SUPERIOR COURT OF CALIFORNIA, **COUNTY OF TUOLUMNE** **12855 Justice Center Dr** **Sonora, CA 95370** **Phone: (209) 533-5555**	Space below for use by Court Clerk only.
Plaintiff: The People of the State of California VS. Defendant(s):	Case Number:

ACKNOWLEDGMENT OF TERMS AND CONDITIONS OF RECOVERY COURT PARTICIPATION AND WAIVER OF DUE PROCESS RIGHTS

I have read and understand the attached description of thew three levels of the Recovery Court Program and the possible sanctions that may be imposed by the Recovery Court Judge/Commissioner for violation of any of the requirements for each level of participation.

I understand and agree that the Commissioner of the Tuolumne County Superior Court may preside as Judge Pro Tem at any hearing related to my participation in the Recovery Court Program, including, but not limited to, any evidentiary hearing to terminate my participation in the Recovery Court Program as well as sentencing in the underlying charge or charges which were the basis for my entry into the Recovery Court Program.

I agree that the Recovery Court Judge/Commissioner may impose any of the sanctions that the Court feels is appropriate at any level during my participation in the Recovery Court Program.

I understand and agree that I waive all of the following rights as part of my participation in the Recovery Court Program:

- The right to advance notice, either written or verbal, of any violation of a term or condition of my participation in the Recovery Court Program.
- The right to have an evidentiary hearing to establish a violation of a term or condition of my participation in the Recovery Court Program.
- The right to be represented by an attorney at any stage of the Recovery Court Program.
- The right to remain silent.
- The right to assert any privilege as set forth in the California Evidence Code or any California case law with respect to any communication I may have with a mental health professional or a medical doctor as a condition of my participation in the Recovery Court Program.
- The right to be sentenced by the judge that accepted my plea of guilty to the charge or charges which resulted in my participation in the Recovery Court Program [People v. Arbuckle (1978) 22 Cal.3d 749].

CIRCUMSTANCES OF WAIVER OF DUE PROCESS RIGHTS

I have talked about all of the aspects of my participation in the Recovery Court Program with my attorney. I have had enough time to talk to my attorney about the consequences of a waiver of my due process rights as a condition of my participation in the Recovery Court Program.

I freely and voluntarily enter into this waiver of my due process rights as outlined above with full knowledge of the consequences of this waiver.

I have not recently ingested drugs or alcohol so as to affect my ability to exercise judgment in entering into this waiver of due process as a condition of my participation in the Recovery Court Program.

Signature of Defendant:_____ Dated:_____

ATTORNEY'S STATEMENT

I am the attorney of record for the Defendant. I have reviewed and discussed this form and any addenda with my client. I have explained each of the Defendant's rights to the Defendant and answered all of the Defendant's questions with regard to this waiver. I have discussed the facts of the Defendant's case with the Defendant and explained the consequences of this waiver of due process rights as a condition of the Defendant's participation in the Recovery Court Program.

I concur in the Defendant's participation in the Recovery Court Program and the Defendant's decision to waive his/her due process rights as a condition of the Defendant's participation in the Recovery Court Program.

Signature of Attorney:_____ Dated:_____

INTREPRETER'S STATEMENT

I,_____, have been duly sworn, truly translated this form to the Defendant in the _____ language. The Defendant indicated that he/she understood the contents of the form and he/she initialed and signed the form.

Signature of Interpreter:_____ Dated:_____

Printed Name of Interpreter:_____

COURT'S FINDINGS AND ORDER

The Defendant has acknowledged to the Court that he/she has read and understood the contents of this form pursuant to which he/she waives his/her due process rights.

The Defendant has not recently ingested drugs or alcohol so as to affect his/her ability to exercise judgment in entering into this waiver of due process rights as a condition of his/her participation in the Recovery Court Program.

The Court has reviewed this form and questioned the Defendant concerning the Defendant's waiver of due process rights in connection with his/her participation in the Recovery Court Program and finds that:

The Defendant understands his/her due process rights and that he/she is waiving these rights as a condition of his/her participation in the Recovery Court Program.

The Defendant has expressly, knowingly and intelligently waived his/her due process rights as a condition of participation in the Recovery Court Program.

The Defendant's waiver of his/her due process rights is freely and voluntarily made with a full understanding of the nature of the due process rights he/she has waived and the consequences of such waiver.

The Court accepts the Defendant's waiver of his/her due process rights and orders the Defendant admitted to the Tuolumne County Recovery Court Program upon entry of his/her plea of guilty to the violations set forth in the Advisement and Waiver of Rights form, incorporated herein by this reference as though fully set forth.

Signature of Judge/Commissioner of the Superior Court: _____

Dated: _____

PHASES OF THE RECOVERY COURT PROGRAM

There are four phases of the Recovery Court Program that all participants will follow. Each participant must complete all phases of the Recovery Court requirements within the specific time periods. No participant may repeat status in an earlier phase more than twice during the entire treatment program. At any phase, or at the commencement of the program, you may be sent to residential treatment if, in the judgment of the treatment team, more intensive treatment is necessary.

PHASE ONE: STABILIZATION

Phase One: Stabilization lasts four (4) months. It is the most intensive phase and includes:

- Bi-Monthly court appearances
- Active participation in an outpatient treatment program, unless placed in residential treatment;
- Attendance of at least three (3) AA/NA or equivalent meetings per week, with proof of meetings
- shown to clinician each Friday;
- 12-Step Program sponsor; and
- Weekly random drug testing. Failure or refusal to provide a sample for urinalysis constitutes a positive test.

Phase One Promotion Requirements:

- You must have a sponsor and maintain regular contact with your sponsor;
- You must complete Step 1 in the AA/NA 12-Step program;
- You must attend and actively participate in the required treatment program;
- You must complete an essay and panel interview with the treatment team;
- You must have one (1) month of consecutive negative drug tests; and
- You must have no unexcused absences from required Program activities within the prior month. (Program personnel may authorize absences only for emergencies).

PHASE TWO: COUNSELING

Phase Two: Counseling lasts four (4) months. This phase includes:

- Bi-monthly court appearances;
- Active participation in the outpatient treatment program, unless placed in residential treatment;
- At least three (3) AA/NA or equivalent meetings per week;
- Weekly random drug testing. Failure or refusal to provide a sample for urinalysis constitutes a positive test; and
- Development of an education/job training plan or full-time employment.

Phase Two Promotion Requirements:

- You must have a sponsor and maintain regular contact with your sponsor;
- You must complete Step 2 in the AA/NA program;

- You must attend and actively participate in the required treatment program;
- You must be enrolled in a job training or education program, or have full-time employment; and
- You must have three (3) consecutive months of negative drug tests.

PHASE THREE: TRANSITION

Phase Three: Transition lasts up to sixteen (16) months. This phase continues to monitor Program performance as well as develop an aftercare plan and includes:

- Bi-monthly court appearances;
- Active participation in the outpatient treatment program, unless placed in residential treatment;
- A minimum of two (2) AA/NA or equivalent meetings per week;
- Weekly random drug testing. Failure or refusal to provide a sample for urinalysis constitutes a positive test.
- Develop an aftercare plan; and
- Continued participation in education or job training or maintain full-time employment.

PHASE FOUR: AFTERCARE

Phase Four: Aftercare lasts up to one (1) year. This phase continues to monitor program compliance and performance, and includes:

- Monthly Court appearances
- 12-Step meetings; and
- Continued participation in education, training, and employment.

Recovery Court Sanctions:

- Order the defendant to be incarcerated in the Tuolumne County Jail for a period to be determined by
- the Recovery Court Treatment Team and the Recovery Court Judge;
- Order community service work;
- Order drug testing on a more frequent basis;
- Order residential treatment;
- Order participation in additional outpatient sessions;
- Extend the duration of the Program;
- Terminate the Defendant's participation, and direct the filing of a formal violation of probation; and/or
- Order any other sanctions that the Court may deem appropriate.

Potential Grounds for Immediate Termination from the Recovery Court Program:

- Presenting a fraudulent 12-step meeting certification card to the Treatment Team or Recovery Court Judge;
- Tampering with a drug test;
- Lying to the Recovery Court Judge or Treatment Team member;
- Obtaining a new conviction, excluding minor traffic violations;
- Absconding from the Recovery Court Program; and/or
- Obtaining five (5) or more positive drug tests.

Criteria for Graduation:

- You must have attended and actively participated in the Recovery Court Program for a
- minimum of up to twenty-four (24) months;
- You must complete all phases of the treatment program;
- You must show full-time employment, participation in job training and/or education, or be enrolled in a GED program, unless you are excused due to illness, injury, or a family obligation;
- You must have a long-term plan for sobriety;
- You must have a sponsor; and
- You must complete a graduation essay.

The Defendant may be terminated upon conviction of a violent misdemeanor offense at the discretion of the Recovery Court Judge/Commissioner.

TUOLUMNE COUNTY RECOVERY COURT PROGRAM PARTICIPANT CONTRACT

By my signature below, I agree to participate in the Recovery Court Program as a condition of my grant of probation. I understand the Court may impose jail time in accordance with the program standards and procedures if I do not fully comply with all Program requirements. I also acknowledge that my failure to comply with all Program requirements and/or my failure to comply with the directions of my Probation Officer may result in my probation being revoked.

In the Recovery Care Program, lasting a minimum of 12 months, and up to 24 months, I agree to accomplish the following:

1. I will totally abstain from the use or possession of alcohol or any drug which has not been prescribed for me by a licensed practitioner. Before my physician prescribes any medication for me, I will inform my physician that I am an addict and request that any prescription medication be non-narcotic. I understand that if any medication is prescribed for me, I will not be allowed to use that medication unless I first receive authorization from the Recovery Court Treatment Team. I will not be in any establishments where the sale of alcohol is the primary source of income.
2. I will attend and actively participate in group counseling sessions as directed by program personnel.
3. I will attend and actively participate in individual counseling sessions as directed by program personnel.
4. I will enroll in and regularly attend Twelve Step meetings, obtain a sponsor, and maintain regular contact with my sponsor as directed by Program personnel.
5. I will submit to urinalysis testing and any other form of drug or alcohol testing as directed by program personnel and understand that I will be charged for the cost of drug testing.
6. I will participate in other outpatient or residential treatment programs as directed by program personnel.
7. I will seek and maintain appropriate medical care, and if pregnant, pre-natal care, from a licensed medical practitioner, and agree to sign a release and waiver form to allow program personnel access to my medical records.
8. I will seek and maintain employment, employment counseling, a GED, and/or further education as part of my treatment program.
9. I understand that initiating intimate relationships while participating in the Recovery Court Program is discouraged. Relationships between Recovery Court participants are prohibited and could result in termination from the Recovery Court Program.
10. I will be subject to search and seizure without the requirement of probable cause or a search warrant by any law enforcement officer during the time I am a participant in the Recovery Court Program and/or on probation.
11. I will keep the Court, program staff and treatment provider informed of my current address at all times.
12. I will appear before the Recovery Court Judge/Commissioner on _____

13. Other special requirements:

_____

_____

_____

_____

Probationer's Signature:_____ Dated:_____

Witness's Signature:_____

INTRODUCTION TO THE RECOVERY COURT PROGRAM

Congratulations on entering the Tuolumne County Recovery Court Program.

This is not a simple endeavor. There are many responsibilities and expectations. You are expected to fulfill the many requirements, and we want to emphasize some very important aspects of your Recovery Court Program.

1. **Program Schedule:** The Recovery Court Program Schedule will be discussed with you when you meet with the Probation Officer. The Program schedule lists the frequency you are required to drug test, appear in court, attend self-help meetings and attend case management sessions. Participants are evaluated every four (4) months. The purpose is to determine if you will remain in the same treatment modality or be changed to a different one. YOU are expected to alert your Treatment Counselor and your Case Manager when you are due for a review.
2. **Drug Testing:** For the first four (4) months, you are required to submit to witnessed urine testing a minimum of three (3) times each week. These days should NOT be back-to-back. If you test twice on the same day, you will only receive credit for one. Failure to test – no matter why – is considered the same as a dirty test.

This is a **Drug-Free** program. If possible, request non-narcotic prescriptions. Present a copy of the prescription or prescription label to the tester. You must present documentation that you are taking prescription medication **BEFORE** you test.

The purpose of this letter is to minimize any unpleasant surprises.