



TREATMENT COURT PROGRAM
DELAWARE COUNTY DELAWARE
COUNTY
COURTHOUSE
MEDIA, PENNSYLVANIA 19063

**MUST ATTACH A
COPY OF CRIMINAL
COMPLAINT WITH
APPLICATION**

*** Application **MUST** be
submitted by E-MAIL (p.6)

Delaware County's Drug Treatment Court is a voluntary and intensive drug treatment program, separated into five (5) phases of supervision, that allows non-violent offenders to address substance use disorder and co-occurring disorders while under the strict supervision of the Office of Adult Probation and Parole Services and the Treatment Court Judge.

Drug Treatment Court is a thirty (30) month intermediate punishment program for non-violent level one (1) through four (4) offenders (*determined by the Pennsylvania Sentencing Guidelines, 204 Pa. Code § 303, et al.*) with an alcohol and/or drug addiction that has resulted in arrest any may include a violation of county probation and/or parole. Level 1 & 2 offenders are eligible for a Track I disposition. Level 3 & 4 offenders are eligible for a Track II disposition. Additionally, 2nd offense* DUI offenders and minimum threshold felony drug* offenders may be eligible for a Track II disposition.

Participants (in both tracks) will be offered treatment, housing, vocational training, and relapse prevention modalities instead of jail. Participants are expected attend treatment for the entirety of the program. The participant will be expected to obtain employment and/or pursue an educational/vocational studies while in the program.

PROCESS: Applicants must submit an application for the Drug Treatment Court Program. Applications must include an attached copy of the criminal complaint and shall be emailed to the District Attorney's Office and the Treatment Court Coordinator (email addresses located within application). Contingent offers for admission into the program will be made by the District Attorney's Office. Applicants will be scheduled for an evaluation to determine eligibility. Accepted eligible applicants will be scheduled for an admission hearing within two (2) weeks in the Delaware County Court of Common Pleas before the Treatment Court Judge.

TRACK I (Level 1/ Level 2 offenders) POST-PLEA & PREADUJICATION: Applicants will tender a *nolo contendere* plea to certain counts of the Criminal Information as determined by the Delaware County Office of the District Attorney. The *nolo contendere* plea held in abeyance pending the participant's enrollment and successful completion of the Program. Successful completion of the Program shall result in the dismissal of the charges and the case will be *nolle prossed*. Failure to successfully complete the program and the all the requirements for any reason shall result in the acceptance of the tendered plea and sentencing.

TRACK II (Level 3/ 4 Offenders) PROBATION WITH RESTRICTIVE CONDITIONS: Applicants will enter a negotiated guilty plea to the Criminal Information as determined by the Delaware County Office of the District Attorney and the offender will be sentenced to a period of thirty (30) months of probation with restrictive conditions, rather than a lengthy jail sentence as anticipated by the PA Sentencing Guidelines. Failure to successfully complete the program and all of the requirements for any reason shall result in a termination/ Gagnon II hearing before the Treatment Court Judge.

INCENTIVE: All participants are eligible for early graduation from Treatment Court (Tracks I & II) in twenty-four (24) months if all requirements are met and the participant has been drug/alcohol free for the six (6) months leading up to the twenty-fourth (24th) month of program participation.

ELIGIBILITY CRITERIA: Eligibility is considered on a case by case basis. To be **eligible** to participate, the defendant **must meet the following criteria:**

- **Must be a Delaware County Resident at the time of the offense.**
- **Must have pending new criminal charges and/or violation of probation.**
- **Needs treatment for addiction and is motivated for recovery.**
- **Willingness to undergo strict court supervision for the entire program.**
- Must undergo a Biopsychosocial evaluation to assess final eligibility.
- No prior participation in the Drug Treatment Court Program.
- No prior/ history of violent behavior or weapons convictions.
- Object offense may not involve the possession and/or use of a firearm or any weapon.

DISQUALIFICATION CRITERIA: The following is a list that will **disqualify** an applicant from being eligible for the program. *(Note: List below and appended to application is not exhaustive and should be used only as a guide.)*

- Defendant is seriously and persistently mentally ill which renders him/her unable to participate in the structure of the Treatment Court Program.
- Defendant is charged with PWID/Manufacture/Delivery of a Controlled Substance exceeding minimum threshold pursuant to the Pennsylvania Sentencing Guidelines or a 2nd offense.
- Defendant is charged with a 3rd or subsequent DUI offense or any DUI with injury.
- Defendant has been previously admitted in the Treatment Court Program.
- Defendant has a **prior conviction or pending charge for ANY of the following:**
 - Crime of Violence
 - Any case involving possession of a firearm or weapon (misdemeanor or felony)
 - Sexually based offenses and crimes against children
 - PWID/Manufacture/Delivery of a Controlled Substance

HOW TO APPLY:

1. Download application and review all program requirements and eligibility criteria with defense counsel.
2. Complete the application (attached pages 4, 5 & 6) and submit via email to the District Attorney's Office and the Program Coordinator.
3. Application will be reviewed by the District Attorney's Office and defense counsel will receive a response from the District Attorney's Office advising if the applications has been accepted and if the defendant meets eligibility criteria.
4. Accepted applicants will then receive notice to appear for a biopsychosocial evaluation to determine final eligibility.
5. Eligible applicants will receive a notice to appear at an admission/plea hearing before the Treatment Court Program judge only after completing the biopsychosocial evaluation.

Treatment Court Phases of Supervision – Track I & II

Phase I: 90 Days

- Intensive Community Supervision
 - Random and Frequent Drug Testing/Substance Free
 - Attend Weekly Treatment Court Review Sessions
 - Complete Intake Assessment & Comply with Treatment Plan/Medication Compliance.
 - Active Participation in Community Based Support Group, i.e. AA/NA, or approved 12 step prgrm
 - Confirmed Sponsor & Home Group
- *If sanction is given go back 30 days (applies to each phase throughout program)

Phase II: 180 Days

- Intensive Community Supervision
- Random and Frequent Drug Testing/Substance Free
- Attend Treatment Court Review Sessions Every 2-4 Weeks
- Comply with Treatment Plan/Relapse Prevention Plan/Medication Compliance
- Active Participation in Community Based Support Group, i.e. AA/NA, or approved 12 step prgrm
- Participating in Treatment /Confirmed Sponsor & Home Group
- Integration of Skills Assessment
- Seek Employment/ Education (or other approved use of time, i.e. volunteer work)

Phase III: 230 Days

- Report to Probation Officer as Directed
- Random and Frequent Drug Testing/Substance Free
- Attend Treatment Court Review Sessions Every 3-6 weeks
- Comply with Treatment Plan/Relapse Prevention Plan/Medication Compliance
- Actively Participate in Community Based Support Group, i.e. AA/NA, or approved 12 step prgrm
- Active with Sponsor/Taking on Commitment(s) in Support Group
- Integration Assessment
- Maintain Employment/ Education (or other approved use of time, i.e. volunteer work).
- Paying Monthly Towards Restitution, Court Costs and Fees

Phase IV: 230 Days

- Continued Probation Supervision
 - Random and Frequent Drug Testing/Substance Free
 - Treatment Court Review Sessions Every 6-8 Weeks
 - Comply with Treatment Plan/Relapse Prevention Plan/Medication Compliance
 - Integration of Skills Assessment
 - Active Participation in Community Based Support Group, i.e. AA/NA, or approved 12 step prgrm
 - Active with Sponsor/Taking on Commitment(s) in Support Group
 - Maintain Employment/ Education (or other approved use of time, i.e. volunteer work).
 - Paying Monthly Towards Restitution, Court Costs and Fees
- *To be eligible for graduation the client must have 6 months clean time, prior to graduation.

Phase V: 180 Days

- Continued Probation Supervision
- Random and Frequent Drug Testing/Substance Free
- Treatment Court Review Sessions Every 8-10 Weeks
- Comply with Treatment Plan/Relapse Prevention Plan/Medication Compliance
- Integration of Skills Assessment
- Actively Participate in Community Based Support Group, i.e. AA/NA, or approved 12 step prgrm
- Active with Sponsor/Taking on Commitment(s) in Support Group
- Maintain Employment/ Education (or other approved use of time, i.e. volunteer work).
- Paying Monthly Towards Restitution, Court Costs and Fees
- Graduation Plan and Present to Peer Panel

DELAWARE COUNTY TREATMENT COURT APPLICATION

Defendant's Name: _____ Date of Application: _____

Complete Docket Number: _____ OTN: _____

Defendant's Attorney: _____

Defendant's Attorney's E-mail Address: _____

Attorney's Telephone Number: _____

BACKGROUND INFORMATION

Defendant's Name: _____

Maiden Name: _____ Sex (M/F): _____ Age: _____

Date of Birth: _____ Place of Birth: _____

Address: _____ City/State: _____

Phone Number: (Home) _____ (Cell) _____

Others who reside in home: _____

Current Occupation/ Employer/ Name of School: _____

Work/School Address: _____ City/ State: _____

Highest level of School Completed? _____ Name of School? _____

Are you a United States Citizen? _____ If not, please explain: _____

What is the name of your Health Insurance Provider: _____

Insurance Policy No: _____

Name of Primary Care Physician: _____

Current Prescribed Medications: _____

What is your drug of choice? 1st _____ How much to you use? _____

2nd: _____ How much to you use? _____ 3rd: _____

Have you had prior substance abuse treatment? _____ (Y/N)

If yes, name of treatment facility (Rehab) and dates of treatment:

Have you ever pleaded guilty, or been convicted, or adjudicated as a juvenile, of any crime, including any crime involving violence? _____ (Y/N)

As used in this section, the term “crime of violence” includes but is not limited to murder or homicide, aggravated assault, simple assault, rape, involuntary deviate sexual intercourse, arson, kidnapping, burglary of a structure adapted for overnight accommodation in which at the time of the offense any person is present, robbery, robbery of a motor vehicle, any weapons-related offense, aggravated indecent assault, indecent assault and sexual assault or criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed above, or an equivalent crime under the laws of this Commonwealth in effect the time of the commission of that offense or an equivalent crime in another jurisdiction.

If yes, detail date and location of crime, charges, and how were those charges were resolved?

Have you ever been placed on §117 Probation without Verdict (35 P.S. §780-117) or §118 Disposition in Lieu of Trial or Criminal Punishment (35 P.S. §780-118)? _____ (Y/N) If yes, when and where did it occur? _____ Have you ever received a similar disposition to any criminal charge in any other jurisdiction? _____

Are you presently on probation or parole? _____ (Y/N) If yes, where? _____

Do you have ANY OTHER pending criminal charges in Delaware County or other jurisdiction? _____ (Y/N)

If yes, where? _____

Do you understand that this program prohibits the use and/or possession of alcohol, controlled substances (including prescribed controlled substances), certain prescribed medications/ substances as well as synthetic controlled substances (i.e. “Spice”) and any other unlawful substances? (Yes or No) _____

Are you willing to terminate use of all illegal substances and all lawfully prescribed controlled substances and over-the-counter medications that affect the integrity and accuracy of drug screening and program participation as determined by the treatment court team? (Yes/No) _____

APPLICANT’S VERIFICATION

I hereby swear or affirm that I have read the foregoing application and that each and every answer to the above questions is true and accurate. I also understand that if any of the information provided above is false or misleading then: (i) my application for admission to the Delaware County Treatment Court Program (hereinafter “Program”) will be denied; (ii) I will be removed from the Program and sentenced as provided by law; and/or (iii) I may be charged and prosecuted for additional crimes including but not limited to perjury, false swearing and/or unsworn falsification to authorities.

I also swear or affirm that I have read and understand the description of the Treatment Court Program Requirements and List of Ineligible Offenses attached to this application. I have also had an opportunity to review this material and my application decision with my attorney.

I knowingly, voluntarily and intelligently waive my right to a preliminary hearing; I understand that to apply for the Program I must waive my right to a preliminary hearing; such waiver, however, is not contingent upon my acceptance into the Program.

I understand that if this application is rejected for any reason, then I will be formally arraigned on all pending charges in the Court of Common Pleas of Delaware County as scheduled. I understand that

while this application is pending, all such time is waived by me for purposes of my speedy trial rights under Rule 600.

I understand that if this application is accepted, then I can either (i) agree to be admitted into the program, or (ii) decline admission and proceed directly to formal arraignment.

I understand that if I fail to complete the Treatment Court Program for any reason, then (i) I will be removed from the program; and (ii) I will be sentenced in accordance with applicable laws.

Signature of Applicant: _____ Date: _____

ATTORNEY'S VERIFICATION

As attorney for the defendant-applicant or counsel advising the defendant on the application process, I have advised the defendant of his/her rights with respect to the charges against him/her. I have also advised the defendant of the content and meaning of the application, Treatment Court Program and waiver of rights.

I verify that it is my belief that the defendant understands the rights, which he/she is, waiving; understands the contents and meaning of this application; and understands the requirements of the Treatment Court Program.

Signature of Attorney: _____ Date: _____

SUBMITTING THE APPLICATION:

1. Application (pages 4, 5 & 6 only) shall be completed by the applicant and defense counsel.
2. Application must include an attached **copy of the criminal complaint** of the pending criminal case for which the defendant is seeking admission into the Treatment Court Program.
3. Application submitted without the criminal complaint and supporting affidavit of probable cause attached **will not** be considered.
4. Application **SHALL** be **submitted by e-mail** to the attention of each person listed below:
 - Salena Jones, Deputy District Attorney, Delaware County District Attorney's Office
joness@co.delaware.pa.us
 - Linda Barbera, Program Coordinator, Delaware County Probation and Parole Services
barberal@co.delaware.pa.us
5. Application will be reviewed by the District Attorney's Office to determine eligibility. Defense counsel will receive a response from the District Attorney's Office advising if the applications has been accepted and if the defendant meets eligibility criteria.
6. If the application is accepted, then the candidate will be immediately scheduled for a biopsychosocial evaluation for the program through the Office of Adult Probation & Parole Services.
7. Eligible candidates with approved evaluations will be scheduled for a plea/admission hearing before the Common Pleas Treatment Court Judge.

_____ **End of Application** _____

FOR YOUR REFERENCE – DO NOT SUBMIT WITH APPLICATION

LIST OF OFFENSES THAT WILL RENDER APPLICANT INELIGIBLE (ADJUDICATION OR OPEN):

A person is not eligible for Treatment Court if he/she has any of the offenses listed below, EITHER as an open charge or prior juvenile adjudication. Also, the client is ineligible for the listed offense OR for a charge of Attempt, Solicitation and/or Conspiracy to Commit the listed offense. (18 Pa.C.S. §§ 901, 902 or 903).

CRIMES OF VIOLENCE

Murder, 18 Pa. C. S. 2502; Voluntary Manslaughter, 18 Pa. C. S. 2503; Involuntary Manslaughter, 18 Pa. C. S. 2504; Aggravated Assault, 18 Pa.C.S. 2702; Assault by Prisoner, 18 Pa.C. S. 2704; Assault by Life Prisoner, 18 Pa. C.S. 2704; Kidnapping, 18 Pa.C.S. 2901; Arson, 18 Pa.C.S. 3301; Intimidation of Witnesses or Victims, 18 Pa. C.S. 4952; Retaliation Against Witnesses or Victims, 18 Pa. C.S. 4953; Causing or Aiding Suicide, 18 Pa. C.S. 2505; Drug Delivery Resulting in Death, 18 Pa. C.S. 2506; Robbery, 18 Pa.C.S. 3701; Simple Assault, 18 Pa.C.S. 2701.*

SEXUAL OFFENSES

Rape, 18 Pa.C.S. 3121; Statutory Sexual Assault, 18 Pa.C.S. 3121.1; Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. 3123; Sexual Assault, 18 Pa.C.S. 3124.1; Aggravated Indecent Assault, 18 Pa.C.S. 3125; Indecent Assault, 18 Pa.C.S. 3126; Incest, 18 Pa.C.S. 4302; Sexual Abuse of Children, 18 Pa. C.S. 6312; Indecent Exposure, 18 Pa.C.S. 3127.

THEFT OFFENSES

Any Vehicular Theft/RSP; Any Theft where value is equal or greater than \$25,000; Deceptive Business Practices, 18 Pa.C.S. 4107 (*where theft value is equal or greater than \$25,000, or victim is sixty (60) years of age or older*); Theft by Extortion, 18 Pa.C.S. 3923; Burglary, 18 Pa.C.S. 3502* *Limited Exception: burglary of a non-residence and no one else is present.*

WEAPON OFFENSES & EXPLOSIVES

Persons not to Possess, Use, Manufacture, Control, Sell, or Transfer Firearms, 18 Pa.C.S. 6105; Firearms not to be Carried without a License, 18 Pa.C.S. 6106; Sale or Transfer of Firearms, 18 Pa.C.S. 6111; Weapons or Implements for Escape, 18 Pa.C.S. 5122; Threat to Use Weapons of Mass Destruction, 18 Pa. C.S. 2715; Weapons of Mass Destruction, 18 Pa.C.S. 2716; Carrying Explosives on Conveyances, 18 Pa.C.S. 6161; Shipping Explosives, 18 Pa.C.S. 6162.

OFFENSES INVOLVING CHILDREN

Interference with Custody of Children, 18 Pa.C.S. 2904; Concealment of Whereabouts of a Child, 18 Pa.C.S. 2909; Endangering Welfare of Children, 18 Pa.C.S. 4304 (*course of conduct endangering child's welfare*); Dealing in Infant Children, 18 Pa.C.S. 4305; Corruption of Minors, 18 Pa.C.S. 6301 (*sexual nature*).

OTHER OFFENSES

Escape, 18 Pa.C.S. 5121; Stalking, 18 Pa.C.S. 2709 (b); Causing or Risking Catastrophe, 18 Pa.C.S. 3302; Perjury, 18 Pa.C.S. 4902; Impersonating a Public Servant, 18 Pa.C.S. 4912; Contraband, 18 Pa.C.S. 5123; Prostitution, 18 Pa.C.S. 5902; Possession with the Intent to Deliver, Manufacture or Deliver of a Controlled Substance, 35 780-113(a)(30) (*that exceeds the minimum threshold provided for within the Pennsylvania Sentencing Guidelines, 204 Pa.Code §303, et.al.*)(*or any second offense under statute*).*

Pennsylvania Motor Vehicle Code

Driving Under the Influence, 75 Pa. C. S. 3802* (*third or subsequent offenses or any offense involving injuries*); Fleeing or Attempting to Elude Police Officer, 75 Pa.C.S. 3733 (*when graded as a felony of the 3rd degree*); Homicide by Vehicle, 75 Pa. C.S. 3732; Homicide by Vehicle While Driving Under the Influence, 75 Pa. C.S. 3735; Aggravated Assault by Vehicle While Driving Under the Influence, 75 Pa. C.S. 3735.1; Accidents Involving Death or Personal Injury, 75 Pa.C.S. 3742 (*Resulting in serious bodily injury or death*); Accidents Involving Death or Personal Injury While Not Properly Licensed, 75 Pa. C.S. 3742.1 (*Resulting in serious bodily injury or death*); Removal or Falsification of Identification Number, 75 Pa. C.S. 7102; Dealing in Vehicles with Removed or Falsified Numbers, 75 Pa. C.S. 7103; Dealing in Titles and Plates for Stolen Vehicles, 75 Pa. C.S. 7111; False Application for Certificate of Title or Registration, 75 Pa. C. S. 7121; Altered, Forged or Counterfeit Documents and Plates, 75 Pa. C.S. 7122

COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA : CP-23-CR- _____20_____

V. :

_____ :

TREATMENT COURT WRITTEN PLEA COLLOQUY

INSTRUCTIONS

TO DEFENDANT:

Read this statement carefully and review completely with your lawyer. It is IMPORTANT that you understand, agree with, and answer truthfully everything contained in this document. If you do not agree to all the terms and conditions set forth in this colloquy, then you will not be admitted to the Treatment Court Program. If you understand and agree with what is said in a paragraph of this document, place your initials on the line provided. If you do not understand and agree with what is said in a paragraph, DO NOT PLACE YOUR INITIALS on the line provided, first tell your attorney then the judge what you do not agree with or understand.

By placing my initials at the places provided, I am stating that I have read, understood and followed these instructions.

TO DEFENDANT'S LAWYER:

You must explain the content and meaning of this written colloquy to the defendant. If, after your explanation, the defendant does not understand or agree with something, he/she should not initial that paragraph and you must inform the judge of this fact.

Defendant's Signature

Defense Attorney's Signature

_____ 1. I understand that participation in the Treatment Court Program is completely voluntary, and that I may withdraw from the Program at any time.

_____ 2. I understand that acceptance into and satisfactory completion of all Treatment Court Program requirements will offer me an opportunity to avoid incarceration.

_____ 3. I understand that acceptance into and satisfactory completion of all Treatment Court Program requirements offers me an opportunity to have other Delaware County criminal cases for which I am actively serving a sentence of probation and/or parole permanently closed.

_____ 4. I understand that my successful completion of all Treatment Court requirements is a condition of any Delaware County case for which I am currently on probation and/or parole.

_____ 5. I understand that if for any reason I am terminated from the Treatment Court Program for failure to successfully complete all Program requirements, including my voluntary withdrawal from the Program, then the following will occur:

(a) **Track I:** Level 1 and Level 2 Offenders (and 1st offense DUI offenders): The Court will (i) accept my nolo contendere/guilty plea; and (ii) sentence me on the charges for which I pled nolo contendere/guilty; and (iii) find me in violation on the case(s) identified above in paragraph four of this colloquy.

(b) **Track II:** Level 3 and Level 4 Offenders (and 2nd offense DUI Offenders): The Court will (i) find me in violation of the probation with restrictive conditions sentence ; (ii) re-sentence me on the charges for which I pled guilty; and (iii) find me in violation on the case(s) identified above in paragraph four of this colloquy.

_____ 6. I understand that the sentence imposed as a result of my termination from Treatment Court could be a term of incarceration up to the statutory maximum for each offense consecutive to each other, and consecutive to the cases listed above in paragraph four.

_____ 7. As a condition to my admission to the Treatment Court Program, I hereby knowingly, voluntarily and intelligently waive my right to be sentenced within ninety (90) days of entering this plea.

_____ 8. As a condition to my admission to the Treatment Court Program, I hereby knowingly, voluntarily and intelligently waive my right to withdraw the nolo contendere plea and/or guilty plea should I be terminated from the Treatment Court Program.

_____ 9. I understand that the primary purpose of this Program is treatment and rehabilitation, and therefore any statements made by me with respect to my illicit use of controlled substances or alcohol while participating in this Program shall not be used against me in subsequent related adversarial proceedings. These include statements made to Treatment Court staff, statements made in open court during court proceedings, statements made to Adult Probation or Parole and/or statements made to any treatment provider during the treatment phase of

the Program. However, any statements made by me, which refer to, other criminal activity and which are not related to participation in the Program may be admissible in other criminal proceedings.

_____ 10. I understand that I have the right to be represented by counsel while participating in the Treatment Court Program. However, my right to counsel is limited to the following:

- (a) My decision to apply and participate in this Program.
- (b) Counsel may appear on my behalf at the Treatment Court team meetings and Court review sessions. However, consistent with the treatment court philosophy of the Treatment Court Program, no motions or legal argument may be presented at these Court review sessions. Counsel may assist me in communicating with the Judge, but may not speak in my stead. I am required to personally respond to questioning by the Judge at all Court review sessions.
- (c) Counsel may advise me as to whether to voluntarily withdraw from the Treatment Court Program and assist me in that process.
- (d) Counsel will represent me at any Court review session where termination is being considered. Counsel may advocate for my continued participation in the program.
- (e) Counsel shall represent me at any sentencing hearing if I am removed from the Treatment Court Program.

_____ 11. I understand that drug and alcohol test results obtained through the Treatment Court Program will be used only to assist the court and treatment providers in evaluating my progress, and may be used by the Treatment Court to determine whether I am progressing satisfactorily, whether the treatment plan needs modification, whether to impose sanctions within the Program, and whether I should be terminated or graduate from Drug Court. I understand that under no circumstances will such test results be used as evidence of a new crime, or in another manner not consistent with the treatment and rehabilitation goals of the Treatment Court.

_____ 12. I understand that any adulterated test results will be considered as a positive test for alcohol or drugs, and I will be subject to a sanction/removal for that adulteration.

_____ 13. I understand that the Treatment Court Program may test blood, urine, perspiration, saliva, and/or breath for drugs and alcohol. These tests can include, but are not limited to, urine test strips, sweat patches, various breathalyzers (including portable breath tests) and various electronic monitoring devices.

_____ 14. I understand that a component of the Treatment Court Program is community supervision by local police. This means that law enforcement will be advised of my participation in the Program and asked to (i) confirm my compliance with curfew, and (ii) report any suspicious activity to the Court.

_____ 15. I understand that any tests and monitoring are conducted at the sole discretion of the Program. No particular test or monitoring device may be requested by any participant. I agree that these tests and monitors are presumed valid, and with the exception of the challenge procedure contained in this colloquy, I agree that I will not appeal, or in any other way legally contest any test or monitor results. Should I disagree with any such result, with the exclusive exception of the challenge procedure set forth below; I agree that my only remedy is to withdraw from the Treatment Court Program. **I UNDERSTAND THAT IF I OTHERWISE LEGALLY CONTEST OR APPEAL ANY TEST OR MONITOR RESULT, THAT ACTION WILL CONSTITUTE GROUNDS FOR IMMEDIATE REMOVAL FROM THE PROGRAM.**

_____ 16. I understand that I may challenge the results of any drug or alcohol test performed by a Probation Officer by immediately requesting that the sample be tested by a laboratory designated by the Department of Adult Probation and Parole and paying a testing fee in the amount of fifty dollars (\$50.00). I understand that should the laboratory result confirm the test result, I will be subject to an additional sanction by the Court and/or removal from the Treatment Court Program for my lack of honesty in failing to acknowledge the drug or alcohol use detected by the test. I understand that should the laboratory retest show the initial test result to be in error no sanction will be imposed and my testing fee will be returned or applied to outstanding fines/costs. **I UNDERSTAND THAT ONLY LABORATORY TESTS AUTHORIZED BY THE COURT OR ADULT PROBATION WILL BE CONSIDERED IN THE PROGRAM.**

_____ 17. I consent to the search of my person, my residence, and any electronic device that I utilize upon request/demand by the Office of Adult Probation and Parole.

_____ 18. I understand that if I am removed from the Program and sentenced, I am not entitled to any sentence credits except actual time spent in custody in jail.

_____ 19. I understand that the Treatment Court Program requires me to move through several phases of treatment and supervision. Depending on my ability to remain substance free and compliant with the Treatment Court Program during these phases, I may complete the Program in two years.

_____ 20. If I am a Track I participant and I successfully complete the Treatment Court Program, the Court will dismiss the charges for which my sentencing was held in abeyance pursuant to my nolo contendere/guilty plea. This means that I can never be charged with this same criminal incident again. And once my charges are dismissed, through my attorney, I may file for an expungement of this case.

_____ 21. The conditions of the Treatment Court Program include the imposition of sanctions and incentives designed to help motivate me to succeed in my recovery efforts. Possible sanctions include but are not limited to the following: community service, house arrest, curfew, writing essays, spending time in the jury box observing Treatment Court proceedings, short-term incarceration, etc. I waive any and all Due Process rights I may have pertaining to the imposition of sanctions that do not result in my termination from the Treatment Court Program.

_____ 22. I understand that, upon recommendation of the Treatment Court Team, I may be terminated from the Treatment Court Program at the discretion of the Court. I may have counsel with me to assist me at any sentencing proceeding.

_____ 23. I hereby waive any right to file a legal challenge to the Court's decision to remove me from the Treatment Court Program or the removal procedure, provided that I have notice of the hearing and an opportunity to be represented by counsel at said hearing.

_____ 24. If I am removed from the Treatment Court Program, I will be scheduled for a sentencing hearing at which time I will be sentenced in accordance with the applicable law. I hereby waive my right to have a Pre-Sentence Investigation Report prepared in advance of sentencing.

_____ 25. I understand that, in addition to any Program requirements set forth in this colloquy, I must successfully complete (i) all Treatment Court Program requirements set forth by Adult Probation and Parole, and (ii) any other term or condition imposed by the Treatment Court Judge. **I UNDERSTAND THAT I MAY NOT FILE A LEGAL CHALLENGE OR APPEAL ANY CONDITION OR SANCTION IMPOSED BY THE COURT IN THE PROGRAM, OTHER THAN THROUGH THE CHALLENGE PROCESS FOR DRUG TESTING OR MONITORING SET FORTH HEREIN. I UNDERSTAND THAT MY ONLY REMEDY TO AVOID THE IMPOSITION OF A CONDITION OR SANCTION IS TO VOLUNTARILY WITHDRAW FROM THE PROGRAM AND BE SENTENCED ACCORDINGLY.**

_____ 26. I have had enough time to fully discuss my decision to enter Treatment Court and everything contained in this colloquy with my lawyer, and by placing my initials on all of the lines provided, I am saying that I understand, agree with, and answered truthfully everything contained within this colloquy.

Signature of Defendant

Date

STATEMENT OF DEFENDANT'S ATTORNEY

I represent the Defendant in the above-captioned case. I have explained the rights in this document to the Defendant and I am satisfied that the Defendant understands these rights.

Signature of Attorney

Date

Attorney Identification Number

Delaware County Court of Common Pleas
Treatment Court Program



Creating Opportunities for Change

Since 2008

PARTICIPANT HANDBOOK

Revised February 2023

MISSION STATEMENT

The mission of the Delaware County Treatment Court is to create opportunities for individuals to improve their quality of life. The goal is to eliminate substance use, crime and their consequence through mutual partnerships with the court, treatment providers, concerned community organizations, and law enforcement. Participants are evaluated and placed into treatment to address substance use disorder and behavioral modification. Ultimately, the accountability for participants leads to a path of reduced recidivism and productive citizenship for themselves and the community.

The Delaware County Treatment Court program was started in October 2008.

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WELCOME



Welcome to the Delaware County Treatment Court Program! This *Handbook* is designed to:



Answer your questions



Provide information about Treatment Court

As a participant, you must be expected to be open, honest and truthful. You will follow all of the instructions given in Court by the Judge as suggested by the Treatment Court Team. You must follow all of your terms and conditions of Probation and comply with the treatment plan developed for you. Throughout the time you are in Treatment Court, your PO and treatment provider will be working closely with you and with each other. They will also promptly report all of your progress and any problems and/or concerns to the Treatment Court Judge.

This *Handbook* will detail what is expected of you as a Treatment Court participant and it will review general program information. If you are reading this *Handbook*, it means that you have been accepted into the Treatment Court Program based on a review of your history of drug use, other contact with law enforcement, and it also means that we are confident that Treatment Court will help you to learn how to make successful choices free of the influence of drugs and/or alcohol.

Overview

What is Treatment Court?

Treatment Court is a special component of the Delaware County Court of Common Pleas. This program was developed to help qualified candidates fight addiction, make positive lifestyle changes, avoid serving a lengthy jail sentence, or a sentence of incarceration. This is a fast-track program targeting two different types of non-violent offender:

Track I: Level 1 and 2 Offenders: This track targets men and women with a prior criminal record (non-violent) who (i) have been incarcerated on new charges or violation of probation/parole; and (ii) suffer from both a substance use disorder and have a history of mental health diagnoses such as depression, anxiety and related disorders. Participants tender a nolo contendere plea that is held in abeyance. Participants are then offered treatment, housing, vocational training and relapse prevention instead of a sentence of incarceration. Successful completion of the program shall result in the dismissal of open charges. Once my charges are dismissed, through my attorney, I may file for an expungement of this case. Failure to complete the program for any reason shall result in immediate hearing to address the violations of the tendered plea and sentencing.

Track II: Level 3 and 4 Offenders, Probation with Restrictive Conditions: This track offers non-violent level 3 and 4 offenders the opportunity to undergo treatment and relapse prevention instead of receiving a county or state sentence of incarceration. Offenders enter a guilty plea and are sentenced to a term of probation with restrictive conditions, offering them the opportunity to be rehabilitated and avoid re-offending.

Treatment Court involves frequent court appearances, random drug testing as well as drug and alcohol treatment. The Court awards incentives for compliant behavior and imposes sanctions for negative behavior. If you do not comply with the rules you may be placed in short-term incarceration, moved back to the previous phase of Treatment Court or be subject to a variety of other sanctions. You may also be terminated from Treatment Court.

All of the staff working with treatment court will assist you to be sure you understand what is expected of you.

What is a Treatment Plan?

To be accepted into treatment court, you are required to follow a treatment plan. This begins with a thorough biopsychosocial evaluation and will require all or some of the following:

- ✓ **Outpatient Treatment**
- ✓ **Intensive Outpatient Treatment**
- ✓ **Partial Hospitalization Treatment**
- ✓ **Inpatient/Residential Treatment**
- ✓ **Halfway House or Recovery House Placement**
- ✓ **Self Help/Sober Support Activities (12 step meetings)**

How long will I be in the program?



Expect to participate in the program for a minimum of 24 months, usually no more than 30 months. The length of time in the program will depend upon how well you progress. The program has 5 phases; you must follow all the requirements of Treatment Court and must remain clean for 6 months in order to be eligible for commencement.

The Team...

The Treatment Court Team consists of the following members:

- ▶ The Judge
- ▶ Assistant District Attorney/Defense Counsel
- ▶ Public Defender
- ▶ Treatment Court Coordinator
- ▶ Probation Officers and Criminal Case Planners
- ▶ Sheriff Officers
- ▶ Department of Human Services Liaison
- ▶ Treatment Providers/Intensive Case Managers

Prior to the treatment court review, the treatment court team members familiarize themselves with your progress so that they may discuss that progress with you during the treatment court session. By working together, they seek to provide a variety of programs and consistent supervision geared toward supporting and helping you maintain a drug and alcohol-free lifestyle.

What's in it for me?



A Second Chance

This program offers you the chance to move forward in your life with a new improved outlook and new skills.



A Healthy Lifestyle

This program will help you take control of your life in many ways. Even more important than what you will learn not to do (such as abusing drug & alcohol, committing crimes) the things you will learn how to do: being honest, reducing stress, becoming fully employed, rebuilding family relationships and becoming a productive member of the community.

Your probation officer will also help you with other areas of your life according to your individual needs. This may include referrals for these and other needs:

- ✓ **Skills Testing & Educational Assessment**
- ✓ **Job Training & Job-readiness Training**
- ✓ **Educational/Vocational Programs**
- ✓ **Job Placement Services**
- ✓ **Family Counseling**
- ✓ **Life Skills Classes**
- ✓ **Public Assistance/Medicaid**

We are here to help, but no one said it would be easy...

On the following pages you will find the steps involved in the program and information concerning the resources that you will need to use in order to succeed. There are many people who make up the Treatment Court Team, remember that they all want to see you succeed. If you take advantage of the assistance offered by the treatment court team, you will discover many ways to make a better life for yourself.

EDUCATION, VOCATION AND EMPLOYMENT PROGRAMS

An important step in recovery from substance use is developing self-sufficiency and becoming a productive and responsible member of your community.

During Phase 1 of the program, your PO will discuss opportunities for educational and vocational programs with you. Participants in treatment court have different needs and interests. Your plan will be developed to meet your own needs and interests; the purpose is to build a plan that will develop your education, employment and life skills.

Your plan may include any of these areas:

Life Skills: perhaps you need help creating a budget to manage your living expenses or pay back loans, or maybe you need to learn how to problem-solve or make better decisions or how to be a better parent. We can provide help or make referrals to other agencies in these and other areas where you feel you could use more information.

GED: work toward your high school equivalency diploma.

Vocational: to help you find job training in many fields.

Educational: resolve issues to help you return to school or begin higher education.

Employment: finding and keeping a meaningful/sustaining full-time job.

PROGRAM COMPONENTS

To successfully complete treatment court, you are required to be involved in several activities which will benefit and sustain your recovery. As a participant in the Delaware County Treatment Court Program, you will be required to:

- Engage in substance use treatment/psychiatric evaluation/psychological evaluation/medication compliance.
- Attend frequent court sessions.
- Meet with your Probation Officer.
- Submit to random urinalysis screenings.
- Have home visits by your Probation Officer.
- Attend support meetings.
- Obtain employment and/or attend school.
- Obtain your high school diploma or GED.
- Pay court fines and restitution (if applicable).
- Submit your self, residence, electronics, and car to search.
- Pay treatment costs.



TREATMENT

Once you are approved for treatment court, you will be contacted by one of the program's case planners and an evaluation appointment is scheduled. At the beginning of the evaluation your drug use history will be examined. Should the results of that examination determine current or past drug use a full biopsychosocial evaluation will be done. This evaluation will determine a level of care based on your substance abuse history. Levels of care include: outpatient/intensive outpatient treatment, partial hospitalization treatment, inpatient/residential treatment and halfway house/transitional living/recovery house. As a treatment court participant, you are required to comply with all treatment recommendations. A treatment plan will be developed by you and your treatment provider(s). This plan will act as a guide for your treatment while in treatment court.

If you can pay for treatment services and/or have insurance that covers treatment, then you will be required to pay for your treatment. Any fees you may have associated with treatment services (i.e. co-pays) are based on a sliding scale. Requests for assistance may be made to your treatment provider if you have difficulty with the cost of the co-pay/client fee. If the Delaware County Office of Human Services funding is used for the payment of treatment services, and you have no medical insurance, you must apply for medical assistance. Your treatment provider can assist you with this process.

Treatment will focus on recovery, as opposed to abstinence, so you will learn how to live life differently and accomplish various paths along the way. Treatment will focus on relapse prevention and assist with co-occurring disorders to help you with your sobriety and achieve stability with any medical

issues or mental health symptoms. Facilities have medical staff and counselors to help you with any co-occurring disorder or will refer you to get the assistance needed. Treatment can offer various paths, including drug-free and medication-assisted treatment (MAT) options. There are various forms of MAT to assist your recovery journey and the best fit will be made based on your history, appointments with the medical provider at the facility, and your treatment team. Overall, treatment will consist of various activities to support your recovery based on your level of care, including, but not limited, psychiatric/psychological appointments and follow up appointments, counseling sessions in an individual or group format, couples/family sessions (if needed), certified recovery specialist (CRS) services for peer support, case management services, and other resources that are individual to each treatment facility.

PROGRESS REPORTS

You will be required to appear in front of the judge on a regular basis. Progress reports will be presented to the judge from both supervision and treatment. The supervision progress updates will include attendance at scheduled appointments, results of your drug test, employment or other requirements that may have been imposed. The treatment/therapeutic progress report will include, and overview of your drug test results, recovery-oriented community supports, treatment attendance, participation, and cooperation in the treatment program along with recommendations for any level of care changes. These reports will come from your probation officer, treatment counselor, and the members of the team who support programs with whom you are working.



The judge will ask you about your progress and discuss any problems you may be having. If you are doing well, you may be rewarded with incentives that could include reduced program requirements or, at times, other incentives like gift cards and/or a certificate of merit. If your progress reports show that you are not doing well, the judge will discuss this with you and determine future action, which could include a sanction and/or a therapeutic intervention to help increase motivation in the program. Sanctions and therapeutic interventions are discussed further in this handbook.

TREATMENT COURT HEARINGS

As a Treatment Court participant, you will be required to appear in treatment court on a regular basis. The number of times you must appear depends upon the phase of treatment court you are currently in. Failure to appear will result in a warrant being issued for your arrest and detention in jail until you can appear before the court. If you have questions about your court appearances speak with your Probation Officer.

**You are required to arrive on time for
all Court sessions**

COURTROOM ETIQUETTE AND DRESS CODE

When you speak to the judge, say "Your Honor." You will be assisted with obtaining education and skills assessment and will be provided referrals for vocational training, educational, and/or job placement services. The treatment court's program also helps with workplace preparation which includes dressing appropriately for court. The participants will dress for court as follows:



No tank tops, muscle shirts, low cut shirts, or shirts with obscene words or pictures.



No clothes with language or pictures advocating tobacco, alcohol or drug use.



No sagging pants (i.e., pants that hang below the waist).



No unbuttoned shirts.



No shorts, even in the summertime.



No hats, caps or bandanas, no sunglasses unless approved by a doctor.



No recording/no pictures without court permission.



No gum, no caffeinated drinks or food.

If you wear any of the above to the courtroom, you may be sent home and it will be counted as a court absence and appropriate sanctions imposed.

ATTENDANCE

As a participant, you are required to attend **all** your scheduled treatment sessions, probation appointments, all your other appointments, and all of your scheduled court dates.

You are required to be on time for all appointments. If you have an emergency, you should call to inform your PO, counselor, etc. of your situation. If you are late, you may not be allowed to attend and may be considered absent and face sanctions.

Your treatment schedule will vary according to your needs and progress. It is your responsibility to schedule all needed appointments and to arrive on time for them.



PHASES

The treatment court is a five-phase program that lasts a minimum of 24 months, but usually, no more than 30 months. Total program length is based upon individual progress. Each phase consists of specific treatment goals, activities, and requirements that you must meet before moving to the next phase. The Phases are explained in detail on the following pages.

Remember, while there are certain things you must complete your ability to move along in the program and graduate will depend mostly on your own actions. If you are not honest and truthful, if you miss appointments, ignore other requirements, or fail to remain drug and/or alcohol free, your time in the program could be longer, or you could be terminated from treatment court. If you are terminated from the treatment court program, you will be sentenced in accordance with applicable law.

PHASES OF TREATMENT COURT

The Treatment Court program is a minimum of 24-months to a maximum of 30 months, divided into five phases. A participant must successfully complete each phase before transitioning to the next phase. If a sanction is given, client must go back 30 days. To graduate from one phase to the next one must have at least 30 days clean. Each phase has a key concept or focus.

PHASE ONE	
Key Concept:	Recovery and Responsibility to Self
Length of phase:	90 Days
Requirements:	Intensive Community Supervision, contact 2 to 3 times per week. Weekly Review Sessions. Random urine tests: Complete Intake Assessment and comply with. D&A treatment; 90 NA/AA meetings or

	sobriety group meetings in 90 days with verifiable sponsor. Start seeking employment or vocation training.
PHASE TWO	
Key Concept:	Maintenance of Recovery and Responsibility to Others
Length of phase:	180 days
Requirements:	Report to PO as scheduled 1 to 2 times per week. Review session every 2 to 4 weeks; random urine tests; D&A Treatment; regular attendance at NA/AA meetings or self-help sobriety group meetings; employment or vocational training.
PHASE THREE	
Key Concept:	Reinforce a Clean, Sober and Legal Lifestyle
Length of phase:	280 days
Requirements:	Report to PO as directed. Review sessions every 3 to 6 weeks; random drug tests; regular attendance at NA/AA meetings or self-help sobriety group meetings, follow treatment plan; maintain employment or approved use of time; actively paying restitution and/or, court fees.
PHASE FOUR	
Key Concept:	Treatment/Relapse Prevention Plan
Length of phase:	180 days
Requirements:	Report to PO as directed; Review sessions every 6 to 8 weeks. Random drug tests; regular attendance at NA/AA meetings or self-help sobriety group meetings employed or approved use of time; participate in Drug Court Support Group. Eligible for commencement/graduation.
PHASE FIVE	
Key Concept:	Relapse Prevention/Graduation Plan
Length of phase:	180 days

To advance Phases you must have at least 6 months of clean drug & alcohol tests. *** Please note that you will not be given credit toward your phase for time spent in an inpatient treatment facility.**

THE RULES

As a participant you will be required to abide by the rules outlined in the Treatment Court Rules & Regulations, including, but not limited to the following:

1. Totally abstain from the use of drugs and alcohol.
2. Inform your treating physicians that you are a person in recovery and may not take narcotic or addictive medications unless deemed medically necessary.
3. Attend court sessions and treatment sessions as scheduled, submit to random drug testing, remain clean and sober and law abiding.
4. Do not associate with people who use or possess drugs or be in areas known to have drug activity.
5. Do not possess any firearms or offensive weapons while in the treatment court program.
6. Keep the treatment court team, treatment court staff, and treatment providers informed of your current address and phone number at all times.
7. As a condition of participation in the treatment court program, your person, property, place of residence, any and all technology, car or personal effects may be searched at any time. Failure to comply will result in further Court proceedings.
8. Dress appropriately for court and treatment sessions.
9. Abide by all other rules and regulations imposed by the treatment court team and listed in the Delaware County Treatment Court Rules and Regulations.
10. If you are uninsured, your certified recovery specialist (CRS) can assist you with your application for medical assistance through the PA Department of Public Welfare.

RELEASE OF INFORMATION & CONFIDENTIALITY

All members of the team must be able to communicate about your eligibility and progress in the program. Upon entry into the program, you must sign releases of information (ROI) so that the team has access to information relevant to your treatment. You must also sign additional ROI's as needed to arrange further treatment, counseling or support service referrals. The disclosure of information is for the sole purpose of hearings and reports concerning your specific treatment court case.

State and federal laws require that your privacy be protected. In response to these regulations, treatment court, treatment court staff and treatment providers have developed policies and procedures that guard your privacy.

TESTING

You will be drug & alcohol tested often and randomly by your treating facility and probation throughout the entire treatment court program.

- ▶ When you report, you must be prepared to provide a urine sample while being observed by your probation officer.
- ▶ Failure to appear for testing or submit to a sample will be considered as a positive test for treatment court purposes.
- ▶ Your potential sanction for missing or positive tests may result in a short term of incarceration with an assessment for a higher level of care.

Diluting or attempting to adulterate a urine sample is counted as a positive. A Dilution Contract will be reviewed and provided by your probation officer.

If you attempt to submit a fake urine sample, you could possibly be prosecuted for a misdemeanor of the third degree under section 7509 of the Pennsylvania Crimes Code "Furnishing a Drug-Free Urine."

You may be permitted to test at a location other than the Adult Probation Department, if approved by the Court. If you choose to test at another location, you will not be permitted to challenge the results of that test if it is positive for any substance.

The following medications are not allowed in the program; however, everyone is different and with consultation with your medical provider will be reviewed on a case-by-case basis.

Barbiturates

Narcotic pain medication such as Percocet, Darvocet, Oxycontin, etc.

Benzodiazepines such as Ativan, Valium, Xanax, Klonopin, etc.

Muscle relaxers

Sleep aids such as Ambien or Soma

Stimulants such as Adderall or Ritalin

Neurontin and Lyrica

All mind-altering substances

The following medications cause a cross-reaction with drug testing and alternatives should be prescribed:

Effexor

Lamictal

Protonix



Sustiva
Zantac
Zoloft
Clarithromycin

Dietary supplements and vitamins must be approved by your Probation Officer before you take them.

Weight loss aids are prohibited

NO POPPY SEEDS!



Salvia, morning glory seeds, spice, bath salts, or any other such mood altering, or hallucinogenic substance is strictly prohibited.

When visiting a doctor or the emergency room, you must notify any and all doctors that you are a person in recovery and cannot take the medications listed above. Your probation officer will give you a card to show to your medical providers.

NO ALCOHOL!

You will be tested for alcohol. Because these tests are sensitive it has become necessary for us to restrict and advise treatment court participants regarding the use of certain alcohol-containing products.

It is **YOUR** responsibility to limit your exposure to the products and substances below that contain ethyl alcohol.

It is **YOUR** responsibility to read product labels, to know what is contained in the products you use and consume and to stop and inspect these products **BEFORE** you use them.

Use of the products detailed below in violation of this contract will NOT be allowed as an excuse for a positive test result. When in doubt, do not use, consume or apply.

Cough syrups and other liquid medications

Non-Alcoholic Beer and Wine

Food and Other Ingestible Products that contain ethyl alcohol

Mouthwash and Breath Strips

Hygiene Products that contain ethyl alcohol

Solvents and Lacquers





INCENTIVES OR REWARDS

Participants may be given rewards or incentives for compliant behavior while participating in treatment court. Common rewards are:

- ★ In court praise, encouragement, applause
- ★ Certificates of achievement
- ★ Reduce frequency of treatment court hearings
- ★ Decreased reporting to probation officer
- ★ Promotion to next phase
- ★ Gift cards



SANCTIONS

You may wonder how you will be held accountable. If you do not do what is required by treatment court, this is what may happen:

- Warning from the judge
- Reading/writing assignments
- Letter of apology to the court
- Increase in intensity of treatment
- Increase the number of self-help group meetings, NA and or AA meetings.
- Increase in drug testing or reporting to PO
- Sit in court for a day and write about the experience
- Imposition of a curfew
- Community service
- Electronic home monitoring/GPS
- Demotion to previous phase
- Jail for afternoon, day, weekend, week, etc.
- Immediate detention until residential bed is available
- Termination from treatment court



Remember...
Your actions speak louder than words!

TERMINATION FROM TREATMENT COURT

Violations of any aspect of treatment court may result in you being terminated from the program.

Violations which MAY result in sanctions or termination are:

- Dishonesty
- Positive or adulterated urine sample
- Failure to submit urine sample
- Unexcused absence from treatment
- Failure to follow treatment conduct rules
- Willful failure to pay fees, as ordered
- Failure to attend treatment court hearings without just cause
- Failure to report to PO
- Failure to attend self-help group per treatment plan
unsuccessful discharge from treatment

Violations which WILL result in termination are:

- Possession or delivery of drugs at probation or treatment site
- Violent or abusive behavior at treatment site, program site or other place of contact or participation
- New criminal charges.
- Failure to comply with directives given by the Court

You must be respectful in all your interactions with the members of the Treatment Court Team. Any disrespectful behavior will immediately be reported to the Court which may result in a severe sanction or your termination from the program.

You will not be expected or be encouraged to discuss any information concerning anyone's behavior or progress except your own.

GRADUATION



Graduation is a time to celebrate your accomplishments which required commitment, perseverance, and hard work.

You will be able to invite your family and friends to join you at your Graduation Ceremony.

The requirements for graduation are:

- ✓ **Drug tests-** for the last 6 months of the treatment court program, the participant must have all negative drug tests.
- ✓ **Treatment-** the participant will have successfully completed all treatment goals and have established an approved relapse prevention plan and thus a Graduation Plan.
- ✓ **Employment-** the participant will be employed or be involved in a productive daily activity for at least the last 3 months of the drug court program.
- ✓ **Housing-** for the last 3 months of the drug court program, the participant will reside at an approved residence that is not likely to promote relapse.
- ✓ **Financial obligation-** the participant will have all costs, supervision fees, restitution and treatment costs paid in full.
- ✓ **Special conditions-** the participant will have completed all special conditions of the treatment court program.



A few more things....

Someone from the treatment court team (your treatment provider) will contact you after you leave the program. The purpose of this follow-up is to get an idea of how people in treatment court do after they leave and to measure how well the treatment court program is doing. You will not be identified individually or sanctioned in any way for your answers.

Remember, you are always part of the treatment court community. If you find yourself struggling, we are always here to support you. Please contact any team member so we can get you connected with resources you need.

TREATMENT COURT PHONE NUMBERS

Adult Probation & Parole	610-891-4591
Public Defender	610-891-4100
Department of Human Services, Drug and Alcohol	610-713-2365
Treatment Providers:	
MVP Recovery 206 South Orange St. Media, Pa. 19063	855-MVP-2410
MVP Recovery Access Center 2200 Providence Ave. Chester, Pa. 19013	855-MVP-2412
CRS Warm Hand-Off Program	855-MVP-2410
Crozer Community Campus:	
Drug and Alcohol Access Center 1 Medical Center Blvd. Upland, PA 19013	610-619-7370
Mental Health and Substance Abuse Services Outpatient Services 301 West 15 th Street Chester, PA 19013	
Mental Health Services	610-619-8700
Domestic Abuse Project 14 West 2 nd St. Media, Pa 19063	610-565-4590
Delaware County Crisis Mobile Crisis Team Warm Line	1-855-889-7827 1-855-464-9342
Recovery Houses	
MVP Recovery Way of Life	855-MVP-2412 610-333-3634

Programs by our Graduates

Treatment Court Peer Panel

The treatment court peer panel works in collaboration with the treatment court team to provide a peer-based assessment of a participant's progress in recovery. The peer panel consists of graduates from the treatment court program. As peers, living a life of recovery and having successfully completed the program; they are better able to guide the participant through their successes and or struggles within the treatment court process. The peer panel meets with participants to discuss their thoughts and feelings surrounding 12 step fellowship meeting attendance, their experience working with a sponsor, and their insights into working the 12 steps. Participants will meet with the peer panel at the request of the treatment court team.

Treatment Court Alumni Meeting

The treatment court alumni meeting is held on the 3rd Wednesday of each month. It is a meeting run by graduates of the treatment court program, who come back to share their experience, strength, and hope to the current participants. Alumni includes past successful graduates of the program as well as participants who did not complete the program but are doing well after termination. The alumni meeting serves as an opportunity to connect past participants and current participants in hopes of building the community of recovery. Attendance of current participants is mandatory.

Treatment Court

Forms

THE GENERAL RULES AND WAIVER OF RIGHTS FOR THE TREATMENT COURT PROGRAM

NAME _____ ADDRESS _____ :

PHONE: _____

You have been accepted as a participant in the Delaware County Treatment Court Program. You are therefore placed under the supervision of this office and must comply with the following rules regulations.

1. You will report to your Probation Officer according to their instruction. You are not to attend any appointment with a Probation Officer or with any Treatment Court ordered program under the influence of drugs or alcohol.
2. You will live at the address/phone number listed above, and you may not change your residence without permission from your Probation Officer. You will give consent to your Probation Officer to search your person, residence, vehicle and any and all personal electronic devices. The device, including but not limited to, are cell phones, iPods, iPads, digital cameras, computers, etc. You must also give consent to your Probation Officer to view any and all social networks, i.e., Facebook, twitter and or emails.
3. You will comply with all Municipal, County, State and Federal criminal laws, and abide by any written instructions of the Delaware County Court or your Probation Officer. You must notify your Probation Officer within 72 hours if you are arrested or questioned or stopped by any law enforcement officers.
4. You must agree to sign all releases necessary to further the treatment goals of the Treatment Court Program. You further agree to sign releases, which will allow the Treatment Court to review diagnostic, treatment, and medical information. You will attend a recovery-based support group, such as AA and/or NA, on a regular basis.
5. Attendance at a scheduled court session is mandatory. It is the participant's responsibility to know the date and time of his/her next court session. The participant must show up at the scheduled date and time. No changes in the court schedule will be allowed unless an emergency exists, or the client gets prior approval through the courts. Tardiness will not be tolerated.
6. Each participant must dress appropriately for court and treatment sessions. The following clothing is prohibited: tank tops, muscle shirts, low cut shirts, shirts with obscene words or pictures, clothes with language or pictures advocating tobacco, alcohol, or drug use, sagging pants, unbuttoned shirts, shorts (even in the summertime), hats, caps, bandanas and/or sunglasses (unless approved by a doctor).
7. You are required to obtain permission form your Probation Officer before leaving the Commonwealth of Pennsylvania.
8. You will make every effort to obtain and maintain employment. If you lose your job, you must notify your Probation Officer within 72 hours. If you are not gainfully employed, you must actively seek employment. The Court may also order attendance for employment counseling, a GED, further education as part of the Program and/or any treatment program or other condition deemed necessary by the Court.
9. You must support your dependents, if any, and assume all your legal obligations for them.
10. You will not knowingly supply false information to Adult Probation and/or the Treatment Court Team.
11. You agree to participate in the Delaware County Treatment Program for a period specified by the Court. This time period will be a minimum of 24 months. You agree to participate in any education, treatment, or rehabilitation program ordered by the Court. You agree to abide by any additional terms or conditions as indicated by the Court and agree to complete all treatment, medication compliance (if deemed necessary) and related programs to the satisfaction of the Court.

12. Your charges will not be dismissed if you are removed from the Treatment Court Program. If you are removed from The Treatment Court Program your case will immediately proceed to sentencing.
13. Abstain from the use, unlawful possession, or sale of controlled substances, as defined within the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. Section 780-101 et. seq., as amended to date) and all mind-altering substances. A participant CANNOT take any medications prescribed and/or over the counter unless it is first approved by the Treatment Court Team. **You will submit to Urine analysis and Breathalyzer testing at times and dates deemed appropriate by the Court and your probation officer.** You shall not consume alcoholic beverages of any kind. You shall avoid all alcohol containing products, including alcohol in foods, hygiene products or over the counter medications containing alcohol; such as mouthwash, Nyquil, and cough syrups. **You shall not consume any POPPY SEEDS or POPPY SEED containing food products.** OBSERVED urine testing is mandatory. Testing is done to ensure compliance of treatment program and rules and regulations. The participant must be present and prompt at the appropriate testing time. You shall refrain from frequenting unlawful or disreputable places, including but not limited to bars and liquor stores and shall not associate with disreputable individuals.
14. You shall refrain from owning or possessing any firearm, deadly weapons, or offensive weapons.
15. Should any participant dispute the drug testing results, they have the right to have the lab retest the sample upon paying the retesting lab fee, \$50.00 dollars. The fee must be paid within twenty-four hours of notification to the participant of the positive test. This will be at the participant's expense and paid prior to the retesting. If the test is confirmed positive, you will face additional sanctions by the Court. If you attempt, at any time to submit a fake urine sample you can and shall be prosecuted.
16. If you test positive for illegal drugs or alcohol, fail to appear in court as directed, fail to timely attend all treatment sessions, fail to abide by any term of these rules and regulations and any other conditions imposed by the court, or are arrested on new criminal charges, the Court can impose sanctions within the Treatment Court Program and/or terminate your participation in the Program.
17. If you are arrested on new charges after your entry into the Treatment Court Program, you may be **terminated from the program.**
18. You cannot make threats towards other participants or staff or behave in a violent manner. Violent or inappropriate behavior will not be tolerated and will be reported to the judge. This may result in termination from the Treatment Court Program.
19. You must pay all fines, costs, restitution, and a monthly supervision fee of \$40.00 a month.
20. You must complete daily journaling assignments that are to be reviewed by probation officer and/or the Court.
21. Participants who successfully complete all program phases, live a law-abiding life, and demonstrate a successful reintegration into the community are eligible to graduate. Treatment Court Commencement honor the Treatment Court Team, as well as supporters, employers of treatment court participants, and all those who offer continued support to the treatment court participants, including family and significant others.

I hereby acknowledge that I have read, or have had read to me, the foregoing conditions, rules and regulations of my treatment court participation; I fully understand them and agree to follow them; and I fully understand the penalties involved should I, in any manner, violate them.

Witness

Signature of Probationer/Parolee

Date

Docket No. (s)

URINE ABSTINENCE TESTING AND INCIDENTAL ALCOHOL EXPOSURE CONTRACT

Treatment Court Participants

Recent advances in the science of alcohol detection in urine have greatly increased the ability to detect even trace amounts of alcohol consumption. In addition, these tests are capable of detecting alcohol ingestion for significantly longer periods of time after a drinking episode. Because these tests are sensitive, in rare circumstances, exposure to non-beverage alcohol sources can result in detectible levels of alcohol (or its breakdown products). In order to preserve the integrity of the Treatment Court testing program, it has become necessary for us to restrict and advise Treatment Court participants regarding the use of certain alcohol-containing products.

It is **YOUR** responsibility to limit your exposure to the products and substances detailed below that contain ethyl alcohol.

It is **YOUR** responsibility to read product labels, to know what is contained in the products you use and consume and to stop and inspect these products **BEFORE** you use them.

Use of the products detailed below in violation of this contract will NOT be allowed as an excuse for a positive test result. When in doubt, don't use, consume or apply.

Cough syrups and other liquid medications: Treatment Court participants have always been prohibited from using alcohol containing cough/cold syrups, such as Nyquil®. Other cough syrup brands and numerous other liquid medications, rely upon ethyl alcohol as a solvent. Treatment Court participants are required to read product labels carefully to determine if they contain ethyl alcohol (ethanol). All prescription and over-the-counter medications should be reviewed with your Probation Officer before use. Information on the composition of prescription medications should be available upon request from your pharmacist. Non-alcohol containing cough and cold remedies are readily available at most pharmacies and major retail stores.

Non-Alcoholic Beer and Wine: Although legally considered non-alcoholic, NA beers (e.g. O'Douls®, Sharps®) do contain a residual amount of alcohol that may result in a positive test result for alcohol, if consumed. Treatment Court participants are **not** permitted to ingest NA beer or NA wine.

Food and Other Ingestible Products: There are numerous other consumable products that contain ethyl alcohol that could result in a positive test for alcohol. Flavoring extracts, such as vanilla or almond extract, and liquid herbal extracts (such as Ginko Biloba), could result in a positive screen for alcohol or its breakdown products. Communion wine, food cooked with wine, and flambé dishes (alcohol poured over a food and ignited such as cherries jubilee, baked Alaska) must be avoided. Read labels carefully on any liquid herbal or homeopathic remedy and do not ingest without approval from your PO.

Mouthwash and Breath Strips: Most mouthwashes (Listerine®, Cepacol®, etc.) and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol can produce a positive test result. Treatment Court participants are required to read product labels and educate themselves as to whether a mouthwash product contains ethyl alcohol. Use of ethyl alcohol-containing mouthwashes and breath strips by Treatment Court participants is not permitted. Non-alcohol mouthwashes are readily available and are an acceptable alternative. If you have questions about a particular product, bring it in to discuss with your PO.

Hand sanitizers: Hand sanitizers (e.g. Purell®, Germex®, etc.) and other antiseptic gels and foams used to disinfect hands contain up to 70% ethyl alcohol. Excessive, unnecessary, or repeated use of these products could result in a positive urine test. Hand washing with soap and water are just as effective for killing germs.

Hygiene Products: Aftershaves and colognes, hair sprays and mousse, astringents, insecticides (bug sprays such as Off®) and some body washes contain ethyl alcohol. While it is unlikely that limited use of these products would result in a positive test for alcohol (or its breakdown products) excessive, unnecessary or repeated use of these products could affect test results. Participants must use such products sparingly to avoid reaching detection levels. Just as the court requires Treatment Court participants to regulate their fluid intake to avoid dilute urine samples, it is likewise incumbent upon

each participant to limit their use of topically applied (on the skin) products containing ethyl alcohol.

Solvents and Lacquers: Many solvents, lacquers and surface preparation products used in industry, construction, and the home, contain ethyl alcohol. Both excessive inhalation of vapors, and topical exposure to such products, can potentially cause a positive test result for alcohol. As with the products noted above, Treatment Court participants must educate themselves as to the ingredients in the products they are using. There are alternatives to nearly any item containing ethyl alcohol. Frequency of use and duration of exposure to such products should be kept to a minimum. A positive test result will not be excused by reference to use of an alcohol-based solvent. If you are in employment where contact with such products cannot be avoided, *you need to discuss this with your PO.* Do not wait for a positive test result to do so.

Remember! When in doubt, do not use, consume or apply.

I HAVE READ AND UNDERSTAND MY RESPONSIBILITIES:

Participant Signature

Date

PO Initials _____

PROHIBITED MEDICATIONS/SUBSTANCES FOR TREATMENT COURT PROGRAM

Treatment Court Rule #13 that you signed on the day you were admitted into the program states: You are to abstain from the use, unlawful possession, or sale of controlled substances, as defined within the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. Section 780-101 et.seq. as amended to date) and all mind-altering substances. A participant CANNOT take any medications prescribed and/or over the counter unless it is first approved by the Treatment Court Team. You will submit to urine analysis and breathalyzer testing at times and dates deemed appropriate by the Court and your Probation/Parole Officer. You shall not consume alcoholic beverages of any kind. You shall avoid all alcohol containing products, including alcohol in foods, hygiene products or over the counter medications containing alcohol; , no topical gels or medications containing alcohol, e.g. mouthwash, Nyquil and/or cough syrups. *You shall not consume any POPPY SEEDS or POPPY SEED containing food products.*

OBSERVED urine testing is mandatory. Testing is done to ensure compliance of treatment program and rules and regulations. The participant must be present and prompt at the appropriate testing time. You shall refrain from frequenting unlawful or disreputable places, including but not limited to bars and liquor stores and shall not associate with disreputable individuals.

Below is a list of medications that you are not allowed to have prescribed to you and/or medications you cannot consume.

Including but not limited to:

- **Narcotic pain medication, such as:** Codeine (Tylenol with Codeine, Tylenol with Codeine #3, Tylenol with Codeine #4), Fentanyl (Sufentanil, Alfentanil, Remifentanil, Lofentanil) Hydrocodone (Norco, Vicodin, Lortab, Lorcet), Hydromorphone (Dilaudid), Meperidine (Demeral), Morphine (MS Contin, Morphine Sulfate ER, Roxanol, Kadian), Oxycodone (OxyContin, Roxicodone, OxyIR, Xtampza ER, Percocet, Endocet, Percocet 5/325, Percocet 10/325, Percodan, Endodan, Percodan-Demi, Roxiprin, Combunox, Targiniq ER, Troxyca ER, Tramadol (Ultram, Tramadol Hydrochloride ER, Tramal, ConZip, Ultracet, Tramapap).
- **Benzodiazepines, such as:** Alprazolam (Xanax, Xanax XR), Clobazam (Onfi), Clonazepam (Klonopin), Clorazepate (Tranxene, Tranxene SD), Chlordiazepoxide (Librium), Diazepam (Valium, Diastat Acudial, Diastat), Estazolam, Lorazepam (Ativan), Oxazepam, Temazepam (Restoril), Triazolam (Halcion).
- **Amphetamines, such as:** Dextroamphetamine, Levoamphetamine, Lisdexamfetamine, Adderall (XR), Dexedrine, ProCentra, Dextrostat, Ritalin, Concerta, Vyvanse, Focalin, MDMA
- **Gabapentin** (Neurontin, Gralise, Horizant, Fanatrex FusePag).
- **Lyrica, Pregabalin.**
- **Designer Drugs, such as:** Kratom, Spice, K2, Bath Salts, Ketamine, MDMA, Inhalants, etc.
- **Over the counter medications: such as:** Benadryl, Pseudoephedrine, Dextromethorphan (DM), no nighttime medication and/or PM medications.

By signing below, I attest that I have read or have had read to me all of the prohibited medications for the Treatment Court Program. I also understand that it is my responsibility to discuss all potential medications that may be prescribed to me as the above list may not be the entire list of medications under each drug class.

Participant

Witness

Date:

Revised: May 6, 2022

DILUTION OF URINE DRUG SCREEN TESTING CONTRACT

Urine drug screens are administered by probation and treatment with instant cups and/or being sent to a certified lab for testing results with confirmation. Urine drug screen testing includes a drug panel, add-on items, and level checks for creatinine, PH, and specific gravity. When the creatinine is confirmed by the lab to be lower than the cutoff level, the lab considers this specimen to have possibly been adulterated. Dilution means that a urine specimen is more like water than it is urine and results in a warning for possible adulteration by the lab. Adulteration means that a specimen has been diluted by the person attempting to flush their system with water, the person attempting to flush their system with a flushing agent, the person participating in a diet with cleansing days without eating (which is not permitted), dipping the cup in the toilet water, and/or putting water in the cup another way. All of these types of adulteration are prohibited by treatment, probation, and the Drug Court program.

- It is **YOUR** responsibility to monitor your fluid intake on a daily basis.
- It is **YOUR** responsibility to ask your PO or Drug Court team member for approval to take any type of medication or health supplement **BEFORE** ingesting it.
- It is **YOUR** responsibility to not commit any type of adulteration.

Failure to comply with this contract may result in progressive sanctions as follows:

- First low creatinine = Verbal warning from judge, discussion with PO and/or clinician about definition of dilution and ways to avoid adulteration.
- Second low creatinine = 8 hours community service.
- Third low creatinine = Low level is considered the same as a positive.
- Subsequent low creatinine = May result in termination from the Drug Court program.

Toxicology experts have identified only a few medical reasons that would result in low creatinine levels on a urine drug screen; however, science states that the low creatinine levels would be consistent and not sporadic if a medical condition is warranted as an explanation. Medical documentation by the Drug Court participant is required to support a medical issue that may impact creatinine levels.

I _____ (print name) understand what is outlined in this contract regarding low creatinine levels and am aware of how my own behaviors could result in issues with low creatinine and sanctions in the program.

I HAVE READ AND UNDERSTAND MY RESPONSIBILITIES:

PARTICIPANT NAME

DATE

Prescription Drug and Medical Marijuana Policy

Due to the nature of substance use disorders and the effects of medication on the brain, participants in the Delaware County Treatment Court Program, as well as those seeking admission, are encouraged to consult with their treating physician or psychiatrist to seek non-addictive medications with no abuse potential to treat their health conditions. Each request to be placed or remain on prescription medications or medical marijuana will be reviewed individually in accordance with the following procedures:

1. Participants must identify one primary health care provider to coordinate health care needs and sign appropriate releases for the Treatment Court Team. The health care provider will be responsible for managing all the prescription medications except for those participants being treated by a psychiatrist.

2. Participants must notify the Treatment Court Team if they are prescribed or administered prescription drugs, medical marijuana, or any mood altering or controlled substance. Participants must also provide a copy of any prescription or certification to the Treatment Court Team by the next scheduled court date and keep the medication in its original prescription container. In addition, the participant should expect verification/pill counts to be completed by Adult Probation, either at random or if the Treatment Court Team feels it is necessary.

3. Participants must fill all their prescription medications at one pharmacy. The participant must provide a monthly printout documenting new prescriptions and refills from the pharmacy to the Treatment Court Team.

4. Participants may be prohibited from using medical marijuana or another substance if the use of the substance in question was an element of an offense for which the participant is in the program.

5. Participants may be prohibited from using medical marijuana or another substance if the Treatment Court Team determines the following:

a) Its use substantially impacts or interferes with other therapeutic treatment needs of the participant while in the program, and

b) The need to use medical marijuana or another substance does not outweigh the substantial impact or interference.

6. Participants must obtain their medical marijuana from one dispensary. On a quarterly basis, the participant must provide the Treatment Court Team with a printout generated by the dispensary documenting all medical marijuana purchases during the quarter. Participants must consume store medical marijuana in a manner provided by statute. Participants should expect compliance checks of their medical marijuana by Adult Probation, either at random or if the Treatment Court Team feels it is necessary.

7. If a participant's request to use medical marijuana or a prescription drug is denied by the Treatment Court Team, the participant may request a hearing before the Treatment Court Judge who did not participate in the denial.

Participant Signature Date Attorney Date



**Delaware County Treatment Court
201 West Front Street
Media, Pennsylvania 19063**

ACKNOWLEDGMENT OF CONTRACT

IN THE MATTER OF:

Name: _____

Case No. _____

I HAVE FULLY READ AND UNDERSTAND THE PARTICIPANT HANDBOOK.

I DO WITH THE ADVICE AN CONSENT OF COUNSEL, VOLUNTARILY, KNOWINGLY AND INTELLIGENTLY, AGREE TO ENTER THE TREATMENT COURT PROGRAM AND ABIDE BY ANY AND ALL RULES AND REGULATIONS OF PROGRAM.

Date: _____

Signature of Defendant

Name Printed

Signature of Defense Attorney

Name Printed