

BUTLER COUNTY FNS DOCKET

(FELONY NON SUPPORT)

PROGRAM DESCRIPTION



**COURT OF COMMON PLEAS
JENNIFER MUENCH-MCELFRISH, JUDGE
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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. 36.20-36.32, Specialized Docket Standards, Appendix I Rules of Superintendence, and Loc.R. 7.03. 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 Drug Court 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 MHARS Board;
- Representatives from Community First Solutions;
- Representatives from Ohio Department of Job and Family Services;
- The Prosecutor;
- The Public Defender;
- Representatives from Law Enforcement Agencies; and
- Representatives from the Child Support Enforcement Agency (CSEA).

The Advisory Committee may also consist of the following:

- Probation Officers;
- Representatives from the YWCA;
- Representatives from the Ohio Rehabilitation Services Commission;
- Representatives from Serve City; and
- Representatives from Sojourner Recovery Services and Transitional Living Center;
- Representatives from Clean Slate Sober Living Program; and
- Representatives from the Employment Success Program

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 their 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 sober lifestyle.

Objective: Participants shall abstain from abusing illegal drugs and prescription medications, which shall be monitored through frequent, random and 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 will review the Participation Agreement with their defense counsel prior to entry. Once executed, the Participation Agreement is filed with the Butler County Clerk of Courts. 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

The FNS Docket serves certain eligible individuals charged with a felony offense of *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 the FNS docket must meet the legal and clinical criteria before admission.

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 or has filed for Intervention in Lieu of Conviction for 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 (moderate to high risk level);
- The offender must have a moderate to severe substance use disorder or mental illness as identified through Screening and Assessment referenced in Chapter 3 (Program Entry and Case Flow) (high treatment need);
- If the offender has been identified as having a substance use problem, then they must be willing to complete treatment as required; and
- If the offender has been identified as having a mental illness, then they must be willing to take medication and participate in mental health treatment as prescribed.

Capacity

FNS can effectively monitor up to fifty (50) participants at any given time.

CHAPTER 3: PROGRAM ENTRY AND CASE FLOW

The following is the process for a defendant who is referred to the FNS Docket and includes a description of the screening, assessment and method of program acceptance or denial. The FNS Judge has final discretion to decide admission into the program. The written legal and clinical eligibility criteria do not create a right to enter the FNS Docket, but rather provide guidelines for the discretion of the FNS Judge.

Referral Process

The FNS Docket supports the referral of all potentially eligible defendants for review under these policies and procedures. Referrals may be made formally and informally from many sources, including, but not limited to: Judge, defense counsel, prosecutor, pre-sentence investigation officer, self-referral, pre-trial officer, and probation officer. Once the defendant 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.

Screening and Assessment

Upon receiving a referral from the referral source, the Specialty Courts Office will schedule the potential participant for a formal comprehensive clinical diagnostic assessment to determine diagnoses and recommended level of care. 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 treatment team shall review the case (using the PSI and the clinical diagnostic assessment) to determine if the offender is appropriate for the FNS Docket. The FNS Judge shall have final discretion to decide acceptance 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 the FNS Docket.

A written notice shall then be sent to the sentencing Judge indicating the participant's acceptance or denial into the FNS Docket and will include any special conditions recommended.

Program Admission

A defendant 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.

Should the sentencing Judge order FNS as a condition of community control, the defendant shall, with defense counsel, sign the Participation Agreement and be given a Participant Handbook.

The participant will immediately be placed under reporting supervision to monitor compliance with Court requirements. The participant will be directed to the Butler County Adult Probation Department to review their conditions of supervision.

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 R.C. 2151.421 and R.C. 2152.99.

The participant will be immediately scheduled for a First Appearance on the FNS Docket as soon as possible. The participant shall also be placed into treatment or any required services as soon as possible.

Non-Discriminatory Practices

No defendant 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.

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 R.C. 2151.421 and R.C. 2152.99.

CHAPTER 4: TREATMENT TEAM

Roles and Responsibilities of Treatment Team Members

A complete Treatment Team roster is attached as Appendix I.

- The treatment team is responsible for the daily operations of the FNS Docket.
- Treatment team members agree to serve on the treatment team for a minimum of one (1) year.
- Treatment team members agree to work with local community leaders to ensure the best interests of the community are considered.
- Treatment team members should engage in community outreach activities to build partnerships that will improve outcomes and support FNS sustainability.
- The FNS docket incorporates a non-adversarial approach while recognizing the distinct role of the prosecutor and defense counsel.
- Treatment team members engage in on-going communication including frequent exchanges of timely and accurate information regarding participant compliance. The FNS Docket maintains on-going communication with treatment team members through e-mail, phone calls, faxes, weekly status reports, and weekly treatment team meetings.

- The Judge serves as the final decision-maker and shall resolve all conflicts among treatment team members.
- Treatment team members shall maintain professional integrity, confidentiality, and accountability.
- Treatment team members should make reasonable efforts to observe the FNS Docket provider programs in order to have confidence in services provided and to better understand the treatment and programming process.
- 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 members consist of the Judge, assistant prosecuting attorney, defense counsel, probation officer, 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

- Chair of the Advisory Committee. The Judge shall attend the Advisory Committee meetings;
- Chair of the treatment team. The Judge shall attend the treatment team meetings prior to the weekly status review hearings and final decision-maker regarding conflicts among the treatment team members;
- Discretion to decide the admission into or termination from the FNS Docket in accordance with the written legal and clinical criteria for FNS;
- Knowledgeable about treatment and programming methods and limitations;
- Final decision-maker of all aspects of the FNS Docket, especially concerning incentives, sanctions, phase advancement, and successful completion or termination;
- 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 the FNS Docket; and
- Discusses progress with each participant at status review hearings.

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

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 the FNS Docket 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. The defense counsel plays an active role in identifying eligible participants for the FNS Docket 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. The defense counsel will be present at treatment team meetings and status review

hearings to represent all participants facing a probation violation hearing, graduated sanction and other participants, if requested.

- Explains to the participant what rights are waived by entering the program;
- The defense counsel may attend treatment team meetings and status review hearings for the portion relating to their client;
- Advocates on behalf of the participant during the treatment team meetings;
- Assists with decision-making regarding participation in the FNS Docket;
- Explains to the participant the possible sanctions that may be imposed for program non-compliance;
- Explains to the participant the circumstances that may lead to termination;
- Explains to the participant the effect that termination from the FNS Docket may have on the participant's case;

Probation Officers

- Assists with identifying potential participants and assists with decision-making regarding participation in the FNS Docket;
- Meets with participants regularly to discuss individualized program goals, child support obligations, and assists participant's progress through the FNS phases;
- Attends treatment team meetings and status review hearings;
- Conducts office, home, and field visits;
- Monitors compliance with court orders, community control rules and conditions, sanctions, and individualized case plans;
- Conducts or coordinates random alcohol and drug tests and reports the results to the treatment team;
- Provides the treatment team with written status reports and recommendations for each participant;
- Participates in discussions about incentives, sanctions, therapeutic adjustments, 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 plan, 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, therapeutic adjustments, phase advancement, successful completion, and termination;
- Monitors service provider agreements and contracts; and
- Coordinates FNS treatment team professional education.

Employment Success Services Coordinator

- Assists participants in addressing and removing barriers to obtaining/maintaining employment (i.e. securing transportation, securing housing, obtaining necessary documents, interviewing, clothing/uniforms, education/training, tools/equipment);
- Provides written status reports on a participant's progress and services applied for/received;
- Completes referrals for ancillary services.

Child Support Enforcement Agency (CSEA)

- Provides the treatment team with information in reference to child support obligations and payments;
- Coordinates with the probation officers and assists participants 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 written status reports from probation officers, treatment providers, and service providers to present to the treatment team;
- Participates in discussions about incentives, sanctions, therapeutic adjustments, 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

The FNS Docket closely monitors each participant's performance and progress through treatment team meetings, which are held immediately prior to the status review hearings. During the treatment team meetings, the treatment team members will discuss each client's progress and compliance and make recommendations to the Judge regarding incentives, sanctions, therapeutic adjustments, phase advancement, termination and successful completion. Participants have the right to request an attorney be present at any treatment team meeting and/or status review hearing.

Cases of the defendants that are being screened for potential admission into the FNS Docket will be presented at the start of each treatment team meeting for acceptance or denial. These cases, called "staffings" are presented on the FNS Docket the week prior to their scheduled disposition, Intervention in Lieu of Conviction, probation violation or judicial release hearing.

Treatment team meetings are held weekly on Wednesday at 1:30 P.M. in the Judge's courtroom.

CHAPTER 5: PARTICIPANT MONITORING

Summary of Services

Participants can expect to be in FNS for a minimum of twelve (12) months. However, this does NOT guarantee the participant will complete the entire program at the end of that twelve (12) 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 the FNS Docket. The FNS Docket maintains a current case plan and a record of activities for all 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 Docket takes into consideration services that are trauma informed, 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.

The services provided include baseline alcohol and drug testing, assessment, development of treatment plans, case management, individual, group and family treatment sessions, trauma informed 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, medication assisted treatment (MAT) and medication monitoring. All providers 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 the FNS Docket are monitored. These phases are guidelines that can be modified to meet a participant's specific needs. FNS incorporates four (4) 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 every two (2) weeks.

Phase III: The participant shall appear before the FNS Judge every four (4) weeks.

Phase IV: The participant shall appear before the FNS Judge every six (6) weeks.

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 – Orientation and Engagement

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) 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 participant will be expected to work on obtaining sobriety, attend all scheduled appointments, attend all court appearances, as well as work on building relationships with the treatment team to establish a foundation for progress.

Phase I requirements include, but are not limited to:

- Attending weekly status review hearings;
- Enrolling in, and participating in all recommended treatment and programming. This may include, but is not limited to, the following: substance abuse and/or mental health treatment; employment and/or educational assistance programming; case management services, and/or housing assistance;
- 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 all necessary documents (valid ID, birth certificate, social security card, etc.)
- Abiding by the individualized FNS case and treatment plans, the FNS Participation Agreement, and rules/conditions of community control;
- Committing no new criminal offenses; and
- Having a minimum of seven (7) consecutive days of sobriety immediately prior to moving to the next phase.

Phase II – Stabilization

Phase II is designed to assist the participant in achieving sobriety, structure and stability. This phase is expected to last approximately six (60) to ninety (90) days. During this phase, the participant shall attend scheduled status review hearings every two (2) weeks. 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 treatment 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 use and/or mental health treatment; employment and/or educational assistance programming; case management services; parenting programming and/or housing assistance. The focus of this phase shall be on achieving sobriety; stabilization of mental health symptoms; preparing for obtaining full-time, legitimate employment and payment of child support and other financial obligations.

Phase II requirements include, but are not limited to:

- Attending status review hearings at a minimum of every two (2) weeks;
- 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 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;
- Engaging with employment readiness services;
- Establishing a sober support network as recommended by treatment providers;
- Engaging in any ancillary services as needed to foster a pro-social lifestyle (parenting class, anger management class, theft class, etc.);
- Establishing a financial plan/budget;
- Abiding by the individualized FNS case and treatment plans, the FNS Participation Agreement, and rules/conditions of community control;
- Committing no new criminal offenses; and
- Having a minimum of thirty (30) consecutive days of sobriety immediately prior to moving to the next phase.

Phase III – Reintegration

Phase III is designed to assist the participant in maintaining the sobriety, structure and stability gained through the previous phases and preparing them for employment and meeting financial obligations. This phase is expected to last approximately twelve (12) to sixteen (16) weeks. During this phase, the participant shall attend scheduled status review hearings every four (4) weeks. 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.

Phase III requirements include, but are not limited to:

- Attending status review hearings at a minimum of every four (4) weeks;
- Continued attendance and participation in treatment and programming as recommended;
- Engaging in a sober support network;
- 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;
- Obtaining full-time, legitimate, verifiable employment;
- Maintaining financial plan/budget;
- Begin making payments towards child support as ordered;
- Abiding by the individualized FNS case and treatment plans, the FNS Participation Agreement, and rules/conditions of community control;
- Committing no new criminal offenses; and
- Having a minimum of forty-five (45) consecutive days of sobriety immediately prior to moving to the next phase.

Phase IV – Maintenance

Phase IV is designed to monitor the participant to ensure they are able to maintain the lifestyle achieved in prior phases and prepare them for graduation from the FNS Docket. This phase is expected to last approximately twenty-four (24) weeks.

Phase IV requirements include, but are not limited to:

- Attending status review hearings at a minimum of every six (6) weeks;
- Continued compliance with all treatment plans;
- Attending meetings with the probation officer as scheduled;
- Submitting to random alcohol and drug testing at a minimum of one (1) time per week;
- Maintaining steady, full-time, legitimate, verifiable employment;
- Making consistent payments towards child support and other financial obligations as ordered;

- Continued engagement in a sober support network;
- Abiding by the individualized FNS case and treatment plans, the FNS Participation Agreement and rules/conditions of community control; and
- Having a minimum of ninety (90) consecutive days of sobriety immediately prior to graduating.

Residential Treatment

Participants may be recommended for residential treatment at any time during the FNS Docket. In this event, the FNS Docket will work closely with the treatment agency to obtain written reports on the participant's progress and compliance for their scheduled appearance, should the participant be unable to appear for scheduled status review hearings. Once the participant has completed residential treatment and/or granted permission to leave the facility for court appearances, they are expected to appear before the Judge for scheduled status review hearings.

The residential treatment facilities used by FNS are Sojourner Recovery Services for Men, Sojourner Recovery Services for Women, Modern Psychiatry and Wellness' Genesis Program, Clean Slate Sober Living, and Talbert House Halfway House Programs (Serenity Hall, Turtle Creek, Pathways). 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 every two (2) weeks. In Phase III, the participant shall appear before the FNS Judge at a minimum of every four (4) weeks. In Phase IV, the participant shall appear before the FNS Judge at a minimum of every six (6) weeks. The weekly team meetings are dependent upon the availability of the FNS Judge. All treatment team members are expected to attend and participate in the status review hearings.

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 the FNS Docket 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 examples of desired prosocial behaviors appropriate for incentives:

- Attending required Court appearances;
- Obtaining 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, rules/conditions of 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 examples of incentives:

- Encouragement and praise from the Judge;
- 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/suspending supervision fees;
- Increasing or expanding privileges;
- Encouragement to increase participation in pro-social activities the participant finds pleasurable;
- Reducing/suspending 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 reduce undesired behaviors and replace them with desired prosocial behaviors. Sanctions are crafted in an individualized, creative, and progressive manner based on the undesired behavior. The severity of the sanction increases with more frequent or more serious infractions. Any participant facing imposition of a sanction will be represented by defense counsel at the treatment team meeting and the status review hearing. Sanctions are issued when there is noncompliance with either program protocol or the case plan. All therapeutic adjustments in services are based solely on the clinical need 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 upon entry 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.

The following are examples of undesired behaviors:

- 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 examples of sanctions:

- Warnings and admonishments from the Judge;
- 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;
- Electronic GPS Monitoring 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 the FNS Docket. In order to successfully complete FNS, the participant shall demonstrate the compliant behavior and accomplishments listed below:

The following are examples of compliant behavior:

- 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.

The following are examples of accomplishments:

- Has made consistent payments towards child support and/or other financial obligations;
- 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;
- 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 the FNS Docket. 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 the FNS Docket. The FNS Judge has final discretion in determining termination from the specialized docket. Before being unsuccessfully terminated from the program the following will occur:

1. There will be a Notice of Alleged Violations filed with the Court by the Probation Officer;
2. A probable cause hearing will be held before a Court Officer;
3. If probable cause is found you will then be scheduled in front of the FNS Judge for a formal Probation Violation hearing. The participant will be represented by defense counsel.

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;
- 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 lockdown 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 the FNS Docket 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 screen tests 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.

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 results of substance monitoring tests will be provided to the appropriate treatment team members. The Judge shall be immediately notified if/when the participant tests positive, 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 the behavior can be promptly addressed and swift sanctions can be immediately issued.

At the time of a positive drug test (which may include a test upon entry 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.

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 PIN number. 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 I and Phase II and a minimum of one (1) time per week while in Phase III and Phase IV. In addition to the minimum required number of tests, the participant may randomly be selected for scans/tests more frequently than the minimum.

Participant responsibilities include the following:

- Call the PassPoint ocular scan system voicemail daily between 6:00 A.M. and 9:00 A.M.;
- If the participant is notified they has been selected to submit a sample, the participant is to report to the Butler County Department of Court Services located at 824 South Martin Luther King Jr. Blvd., Hamilton, Ohio during their assigned time slot on that same day 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 or upon request of the probation officer;
- Provide information regarding prescription medications to the assigned probation officer.

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 organized through The Supreme Court of Ohio's Specialized Dockets Section. In addition to the Specialized Dockets Practitioner Network Annual Conference, the Specialty Courts Director/Coordinator will offer several in-service training opportunities throughout the year to the members of the FNS Treatment Team.

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 annually. 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. 36.20-36.32, 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 defendants referred for entry; the number of participants qualifying for entry into the FNS Docket; 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.