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## **MAINE ADULT DRUG TREATMENT COURT**

### **CLIENT HANDBOOK**

#### **Introduction**

The Maine Adult drug treatment court (ADTC) is a court-supervised comprehensive program for individuals convicted of a variety of crimes. ADTC has been developed to help you achieve abstinence from alcohol and illicit drugs or the abuse of prescribed drugs. This program is designed to promote the skills needed for you to have a successful life and to be a productive and responsible member of the community. The choice to participate in the program is yours to make. The drug court team consisting of the judge, case manager, treatment provider, prosecutor, defense attorney, probation and parole officer, and law enforcement professional will guide and assist you but the responsibility is basically yours. You must be motivated to make the necessary changes and commit yourself to a drug-free life.

In this program, you will work closely with the drug court team. Your sentence has been reduced and in some cases will be waived if you comply with what the program expects of you and if you graduate.

You will be required to attend court and to review your progress with the judge and other team members on a regular basis, every week or every other week; meet with your case manager when scheduled, attend substance abuse treatment and other treatment services if ordered, attend 12-step groups such as Alcoholics Anonymous and Narcotics Anonymous, and submit to random and frequent drug and alcohol testing. There may be other requirements, such as employment, if the team determines it is in your best interests to be active in other ways. The team is aware that these demands can be challenging to meet and will not ask you to do anything that is beyond your capacity.

#### **Program description**

When you join the ADTC, your case manager and treatment provider will talk with you to plan the services likely to help you the most. You may need help for more than substance abuse

such as job training, education, anger management, medical care, mental health treatment, or other social services. While you are in treatment, the judge will monitor your progress based on reports from the case manager, counselor, probation and parole officer if you have one, and from you as well. When you do well in the program, your progress will be rewarded. If you fail to follow the rules of the program, the court may impose a sanction, such as increased contact with your case manager or writing an essay to be presented during a drug court session. For more serious infractions, such as a positive drug test, you may be returned to jail for several days or more. If the judge determines that you should go to jail for more than seven days, you have the right to a hearing with your attorney present. You will receive credit for any jail time. It is understood that serving jail time can interfere with work, housing, and family life. However, your recovery and complying with the expectations of the program are very important.

While a participant in the program, you will progress through levels or phases. The requirements expected of you will change depending on the phase you are in. Once you move through all the phases, you will be able to graduate from ADTC. Your sentence at that time will reflect your original plea agreement. It usually takes a minimum of one year to complete the program although some people will require longer.

### **Client rights**

In the ADTC, clients have the right to:

- Be treated with respect.
- Get help without regard to race, sex, age, religion, or disability.
- Talk about your feelings and opinions.
- Question anything regarding your treatment.
- Have a full understanding of all the rules.
- Confidentiality of information about substance use and mental health issues.
- A hearing with an attorney present if the judge is considering terminating you from the program.

The judge may have *ex parte* communication about you when you are not present with the case manager, probation and parole officer, treatment provider, or any other person who has information about you relevant to this program. However, you will be required to sign written permission for the drug court team to discuss your substance abuse issues or even to acknowledge that you are in this program. The judge may also speak with you privately outside the presence of other people.

### **Client responsibilities**

All ADTC clients are required to do the following:

- A. Participate in treatment as indicated

Clients are required to be involved in treatment, as recommended by the treatment provider and ordered by the drug court team. At a minimum, this treatment will consist of participation in

Differential Substance Abuse Treatment (DSAT), a specialized approach to recovery from substance abuse, at a local substance abuse treatment agency those contracts with the Office of Substance Abuse and the drug court program. Clients will attend self-help group meetings such as Alcoholics Anonymous or Narcotics Anonymous as frequently as ordered by the drug court team.

B. Meetings with drug court team

Clients are required to meet with various drug court team members to discuss progress, problems, and referrals to other services. These meetings may be held at the court, the case manager's office, the client's home, the counselor's office, probation and parole, or public establishments where privacy could be safeguarded. Clients may be required to communicate by telephone every day with the case manager except on the day they are attending drug court sessions.

C. Weekly court sessions

Mandatory weekly court sessions are held on \_\_\_\_\_. Clients will dress and behave in an appropriate manner for court appearances. If inappropriate behavior is observed, such as interrupting the judge or swearing in the courtroom, sanctions will be administered up to and including removal from the courtroom.

D. Random and frequent drug and alcohol testing

Clients will submit to random and frequent testing for the use of drugs and alcohol a minimum of twice per week unless otherwise ordered by the court. This will occur through urine sampling, breath sampling for alcohol, saliva sampling, and/or blood sampling. Refusal to provide a sample will be interpreted as a positive test result. Inability to provide a sample without written justification from a medical professional will also be interpreted as a positive test result. When you provide a sample, you will be directly observed by a team member of the same gender. If a team member of the same gender is unavailable, you will be required to empty your pockets, clean your hands prior to providing the sample, or following any other directions from the team member administering the drug test.

E. Conditions of bail

If accepted into the ADTC, a bail contract will be established by the judge and may be revised by the judge if indicated.

F. Reconciliation of restitution, fines, and treatment payments

ADTC clients will pay any restitution, fines, and treatment costs in full. The judge will take into account your financial status when determining fees. The case manager will assist clients in developing payment plans. Payment records will be reported to the judge as part of your regular progress report. If the Sheriff's Office is required to transport a participant outside of their

jurisdiction, a reasonable transportation fee may be assessed to the participant. This fee is payable to the Sheriff's Office.

G. Probationer responsibilities

If you are on probation, you must continue reporting to your probation and parole officer and comply with any other conditions of your probation.

H. Law enforcement contact

Clients will tell any member of law enforcement speaking with them in an official capacity of their involvement with the ADTC.

I. Daily records and weekly goals

Each client is expected to maintain a daily record of activities, which will be submitted to the case manager prior to drug court sessions. This log is intended to monitor progress and teach clients how to structure their time. The ADTC seeks to encourage clients to set weekly goals for growth and accomplishment. Each week the judge may ask the client for an update on his/her goals to determine progress and motivation. The judge may also review with each client the goals for the following week and document them for future review at the next session. If the client is demonstrating a lack of motivation or a poor work ethic towards accomplishing his/her goals, the judge may impose a sanction to encourage growth and positive participation in her/his own recovery.

J. Other referrals

Clients are required to follow through on any referrals made by the drug court team and to permit the case manager to obtain information on the results of those referrals for discussion by the drug court team.

K. Authorization for the disclosure of confidential information

Federal and state laws specify your right to privacy regarding substance abuse and mental health information. In order to participate in this program, you will be required to sign an authorization for the drug court team to discuss that information with treatment providers and within the drug court team. Your participation in the program will not be shared with anyone else without your written permission. You may revoke that permission in writing at any time but will subsequently be scheduled for a termination hearing because the drug court team needs information in order to work with you effectively.

**Client responsibilities during adult drug treatment court sessions**

1. All ADTC sessions will take place within a courtroom.

2. Clients are expected to be in the courtroom on time. Those found late for court or not in attendance will be subject to court ordered sanctions, at the discretion of the presiding judge. A missed court appearance may result in the issuance of a warrant.
3. Clients must not bring drugs, weapons, urine, or other contraband onto the court premises. Clients may be searched upon entering the building. If clients are charged with having such items in their possession, they may be subject to arrest and prosecution.
4. Initially, drug court participants should attend court sessions every time court is held. The frequency may be altered depending on the phase of the treatment the client is in.
5. Clients will address the Court as “judge” or “your honor”.
6. The clients will be called before the judge individually.
7. Clients will approach the bench when called upon and stand before the judge unless the judge directs them to present themselves in another manner. Each client is expected to answer the judge’s questions and is given an opportunity to make any relevant remarks. Members of the drug court team are expected to correct any untruthful remarks made by the clients and provide information as requested by the judge.
8. A positive report may be acknowledged with applause from the drug court team as well as from the clients and accompanied by verbal praise from the judge. A negative report will receive no praise or applause from the drug court team.
9. When the defendant is promoted to the next phase of treatment he/she will receive a promotion certificate from the judge as a special recognition for his/her accomplishments.
10. Clients must respect all adult drug treatment court peers, staff, and other court personnel and property at all times. Clients, in turn, will also be respected.

### **Rewards and sanctions**

In order to support the goals of this program, the use of accepted principles for the management of behavior will be utilized by the drug court team. These principles include predictability, consistency, timeliness, and matching the consequence to the behavior in an individualized and fair manner.

The responses for compliance are graduated: as you do better, your rewards may increase in value; if you continue to have infractions, the severity of sanctions may increase. All rewards and sanctions are subject to the discretion of the judge.

Rewards and incentives may include but not be limited to:

- Encouragement and praise from the bench,

- Ceremonies and tokens of progress, including advancement to the next treatment phase,
- Reduced supervision,
- Decreased frequency of court appearances,
- Reduced fines or fees,
- Dismissal of criminal charges or reduction in the term of probation, per plea agreement or upon agreement with the prosecutor,
- Reduced or suspended incarceration, and
- Graduation.

Sanctions for noncompliance may include but are not limited to:

- Warnings and admonishment from the bench in open court,
- Demotion to earlier program phases,
- Increased frequency of testing and court appearances,
- Confinement in the courtroom or jury box,
- Increased monitoring,
- Fines,
- Required community service or work programs,
- Escalating periods of jail confinement,
- Termination from the program and reinstatement of regular court processing.

The goal of sanctions is to emphasize the importance of following the program rules and expectations and to increase your motivation. If you are not following the rules, it may be an indication that you are at increased risk for relapse. If this is the decision of the team, your treatment plan may change to include more and different types of counseling as well as increased attendance at 12-step groups.

### **Medication and Use of Illegal Substances**

As a participant in the adult drug treatment court, you are agreeing not to use alcohol and other drugs during your time in the program. If you use alcohol or other drugs you can expect the judge to issue a sanction and your continued participation in the program will be at risk.

If your doctor or dentist has given or intends to give you a prescription, you must tell the doctor or dentist you are in a substance abuse rehabilitation program before accepting the prescription. The medical professional may choose to offer you an alternate prescription with less or no risk of abuse. All medications, both prescribed and over-the-counter, must be approved by the drug court team. If you can not be drug tested effectively while using a medication, you will be given the option to leave the program or seek other options with your medical professional to find a medication that will not interfere or effect the program's drug testing product or procedure. You are required to sign a release for the case manager to communicate with your medical professional about the prescription. It is the medical professional's decision about your medical care. It is your decision to keep the drug court team informed.

The purpose of drug testing is to detect any drug or alcohol use and to give clients the regular opportunity to demonstrate their abstinence. Trying to violate the drug testing procedures is contrary to program and treatment goals and such activities will be dealt with immediately.

No one may take over the counter medications containing ephedrine, pseudoephedrine, alcohol, or phenylpropanolamine (PPA). Examples of these medications are: Sudafed, Nyquil, Contac, Sine-Off, and Allerest. This is not a complete list – it is your responsibility to read the package labels or ask the pharmacist for a medication that does not contain these substances.

No one may consume any product or food item containing poppy seeds such as bagels, breads, muffins, etc. Again, read the label/ingredients or ask the salesperson. If you are uncertain, do not consume the food. Ignorance of having these products in the products you consume is not an acceptable excuse.

### **Termination from the program**

A client's participation in the adult drug treatment court may be terminated in one of the following ways:

1. **Graduation.** When a client is graduating, a sentencing hearing shall be scheduled. The court will notify the prosecution, defense counsel and the client of the date and time for the sentencing hearing.
2. **Voluntary withdrawal.** At any time a client may tell the judge that he or she no longer wishes to participate in the adult drug treatment court. The judge shall then set the matter for a sentencing hearing. The court will notify the prosecutor, defense counsel and the client of the date and time for the sentencing hearing. For purposes of the plea agreement, a client who chooses to withdraw from the adult drug treatment court prior to graduation shall be considered to have not successfully completed the program. Progress and difficulties experienced by the client may be considered by the judge at the time of sentencing.
3. **Involuntary Termination.** A client's participation in the adult drug treatment court may be terminated for any of the following:
  - a. Any conduct which would constitute criminal contempt (Rule 42 of the Maine Rules of Criminal Procedure),
  - b. Revocation of any waiver of confidentiality,
  - c. A new criminal offense. If the client is charged with a new criminal offense, the judge will schedule the matter for hearing on whether or not probable cause exists to believe the client committed the new offense and for a sentencing hearing on the original case. The hearing shall be scheduled to occur within 15 days, unless the client agrees to a delay. The court will notify the prosecutor, defense attorney, and client of the date and time for the probable cause and sentencing hearing.
    - (i). The probable cause hearing will be conducted first. If probable cause is not found, then the client shall not be terminated from the drug court and the sentencing hearing will not be held.

(ii). If probable cause is found, then the client's participation in the drug court will be terminated unless the court, after consideration of the positions of the case manager, defendant, prosecutor, and defense counsel, determines there is good cause for the client to continue participation in the program;

- d. Failure to follow the directives of the judge or case manager,
- e. Failure to follow the provisions of the drug court contract,
- f. Failure to attend court sessions, treatment sessions, meetings with the case manager or probation officer, school, or employment,
- g. Failure to comply with bail or probation conditions,
- h. Failure to follow treatment recommendations and directives,
- i. Failure to comply with conditions of probation, or
- j. Tampering or attempting to tamper with a urine specimen.
- k. Failure of multiple drug/alcohol tests.

### **Field and Home Visits**

The case manager, probation officers, and various law enforcement officials will make random field and home visits to assess and observe the client's home and/or work environment. Random drug or alcohol testing may be conducted during these visits.

### **Friends and Associates**

It is risky for a client in recovery to continue to associate with others who are continuing to use drugs and alcohol. If a client chooses to do this, it may affect her or his status and progress in the program.

**Phase System:** Please see attached charts

### **Graduation**

In order to graduate from the ADTC, the following conditions will be in place:

- Eligibility for graduation is determined by the judge in consultation with the drug court team.
- Graduation from the ADTC requires that the client should serve a minimum of twelve months time in the program before graduation.
- Clients should complete all ADTC phases
- The drug court team should consider employment and continuing education in determining eligibility to graduate.
- Reside in a home that is supportive of a substance-free life style.
- Clients will be required to submit a written long-term sobriety plan outlining their future plans for leading a sober life. Clients should consult their case manager and treatment provider for help and support with their plan. All plans will be reviewed by the drug court team prior to approval for graduation. Clients may be

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required to participate in a review of their plan to support those issues they have presented. Final approval for graduation rests with the judge.

- Each client will graduate with a personalized plan for his/her recovery.

### **Aftercare/Post-Graduation**

1. Clients are encouraged to maintain contact with the program after graduation. Each member of the drug court team should be available to respond to aftercare contact by a client.
2. The case manager should contact graduates by mail and telephone after ninety days and after one hundred eighty days.
3. Probation and parole has has responsibility for community supervision after graduation, for those still on probation.
4. The treatment provider may continue to provide services to graduates.