

**BUTLER COUNTY FNS DOCKET PROGRAM  
DESCRIPTION**

**(FELONY NON SUPPORT)**



**COURT OF COMMON PLEAS  
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## **PREAMBLE**

The following is a *Program Description* of the Felony Non Support Docket (FNS), a specialized docket adopted and administered by the General Division of the Butler County Common Pleas Court through its Office of Specialty Courts Programs under authority of Sup. R. 36.20-36.29, Specialized Docket Standards, Appendix I Rules of Superintendence, and Loc R. 10.03. The Felony Non Support Judge, hereinafter Judge, shall preside over this specialized docket.

## **CHAPTER 1: POLICIES AND PROCEDURES**

### **Advisory Committee**

Partnerships are an essential component of the specialized docket Court model as they enhance credibility, bolster support, and broaden available resources. The specialized docket model is designed and dependant upon a strong team approach. The cooperation of multiple agencies and community organizations, otherwise known as the relevant parties, have come together to develop an agreement setting forth the terms of the specialty Court docket known as the FNS (Felony Non Support) Docket. This document is the result of collaboration, development, and review of FNS by the Advisory Committee members.

### **Role of the Advisory Committee**

In order to have a comprehensive and collaborative Program, the Judge formed an Advisory Committee. The Advisory Committee provides input into FNS policies and operations. The Advisory Committee is comprised of key community stakeholders who are representatives of local agencies or persons whose participation in the effort is essential. The Advisory Committee also serves as the policy-making authority for FNS.

### **Responsibilities of the Advisory Committee**

In 2007, key officials and policy-makers came together to develop a specialized docket which would be known as FNS. Following a comprehensive planning process, the group collaboratively developed, reviewed, and agreed upon the following items:

- Policies and procedures which define goals, objectives, target population, Program entry, and case flow;
- Roles and responsibilities of treatment team members;
- A *Participation Agreement* detailing the rights and responsibilities of the participant;
- Legal and clinical eligibility; and
- Successful, unsuccessful, and neutral discharge criteria.

The Advisory Committee, chaired and attended by the Judge, annually reviews the aforementioned items to evaluate the functionality of FNS. The Advisory Committee also reviews financial expenditures, a sustainability plan, and community outreach for further advancement of FNS.

### **Membership**

The Advisory Committee shall consist of, but is not limited to the following:

- The CDAT Judge, the FNS Judge, the VTC Judge, and the SAMI Judge;
- The Court Administrator/Chief Probation Officer;
- The Specialty Courts Program Director/Coordinator;
- Representatives from the Butler County ADAS Board;
- Representatives from Community Behavioral Health, Inc.;
- Representatives from Ohio Department of Job and Family Services;
- The Prosecutor;
- The Public Defender;
- Representatives from Law Enforcement Agencies;
- Representatives from the Talbert House; and
- Representatives from the Child Support Enforcement Agency (CSEA).

The Advisory Committee may also consist of the following:

- Probation Officers;
- Representatives from the Butler County Mental Health and Addiction Recovery Services Board;
- Representatives from the YWCA;
- Representatives from the Ohio Rehabilitation Services Commission;
- Representatives from Serve City; and
- Representatives from Sojourner Recovery Services, Transitional Living Center, and/or Forensic and Mental Health Services, Inc.

### **Mission Statement**

The mission of FNS is to enhance public safety by preventing recidivism, while assisting participants in taking responsibility for their behavioral health issues and paying child support as Court-ordered. FNS shall use effective, evidence-based interventions and treatments in a holistic, accountability-based, community-supported approach.

## **Goals and Objectives**

Goal: Assist the participant to pay his/her child support as Court-ordered.

Objective: Participants shall be supervised by the Adult Probation Department to ensure monthly obligations are met.

Goal: Assist participants to lead a clean and sober lifestyle.

Objective: Participants shall abstain from abusing illegal drugs and prescription medications, which shall be monitored through random/observed drug testing.

Goal: Enhance the community and public safety by reducing recidivism.

Objective: Participants shall be supervised by the Adult Probation Department to ensure additional crimes are not committed.

Goal: Improve living circumstances of participants involved in the Program.

Objective: Participants shall obtain steady full-time, legitimate employment, stable housing, and establish pro-social relationships while in FNS.

## **Participation Agreement**

A *Participation Agreement* has been created detailing the rights and responsibilities of the participants in FNS. The participant has a right to the detailed, written *Participation Agreement* outlining the requirements and processes of FNS. The *Participation Agreement* includes the participant's right to request the attendance of defense counsel during the portion of the treatment team meeting concerning the participant.

## **Participant Handbook**

A *Participant Handbook* has been created detailing FNS requirements, rules, phases, incentives, sanctions, and termination criteria. The participant shall receive a written copy of the *Participant Handbook*.

## **CHAPTER 2: TARGET POPULATION**

### **Target Population**

FNS shall manage and control certain eligible individuals who have been convicted of the felony offense, *Non Support of Dependents*, and for whom Court-monitored treatment and other services would enhance their ability to become productive and law-abiding citizens. An individual interested in participating in FNS must meet the legal and clinical criteria before admission into FNS.

### **Legal Criteria**

Written legal eligibility criteria is collaboratively developed, reviewed, and agreed upon by the Advisory Committee. In order to participate in FNS, the offender must adhere to the following:

- The offender is convicted of felony *Non Support of Dependents* on the instant offense;
- The offender maintains a current child support order (not arrears only) on the SETS (Support Enforcement Tracking System) number identified on the instant offense;
- The offender is eligible for community control;
- The offender is facing disposition, probation violation, judicial release, or has filed a motion for Intervention in Lieu of Conviction on the instant offense;
- To be eligible for Intervention in Lieu of Conviction, the offender must meet the eligibility requirements set forth in R.C. 2951.041.
- Should the offender meet all prior legal criteria, companion cases may also be sentenced into FNS.

### **Clinical Criteria**

After determination of legal eligibility, clinical eligibility is considered. Written clinical eligibility criteria is collaboratively developed, reviewed, and agreed upon by the Advisory Committee. FNS is an intensive Program reserved for offenders who require more services than traditional community control can provide. Each case is reviewed individually, and potential participants are assessed as to the risk they pose to the safety of the community. In order to participate in FNS, the offender must adhere to the following:

- The offender must demonstrate a sincere willingness to participate in a long-term Program;
- The offender must not currently suffer from any acute health condition;
- The offender must have a moderate or higher ORAS score;

- The offender must have a substance abuse addiction or a treatable mental illness as identified through Screening and Assessment referenced in Chapter 3 (Program Entry and Case Flow) if the Nonsupport of Dependents charge is a felony of the fifth degree;
- If the offender has been identified as having a substance abuse problem, then he/she must be willing to complete treatment as required; and
- If the offender has been identified as having a mental illness, then he/she must be willing to take medication as prescribed.

### **Capacity**

FNS can effectively monitor up to one hundred (100) offenders at any given time.

## **CHAPTER 3: PROGRAM ENTRY AND CASE FLOW**

### **Referral Process**

Identification of potential participants for FNS is the first step for an offender to enter FNS. Once the offender has been charged with felony *Non Support of Dependents* through the Butler County Court of Common Pleas, a referral may be done at any time throughout the Court proceedings. The procedure may be informal and may come from probation officers, pretrial officers, pre-sentence investigators, defense counsel, the prosecutor, case managers, or the Judge.

### **Screening and Assessment**

The Butler County Adult Probation Department shall conduct a pretrial screen of the potential participant. The screen shall serve as preliminary identification as to whether the offender meets the Legal Criteria as identified in Chapter 2 (Target Population). Specialty Courts staff shall then contact defense counsel in order for counsel to discuss FNS with the offender. Counsel may then submit an application for FNS. The application may be acquired through the Specialty Courts office or online through the Butler County Common Pleas website.

Upon receiving a referral from the referral source, the Specialty Courts office will schedule the potential participant for a formal clinical diagnostic assessment. Any substance abuse, mental health, and other programming assessments shall be provided by programs or persons who are appropriately licensed and trained according to the standards of their profession and shall include available collateral information to ensure the accuracy of the assessment.

Prior to sentencing, the FNS team shall review the case (using the PSI and the clinical diagnostic assessment) to determine if the offender is appropriate for FNS. The FNS Judge shall have discretion to decide admission into the Program. The written legal and clinical eligibility as identified in Chapter 2 (Target Population) does not create a mandatory right to participate in FNS.

Information shall then be sent to the sentencing Judge stating whether the offender is appropriate for FNS and if any special conditions are required.



## **Plea and Sentencing**

An offender may be sentenced into FNS through one (1) or more of the following four (4) methods:

- Plea and sentencing;
- Intervention in Lieu of Conviction;
- Probation violation; or
- Judicial Release.

At the time of sentencing, the offender (with counsel) shall review and sign the FNS *Participation Agreement*. The sentencing Judge shall have final discretion to decide sentence into FNS.

The offender shall sign an authorization for release of information form to provide for communication of confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996." 42 U.S.C. 300gg-42, as amended, and sections 2151.421 and 2152.99 of the Revised Code.

The offender shall be given a copy of the *Participant Handbook* and scheduled for a First Appearance on the FNS Docket as soon as possible. The offender shall be placed into treatment or any required services as soon as possible.

## **Intervention in Lieu of Conviction**

Once the pretrial screen has been conducted, a signed (by the sentencing Judge and the applicant) application has been submitted to the Specialty Courts office, and a Motion for Intervention in Lieu has been filed with the Clerk of Courts, a pre-sentence investigation (PSI) shall be done. Upon receiving the application the Specialty Courts office will schedule the potential participant for a formal clinical diagnostic assessment. Any substance abuse, mental health, and other programming assessments shall be provided by programs or persons who are appropriately licensed and trained according to the standards of their profession and shall include available collateral information to ensure the accuracy of the assessment.

Prior to the Intervention in Lieu plea, the FNS team shall review the case (using the PSI and the clinical diagnostic assessment) to determine if the offender is appropriate for FNS. The FNS Judge shall have discretion to decide admission into the Program. The written legal and clinical eligibility as identified in Chapter 2 (Target Population) does not create a mandatory right to participate in FNS.

Information will then be sent to the sentencing Judge stating whether the offender is appropriate for FNS and if any special conditions are required.

At the time of the Intervention in Lieu plea, the offender (with counsel) shall review and sign the FNS *Participation Agreement*.

The offender shall sign an authorization for release of information form to provide for communication of confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996." 42 U.S.C. 300gg-42, as amended, and sections 2151.421 and 2152.99 of the Revised Code.

The offender shall be given a copy of the *Participant Handbook* and begin treatment as soon as possible.

If the offender successfully completes FNS, has paid all Court costs, restitution (if applicable), and supervision fees, and has complied with all requirements under R.C. 2951.041, then an entry which dismisses the indictment shall be filed with the Clerk of Courts.

### **Probation Violation**

If the offender has been referred as the result of a probation violation, an application shall be submitted to the Specialty Courts office. The assigned probation officer and sentencing Judge shall be notified that an application for FNS has been submitted. Upon receiving the application the Specialty Courts office will schedule the potential participant for a formal clinical diagnostic assessment. Any substance abuse, mental health, and other programming assessments shall be provided by programs or persons who are appropriately licensed and trained according to the standards of their profession and shall include available collateral information to ensure the accuracy of the assessment.

Prior to the revocation hearing, the FNS team shall review the case (using the PSI and the clinical diagnostic assessment) to determine if the offender is appropriate for FNS. The FNS Judge shall have discretion to decide admission into the Program. The written legal and clinical eligibility as identified in Chapter 2 (Target Population) does not create a mandatory right to participate in FNS.

Information shall then be sent to the sentencing Judge stating whether the offender is appropriate for FNS and if any special conditions are required.

At the time of the probation violation, the offender (with counsel) shall review and sign the FNS *Participation Agreement*.

The offender shall sign an authorization for release of information form to provide for communication of confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996." 42 U.S.C. 300gg-42, as amended, and sections 2151.421 and 2152.99 of the Revised Code.

The offender shall be given a copy of the *Participant Handbook* and scheduled for a First Appearance on the FNS Docket as soon as possible. The offender shall be placed into treatment or any required services as soon as possible.

### **Judicial Release**

At the discretion of the sentencing Judge, an application shall be submitted to the Specialty Courts office. The offender must be amenable to community control (i.e. not serving mandatory time). The sentencing Judge shall be notified that an application for FNS has been submitted. Upon receiving the application the Specialty Courts office will schedule the potential participant for a formal clinical diagnostic assessment. Any substance abuse, mental health, and other programming assessments shall be provided by programs or persons who are appropriately licensed and trained according to the standards of their profession and shall include available collateral information to ensure the accuracy of the assessment.

Prior to the Judicial Release hearing, the FNS team shall review the case (using the PSI and the clinical diagnostic assessment) to determine if the offender is appropriate for FNS. The FNS Judge shall have discretion to decide admission into the Program. The written legal and clinical eligibility as identified in Chapter 2 (Target Population) does not create a mandatory right to participate in FNS.

Information shall then be sent to the sentencing Judge stating whether the offender is appropriate for FNS and if any special conditions are required.

At the time of the Judicial Release hearing, the offender (with counsel) shall review and sign the FNS *Participation Agreement*.

The offender shall sign an authorization for release of information form to provide for communication of confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996." 42 U.S.C. 300gg-42, as amended, and sections 2151.421 and 2152.99 of the Revised Code.

The offender shall be given a copy of the *Participant Handbook* and scheduled for a First Appearance on the FNS Docket as soon as possible. The offender shall be placed into treatment or any required services as soon as possible.

### **Non-Discriminatory Practices**

No offender shall be denied admission to FNS based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability.

### **Program Admission**

Should the sentencing Judge order FNS as a condition of community control, the offender shall sign the *Participation Agreement*, be directed to the Butler County Adult Probation Department to review the Conditions of Supervision, and placed under reporting supervision to monitor compliance with Court requirements.

The offender shall then sign the release of information, be given a *Participant Handbook*, and scheduled for a First Appearance on the FNS Docket as soon as possible.

### **Specialized Docket File Maintenance**

The Specialty Courts office shall maintain the FNS files electronically on a secured network for the Butler County Court of Common Pleas. The FNS files are to be accessible to Common Pleas Court employees that are part of the FNS team.

All treatment team members are required to comply with Part 2 of Title 42 of the Code of Federal Regulations governing confidentiality of alcohol and drug abuse patient records. Recipients of any disclosures may only re-disclose within the scope of the signed Release of Information. The Release of Information authorizes disclosure of protected health information pursuant to the "Health Insurance Portability and Accountability Act of 1996." 42 U.S.C. 300gg-42, as amended, and sections 2151.421 and 2152.99 of the Revised Code.

## **CHAPTER 4: TREATMENT TEAM**

### **Duties of Treatment Team Members**

1. The treatment team is responsible for the daily operations of FNS.
2. Treatment team members agree to serve on the treatment team for a minimum of one (1) year.
3. Treatment team members agree to work with local community leaders to ensure the best interests of the community are considered.
4. Treatment team members should engage in community outreach activities to build partnerships that will improve outcomes and support FNS sustainability.
5. FNS incorporates a non-adversarial approach while recognizing the distinct role of the prosecutor and defense counsel.
6. Treatment team members engage in on-going communication including frequent exchanges of timely and accurate information regarding participant compliance. FNS maintains on-going communication with treatment team members through e-mail, phone calls, faxes, weekly status reports, and weekly team meetings.
7. Mechanisms for decision-making and resolving conflicts among treatment team members have been established and are utilized. The Judge/Magistrate serves as the final decision-maker and shall resolve all conflicts.
8. Treatment team members shall maintain professional integrity, confidentiality, and accountability.
9. Treatment team members should make reasonable efforts to observe FNS provider programs in order to have confidence in services provided and to better understand the treatment and programming process.
10. The treatment team works with the Advisory Committee to assess the team functionality, review all policies and procedures, and assess the overall functionality of FNS.

### **Specific Roles and Responsibilities**

The treatment team consists of the Judge, Magistrate, assistant prosecuting attorney, defense counsel, probation officers, licensed treatment providers, case managers, a representative from the Child Support Enforcement Agency (CSEA), and the Specialty Courts Director/Coordinator.

Below is a list of treatment team members and their responsibilities.

#### **Judge**

- Discretion to decide the admission into or termination from FNS in accordance with the written legal and clinical criteria for FNS;
- Knowledgeable about treatment and programming methods and limitations;

- Leader of the treatment team;
- Decision-maker, especially concerning incentives, sanctions, phase advancement, and successful completion or termination;
- Final decision-maker who resolves conflicts among treatment team members;
- Attends treatment team meetings, monitors treatment progress and child support payment compliance, directs Court orders at status review hearings, issues incentives and sanctions, grants phase advancement, and approves participant's successful completion of, neutral discharge, or unsuccessful termination from FNS; and
- Discusses progress with the participant at status review hearings.

[The Judge assigned to the FNS Docket is Judge Jennifer Muench-McElfresh.]

### **Magistrate**

- Knowledgeable about treatment and programming methods and limitations;
- Attends treatment team meetings, monitors treatment progress and child support payment compliance;
- If the FNS Judge is unavailable, directs Court orders at status review hearings, issues incentives and sanctions;
- In the absence of the FNS Judge, becomes the final decision-maker who resolves conflict among treatment team members; and
- Discusses progress with the participant at status review hearings.

### **Assistant Prosecuting Attorney**

FNS incorporates a non-adversarial approach while recognizing the distinct role of the prosecutor in pursuing justice and protecting public safety and victim's rights. The prosecutor plays an active role in identifying eligible participants for FNS in accordance with the FNS written criteria. The assistant prosecutor typically does not attend treatment team meetings.

### **Defense Counsel**

FNS incorporates a non-adversarial approach while recognizing the distinct role of defense counsel in preserving the constitutional rights of the FNS participant. Defense counsel plays an active role in identifying eligible participants for FNS in accordance with the FNS written criteria. The participant does maintain the right to request the attendance of defense counsel during the portion of the treatment team meeting and status review hearings concerning the participant. Defense counsel will be present at treatment team meetings and status review hearings to represent participants facing a probation violation hearing, graduated sanction or other participants, if requested.

Defense counsel's role includes:

- Assists with decision-making regarding participation in FNS;
- Explains to the participant what rights are waived by entering the Program;
- Explains the possible sanctions that may be imposed;
- Explains the circumstances that may lead to termination; and
- Explains the effect that termination from FNS may have on the participant's case.

### **Probation Officers**

- Meets with participants regularly to discuss individualized Program goals, child support obligations, and progress through FNS;
- Attends treatment team meetings and status review hearings;
- Conducts office, home, and field visits;
- Monitors compliance with Court orders, community control rules, sanctions, and individualized case plans;
- Informs the treatment team whether Court orders, rules, sanctions, child support obligations, and/or case plans are followed;
- Conducts or coordinates random alcohol and drug tests, and reports the results to the treatment team;
- Participates in discussions about incentives, sanctions, phase advancement, successful completion, and termination; and
- Provides written documentation to the Judge for a possible termination.

### **Licensed Treatment Providers**

- Anyone providing screening, assessments, and/or treatment for FNS must be appropriately licensed and trained to deliver services according to the standards of their profession;
- Treatment providers, whenever possible, shall maintain separate tracks for FNS participants;
- Conducts diagnostic assessments, provides the clinical diagnosis, and develops the treatment plan;
- Provides documentation on a participant's progress in treatment and compliance with treatment plans, including treatment attendance and results of alcohol and drug tests;
- Attends treatment team meetings and status review hearings;
- During treatment team meetings, provides treatment updates and makes recommendations regarding treatment needs;
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination;
- Monitors service provider agreements and contracts; and

- Coordinates FNS treatment team professional education.

### **Child Support Enforcement Agency (CSEA)**

- Provides the treatment team with information in reference to child support obligations and payments;
- Coordinates with the probation officers to establish wage deductions on Court-ordered child support obligations.

### **Specialty Courts Director/Coordinator**

- Assists with identifying potential participants;
- Coordinates referrals and assessments as identified in Chapter 3 (Program Entry and Case Flow);
- Assists with decision-making regarding participation in FNS;
- Maintains the daily operations of the FNS Docket;
- Collects and maintains statistical information for FNS;
- Gathers status reports from probation officers, treatment providers, and service providers to present to the treatment team;
- Participates in discussions about incentives, sanctions, phase advancement, successful completion, and termination;
- Creates reports for review and submission to funding sources;
- Ensures that treatment team members follow Program policies and procedures;
- Monitors service provider agreements and contracts;
- Plans and facilitates Advisory Committee meetings; and
- Coordinates FNS treatment team professional education.

### **Treatment Team Meetings**

Treatment team meetings shall take place weekly on Wednesday commencing at 1:30 P.M. This meeting is used to discuss participants on the Docket that day for a status review hearing and those individuals that have been referred to FNS and are awaiting sentencing to determine eligibility for the FNS program. Meetings, commonly referred to as “staffing”, shall be held at the Butler County Government Services Center, 315 High Street, Hamilton, Ohio.

Required attendees for the Wednesday treatment team meeting include: Judge, Magistrate (if the Judge is not available), probation officers, licensed treatment providers, employment liaison, representative from the CSEA, and the Specialty Courts Director/Coordinator. Defense counsel will attend treatment team meetings to represent those participants facing a probation violation, any sanction or other participants as requested. The Specialty Courts Director/Coordinator prepares and distributes (through e-mail) the treatment team schedule and Docket. The Specialty Courts Director/Coordinator shall also make the status reports available for treatment team members.



## **CHAPTER 5: PARTICIPANT MONITORING**

### **Summary of Services**

Participants can expect to be in FNS for a minimum of seven (7) months. However, this does NOT guarantee the participant will complete the entire Program at the end of that seven (7) month period. FNS participants shall receive a case plan based on their individual needs. All provided services shall incorporate evidence-based strategies. Participants shall have prompt access to a continuum of approved treatment and rehabilitation services upon admission into FNS. The FNS Docket maintains a current case plan and a record of activities for the participants. Case plans continue to develop throughout FNS to reflect the participants' changing needs based on Program progress and child support payments. Appropriately licensed and trained individuals shall deliver services according to the standards of their profession. The FNS case plans take into consideration services that are gender responsive, culturally appropriate, and effectively address co-occurring disorders. All provided services are appropriate and clinically necessary to the degree that available resources allow.

FNS has currently partnered with the following agencies to provide services to participants: Butler County Adult Probation Department, Central Clinic Behavioral Health, Access Counseling Services, Community Behavioral Health, Inc., LifeSpan, OMNICOM Solutions Group, Talbert House (Serenity Hall), Sojourner Recovery Services, Community Behavioral Health Mental Health Services, Ohio Department of Job and Family Services, Child Support Enforcement Agency (CSEA), YWCA, Serve City, and the Hope House. The services provided include baseline alcohol and drug testing, assessment, development of treatment plans, case management, individual, group and family treatment sessions, aftercare plans, assistance with knowledge in reference to child support obligations, financial coaching, career coaching, resume/interview preparation; on-the-job training, gender specific programming, programming to address co-occurring disorders, supportive housing, and medication monitoring. These agencies shall collaborate with other community agencies to provide educational and vocational training, employment, individualized substance abuse programming, transportation, housing, domestic violence programming, parenting classes, and mental health services.

### **Phases**

Phases are the steps in which a participant's performance and progress through FNS are monitored. These phases are used as guidelines that can be modified to meet a participant's specific needs. FNS incorporates three (3) phases. Participants are also required to frequently report to the FNS Judge and other treatment team members for compliance monitoring, assistance with case plans, and random alcohol and drug testing.

The following are the minimum attendance requirements for each phase:

Phase I: The participant shall appear before the FNS Judge weekly.

Phase II: The participant shall appear before the FNS Judge at least twice within every thirty (30) day period.

Phase III: The participant shall appear before the FNS Judge at least twice within every forty-five (45) day period.

General criteria for phase advancement may include a participant's honesty, attendance/participation/progress in treatment, sobriety, compliance with Court orders, payment of child support and Court fees, and the treatment team recommendations. Phase advancement is not solely based on pre-set timelines. Time between status review hearings may be increased or decreased based upon compliance with employment, child support obligation, treatment protocols, Program rules, and overall observed progress.

## **Phase I**

Phase I is the initial phase of the FNS Docket, where the participant will become familiarized with how the program functions, the requirements and expectations of the program and their own individualized treatment plan. This phase is expected to last approximately thirty (30) to sixty (60) days. During this phase, the participant has the most contact with the Court by attending scheduled status review hearings weekly. The participant will be required to submit to frequent, random, observed alcohol and drug testing at a minimum of two (2) times per week. The participant will be scheduled for appointments with the appropriate community providers based on the needs identified during the clinical assessment performed upon referral to the program. The main focus of this phase shall be getting the participant enrolled and engaged in the FNS program. The participant will be expected to work on obtaining sobriety, attending all scheduled appointments, attending all court appearances, as well as building relationships with staff to establish a foundation for progress.

Participant requirements for Phase I compliance include:

- Enrolling in, and participating in, treatment and programming as recommended. These may include, but are not limited to, the following: substance abuse and/or mental health treatment; employment and/or educational assistance programming; case management services; life coaching services, parenting programming and/or housing assistance.
- Attending weekly status review hearings;
- Attending meetings with the probation officer as scheduled;
- Submitting to random alcohol and drug testing at a minimum of two (2) times per week;
- Taking prescription medications as directed;

- Abiding by the rules of FNS, the FNS *Participation Agreement*, community control, and
- Committing no new criminal offenses.

## **Phase II**

Phase II is designed to assist the participant in achieving structure and stability. During this phase, the participant shall attend scheduled status review hearings at least twice within every thirty (30) day period. During this phase the participant will be required to submit to frequent, random, observed alcohol and drug testing at a minimum of two (2) times per week. The FNS team shall continue to monitor each participant to determine if additional services are needed. These services may include, but are not limited to the following: substance abuse and/or mental health treatment; employment and/or educational assistance programming; case management services; life coaching services, parenting programming and/or housing assistance. The main focus of this phase shall be on achieving sobriety; stabilization of mental health symptoms; obtaining full-time, legitimate employment and consistent payment of child support obligations.

Participant requirements for Phase II compliance include:

- Continued attendance and participation in treatment and programming as recommended. These may include, but are not limited to, the following: substance abuse and/or mental health treatment; employment and/or educational assistance programming; case management services; life coaching services, parenting programming and/or housing assistance.
- Attending status review hearings at a minimum of two (2) times within every thirty (30) day period;
- Attending meetings with the probation officer as scheduled;
- Submitting to random alcohol and drug testing at a minimum of two (2) times per week;
- Taking prescription medications as directed;
- Obtaining and maintaining full-time, legitimate employment;
- Paying at least the current order of the child support obligation for three (3) consecutive months,
- Abiding by the rules of FNS, the FNS *Participation Agreement*, community control, and
- Committing no new criminal offenses.

## **Phase III**

Phase III is designed to assist the participant in maintaining structure and stability. During this phase, the participant shall attend scheduled status review hearings at least twice within every forty-five (45) day period. During this phase

the participant will be required to submit to frequent, random, observed alcohol and drug testing at a minimum of one (1) time per week. The main focus of this phase shall be on monitoring the participant to ensure he/she has the skills necessary to remain successful upon graduation from the program.

Participant requirements for Phase III compliance include:

- Continued attendance and participation in treatment and programming as recommended. These may include, but are not limited to, the following: substance abuse and/or mental health treatment; employment and/or educational assistance programming; case management services; life coaching services, parenting programming and/or housing assistance.
- Maintaining full-time, legitimate employment;
- Paying at least the current order of the child support obligation for another three (3) consecutive months, which equates to a minimum of six (6) total consecutive months;
- Attending status review hearings at a minimum of two (2) times within every forty-five (45) day period;
- Attending meetings with the probation officer as scheduled;
- Submitting to random alcohol and drug testing at a minimum of one (1) time per week;
- Taking prescription medications as directed;
- Paying at least the current order of the child support obligation for another three (3) consecutive months, which equates to a minimum of six (6) total consecutive months;
- Abiding by the rules of FNS, the FNS *Participation Agreement*, community control, and
- Committing no new criminal offenses.

### **Residential Treatment**

Participants can be recommended for residential treatment at the time of assessment, sentencing, probation violation, Judicial Release, or any other time during FNS.

The residential treatment facilities used by FNS are Sojourner Recovery Services for Men, Sojourner Recovery Services for Women, and Talbert House Halfway House Programs (Serenity Hall, Turtle Creek, Pathways, and others). If deemed necessary, participants may be required to complete treatment through one (1) of three (3) Community Based Correctional Facilities: the River City Correctional Center, the Monday Program, or the Community Correctional Center (CCC). Participants shall be given jail time credit for time served while in River City, Monday, or CCC.

## **Status Review Hearings**

FNS incorporates ongoing judicial interaction with each participant. Frequent status review hearings establish and reinforce FNS policies, and ensure effective and efficient supervision of the participant. This allows the Judge to provide an explanation of responses to compliance and noncompliance, including the criteria for termination. Not all participants are required to appear at each status review hearing depending on their progress in FNS.

Status review hearings shall take place weekly before the Judge at the Butler County Government Services Center, 315 High Street, Hamilton, Ohio. The participant shall appear before the FNS Judge weekly during Phase I. In Phase II the participant shall appear before the FNS Judge at a minimum of twice within every thirty (30) day period. In Phase III the participant shall appear before the FNS Judge at a minimum of twice within every forty-five (45) day period. The weekly team meetings are dependent upon the availability of the FNS Judge.

Required treatment team attendees include: Judge, Magistrate (if the Judge is not available), CSEA representative, employment liaison, probation officers, licensed treatment providers, case managers, and the Specialty Courts Director/Coordinator. Defense counsel will attend review hearings and represent all participants facing a sanction and other participants as requested.

Participants shall adhere to a dress code for all FNS appointments:

- No short shorts or mini skirts;
- No spaghetti straps or tank tops;
- No tops or dresses with cleavage exposing any portion of the breast;
- No halter tops or strapless tops/dresses;
- No skin tight pants, skirts, or shorts;
- No baggy pants;
- No see through clothing;
- No clothing that makes reference to drugs and/or alcohol; and
- No sexually suggestive clothing.

## **Incentives**

Immediate, graduated, and individualized incentives govern the responses of FNS to the participant's compliance. Incentives are individualized according to the specific case plan and directly related to the participant's achievements as certain milestones of the FNS Docket are attained. Incentives are also tracked to ensure the participant is rewarded on a progressive basis.

The following are types of behaviors appropriate for incentives:

- Attending required Court appearances;
- Obtaining full-time full-time, legitimate employment;
- Paying child support obligations as Court-ordered;
- Taking prescription medications as directed;
- Attending required treatment appointments;
- Attending a parenting program;
- Reaching individual case plan objectives;
- Abstaining from alcohol and drugs, as evidenced by negative drug testing results;
- Engaging in vocational or educational programming;
- Complying with the rules of FNS, the FNS *Participation Agreement*, community control, and the laws;
- Securing stable housing;
- Advancing in FNS phases; and
- Accomplishing any other milestone identified by the treatment team.

The following are types of incentives:

- Encouragement and praise from the Judge;
- Receiving gas cards or BCRTA (Butler County Regional Transit Authority) vouchers;
- Ceremonies and certificates of progress, including advancement in FNS phases;
- Reducing supervision contacts;
- Lifting a Court-ordered drivers license suspension;
- Decreasing frequency of Court appearances;
- Reducing, suspending, or dismissing fines;
- Reducing supervision fees;
- Increasing or expanding privileges;
- Encouragement to increase participation in positive activities the participant finds pleasurable;
- Reducing jail days; and
- Graduating from FNS.

### **Sanctions**

Immediate, graduated, and individualized sanctions govern FNS responses to the participant's noncompliance. Graduated sanctions are used to help the participant conform behavior to Program requirements. Sanctions are crafted in an individualized and creative manner, as well as in a progressive manner based on the infraction. Any participant facing imposition of a sanction will be represented by defense counsel at the treatment team meeting as well as the status review hearing. Sanctions are issued when there is noncompliance with either Program protocol or the case plan. Sanctions shall be used as a deterrent to negative behavior and to encourage future compliance. An adjustment in

services, as well as participation in community-based mutual support meetings, is based solely on the clinically informed interests of the participant. Incremental adjustments to the case plan made at the discretion of the Judge and the treatment team are not to be considered sanctions. However, failure to comply with case plan adjustments will subject the participant to sanctions.

At the time of a positive drug test (which may include a test taken at admission to the Program), the treatment team may consider an adjustment in treatment and/or the possibility of sanctions. Any change in the case plan and/or sanctions are enforced and reinforced by the Judge.

A level of sanction is applied to each type of possible infraction. This type of planning ensures lesser infractions will be met with lesser, more commensurate sanctions. Infractions are also tracked, along with resulting sanctions, so that additional sanctions can be applied in a graduated manner.

The following are common types of infractions:

- Failure to attend Court appearances;
- Failure to attend vocational or educational programming;
- Failure to take prescription medications as directed;
- Failure to attend substance abuse and/or mental health assessments/treatment sessions;
- Failure to attend a parenting program;
- Failure to obtain full-time, legitimate employment, or leaving employment when new employment has not been secured;
- Failure to pay Court-ordered child support obligations;
- Failure to follow FNS rules;
- Failure to keep scheduled appointments with the probation officer, treatment/case manager, or any other treatment team member;
- Noncompliance with other requirements of the case plan;
- Failure to have your calendar at all FNS appointments;
- Noncompliance with random alcohol and drug screens, or testing positive for alcohol and/or drugs;
- Failure to comply with the FNS *Participation Agreement*;
- Failure to comply with curfew as established by the treatment team;
- Failure to maintain confidentiality outside of treatment groups;
- Failure to improve troublesome behavior;
- Failure to complete community service hours;
- Failure to keep other appointments as scheduled, such as those for public benefit aid, health care benefits, housing assistance, etc.

The following are common types of sanctions:

- Warnings and admonishments from the Judge;
- Demotion to an earlier FNS phase;

- Increasing frequency of alcohol and drug testing;
- More frequent Court appearances (weekly or bi-weekly reviews);
- Refusing specific requests, such as permission to travel;
- Denying additional or expanded privileges, or rescinding privileges previously granted;
- Increasing supervision contacts and monitoring;
- Issuing a no contact order with identified individuals;
- Individualized sanctions such as writing essays, reading books, or performing other activities to reflect upon unacceptable behavior;
- Imposition of suspended fines;
- Ordering community service;
- Ordering corrective thinking classes;
- EMHA (Electronic Monitored House Arrest) or SCRAM (Secure Controlled Remote Alcohol Monitoring) bracelets;
- Escalating periods of jail time;
- Filing of probation violation; and
- Unsuccessful termination from FNS.

## **CHAPTER 6: PROGRAM COMPLETION**

### **Successful Completion**

Written successful completion criteria has been collaboratively developed, reviewed, and agreed upon by the Advisory Committee. Successful completion criteria serve as the guidelines used to identify how participants can successfully complete FNS. In order to successfully complete FNS, the participant shall demonstrate the compliant behavior and accomplishments listed below:

Compliant behavior may include:

- Paying at least the current child support obligation for a minimum of six (6) consecutive months;
- Demonstrating a period of abstinence from alcohol and drugs (evidenced by negative drug screens for a minimum of ninety [90] days prior to completion of FNS);
- Completing community service hours;
- Attending sober support group meetings;
- Obtaining a sober support sponsor;
- Demonstrating stable mental health and medication compliance;
- Active member in a sober support group;
- Displaying a change in thinking, attitude, and beliefs;
- Successfully completing substance abuse and/or mental health treatment and programming;



- Obtaining/maintaining consistent full-time, legitimate employment and stable housing;
- Demonstrating the ability to identify and eliminate criminal thinking patterns;
- Paying towards Court costs, supervision fees, and restitution (if applicable); and
- Writing an essay on how FNS has affected the participant's life.

Accomplishments may include:

- Paid at least the current child support obligation for a minimum of six (6) consecutive months;
- Demonstrated a period of abstinence from alcohol and drugs (evidenced by negative drug screens for a minimum of ninety [90] days prior to completion of FNS);
- Completed a parenting program;
- Completed substance abuse treatment and/or mental health treatment;
- Regular sober support attendance;
- Obtained a sober support sponsor;
- Demonstrated stable mental health and medication compliance;
- Completed community service hours;
- Completed any other FNS requirements;
- Completed vocational or educational plans;
- Paid towards Court costs, supervision fees, and restitution (if applicable);
- Displayed responsibility for his or her behavior;
- Demonstrated stability in the community;
- Obtained/maintained consistent full-time, legitimate employment; and
- Obtained/maintained stable housing.

Upon review of the compliant behavior, and review of the participant's accomplishments, the treatment team may recommend successful completion. The Judge has final discretion to determine when the participant will graduate from FNS. Upon graduation from FNS, the participant shall attend a ceremony hosted by the Court and receive a Certificate of Completion.

### **Unsuccessful Termination**

Written unsuccessful termination criteria has been collaboratively developed, reviewed, and agreed upon by the Advisory Committee. Unsuccessful termination criteria serve as the guidelines used to identify how participants can be unsuccessfully terminated from FNS. The FNS Judge has final discretion in determining termination from the specialized docket.

Criteria for unsuccessful termination from FNS include:

- Failure to pay child support as Court-ordered;
- Failure to obtain full-time, legitimate employment;
- On-going noncompliance with treatment and/or the case plan;
- Continued use of illegal substances;
- A verified positive confirmation from a contested drug screen;
- Noncompliance with prescribed medications;
- Noncompliance with confidentiality;
- On-going noncompliance with FNS rules, the FNS *Participation Agreement*, or the rules of community control;
- Absconding from community control supervision;
- New criminal convictions;
- Continued FNS infractions resulting in graduated sanctions; and
- A probation violation hearing.

### **Neutral Discharge**

Written neutral discharge criteria has been collaboratively developed, reviewed, and agreed upon by the Advisory Committee. Neutral discharge criteria serve as the guidelines used to identify how participants can be neutrally discharged from FNS. The FNS Judge has final discretion in determining termination from the specialized docket.

A participant may be neutrally discharged from FNS if the participant is no longer capable of completing FNS as a result of any of the following:

- A serious medical condition;
- Death;
- An updated ORAS which results in the participant being a low risk ORAS;
- Other factors that may keep the participant from meeting the requirements for successful completion; and
- Discretion by the FNS Judge to determine if the participant is no longer appropriate for FNS.

Upon neutral discharge from FNS, the level of community control supervision shall be determined by the Judge.

### **Inactive Status**

FNS has an inactive status for participants who meet any of the following criteria:

- Placed in a residential facility (Community Based Correctional Facility) and cannot be transported for status review hearings;
- Serving time in a local or state jail facility for another county/jurisdiction; and
- Absconded from community control supervision.

## **CHAPTER 7: SUBSTANCE ABUSE MONITORING**

Substance abuse monitoring for FNS will be part of the individualized case plan for participants in FNS. A participant shall submit to random, frequent, and observed alcohol and drug screens while in FNS. Testing positive shall result in a sanction. Failure to submit to testing, submitting an adulterated sample, submitting the sample of another individual or diluting the sample is treated as a positive test and immediately sanctioned.

Testing may include PassPoint ocular scans, instant urinalysis screens, SCRAM, portable breathalyzers, use of scientifically validated technology for ethyl alcohol, or other devices that are deemed reliable. PassPoint ocular scans and urine screens test for many common substances including the participant's substance of choice. All testing shall be recorded and maintained for each participant for the duration the participant is in FNS.

In addition to the PassPoint ocular scans, FNS utilizes instant urine screens and other types of testing that allow for laboratory confirmation testing. Upon a positive test result, the participant shall be confronted with the result and given the opportunity to either sign an admission form or contest the positive test. If contested, the test shall be sent to a certified laboratory for confirmation. While waiting for the laboratory results, sanctions are not issued. However, if the test returns a positive confirmation, then a more severe sanction, which could result in a probation violation, and/or unsuccessful termination from FNS, may be issued based on deception and the use of substances. The laboratory fee for a confirmed positive may be applied to the participant's court costs.

The results of substance monitoring tests will be provided to the appropriate treatment team members. The Judge shall be immediately notified if/when the participant fails to submit to a test, submits an adulterated sample, submits the sample of another individual, or dilutes the sample. The participant shall be ordered to appear before the Judge on the next available status review hearing Docket so that sanctions can be immediately issued.

At the time of a positive drug test (which may include a test taken at admission to the Program), the treatment team may consider an adjustment in treatment and/or the possibility of sanctions. Any change in the case plan and/or sanctions are enforced and reinforced by the Judge.

FNS participants are required to comply with the following Substance Abuse Monitoring protocols:

The participant will submit to an instant urine screen to ensure the individual is negative of all substances. The individual will then be entered into the PassPoint ocular scan and passive breath test system for a baseline test result. The participant will also be assigned a color group. The participant will be randomly selected by the PassPoint system to report for a scan/test at a minimum of two

(2) times per week while in Phase 1 and Phase 2 and a minimum of one (1) time per week while in Phase 3. In addition to the minimum required number of tests, the participant may randomly be selected for more frequent scans/tests.

Participant responsibilities include the following:

- Call the PassPoint ocular scan system voicemail daily between 6:00 A.M. and 8:30 A.M.;
- If the participant's assigned color has been selected, the participant is to report to the Butler County Department of Court Services located at 824 South Martin Luther King Jr. Blvd., Hamilton, Ohio between the hours of 10:00 A.M. and 11:00 A.M. to submit to the PassPoint ocular scan;
- Submit an instant urine screen if upon PassPoint ocular scan and passive breath test the PassPoint system determines the participant is a high risk for substance use;
- Provide information regarding prescription medications to the assigned probation officer.

Any member of the treatment team who conducts a urine screen shall comply with Section 5.20 (Drug Testing Policy and Procedure) of the Butler County Department of Court Services Policy and Procedure Manual. The treatment team member shall immediately notify the probation officer of the outcome of any and all tests. The Judge shall be immediately notified when a participant fails to submit to a test, submits an adulterated sample of another individual, or dilutes the sample. The participant shall be ordered to appear before the Judge on the next available status review hearing Docket so that sanctions can be immediately issued.

## **CHAPTER 8: PROFESSIONAL EDUCATION**

Opportunities for professional education for all members of the treatment team are provided annually.

An interdisciplinary, continuing education plan includes training on a variety of topics such as:

- The specialized docket model;
- Specialized docket processes;
- Best practices in substance abuse and mental health services;
- Drug trends, and alcohol and drug testing;
- The non-adversarial approach of the specialized docket model for counsel; and
- Training on community resources.

### **Supreme Court of Ohio Specialized Docket Practitioner Network**

All treatment team members shall have the opportunity to attend the Supreme Court of Ohio's Specialized Dockets Practitioner Network Annual Conference. The Judge and the Specialty Courts Director/Coordinator agree to participate in the Supreme Court of Ohio Specialized Dockets Practitioner Network, and to attend at least one (1) sub-network meeting held at the Supreme Court of Ohio. All treatment team members shall receive the Specialized Dockets Newsletter. In addition to the Specialized Dockets Practitioner Network Annual Conference, the Specialized Dockets Section offers several training opportunities throughout the year that include free continuing education accreditation in several disciplines.

### **New Treatment Team Members**

The Specialty Courts Director/Coordinator shall meet with each new treatment team member and provide a brief overview of FNS. In addition, new treatment team members shall receive a copy of the *Program Description*, the *Participant Handbook*, and the *Participation Agreement*. New treatment team members shall also receive training from the agency they serve regarding the role of that agency in FNS. Whenever possible, new treatment team members shall have an opportunity to observe the weekly treatment team meetings and status review hearings with the person they are replacing. The Specialty Courts Director/Coordinator shall arrange any additional training that is deemed necessary for the new treatment team member.

### **Program Operations Review**

The Advisory Committee shall review the overall functionality of FNS every two (2) years. During the review, the Advisory Committee shall review all policies

and procedures of FNS. The Specialty Courts Director/Coordinator shall provide the Advisory Committee with the data necessary to conduct the review.

## **CHAPTER 9: EFFECTIVENESS EVALUATION**

### **Supreme Court Reporting Data**

FNS shall comply with reporting data as required by the Supreme Court of Ohio. This data may be used to assess compliance with the Standards as set forth in Standard 12 of Sup. R. 36.20-36.29, Appendix I (Specialized Docket Standards).

### **On-going Data Collection/Exit Survey**

FNS shall engage in on-going data collection in order to evaluate whether or not FNS continues meeting its goals and objectives.

Data collection is an on-going process. Data shall be collected by the Specialty Courts Director/Coordinator and by providing agencies. The Specialty Courts Director/Coordinator shall maintain data as directed by the Judge including, but not limited to, the number of participants not qualifying for entrance into FNS; the number of participants terminated successfully, unsuccessfully, or neutrally discharged; and the current number of participants active in FNS. Providing agencies shall also maintain data as required by funding sources.

Upon completion of FNS, each participant shall complete an anonymous exit survey. As data and surveys are collected, all identities shall remain anonymous and not included in the data collection. The Advisory Committee, as part of the functionality review, shall utilize the data collected.





## APPENDIX

Standard forms and materials utilized by FNS comprise a part of the *Program Description*. Set forth below is a list of those materials:

1. Local Rule 10.03;
2. Advisory Committee Roster;
3. Specialty Courts Application;
4. FNS *Participation Agreement*;
5. Section 5.20: Drug Testing Policy and Procedure;
6. Sample Authorization for Release of Information Form;
7. Sample of weekly Status Review Hearings Report;
8. FNS Team Roster;
9. FNS *Participant Handbook*; and
10. FNS Exit Survey.