



YANKTON COUNTY DRUG/DUI COURT  
Application and Forms

2019



## Yankton County Drug & DUI Court

### Checklist for Defense Attorneys

If you have a client who you think is appropriate for the DUI court program you need to do the following:

1. Have your client fill out the Application for DUI Court and Basic Understanding, Waiver and Agreements. The Application and Waiver is attached. They should be turned in to the Drug/DUI Court Office/Court Services.
2. You should notify the Drug/DUI Court Specialist, Sharon Kraft at (605) 668-5459. The Drug/DUI Court Specialist will then notify the State's Attorney that your client is applying to DUI court. If the State's Attorney vetoes the Application, your client is ineligible for DUI court.
3. The Drug/DUI Court Specialist will contact the Lewis & Clark Behavioral Health Services Chemical Dependency Counselor in Yankton (605) 665-4606 to arrange for your client to undergo a chemical dependency evaluation. The evaluator will be informed the evaluation is for possible admission to DUI court.
4. Educate your client on DUI court. DUI court is an intense and rigorous program and not all clients are sufficiently motivated to be successful in the program. Provide him or her with the Participant Handbook, a copy of which is attached.
5. Your client will then plead guilty to the charge or charges or admit the probation violation.
6. You will be contacted by the DUI court services officer and asked to supply certain information about your client to the DUI court team.
7. The DUI court team will then vote on whether your client will be admitted to DUI court.
8. If your client is accepted into DUI court, the DUI court defense attorney will meet with you and your client to answer your client's questions about the program.
9. Your client will appear for sentencing. **ACCEPTANCE INTO DUI COURT DOES NOT GUARANTEE THAT THE JUDGE WILL SENTENCE YOUR CLIENT TO DUI COURT.**
10. If sentenced to DUI court, your client will become an active participant after any jail or penitentiary time and any inpatient treatment ordered by the sentencing judge.

If you have questions or concerns, please contact the drug/DUI court office at (605) 668-3075 or Attorney Luci Youngberg at (605) 665-4308.



## Yankton County Drug & DUI Court Drug Court Application Process

1. Read through the Participant Handbook with your defense attorney.
2. Fill out and submit the following application and consent/acknowledgement forms to the Problem-Solving Court Specialist Sharon Kraft at Court Services, 410 Walnut Street, Suite #203, Yankton, SD 57078:
3. **Once application is received** by the Problem-Solving Court, you will be required to keep two scheduled appointments. These appointments must be completed before the Team will further consider your application.
  - The Court Services Office will call you to schedule a LSI-R (Risk/Needs Assessment)/CARS Assessment
  - \_\_\_\_\_ will call you to schedule a Treatment Needs Assessment

**\*Your attorney will receive written notification of acceptance or denial into the program.**

## Contact Information

Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Cell/Phone Number: \_\_\_\_\_

## PROGRAM OUTLINE

Yankton County Drug & DUI Court is a court supervised, treatment orientated program and targets non-violent participants whose major problems stem from substance abuse. Yankton County Drug & DUI Court is a voluntary program. The program includes regular court appearances before the Drug & DUI Court Judge, alcohol/drug abuse treatment, individual/group counseling, alcohol/drug testing, and regular attendance at support group meetings (e.g.12-step meetings). The Drug & DUI Court team may assist and require educational/vocational/and or job placement services. The program length will be determined by the participant's progress, but will be no less than 17 months

## APPLICATION REQUIREMENTS AND POLICY

All participants must voluntarily make application to the Yankton County Drug & DUI Court, undergo an eligibility assessment, and complete a chemical addiction assessment. All candidates must make an application to the Yankton County Drug & DUI Court Specialist no longer than 50 days from the date of arrest, unless granted an exception by the DUI court. Candidates may enter the program only after approval by the Yankton County Drug & DUI Court Team.

The defendant consents to the disclosure of DUI Court application information, including a Risk/Needs Assessment and a Treatment Needs Assessment, prior to entry of a plea, for the purposes of obtaining information useful for acceptance into the DUI Court Program.

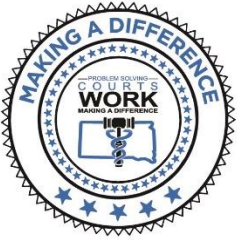
No applicants will be excluded based on the existence of a co-occurring disorder or other medical condition. All reasonable efforts will be made to ensure that the time between arrest and entry into the DUI court program is less than 50 days.

## **SCREENING AND ELIGIBILITY CRITERIA**

- DUI Court is a post adjudication program. Participants must plead or have been found guilty of a felony drug related offense or drug related probation violation.
- Candidates must be at least 18 years of age;
- Candidates are only accepted into the program on a voluntary basis. Submission of a signed application into the program is deemed a voluntary request for admission.
- No person whose current conviction is for the offense of distribution of a controlled substance or marijuana may be accepted;
- No person who is currently required to register as a sex offender may be accepted;
- No person whose current conviction is for a crime of violence as defined by SDCL § 22-1-2(9), or who has previously been convicted of a crime of violence as defined by SDCL 22-1-2(9) may be accepted;
- No person who has seven lifetime convictions for driving under the influence may be accepted unless otherwise determined appropriate by the local DUI court team;
- Candidates must have a chemical dependency diagnosis;
- Candidates must meet risk-needs criteria as established by utilization of a validated risk-needs assessment tool and a validated clinical assessment tool;
- Candidates must constitute a substantial risk for reoffending or failing to complete a less intensive disposition, such as standard probation;
- The prosecutor with jurisdiction over the offense must approve the offender's participation in the program;
- Applicant must reside within Yankton County to allow for intensive supervision.

### **Crime of Violence as defined by South Dakota Codified Law 22-1-2 (9)**

"Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to commit any of the following crimes: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual contact as defined in § 22-22-7, felony child abuse as defined in § 26-10-1, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device.



**Unified Judicial System**

**Request for Admission to Yankton County  
Drug & DUI Court**

**First Judicial Circuit**

I, \_\_\_\_\_, state under penalty of law,  
(print name)  
that on \_\_\_\_\_ I was accused of/charged with  
(Date)  
the following offense (s):

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I have no convictions for a violent offense as defined on the previous page. I have not been involved in a motor vehicle collision that resulted in injury or death to another person while under the influence of alcohol or other drugs.

I need substance abuse treatment and want to participate in the Yankton County Drug & DUI Court. I have read the entire contents of the Participant Handbook, understand everything in this document, and I am willing to follow the requirements of the Yankton County Drug & DUI Court if I am admitted into the program. I have had or will have meaningful opportunity to consult with an attorney regarding the Yankton County Drug & DUI Court.

\_\_\_\_\_  
Name (Signature)

\_\_\_\_\_  
(Date)



**Unified Judicial System**  
**Application to Yankton County Problem-Solving Court Program**

Date of Application: \_\_\_\_\_

Do you need disability accommodations?     Yes    No

If yes; please state request:

\_\_\_\_\_

Will an interpreter be needed?    Yes    No   If Yes; what language? \_\_\_\_\_

Name:	
Alias:	
Race:	
Sex:	
Date of Birth:	
Current Address:	
City:	
State:	
Zip Code:	
Other States you have lived in:	
How long at current address?	
Current Phone Number:	

Are you an Armed Forces Veteran?  Yes  No

State ID #: \_\_\_\_\_

Valid Driver's License?  Yes  No # \_\_\_\_\_

Reliable Transportation?  Yes  No

Do you have children?  Yes  No If so how many? \_\_\_\_\_

Do you pay child support?  Yes  No How Much? \$ \_\_\_\_\_

Significant Other Full Name:

Date of Birth:

Do they have criminal court involvement?  Yes  No

If Yes – What?

**Other Members in your home:**

Name (First, Middle, Last):	DOB:	Criminal Involvement	What?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Next of Kin Name:			
Relationship:			
Current Telephone:			

Do you receive disability?  Yes  No How Much? \_\_\_\_\_

Are you working?  Yes  No



Employers Name:	
Employers Phone Number:	
Hourly Wage:	
Monthly Income:	

Are you an Addict?  Yes  No

What is your Primary Drug of Choice?

\_\_\_\_\_

Primary Physician:	
Clinic Address:	
Clinic Phone:	
Do you have a Mental Health Diagnosis? <input type="checkbox"/> Yes <input type="checkbox"/> No	
List All Mental Health Diagnosis:	
Do you take Psychotropic Medications? <input type="checkbox"/> Yes <input type="checkbox"/> No	
List all Psychotropic Medications:	
Have you completed a Drug and Alcohol Evaluation? <input type="checkbox"/> Yes <input type="checkbox"/> No	
When:	Where:
LSI-R Completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	When:
LSI-R Score:	

Highest Grade Completed:	<input type="checkbox"/> GED <input type="checkbox"/> High School Graduation
Skill or Trade:	
Certification or Degree:	
Currently on Probation:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Probation Officer Name:	

Do you currently have any matters pending through another court? Yes   No

If Yes; what are the charges?

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Have you been sentenced to a Problem-Solving Court Before? <input type="checkbox"/> Yes <input type="checkbox"/> No	
When:	
Where:	
Have you been sentenced to the Penitentiary? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Date:	

\*\*"The defendant consents to the disclosure of Problem-Solving Court Application Information including a Risk/Needs Assessment, prior to entry of a plea, purposes of obtaining information useful for acceptance into the Problem-Solving Court Program."\*\*

Defense Attorney Name:	
Defense Attorney Signature:	
Defense Attorney Address:	
Defense Attorney Telephone:	
Date:	
Applicant Signature:	
Date:	



## **CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE TREATMENT INFORMATION**

I, \_\_\_\_\_, having agreed to enroll and participate in the Problem-Solving Court Program, hereby acknowledge that treatment information normally is confidential under federal law. I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of substance abuse patient (or client) records, and Part 164 of Title 45 of the CFR, which governs the confidentiality of mental and physical health records generally. I also understand that it is unlawful to violate these confidentiality requirements, but that both requirements permit me to voluntarily consent to permit disclosure of my health and substance abuse treatment information.

Therefore, I, \_\_\_\_\_, consent to allow the release of employment, medical, psychiatric, treatment, educational, mental health, or other documents and records that are deemed necessary for Drug Court purposes concerning Case No(s).

\_\_\_\_\_. I also consent to the disclosure of on-going communications about my diagnosis, prognosis, and compliance status, which includes, but is not limited to, the following:

- Assessment results pertaining to Problem-Solving Court eligibility, treatment needs, and supervision needs;
- Attendance at scheduled appointments;
- Attendance at support group meetings;
- Drug and alcohol test results, including efforts to defraud or invalidate drug or alcohol tests;
- Attainment of treatment plan goals, such as completion of a required counseling regimen;
- Evidence of symptom resolution, such as reductions in drug cravings or withdrawal symptoms;
- Evidence of treatment-related attitudinal improvements, such as increased insight or motivation for change;
- Attainment of Problem-Solving Court phase requirements, such as obtaining and maintaining employment or enrolling in an educational program;
- Compliance with electronic monitoring, home curfews, travel limitations, and geographic or association restrictions;
- Adherence to legally prescribed and authorized medically assisted treatments;
- Procurement of unauthorized prescriptions for addictive or intoxicating medications;
- Commission of or arrests for new offenses; and
- Menacing, threatening, or disruptive behavior with staff members, fellow Participants or other persons.

These communications may be disclosed among the following parties or agencies involved in the Problem-Solving Court Program: the Problem-Solving Court judge, the Problem-Solving

Court team members, the employees engaged in the Problem-Solving Court operations and administration, court services officers in the Problem-Solving Court Program, treatment providers utilized by me during the Problem-Solving Court Program, the Problem-Solving Court defense attorney, and/or other referring or treating agencies involved in the direct delivery of services through the Problem-Solving Court Program.

I understand that the purpose of and the need for this disclosure is to: inform the court and the other above-specified agencies of my eligibility and/or acceptability for substance abuse treatment services; to report on and adequately monitor my treatment, attendance, prognosis, and compliance with the terms and conditions of the program; to discuss and assess my status as a Participant in the Problem-Solving Court Program; and, to assess and comment on my progress in accordance with the Problem-Solving Court's reporting and monitoring criteria.

I agree to permit the disclosure of this confidential information only as necessary for, and pertinent to, hearings, and/or reports concerning the status of my participation and compliance with the conditions of my probation as defined by the Problem-Solving Court. I understand that information about my medical status, mental health and/or drug treatment status, my arrest history, my levels of compliance or non-compliance with the conditions of my Problem-Solving Court participation (including the results of urinalysis or other drug screening tools,) and other material information will be discussed and shared among members of the Problem-Solving Court Team.

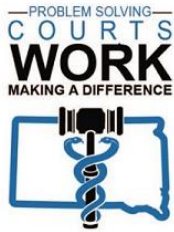
I further understand that as an essential component of the Problem-Solving Court Program summary information about my compliance or non-compliance will be discussed in an **open and public courtroom**, including but not limited to, whether I have attended all meetings, treatment sessions, the results of urinalysis or other drug testing as required, and the disclosure of my compliance or noncompliance with the terms and conditions of the Program as defined by the Court. It is entirely possible that third parties will attend these court sessions and will hear these discussions. This process will require the redisclosure of confidential treatment information to individuals who have not been individually and specifically authorized to receive such information. Therefore, **I hereby specifically consent to any potential redisclosure to third persons who may be in attendance at any of my Problem-Solving Court sessions.**

I further understand that if I re-disclose confidential information of any other Participant to another party, I expose myself to legal liability for unauthorized disclosure of confidential information.

Recipients of this confidential information may re-disclose it only in connection with their official duties. **I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Problem-Solving Court for the case named above such as the discontinuation of all court-ordered supervision or probation upon my successful completion of the Problem-Solving Court requirements, or upon sentencing for violating the terms of my Problem-Solving Court involvement.**

\_\_\_\_\_ Date \_\_\_\_\_  
Problem-Solving Court Participant

\_\_\_\_\_ Date \_\_\_\_\_  
Witness



**Yankton County Drug & DUI Court Program**  
Unified Judicial System  
First Judicial Circuit

**Records Release Authorization (Drug Court Involvement)**

I, \_\_\_\_\_ authorize

(Name of Client)

- The Yankton County Drug & DUI Court Team (to include the Judge, defense attorney, prosecutor, probation officers, treatment representatives, law enforcement, and other Drug Court Team member)

**AND**

- Treatment Provider/s (to be added once known):

(Name and address of treatment program)

\_\_\_\_\_  
\_\_\_\_\_

To communicate and to disclose to one another the following information: results of substance abuse evaluation/Treatment Needs Assessment (TNA), pertinent medical and/or psychological information, drug test results, or other diagnostic test results, and

Extent and nature of any addition information

\_\_\_\_\_  
\_\_\_\_\_

The purpose or need for the disclosure is to **monitor my compliance with conditions of the Drug & DUI Court**. I understand that this **consent cannot be revoked**, but will remain in effect until there has been a formal and effective termination of my involvement with the **Drug & DUI Court Program**.

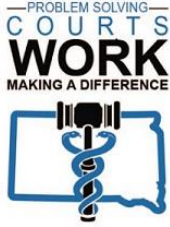
\_\_\_\_\_  
Signature of Client

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR-Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR-Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.



**Yankton County Drug & DUI Court Program**  
Unified Judicial System  
First Judicial Circuit

**Records Release Authorization (Referral for Treatment)**

I, \_\_\_\_\_ herby give permission to  
(Name of Client)

(Name and address of treatment program who completed Substance Abuse Evaluation)

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**To release from my files the following information:** results of substance abuse evaluation, involvement and requirements of the Drug & DUI Court Program, pertinent medical and/or psychological information, drug/alcohol screen/test results, other diagnostic test results, and

Extent and nature of any additional information:

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This information is to **be released to any substance abuse treatment/service provider within a 200-mile radius**. The purpose or need for the disclosure is for referral to substance abuse services in compliance with the conditions of the Drug Court mandate. I understand that this **consent cannot be revoked**, but will remain in effect until there has been a formal and effective **termination of my involvement with the Drug & DUI Court Program**

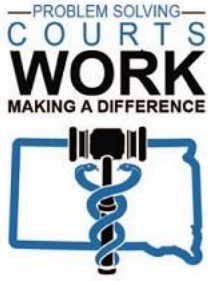
\_\_\_\_\_  
Signature of Client

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR-Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR-Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.



**YANKTON COUNTY PROBLEM-SOLVING COURT  
TREATMENT PROGRAM BASIC UNDERSTANDING,  
WAIVERS AND AGREEMENTS**

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Defendant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Phone Number(s): \_\_\_\_\_

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**I UNDERSTAND:**

As a condition for participation in the Problem-Solving Court Treatment Program, I must give up certain statutory and/or constitutional rights. I hereby voluntarily agree and consent to give up the following statutory and/or constitutional rights upon my acceptance into the Problem-Solving Court Treatment Program enumerated below:

1. **LEGAL WAIVER:** I do hereby release and forever discharge the complaining witnesses, victim(s), the Problem-Solving Court Judge, the State's Attorney's Office, the Defense Attorney on the Problem-Solving Court Team, the Court Service Officer(s), the Problem-Solving Court Staff, and their respective heirs, successors, executors, administrators, and assigns from any and all claims of any kind or nature whatsoever, either in law or in equity, arising out of my arrest, participation in, or termination from, the Problem-Solving Court Program, and do expressly release and forever hold them harmless from any criminal or civil action which I may have a right to bring as a result of my arrest or participation in the Problem-Solving Court Program. (\_\_\_\_)
2. **RELEASE OF INFORMATION:** I agree to complete a diagnostic evaluation for the development of my Drug Treatment Program as ordered by the Court. I hereby authorize release of all treatment information by the provider to the Court, Court Services, and the Problem-Solving Court Team. The Team and Court may consider any such information in deciding whether I remain in the Problem-Solving Court Treatment Program. (\_\_\_\_)



3. STATUS OF PROGRAM: I have no legal right to participate in the Problem-Solving Court Treatment Program, and my acceptance and participation is a privilege. I may be excluded or terminated from the Program at any time. (\_\_\_\_)
4. PROGRAM LENGTH: The length of the Program varies, with the minimum time to complete all levels of programming being one (1) year. Average program length is 12 to 24 months, depending on my needs, abilities, and motivation to meet Program objectives. Upon successful completion of Problem-Solving Court, I may be ordered to complete the remainder of my probation period on standard probation. (\_\_\_\_)
5. GENERAL REQUIREMENTS: I must attend all Problem-Solving Court sessions, attend treatment sessions, pass repeated drug screens, and address problems such as corrective thinking that contribute to my addiction. I must reduce risk factors which may include improving my family situation, bettering my employment status, increasing my educational level, moving from known drug distribution areas, etc. I may be required to pay restitution, fees for participation in the Program, fines, my Court Appointed Attorneys Fees, and any other related costs. I must make suitable progress towards controlling my addiction, and the Program will set individual requirements that I must meet. (\_\_\_\_)
6. INDIVIDUALIZED TREATMENT PLANS: The Clinician I am assigned to will set my individual treatment plan requirements, which will then be reviewed by the Problem-Solving Court Team. The final decisions regarding my progress, compliance with Program requirements, and continued participation are in the Judge's sole discretion. I have no right to appeal the Court's decisions. (\_\_\_\_)
7. COMMUNITY SUPPORT GROUP MEETINGS: You will be required to attend community support group meetings as part of your treatment plan. The Problem-Solving Court may provide secular group alternatives if you so choose. Your choice of community support group is voluntary, although you must choose one of the possible alternatives given by the Problem-Solving Court Team and your treatment provider. If you decide to change groups, your treatment provider and the Problem-Solving Court Team must first approve the change. Your attendance at group meetings will be recorded, and you will be subject to sanctions for not attending. (\_\_\_\_)

8. **TERMINATION:** I can quit the Program at any time but I must meet with the Problem-Solving Court Judge and Team to discuss my reasons for this decision and they may delay my withdrawal from the Program for a reasonable amount of time to make sure my decision is firm. If I voluntarily terminate myself from the Program, abscond from the Program, or am involuntarily terminated, I understand that I will be subject to revocation of my suspended sentence. (\_\_\_\_)

9. **FEES:** I will have to pay for some components of the Program, such as:  
A. Drug Testing;  
B. Ankle Bracelet Monitoring System;  
C. Treatment/Counseling;  
D. 24/7 Sobriety Program.

Money, I pay into the Program is non-refundable. If I quit, am terminated from the Program, or if the Program ends for any reason, I will not get my money back. (\_\_\_\_)

10. **SANCTIONS:** If I do not fully comply with the Program, the Judge may impose sanctions at his/her sole discretion. Additionally, my Court Service Officer(s) (CSO) may impose administrative sanctions. As a condition of my participation in the Problem-Solving Court Program, I do not have a right to an Evidentiary Hearing to contest the imposition of most sanctions. I do have the right to a Hearing to contest sanctions that may result in a loss of liberty, including jail sanctions. The Judge may also terminate me from the program. (\_\_\_\_)

11. **COMMISSION OF A CRIMINAL OFFENSE:** If I commit an additional criminal offense, excluding minor traffic offenses, I may be terminated from the Program. (\_\_\_\_)

12. **COURT PROCEEDINGS:** The Problem-Solving Court proceedings will be informal and performed in open Court. Clothing bearing drug or alcohol related themes, or promoting alcohol or drug use is not allowed. (\_\_\_\_)

13. **SEARCHES:**  
A. I will submit to random searches of my blood, breath or urine, person, possessions, vehicle or residence for controlled substances, alcohol, or any paraphernalia at the request of the Court Service Officer(s) (CSO). I am aware that law enforcement, under the direction of the CSO, will be included in the above random searches as part of my participation in the Program. (\_\_\_\_)

B. I will be subject to random searches of my blood, breath or urine, person, possessions, vehicle or residence for controlled substances, alcohol or any paraphernalia by treatment provider staff or their designee while participating in the treatment program or while on treatment provider property. Failure to comply with these requirements may result in sanctions. (\_\_\_\_)

14. ATTORNEY: Problem-Solving Court is a non-adversarial forum and, therefore, treatment and accountability is the primary concern. I understand that the attorney who represented me in the criminal case does not represent me in Problem-Solving Court, and the defense attorney who participates in the Problem-Solving Court is not acting as my attorney (even if the same attorney who represented me is also the defense attorney who participates in Problem-Solving Court). If the attorney who represents me in the criminal case is the same attorney who participates in the Problem-Solving Court, I waive any claim of conflict that might otherwise arise if that attorney is required to later represent me in court proceedings (for example, if I am terminated from the Problem-Solving Court Program). (\_\_\_\_)

15. DISCUSSIONS IN MY ABSENCE. I understand and acknowledge that the members of the Problem-Solving Court Team, including the Defense Attorney and the Prosecuting Attorney, will be talking to the Problem-Solving Court Judge about me, my progress in the Program, and any problems that I might be having.

The Team may also discuss with the Judge, at various times, sanctions or rewards, which I may receive because of my participation in the Program. I also understand and acknowledge that I will not be present for these discussions with the Judge. It has been explained to me these discussions with the Judge without me being present are necessary in order for me to receive the maximum benefit from the Program. I understand this and waive my presence at these meetings and discussions with the Problem-Solving Court Judge. (\_\_\_\_)

16. WAIVER OF PRIVACY: Program officials may require me to provide very personal information. This may include, but will not be limited to: my criminal record, financial and tax information, child support records, education and work history, family history, and medical and psychiatric information. I understand and agree that these things may be discussed in open Problem-Solving Court session, in treatment sessions, or in other settings related to participation in the Program. I agree to sign specific releases promptly to allow the gathering of this information. (\_\_\_\_)

17. DUTY TO NOTIFY: I must obtain permission from my Court Service Officer(s) (CSO) prior to making any change in my residence or mailing address, any change, or disconnection of my phone number, or any change in my employment. I must also notify my Court Service Officer(s) (CSO) immediately after any law enforcement contact. (\_\_\_\_)
18. CONTACT WITH LAW ENFORCEMENT: I must obey all laws and notify my Court Service Officer(s) (CSO) of any criminal charges that are made against me, including any driving violations or minor offenses. My arrest or conviction on other charges, or my failure to report other charges, may result in termination from the Program. (\_\_\_\_)
19. NO ALCOHOL OR CONTROLLED SUBSTANCES: I understand that I cannot drink, possess, or otherwise ingest alcohol, nor may I associate with those who do, while I am a participant in the Problem-Solving Court Program. I also understand that I cannot use or possess marijuana, K2 or like substances, synthetic marijuana, scheduled controlled substances, over-the-counter drugs except as authorized herein, or any mind-altering substances, nor associate with those who do, while I am a participant in the Problem-Solving Court Program. (\_\_\_\_)
20. MEDICATIONS: I understand that I will be required to provide frequent and random searches of my blood, breath or urine, person, possessions, vehicle or residence for controlled substances, alcohol, or any paraphernalia as a condition of my participation in the Problem-Solving Court Program. I agree that I will not take any medications, including cough, cold, and any other over-the-counter medications without prior approval from my treatment provider and my Court Service Officer(s) (CSO). I also agree to provide a complete list of my medications to my treatment provider and my Court Service Officer(s) (CSO). I also will not use or consume any food or beverage that contains poppy seeds while I am in the Problem-Solving Court Program. (\_\_\_\_)
21. DRUG TESTING: I understand that results of my tests shall be admissible as evidence in the Problem-Solving Court. (\_\_\_\_)
22. MEDICAL NEEDS: I, unless authorized by the Problem-Solving Court Team, will have only one doctor meeting my primary health needs. All appointments must be scheduled with that doctor or medical professional with the knowledge and permission of the Problem-Solving Court Team or my CSO, including emergent needs. (\_\_\_\_)
23. ALCOHOL/DRUG TREATMENT AND COUNSELING: I will attend alcohol/drug treatment and participate in group, family, and/or individual counseling. (\_\_\_\_)

24. HOUSING: I understand that stable housing is necessary for my recovery and must be approved by the Problem-Solving Court Team. I agree to comply with their recommendations and restrictions. (\_\_\_\_)
25. EMPLOYMENT/EDUCATION/JOB TRAINING: I agree to maintain approved employment and/or attend any education or job training programs to which I am referred. (\_\_\_\_)
26. GAMBLING: I will not gamble nor enter any gambling establishments where the primary source of revenue is gaming funds without the written permission of my supervising officer. (\_\_\_\_)
27. CURFEW: I agree to abide by a curfew as determined by the Problem-Solving Court Team. The curfew will have a beginning time when I am to be home and an ending time when I may leave. During my curfew, I may be on my property, as long as I am able to hear and get to the telephone. (\_\_\_\_)
28. FREE, VOLUNTARY, KNOWING AGREEMENT: My participation in the Program requires that I waive very important rights. I have fully discussed my rights with the Defense Attorney on the Problem-Solving Court Team before agreeing to enter into the Program. I am satisfied that I understand how the Program will affect my rights. At the time of executing this document, my thinking is clear and I am not under the influence of any substance. The decision to waive my rights and enter the Program is mine alone and made of my own free will. I expressly agree to accept and abide by all the terms and conditions of the Problem-Solving Court Treatment Program as established by the Court and the Treatment Provider. (\_\_\_\_)
29. NO REVOCATION OF ASSIGNMENT: I hereby consent to this case being assigned to the Problem-Solving Court Judge for all purposes, including sanctions. (\_\_\_\_)
30. I hereby consent to the disclosure of Problem-Solving Court application information, including a Risk/Needs Assessment and a Treatment Needs Assessment, prior to entry of a plea, for purposes of obtaining information useful for acceptance into the Problem-Solving Court Program. (\_\_\_\_)

**I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Problem-Solving Court such as the discontinuation of all court-ordered supervision or probation upon my successful completion of the Problem-Solving Court requirements, or upon sentencing for violating the terms of my Problem-Solving Court involvement.**

\_\_\_\_\_  
SIGNATURE OF DEFENDANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
DATE



## SOUTH DAKOTA PRESCRIPTION DRUG MONITORING PROGRAM

The South Dakota Prescription Drug Monitoring Program gathers data from dispensers who serve South Dakota residents and makes it available to prescribers and pharmacists to enable them to make better decisions when providing controlled substances to their patients. In addition, law enforcement can access this tool to reduce doctor-shopping, prescription forgery, and the diversion of prescription medications into illegitimate channels. All controlled substances in Schedules II – IV are tracked by the SD PDMP.

I, \_\_\_\_\_, having agreed to enroll and participate in the Drug Court Program, hereby acknowledge that treatment information normally is confidential under federal law. I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations (CFR), which governs the confidentiality of substance abuse patient (or client) records, and Part 164 of Title 45 of the CFR, which governs the confidentiality of mental and physical health records generally. I also understand that it is unlawful to violate these confidentiality requirements, but that both requirements permit me to voluntarily consent to permit disclosure of my health and substance abuse treatment information.

Therefore, I, \_\_\_\_\_ give consent to \_\_\_\_\_ (Court Services Officer and Team) to obtain my Prescription Drug Monitoring Program data from the South Dakota Pharmacy Board for the purpose of assisting the Drug Court with my case, specifically for supervision and treatment. All information obtained through the PDMP program will be kept confidential between the Drug Court Team.

**I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Drug Court for the case named above such as the discontinuation of all court-ordered supervision or probation upon my successful completion of the Drug Court requirements, or upon sentencing for violating the terms of my Drug Court involvement.**

Signature \_\_\_\_\_

Date \_\_\_\_\_

Witness Signature \_\_\_\_\_

Date \_\_\_\_\_



## Publicity Consent/Release Form

I accept and approve the use, print, and copy of all media by the Problem-Solving Court. This includes all pictures or videos taken of me. My name may or may not be included for media, promotional, educational, and other purposes. I realize this coverage may use my picture, with or without further explanation. This could be alone or with other pictures, in a story, on a website, or on a cover of any or all public materials for Problem-Solving Court.

I release the Problem-Solving Court, its staff and employees, or anyone it authorizes, from all claims relating to or arising from the use of the consented items above.

I am over eighteen years of age. I have read this agreement or have had it read and explained to me. I fully understand what it means. I have signed this on my own free will without force.

Name:	
Address:	
City:	
State:	
Zip Code:	
Telephone:	

**This consent/release will remain in use and cannot be revoked by me until:**

- Successful completion of the Problem-Solving Court
- Discharge from court-ordered supervision or probation
- Termination of my involvement with the Problem-Solving Court
- Sentencing for violating the terms of my Problem-Solving Court involvement

Signature:	
Date:	





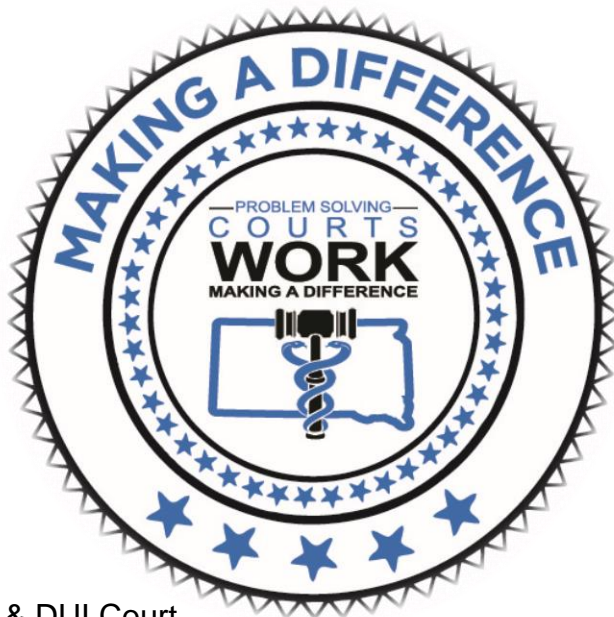
Participant Handbook Receipt  
and  
Acknowledgement Form

I have been given a copy of the *Participant Handbook*. I will read and follow the rules of the program.

Participant Name Printed:	
Participant Signature:	
Date:	



# Yankton County Drug Court Participant Handbook



Yankton County Drug & DUI Court  
410 Walnut Street, Suite 203  
Yankton, SD 57078  
605-668-5459

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### **Why Drug Court?**

In drug court, I have a chance to stay in the community and receive treatment instead of going to prison.

### **What is Drug Court?**

Drug court participants go to treatment and to counseling as the court orders. By being in drug court, I can change my life and make it better.

If I agree to drug court, I will be sentenced to the program. During the time I am in drug court, I will have to come to court each week, go to treatment, and do random drug testing. I will also go to support group meetings. Drug Court lasts at least 17 months.

### **You could be offered Drug Court if you are:**

1. At least 18 years old
2. Facing felony charges
3. Agree to be in the program
4. Not a drug dealer, sex offender or violent offender
5. Drugs or alcohol use has made your life unmanageable
6. Willing to live in Yankton County, where the drug court team can supervise you

### **Who helps me get into Drug Court?**

My attorney can help me decide if I should do drug court. They can help me fill out an application.

### **What is a Drug Court Team and what happens at Court?**

The Drug Court Team includes a judge, lawyers, probation officers, treatment people, program coordinator, and law enforcement. The Team will meet each week before court and talk about my case and how they can support me so I can succeed. The judge wants to know if I have been to all my treatment sessions, if I have had any positive UA's, if I have been going to work, and what I am working on in treatment. When I get to court, the judge will ask me about my week and I will tell the judge what has been happening. If I do well, the judge will give me an incentive. For the things I have not done well, the judge will give me a sanction. Sometimes the judge will instruct me to attend more treatment. At first, I will attend court each week. While I am there, I will encourage my fellow participants by clapping at their progress.

### **How should I dress and act in court?**

I agree to dress appropriately for court. If I am coming from or going to work I can wear work attire. **I will not wear clothing with drug or alcohol related themes, t-shirts with offensive statements, holey jeans, pajama pants or low cut/see-through tops or bottoms.** I will act appropriately while at in the courthouse and during the court sessions. The following actions will not be allowed:

1. Violence or threats of any kind
2. Use and/or possession of drugs
3. Hostile behavior
4. Possession of any type of weapon
5. Inappropriate sexual behavior

I will not have cellular phones powered on while in the courtroom, or in individual or group sessions.

### **Confidentiality?**

When I go to court, the hearings are open to the public. To participate in Drug court, I must sign a release that says the Drug court team is able to share information about my progress during the team meetings. There is one exception to this rule pertaining to SDCL 26-8A-3 and 4, which requires reporting of any prior or current child neglect/ abuse.

### **What are my rights in Drug Court?**

If I agree to participate in drug court, I am agreeing to waive my right to usual court proceedings, such as questioning or disputing the legality of a search, seizure, or traffic stop; a preliminary hearing; and a trial by jury or court. Your attorney can explain this in detail to you. If I am subject to a jail sanction or termination I have the right to an evidentiary hearing to contest the violation. At the hearing, I have the right to an attorney, the right to confront and cross-examine the State's witnesses and the right against self-incrimination

### **What is random alcohol and drug testing and how does it work?**

To make sure I stay sober, I will have to do random drug and alcohol testing, sometimes every day, sometimes more than once a day. If I fail a test, I may be taken into custody. My name will be checked with the South Dakota Prescription Drug Monitoring Program to make sure I am not abusing prescription medications.

## **Phases of Drug Court**

The Program generally consists of five (5) phases. Examples of each phase are explained in detail below. You are required to submit a written request to the Drug Court Team in order to advance to the next phase or graduate. Program length may vary, but is no less than eighteen months. Before graduating from the Program, you must complete a **Program Exit Survey**.

### **Phase 1**

- Minimum of 30 days
- Court weekly
- Comply with treatment and supervision
- Develop case plan
- Weekly office visits
- Monthly home visits
- Random drug testing
- Curfew of 9:00 pm
- Address vocational needs
- Address housing needs
- Medical assessment
- Introduction to peer support groups
- Change people, places, and things
- No negative contact with Law Enforcement
- Develop wellness plan
- Make daily entries in planner/journal

#### ***In order to advance to next phase:***

- Regular attendance at treatment, office visits, and honesty
- 14 days of continuous sobriety
- Complete application and present to the Court to move to Phase 2

## Phase 2

- Minimum of 4 months
- Court weekly
- Comply with treatment and supervision
- Review case plan
- Weekly office visits
- Monthly home visits
- Random drug testing
- Curfew of 10:00 pm
- Peer Support Groups (e.g. 12 step groups and SMART Recovery)
- Maintain team approved housing
- See/obtain and participate in full time employment, training or education
- Address finances (budget assessment)
- Change people, places, and things
- No negative contact with Law Enforcement
- Make daily entries in planner/journal

### ***In order to advance to next phase:***

- Comply with treatment and supervision
- 60 days of continuous sobriety
- Complete application and present to the Court to move to Phase 3
- Make consistent monthly payments



### Phase 3

- Minimum of 4 months
- Court bi-weekly
- Comply with treatment and supervision
- Review case plan
- Bi-weekly office visits
- Monthly home visits
- Random drug testing
- Curfew of 10:00 pm
- Peer Support Groups (e.g. 12 step groups and SMART Recovery)
- Maintain fulltime employment, training or education
- Demonstrate change in people, places and things
- No negative contact with Law Enforcement
- Make daily entries in planner/journal

#### ***In order to advance to next phase:***

- Comply with treatment and supervision
- Demonstrate change in people, places and things
- 60 days of continuous sobriety
- Complete application and present to the Court to move to Phase 4
- Make consistent monthly payments

## Phase 4

- Minimum of 4 months
- Court monthly
- Comply with treatment and supervision
- Review case plan
- Bi-weekly office visits
- Monthly home visits
- Random drug testing
- Curfew of 11:00 pm
- Peer Support Groups (e.g. 12 step groups and SMART Recovery)
- Maintain fulltime employment, training or education
- Demonstrate change in people, places and things
- No negative contact with Law Enforcement
- Make daily entries in planner/journal

### ***In order to advance to next phase:***

- Comply with treatment and supervision
- Demonstrate change in people, places and things
- 90 days of continuous sobriety
- Complete application and present to the Court to move to Phase 5
- Make consistent monthly payments

## Phase 5

- Minimum of 4 months
- Court monthly
- Comply with treatment and supervision
- Review case plan
- Monthly office visits
- Monthly home visits
- Random drug testing
- Curfew of 12:00 am
- Peer Support Groups (e.g. 12 step groups and SMART Recovery)
- Maintain fulltime employment, training or education
- Develop a continuing care plan
- Maintain change in people, places and things
- No negative contact with Law Enforcement
- Make daily entries in planner/journal

### **How do I complete drug court?**

I am required to submit a written request to the Drug Court Team asking to graduate and explain all I have completed in the program. I will be in drug court for least seventeen (17) months and will have to do all of the following to graduate.

### **Commencement Requirements**

- Complete Phase 5
- Maintain change in people, places and things
- Pay all treatment related fees
- 90 days continuous sobriety
- Full time employment
- Program approved housing
- Attend a Victim Impact Panel
- Participated in Program for at least seventeen (17) months

Upon successfully completion of all five (5) phases, upon meeting graduations requirements, and upon recommendation of the Drug Court Team, I will graduate from Drug Court. Graduation from Drug Court is recognized as a very important event. My loved ones and friends will be invited to join me at a special ceremony as the Drug Court Team congratulates me for successfully completing all phases of the Drug Court Program and achieving all the goals to establish a healthy lifestyle.

## **Sober Days**

Based on proven days of sobriety, I will earn sober days throughout the Program. A sober day is defined as a 24-hour period with no confirmed alcohol or drug use and no confirmed attempt to tamper or avoid monitoring. I will be tested randomly through PBT's and UA's to ensure sobriety and will be subject to the following sanctions, including but not limited to:

A **failed** PBT, UA, or failure to appear for any drug or alcohol testing (including 24/7) will result in:

- **loss of all sober days.** The sober days will begin at day one when I test clean again.
- other sanctions as determined by DUI Court team.

**Missed 24/7 testing** will result in the below sanctions:

- First violation: verbal warning
- Second violation: I may lose all my sober days accumulated with in the program and will be held in jail for 12 hours
- Third violation: I may lose all my sober days accumulated with in the program and be held in jail for 24 hours
- Fourth or more violations: I may lose all my sober days accumulated with in the program and will be held in jail for 48 hours

Failure to maintain contact (i.e. not answering the door during home visits) with the Drug Court Services Officer will be viewed as a non-documented day of sobriety and I may lose my sober days.

## What are Incentives?

An incentive is an acknowledgement by the Drug Court Team that I have reached a milestone or have completed a goal towards my life in recovery.

### Some examples of incentives:

Incentives examples of expected behaviors and incentives can include but are not limited to the following.

Expected behavior	Incentive
<ul style="list-style-type: none"> <li>✓ Honesty</li> <li>✓ Accomplishing goal</li> <li>✓ Positive attitude</li> <li>✓ Adjusting well to Program</li> <li>✓ Securing a sponsor</li> <li>✓ Avoiding temptation to relapse</li> <li>✓ Finding employment</li> <li>✓ Prosocial activities</li> </ul>	<ul style="list-style-type: none"> <li>✓ Applause</li> <li>✓ Acknowledgement from the court</li> <li>✓ Gift card to local restaurant</li> <li>✓ Gas card</li> <li>✓ Movie pass</li> <li>✓ Progression in the Program/medal</li> <li>✓ Approved travel</li> <li>✓ Court Cash</li> </ul>

## What are sanctions?

Sanctions are given for not following the program. Not following the rules of the program is a violation. The Drug Court Judge and Team will decide sanctions based on any violations

### Some examples of inappropriate behavior and sanctions:

Inappropriate Behavior	Possible Sanction
<ul style="list-style-type: none"> <li>✓ Dishonesty</li> <li>✓ Failure to attend self-help meetings</li> <li>✓ Breaking curfew requirements</li> <li>✓ Reporting late to PBT or UA</li> <li>✓ Testing positive on PBT or UA</li> <li>✓ Late/missed treatment appointments</li> <li>✓ Failure to make fine payments</li> <li>✓ Risky behavior</li> <li>✓ Unprepared for court/treatment</li> <li>✓ Tampering with UA</li> <li>✓ Criminal behavior</li> <li>✓ Absconding</li> <li>✓ Arrest</li> </ul>	<ul style="list-style-type: none"> <li>✓ Verbal reprimand</li> <li>✓ Written letter</li> <li>✓ Temporary incarceration</li> <li>✓ Loss of sober days</li> <li>✓ House arrest</li> <li>✓ No phase progression</li> <li>✓ Increased court appearances</li> <li>✓ Increased reporting to Court Services</li> <li>✓ Delay in phase promotion</li> <li>✓ Community Service hours</li> <li>✓ Daily written schedule</li> <li>✓ Curfew restrictions</li> <li>✓ Termination</li> </ul>

## **What are therapeutic adjustments**

A therapeutic adjustment is a change in my treatment plan.

### **Some examples of therapeutic adjustments:**

Therapeutic adjustments can include but are not limited to the following:

- Increased self-help meetings
- Increased drug/alcohol testing
- Journaling
- Motivational interview exercises
- Evaluation of possible medication
- Increased court appearances
- Increased treatment intensity
- Additional assessments or evaluations
- Residential treatment

## **What happens if I fail to follow the rules of the program?**

When I fail to show up, try, and be honest and not follow the rules of the program, I can be terminated or fail drug court.

### **Some examples of reasons to terminate are:**

Reasons to be terminated can include, but are not limited to the following:

- Concern for public safety
- Threat to the integrity of the program
- Available treatment options have been exhausted, and the participant is no longer working towards recovery
- Violating rules of the Drug Court
- Commission of a crime
- Failure to attend Drug Court hearings
- Abandonment of treatment program
- Evidence that participant is involved with drug dealing or driving while under the influence
- Evidence that participant is involved in any threatening, abusive, or violent verbal or physical behavior towards anyone
- Tampering with drug/alcohol screening tests
- Inability to pass required drug/alcohol screening tests for any reason
- Failure to make satisfactory progress
- Any other grounds that the Drug Court Team finds sufficient for termination

## Process for Termination

1. A member of the Drug Court Team makes a motion for termination.
2. My probation officer will give me a written copy of the possible violations.
3. I can ask for an attorney to be appointed to represent me.
4. I have a right to an evidentiary hearing to contest the allegations against me. Additionally, I will have a chance to talk to the Judge and the Team concerning the motion to terminate me from the program.
5. The Judge makes the final decision if I will stay in the program.
6. If I am terminated, the Court shall advise me of my rights concerning potential probation revocation and appoint me an attorney.
7. I am required to participate in a termination interview and may be subject to a probation revocation proceeding.

## Voluntary Removal

I may request to be removed from the Drug Court Program. Before I make a request, I should visit with an attorney. If I have absconded or have run off from court services supervision while in the Drug Court Program, I will be considered to have voluntarily removed myself.

## Fees

### Court Related Fees

While I am in Drug Court, I must make payments for court fees. This can include the following:

- Child support
- Restitution
- Crime Victim Fund
- Public Defender fees
- Other

I will work with my probation officer to set up a payment plan.

### Program Related Fees

I may be required to pay for testing, monitoring, and treatment while in the program, which may include:

- UA's
- 24/7 Program
- SCRAM
- Interlock
- Treatment
- Court fines