

## **RULE 10 – COURT PROGRAMS**

### **DIVERSION**

- 10.1** Chief Deputy Clerk and Diversion Coordinator will review delinquency complaints. Complaints which are (1) a first offense (excluding juvenile traffic cases) (2) not a felony (3) not an aggravated offense and (4) no objection is rendered by the prosecutor's office will be referred to the Diversion Coordinator.
- 10.2** The Diversion Coordinator will receive directly from the prosecutor's office any unruly complaints that are first offenses.
- 10.3** The Court may in the Court's sole discretion and with the approval of the prosecuting attorney refer cases to the Diversion Coordinator to further the interest of justice.
- 10.4** Upon the referral of a complaint to the Diversion Coordinator, the Diversion Coordinator shall immediately send a letter to the juvenile and the legal parent(s), custodian(s), or guardian(s) advising said persons of the diversion procedure. A meeting will be scheduled with the juvenile and the parent(s), custodian(s) or guardian(s) at a time to be chosen by the Diversion Coordinator. A fee of seventy-five dollars (\$75.00) will be charged for the services rendered on behalf of the Juvenile Court by the Diversion Coordinator. This fee may be waived in the Court's discretion and upon the filing of a Financial Affidavit.
- 10.5** The Diversion Coordinator will discuss with the juvenile and parent(s), custodian(s) or guardian(s) a resolution of the complaint in an attempt to avoid formal court intervention. Should the juvenile voluntarily terminate the program, appear to make no or minimal efforts with the recommendations of the Diversion Coordinator, receive a second offense during the intake procedure, or not follow program requirements then the original complaint will be formally filed with the Court and referred to the judge.
- 10.6** The Diversion Coordinator is hereby authorized to develop a Diversion Form,

which is to be completed by the juvenile and the juvenile's parent(s), custodian(s), or guardian(s) and delivered to the Diversion Coordinator at the first meeting.

- 10.7** All cases referred to the Diversion Coordinator will receive a diversion case number but will not receive a formal case number from the Clerk of the Juvenile Court. The Diversion Coordinator will keep a database of all juvenile referred for the intake procedure and the outcome of the intake process.

### **C-CAP (CONCENTRATED CONDUCT ADJUSTMENT PROGRAM)**

- 10.8** The court recognizes that since April 15, 1996 the C-CAP Program has operated to provide intensive monitoring of court involved youth as well as attendance in the program on weekends and/or after school and during the summer vacation. C-CAP activities include social skills, community service, academic support and behavior modification.

### **FAMILY DEPENDENCY TREATMENT COURT**

#### **10.9 SPECIALIZED DOCKET (FAMILY DEPENDENCY TREATMENT COURT)**

##### **A. THE BELMONT COUNTY FAMILY DEPENDENCY TREATMENT COURT**

Established in 2005, The Belmont County Family Dependency Treatment Court is a specialized docket designed in accordance with Appendix I, Specialized Docket Standards of the Rules of Superintendence, to offer a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to substance dependent parents of children who have been adjudicated to be abused, neglected or dependent by the Juvenile Court. The Belmont County Family Dependency Treatment Court strives to help each parent become a fully functioning adult by focusing on sobriety, mental health stability, obtaining a stable living environment, obtaining a legal source of income or continued education, completion of the Case Plan objectives and, if appropriate, reunification.

##### **B. REFERRAL PROCESS AND ELIGIBILITY**

Any person may refer a parent to the Belmont County Family Dependency Treatment Court by contacting the Program Coordinator. The Belmont County Family Dependency Treatment Court has developed the following eligibility requirements for participation in the program:

- (1) Clinical Criteria

- (a) Substance dependent.
- (b) If mental health issues exist, it is believed that those conditions can be effectively controlled by treatment and/or medication.
- (c) Clients who are actively suicidal, homicidal or delusional will not be admitted until those conditions have been assessed by a certified mental health professional as being adequately controlled by medication and/or mental health treatment.
- (d) Clients whose developmental disabilities or mental health issues are so significant that the individual may not be able to parent despite achieving sobriety will not be admitted.

## (2) Legal Criteria

- (a) Abuse, Neglect, Dependency Complaint filed in Juvenile Court with underlying parental substance abuse which has contributed to an inability to effectively and adequately parent.
- (b) Case must be adjudicated prior to starting Family Dependency Treatment Court.
- (c) Treatment is required in the Case Plan.
- (d) Belmont County resident.
- (e) No alleged or substantiated charges of sexual abuse perpetrated by the potential participant.
- (f) No registered sex offenders.
- (g) Individuals with Drug Trafficking convictions on their criminal record will be considered on a case-by-case basis.

The fact that a parent may meet the clinical and legal eligibility requirements does not create a right to participate in the Belmont County Family Dependency Treatment Court. The Judge shall have the discretion to decide admission into the program. The Belmont County Family Dependency Treatment Court is a voluntary program, but in certain circumstances a parent can be ordered to enter the program.

## C. CASE ASSIGNMENT

The Belmont County Family Dependency Treatment Court follows a comprehensive model. While in Drug Court, the parent will appear on a regular basis for status review hearings before the Juvenile Court Judge. The Juvenile Court Judge will oversee the status review hearings as well as the underlying Abuse, Neglect, Dependency case.

## D. ASSESSMENT AND CASE MANAGEMENT

Should the parent appear to meet the legal and clinical eligibility requirements of the Belmont County Family Dependency Treatment Court and continues to express an interest in participating in the program, a drug assessment and alcohol assessment and, if applicable, a mental health assessment with Brite Futures Counseling services. If the parent is accepted into the program, a participation agreement with the parent will be completed. Treatment services will be promptly made available to the participant based upon the participant's individualized needs as evidenced by the assessments. As described more fully in the Belmont County Family Dependency Treatment Court Program Description, each participant's substance use shall be closely monitored by random, frequent and observed alcohol and other drug testing protocols that meet the requirements set forth in Appendix I Standard 8 of the Rules of Superintendence. Each

participant's performance and progress shall be closely monitored by regularly conducted status team meetings and ongoing judicial interaction which shall occur no less frequently than twice monthly while in the initial phases of the program. As the participant promotes phases, judicial interaction shall become less frequent.

#### **E. TERMINATION FROM THE BELMONT COUNTY FAMILY DEPENDENCY TREATMENT COURT**

Should a parent be terminated from the Belmont County Family Dependency Treatment Court either due to an inability to participate (Neutral Termination) or noncompliance with the rules and requirements of the program (Unsuccessful Termination), notice of the termination from the Belmont County Family Dependency Treatment Court shall be placed in the court file. That notice shall delineate the type of termination. The case is then returned to traditional case processing in Juvenile Court.

#### **F. USE OF INFORMATION FROM FAMILY DEPENDENCY TREATMENT COURT**

(1) Pursuant to Evidence Rule 408, statements made in Family Dependency Treatment Court hearings shall be treated as evidence of conduct or statements made in compromise negotiations and are not admissible to prove the underlying cause of action.

(2) Pursuant to Evidence Rule 410, statements made in Family Dependency Treatment Court hearings will be treated as participation in plea discussions and will not be admissible to prove the underlying cause of action.

(3) This Rule does not limit the admissibility of evidence provable by independent, extrinsic evidence.

#### **SUBSTANCE ABUSE INTERVENTION DOCKET (SAID)**

**10.10** The Substance Abuse Intervention Docket (SAID) is an approximate ninety (90) day program designed to provide education and increase awareness of alcohol and other drug prevention treatment. The goal of this early, effective intervention measure is to reduce drug and alcohol use, general discipline problems, criminal activity, absenteeism, and truancy while enabling the offender to become a productive member of the community.

Only juveniles with a drug and/or alcohol first offense that is considered a misdemeanor by the standards of the Ohio Revised Code are eligible to participate. The program also accepts tobacco offenders and charges related to vaping. The juvenile must admit the charges stated in the complaint are substantially true and the minor and their parent(s) must be willing to cooperate and abide by the terms and conditions of an Agreed Order. A participation fee is determined by the Juvenile Court.

If the minor and family choose to participate in the Substance Abuse Intervention Docket and abide by the terms and conditions of the Agreed Order, then the respective case will not be filed

in the Belmont County Juvenile Court, nor will it result in a juvenile record.

Involvement in the intervention is approximately ninety (90) days; however, that time may be extended if necessary. The length of time in the program is dependent on a child's progress and compliance with the specific directives outlined in the relevant Agreed Order.

If during the time of court supervision, the juvenile or parent(s) fail to abide by the terms and conditions of the Agreed Order, or the juvenile is charged with an additional unruly or delinquent offense, or fails or refuses drug and alcohol testing, shows no or minimal effort to succeed in the program, or voluntarily withdraws, then the case will be filed in the Belmont County Juvenile Court.

### **INTENSE SUBSTANCE PROBATION (ISP)**

**10.11** The Intense Substance Probation (ISP) program was created in 2010 as an extension of the probation department enabling drug court staff/probation officers to monitor closely youth on probation with drug and alcohol related issues. These probation officers are trained to deal with youth and families facing drug and alcohol addiction issues. Traditional terms of probation apply in addition to more intense monitoring of drug and alcohol usage through various types of drug screens and referrals to drug and alcohol counseling and assessments. The goal is to provide early intervention, education, and determent from continued usage in order to prevent addiction leading to lifelong problems and challenges.