

19TH JUDICIAL DISTRICT WEST ADMINISTRATIVE PLAN

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FILED
Benton
CLERK AND RECORDER
BENTON COUNTY, AR

Effective January 1, 2020

**19TH JUDICIAL DISTRICT WEST
ADMINISTRATIVE PLAN**

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IN THE CIRCUIT COURT OF THE 19TH JUDICIAL DISTRICT WEST
ADMINISTRATIVE PLAN

WHEREAS, the Arkansas Supreme Court has adopted Administrative Order No. 14, as amended; and

WHEREAS, said Administrative Order allows for the division of cases among the six Circuit Judges with criminal, civil, and juvenile cases permitted to be separate; and

WHEREAS, the Circuit Judges of the 19th Judicial District West have taken into account the physical facilities, personnel available, historical statistical data from the Administrative Office of the Courts and the Benton County Circuit and Probate Clerks, the projected caseload of each Judge, the experience and abilities of the individual Judges to promote prompt and efficient resolution of cases; and

WHEREAS, there are six (6) divisions of the 19th West Judicial District duly qualified to the designated Divisions of Circuit Court, as follows:

Robin Green	Division One
Brad Karren	Division Two
Thomas E. Smith	Division Three
John R. Scott	Division Four
Xollie Duncan	Division Five
Doug Schrantz	Division Six

IT IS, THEREFORE, CONSIDERED, ORDERED AND AGREED by the Circuit Judges of the 19th Judicial District West, as follows:

I.

DIVISIONS

The existence of Divisions shall not be construed to limit or preclude Judges from hearing other cases that may come before them. At times when one or more of the Judges may be absent or unavailable, another Judge may be called upon to act upon matters assigned to another Division of Circuit Court.

II.

ASSIGNMENT OF CASES

1. **CRIMINAL CASES**: Criminal cases shall be randomly and equally assigned to Divisions One and Two.

2. **JUVENILE CASES**: Juvenile cases and Juvenile drug court cases shall be assigned to Division Three.

3. **DOMESTIC RELATIONS AND PROBATE CASES**: Domestic Relations and Probate cases shall be randomly assigned as follows, to-wit:

<i>Division Three</i>	<i>4%</i>
<i>Division Four</i>	<i>32%</i>
<i>Division Five</i>	<i>32%</i>
<i>Division Six</i>	<i>32%</i>

Probate and Domestic Relations cases involving a child or party in an open and pending Juvenile proceeding shall be transferred to Division Three.

4. **DOMESTIC ABUSE AND CIVIL COMMITMENT CASES**: Domestic Abuse and Civil Commitment cases shall be randomly and equally assigned to Divisions Four, Five and Six. It is intended that Domestic Abuse cases that are filed later than a Divorce or Paternity case filed in Division Three shall be transferred to Division Three.

5. ADULT PROTECTIVE SERVICES CASE: All Adult Protective Services cases shall be assigned to Division Three.

6. CIVIL CASES: The Circuit Clerk shall not accept for filing any original actions seeking a remedy pursuant to 2007 Ark. Acts, No. 1004. All other Civil cases shall be randomly assigned as follows, to-wit:

<i>Division One</i>	<i>10%</i>
<i>Division Two</i>	<i>10%</i>
<i>Division Four</i>	<i>27%</i>
<i>Division Five</i>	<i>27%</i>
<i>Division Six</i>	<i>26%</i>

The total projected caseload for each Division based upon the above proposed allocation of cases is attached hereto as Exhibit "A". Estimated weighting of cases accounts for the differences in case numbers.

7. SPECIALTY COURTS: Veteran's Court cases, Adult Drug Court cases, Family Treatment Drug Court cases and Juvenile Drug Court cases shall be assigned to Division Three.

8. RECUSALS AND TRANSFERS:

a. No case shall be transferred from one Division to another solely on the basis that the case includes issues and/or remedies sounding in both law and equity.

b. Recusals from Criminal, Domestic Relations, and Probate cases shall first be transferred to the other Division(s) assigned to hear like cases. In the event both Divisions assigned to hear a Criminal case should recuse, the case shall be randomly assigned to Divisions Four, Five and Six. In the event all Divisions assigned to hear Domestic Relations and Probate cases shall recuse, the case shall be randomly assigned to Divisions One and Two. Recusals from Civil cases shall be reassigned in

the manner provided for the initial assignment of Civil cases.

c. Recusals from Division Three on Juvenile cases originally assigned to that Division shall be randomly assigned to Divisions Four, Five and Six. If recused from Four, Five and Six, the recusal shall be randomly assigned to Divisions One and Two.

d. A Judge recusing from a case or transferring a case shall cause an Order of Recusal or Transfer to be entered of record. The Clerk of the Court shall assign an additional case to the recusing or transferring court in order to maintain equal distribution of cases among the divisions. (See Section III, Random Assignment.) This shall not apply to transfers from Division Three to Divisions One or Two of juvenile delinquency cases for disposition as an adult Criminal case.

e. The Clerk shall maintain a Recusal and Transfer Orders Book in which a copy of each and every Order of Recusal and/or Transfer shall be recorded and preserved in chronological order according to the Division of Court recusing or transferring the case and the Division to which the case is assigned or transferred.

f. In the event all Judges in the 19th Judicial District West shall recuse from a case, the Administrative Judge shall notify the Chief Justice of the Arkansas Supreme Court for appointment of a Special Judge to hear such case. All such cases shall be transferred to a Special Judge (to be assigned an identifier by the Circuit Clerk), and a copy of the recusals, as well as the notification from the Administrative Judge to the Chief Justice, shall be placed in the Recusal and Transfer Orders Book by the Clerk of the Court.

g. The Circuit Clerk is hereby instructed to indicate in the administrative records and in the Transfer Orders Book the transfer of a Criminal case to Drug Court or Veteran's Court once the order from Drug Court or Veteran's Court approving the transfer of the criminal defendant's case to Drug Court or Veteran's Court is entered. If a

defendant is terminated from Drug Court or Veteran's Court, the Criminal case shall be returned to the Division where it originated based on final ruling of Division Three.

h. A Judge may transfer a case to another Division for judicial economy to manage related cases or for purposes of redistribution of cases to assist in case management provided the Judge being assigned the case is in agreement. The order of transfer shall specify if the Clerk of the Court is to randomly assign a subsequently filed case to the transferring Division in order to maintain equal distribution of cases among the divisions in effectuating the transfer. If the order of transfer specifies that there be no transfer of a subsequently filed case to the transferring Division, the Clerk of Court shall take no action except to note the reassignment of the case. (See Section III, Random Assignment.) This provision shall not apply to transfers from Division Three to Divisions One or Two of juvenile delinquency cases for disposition as an adult Criminal case.

III.

RANDOM ASSIGNMENT

The assignment of cases shall be random, based on case types as assigned to the various Divisions of Court as provided in Section II, Assignment of Cases, paragraph four, Domestic Abuse and Civil Commitment cases. The Clerk is directed not to assign a case to a Division until such time as the file-mark of the Clerk has been affixed. The Clerk is prohibited from making the Division assignment known until the number is affixed to the pleading initiating the case. The Clerk is to maintain a separate Criminal, Civil, Domestic Relations, Probate, and Juvenile docket for each of the respective numerical Divisions.

IV.

DOCKET MAINTENANCE

Each Division shall periodically prepare and review docket reports. Each Judge shall review the docket reports in order to be fully aware of the status of his or her docket.

Each Division shall maintain a management system for the purpose of tracking responsibility and deadlines for presentation of orders by attorneys practicing before the Court.

V.

ADMINISTRATIVE JUDGE

The Administrative Judge shall be selected on or before the first day of February, unanimously and by secret ballot, every two years beginning at the end of the term of the current Administrative Judge. The term of the current Administrative Judge ends January 31, 2021. Any vacancy in the office shall be dealt with as provided in Administrative Order 14, as amended.

The Administrative Judge shall, in general, perform the duties as required under Administrative Order 14, as amended. The Administrative Judge shall, specifically, perform the following duties:

1. Communicate with the Chief Justice, as necessary, regarding administration of the Plan in the 19th Judicial District West. Copies of all written communication sent or received shall be provided by the Administrative Judge to the other five Judges in the Circuit. In the event the communication is not in writing, a summary of the communication shall be provided to the other five Judges in the Circuit by the Administrative Judge.

2. Ensure the Administrative Plan and its implementation are consistent with Amendment 80 and the orders of the Supreme Court.

3. Ensure that the business of the Court is apportioned among the Circuit Judges as equally as possible and that case assignments are made in accordance with the Administrative Plan. The Administrative Judge shall have the authority to enter orders and otherwise require the Circuit Judges in the district to perform the duties set out by the Arkansas Supreme Court in Rule 8.1 of the Arkansas Rules of Criminal Procedure when he/she deems it appropriate.

4. Call meetings to modify the Administrative Plan should the case apportionment become unequal. Modification of the Administrative Plan's apportionment of cases shall be done only by majority vote of the six Judges.

5. Compute, develop, and coordinate case statistics and/or other management data for the 19th Judicial District West.

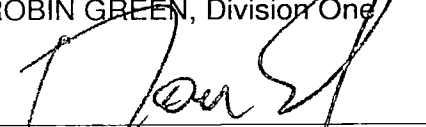
6. Submit the Administrative Plan of the 19th Judicial District West to the Supreme Court by July 1st of alternate years beginning with 2011.

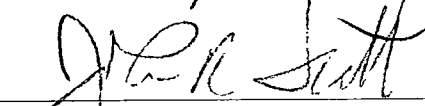
7. Call meetings on his/her own accord or at the request of any other Judge.

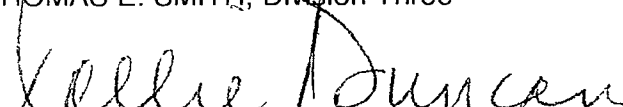
IT IS SO ORDERED AND AGREED this 6th day of JUNE 2019.

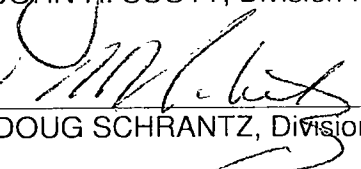

ROBIN GREEN, Division One


BRAD KARREN, Division Two


THOMAS E. SMITH, Division Three


JOHN R. SCOTT, Division Four


XOLLIE DUNCAN, Division Five


DOUG SCHRANTZ, Division Six

CERTIFICATION

The undersigned, as Administrative Judge of the 19th Judicial District, certifies that, in accordance with Amendment 80 and Administrative Order 14, as amended, the foregoing Administrative Plan results in an equal apportionment of caseload among the Judges of the District, requires random assignment of cases, and takes into consideration the physical facilities, financial constraints, personnel available, and experience and abilities of the individual Judges in the 19th Judicial District and complies with the letter and the spirit of Amendment 80 and Administrative Order 14, as amended.



DOUG SCHRANTZ
Administrative Judge

EXHIBIT “A”

Administrative Plan for the 19W Judicial District

Effective: January 1, 2020

County: Benton		Subject Areas						Specific Case Types			
Division	Judge Name	CV	CR	DR	JV	PR	DA	CV	PC		
1	Robin Green	10.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
2	Brad Karren	10.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
3	Thomas Smith	0.0%	0.0%	4.0%	100.0%	4.0%	0.0%	0.0%	100.0%		
4	John Scott	27.0%	0.0%	32.0%	0.0%	32.0%	33.3%	33.3%	0.0%		
5	Xollie Duncan	27.0%	0.0%	32.0%	0.0%	32.0%	33.3%	33.3%	0.0%		
6	Doug Schrantz	26.0%	0.0%	32.0%	0.0%	32.0%	33.4%	33.4%	0.0%		
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%		

Exhibit A

EXHIBIT “B”

19th Judicial District West Veterans Treatment Court
Bentonville, AR

The Benton County Adult Drug Court program has been in operation since November 2001. Court sessions are conducted in Benton County. The program utilizes both pre and post adjudication process and is open to defendants who have committed crimes due to their drug use, meet addiction criteria and are recommended by the prosecutor's office. The program is conducted in conformance with state drug court statues and complies with applicable laws involving the assessment of fines, fees, court costs and probation fees. The program receives funding from the Department of Community Corrections, collection of fees, and Federal grants,

The members of the drug court program team include a Circuit Judge, Prosecuting Attorney, Public Defender, Federal grant funded treatment staff, ACC treatment staff, ACC Probation officers, ACC and federal grant funded administrative staff. They have been consulted for purpose of scheduling, to ensure that the necessary resources are available and to avoid conflicts with other court programs and responsibilities in which team members may be required to participate.

Overview

- I. Benton County Adult Veterans Treatment Court is designed to help facilitate recovery from alcohol or other drug abuse or addiction and mental health diagnosis, which is a primary contributing factor in criminal behavior, while addressing issues specific to Veterans. The elimination of substance abuse will not only greatly enhance a crime free lifestyle but will improve all other factors in your life.
- II. The mission of the 19th Judicial District West Veterans Treatment Court is to allow offenders without serious records the opportunity to address their addiction and mental health concerns in lieu of more punitive measures. The goal of the program is to provide a treatment-based program including counseling, therapeutic meeting, Veterans Administration services and probationary supervision that allow clients to make positive lifestyle changes. By diverting qualified clients who have been determined to have drug addictions and mental health concerns to Veterans Treatment Court, they have the opportunity to become productive members of the community and the strain on the state and local justice system to be reduced.
- III. Program Building Process:
 1. Perform clinical assessment
 2. Develop treatment plan
 3. Supervise the offender
 4. Forge agency partnerships
 5. Develop case management strategies
 6. Evaluate the program

7. Ensure sustainability of the program

IV. Veterans Treatment Court Team – Judge makes final decisions regarding participation in the program with input from the Adult Drug Court Team.

The Team consists of:

1. Prosecutor
2. Public Defender/Defense Attorney
3. Probation Officer
4. Treatment Providers
5. Coordinator
6. Veterans Liason

V. Program Rules

1. Total abstinence from use of drugs and alcohol
2. Attend court and treatment session as scheduled
3. Submit to random alcohol and drug testing
4. Not associate with people who use or possess drugs
5. Follow all rules of felony probation
6. Participate in support groups
7. Attend all appointments set to the Veterans Administration
8. Follow all recommendations of service providers at the Veterans Administration

Phase I

- Attend court twice a month
- Attend treatment three times per week
- Attend 12-step support groups three times a week
- Participate in mental health services as recommended
- Submit to random drug tests no less than twice per week at the VA
- Report to Probation Officer no less that once per week
- Pay all fines and fees
- Work on GED if needed
- Obtain employment or education
- Complete five hour per month of community service

Phase II

- Attend court once per month
- Attend treatment twice per week
- Attend 12-step support groups three times a week
- Participate in mental health services as recommended
- Submit to random drug tests no less than twice per week at the VA
- Report to Probation Officer no less that once per week
- Pay all fines and fees
- Work on GED if needed
- Obtain employment or education

- Complete five hour per month

Phase II

- Attend Court once per month
- Attend treatment once per week
- Attend 12 step support groups three times per week
- Participate in mental health services as recommended
- Submit to random drug tests no less than twice per week at the VA
- Report to Probation Officer no less than twice per week
- Pay all fines and fees
- Work on GED if needed
- Maintain full time employment or education
- Complete 5 hours a month of community service

Phase IV

- Attend treatment once per month
- Attend 12 step support groups three times per week
- Participate in mental health services as recommended
- Submit to random drug tests
- Report to Probation Officer no less than once per month
- Pay all fines and fees
- Complete GED if needed
- Maintain employment or education

Alternative Tracks have adjustments made based on the appropriate client needs.

VI. Authority: National Association of Drug Court Professionals, Bureau of Justice Assistance, Justice for Vets. The program conforms to Arkansas sentencing laws, including fines, fees and court costs and probation assessments.

VII. Funding: A payment plans is established with the Court until all fees are paid in full. Probation Officers are provided through Arkansas Community Corrections, treatment is provided by Arkansas Community Corrections and grant funding and drug testing is done by Arkansas Community Corrections as part of their supervision. The participants pay monthly fees to offset some of these costs and they pay all confirmation drug testing. The Coordinator looks for and applies for local, state and Federal Grants.

VIII. Graduation:

1. Complete all phases of the program (15 month minimum)
2. Pay all fines and fees
3. Demonstrate at least 6 months sobriety
4. Team determines they are eligible

EXHIBIT “C”

19th Judicial District West Adult Drug Court
Bentonville, AR

The Benton County Adult Drug Court program has been in operation since November 2001. Court sessions are conducted in Benton County. The program utilizes both pre and post adjudication process and is open to defendants who have committed crimes due to their drug use, meet addiction criteria and are recommended by the prosecutor's office. The program is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court costs and probation fees. The program receives funding from the Department of Community Corrections, collection of fees, and Federal grants,

The members of the drug court program team include a Circuit Judge, Prosecuting Attorney, Public Defender, Federal grant funded treatment staff, ACC treatment staff, ACC Probation officers, ACC and federal grant funded administrative staff. They have been consulted for purpose of scheduling, to ensure that the necessary resources are available and to avoid conflicts with other court programs and responsibilities in which team members may be required to participate.

Overview

- I. Benton County Adult Drug Court is designed to help facilitate recovery from alcohol or other drug abuse or addiction, which is a primary contributing factor in criminal behavior. The elimination of substance abuse will not only greatly enhance a crime free lifestyle but will improve all other factors in your life.
- II. The mission of the 19th Judicial District West Adult Drug Court is to allow non-violent offenders without serious records the opportunity to address their addiction in lieu of more punitive measures. The goal of the program is to provide a treatment-based program including counseling, therapeutic meeting and probationary supervision that allows clients to make positive lifestyle changes. By diverting qualified clients who have been determined to have drug addictions to drug court, they have the opportunity to become productive members of the community and the strain on the state and local justice system to be reduced.
- III. Program Building Process:
 1. Perform clinical assessment
 2. Develop treatment plan
 3. Supervise the offender
 4. Forge agency partnerships
 5. Develop case management strategies
 6. Evaluate the program
 7. Ensure sustainability of the program

IV. Adult Drug Court Team – Judge makes final decisions regarding participation in the program with input from the Adult Drug Court Team.

The Team consists of:

1. Prosecutor
2. Public Defender/Defense Attorney
3. Probation Officer
4. Treatment Providers
5. Coordinator
6. Case Manager
7. Service Providers in the Community

V. Program Rules

1. Total abstinence from use of drugs and alcohol
2. Attend court and treatment session as scheduled
3. Submit to random alcohol and drug testing
4. Not associate with people who use or possess drugs
5. Follow all rules of felony probation
6. Participate in support groups
7. Follow all recommendations of service providers in the community

Phase I

- Attend court twice a month
- Attend treatment three times per week
- Attend 12-step support groups three times a week
- Participate in mental health services as recommended
- Submit to random drug tests no less than twice per week
- Report to Probation Officer no less than once per week
- Pay all fines and fees
- Work on GED if needed
- Obtain employment or education
- Complete five hour per month of community service

Phase II

- Attend court once per month
- Attend treatment twice per week
- Attend 12-step support groups three times a week
- Participate in mental health services as recommended
- Submit to random drug tests no less than twice per week
- Report to Probation Officer no less than once per week
- Pay all fines and fees
- Work on GED if needed
- Obtain employment or education
- Complete five hour per month

Phase II

- Attend Court once per month
- Attend treatment once per week
- Attend 12 step support groups three times per week
- Participate in mental health services as recommended
- Submit to random drug tests no less than twice per week
- Report to Probation Officer no less than twice per week
- Pay all fines and fees
- Work on GED if needed
- Maintain full time employment or education
- Complete 5 hours a month of community service

Phase IV

- Attend treatment once per month
- Attend 12 step support groups three times per week
- Participate in mental health services as recommended
- Submit to random drug tests
- Report to Probation Officer no less than once per month
- Pay all fines and fees
- Complete GED if needed
- Maintain employment or education

Alternative Tracks have adjustments made based on the appropriate client needs.

VI. Authority: National Association of Drug Court Professionals, Bureau of Justice Assistance. The program conforms to Arkansas sentencing laws, including fines, fees and court costs and probation assessments.

VII. Funding: A payment plans is established with the Court until all fees are paid in full. Probation Officers are provided through Arkansas Community Corrections, treatment is provided by Arkansas Community Corrections and grant funding and drug testing is done by Arkansas Community Corrections as part of their supervision. The participants pay monthly fees to offset some of these costs and they pay all confirmation drug testing. The Coordinator looks for and applies for local, state and Federal Grants.

VIII. Graduation:

1. Complete all phases of the program (15 month minimum)
2. Pay all fines and fees
3. Demonstrate at least 6 months sobriety
4. Team determines they are eligible

EXHIBIT “D”

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
19TH JUDICIAL DISTRICT – WEST
3RD DIVISION
FAMILY TREATMENT DRUG COURT

The Family Treatment Drug Court is a program designed to provide you with the opportunity to address your substance abuse as you work through dependency issues with your child(ren).

To reach this goal, FTDC will refer you to a Chemical Dependency treatment program (and community based support groups) and then monitor your progress while you attend court.

The total length of the program is about 12 to 15 months though each participant work through the program at his/her own pace. 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.

This program requires that you complete Chemical Dependency treatment, remain clean and sober and fulfill other requirements set forth by the FTDC team.

THE BENEFITS OF FAMILY TREATMENT DRUG COURT

You will be linked to an appropriate treatment program by the Division of Children and Family Services (DHS), and your progress in treatment will be regularly reported to the FTDC Team.

You will be linked to health care, educational and vocational training and other services. You will receive ongoing support if you have problems getting or staying clean and sober. You will have the support of other parents in the FTDC program who are dealing with many of the same challenges you're facing with recovery and involvement with child welfare system.

ELIGIBILITY REQUIREMENTS

A person may participate in cases where a foster care dependent neglect case is opened and services are offered.

Parents are eligible for FTDC when a foster care case is filed on a juvenile who has a minor child or parent that use drugs in Benton County and the petition contains an allegation of child maltreatment resulting from parental substance abuse. Referrals will be made at the time of probable cause, adjudication, or review hearings. Potential participant information is presented to the drug court team at a staffing (generally the DHS staffing prior to adjudication) and the team approves admissions to the program. There are some criteria that make parents generally ineligible to participate in the program. However, the team will review each case individually. There is no eligibility criteria based upon the child's characteristics. Case eligibility and ineligibility criteria are outlined below:

1. CASE ELIGIBLE TO PARTICIPATE IN FTDC

- Parent is a resident of Benton County
- Parent consents to participate in Drug Court
- Parent agrees to voluntarily participate in the FTDC program
- Parent is able to secure transportation to access services and to meet program requirements. (DCFS may provide reasonable assistance for a period of time)
- Abuse/ Neglect petition is filed on a juvenile where drug usage of a parent is an issue.
- Parent has the cognitive ability to participate in the program.

2. CASE INELIGIBLE TO PARTICIPATE IN FTDC

- Parent is deemed a violent offender as defined by federal, state, or local law.
- Parent has committed sexual abuse of a child.
- Substance Abuse is the diagnosed primary cause of deficiency.
- Parent's intellectual functioning leave him/her ineligible for alcohol and drug treatment.
- Parent is a convicted drug dealer (subject to team or judicial review)
- Parent with a history of a prior termination of parental rights action will be considered on a case by case basis.
- Parent has committed any physical abuse of a child (subject to team or judicial review).
- Parent has had a diagnosis of serious mental illness with long-term history of non-compliance with treatment.
- Parents who have previously participated in FTDC will be considered on a case by case basis.
- Parent is experiencing severe and/or terminal medical issues which would prevent full participation in the program (subject to team or judicial review).

- Child is in foster care/out-of home placement at the time of the permanency planning hearing in the underlying dependency case (subject to team or judicial review).

GETTING STARTED – THE FIRST WEEK OF FTDC

While having to face the truth of your addiction to chemicals and the need to begin treatment, you will now have to deal with the additional challenges of compliance to DCFS and our program.

If at any point you are confused about what to do next, or if you feel overwhelmed or discouraged, just talk to any FTDC Team Member for guidance.

Your primary weekly contact will be with your DCFS Case Worker and your treatment counselor. More information about the FTDC Team Members and their individual roles can be obtained.

Once you have passed your FTDC Interview and signed your Opt-In paperwork, you will likely ask “Now what do I do?” We’ve included a quick list of the things you will need to remember to do during your first week.

PROGRAM RULES AND EXPECTATIONS

Although each “Phase” in Family Treatment Drug Court has specific things you need to do for completion, there are general program rules and expectation you need to follow regardless of what “Phase” you are in. Here is a list of these rules:

- ✓ You must abstain from use of all non-prescribed mood or mind altering chemicals (including alcohol).
- ✓ You must reside in Benton County while participating in FTDC
- ✓ You must be prepared to take a drug test 7 days a week-365 days a year.
- ✓ When taking a drug test, you cannot deliberately consume large amounts of liquid to dilute your urine or add anything to the urine afterwards to try and change the results.
- ✓ You must attend court as scheduled. If any emergency occurs and you cannot attend court (medical, accident, family, etc.) you must contact your case worker. If you fail to appear in court and fail to call, a warrant will be issued for your arrest.
- ✓ You must attend treatment as scheduled each week and complete all requirements set forth by your treatment counselor.
- ✓ You are required to attend (3) 12- step meetings each week and turn in your slips to your treatment counselor (in person or by fax).
- ✓ You must complete the “Medication Form” for any and all prescription medicines. Be aware of over the counter medicines that are prohibited in the FTDC program.
- ✓ If you change your address or phone number, you must let your DCFS caseworker know within 24 hours.
- ✓ You cannot associate with known drug users, dealers, manufacturers or deliverers, and you cannot go to drug houses, bars or taverns.

- ✓ If you are planning on leaving the area for more than 24 hours you must complete a "Trip Request Form" and submit 2 weeks prior to your planned trip. Permission to leave the area for extended periods of time is subject to the approval of the FTDC Team.
- ✓ You must contact a member of the FTDC Team immediately if you have relapsed. Your success in Family Treatment Drug Court requires you to be honest about any continued use or relapse.

REVIEW HEARINGS/COURT APPEARANCE

You are required to attend regularly scheduled court review hearings at least monthly which the Judge reviews your progress toward recovery. Your treatment counselor will complete a status report in conjunction with each scheduled court date. You are expected to arrive promptly and be appropriately dressed for court. Participants are expected to remain until the end of the court session each week.

Frequency of court appearances will decrease as you progress successfully through the program.

DRUG TESTING

You are required to provide urine samples on a regular basis to monitor your progress. At times you may also be required to submit to other recognized drug/alcohol monitoring techniques. Urinalysis results and results of other monitoring techniques will be documented and made available to the court. Any positive urine screens, tampered or diluted samples, or refusal to provide a sample can be grounds for sanctions. Do not ingest the following:

1. Any controlled substances (absent a valid prescription); or alcohol in any form like beer, wine, or hard liquor. (be aware that alcohol can be in medicines like Nyquil, or in cooking products like Bbq sauces, or in beverages like Near Beer)
2. Poppy seeds in any form (muffins, bagels, bread, salad dressing, etc.).
3. "Natural" or herbal remedies or supplements (e-ola, Mah huang).
4. Over the counter or prescription medicines without prior approval of your treatment provider.
5. Medications from Canada not sold over the counter in the USA (222's etc.) Read labels and ask questions before you put a substance in your body. Claiming that you did not know what was in something will not be accepted as an excuse. If you receive a positive drug test because you used one of the above and failed to follow the directions of the FTDC Team, you will receive a sanction. Be aware of what you are putting into your body. You will be sanctioned for any positive urinalysis test result unless medically excused. A failure to appear on time or to provide a measurable urine sample will be treated the same as a positive test. An out of range sample (low creatinine, out of range temperature, PH or specific gravity, etc.) will be treated the same as a positive test. Any adulterated sample will be treated the same as a positive test.

If you have questions, ask your treatment counselor first

PRESCRIPTION MEDICATIONS

Participants in FTDC are expected to be drug free, including the use of mind or mood altering, potentially addictive, prescription medications. Participants with chronic pain requiring repeated use of prescription pain medication (opiate, narcotic or benzodiazepine medications) are not good candidates for the program. If you choose to participate in FTDC, you will be required to discontinue all addictive medications.

Clients who have opted into FTDC and have a acute pain episode must have the FTDC Medication Form completed by their doctor before they take any pain medication. The form must include the doctor's name, any medication given at time of services, medication prescribed, amount prescribed (including refills), reason for prescription, duration of treatment, and acknowledgement by the physician that you revealed that you are a substance abuser and the physician feels this is the best course of treatment. This form, with copies of the prescriptions, must be provided to your treatment counselor immediately.

PHASES OF PARTICIPATION

The FTDC program is divided into four "Phases". The FTDC Team will closely monitor your progress in each Phase as you work to become clean and sober and work toward permanency for your child(ren).

General criteria include participant's sobriety, progress in treatment and their dependency case, healthy interaction with their children, compliance with court orders and team recommendations.

RESPECTIVE GUIDELINES

PHASE 1: INTENSIVE

(1-3 MONTHS)

Goals of Phase 1

- Substance Abuse Assessment
- Participation in community-based treatment
- Detoxification and abstinence
- Assessment and referrals for additional services
- Assessment of children's need
- Develop educational and vocational goals
- Develop parenting skills
- Improve interaction with children
- Seek and maintain stable housing
- Develop dependency-case treatment plan

PHASE 2: KEEPING PACE

(4-8 MONTHS)

Goals of Phase 2

- Continued abstinence
- Follow continuing treatment plan
- Begin other services as determined by assessments and the drug court team
- Obtain a sponsor and verify weekly contact
- Educational or vocational training or employment
- Demonstrate parenting skills
- Maintain stable housing
- Healthy interaction with children

PHASE 3: TRANSITION

(8-10 MONTHS)

Goals of Phase 3

- Continued abstinence
- Follow continuing treatment plan
- Develop relapse prevention plan with treatment provider and present it to the team
- Develop aftercare plan
- Maintain stable housing

PHASE 4: AFTERCARE

(11-15 MONTHS)

Goals of Phase 4

- Continued abstinence
- Follow continuing treatment plan
- Follow relapse prevention plan including safety plan for children
- Maintain educational or vocational training and/or employment
- Maintain stable housing
- Continue to demonstrate stable parenting skills
- Continued healthy interaction with children

ACHIEVEMENTS AND INCENTIVES

WHAT IS AN INCENTIVE?

As you successfully progress in FTDC you will periodically receive incentives. The purpose of an incentive is to give you a tangible, positive acknowledge from the FTDC Team that you are doing well in the program. Incentives can be applause in the courtroom, verbal acknowledgement from the Judge, a decrease in required court appearances and/or UA frequency, gift cards to local retailers or sobriety gifts.

Are the incentives the same for everyone?

There are several possible incentives that can be granted for each particular achievement or milestone. Since every case is a little bit different, the FTDC Team decides which incentive is most appropriate for each case.

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 sanctions if you are not in compliance with program rules and expectations, the FTDC 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 the program and encourage you to continue working through the recovery process.

WHAT IS A SANCTION?

A sanction is a response to a failure to meet FTDC requirements. The seriousness of the failure to determines the severity of the sanction imposed. If failure to meet program requirements accumulate, the sanctions become harsher.

Some examples of sanctions in FTDC include: reprimand from the Judge, increased court appearances, increased drug testing, demotion from a Phase, community service hours, essay writing, jail, increased time in a treatment phase or termination from the program.

GRADUATION

After you have fulfilled all the FTDC Graduation Requirements, you will graduate the program.

Graduations are very special in FTDC and are celebrated by the awarding of completion certificates by the Judge and by having family & friends present in court to vocalize their congratulations.

GRADUATION REQUIREMENTS

- ✓ Abstinence throughout Phase Four
- ✓ Successful discharge from a substance abuse treatment program
- ✓ Documented participation in an aftercare program
- ✓ Attain stable housing
- ✓ Resolve any outstanding warrants
- ✓ Maintain support system, relapse prevention plan, and safety plan for the children
- ✓ Appropriate permanency plan for children
- ✓ Drug Court team recommendation

The Family Treatment Drug Court Program has been developed to help you be a better parent and to live a clean and sober life.

The Judge and the FTDC Tam 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 FTDC, talk to us.

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.

EXHIBIT “E”

BENTON COUNTY JUVENILE SPECIAL SERVICES COURT

The Benton County Juvenile Special Services Court program was started in 2005 and stayed in existence until November, 2013. The Circuit Judge and team members decided to dissolve the program in order to make modifications. The Juvenile Special Services Court program was reestablished in July 2015.

Court sessions are conducted in Benton County. The program primarily utilizes a post adjudication process and is open to juveniles who meet the eligibility requirements and are recommended by the prosecutor and team members. The program is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court costs, and probation fees. The program receives staff from the Administrative Office of the Courts and is requesting grant funding from the State of Arkansas Accountability Court Funds for Juvenile Probation Office budget. Additional funding is provided through the Division of Youth Services contract with our service provider, Youth Bridges, Inc.

The members of the special services court program team include prosecuting attorneys, public defenders, defense counsel, treatment professionals, local court staff, law enforcement and school representatives. They have been consulted for purposes of scheduling, to insure that the necessary resources are available and to avoid conflicts with other court programs and responsibilities in which team members may be required to participate.

Eligibility for Juvenile Special Services Court

1st Trigger – Appropriate for Drug Court

The purpose of the first trigger is to determine if the juvenile's success may be hindered by age or their mental status and whether or not their decisions are more behavior or drug related.

- Juvenile is between the ages of 14 and 17 years of age. Juveniles may remain in the program up to 21 years of age.
- Juvenile must have cognitive ability at or above the 5th grade level.
- Juveniles who are dual diagnosed with substance abuse and mental health issues will be considered on a case by case basis. A mental health assessment may be requested by the team prior to staffing.
- Juveniles with violent offenses will be considered on a case by case basis.

2nd Trigger – Legal Status

Juveniles must enter the program on a delinquency status, either as a revocation of their probation, or as new delinquency adjudication.

- Juvenile has a prior drug history through delinquency case.
- The juvenile is being charged with a new delinquency offense.

- Juvenile currently has an open delinquent case and commits a drug related offense
- Juvenile currently has an open delinquent case, has a known drug problem, and is charged with a new offense.
- Juvenile charged with or has a history of drug selling offenses. (Staffed on case by case basis by special services court team)

3rd Trigger – Juvenile’s Substance Abuse History

In the past 6 months or less:

- Juvenile has two positive drug screens, despite attending out-patient counseling.
- Juvenile has tested positive, or has admitted using, more than two different substances.
- Drug use has resulted in: blackouts, trips to the Emergency Room, being under the influence in public, unknowingly using other substances, or other.
- Juvenile admits to a drug problem and is seeking help.

4th Trigger – Substance Abuse Assessment and Risk Level

YLS/Criminogenic

Moderate to Severe rating on screening tools; SASSI, JARR, AC-OK or ASAM

- YLS Assessment of Moderate to High Risk of Reoffending or SAVRY Critical issues.
- Assessment results in a rating of moderate to severe probability of having a substance use disorder from one of the standard substance abuse screening tools.
- Substance abuse diagnosis per the DSM-5 criteria.

PROGRAM DESCRIPTION

The Benton County Juvenile Special Services Court program is a Court-supervised, comprehensive treatment program for delinquent youth and their families. The program is based on the 16 strategies in practice as set forth by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

The program includes treatment, which involves drug testing, individual/family/group counseling, parent support groups, intensive supervision, life skill assignments, school or structured community activity, support groups such as NA, AA extracurricular activities and Court appearances before the Juvenile Special Services Court Judge. The participant’s requirements decrease throughout the phase system. The program length is determined by each participant’s progress based on a point system.

Each participant will have an individualized treatment based on overall assessment of needs. The treatment program is comprised of four (4) distinct phases with built in incentives and sanctions. In order to move through each phase participants must complete all phase requirements and have enough points to move to the next phase.