

GREEN COUNTY ADULT DRUG COURT PROGRAM

POLICY AND PROCEDURE

July 2017



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INTRODUCTION

Green County Adult Drug Court was established in January of 2017 as part of a collaborative effort by the Green County Criminal Justice Coordinating Council to make a positive impact on the criminal justice system in Green County. This program represents the efforts and teamwork of key stakeholders to break the cycle of substance use and reduce crime, making Green County a healthier and safer place to live.

Drug Court provides individuals the opportunity to change their life circumstances and become alcohol and drug free. This is accomplished by comprehensive assessment and treatment for substance use and mental health diagnosis, intensive supervision, random drug and breath testing, regular court appearances and immediate sanctions and incentives in response to behavior. Honesty and individual accountability are at the foundation of the Drug Court program.

Green County Adult Drug Court utilizes evidence-based practices in its delivery of services. Cognitive behavioral programming and enhanced mental health services are inherent pieces of the program.

By providing coordinated substance abuse interventions with judicial oversight, the likelihood of re-arrest for any offense decreases, resulting in safer communities and reduction in crime. Nationally, meta-analysis studies have shown that “75% of Drug Court graduates remain arrest free at least two years after leaving programming.” These studies have also shown that “Drug Courts significantly reduce crime as much as 45% more than other sentencing options.” www.nadcp.org

MISSION STATEMENT

The Green County Adult Drug Court works to enhance public safety by reducing recidivism, and improving the individual quality of life in our community. Drug Court will offer an intensive treatment alternative to individuals whose crimes are linked to drug abuse and dependence, along with strict accountability, supervision, and judicial oversight.

GOALS

Drug Court Goals:

1. Reduce criminal recidivism among chemically addicted individuals.
2. Increase the number of individuals who remain alcohol and drug free.
3. Decrease recidivism at six, twelve, and twenty-four months' post programming.
4. Increase treatment retention rates among chemically addicted individuals.

DRUG COURT TEAM

- Drug Court Judge
- Green County Prosecutor
- Green County Public Defender or designee
- Green County Human Services; Director, Counselor(s), Coordinator/Case Manager
- Green County Probation and Parole designee
- Green County Sherriff Department designee
- Green County Local Police Department designee
- Green County CJCC is the governing body for the Drug Court

MODEL

The Green County Adult Drug Court is a program designed to provide individuals the opportunity to address their addictions and move beyond criminal behavior. It is a voluntary program, with entrance occurring pre-adjudication and post-adjudication. The program is abstinence based and intensive in nature. Requirements include mandatory substance use disorder treatment, random drug testing, on-going appearances before the judge, case management meetings, and attendance of support groups (AA, NA, CA, Smart Recovery, other) or alternative methods that support ongoing recovery. Participants are also required to obtain employment or pursue educational opportunities, participate in pro-social activities, pay restitution and program fees.

Drug Court is structured to provide a minimum of almost 12 months of programming. Evidence-based research is used to support the minimum amount of time spent in each of the five phases. Each phase is based on a target of 90 days. Advancement through phases is based on the accomplishment of goals and program requirements and requires the participant to apply. In some cases, participants may apply to advance to the next phase after 60 days. Participants can expect that advancement through the phases will reduce the amount of supervision while increasing the level of personal responsibility.

TARGET POPULATION

The target population includes adult residents of Green County who have a drug use problem that is linked to their criminal behavior. Using an evidence-based risk assessment tool, men and women who are either high risk/high need or medium risk/high need, are facing qualifying charges and have a diagnosable substance use disorder will be considered for acceptance into the Drug Court Program.

EILIGIBILITY CRITERIA

All individuals will be screened for substance abuse disorders; residency and offense status for the Green County Adult Drug Court Program. All cooperating agencies will attempt to identify potential Drug Court candidates and inform the appropriate party of their potential candidacy. The applicant's race, gender, religious affiliation, creed, color, sexual orientation and/or national origin are not considered when determining eligibility. The District Attorney's Office and the Office of the Public Defender will attempt to identify potential candidates at bail hearings in an effort to streamline the Drug Court Referral

process. However, candidates will be considered at various stages of the Criminal Justice process and there is not strict deadline to apply.

Eligibility criteria for **all** applicants:

- Green County resident
- Age 17 or older
- Substance use diagnosis and need for treatment
- Voluntary participation in program
- Non-violent criminal history

Eligibility criteria for **Post plea/pre-conviction** include:

- Applicant has prior substance use related convictions.
- Low-level drug or drug-related property charges, including felonies or other charges perpetuated by addiction.
- Applicant must negotiate an agreement with the District Attorney and have that agreement approved by the trial judge.
- Applicant is at risk of going to prison

Eligibility criteria for **Post-Adjudication** include:

- Some prior felony and/or misdemeanor convictions
- Drug offense or drug-related property offense, such as theft, forgery or burglary or another offense perpetuated by addiction.
- Applicant must plead guilty or no contest to an offense, as outlined in the plea agreement and be placed on probation.
- Applicant is at risk for going to prison

Disposition

Post plea/pre-conviction applicants must plead guilty or no contest to one or more charges pursuant to a plea agreement. If the agreement is approved, the Court will accept the plea, but prior to the Court entering a judgment of conviction, it will sign a deferred prosecution agreement. If the participant successfully completes the Drug Court program, the District Attorney will ask the Court to dismiss the charges or otherwise enforce the agreement pursuant to its terms.

Post-Adjudication applicants enter the Drug Court program after the Court accepts a plea of guilty or no contest, enters a judgment of conviction, and places the participant on probation.

The applicant is fully informed of his/her options and the likely sentence if not processed through Drug Court. The applicant must waive a speedy trial and provide a release of information for all Drug Court personnel. The participant can withdraw that waiver at any time, but will be withdrawn from Drug Court immediately thereafter.

ATR- applicants are offered an Alternative to Revocation Agreement which is signed off by the offender, DOC agent, and DOC Supervisor. Applicants have also signed off on the Drug Court Contract. The

agent submits an ATR Drug Court Referral Packet which is reviewed by the team and notification is given to the Agent of Record if the offender is accepted into drug court. The participant is also informed if he fails to successfully complete drug court as a condition of his ATR he may face revocation of his DOC supervision.

Disqualification Criteria

The TAD Grant places the following restrictions on program eligibility:

- (1)** In this section, “violent offender” means a person to whom one of the following applies:
- (a)** The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm.
 - (b)** The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

Per Green County policy, the Drug Court Team shall assume the following about these restrictions:

- A referred person may be excluded from participation in Drug Court due to “violent offender” status only if the applicable charge or conviction is a felony.
 - Use of force
 - Repeated acts
 - Age of the crime
 - Age of the person at the time the crime was committed
 - Successful treatment completion
 - Victim agreement with placement in the Drug Court

The Drug Court team shall determine whether the person is excluded from participation due to violent offender status prior to proceeding with standard screening activities. The Treatment Court Coordinator/Case Manager may ask the District Attorney’s Office for assistance in obtaining information as to the person’s past convictions or pending charges.

REFERRAL, SCREENING, AND ENTRY PROCESS

There is no difference in the processing of pre-adjudication or post-adjudication defendants in the entry process. An adult who has been arrested for a drug offense or a drug related offense will undergo the following basic process in the criminal justice system:

In-custody: Defendant is arrested and the initial screening is attempted within the first forty-eight hours or before bond hearing. This initial screening process looks at eligibility.

Released: Applicants are released pending investigation. The applicant is encouraged to schedule an intake screening with the Drug Court Coordinator, within three business days after being released from custody to begin the application process.

Walk-ins: If they have gone through appropriate referral channels will be allowed to begin the entry process if there is staff availability. Otherwise they will be scheduled at that time for a future appointment.

Process:

Step 1: Upon arrest, the Green County Jail staff will complete the short version of a drug use screening form and refer applicable cases to the Green County District Attorney's office.

Step 2: The Drug Court Coordinator and Drug Court Counselor will conduct an initial screening of all referred cases for eligibility for the Drug Court using the COMPAS Pre-Trial Risk Assessment, AODA bio-psychosocial assessment and intake forms. An initial eligibility determination will be made and reported to the Circuit Court Judge at the applicant's next court appearance. A pre-trial appearance will be scheduled within twenty business days.

Step 3: For those applicants who meet the initial criteria, the Drug Court coordinator will administer a full COMPAS assessment to evaluate risk and need along with any supplemental screening tools deemed necessary. This will be completed prior to the applicant's pre-trial appearance.

Step 4: The Drug Court team meets weekly and will review cases considering all information. A decision is made at that time by majority vote of one vote per discipline. The treatment court judge will step put during this part of the process. This meeting will take place prior to the applicant's return/plea appearance.

- The Drug Court Coordinator/Case Manager will meet with the applicant between pre-trial and plea/sentencing to ensure that the applicant is willing and able to comply with all requirements of the Drug Court program.

Step 5: The accepted applicant will appear at plea/sentencing and stipulate to the deferred prosecution, or plead guilty to the charges agreed upon by the District Attorney and Defense Counsel.

Once accepted, the participant will meet with the Drug Court coordinator to complete a case plan (identifying and prioritizing educational, family, medical, and housing, employability needs, and any additional needs indicated in the COMPAS results) and program orientation.

Step 6: Once admitted into the Green County Adult Drug Court the participant will be required to attend a comprehensive substance use and mental health assessment to diagnose a substance use disorder along with any possible mental health disorders. This comprehensive clinical assessment will be used to direct treatment planning for the participant in the Drug Court.

- At any time throughout the program, a participant may be referred back to the traditional court setting if they do not meet diagnostic criteria for a substance use disorder. However, if the transfer is necessitated by a level of care or diagnostic issue, it will be considered a neutral discharge.

CASE MANAGEMENT

Each participant is referred to the Drug Court coordinator/case manager and, if on probation, the participant will also have a DOC agent for case planning and monitoring accountability. Information gathered through the administration of the COMPAS and a comprehensive biopsychosocial assessment includes alcohol and drug use history, history of behavioral issues, medical, education and employment concerns as well as family information.

The foundation of supervision is individualized case management, which means that a comprehensive, individualized case plan is developed with and signed by each client. The case is reviewed regularly for changes and modifications. The case plan is based on the COMPAS and biopsychosocial assessment and includes the client's plan to repair the harm done to the victim and/or community (including community service), his/her plan for education and employment; housing, a plan for relapse prevention and a pro-social support system in the community.

The case manager is expected to facilitate the client's accomplishment of his/her objectives and assist the participant in obtaining the *collateral services* that he/she needs such as supportive housing, employment skills training, GED classes, child care, transportation and other needs.

Initially, the case manager meets with the participant at least once per week and random urinalysis tests are collected a minimum of twice per week. As the participant progresses through the program, the contacts decrease according to phase; however, drug testing remains a minimum of twice per week.

The case manager provides information on each participant to the team and attends weekly judicial staffing's and reviews.

Case managers are expected to be familiar with a wide and diverse scope of resources available to their clients in the community and assist participants in obtaining the necessary services and programs.

OVER-THE-COUNTER MEDICATIONS AND FOODS TO AVOID WHILE BEING URINE/BREATH/SCRAM TESTED

It is the participant's responsibility to limit exposure to the below list of products. It is the participant's responsibility to read labels or inquire of a pharmacist or assigned case manager before using/consuming the following products. Use of the products detailed below will NOT be allowed as an excuse for a positive drug, breathalyzer or SCRAM test. When in doubt, do not use or consume:

1. Cough and Other Liquid Medications: Alcohol containing cough/cold syrups such as Nyquil. Other cough syrup brands containing ethyl alcohol. All prescription and over-the-counter medications must be reviewed with your case manager before use. Non-alcohol containing cough/cold remedies are readily available at most pharmacies and major retail stores.

2. Non-Alcoholic Beer/Wine: Although legally considered non-alcoholic, NA beers (Sharps, O'Doul's, etc.) contain a residual amount of alcohol that may result in a positive test result for alcohol, if consumed.

3. Food and Other Ingestible Products: There are numerous other consumable products that contain ethyl alcohol. Flavoring extracts such as vanilla or almond extract, and liquid herbal extracts (such as Ginkgo Biloba), could result in a positive screen for alcohol or its breakdown products. Food cooked with wine and flambé dishes (alcohol poured over a food and ignited such as cherries jubilee, baked Alaska) must be avoided.

4. Mouthwash and Breath Strips: Most mouthwashes (Listerine, Cepacol, etc.) and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol may produce a positive test result. Non-alcohol breath fresheners are readily available and are an acceptable alternative.

5. Hygiene Products: After shaves, colognes, hairsprays, mousse, astringents, bug sprays (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, excessive, unnecessary or repeated use of these products could affect test results. Participants must use these products sparingly to avoid reaching detection levels.

6. Solvents and Lacquers: Many solvents, lacquers and surface preparation products contain ethyl alcohol. Both excessive inhalation of vapors, and topical exposure to such products, can potentially cause a positive test result for alcohol. Frequency of use and duration of exposure to such products must be kept to a minimum. There are alternatives to nearly any item containing ethyl alcohol. A positive test result will not be excused by reference to use of an alcohol-based solvent. If a participant is employed where contact with such products cannot be avoided, this must be discussed with the case manager.

7. Poppy Seeds: It is possible to test positive for opiates after having consumed poppy seeds. Poppy seeds contain trace amounts of opium, which like heroin, is derived from the poppy plant. Research measuring the amount of seeds necessary to produce a positive result is varied. To avoid this issue, participants must avoid consuming poppy seeds. If a participant insists a positive result is due to poppy seeds, that person will be required to produce another urine sample the next day.

SECOND HAND MARIJUANA SMOKE

A positive test result due to the passive inhalation of second-hand marijuana smoke is not feasible given the conditions necessary to produce the 50 ng/ml level at which the Green County Drug Court Program tests. In various studies on passive inhalation, positive results have occurred where individuals were exposed to the smoke of 4-16 marijuana cigarettes in an extremely small, sealed, unventilated area for one hour a day over the course of several days. The conditions were extremely uncomfortable, causing watering of the eyes and irritation to the mucous membrane of the nose and throat. The few positive test results were detected at the 20 ng/ml level which is the most sensitive testing level.

The only study where the results were detectable at the 50 or 100 ng/ml level were a product of hour long exposure in the above sealed conditions to 16 cigarettes over 6 consecutive days. It is

highly unlikely that the extreme conditions necessary to produce ANY positive test (even at the lowest 20 ng/ml level) could be encountered in a real-life situation without, at least, the tacit consent of the participant. *Accordingly, it is the participant's responsibility to remove him/her self from that situation.*

PHYSICIAN DISCLOSURE/PRESCRIPTION DRUG POLICY

Drug court participants are required to notify any medical practitioner whom they have visited for medical treatment of the following information:

- I am a participant in the Green County Drug Court program.
- I am required to disclose that I have an addiction to chemical substances.
- Unless absolutely medically necessary in the treatment of an illness or injury, I am NOT to be prescribed a medication containing a narcotic/addictive drug or any other type of medication they may interfere with the treatment of my addiction.
- I must request that my practitioner write on my medical file that I am a participant in the Drug Court, sign and date the file.
- I must request a copy of this entry from my practitioner and will present it to my case manager at my next scheduled contact.

Failure to comply with this policy may result in application of a sanction and/or termination from the Drug Court Program.

DRUG TESTING

Drug testing is one of the most important components to program integrity. Evidence has shown that drug tests must be frequent, random, and credible; accuracy is essential. Drug Court uses customized urine tests and breath tests to measure a participant's progress in the program and hold that person accountable to the program requirements.

All participants involved with Drug Court are informed about drug testing policies and procedures as well as other issues that may surface during the program. Staff explains the drug testing procedure to participants upon entry to the program. Participants will sign an agreement to comply with the Drug Court testing requirements, including direct observation of the sample submission and reporting of results to the Drug Court team. The Drug Court team determines therapeutic sanctions for positive drug tests.

Drug testing occurs through the Sherriff's Department and program staff utilizing MedTox/LabCorp supplies. Participants are assigned a unique PIN number using Call2Test, which is used to randomize the testing days throughout the program. Participants are required to call or log in to the testing line daily and report for testing if required. All Drug Court participants are given a customized urinalysis that tests for popular substances, substances of choice, and alcohol through breath tests.

Participants choosing to enter the Drug Court must agree to cease the use of all mood-altering chemicals that would render a positive urinalysis including, but not limited to: narcotics, tranquilizers, sedatives, stimulants, opiates, and/or opiate-based medications. If during the course of participation, it becomes necessary for a participant to take prescription medication, prior approval must be sought using appropriate medical documentation and a decision will be made by the Drug Court team using all supporting evidence. The prescribing physician or psychiatrist may be asked to provide medical justification to the team as part of their decision making process.

Medication Assisted Therapy (MAT) is a widely used and beneficial tool to addiction recovery. MAT and other therapy-assisted medications like those used for mental health treatment will be approved and can be used by participants; however, these medications must be prescribed, taken appropriately, and strictly monitored throughout the duration of programming.

PHASE OVERVIEW

The Green County Adult Drug Court program is a five-phased, highly structured program. The length of time varying on a participant's individual progress.

Each phase consists of specific requirements for transition into the next phase. An application process will be used to ensure consistent and smooth transition from one phase to the next. The Drug Court team will review the application and the phase requirements to ensure that each aspect of the phase has been successfully met prior to granting permission for advancement.

The components of each phase include: judicial interaction, supervision, AODA/mental health, case management, testing, and law enforcement. Within each component there are requirements and goals that will be met to ensure the participants success in each phase.

SEE CHART ON FOLLOWING PAGE FOR COMPLETE OUTLINE.

OVERVIEW OF PHASE STRUCTURE

	PHASE 1 90 Days*	PHASE 2 90 Days*	PHASE 3 90 Days*	PHASE 4 90 Days*	PHASE 5 90 Days*
Court Component	Court Appearance Every Week Prosecution and Defense Represented at Staffing and Court Sessions Staffing Every Week Sanctions/ Incentives Phase Advancement	Court Appearance Every Week Prosecution and Defense Represented at Staffing and Court Sessions Staffing Every Week Sanctions/ Incentives Phase Advancement	Court Appearance Every Two Weeks Prosecution and Defense Represented at Staffing and Court Sessions Staffing Every Two Weeks Sanctions/ Incentives Phase Advancement	Court Appearance Every Three Weeks Prosecution and Defense Represented at Staffing and Court Sessions Staffing Every Three Weeks Sanctions/ Incentives Phase Advancement	Court Appearance Every Four Weeks Prosecution and Defense Represented at Staffing and Court Sessions Staffing Every Four Weeks Review of Aftercare Plan Sanctions/ Incentives Graduation
Supervision Component	Supervision Every Week Staffing Every Week Sanctions/ Incentives	Supervision Every Week Staffing Every Week Sanctions/ Incentives	Supervision Every Two Weeks Staffing Every Two Weeks Sanctions/ Incentives	Supervision Every Three Weeks Staffing Every Three Weeks Sanctions/ Incentives	Supervision Every Four Weeks Staffing Every Four Weeks Sanctions/ Incentives Exit Interview
AODA/Mental Health Treatment Component <i>Individualized</i>	AODA Assessment MH Assessment/Rule Out Determine Level of Care Residential as Needed AODA Treatment 3X Per Week 1 Individual Session Per Week Sanctions/ Incentives	Ongoing Clinical Re-Assessment 2-3 Days TX Per Week MH Rule Out/Six Months 1 Individual Session Per Week Sanctions/ Incentives	Ongoing Clinical Re-Assessment AODA Treatment as Needed MH treatment as Appropriate Aftercare 1 Day Per Week 1 Individual Session Per Week Sanctions/ Incentives	Ongoing Clinical Re-Assessment AODA Treatment as Needed MH Treatment as Appropriate 1 Individual Session Every Two Weeks Sanctions/ Incentives	Ongoing Clinical Re-Assessment Aftercare 1 Day Per Month 1 Individual Session Every Three Weeks Sanctions/ Incentives
Case Management Component <i>Individualized</i>	Drug Court Orientation Case Management Sessions Weekly Employment, Community Service, or Vocational (10hrs) Phase Advancement Application <i>*Case Management at Minimum may increase based on need*</i>	Phase Orientation Case Management Sessions Weekly Employment, Community Service, or Vocational (15hrs) Victim Impact/Service Learning Phase Advancement Application <i>*Case Management at Minimum may increase based on need*</i>	Phase Orientation Case Management Every Two Weeks Attend 2-4 self-help sessions weekly Obtain gender appropriate sponsor/mentor Employment and/or Vocational (20hrs) Phase Advancement Application <i>*Case Management at Minimum may increase based on need*</i>	Phase Orientation Case Management Every Three Weeks Attend 2-4 self-help sessions weekly Maintain gender appropriate sponsor/mentor Employment and/or Vocational (25hrs) Phase Advancement Application <i>*Case Management at Minimum may increase based on need*</i>	Graduation Orientation Case Management Every Four Weeks Attend 2-4 self-help sessions weekly Maintain gender appropriate sponsor/mentor Employment and/or Vocational (30hrs) Graduation Application Develop approved Life Plan Alumni Program Initiation Exit Interview <i>*Case Management at Minimum may increase based on need*</i>
Testing Component	Drug and alcohol Testing minimum 2X Weekly Random Urine Drug Testing and Random Breath Testing Upon Request <i>Testing may be done at any time including; weekends, holidays, evenings and during home visits.</i>	Drug and alcohol Testing minimum 2X Weekly Random Urine Drug Testing and Random Breath Testing Upon Request <i>Testing may be done at any time including; weekends, holidays, evenings and during home visits.</i>	Drug and alcohol Testing minimum 2X Weekly Random Urine Drug Testing and Random Breath Testing Upon Request <i>Testing may be done at any time including; weekends, holidays, evenings and during home visits.</i>	Drug and alcohol Testing minimum 2X Weekly Random Urine Drug Testing and Random Breath Testing Upon Request <i>Testing may be done at any time including; weekends, holidays, evenings and during home visits.</i>	Drug and alcohol Testing minimum 2X Weekly Random Urine Drug Testing and Random Breath Testing Upon Request <i>Testing may be done at any time including; weekends, holidays, evenings and during home visits.</i>
Law Enforcement Component	Staffing Every Week Drug and Alcohol Testing Upon Request Home Visits Upon Request Curfew Monitoring 9P-5A	Staffing Every Week Drug and Alcohol Testing Upon Request Home Visits Upon Request Curfew Monitoring 10P-5A	Staffing Every Two Weeks Drug and Alcohol Testing Upon Request Home Visits Upon Request Curfew Monitoring 11P-5A	Staffing Every Three Weeks Drug and Alcohol Testing Upon Request Home Visits Upon Request Curfew Monitoring 12A-5A	Staffing Every Four Weeks Drug and Alcohol Testing Upon Request Home Visits Upon Request
Criteria for Advancement	Regular attendance at treatment, office visits, clean minimum 21 days consecutive.	Compliance with treatment and supervision, clean minimum 42 days consecutive.	Compliance with treatment, supervision, prosocial activity, sober support network, clean time 60 days consecutive.	Comply with treatment, supervision, maintain pro-social activities, support, begin, maintain employment, etc. 75 consecutive days clean	Comply with treatment, supervision, maintain pro-social activities, support, begin, maintain employment, etc. 90 consecutive days clean immediately prior to graduation.

GRADUATION REQUIREMENTS

Participants will graduate from the Drug Court program (and not be subject to any further jail sentence or sanctions for this offense), as scheduled, if the following requirements are met:

- Minimum 90 days sober immediately prior to advancement, abstaining from all mood-altering chemicals.
- Application to and approval of the Drug Court Team
- Completion of all phase requirements and case plan goals
- Actively enrolled or working towards high school diploma or GED, if applicable and reported by case manager.
- Employed, actively seeking employment, or enrolled in vocational training to include postsecondary education reported by case manager.
- Participating in a recovery support group, alumni group or some other alternative, structured support system
- Living in a safe, stable residence
- Payment of program fees and financial responsibility proven, reported by case manager.

Any of these requirements can be waived by the team under special circumstances.

INCENTIVES AND SANCTIONS

Incentives Defined: A positive consequence that is the direct result of and is a reward for the participant’s positive behavior.

Sanctions Defined: The imposition of negative consequences in response to undesirable behaviors. They must be predictable, consistent and immediate.

The sanctions and incentives will be applied as soon as possible after notice of the participant’s behavior. The treatment court should provide a 4:1 ratio of incentives to sanctions when at all possible. The principle applied is that the participant should receive the least restrictive sanction based upon earlier behavior and sanctioning.

Drug Court Incentives Matrix

Low	Medium	High
Verbal Praise	Reduced supervision requirements	Supervised day trips
Small tangible rewards	Less frequent probation appointments	Movie outings

Health foods (e.g. tea, protein bars, fruit, trail mix)	Less frequent status hearings	Intramural sports
Coffee mugs	Enhanced Drug Court Status <ul style="list-style-type: none"> • Appointment as in program peer mentor • Assistant to group leader • Self-help group facilitator • All-Star or Deans List 	Travel privileges
Stickers	Fishbowl drawings <ul style="list-style-type: none"> • Rewards from a fishbowl that may earn tangible or non-tangible incentives of varying magnitude • <i>E.g. haircut, gas card, gift certificate.</i> 	Weekend passes out of county
Birthday or holiday cards	Posted Accomplishments <ul style="list-style-type: none"> • Pro-sobriety artwork or writing essays displayed in Court room, treatment program, or probation office • Photos of participants receiving GEDs or other awards • Letters of commendation from Employers or Teachers 	Phone check-ins
Books or children's books	Written Commendations <ul style="list-style-type: none"> • Letters of attainment from the Judge • Progress reports or report cards from treatment providers, Probation Agents, or Case Manager 	Ambassadorships <ul style="list-style-type: none"> • Represents the Drug Court to outside agencies, such as church groups, legislators, and/or the media.
Toiletries	Supervised Social Gatherings <ul style="list-style-type: none"> • Sober dances • Picnics • Picture day/family day (food and games) 	Commencement ceremony

	provided to invited family members and friends).	
Frames and certificates	Symbolic Rewards <ul style="list-style-type: none"> • Sobriety chips • Sobriety key chains • Sobriety marbles • Sobriety tokens Copy of addiction readings such as the AA 'big book'	Flowers and/or framed diplomas
Picture album		Picture taken with the Judge and Staff
Serenity stones		Delivering thankfulness speeches
Recognition in Court <ul style="list-style-type: none"> • Handshake from Judge • Round of applause in Court • Certificate of accomplishment for achieving a clinically important milestone 		Hearing speeches from <ul style="list-style-type: none"> • Local or national speakers or Politian(s)
		Words of redemption and congratulations from <ul style="list-style-type: none"> • Arresting Police Officer

Drug Court Sanction Matrix

****Treatment responses will be used to address specific behaviors and are not sanctions****

<u>Intensity</u>	<u>Violation</u>	<u>Sanctions</u>
Low Early in the program Infrequent violation Lengthy period of compliance before violation	<ul style="list-style-type: none"> • <u>Dishonesty</u> • Missed appointment • Missed UA • Failure to complete pro-socials • Inappropriate behaviors • Missed check-in • Late court • Late/missed meeting, therapy, etc. • Incomplete assignment • Not reporting police contact • Missed medication count 	Dishonesty is considered the most serious violation. Verbal warning Written/verbal apology Written assignment Community service Jail

	<ul style="list-style-type: none"> • Noncompliance with treatment recommendations • Noncompliance with community supervision rules • Continued use • Curfew violations 	
<p>Medium</p> <p>Multiple violations/ Pattern of violations</p> <p>More serious violations regardless of length of time in program</p>	<ul style="list-style-type: none"> • <u>Dishonesty</u> • Missed appointment • Missed UA • Failure to complete pro-socials • Inappropriate behaviors • Missed check-in • Late court • Late/missed meeting, therapy, etc. • Incomplete assignment • Not reporting police contact • New criminal charges • Inappropriate contact with other participants • Failure to report prescribed medications • Missed medication count • Failure to complete sanction • Being in an establishment where the primary purpose is the sale or consumption of alcohol • Noncompliance with treatment recommendations • Noncompliance with community supervision rules • Continued use • Curfew violations 	<p>Dishonesty is considered the most severe violation</p> <p>Community service</p> <p>Jail</p> <p>Saturday reporting and/or day reporting</p> <p>Additional court appearances</p> <p>Phase demotion or extension</p> <p>Increased community restrictions</p> <p>Possible termination</p>
<p>High</p> <p>Continued violations</p> <p>Increased severity of violations regardless of time in program</p>	<ul style="list-style-type: none"> • <u>Dishonesty</u> • Missed appointment • Missed UA • Failure to complete pro-socials • Inappropriate behaviors • Missed check-in • Late court • Late/missed meeting, therapy, etc. • Incomplete assignment • Not reporting police contact • UA tampering • New criminal charges 	<p>Dishonesty is considered the most severe violation</p> <p>Saturday reporting and/or day reporting</p> <p>Phase demotion or extension</p> <p>Extended time in program</p> <p>Team roundtable</p> <p>Increased community restrictions</p> <p>Electronic surveillance</p> <p>Jail</p> <p>Termination</p>

	<ul style="list-style-type: none"> • Absconding (week or more) • Diverting sanctions • Violent or threatening behavior • Evidence indicating participant is involved with drug activity dealing, assaultive behavior, or driving while under the influence of any mood altering chemicals including alcohol • Failure to report prescribed medications • Missed medication count • Failure to complete sanction • Noncompliance with treatment recommendations • Noncompliance with community supervision rules • Continued use 	
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Overriding Factors	
Mitigating/Stabilizing Factors	Aggravating/Destabilizing Factors
<ul style="list-style-type: none"> • Employment stability • Residential stability • Presence of positive support network • Enrolled in educational programming • Positive adjustment while in Drug Court • Accepting full responsibility for actions • Awareness of proximal and distal goals, what is realistic for the participant to accomplish at that time 	<ul style="list-style-type: none"> • Violation is directly related to current offense • Continues pattern of previous criminal behavior • Unstable home situation • Inability of participant to support self • Evidence of escalating mental health symptoms, or drug/alcohol addiction • Chronic pattern of violations • Pre-contemplating stage not improving • Lack of any appropriate program in recommended response level • Escalating pattern of negative choices/behaviors • Critical threat to community safety

TERMINATION CRITERIA

The following circumstances will result in a participant being unsuccessfully terminated from the Drug Court program.

- A new offense involving the distribution, sale, or manufacture of a controlled substance
- A new offense of violence
- A new offense resulting in a prison sentence
- The participant's request to be terminated from Drug Court and/or probation supervision
- Absconding from or refusing to participate in the program, supervision, and/or treatment for 60 days or more

The following circumstances will result in a participant being considered for termination from the Drug Court program, and barring any significant extenuating circumstances will in fact result in termination.

- Unsuccessful discharge from treatment
- A new non-bail jumping felony offense or OWI-related offense
- Absconding from or refusing to participate in the program, supervision, and/or treatment

The following circumstances may result in a participant being considered for termination from the Drug Court program.

- Refusal, failure to comply with, or violation of program requirements, rules, or procedures in a significant or repeated fashion
- A new non-violent misdemeanor or bail jumping offense
- Non-compliance with treatment
- Multiple failures to appear for and/or positive results of urinalysis tests

TERMINATION PROCESS

1. If a Drug Court team member or members believe there have been violations that may constitute grounds for termination of a participant from the Drug Court program, the Drug Court team will meet without the Drug Court judge in order to determine if a recommendation will be made for termination.
2. If the Drug Court team recommends termination, the participant will be notified in writing, of the alleged violation or violations. If the participant fails to attend drug court, notice will be sent by US mail to the last known address.
3. The participant may admit or deny the violation or violations after a colloquy with the judge ensuring they are freely, knowingly, and voluntarily choosing to admit the violation or violations and waive any hearing.
4. If the participant denies the violations, a hearing will be set, the participant also has the option of requesting a different judge for the proceedings.
5. The participant will be given the option to continue all expectations of the drug court contract while awaiting the hearing. Depending on the allegations, the treatment and case plan may be adjusted somewhat until the hearing. At the hearing the participant may be represented by an attorney, if they so choose. The parties may request advance disclosure of evidence in a manner

similar to discovery obligations. At the termination hearing, all parties may present evidence and call witnesses, and the alleged violation(s) may be proven or rebutted by any relevant evidence having probative value, including disclosures made during treatment and counseling, so long as the parties are accorded a fair opportunity to rebut hearsay evidence.

6. The Drug Court judge shall determine if the violation or violations have occurred. If the allegation is a new offense, the court will make the determination based upon probable cause. If the allegation is any other type of violation, the court will determine the violation by a preponderance of the evidence. If a violation or violations are found, the participant will be terminated from Drug Court.
7. If the participant is terminated they will be sentenced by the Drug Court judge unless the participant requests otherwise.

PROGRAM FEES

Upon formal admittance into the Green County Adult Drug Court, the Green County Court will impose a program fee of \$40 to enroll and \$10 per week. They are also responsible for drug screening fees IF they request a retest disputing the testing results. Participants are required to have half of their participant fees paid before advancing to phase five and must be paid in full before a participant will be approved for graduation. If unable to afford the program fees at any time in the process, the client may discuss this matter with the drug court team to and may be able to have some of the fees waived.

STAFFING AND COURT RULES

Green County Adult Drug Court staffing occurs each week for approximately one hour. The disciplines represented at the staffing table include: Judge, District Attorney, Public Defender, Drug Court Coordinator, Probation Agent, Law Enforcement, and Treatment Specialist.

The Drug Court Coordinator prepares brief, written updates on each participant which is provided to and reviewed with the entire team. Input on sanctions, incentives or other program related responsibilities imposed on participants is provided, with decisions arrived at by consensus.

Judicial review sessions are held weekly with participants' attendance linked to their current phase. Select members of the staffing team will be present during court, and all members will participate in staffing. Green County Adult Drug Court requires strict and specific courtroom compliance with dress and behavior. A list of these rules can be found below:

Courtroom rules include:

1. "Show up and be honest".
2. Timeliness is a virtue – be on time. You must be in the Courtroom when court is called to session.
3. Please sit in the assigned seating area. Look for the signs that indicate which area you are assigned to.

4. Make sure we know you are in court; briefly check-in with the Drug Court coordinator. If you have questions for the coordinator and/or updates, please keep the time you spend limited.
5. Cellular telephones are distracting; make sure they are turned off. If your cell phone goes off during court, it will be taken away and given back to you at the end of court time or at a future time. The same will apply if you are caught text-messaging or browsing the internet.
6. Using portable electronic equipment or sleeping in court is prohibited.
7. No food or beverage in the courtroom unless provided by the program or with permission of Drug Court team. **NO Chewing Gum.**
8. The purpose of the court session is to gain knowledge and offer support to your fellow participants. Please refrain from having random conversations. Continual, excessive talking is unacceptable.
9. You are expected to remain in the courtroom during Drug Court proceedings.
10. The Judge and courtroom environment deserves respect. Please wear appropriate clothing; you need to review the section on court clothing as a reference.
11. Children may be allowed in court, *if necessary*, but must be under supervision and not distracting to others. Do not bring children with an expectation you will get to leave court early and/or leave the courtroom, you will not. Keep in mind that you may be given a sanction that does not allow you to take the child/children home after court.

Rules on attire include:

1. Participants must wear appropriate courtroom approved clothing while in the courtroom. You may be asked to change your clothes if staff notices you to be wearing inappropriate clothing. Please dress in clean and conservative clothing.
2. Clothing bearing drug or alcohol related themes, promoting or advertising alcohol or drug use are prohibited. This includes clothing advertising bars or substance use activities of any kind.
3. Please consult with the Drug Court Coordinator if you have questions concerning what clothing is appropriate to wear while participating in the program.

CONFIDENTIALITY

Any program that specializes, in whole or in part, in providing treatment counseling, or assessment and referral services for individuals with AOD (Alcohol or Drug) problems must comply with the Federal confidentiality regulations (42 C.F.S. s2.12(e)). The Federal regulations apply to programs that receive Federal funding.

Two Federal laws and a set of regulations guarantee the strict confidentiality of information about persons -including individuals-, receiving alcohol and drug abuse assessment and treatment services. The legal citation for these laws and regulations is 42 U.S. C. SS 290dd-3 and ee-3 and 42 C.F.R. Part 2.

These laws and regulations are designed to protect patients' privacy rights in order to attract people into treatment. The regulations restrict communications more tightly in many instances than, for example, either the doctor-patient or the attorney-client privilege. Violation of the regulations is punishable by a fine of up to \$500 for a first offense or up to \$5,000 for each subsequent offense.

Federal confidentiality laws and regulations protect any information about an individual if the individual has applied for or received any AODA-related services from a program that is covered under the law. Services applied for or received can include assessment, diagnosis, individual counseling, group counseling, treatment or referral for treatment. The restrictions on disclosure apply to any information that would identify the individual as an alcoholic or other drug abuser, either directly or by implication. The general rule applies from the time the individual makes an appointment. It applies to individuals who are mandated into treatment as well as those who enter treatment voluntarily. It also applies to former clients or patients. The rule applies whether or not the person making an inquiry already has the information, has other ways of getting it, has some form of official status, is authorized by State law, or comes armed with a subpoena or search warrant.

Information that is protected by Federal confidentiality regulations may always be disclosed after the individual has signed a proper consent form. The regulations also permit disclosure without the individual's consent in several situations, including medical emergencies, program evaluations and communications among program staff. Individuals who refuse to sign consent forms permitting essential communications can be excluded from treatment or provided treatment temporarily in the hope that resistance to signing the consent forms will evaporate as treatment proceeds.

Individual Agency Responsibilities and Staff Commitments

The Green County Department of Human Services Department

Shall assign a Drug Court coordinator/case manager who will provide the following services:

1. Evaluate potential participants for eligibility
2. Conduct COMPAS assessments and intakes
3. Make referrals for programming as needed
4. Verify and monitor participant compliance with program requirements
5. Schedule room for CJCC meetings
6. Take notes at team and CJCC meetings
7. Distribute notes from team and CJCC meetings
8. Collect all relevant information and distribute at team and CJCC meetings
9. Facilitate client staffing
10. Set agenda for staffing
11. Advocate effectiveness of program with community resources
12. Help coordinate funding sources/grant writing/grant management
13. Gather data for evaluator
14. Maintain a confidential file on each participant
15. Assist in maintaining and monitoring the budget of the drug court program, to include participant's rewards, supplies, AODA treatment, community donations and UA testing.
16. Recommend appropriate sanctions and incentives.

Shall assign a treatment professional or professionals who will provide the following services:

1. Conduct substance abuse screens and assessments.
2. Make referrals for programming as needed.
3. Provide substance abuse treatment.
4. Verify participant compliance with program and treatment requirements to treatment court coordinator including:
 - a. Number of meetings attended.
 - b. Report drug or alcohol use or compliance with sobriety.
 - c. Report number of absences (excused or unexcused).
 - d. Enrollment in mental health treatment.
 - e. Opinion as to progress of participant.
5. Recommend appropriate sanctions and incentives.
6. Advocate effectiveness of program with community resources

Shall assign a supervisor who will provide the following services:

1. Monitor budget and financial management with assistance from Human Services fiscal department.

2. Review policies and practices and monitor need for changes.
3. Facilitate team/staff meetings.
4. Set agenda for meetings.
5. Coordinate funding sources/grant writing/grant management.
6. Monitor data management system.
7. Supervise day-to-day operations.
8. Maintain and monitor the budget of the drug court program, to include participant's rewards, supplies, AODA treatment, community donations and UA testing.

The Wisconsin Department of Corrections

Shall assign a probation and parole agent to the Green County Drug Court who will provide services to clients on probation or parole supervision:

1. Provide case management and community supervision of participants.
2. Refer participants to community resources when appropriate and necessary.
3. Provide drug/alcohol testing as part of normal supervision standards. Extensive and random AODA testing specific to the specialized court will be the responsibility of Green County Drug Court. Agent can assist the court with this task on occasion; however, it will not exceed one AODA test per week on any given participant.
4. Complete home/school/employment visits.
5. Maintain collateral contacts to follow on participant progress.
6. Monitor and encourage participant compliance in the program.
7. As part of the specialized court team, provide input for decisions regarding sanctions and rewards. Impose sanctions and rewards where appropriate and accordance with WI Department of Corrections policy and procedure and WI State Law.
8. Attend treatment team meetings and drug court.
9. Maintain ongoing verbal communication with drug court coordinator and treatment court team.
10. Identify potential candidates for alternatives to revocations.
11. Coordinate with Law Enforcement and other agencies as needed.
12. As participant progresses in Drug Court phases, it is expected that the agent's responsibilities for that participant will be reduced, along with the classification and contact standards of that individual offender.
13. Department of Corrections resources and supervision tools will be only available for Drug Court participants who are on active supervision with the Department of Corrections.
14. The supervision and treatment of offenders participating in Drug Court will be based on Evidence Based Practices.
15. This MOU implies no fiscal responsibility for the Department of Corrections. Other than in-kind services of DOC representatives, no DOC funds may be expended, pledged, contracted for, or spent without the approval of DOC Administration. DOC will have the right to annually review its participation and any financial commitments made.

The Green County District Attorney's Office

Shall provide the following services:

1. Review potential participants for eligibility.
2. Make referrals to Drug Court.
3. Maintain a non-adversarial role during Drug Court proceedings.
4. Attend treatment team staffing and court sessions.
5. Actively participate in staffing.
6. Recommend appropriate sanctions and incentives.
7. Serve as community advocate for effectiveness of program.

The Office of the State Public Defender

Shall assign a staff attorney who will provide the following services:

1. Attend treatment team staffing and court sessions. The public defender is a member of the team and does not represent participants.
2. Maintain a non-adversarial role during Drug Court proceedings.
3. The public defender will encourage the participants to be truthful with the judge and treatment staff since admitting drug or alcohol use in court will not be the basis for new criminal charges.
4. The public defender will be an active member of the Drug Court team
5. The public defender will advocate for appropriate due process when a client is facing sanctions or terminations and will recommend appropriate sanctions and incentives.
6. Refer participant to Office of the Public Defender for representation in termination proceedings if eligible.
7. The public defender will answer basic (non-case related) legal questions of participants and potential participants who are not represented by counsel.
8. The public defender will be a community advocate for the Drug Court Program and will explain the program to private bar attorneys.
9. The public defender will strive to ensure that the Drug Court Program is fair, consistent, and in compliance with recognized standards on the operation of treatment courts. The SPD representative will participate in staffing, Drug Court itself, and all meetings of the Drug Court Team and oversight committee.

The Green County Sheriff's Office

Shall provide the following services:

1. Assign a liaison that will attend Drug Court team meetings and assist with determining admission, treatment planning, and termination of Drug Court participants.
2. Collaborate with Drug Court coordinator and probation agent to monitor participant's scheduled treatment.
3. Collect random urinalysis tests to be tested elsewhere and perform breathalyzer tests.
4. Arrange release privileges to incarcerated participants for the purpose of treatment, unless otherwise restricted by the Drug Court.
5. Arrange escort of incarcerated participants to and from Drug Court proceedings and supervise them during the proceedings.

6. Arrange and supervise home visits/searches of participants upon request of Drug Court coordinator.
7. May make referrals to Drug Court program.
8. Recommend appropriate sanctions and incentives.
9. Serve as community advocate for effectiveness of program.
10. Provide Portal 100 information to appropriate team members.

The Monroe Police Department

Shall provide the following services:

1. Assign a liaison that will attend treatment court team meetings and assist with determining admission, treatment planning, and termination of Drug Court participants.
2. Provide possible referrals for the Drug Court Program.
3. Assist with in-home visits and will check on participants, as needed and upon the request of the Drug Court Coordinator.
4. Community policing where officers will get to know participants of Drug Court.
5. Report any violations to the Monroe Police Department Drug Court liaison.
6. Recommend appropriate sanctions and incentives for Drug Court participants.
7. Partnership with community agencies to achieve Drug Court goals.
8. Comply with grant and state regulations.
9. Provide the Chief of Police as a representative for the Advisory Board (CJCC) and attend meetings as needed.

The Green County Circuit Courts

Shall provide judges who will provide the following services:

1. Preside over Drug Court proceedings.
2. Explain legal rights, options, and program requirements to prospective treatment court participants.
3. Impose appropriate sanctions and incentives.
4. Review treatment progress and address it directly with the participant in court considering the recommendations of the treatment team.
5. Preside over termination proceedings.
6. Supervise Drug Court administration.
7. Maintain a confidential Drug Court file.
8. Provide final decision in outcome of participant's progress or termination.
9. Attend events to assist educating the community/legislative bodies on the effectiveness of Drug Court.
10. Attend educational conferences to increase skills and knowledge related to being a Drug Court judge.
11. Serve as community advocate for effectiveness of program.

Criminal Justice Coordinating Council

All parties agree to continue to be represented in this group. This group will be responsible for modifying and amending this agreement. They will address problems and issues as identified and develop policy and program modifications.

Agreement Modifications

Any individual agency wishing to amend/modify this agreement will notify the Criminal Justice Coordinating Council of the issue(s). The Criminal Justice Coordinating Council will address the issue(s) for purposes of modifying/amending the issue(s). The issue(s) will be decided by consensus, if possible, or by simple majority.

Termination of Agreement

1. Individual agencies contemplating termination of their participation in this agreement shall first notify the Criminal Justice Coordinating Council of their concern. The Council will attempt to resolve the problem to ensure continuation of the Drug Court. If unable to resolve the problem, the individual agency or department can exercise its right to terminate this agreement by notifying all other agencies in writing a minimum of 90 days prior to such termination.
2. This agreement shall be reviewed annually by all participating agencies on or before July 11. Absent amendment, this Memorandum of Understanding shall automatically renew upon the same terms for another year.

BEHAVIORAL HEALTH TREATMENT

Drug Court uses Green County Human Services treatment providers for AODA and mental health services. Referrals to a higher level of care can be made if appropriate

All clients are matched to the treatment plan that appears to be most appropriate to meet their needs. A comprehensive clinical assessment will identify what type of treatment is appropriate (e.g. inpatient, outpatient, primary and combinations of the two; extended care, ½ way house, sober living; detox). Continuing care and relapse prevention will be a part of any treatment program selected for inclusion in the Drug Court program. Treatment will be provided as soon as possible after formal admittance into the Drug Court program. Our goal is to get the participant into treatment within one week from formal program admittance. If that is not possible, the Drug Court coordinator and participant will develop an interim care plan (for housing, weekly court and weekly support group meetings).

The treatment plans that are developed for each participant in the treatment program will vary somewhat depending on the needs of the client. Generally, however, the Drug Court program will:

- Provide on-going group and individual counseling sessions. They may provide family sessions as needed;
- Develop a treatment plan based on an individual assessment of the client's strengths, assets and needs. Certain decisions regarding treatment are made based on the strengths and needs of the client including outpatient treatment for those who have strong family relationships, or stable housing or employment;
- Address the level of severity of the problem in the treatment plan, the level of care needed, and specific situational needs, including language, literacy, housing, medical and psychological;

- Use peer groups and support circles to promote recovery; provide aftercare services, including continued case management, relapse prevention strategies and counseling and other supportive services. Clients will attend AA, Women in Sobriety, NA or some support group alternative that facilitates their recovery during and after treatment.

Treatment phases are goal-oriented and not based on time, although approximate duration of phases are estimated. Generally, treatment protocol is based on the least restrictive level of care possible to address the individual's particular problem. Clients may progress from inpatient to outpatient to extended care if necessary. The progression is based on the results of drug tests, compliance with program requirements, severity of the problem and provider, case manager, and client agreement.

The length of stay varies based on individual need; the extended care criteria are used to determine the need for continued care (e.g. clinical assessment of individual's progress through treatment and the prognosis). The frequency and intensity of treatment services depends on the level of care identified in the comprehensive assessment. However, continued participation in a minimum of once monthly aftercare is required for the duration of the participant's time in the Drug Court program.

Treatment providers are required to develop treatment case plans, maintain client records, monitor clients during treatment, and continue to provide case management as the client moves into recovery in the community. The Drug Court Program Coordinator/Case Manager is also involved in case planning and supportive services with the Drug Court Counselor and the client during treatment, aftercare and to successful completion of the Drug Court program.

Many treatment programs have a cognitive component such as Anger Management and/or Violence Prevention and/or victimization groups (especially domestic violence).

Participants of the Drug Court are required to apply for medical assistance or health insurance through the Marketplace if the participant is unemployed or ineligible for health insurance through their employer. Maintaining health insurance, if possible will be an active piece of case management and a requirement throughout the Drug Court.