

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

DRUG COURT CONTRACT

Participant: _____

Date _____

Address: _____

Telephone: (_____) _____ DOB _____

<u>Charge or Sentence Violation</u>	<u>Offense Date</u>	<u>Case Number</u>

A. THE AGREEMENT.

1. Will County Drug Court (Drug Court) is designed to treat a Participant’s addiction and supervise his or her recovery and entry into a stable future, free of drugs and crime.
2. I, _____, request admission to Drug Court for treatment of my addiction.
3. I understand that if I am accepted into Drug Court, I must follow the treatment program prescribed by the Drug Court team, as well as the rules, conditions, and duties imposed by this Contract. I also understand that, if I do not comply, the Court may sanction me.
4. I agree to plead guilty to the above charges. I understand that my guilty plea cannot be withdrawn except for rare and specific circumstances provided by law.
5. I understand that if I successfully complete Drug Court, the State’s Attorney and the Court will offer me one of the following opportunities. (Check the box that applies.)
 1) The State’s Attorney will dismiss the charges against me.

- (Participant’s initials)

- (ASA’s initials)

2) The Court will convict me and I will be sentenced to 12 months conditional discharge, which will already be considered served.

- (Participant's initials)

- (ASA's initials)

6. This agreement covers only the offenses listed in this agreement.

B. ELIGIBILITY FOR DRUG COURT

7. Drug Court is intended only for non-violent offenders. 730 ILCS 166/20(b)(1).

8. I understand that I am ineligible for Drug Court if I have been convicted of any of the following crimes within the past 10 years, excluding incarceration time: (1) first degree murder, (2) second degree murder, (3) predatory criminal sexual assault of a child, (4) aggravated criminal sexual assault, (5) criminal sexual assault, (6) armed robbery, (7) aggravated arson, (8) arson, (9) aggravated kidnaping, (10) kidnaping, (11) aggravated battery resulting in great bodily harm or permanent disability, (12) stalking, (13) aggravated stalking, or (14) any offense involving the discharge of a firearm. 730 ILCS 166/20(b)(4).

9. I understand that I am eligible for Drug Court only if I admit that I use drugs and am addicted to them. 730 ILCS 166/20(b)(2).

10. I understand that I am eligible for Drug Court only if I demonstrate a willingness to participate in a treatment program. 730 ILCS 166/20(b)(3).

C. PARTICIPANT'S STATEMENTS DURING TREATMENT

11. I understand that my health and treatment records are protected under federal regulations. 42 C.F.R. Part 2 (Confidentiality of Alcohol and Drug Abuse Patient Records) and 45 C.F.R. Part 164 (HIPAA).

12. I understand that almost all of the statements I make during eligibility screening, assessments and treatment cannot be used against me. 45 C.F.R. §164.512 (j)(2)(i) and (ii).

13. However, I understand that if I admit to either of the following two things, my statements *may* be used against me: 1) child abuse or neglect (45 C.F.R. §164.512(b)(1)(ii); and 2) domestic violence, abuse or neglect which causes the Team Member to believe disclosure is necessary to prevent serious harm to a potential victim. 45 C.F.R. §164.512(c)(1)(iii).

I understand that my statements made during the eligibility, assessment(s) and treatment, other than those mandatorily required to be disclosed as outlined in the above paragraph, cannot be

the basis for new criminal charges or a criminal investigation except as authorized by a court order. 42 C.F.R. §2.63; 42 C.F.R. §2.65.

14. Prior to a Court Order being issued, a hearing shall be conducted by the Problem-Solving Court Judge. Notice shall be given to Defense Counsel with a Bill of Particulars with the following information:

- g) The statement that the State is seeking to disclose;
- h) A list of all individuals who witnessed the statement that the State is seeking to disclose, including their names, addresses, telephone and email addresses; and
- i) Any and all reports, notes, audio or video material memorializing the statement of the Participant and the circumstances under which it was made.

D. NO DRUGS OR ALCOHOL

15. I understand that alcohol and Marijuana are drugs and that their consumption is not permitted while I am under the jurisdiction of Drug Court.

16. I will not possess or consume any drugs or alcohol, including but not limited to any synthetic cannabinoids such as Spice or K2, Tianeptine, and cannabis.

17. If I choose to consume and/or use Cannabidiol (CBD) products and test positive for THC on a drug test, I understand that I will be held accountable in the same manner as any other positive drug test and be sanctioned as such.

18. I will not possess or consume Kratom (*mitragyna speciosa*) or anything containing Kratom, including but not limited to any other non-prescription synthetic and/or natural substance that imitates the effects of any controlled substance.

19. I will not knowingly be in the same location as any person using drugs or alcohol.

20. I will not use prescription narcotic pain killers without giving notice to the Court.

21. I will tell my dentist and physician that I am in treatment through Drug Court.

22. I will inform the Court of any prescription medications I am taking.

23. I will provide the Team Member with a copy of all prescriptions I am taking.

24. I will not take my old prescriptions without current consent of my physician and knowledge of the Drug Court team.

25. I will not take anyone else's prescriptions.

26. I will inform the Court of any over-the-counter medications I am taking.

E. COURT ORDERS AND RULES

27. I understand that the conditions of my bond remain in full force and effect, and that this Contract becomes a condition of bond. I will not leave the State of Illinois without prior approval from the Court.

28. I will report to Drug Court not less than once every 30 days, or as otherwise required in the discretion of the Court, and I will engage in discussion in open court about my progress in Drug Court.

29. I will attend all Court proceedings. I understand that if I fail to appear on a scheduled court date without prior approval from the Court, the Court will issue a warrant for my arrest.

I will pay court fees in the amount of \$1560 and, if applicable, restitution in the amount of _____ for the benefit and use of _____. Although a failure to pay these assessed amounts will not prevent phase movement or graduation I may be subject to collection efforts if I fail to pay.

30. I will follow all rules and directions concerning courtroom conduct.

31. I will dress appropriately for Court.

F. TREATMENT TEAM'S RULES

32. I will report to the treatment provider as scheduled.

33. I will undergo evaluations and/or assessments in a timely manner as ordered by the Team.

34. I will cooperate with counseling.

35. I will follow all rules and directions of the treatment provider.

36. I will show respect to the Treatment Team and any other associate of the Court.

37. I will pay assessed fees and costs in relation to treatment and these payments shall be made directly to the treatment provider.

38. I will follow any other Orders of the Court relating to treatment or counseling.

39. I will contact the Drug Court staff as required. No excuses will be accepted.

G. DRUG AND ALCOHOL TESTING

40. I consent to random urine or oral screens for drugs and alcohol.

41. I will report for drug and alcohol testing within 24 hours of request of any Team Member.

42. I will report for all scheduled drug and alcohol tests.

43. I understand that if I fail to report for a requested drug and/or alcohol test as directed, the Court will treat the failure to appear as a positive drug test and I may be sanctioned.

44. I will submit to random drug and alcohol tests including but not limited to urinalysis, breathalyzer, portable breath test, oral drug test, hair follicle test, and continuous alcohol or drug testing.
45. I understand that I may be observed by a person of the same gender while providing the sample in order to ensure the sample's integrity.
46. I understand that if I refuse to submit to random drug and alcohol tests, the Court will treat that as a positive drug test and I will be sanctioned.
47. I will not purchase, possess or consume a detox kit or any other substance designed to disguise, ameliorate or defraud the results of a drug test.

H. TREATMENT AND COUNSELING

48. Treatment will consist of the following steps:

g) Assessment (pre-Agreement)

h) **Phase I:** Acute Stabilization, Orientation, Treatment, Maintaining Sober/Drug Free Lifestyle

i) **Phase II:** Clinical Stabilization, Recovery Education, Community Resources

j) **Phase III:** Pro-social Habitation, Implement Continuing Care Plan

k) **Phase IV:** Adaptive Habitation, Less Structured Treatment, More Responsibility

l) **Phase V:** Continuing Care, Maintain Recovery Network, Housing, Develop Discharge Plan

49. I understand that I am expected to move through the phases of treatment as described in the phase movement checklist.

50. I understand that my level of treatment may be adjusted depending on my success or failure to achieve the program goals.

51. I understand that I must complete the treatment program goals of all phases in order to successfully complete Drug Court.

52. I understand that I must undergo any medical, physiological, psychiatric, drug or alcohol treatment directed by the Court.

53. I will:

g) Undergo any evaluations or assessments ordered by the court;

h) Release personal health and treatment records;

- i) Follow the rules, regulations and directions of any treatment provider; and
- j) Pay all assessed fees and costs in relation to treatment directly to the treatment provider.

54. I authorize the exchange of all information regarding my mental health, physical health, and any substance abuse treatment including all evaluations, test results, and treatment information, between the Team and all designated, and incidental treatment providers, including but not limited to, psychiatrists, therapists, and counselors as is necessary to allow participation in Drug Court.

55. I authorize the Court to use my health and treatment records to determine my treatment progress and status in Drug Court. In addition, I agree that any hospital records or reports generated by treatment providers may be entered into evidence at any hearing on a Petition to Remove under the same rules of evidence that would govern at a hearing on a Petition to Revoke Felony Probation.

56. I understand that, depending on my needs, my treatment plan may change substantially.

I. COGNITIVE BEHAVIORAL THERAPY

57. If required, I will participate in a program of cognitive behavioral therapy as directed by the Drug Court Team.

58. If required, I will participate in Moral Reconciliation Therapy (MRT), which seeks to increase moral reasoning.

59. If required, I will participate in “Thinking for a Change (T4C),” which seeks to change thoughts that cause criminal behavior.

60. If required, I will participate in Psycho-educational groups as directed by the Drug Court team.

J. EDUCATION, COMMUNITY SERVICE AND EMPLOYMENT

61. I will participate in any additional educational and vocational training as directed by the Drug Court Team, as applicable.-

62. I will complete community service as directed by the Court.

63. I will participate in employment training as directed by the Drug Court Team.

64. I understand that before I can graduate from Drug Court, I must be either employed or enrolled as a full-time student.

K. PARTICIPANT’S RESIDENCE

65. I will live only in a location approved by the Court.
66. I will only change residence with prior approval of the Court, unless in an emergency situation. In which case I will inform the court of my move within 24 hours.
67. I will advise the Court by the end of the next business day of change of address, phone, employment status, living conditions and other relevant information requested by the Court or Team Member.

L. NO WEAPONS

68. I will not possess a firearm, knife or other dangerous weapon as defined in 720 ILCS 5/24-1 et seq. or 720 ILCS 5/33 A-1 et seq. unless used in the scope of employment. (Is there a way to reword this there is not an apparent prohibition against tools of the trade for warehouse workers, construction workers etc.)

M. FAILURE TO PERFORM THE TERMS OF THE CONTRACT

69. I understand that I must complete all of the tasks required by the Drug Court and the treatment program.
70. I understand that if I fail to comply with the treatment program and Drug Court rules, one or more of the following consequences will follow:
 - a. The length of my treatment will be extended;
 - b. The Court will impose a sanction, which may include imprisonment;
 - c. The Court will dismiss me from Drug Court, which will revoke the disposition of my charges or sentence as previously set forth in Paragraph A(6) of this Contract.
71. I understand that misconduct may result in a sanction and that such misconduct includes, but is not limited to, the following:
 - a. Positive urine or other drug or alcohol test.
 - b. Tampering with submitted sample or testing device.
 - c. Failure to submit a sample for a urine or other drug or alcohol test.
 - d. Unexcused absence from treatment session.
 - e. Unexcused absence from other Court ordered counseling.
 - f. Failure to attend self-help group meeting.
 - g. Failure to comply with treatment plan recommendation.

- h. Failure to comply with conduct rules during treatment.
- i. Failure to comply with appropriate courtroom conduct.
- j. Association with people who use or possess drugs or being present when drugs or alcohol are being used by others.
- k. Failure to appear on my regularly scheduled court date without previously being excused by the Court. I understand that if I fail to appear, the Judge will issue a warrant for my arrest.
- l. Failure to report contact of any type with law enforcement to the Court and case manager or probation officer by the end of the next business day.
- m. Leaving the State of Illinois without prior approval of the Court. I understand that I must request permission to leave the state in writing and give the request to a member of the Drug Court staff, and that I must wait for notification of approval or denial by the Judge.
- n. Failure to keep scheduled appointments with Drug Court personnel.
- o. Commission of a new offense, including traffic violations.
- p. Failure to call or report to my case manager or probation officer within twenty-four (24) hours of notification.
- q. Failure to call in for mandatory 24-hour call in system.
- r. Failure to obey all rules and/or regulations of the Will County Adult Detention Facility.
- s. Failure to comply with the rules of the recovery home.
- t. I understand that I will not be sanctioned for refusing to take prescribed psychotropic medications. However, the fact that I did not take prescribed psychotropic medication shall never excuse me from my obligation to comply with all of the conditions and Court rules incorporated in this Agreement.
- u. I understand that misconduct may result in a sanction and that such sanctions include, but are not limited to, the following:
 - i. Admonishment.
 - ii. Incarceration with continuation of treatment.

- iii. Increase in frequency of status hearings.
- iv. Increase in frequency of drug/alcohol testing.
- v. Alternative means of drug and alcohol monitoring. Increase in frequency of supervision or case management contacts.
- vi. Increased level in treatment modality.
- vii. Extended program duration.
- viii. Termination from Drug Court.
- ix. Any other sanction deemed reasonable by the Court under the circumstances of the non-compliance.

N. Rules and procedures applicable to terminate Will County Drug Court participation shall be In compliance with Illinois Problem-Solving Court Standards.

O. ACCEPTANCE OF CONTRACT

- v. I hereby acknowledge that I have read this Contract, that my questions about this Contract have been answered, and that I understand this Contract in full. In addition, I have consulted with counsel who has fully advised me regarding the benefits and consequences of entering into this Contract.
- w. I acknowledge that I received and read the current Participant Handbook.
- x. This Contract will be for a term of fourteen to seventeen months, but may vary based upon phase progression and achievement of treatment and behavioral goals.
- y. _____ (*Check if Applicable*). I acknowledge that I am currently participating in a problem solving court in _____ County. I will inform my Will County Drug Court Team of any changes with my contract status in _____ County. (Participant's initials)

In witness whereof, the respective parties have set forth their signatures this _____ day of

_____.

JAMES W. GLASGOW
Will County State's Attorney

Participant_____

Assistant State's Attorney_____

Will County Drug Court Judge

I, the undersigned, counsel for Participant, have fully explained this Contract to Participant and have advised Participant of all benefits and consequences of entering into same.

Participant's Attorney

- 1) Private counsel intends to remain on the file as the attorney of record until graduation or in the event that the State files a Petition to Remove. Attorney of record will be required to attend all staffing and court hearings for the duration of the client's problem solving court involvement (or arrange for substitute counsel on each of these dates; or
- 2) Private counsel will seek leave to withdraw upon the entry of this contract; and/or
- 3) Upon entry of this contract, the Public Defender's Office is appointed to handle all matters relating to the status of the above named Defendant.