR 0.2 COURT ORGANIZATION AND MANAGEMENT

- (a) General Management. The general management of the courts shall be vested in the presiding judge under policy established by the judges at regular and special meetings....
- (e) Criminal Department. The criminal department shall consist of one Chief Criminal Judge, the Presiding Judge and three Criminal Trial Judges. The Chief Criminal Judge shall be responsible to manage the entire criminal docket from arraignment through plea setting or trial assignment. He or she shall preside at arraignments, decide continuance issues, hold scheduling hearings and pretrial (omnibus) hearings, and shall hear or assign all criminal motions, all probation violations, violations of conditions of sentence, and shall assign all criminal trials. The Presiding Judge will hear criminal pleas and sentencings. Additional hearings, pleas and sentencings will be assigned to the other judges by the Chief Criminal Judge as needed to keep the docket current. Judges will serve on assignment as Criminal Trial Judges for a month at a time, pursuant to a schedule established by the Court Administrator. The Chief Criminal Judge shall be selected from among the judges, other than the Presiding Judge and the Juvenile Judge, to serve for a one year term.
 - (1) **Drug court**. The Presiding Judge or designee will be responsible to manage the **Drug court** program, including primary responsibility to determine eligibility of defendants and revocation for violation of program rules. . . .

WISCONSIN

LOCAL RULES

FIRST JUDICIAL DISTRICT

**WISCONSIN LOCAL COURT RULES
RULES FOR THE FIRST JUDICIAL ADMINISTRATIVE DISTRICT OF THE STATE OF WISCONSIN
PART 4 RULES FOR THE FELONY AND MISDEMEANOR DIVISIONS
II. FELONY DIVISION**

Rule 414. Scheduling Conference

A. At the pretrial scheduling conference, the parties shall notify the court of any special witness problems, joinder or severance problems or requests for scientific tests which might impact on the scheduling of a trial date.

B. Unless set for a prompt disposition hearing, all trials in the homicide, sexual assault and **DRUG TREATMENT COURT**s will be scheduled within ninety (90) days, [one hundred (103) days for all other felonies] of the date of initial appearance, together with are unable to comply with these scheduling requirements are encouraged not to accept appointments and may be subject to removal.....

**WISCONSIN LOCAL COURT RULES
RULES FOR THE FIRST JUDICIAL ADMINISTRATIVE DISTRICT OF THE STATE OF WISCONSIN
PART 4 RULES FOR THE FELONY AND MISDEMEANOR DIVISIONS
II. FELONY DIVISION**

Rule 428. Assignment of Post-Conviction Motions

.....

C. If the post-conviction motion involves a drug case and the trial and/or sentencing judge is no longer in a **DRUG TREATMENT COURT**, the motion or writ shall be assigned to that branch of the **DRUG TREATMENT COURT** previously held by the sentencing judge.