

**SUPERIOR COURT
OF
SANTA CLARA COUNTY**



**FAMILY LAW TREATMENT COURT
PARTICIPANT HANDBOOK**

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WELCOME TO FAMILY LAW TREATMENT COURT

As a participant of Family Law Treatment Court (FLTC), you will be expected to follow the guidelines set forth below and to comply with all child custody and visitation court orders issued by your All Purpose Judge (APJ). This handbook will provide you with information about FLTC. We encourage you to share this handbook with your family and friends so that they know what you are doing to become a clean and sober parent.

What is Family Law Treatment Court ? It is a voluntary one year court-supervised drug and alcohol treatment monitoring program for parents who have children involved in the Family and/or Unified court system. The goal of FLTC is to help you become clean and sober and to be a better parent for your child(ren).

Recovery from addiction and becoming a better parent means developing self-sufficiency and accountability. Both are a measure of success. FLTC supports you through your recovery process and your family law case. It builds on self-sufficiency, accountability, and responsibility. One of the major benefits is increased time with your child(ren) as you progress in your recovery. Another benefit to recovery is you will feel better, both physically and emotionally, by staying clean and sober. This alone will help you become a better parent.

What Should I Expect in FLTC? When you become a FLTC participant you will be required to appear in FLTC on a regular basis for a review on your progress. At each court appearance you will be given a return court date. At each hearing the FLTC Judge will review your file and discuss with you the progress you have made in your recovery. At your hearing you are expected to provide the Judge with your AA/NA meeting list, a Treatment Status Report (TSR) from your inpatient or outpatient program and certificates of completion from your treatment program. Generally, your court appearances will be every 2 – 6 weeks depending on your progress. If you are experiencing problems in your program, you will be requested to come to court more often.

Each FLTC participant in good standing is entitled to reviews with his/her APJ every 120 days. These review hearings are specially set by the FLTC Coordinator. One of the benefits of a review is your APJ will see the progress you have made in your recovery and may make new orders regarding visitation and custody. The FLTC Coordinator will provide your APJ with a

summary of your progress and they will review your FLTC file, including your testing results. Your testing results are considered confidential information and can only be released to you. FLTC participants have been very successful at their review hearings in gaining time back with their child(ren). The opposing party and attorneys, including the attorney for the child(ren), will be notified of the hearing and are required to attend. They will also be provided with a review summary at the hearing. Please note that the APJ can not make any changes in custody or visitation without all the parties present.

A positive or missed test, as well as relapses or setbacks in your treatment, do not automatically result in being suspended or terminated from FLTC. However, depending on the circumstances an emergency hearing may be set with your APJ. We are here to support you during those difficult times and encourage you to contact the FLTC Coordinator for help. The guidelines set forth below will explain the circumstances under which you could be suspended or terminated from FLTC and under which a hearing would be set with your APJ.

FLTC RULES

As a FLTC participant you will be required to abide by the following rules. Failure to comply with any or all of the rules may result in a 30 day suspension or termination from FLTC.

1. **Enter and complete an outpatient and/or inpatient treatment program.** Provide a Treatment Status Report (TSR) from your program counselor to the Judge and the FLTC Coordinator at each review hearing. You may also have your TSR faxed to the FLTC Coordinator at 534-5791.
2. **Attend at least three (3) AA/NA meetings a week.** Bring your meeting list to each court date. There may be times when the Judge will require you to attend more than 3 meetings a week and/or to do 90 meetings in 90 days.
3. **Find a sponsor who can help you work a 12-step program.** FLTC requires that your sponsor be at least 5 years clean and sober. You may have two sponsors and you may have a temporary sponsor to get started.
4. **Submit to weekly or twice weekly random drug/alcohol tests** with FLTC's testing facility. FLTC has the right to request you to test any time.
5. **Do not bring drugs, alcohol, or weapons into court and do not come under the influence.** Failure to comply with any or all of the above may result in being detained by the Sheriff's deputies.
6. **Attend all FLTC hearings.** A failure to appear at FLTC hearings will result in your termination from the program.
7. **Obey all court orders and laws.**

DRUG TREATMENT PROGRAM

You will be referred to Gateway for a drug/alcohol assessment. They will then place you in the appropriate inpatient and/or outpatient treatment program based upon your needs. **All program fees are your responsibility.** You must sign a release with your treatment program for the FLTC Coordinator to communicate with your counselor and receive TSR's. You are also responsible for providing the court with a TSR at each review hearing. The FLTC Coordinator will also contact your counselor to get an update on a regular basis. If you are struggling in your recovery or relapse you may be requested to participate in residential treatment or a more intense out patient program and possibly a second program. You must complete a treatment program in order to graduate from FLTC.

DRUG TESTING

While you are participating in FLTC you must make a commitment to abstain from all illicit drug use and drinking of any alcoholic beverages.

FLTC has contracted with Pretrial Services in San Jose for all our drug/alcohol testing. **FLTC uses as a tool the 8 panel drug test and the 80 hour alcohol test (EtG).** If you are dependent on both drugs and alcohol both tests will be used. If you are in an inpatient/outpatient program that is testing you according to our standards you may test with them with approval from the FLTC Coordinator. There may be times when you will be out of the area on business or vacation. You are still required to test and it is also best practice to notify the FLTC Coordinator when you will be gone. It is up to you to find a testing lab and have those results faxed to the FLTC Coordinator. **The fee for testing with Pretrial Services is \$15 for the drug panel and \$30 for the 80 hour alcohol test. If you are testing for both drugs and alcohol the fee is \$35. All fees are due at the time you test.** They will not test you if you do not pay. In some cases vouchers are provided to subsidize testing fees to those who do not have the ability to pay. If you are unable to pay you must fill out an application for waiver of court fees/costs for the FLTC Judge's review. Funding depends on FLTC resources and is not guaranteed. Prior to testing, you must contact pretrial services to set up your personal file. If you are on medication you must provide your prescription(s) to pretrial services to avoid a positive test. The FLTC Coordinator will provide you

with a map of the testing location, the schedule of testing hours as well as the contact name and phone number.

Each FLTC participant is assigned a testing color by the FLTC Coordinator. **You are to call the drug testing phone number (408) 534-5701 every day.** This is a message line only. There will be a new message each day that identifies the testing color for the day. **You must test that day if your testing color is on the message.**

If you do not test on your scheduled day with Pretrial Services, **you will be billed \$10** for the missed test. This is to be paid to the FLTC Coordinator within 2 weeks. Failure to pay within this time period may result in being taken off the testing schedule until the fee has been paid. A missed test may also result in an emergency hearing being set.

Important Information about Missed/Positive Tests and Suspension

1. All missed tests will cost you \$10.
2. All unexcused missed tests are considered positive tests. If you miss a test it is best practice to contact the FLTC Coordinator immediately.
3. You will be **suspended from FLTC for 30 days** if you have:
 - a. two missed tests in a row;
 - b. two positive tests in a row;
 - c. a missed and positive test in a row;
 - d. a series of missed/positive tests;
 - e. not followed FLTC rules.
4. A **notification** will be sent to the opposing party and all attorneys involved in the case **for all missed and positive tests, suspension and/or termination. And, If you have unsupervised access to your child(ren) an emergency hearing will be scheduled immediately with your APJ.** Remember the court's first priority is the safety of your child(ren).
5. If you are suspended you are expected to continue to test as usual, participate in your inpatient/outpatient program, and continue to attend AA/NA meetings and work with your sponsor on the step process. The purpose of the suspension is to make you accountable for your recovery.

TWELVE STEP MEETINGS

You will be required to attend a **minimum of three 12 step meetings** such as Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) **a week**. Frequent attendance is particularly important at the beginning of your recovery process to help you develop a level of trust and form bonds with other recovering addicts and alcoholics. Similar meetings like Alanon are available for your family to better understand you, what you are trying to do and how they can help themselves, and you, while you are in treatment. The FLTC Coordinator will help you with referrals to community resources for you and your family. We encourage you to have your family involved in meetings and to come to court with you.

GRADUATION

Upon successful completion of your treatment you will graduate from FLTC. The criteria for graduation includes:

1. You continue to remain clean and sober for a minimum period of 9 months;
2. You have fulfilled all drug testing requirements;
3. You have proof of completion of a drug/alcohol treatment program;
4. You are attending at least three (3) AA/NA meetings a week;
5. You are successfully working the 12 step program with your sponsor;
6. You continue to obey all laws and court orders.

Graduating from FLTC is a great accomplishment. We are very proud of our graduates. Graduating will play a very important role when your APJ is considering any changes in custody or visitation with your child(ren).