



406TH JUDICIAL DISTRICT sobriety treatment program Participation agreement

The State of Texas vs. _____

Cause# _____

The 406th Judicial District Drug Court Program is a drug intervention program. The program is designed to provide an early opportunity for changing negative behaviors through court monitoring, urinalysis testing, case management, community outreach, and substance abuse education and treatment referrals. It is also a cost effective alternative to traditional criminal case processing. The criterion for program participation was established cooperatively under the leadership of 406th District Court Judge Oscar J. Hale, Jr., District Attorney's office, Public Defender's office, and the Community Supervision Department.

If you agree to participate in the program, and comply with all requests, please sign the following agreement:

- 1.) I understand that testing will continue throughout my entire participation in the drug court program. I will voluntarily submit to random drug testing or any other type of chemical substance testing whenever requested by a community supervision officer of the court or by presiding Judge for detecting subsequent use of alcohol, and/or controlled substances. If a Urine Analysis (UA) is not provided on the set day, an automatic positive UA will result and I will be sanctioned accordingly. CLIENT INITIALS _____
- 2.) I agree to pay fees up to \$500.00 as directed by the court or by a Community Supervision officer of the court, to cover the cost of my participation in the program. Of which \$50 are due within 30 days of admission into the program by money order or cashier's check payable to the 406th Drug Court Program. Payments should be made at the Community Supervision Office in Suite 102. I further understand that unless I have completely paid all my programs fees, I will not be allowed to graduate. CLIENT INITIALS _____
- 3.) I agree that I will not violate the laws of this state, or any other state of the United States, or any other subdivision of these jurisdictions during this period of deferment. I agree that should any such violations occur, the 406th District Court Drug Court Program may revoke this agreement at the board's discretion. Any new felony or misdemeanor charge and/or new arrest involving a weapon or violent offense may result in termination from the program. CLIENT INITIALS _____

- 4.) My home address is _____, in Webb County, Texas and I am (employed) (unemployed). I will not change my place of residence without first giving written notice to the 406th District Court Drug Court Program staff within five (5) days of such change. I further understand that, if I plan to move outside of Webb County, I must first get permission from the court to do so. The (5) days is not a grace period but a deadline to report a new home address in writing. Immediate notice of a change in address is and always will be required. CLIENT INITIALS_____
- 5.) I will fully participate in and successfully complete all of the phase plan requirements as set forth by my assigned case manager and/or Community Supervision officer and by the court. CLIENT INITIALS_____
- 6.) I will participate in any evaluation or assessment procedure designed to determine the extent and level of my involvement with chemical abuse or dependency. CLIENT INITIALS_____
- 7.) I agree to voluntarily participate in the 406th District Court Drug Court Program in an effort to eliminate the use of any controlled substance and to control my addiction to any substances and I understand that said participation may include intensive outpatient treatment, detoxification, and/or residential treatment placement. CLIENT INITIALS_____
- 8.) I understand that I have a 14 day opt out period after admission into the Drug Court Program where I can choose to withdraw from the program and there will be no penalties. If I choose to opt out, I understand that I will re-enter the regular criminal court system where prosecution may proceed and then I will forfeit any fees already paid. CLIENT INITIALS_____
- 9.) I will participate in such cognitive skill building, education, counseling, and/or treatment programs that I am directed to attend by the Webb County Probation Department and/or by the Drug Court Treatment Provider which will facilitate crime-free behavior and a productive demeanor. I will abide by the independent program rules and not associate with people who engage in the use or abuse of any drug including alcohol during my period of treatment through the Drug Court Treatment Program. CLIENT INITIALS_____
- 10.) I will abstain from the use of controlled and addictive chemicals and will adopt a drug - free lifestyle, and make such social adjustments and changes as necessary to maintain drug-free and crime-free behavior. This includes obtaining appropriate employment that is conducive to recovery and is not a business whose primary services include serving alcoholic beverages. I understand that the staff will make reasonable efforts to help me secure appropriate employment. I will not possess or consume any alcoholic beverages. Participants with chronic pain requiring use of prescription medication (opiate, narcotic and /or benzodiazepine medications) is required to notify his or her doctor or physician of his or her treatment for drug addiction and obtain an alternative medication that is not

addictive. I also must disclose any prescription drug I have been prescribed to the Drug Court Committee that has been labeled as a dangerous drug defined by the Texas Health and Safety Code §483.001 (2). I understand that I must discontinue all addictive medications that have not been prescribed by a doctor, licensed by the state of Texas, who has knowledge of my addiction or face termination. CLIENT INITIALS_____

11.) Avoid places and persons of harmful or disreputable character, including places where alcohol, controlled substances and dangerous drugs are possessed, sold or used and not associate with persons who possess, sell or use, alcohol, controlled substances and dangerous drugs as well as not associate with persons who have criminal records who are not in the treatment program. CLIENT INITIALS _____

12.) I acknowledge and agree that in order to recover from any form of addiction avoiding places where alcohol is sold is prudent to my recovery. CLIENTS INITIALS _____

13.) I acknowledge that I can be a customer at a restaurant that sells alcohol but may not be at the bar or order any alcoholic beverages. CLIENTS INTIALS_____

14.) I acknowledge that I cannot go to or be at an establishment that is labeled as a "BAR", "CANTINA", "LIQUOR STORE", or whose sole business is to sell alcohol. CLIENT INITIALS _____

15.) I will appear at all Drug Court proceedings directed by the Judge and by any of its agents. Notice of my appearance date may be mailed to me at the above address, unless I have given written notice of a new home address in a timely manner. If I have given such written notice, then written notice to the new address shall be sufficient. If I do not appear in court as directed, I understand a warrant may be issued for my arrest. I must abide by the recommended sanction schedule or I will be sanctioned accordingly. CLIENT INITIALS_____

16.) In addition, I understand that if I fail to contact the 406th District Court Drug Program for 15 consecutive days, I will be placed on absconder status, which may result in my arrest and unsuccessful discharge from the program and all contractual promises to dismiss my case or early terminate my probation will be void. CLIENT INITIALS_____

17.) I further understand and agree that in the event that I violate one or more of the terms of this agreement, the court may revoke my bond and I may be detained on a court ordered warrant, until such time as the court will agree to reinstate my bond. CLIENT INITIALS_____

18.) I also understand and agree that should I violate any or all terms of this agreement, the District Attorney for Webb County, Texas may revoke this agreement, petition to lift my personal bond and may proceed to prosecute the original charges levied against me. I

request that my case not be actively prosecuted while I participate in the program. CLIENT INITIALS_____

19.) In consideration for this agreement, at the event of satisfactory compliance with the terms of this agreement and successful completion of drug court program, the District Attorney of Webb County, Texas will file a **Motion to Dismiss** (with prejudice) the above-styled and numbered cause. If you are currently on probation or deferred adjudication the State will move to have your supervision **Terminated Early** and agree to close your case as "Successfully Completing Probation." However, if you have been convicted of a DWI charge; the above offer is **non-applicable**. CLIENT INITIALS _____

20.) In consideration of the opportunity to participate in the Program, the undersigned participant agrees to release, waive, discharge, and not sue Webb County, its officers, employees, and servants. Including but not limited to, Webb County District Courts, 406th District Court Drug Court Program staff and volunteers, from all claims, demands, or causes of action of any kind whatsoever arising out of participant's participation in the program. This does not create a warranty, either expressed or implied, other than what is stated in the 406th District Court Drug Court Program of this agreement. CLIENT INITIALS _____

21.) You shall participate in "Let's All Rise to the Challenge" and "Courts in School Programs" as directed by the court. CLIENT INITIALS_____

22.) As a participant in the Drug Court Program, you are required to submit your person, property, vehicle, place of residence and/or personal effects to search and seizure of narcotics, drugs or other contraband at any time of the day or night, with or without a search warrant by a Community Supervision officer and or a peace officer. As a participant in the Drug Court Program, I understand that I do not have nor will I be allowed to exert a right of refusal to search by a Community Supervision Officer even if accompanied by a law enforcement officer. CLIENT INITIALS _____

23.) In addition I request that my case not be presented to the Webb County Grand Jury for indictment during my participation in the program, or if my case has been indicted, I request that the case be reset for non-trial settings during my participation in the 406th District Court Drug Program. I understand that my case may be presented to the Grand Jury if I do not comply with the Program. I waive any rights I may have to a speedy trial in this case. I waive any right to require the state to be ready for trial or to proceed to trial on this case. Or to have an indictment returned by a grand jury on this case within the time limits established under Article 17.151 Texas Code of Criminal Procedure, the Texas or United States Constitution, or any other statute. CLIENT INITIALS _____

24.) I understand that I will participate as a mentor in the DCP Alumni group during Phase IV, actively participating as directed by the court. Active participation means a Court Ordered directive relating to the Drug Court Treatment Program. CLIENT INITIALS_____

25.) In order to graduate, I must have met each of the following criteria:

1. Should have been in the program for 12-18 months.
2. Should have completed all drug and alcohol treatment.
3. Should have a current AA/NA sponsor and show proof of having worked the 12 steps.
4. Should have no violations for three (3) months prior to your scheduled graduation date.
5. Should be in Phase 3 and have maintained abstinence from all drugs, including prescription medications within the meaning of paragraph 10 this contract, and alcohol for a minimum of six (6) consecutive months to graduation.
6. Should have completed all sanctions involving affirmative conduct from previous violations.
7. Must have completed a written plan and /or exit interview detailing plans to remain clean and sober;
8. Must have completed all community service hours and
9. Should be employed or in school or in school and have all Drug Court fees, and restitution is paid in full. CLIENT INITIALS ____

This agreement shall be effective from ____ day of _____ 20____ and will expire upon my successful completion of all 406th Drug Court Program requirements or until I am otherwise discharged from the program.

Defendant Signature

Date

Webb County Probation Officer

Date

Defendant Attorney

Date

Assistant District Attorney for Drug Court Program

Date

Presiding Judge

Date

COURT ORDERED TO ATTEND DRUG COURT EVERY WEEK UNTIL FURTHER NOTICE FROM THE COURT.

July 11, 2012