

# FAMILY DRUG COURT PARTICIPANT HANDBOOK

First Judicial Circuit  
Ka'ahumanu Hale  
777 Punchbowl Street  
Honolulu, HI. 96813

The Honorable Judge Bode Uale  
Presiding

James Lutte M.A.  
Drug Court Coordinator

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## **Welcome to the Family Drug Court!**

The Family Drug Court is a special program designed to help you and your children get back together or stay together. To reach that goal, this program will help you recover from substance abuse by referring you to a substance abuse treatment program (if applicable) and monitoring your progress there. This program will also help to make sure that while you are in treatment; you stay in contact with your children and plan for their future.

We hope that by working together, we can help you break the cycle of addiction and build a better life for yourself and your children.

To reunify your family, this program requires that you complete substance abuse treatment as well as other requirements set forth by the Court.

As you work through treatment at a community-based treatment program, you will also progress through Levels of participation here at the Court. Each Level has specific requirements for advancement. The Court and your Family Drug Court Case Manager will constantly monitor your progress and help you toward reaching those requirements. Each graduation from a Level will be celebrated. Your biggest success will be to make a safe and happy home for your children.

**These are some of the ways the Family Drug Court is different and can benefit you:**

- ❖ A Case Manager will be assigned to you to assess your needs and help you as you go through the Court process.
- ❖ You will quickly be linked to an appropriate treatment program, parenting skills workshops and any other services you need.
- ❖ You will be linked to health care, educational and vocational training and other services.
- ❖ You will get ongoing support and assistance in staying connected to your children while they are placed out of the home.
- ❖ As you establish sobriety and become more stable in treatment, the Judge may consider increased visitation with your children.
- ❖ You will get ongoing support if you have problems getting or staying clean.
- ❖ You can participate in special support groups with other parents going through the same things you are going through.

## Admission Criteria

The following criteria will be used by the Judge to determine if you are appropriate for referral to the Family Drug Court program.

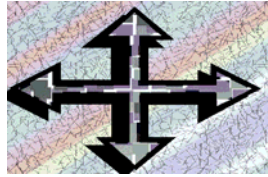
1. You have been diagnosed at Substance Abuse or Chemical Dependency, you are clinically appropriate for admission and you are amenable to treatment.
2. You must admit to the allegations of the Petition for custody, which will be the basis of the Court's jurisdiction.
3. You must agree to sign the Program Participation Agreement form and abide by the conditions set therein.
4. You must be willing to cooperate with the Recovery Plan and all court-ordered services. These could include, but are not limited to: substance abuse/addiction treatment, parenting skills, vocational assistance, and health care for yourself and your family members.
5. You must not be involved in any methadone treatment.
6. You must be willing to abstain from drugs and alcohol and be willing to submit to regular and random urinalysis monitoring.
7. You will not have been convicted of a violent felony. Violent misdemeanors will be decided on a case-by-case basis.
8. You must be willing to consider a restraining order and observe the terms of this restraining order if a member of the household commits or has committed domestic violence against any family member.
9. You will not have been charged or convicted of sexual abuse in any case.
10. You will be over the age of 18.
11. You must be willing to be completely honest in all communication with the Court.

## FAMILY DRUG COURT PROGRAM RULES

As a Family Drug Court participant, you will be required to abide by the following rules:

1. **Obey all Court Orders.**
2. **Attend all ordered drug treatment sessions.** This includes residential, outpatient, sober living, individual and group counseling, educational sessions, drug testing, and AA/NA meetings.
3. **Be on time.** If you are late to any programs, you may not be allowed to attend and will be considered to not be complying with your Treatment Plan. This also includes any appointments you have for urinalysis testing. If you miss a urinalysis appointment, it will count as a positive test result.
4. **Do not make threats towards other participants or staff, behave in a violent manner or disrupt treatment.** Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This may result in immediate termination from the Family Drug Court Program.
5. **Do not bring drugs, alcohol, or weapons into any treatment program, meeting, appointment or event.**
6. **Dress appropriately for Court and treatment sessions.** As a participant, you will be expected to wear a shirt or blouse, pants, dress, skirt or shorts of a reasonable length. Shoes must be worn at all times. If you have difficulty with this, we would be happy to help you. **Clothing bearing gang, drug or alcohol related language is considered inappropriate.**
7. Appropriate behavior during court proceedings is mandatory. Any disruptions during court will be viewed as disrespect towards the court and its participants.

## Levels of Family Drug Court Participation



One of the Family Drug Court's goals is to get you into a treatment program and help you to stay in treatment until you complete it.

To help you focus on meeting the requirements for graduation, you will pass through four Levels of Family Drug Court. The following questions and answers explain what the Levels are.

### **What is a Level?**

A level is a stage of participation at the Family Drug Court. There are four Levels of participation.

**Level I:** *Choice,*

**Level II:** *Challenge,*

**Level III:** *Change.*

**Level IV:** Maintain

### **Why are four Levels?**

Recovery from substance abuse is a long process. Sometimes, setting short-term goals can help you feel less overwhelmed. Breaking down the specific requirements for graduation and/or reunification can also help you stay focused on success.

### **How will I move through Levels?**

Each Level has a set of specific requirements. Once all the requirements for the Level have been met, you will be eligible to advance to the next Level. When you advance a Level, you will receive a Certificate of Advancement in Court from the Judge.

### **How long will it take to complete all the Levels?**

It will take about one year to eighteen months to complete all requirements.

**What happens if I fail to complete all the Levels?**

It will be up to the Family Drug Court Judge. The Judge can choose to give you more time to complete the Levels. The Judge can also give you sanctions. The Judge can also discharge you from the program and give your case back to a regular Judge. In some cases, the Family Drug Court Judge will keep your case and terminate your parental rights.



## LEVEL I: CHOICE



The focus of this Level is encouraging your **CHOICE** to work toward a drug free life and establish a foundation of abstinence.

### Goals for this Level include:

- ❖ Acquisition of entitlements and health care
- ❖ Detoxification and abstinence
- ❖ Placement in community-based treatment
- ❖ Evaluation for additional special needs or service
- ❖ Identification of community supports
- ❖ Goal setting for parenting skills development
- ❖ Goal setting for education and employment, life skills, and independent living
- ❖ Improved interaction with children

### Requirements for Advancement from Level I:

Completion of residential, IOP, or Day Treatment (if applicable)  
Maintain a positive treatment center report history  
Obtain a 12-step sponsor  
Consistently attend a minimum of five 12-step meeting per week and submit weekly, signed, attendance logs.  
A minimum of eight satisfactory supervised visits (if children are in out of house placement).  
Appointments for service plan requirements are made.  
A minimum of 90 days clean and sober.

## LEVEL II: CHALLENGE



The focus of this Level is to stabilize you in treatment, **CHALLENGE** you to confront underlying issues surrounding your addiction and its impact on your family and help you rise to the challenge of recovery as a way of life.

### **Goals for the second Level include:**

- ❖ Continued abstinence and development of recovery tools
- ❖ Significant progress toward attaining treatment goals established by your treatment program
- ❖ Continued and improved interaction with family and children
- ❖ Participation and progress toward goal achievement in educational, vocational, and life skills plans
- ❖ Identification of additional needs and linkage to services
- ❖ Development of sound parenting practices and strategies

### **Requirements for Advancement from Level II**

**(In addition to Level I requirements)**

Continued attendance at a minimum of five 12-step meetings a week  
Submit signed, weekly meeting logs  
180 days clean and sober  
A minimum of eight, satisfactory, unsupervised visitations.  
Join a 12-step home group  
Service commitment with home group  
12-step study group  
Completion of treatment program

## LEVEL III: CHANGE



The focus of this Level is to promote continued **CHANGE** within you towards self-sufficiency, while reconnecting with the community at large.

### **Goals for the third Level include:**

- ❖ Internalization of recovery tools
- ❖ Continued development of daily coping and parenting skills
- ❖ Stable living and financial arrangements
- ❖ Reintegration into family and community
- ❖ Preparation, in all respects, for reunification and continued drug-free living and parenting

### **Requirements for Level III**

**(In addition to Level I and II requirements)**

Obtain employment and/or sufficient financial support.

Acquisition of sufficient housing.

Report to FDC office, during off court weeks, for sessions with caseworker and view video curriculum.

270 days clean and sober.

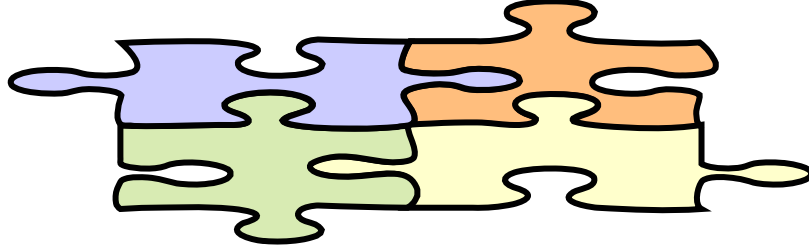
Sustained cooperation with visitations.

Completed service plan requirements.

A minimum of five 12-step meetings a week.

Submit signed meeting attendance logs.

## LEVEL IV: MAINTAIN



The focus of this level is to promote long-term abstinence and becoming a responsible, productive member of your community.

### **Goals for the Aftercare level include:**

- ≥ Reduce personal and family isolation and increase family and community support systems.
- ≥ Engage in activities that build harmony, support, and unity among family members.
- ≥ Invest in the Ohana unit with personal time, energy, and commitment to creating a loving and supportive family unit.
- ≥ Gain confidence, expertise, and effectiveness in ability to manage discipline issues resulting from the early lack of attachment and bonding.
- ≥ Become actively involved in each child's interests, aptitudes, and abilities and explore their possible link to future careers and lifestyles.

### **Requirements for Aftercare level**

**(In addition to levels I, II, and III requirements)**

Maintain sobriety

Maintain sufficient housing

Attend bi-monthly classes at the FDC office or satellite location

Maintain sober support system

Maintain weekly contact with FDC case manager and CWS Social Worker

Attend scheduled review hearings if applicable

## **Swifter Court Process: Disposition and Permanency Hearings**

Once you have made an admission and agreed to participate at Family Drug Court, disposition and permanency hearings help to track progress and build permanency plans for children.

### **What are the Child Protective Services [CPS] hearings?**

Within a couple of months after your enrollment in the Family Drug Court Program, the Judge will enter an Order of Disposition (or a Court Order) that determines where the children will be placed and conditions you must meet to regain custody. These orders stay in effect for periods of up to 12 months.

### **What happens after this Court Order is entered?**

Once an Order is entered, the Court and treatment team will continue to monitor your case. You must continue to abide by all Court orders and expectations. As your case progresses, frequent Court appearances will allow the Court to make changes in your treatment and service plan, like new referrals or changes in visitation. You must comply with any changes in orders that the Court makes.

**What happens if after the Court order, I fail to comply with Family Drug Court?** If you don't make progress in treatment following the Court order or fail to follow the rules, the Judge may impose sanctions on you. If you still fail to comply and use up all your chances, you could be discharged from the Family Drug Court. You will, at that time, return to the regular CPS track. This means that you will still have to comply with all Court orders around achieving sobriety and becoming a safe and sober parent, but you will no longer have the special help of a Case Manager. If you continue to be non-compliant your case will proceed to the next step, a permanency hearing, where the goal for your child may be changed to adoption.

### **What is a permanency hearing?**

A permanency hearing is a formal hearing where a permanency planning goal for your child is determined. There are several possible plan for every child placed out of the home; return the child to the parent, place

the child for adoption by terminating parental rights, permanently place the child in the guardianship or custody of a fit and willing relative or another permanent arrangement if the first three plans are not realistic or possible. The majority of children placed out of the home for the first time will have a permanency plan of "return to parents." At a permanency hearing, which occurs about 12 months after a child has been placed out of the home or after an abuse or neglect finding has been made, the original goal will be reassessed and may be changed. Any change in the goal will be based on your progress both in treatment as well as in planning for your children.

**Why would a permanency planning goal be changed?**

If you haven't complied with treatment and all the Court orders in your case, the Court can decide that returning your child to you is no longer a viable plan. At that point, the goal may be changed to adoption and termination of parental rights may be initiated.

## **Encouraging Achievements**

If you do well in treatment and obey all Court orders, you will be rewarded.

### **What is a Reward?**

A "reward" is an acknowledgment by the Court that you have reached a treatment milestone or accomplished a specific achievement. Rewards can be as simple as applause in the Courtroom and fewer Court reviews.

### **Why are Rewards given?**

It is important to acknowledge achievements and progress in some tangible way. Receiving rewards can build self-esteem and help you set the stage for continued progress.

### **Are the Rewards the same for everyone?**

There are several possible rewards that can be granted for each particular achievement or milestone.

Since every case is a little bit different, the Judge decides which reward is most appropriate for each case. In some situations, the Judge may grant more than one reward. Also, all rewards are subject to the rules of the treatment program in which you are enrolled. The Family Drug Court won't overrule a program requirement regardless of your progress.

### **What are the Achievements and Rewards at the Family Drug Court?**

The following is a list of achievements and the possible rewards that can be granted for each one. This chart is meant to be a framework, not a formula.

### **Are visits with my kids rewards?**

This is complicated. If you are doing well, you will be a better parent and will be able to see your kids more. But contact and visits with your children will not be used against you.

Achievements	Possible Rewards
30 days clean and in compliance with all aspects of Court Plan/ Dispositional Order	<ul style="list-style-type: none"> <li>* 30 day coin</li> <li>* In-Court acknowledgment by the Judge</li> <li>* Consideration of increased visitation**</li> </ul>
60 days clean and in compliance with all aspects of Court Plan/ Dispositional Order	<ul style="list-style-type: none"> <li>*60 day coin</li> <li>*In-Court acknowledgment by the Judge</li> <li>*Consideration of increased visitation**</li> </ul>
90 days clean and in compliance with all aspects of Court Plan/ Dispositional Order	<ul style="list-style-type: none"> <li>*90 day coin</li> <li>*Case called early in Court</li> <li>*Increased frequency of supervised visits**</li> <li>*Consideration of unsupervised visits</li> </ul>
120 days (4 months) clean and in compliance with all aspects of Court Plan/Dispositional Order	<ul style="list-style-type: none"> <li>*Case called early in Court with permission to leave</li> <li>*Reduced Court appearances</li> <li>*Unsupervised day visits</li> </ul>
Completion of Level I of Family Drug Court	<ul style="list-style-type: none"> <li>*Level advancement</li> <li>*Certificate in Court</li> </ul>
180 days (6 months) clean and in compliance with all aspects of Court Plan/Dispositional Order	<ul style="list-style-type: none"> <li>*Case called early in Court</li> <li>*Overnight weekend visits</li> <li>*Extended Holiday visitation</li> <li>*Consideration of trial return</li> <li>*Reduced frequency of urine testing</li> <li>*Reduced Court appearance</li> </ul>
240 days (8 months) clean and in compliance with all aspects of Court Plan/Dispositional Order	<ul style="list-style-type: none"> <li>*Case called early in Court</li> <li>*Trial return</li> <li>*Reduced Court appearances</li> <li>*Reduced urine testing</li> </ul>



Completion of Level II of Family Drug Court	*Level advancement *Certificate in Court
12 months clean and in compliance with all aspects of Court Plan/ Dispositional Order	*Case called early in Court *Trial return *Reduced Court appearances *Reduced urine testing *Final return of child/children with or without supervision
Completion of Level III of Family Drug Court & 12 month Disposition Period, clean and in compliance with all aspects of Court Plan/ Dispositional Order	*Certificate in court *Reduced court appearances
Completion of Level IV of Family Drug Court & 12 month disposition period, clean and in compliance with all aspects of court plan/dispositional order	*Certificate of completion *Graduation ceremony

**ANY INCREASE OR DECREASE IN VISITATION MUST FIRST BE BASED ON THE BEST INTEREST OF THE CHILD.**

***\*\*Increases of visitation will be dependent on:***

- 1) Monetary resources (to pay someone to supervise the extra visits) or;***
- 2) Availability of appropriate family members or others in the support network to supervise the extra visit or;***
- 3) Availability of agency resources (staff) to supervise the extra visits.***

***The Judge has the ultimate discretion in deciding which rewards are appropriate for which achievements or milestones.***

## Responding to Problems Infractions & Sanctions

Just as it is important to recognize progress, it is also important to respond quickly to problems or shortfalls you may have in treatment participation. By imposing "graduated sanctions" on you if you do not comply with treatment, the Court hopes to help you learn that there will be swift consequences for your actions. The objectives, however, are not only to remind you that you need to comply fully, but to help you stay engaged in treatment and encourage you to continue working through the recovery process.

### **What is an infraction?**

An infraction is a negative behavior or action that is contrary to the treatment process. At the Family Drug Court, infractions are divided into three groups, based on seriousness. "A" infractions are very serious, "B" infractions are considered moderately serious and "C" infractions are less serious. Some infractions are positive toxicologies, missed appointments or rule breaking at the program.

### **What is a sanction?**

A sanction is a response to an infraction. The seriousness of the infraction determines the severity of the sanction imposed. Sanctions are "graduated." Not only are more severe sanctions imposed for more serious infractions, but also as infractions accumulate, the sanctions become harsher.

**How many Infractions and Sanctions can I get before being terminated from the Family Drug Court?** This is on an individual basis. There is *some* room for behavioral mistakes and adjustments. However, you will not get unlimited chances to change your behavior and succeed in treatment. When you run out of chances, you risk losing your parental rights to your children.

### **What are the Infractions and Sanctions at the Family Drug Court?**

The following is a list of infractions and possible sanctions that can be imposed by the Judge. This chart is meant to be a framework, not a formula.

<p style="text-align: center;"><b>"A" Infractions</b></p> <ul style="list-style-type: none"> <li>• Involuntary termination from outpatient or residential program</li> <li>• Abscond with child in remand</li> <li>• Missed court appearance</li> <li>• Serious violations of treatment program rules or refusal to continue Family Drug Court participation</li> <li>• Tampered or substituted urine sample</li> </ul>	<p style="text-align: center;"><b>"A" Sanction Possibilities</b></p> <ul style="list-style-type: none"> <li>• Bench warrant</li> <li>• Reductions or limitations in visitation**</li> <li>• Remove children currently in respondent's care**</li> <li>• Increased treatment program intensity or change modality including detox</li> <li>• Level setback</li> <li>• Community service</li> <li>• Charged with criminal contempt-jail time if convicted</li> </ul>
<p style="text-align: center;"><b>"B" Infractions</b></p> <ul style="list-style-type: none"> <li>• Non-cooperation with treatment program rules</li> <li>• Missed visitation with children</li> <li>• Unauthorized visit with children at kinship foster home</li> <li>• Unauthorized person at a visitation or in respondent's home</li> <li>• Failure to cooperate with a referral for children</li> <li>• Failure to perform a sanction</li> <li>• Positive toxicology for drugs or alcohol</li> </ul>	<p style="text-align: center;"><b>"B" Sanction Possibilities</b></p> <ul style="list-style-type: none"> <li>• Increased urine testing</li> <li>• Increased Court appearances</li> <li>• Reductions or limitations in visitation</li> <li>• Penalty box in Court</li> <li>• Mandatory support group attendance</li> <li>• Increased treatment program intensity or change of modality including detox</li> <li>• Community service</li> <li>• Level setback</li> <li>• Charged with criminal contempt-jail time if convicted</li> </ul>
<p style="text-align: center;"><b>"C" Infractions</b></p> <ul style="list-style-type: none"> <li>• Unexcused missed appointment at any mandated service</li> <li>• Positive toxicology for drugs and alcohol</li> <li>• More than 3 unexcused late appearances (combined) for Court, case management, visitation, treatment program or other mandated service</li> </ul>	<p style="text-align: center;"><b>"C" Sanction Possibilities</b></p> <ul style="list-style-type: none"> <li>• Increased Court appearances</li> <li>• Increased urine testing</li> <li>• Essay on impact of drugs or alcohol on your children, family or life (to be read in Court)</li> <li>• Increased treatment program intensity or change of modality including detox</li> <li>• Mandatory support group attendance</li> <li>• Penalty box in Court</li> <li>• Community service</li> <li>• Charged with criminal contempt-jail time if convicted</li> </ul>

**\*\*ANY INCREASE OR DECREASE IN VISITATION MUST FIRST BE BASED ON THE BEST INTEREST OF THE CHILD, (and may be implemented at other times, not just as a sanction). *The Judge has final decision about sanctions given.***

**BE AWARE THAT:**

- ❖ **The Judge may invoke the sanction of Contempt for violation of any specific Court Order. The result could be jail time for you.**
- ❖ **In an effort to get you back into treatment, the Court may issue a bench warrant for your arrest if you repeatedly fail to appear in Court or at a treatment program and do not respond to outreach efforts by Family Drug Court Staff, DHS, or treatment program staff.**
- ❖ **Continued problematic behavior and sanctions could result in your termination from the Family Drug Court Program. All decisions regarding termination from the program will be made after a review by your Recovery Team. This will also include your input. The final decision will be made by the Judge.**

## **Parenting Responsibilities Contact, Visitation, and Trial Return**



Your responsibility as a parent continues even if your children are placed out of your home. You still have obligations to your children. As you gain sobriety, visitations with your child will most likely increase in time and duration. You are also encouraged to be a part of educational and medical decision making for your children, even if they are in foster care or placed out of your home.

### **What is visitation?**

Visitations are times during which parents and children meet and visit. Some visitations are supervised by an agency worker or other approved appropriate adult, who observes, ensures the child's safety, and reports on the visitation. Some visitations may be unsupervised.

### **What is trial return?**

Trial return means the return of a child to a parent for a designated period of time during which the Court and CPS continues to supervise the family. If your child is returned to you on a trial basis, you must comply with any and all Family Drug Court and treatment program requirements and obligations as well as the Court Order.

### **Once a trial return is allowed, can it be changed?**

If your child has been returned to you and you fail to comply with Court mandates and have put the child at risk, your child can again be placed out of your home.

## **Family Drug Court Failure Goal Changes and Termination of Parental Rights**

Though the Family Drug Court and CPS helps every participating family in achieving reunification or successful completion, it also has an obligation to seek permanent homes for children in a timely fashion. In every child protective case, a permanency planning goal for the child will be set early in the process. For virtually all Family Drug Court clients, that goal will be to return the child to the parent. However, if you do not comply with the Family Drug Court program and the Court Order within the mandated period of time, the Court and CPS may decide to change the permanency planning goal to free the child for adoption.

### **When will a case be considered a Family Drug Court "Failure"?**

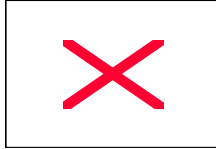
After a child has been placed out of the home for about 12 months, the Court will hold a permanency hearing. If you have failed to cooperate with treatment and the Family Drug Court and/or Court Order or have used up all opportunities offered, the permanency plan for the children may be changed from return to you, to an alternative plan, perhaps, termination of parental rights and adoption. The case may be terminated from Family Drug Court and returned to the original Judge for new consideration.

### **What is termination of parental rights?**

When your parental rights are terminated, you lose all legal responsibility and rights regarding the child. Once parental rights have been terminated, the child can be adopted by someone else.

## **Putting It All Together**

### **Graduation and Successful Completion of the Family Drug Court**



#### **What is graduation?**

Once you have completed all levels of the Family Drug Court and have complied with the Disposition Order, you will be ready for Graduation.

#### **What happens after graduation?**

Once you graduate from Family Drug Court, your case will be returned to the regular Court review calendar and depending on the recommendation of your social worker, may be closed shortly thereafter.

#### **What are the requirements for graduation?**

The following requirements are necessary for a participant to be eligible for graduation:

- ❖ Implementation of a permanency plan that is acceptable to the Court
- ❖ Sustained cooperation with all terms and orders during the dispositional period
- ❖ Sufficient satisfactory unsupervised visitations and/or sustained cooperation with supervision during any trial return period
- ❖ Completion of a substance abuse treatment program as referred by the Court
- ❖ Satisfactory completion of a comprehensive parenting skills program
- ❖ Completion of (or significant progress in) an educational or vocational training program
- ❖ Employment or sufficient means of financial support
- ❖ Acquisition of adequate housing for the family
- ❖ Submission of a graduation application

## CONCLUSION

The Family Drug Court Program has been developed to help you be a better parent and to live a clean and sober life. The Program is designed to give you every chance to get your family back together and join the community as a productive and responsible person. The program is voluntary and is your personal choice. The Judge and the Recovery Team are here to assist and guide you, but the final responsibility is yours. We care about our participants, but you are the one who has to make it!

If you have any additional questions or concerns about this special Court Program, **talk to us!** Important Family Drug Court Program phone numbers will be given to you.

Finally, do not forget your family and those who are close to you! Make them a part of what you are trying to accomplish, and let them share in your success.

**GOOD LUCK TO YOU!**





