

**IN THE COURT OF COMMON PLEAS  
BUTLER COUNTY, OHIO**

STATE OF OHIO,	*	CASE NO.
Plaintiff,	*	
vs.	*	FELONY NON SUPPORT (FNS) DOCKET PARTICIPATION AGREEMENT AND WAIVER OF RIGHTS
Defendant.	*	

The undersigned Defendant (hereinafter referred to as “Defendant,” “Offender,” or “Participant”) requests that he/she be sentenced to the Butler County Court of Common Pleas Felony Non Support (FNS) Docket as part of a community control sanction, which could be imposed herein. The execution of this agreement does not obligate the Court to sentence the Defendant to community control. Defendant acknowledges that he/she consulted with his/her attorney regarding the legal ramifications of entering into FNS and reviewed both the *Participant Handbook* and this document with his/her attorney.

An Offender may be sentenced into FNS through one (1) or more of the following three (3) methods:

- Plea and sentencing;
- Probation Violation; or
- Judicial Release.

Pursuant to Local Rule 10.03, once Defendant has been ordered to complete FNS, his/her case shall be transferred to the FNS Judge. Any, and all further Court proceedings with respect to that, shall be heard by the FNS Judge. Once entered into FNS, Defendant shall become a Participant.

Participant understands that by entering into FNS, he/she is waiving certain constitutionally-guaranteed rights which he/she might otherwise be entitled. Those rights include, but are not limited to:

- Waiver of the right to due process in regard to the imposition of sanctions;
- Waiver of the right to consult with and be represented by an attorney at status review hearings. However, Participant does maintain the right to request the attendance of defense counsel during the portion of the treatment team meeting concerning Participant;
- Waiver of any objection to the Judge receiving communication regarding Participant’s child support payments, treatment, progress, and/or rule violations without Participant, or his/her attorney being present;

- Waiver of the right to contest the results of drug and alcohol testing at status review hearings;
- Waiver of the right to remain silent and to not incriminate himself/herself at status review hearings;
- Waiver of the right to freely associate with other persons, including Participant's spouse or significant other, who, in the sole discretion of the Court, may interfere with or impede the progress of Participant; and
- Waiver of the right to be searched without probable cause and/or a warrant in regard to FNS staff being able to conduct searches of Participant's person, residence, and/or property (including Participant's cell phone).

**Terms and conditions of FNS:**

1. Participant can expect to be in FNS for a minimum of six (6) months. However, this does NOT guarantee he/she will complete the entire Program at the end of that six (6) month period. Participant shall receive a case plan based on his/her individual needs. All provided services shall incorporate evidence-based strategies. Participant 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 each Participant. Case plans continue to develop throughout FNS to reflect changing needs based on Program progress and child support payments. Appropriately licensed and trained individuals will 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.

- a. **Phases**

Phases are the steps in which Participant's performance and progress through FNS are monitored. These phases are used as guidelines that can be modified to meet specific needs. FNS incorporates two (2) phases. Participant is 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.

At a minimum, Participant shall appear before the FNS Judge at least twice within every thirty (30) day period in the initial phase. In the subsequent phase, Participant shall appear at least twice within every forty-five (45) day period before the Judge. Phase advancement is based on performance, child support obligation compliance, on a case-by-case basis, compliance with the FNS rules, and as recommended by the treatment team. 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 obligations, treatment protocols, Program rules, and overall observed progress. General criteria for phase advancement may include compliance with, and

progress in, substance abuse and/or mental health assessment/treatment; sobriety; compliance with Court orders; payment of Court fees; payment of child support; and team recommendation.

### **Phase I (Initial Phase)**

Phase I is the initial phase of the FNS Docket. It is designed to assist Participant in connecting with the Program itself. During this phase, Participant shall have the most contact with the Court by attending scheduled status review hearings at least twice within every thirty (30) day period. In addition to the required status review hearings, the FNS team shall review Participant's case plan to determine if additional services are needed. Such services may include, but are not limited to, substance abuse and/or mental health assessments/treatment through Community Behavioral Health, Inc.; an assessment by the employment liaison to determine employment history/skills/deficiencies; the Responsible Fatherhood Program; the [Work]shop located at WorkForce One; and employment, education, and/or housing assistance. The main focus of this phase shall be on employment, daily structure, child support obligations, and building relationships with staff to establish a foundation for progress.

Participant requirements for Phase I compliance include:

- Obtaining full-time employment;
- Paying at least the current order of his/her child support obligation for three (3) consecutive months;
- Attending substance abuse and/or mental health assessments/treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings at a minimum of twice within every thirty (30) day period;
- Attending meetings with the employment liaison and/or probation officer;
- Attending employment and/or educational assistance programming through the Butler County Adult Probation Department;
- Submitting to alcohol and/or drug testing at a frequency determined by the treatment team;
- Attending the Responsible Fatherhood Program;
- Completing the [Work]shop located at WorkForce One;
- Working towards a GED or high school diploma;
- Cooperating with random home visits;
- Taking prescription medications as directed;
- Abiding by the rules of FNS, the FNS *Participation Agreement*, community control, and the laws; and
- Committing no new criminal offenses.

## **Phase II**

Phase II is the final phase of the FNS Docket. It is designed to assist Participant in maintaining structure and stability, and to prepare him/her to meet his/her parental obligations upon completion of the Program. During this phase, Participant shall attend scheduled status review hearings at least twice within every forty-five (45) day period. In addition to the required status review hearings, the FNS team shall continue to monitor the case plan to determine if additional services are needed. Such services may include, but are not limited to, substance abuse and/or mental health assessments/treatment through Community Behavioral Health, Inc.; an assessment by the employment liaison to determine employment history/skills/deficiencies; the Responsible Fatherhood Program; the [Work]shop located at WorkForce One; and employment, education, and/or housing assistance. The main focus of this phase shall be on employment, daily structure, and continued payment of child support obligations.

Participant requirements for Phase II compliance include:

- Maintaining full-time employment;
- Paying at least the current order of his/her child support obligation for another three (3) consecutive months, which equates to at least six (6) total consecutive months;
- Attending substance abuse and/or mental health assessments/treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings at a minimum of twice within every forty-five (45) day period;
- Attending meetings with the employment liaison and/or probation officer;
- Attending employment and/or educational assistance programming through the Butler County Adult Probation Department;
- Submitting to alcohol and/or drug testing at a frequency determined by the treatment team;
- Completing the Responsible Fatherhood Program;
- Completing the [Work]shop located at WorkForce One;
- Obtaining a GED or high school diploma;
- Cooperating with random home visits;
- Taking prescription medications as directed;
- Abiding by the rules of FNS, the FNS *Participation Agreement*, community control, and the laws;
- Committing no new criminal offenses; and
- Graduating from the FNS Docket.

### b. **Responsible Fatherhood Program**

The Responsible Fatherhood Program is an evidence-based curriculum facilitated by Community Behavioral Health, Inc. that utilizes the Manpower Demonstration Research Corporation's "Responsible Fatherhood Program." It is a combination

of lectures, handouts, and group process designed to help men recognize and face the responsibilities of parenthood. Ideally, fathers will become better and more accountable parents.

The goal of the Responsible Fatherhood Program is to challenge Participant who has previously failed to meet responsibilities, to learn what it means to be an effective parent, and to be a positive role-model to his children. By helping Participant recognize his shortfalls and addressing them, he is then able to identify his strengths and build on them. It is then expected that he will be able to better appreciate and meet both the needs of the children and his family in general.

The program format and schedule are as follows:

- Schedule: Tuesday 7:00 PM – 9:00 PM;
- Length: Two (2) hours per session/once per week;
- Duration: Twelve (12) weeks following a full assessment; and
- Format: Eight (8) to Fifteen (15) men in a group. The group is open, thus allowing Participant to start the program at any session and attend up to twenty (20) sessions.

c. **The [Work]shop located at WorkForce One**

The [Work]shop located at WorkForce One is a five (5) day program designed to meet the needs of individuals looking to update or obtain skills, gain knowledge, and to address attitudes in order to make a successful transition into today's workforce. The topics are covered by numerous presenters and agencies, in addition to the facilitator.

Participant is treated like a professional attending a workshop. A folder is provided along with copies of materials with useful information for future reference. Upon completion, Participant shall receive a Certificate of Completion. Participant feedback is then used to make changes to the [Work]shop in order to meet future Participant needs.

For some Participants, the [Work]shop serves as a refresher course, but for others, the [Work]shop presents topics that are either new or have not been addressed in depth due to Participant's educational or cultural background.

By the end of the week, Participant shall have:

- Created a current résumé that has not only been printed out, but also stored on a digital file;
- Looked at job search websites;
- Been given the opportunity to obtain an email address;
- Completed an application with suggestions for improvements;

- Examined ideas and received resources for overcoming barriers to employment;
- Developed answers to difficult interview questions;
- Participated in a mock interview with feedback; and
- Been given information regarding available resources in Butler County, such as WorkForce One, Medicaid, Butler Tech, and Angel Food Ministries.

Topics covered in the [Work]shop include, but are not limited to, the following:

- Resources for Ex-Felons, Dress for Success, Communication, Hidden Rules of the Workplace, Stages of Grief, Budgets/Money Matters, and Stretching the Food Dollar.

d. **Residential Treatment**

Participant may 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, Participant 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). Participant shall be given jail time credit for time served while in River City, Monday, or CCC.

2. **Compliance Testing**

- a. Participant shall submit to random, frequent, and observed urine screens if requested by a member of the FNS team. If Participant fails to submit a urine specimen, tampers with the urine specimen, submits the sample of another, dilutes his/her specimen, or fails to produce a sufficient quantity of urine needed for analysis, then he/she shall be immediately sanctioned as if the urine screen produced a positive result. Should Participant deny any use when confronted regarding a positive urine screen, the specimen shall be sent to a certified outside laboratory for testing by GC/MS. Participant may be subject to a probation violation hearing if his/her GC/MS results are positive. Participant shall also submit to testing of his/her breath or blood as required by any member of the FNS team.
- b. Participant shall submit to voice stress and/or polygraph testing concerning his/her compliance with the rules of FNS and his/her sobriety. Failure to successfully pass such tests could result in a sanction.

- c. Participant may be ordered to wear an Electronically Monitored House Arrest (EMHA) bracelet. Participant's costs shall be a fifty dollar (\$50.00) installation fee and up to ten dollars (\$10.00) per day. If ordered, Participant shall have a land line phone installed at his/her residence and at his/her cost.
  - d. Participant may be ordered to wear a Secure Continuous Remote Alcohol Monitoring (SCRAM) bracelet. Participant's costs shall be a fifty dollar (\$50.00) installation fee and up to ten dollars (\$10.00) per day. If ordered, Participant shall have a land line phone installed at his/her residence and at his/her cost.
  - e. Participant shall provide information regarding prescription medications to his/her assigned probation officer.
3. Participant shall pay his/her Court-ordered child support obligations.
4. Participant agrees to voluntarily report to the FNS team any violations of the Program rules, including Participant's use of illegal drugs and/or alcohol.
5. Participant shall pay a probation supervision fee of thirty-five dollars (\$35.00) per month for the duration of the term of community control. None of the thirty-five dollar (\$35.00) probation supervision fee shall be used as part of the treatment costs.
6. Participant shall obtain and maintain full-time employment unless otherwise waived by the Court.
7. Participant shall comply with any additional community control requirements the Court may impose.
8. FNS incorporates ongoing judicial interaction with each Participant. Therefore, Participant shall attend all scheduled Court appearances, including regular status review hearings.
9. Participant shall obtain and carry with him/her at all times a pocket calendar. Participant shall write the dates for all scheduled treatment sessions, status review hearings, probation/employment liaison appointments, drug screens, and work/school/GED class schedules in said pocket calendar. Participant shall make said pocket calendar available for inspection by any member of the FNS team at any time.
10. Participant shall abstain from the use or possession of any illegal drugs, alcohol, or synthetic cannabinoids (including, but not limited to, Spice or K2) while in the Program.
11. Participant shall inform the FNS team of any and all prescriptions obtained by Participant the next business day after receipt of said prescription. He/she shall obtain permission from the FNS team before getting the prescription filled. Participant shall inform the FNS team of any and all over-the-counter medications that he/she may be using. It is Participant's responsibility to confer with a pharmacist or medical professional to see that

any medication, whether prescribed or over-the-counter, is not mood altering or addictive and that it does not contain alcohol. Use of any such medication, irrespective of whether it is prescribed or obtained over-the-counter, could result in the Participant's unsuccessful termination from FNS.

12. Participant 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.
13. Participant shall inform the FNS team of any changes in employment within twenty-four (24) hours of the occurrence of the change. A change in address must be approved by the assigned probation officer prior to the change.
14. Participant shall not associate with anyone known to be actively involved in the sale or use of illegal drugs. Participant shall not become romantically or sexually involved with another FNS Participant.
15. Participant 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.

For status review hearings, Participant shall be dressed in clean, neatly groomed clothing. Any noncompliance with the dress code may result in Participant being asked to leave and face a possible sanction.

16. At the time of a positive drug test (which may include a test taken at admission to the Program), the FNS 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.
17. Participant shall be subject to sanctions which may be imposed by the Court in furtherance of treatment. Sanctions shall be imposed by the Court as a result of noncompliance or a rule violation by Participant. Participant is aware the Court shall be alerted to all such infractions. Participant noncompliance shall be governed by immediate and graduated sanctions that range in severity depending on the seriousness of Participant's noncompliance or rule violation.



The following are common types of infractions:

- Failure to attend Court appearances;
- Failure to attend appointments with the employment liaison;
- Failure to take prescription medications as directed;
- Failure to attend substance abuse and/or mental health assessments/treatment sessions;
- Failure to attend the Responsible Fatherhood Program;
- Failure to complete the [Work]shop located at WorkForce One;
- Failure to obtain 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;
- Failure to attend employment and/or educational programming through the Butler County Adult Probation Department;
- Noncompliance with other requirements of the case plan;
- Failure to have his/her 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 FNS team;
- Failure to maintain confidentiality outside of treatment groups;
- Failure to improve troublesome behavior;
- Failure to complete community service hours;
- Failure to meet employment or vocational goals as determined by the case plan; and
- Failure to keep other appointments as scheduled, such as those for public benefit aid, health care benefits, housing assistance, etc.

Sanctions may include, but are not limited to:

- 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.

18. Failure by Participant to attend a scheduled status review hearing, treatment, urine screen, or probation/employment liaison appointment may result in the issuance of a warrant for his/her arrest.
19. Participant agrees to maintain confidentiality in reference to information shared during status review hearings and/or treatment sessions regarding other FNS Participants.
20. Participant agrees to abide by the rules of community control and be supervised by the Butler County Adult Probation Department.
21. In order to successfully graduate from FNS, Participant shall demonstrate compliant behavior with the rules of FNS and the FNS *Participation Agreement*; pay at least the current child support obligation for a minimum of six (6) consecutive months; successfully complete all treatment and programming; abstain from alcohol and/or drugs for at least ninety (90) days prior to graduation (as evidenced by negative urine screens); and subsequently pay his/her other Court-ordered financial obligations, including Court costs, supervision fees, and restitution (if applicable).
22. Participant understands that noncompliant behavior with the rules of the FNS *Participation Agreement* may result in a probation violation hearing. At said hearing, Participant may have the conditions of his/her community control modified. Modifications may include, but are not limited to, commitment to a Community Based Correctional Facility (CBCF), termination from FNS, and/or revocation of Participant's community control.

Participant acknowledges that he/she has read and understands this agreement, freely and voluntarily relinquishes the rights discussed herein, and agrees to abide by all the rules and conditions of FNS.

\_\_\_\_\_  
Signature of Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Participant's Attorney

\_\_\_\_\_  
Date