

CIRCUIT COURT OF KANKAKEE COUNTY, ILLINOIS
TWENTY-FIRST JUDICIAL CIRCUIT

Case #: _____

PETITION OF _____ FOR ADMISSION TO THE
DRUG COURT PROGRAM

The undersigned petitions the Court for admission to the Drug Court Program.

In support of this petition, the undersigned has executed a Drug Court Agreement and Waiver which lists the terms and conditions to which the petitioner agrees, if accepted by the Court, for participation in the program. Said Agreement and Waiver is attached hereto as an exhibit.

Dated this _____ day of _____, 20_____.

Petitioner's Signature

Kankakee County
Illinois

DRUG COURT AGREEMENT AND WAIVER

The undersigned, in support of a Petition for Admission to the Kankakee County Drug Court Program, agrees to the terms, conditions, and waivers set forth herein, upon acceptance by the Court for participation in the Drug Court Program:

NAME: _____ DOB: _____

ADDRESS: _____

PHONE: _____

A. CRIMINAL CHARGES – PROCEEDINGS AND WAIVER

1. Upon arrest, and the filing of charges, I hereby waive my right to both an Indictment and a preliminary hearing and agree to proceed upon an Information. Further, I admit the allegations of the Information, waiving all constitutional and legislative rights and procedures. I specifically waived my right to a trial either by a jury or judge, the right to confront the witnesses against me, the right to subpoena witnesses and put on a defense, and my privilege against self-incrimination. I reserve the rights to challenge any search and seizure under the Fourth Amendment to the United States Constitution and Section 6 of Article 1 of the Constitution of Illinois. I further understand that the prosecution of said charge will be held in abeyance by the Court pending successful completion of my treatment program. I further understand that my failure to complete the Drug Court Treatment Program will result in termination from this program and sentencing.
2. I understand and agree that the Court has the discretion to terminate me from the Drug Court Program after a formal hearing if I am arrested and formally charged with a new crime while I am participating in the program.
3. I understand that upon successful completion of the Drug Court Program, the Court will grant the State's motion to dismiss the pending criminal charge. Further, the prosecutor is barred from re-instating the matter at any future date and will not object to an expungement order if one is properly brought.

4. I agree to satisfactorily complete an assessment for my drug treatment program as ordered by the Court which includes, but are not limited to: a med/psych screening, urine drops, a social history, and a criminal history. I understand the information in my treatment records are protected under federal rules 42 C.F.R. Part 2 and 45 C.F.R. parts 160 and 164, the health Insurance Portability and Accountability Act (HIPPA), IL Statute 740 ILCS 110. I authorize the exchange of information including all evaluations, test results, and treatment information, between the Court and all designated treatment providers as is necessary to allow my participation in the Drug Court Program. The information released may not be used by the prosecutor for the filing or further charges against me. This information may be used by the Court in determining my treatment progress and my status in the program.
5. I understand the information in my treatment records are protected under federal rules 42 C.F.R. Part 2 and 45 C.F.R. parts 160 and 164, the health Insurance Portability and Accountability Act (HIPPA), IL Statute 740 ILCS 110. By my acceptance of this contract and my signature, I am authorizing exchange of information between the Kankakee County Drug Court Agencies and designated treatment providers and related agencies as is necessary to allow me to participate in all tracks and phases of this program.
6. By my acceptance of this contract and my signature, I understand that the Drug Court will hold me accountable by monitoring my substance abuse and that while I am in treatment and until I complete this program I will abstain from alcohol and drugs.
7. I agree to achieve the necessary skills to progress through the phases of Drug Court and complete the treatment program within the 15 month period. This period may be reduced or expanded by the Court.
8. I understand and agree that any failure on my part to abide and comply with the treatment program can result in the filing of a Petition to Revoke Drug Court and a hearing before the Court, which can result in termination from the Program.
9. I agree to keep the Court and treatment provider advised of any change of address, phone number, marital status, employment status, living conditions, and other relevant information requested by the Court or treatment provider.
10. I understand and agree that the Court or treatment provider may order me to pay for participation in the program and for treatment services. Any fee will be based on ability to pay, and availability of insurance or public assistance. I understand that failure to complete the program will not excuse my obligation to pay any fees assessed. Participants agree to submit all charges and/or fees to their insurance carrier. The inability to pay fines, fees and costs will not prohibit program entry, phase advancement, or graduation.

I have read the foregoing statement of the rights I will be waiving and the conditions under which I will be waiving and the conditions under which I will be entering the Kankakee County Drug Court Program. I further agree to execute a contract detailing my treatment program, including sanctions that may be imposed by the Court, and of its agencies.

It should be of note that no requirement for phase advancement is meant to be seen or treated as punishment. Anything listed in the forthcoming treatment tracks is meant to be a means to progress recovery and help the participant gain life skills needed to make their way through treatment and to become a more productive member of the community.

CONTRACT

Your petition for the Drug Court Program for 15 months has been granted.

The Drug Court Program commences with the Eligibility Determination and Evaluation Process. Upon completion of your screening and acceptance into the program will allow you to enter Phase 1.

Phase 1: (30 Days)

The following are standards for Phase 1 compliance:

Initially, the defendant participates in comprehensive treatment assessments. An individual treatment plan will then be matched with that defendant's needs as recommended by the formal assessment. A treatment plan will generally be selected from one of the following: 1) Residential Treatment – Length of treatment is 28 to 45 days. The defendant is required to stay in the treatment facility for 28 to 45 days while engaging in counseling, random urinalysis, education and review by Court when Judge requires; 2) Intensive Outpatient Treatment – (IOP) Length of treatment is 5-6 weeks consisting of twelve (12) hours per week of individual, group and family counseling. 3) Traditional Outpatient Treatment – (TOP) Length is four (4) – twenty-four (24) weeks where treatment consists of at least 1½ hours counseling per week. The defendant is also required to remain drug and alcohol free, meet with the Drug Court Officer as directed, as well as Court review as directed. Typical Phase I standards include but are not limited to:

- Weekly appearances in Drug Court
- Weekly reporting with the Drug Court officer
- Random urinalysis three times per week or as directed
- 2 self help meetings per week
- Weekly treatment sessions as directed by treatment facility
- Educational assessment
- Vocational assessment

- Announced/Unannounced home visits

Movement to Phase 2 happens when the participant has consistently demonstrated clear signs of stability in the above areas plus:

- Remain drug/alcohol/crime free
- Immediately prior to phase advancement, defendants must have a minimum of 30 consecutive days of verified sobriety (negative drug screens, PBT, SCRAM or TRAC monitoring)
- Compliant with all of the above phase requirements

Phase 2: (90 Days)

The following are standards for Phase 2 compliance:

The defendant who successfully completes his or her treatment program in Phase 1 will move to an appropriate aftercare program. For example, if the defendant is required to complete residential treatment in Phase 1, then his or her next level of treatment will consist of Intensive Outpatient Treatment. If the defendant is in IOP then his or her aftercare will consist of Traditional Outpatient Treatment. The defendant's aftercare consists of relapse prevention, including outside self-help meetings. During this phase the participant will be required to meet with the Drug Court Officer as directed, random urinalysis two times per week or as directed, biweekly appearance in Drug Court, if applicable work on obtaining GED, If applicable seek employment, and remain drug and alcohol free. Successful completion of this phase will allow you to move to Phase 3

- Bi weekly appearances in Drug Court or as directed
- Bi-Weekly reporting to Drug Court Officer or as directed
- Random urinalysis twice weekly or as directed
- 2 two self-help meetings per week
- Participate in treatment session as directed
- Educational assessment
- Vocational assessment
- Announced/unannounced Home Visits

Movement to Phase 3 happens when the participant has consistently demonstrated clear signs of stability in the above areas plus:

- Compliant with all of the above phase requirements
- Remain Drug/Alcohol/crime free
- Immediately prior to phase advancement, defendants must have a minimum of 75 consecutive days of verified sobriety (negative drug screens, PBT, SCRAM or TRAC monitoring)

Phase 3: (120 Days)

The following are standards for phase 3 compliance:

The defendant who successfully completes his or her treatment program in Phase 2 will move to an appropriate aftercare program. For example, if the defendant is required to complete intensive outpatient treatment in Phase 2, then his or her aftercare in phase 3 will consist of traditional outpatient treatment. The defendant's aftercare consists of relapse prevention, including outside self-help meetings. During this phase the participant will be required to meet with the Drug Court Officer as directed, random urinalysis two times per week or as directed, triweekly appearances in Drug Court, if applicable work on obtaining GED, If applicable seek employment, and remain drug and alcohol free. Successful completion of this phase will allow you to move to Phase 4

- Tri weekly Drug Court appearance or as directed
- Tri-Weekly reporting to Drug Court Officer or as directed
- Random urinalysis twice weekly or as directed
- 2 self help meetings per week
- Participate in treatment session as directed
- Educational Assessment
- Vocational Assessment
- Announced/Unannounced home visits

Movement to Phase 4 happens when the participant has consistently demonstrated clear signs of stability in the above areas plus:

- compliant with all of the above
- remain drug/alcohol/crime free
- Immediately prior to phase advancement, defendants must have a minimum of 90 consecutive days of verified sobriety (negative drug screens, PBT, SCRAM or TRAC monitoring)

Phase 4: (120 Days)

The following are standards for phase 4 compliance:

In this phase, all defendants will meet as required with the Drug Court Officer as directed, randomly perform urinalysis as directed, attend Drug Court as directed by the Judge, attend a minimum of 2 self-help meetings per week, working toward completing GED requirements, and remain drug and alcohol free.

- Appearance in Drug Court every four weeks or as directed
- Monthly reporting to Drug Court Officer or as directed
- Random urinalysis once weekly or as directed
- 2 self-help meetings per week
- Successfully complete all treatment requirements
- Educational achievement if applicable

- Vocational achievement if applicable
- Announced/Unannounced Home Visits

Movement to Phase 5 happens when the participant has consistently demonstrated clear signs of stability in the above areas plus:

- Compliant with all of the above phase requirements
- Remain Drug/Alcohol/Crime free
- Immediately prior to phase advancement, defendants must have a minimum of 90 consecutive days of verified sobriety (negative drug screens, PBT, SCRAM or TRAC monitoring)

Phase 5: 90 Days

The following are standards for Phase 5 compliance

- Appearance is Drug Court every four weeks or as directed
- Monthly reporting to Drug Court Officer or as directed
- Submit to drug screens as directed
- 2 self-help meeting per week
- Successfully complete all treatment as required by treatment providers
- Maintain stable living conditions
- Maintain employment, school, vocational training or volunteer opportunities
- Demonstrate the ability to sustain financial stability and life skills independence
- Maintain a recovery network
- Complete a written discharge plan and present that plan to the Drug Court team

In order for the participant to successfully commence Drug Court:

- Compliant with all of the above phase requirements
- Remain crime free
- Complete a written Discharge Plan and present that plan to the Drug Court Team
- Immediately prior to graduation, defendants must have a minimum of 180 consecutive days of verified sobriety (negative drug screens, PBT, SCRAM or TRAC monitoring)

Graduation

In order to graduate from the Drug Court Program the defendant must complete all program phases, a discharge treatment plan and be in continued compliance with the Court order. When the defendant has successfully completed all the requirements of the Drug Court Program, there will be a graduation ceremony in their honor. At that time, the defendant will have officially completed the Drug Court Program and their involvement with the program will no longer be mandatory. Upon completion, legal agreements made pending completion of the Drug Court Program will be reviewed and acted upon accordingly.

COURT APPEARANCE: At any time during the above Phases your success or failure will allow you to either move up or repeat requirements from previous phases. During all Phases you will be scheduled for periodic court appearances as determined by the Court during the Drug Court hours. Sanctions, incentives and Therapeutic adjustments will be given during all court appearances.

******Attendance is required, and if you fail to appear in Court on time as scheduled, your bond will be revoked and a warrant will be issued for your arrest.**

NON-COMPLIANCE WITH THE PROGRAM

I. Behaviors that may result in court sanctioning and/or termination hearing:

- Positive urine test
- Diluted urine sample submitted
- Failure to submit urine sample
- Unexcused absence and/or absences from counseling session or support group
- Failure to follow treatment conduct rules
- Failure to make reasonable progress in treatment
- Failure to attend scheduled status hearings
- Arrest for non-violent offense
- Failure to comply with Court, Drug Court Officer and/or treatment providers recommendations
- Any other conduct that would be deemed as non-compliant with the Drug Court Contract
- Falsifying urine samples may result in the following:
 - up to 21 days jail time, new charges being filed and termination from the program.
- Leaving the State of Illinois without permission from the court or Probation Officer
- Drinking alcohol
- Entering an establishment where the primary sales are alcoholic beverages
- Use or consumption of inhalants
- Use or consumption of prescription drugs without a valid prescription.
- . Participants are encouraged to disclose to their Medical Doctor of their participation in Drug Court and notify the Court about any and all medications. In case of a medical emergency, you must contact your Drug Court Officer as soon as medically possibly

II. Behaviors that will result in court sanctions or termination hearing include:

- Arrest for possession or delivery of drugs or alcohol at treatment site
- Violence or threat of violence at treatment site, Court or Probation office.
- Arrest for violent offense

- Failure to comply with directives given by Court, Drug Court officer, or treatment providers

Swift and certain consequences for non-compliance is an important part of the Drug Court concept. In the event of non-compliance, the offender may be required by the Drug Court Officer to appear in Court prior to his or her scheduled court date.

INCENTIVES, SANCTIONS and Therapeutic Adjustments:

Addiction is a chronic, relapsing condition. A pattern of decreasing frequency of use before sustained abstinence from alcohol and other drugs is common. Eventually, participants learn to manage cravings, avoid or deal more effectively with high-risk situations and maintain sobriety for increasing lengths of time. Although the Drug Court recognizes that individuals have a tendency to relapse, continuing alcohol and other drug use is not condoned. The DC team will impose appropriate responses for continuing use. Responses increase in severity for continued failure to abstain.

The Drug Court rewards cooperation and honesty as well as sanctions for non-compliance. Small rewards for incremental successes have an important effect on a participant's sense of purpose and accomplishment. Praise from the DC Judge for positive actions as well as certificates of graduation are examples of recognition for positive behavior. Continued non-compliance must be sanctioned as well. The DC draws a distinction between therapeutic adjustments (imposed when the client is honest about relapse) and behavioral sanctions (imposed when the client misses scheduled treatment or probation office meetings, denies relapse). Therapeutic-adjustments may include self-help meetings or increased intensity of treatment whereas behavioral sanctions may include written assignments, community service work hours or jail. These incentive sanctions and therapeutic adjustments will be individualized according to the defendants needs and may include but not be limited to the following:

INCENTIVES:	SANCTIONS:	Therapeutic Adjustments
<ul style="list-style-type: none"> • Applause • Peer recognition • Program passes • Bus tokens • Gift cards • Not have to come to court • Verbal recognition from the Judge 	<ul style="list-style-type: none"> • Increased court appearances • Admonishment from the court • Increased office appearances • Public/Community service • Jail sanction from 1- 21 days • SCRAM Alcohol Monitoring device • TRAC Alcohol device • Victim Impact group 	<ul style="list-style-type: none"> • Increased meetings • Increased treatment • Write term papers • Increased self-help meetings • Increased meetings with Probation Officer

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| <ul style="list-style-type: none"> • Phase advancement • Leave of court • Positive reinforcement punch card | <ul style="list-style-type: none"> • GPS device • Observe Court • Termination from the program and remand to the criminal court for sentencing |
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IN DETERMINING WHETHER TO IMPOSE A SANCTION, AND THE NATURE OF THE SANCTION, THE COURT SHALL CONSIDER ALL RELEVANT INFORMATION INCLUDING THE RECOMMENDATIONS OF THE DRUG COURT TEAM

The defendant having appeared on this date in open Court, and having been personally addressed by the Court and informed as set forth above, the Court finds:

1. The Defendant understands the admonitions and appeal rights;
2. _____ The Defendant's tendered plea **is not** the result of a plea agreement, and is knowingly and voluntarily made, there having been no force, threats or promises made to obtain this plea; or

_____ The Defendant's tendered plea is the result of a plea agreement. The Court did not initiate plea discussion and had no knowledge of the plea agreement until stated in open Court by the parties. The Defendant has confirmed the terms of the plea agreement in open Court, and the Court has advised the parties that the Court will concur in the proposed disposition. The Defendant's plea is knowingly and voluntarily made, there having been no force, threats, or promises to obtain the plea agreement;
3. There is a factual basis for the plea;
4. The Court has made specific inquiry as to whether the Defendant is currently receiving psychotropic medications within the last 30 days, and:

_____ The Defendant **is not** receiving such medications;

_____ The Defendant **is** receiving such medications, and after additional inquiries regarding the psychotropic medication, the court finds there is not a bona fide doubt as to the defendant's fitness to stand trial or enter a plea.

IT IS HEARBY ORDERED THAT:
The Defendant's plea of guilty is accepted;

____ The Defendant is placed on Drug Court Diversion Program.

____ The Defendant is placed on Post-Conviction Drug Court

Upon successful completion of the program, the individual will then be eligible for graduation, which will be held in open court.

I, _____, do hereby acknowledge by my below signature, that I have reviewed the Kankakee County Drug Court Participation Contract with my legal counsel.

Petitioner's Signature

Date

Public Defender / Private Counsel

Dated