

Juvenile Delinquency

Proceedings

A referral source, such as the sheriff's department, a school, parent(s), citizens, or the community, bring forth a **complaint** that is forwarded to the prosecuting attorney's office. The prosecuting attorney's office **determines** whether a law has been broken and whether they have enough evidence to move forward by waiving the matter to adult court; or by referring the matter to the Diversion/Prevention program or other alternatives; or by petitioning the Court for action.

If the prosecuting attorney **petitions** the court for action; the petition will contain the MCL (Michigan Compiled Law) number and specific law the juvenile violated; a list of witnesses; date of the incident; a request for the court to take action; and the names and addresses of the juvenile and parents. Once the court receives a petition, a file is opened, and then the Referee or Juvenile Officer conducts a **preliminary inquiry**.

A preliminary inquiry is a brief finding by the court as to whether/or how to proceed with the matter by reviewing the police/incident report; doing a jurisdiction overview to find out if the matter should remain in this Family Court, or whether the matter is to be transferred to another county or to a tribal court; and whether an attorney needs to be appointed immediately. Once the preliminary inquiry is completed, the referee or juvenile officer will decide whether to not authorize the petition.

If the Referee or Juvenile Officer **does not authorize** the petition, it may be referred to the Diversion/Prevention program or it might even be dismissed.

If the referee or juvenile officer **authorizes** the petition, a **preliminary hearing** will be held approximately within two weeks if the child was not removed from the home. If the child was removed, then a preliminary hearing is to be held within 24 hours, if possible.

The preliminary hearing will be held before a judge or a referee. The **general procedure** for a preliminary hearing is to:

- ***Determine whether a parent has been notified and is present and if not, whether guardian ad litem or attorney is present.
- ***Determine whether petition should be dismissed, whether matter should be referred to alternate services or heard on consent calendar, or whether matter shall continue with preliminary hearing.
- ***Advise juvenile of right to an attorney.
- ***Read allegations in the petition and explained nature of proceedings.
- ***Advise juvenile of right to hearing by judge and right to request a review of referee's findings or recommendations.
- ***Advise juvenile of privilege against self-incrimination, and any statement made by juvenile may be used against the juvenile.
- ***Allow juvenile an opportunity to deny or otherwise plead to allegations.
- ***Advise juvenile of right to a trial by a judge or jury and that a referee may be assigned to hear the case unless demand for a judge or jury is filed.
- ***Advise parent where additional costs or reimbursement may be assessed.

At the preliminary hearing, the juvenile will either admit or deny the allegations in the petition. If the juvenile **admits** the allegations, then the court takes jurisdiction over the juvenile. If the juvenile **denies** the allegation, then the matter is set for a continued

preliminary hearing/pre-trial. The child is then appointed an attorney, if one has not yet been appointed. The pretrial is to be held approximately within two weeks from the preliminary hearing date. If no plea agreement is reached at the pre-trial, then the matter is set for trial. The trial is to be held approximately within one month from the pre-trial date. If the juvenile is found not guilty at trial, then the case is closed. If the juvenile is found guilty at the trial, then the court takes jurisdiction.

Once the court **takes jurisdiction** of a juvenile, the probation officer will do a predispositional hearing investigation/report and prepare a set of recommendation to present to the Court at the time of the dispositional hearing.

The **dispositional hearing** is to be held within approximately within one month from the plea or guilty finding. During the dispositional hearing, the probation officer will recommend to the Court the **terms of probation** according to Section 18 of the Juvenile Code. (Please see the Possible Terms of Probation section.)

If the juvenile commits a **probation violation**, the terms of his/her probation order will escalate, and/or be extended and/or changed. The significance of this is that the juvenile "loses" certain rights at probation violation hearings. Namely, the juvenile is no longer afforded the right to a jury trial should they choose to contest the violation, and the prosecutor only needs to prove them guilty by preponderance of the evidence, rather than beyond a reasonable doubt. Possible escalation of probationary terms could include out-of-home placement such as: non-secure detention; secure detention; foster care; residential treatment centers; training schools; boot camp; and/or jail. If out-of-home placement occurs, then a review of this matter is to be held within approximately 182 days.

Once the juvenile **successfully completes** the terms of his/her probation, he/she may be released from court jurisdiction after an exit interview is conducted and a release order is signed. The court would then close the case.

POSSIBLE TERMS OF PROBATION

This list of the Possible Terms of Probation is a means of explaining the various components that could be contained in a dispositional order. This information is not a substitute for court orders or policies, but merely a guide to help further assist you through what may be a difficult time in your life. The information provided is regarding delinquency cases and should not be confused with child protective proceedings or neglect/abuse cases, which have differing rules and guidelines.

Temporary Ward

The first term of a dispositional order most often makes the juvenile a "temporary ward of the court" which means the juvenile is also under the care or guardianship of a Judge, probation officer, court volunteer, counselor, or other so appointed persons. This wardship places additional "parents" or "caregivers" upon the juvenile, but, since the wardship is temporary, the intent is for the court to only have wardship for a short period of time. Also stated in the first term of a dispositional order is the length of time the juvenile will be on probation. Many variables such as: age when the jurisdiction originally occurred; type of offense committed; prior offenses, if any; plus many other extenuating circumstances within the individual's life help to determine the length of the probationary period. Once the Court orders a juvenile to be on probation for a certain period of time, (i.e. 6 months), the date at the end of the period is known as the tentative release date. Release of the juvenile on or before the end of the probationary period will depend upon whether the juvenile has

completed the terms and conditions of their probation satisfactorily. **Termination of probation** can occur prior to the tentative release date as a reward to the juvenile for completing the terms of probation in a timely manner and if the juvenile has not reviolated the law or gotten into any other trouble. If the juvenile continues to violate the law or refuses to behave properly, probation can extend beyond the tentative release date without a hearing, but these offenses will most likely result in a probation violation hearing. Also in the first term of probation, the Court will determine with whom the juvenile will be placed. Most often, the Court places juveniles back with his/her parent(s) or guardian(s). The order also requires the juvenile to be **obedient** to their parent(s) or guardian(s). If the juvenile fails to obey or misbehaves beyond parental control under their normal course of handling disciplinary issues, the Court recommends that you call the probation officer to report any situations which they, the parent(s) or guardian(s), cannot control. This poor behavior will most likely result in a probation violation.

Permanent Ward

Permanent wardship occurs in abuse/neglect cases or when the juvenile is "**committed or referred**" to the Family Independence Agency under the Youth Rehabilitation Act 150. If this occurs, the jurisdiction of the court extends to the juvenile's 19th birthday. In cases where the juvenile has committed a serious felony, the court and state may keep jurisdiction until the juvenile's 21st birthday.

Placements

The court can and does place juveniles out of the home. Such placements could be in **foster care, non-secure detention homes, secure detention, and residential treatment facilities**. When any out-of-home placement occurs, the Court gives the out-of-home placement the authority to obtain medical treatment including emergency medical treatment as needed. The reason for placement is to ultimately help the juvenile to decrease or eliminate problematic behaviors which brought him/her before the Court originally. Each type of out-of-home placement has different treatment modalities, and placement into any of these programs would depend upon the individual's particular needs. When the Court places the juvenile back with parent(s) or guardian(s) and if the juvenile's parents are divorced, then typically the court continues the **custody and visitation** as already arranged through the Circuit Court order. The Court can, however, change the custody and visitation if it finds this to be in the juvenile's best interest. Once the jurisdiction of the Family Court is over, jurisdiction of the Circuit Court continues from the last order entered.

If the court places the juvenile anywhere beside a relative's home, there is likely to be some cost to the court which will then be passed on to the parent(s) or guardian(s). The court pays the original bill, and then seeks reimbursement for the costs from the parent(s) or guardian(s) according to the family's ability to repay. (Please visit the Reimbursement web page for more information.)

Electronic Monitoring

Electronic monitoring is a way to place the juvenile back into his/her home with monitoring of a tether. The juvenile must sign an Electronic Monitoring Contract and abide by the terms and conditions of the contract.

Probation Officer

The court assigns a **Probation Officer** for each juvenile. A term of the probation order requires the juvenile and his/her parent(s) or guardian(s) to cooperate with the probation officer, and any counselor or volunteer assigned to work with them. Cooperation in the context of probation means: to make and keep appointments; to give information to the probation officer as needed/requested; to be willing to attend and participate in

recommended services or programs; to treat the court volunteer with respect; and anything else that would be necessary for satisfactory compliance with the court order.

If the probation officer feels that added services are needed, absent of a probation violation, the juvenile may be required to: attend counseling; attend a class; cooperate with a volunteer (such as for tutoring, transportation, or for some in-home or holdover site detention); or perform some type of additional task. Lack of cooperation, especially with a volunteer who is giving of his/her own time and energy for the juvenile's benefit, is highly frowned upon and will very likely result in a probation violation.

The juvenile is required to report to their probation officer at least once a month. To set up an appointment or to talk to a probation officer, the juvenile is to call between 9:00 a.m. to 5:00 p.m., Monday through Friday. The juvenile and probation officer will meet at an agreed-upon location such as at the courthouse, the juvenile's home, school, or work. On occasion, the probation officer may require that the juvenile's parent(s) or guardian(s) also attend an appointment.

Drug Screens and Preliminary Breath Tests

The juvenile may be referred to Ryan Douglass for substance abuse case management. Substance abuse case management will include drug screening, urinary analysis, and/or preliminary breath test. These tests are a requirement of every juvenile on probation. A test may be randomly, or weekly, or as often as deemed necessary by the probation officer. A juvenile committing a non-alcohol or non-drug related offense is not exempt from being tested. Certain drugs stay in the system longer than others do. Therefore, early detection is essential. When or if a parent or a guardian is concerned or believes that his/her child may be using drugs or alcohol, please notify the probation officer. The juvenile shall submit to and cooperate with any/all tests at the request of the probation officer. Failure to submit a sample, tampering, or otherwise interfering with the accuracy of any test shall be a violation of probation. (For more information, please read the Substance Abuse Case Management section.)

Some juveniles are referred for **intensive probation**. This places the juvenile on a similar probation, but would require the juvenile to meet with the probation officer more than once a month and/or the probation officer will monitor the juvenile more intensively. This is to help reduce or eliminate opportunities that the juvenile may have for getting into trouble. The type of cooperation expected with an intensive probation officer is the same as with a regular probation officer.

Curfew

A Juvenile is to follow a curfew as set by his/her parent(s) or guardian(s), but the curfew shall be no later than the court-ordered curfew. Curfew is defined as the hour in which the juvenile is required to be in their home or immediate yard. Standard curfews of juveniles on probation are 9:00 p.m. weeknights (Sun. through Thurs.--summers and vacations included) and 11:00 p.m. weekends. Exceptions to the curfew may be given for work, with the understanding that the juvenile is to come home directly after work, with no stops in between; school sponsored sports or band participation, (participation is defined by active involvement in the practices, games, matches, or meets and not mere attendance or "fan" participation in the event); or when with one of the juvenile's parent(s) or guardian(s). Exceptions do not include school-sponsored activities such as dances, including homecoming and proms; spending the night at friends; festivals; fireworks; or other possible events. It is the parent(s) or guardian(s)'s obligation to report any vagrant violation of the juvenile's curfew. Failure to do so could result in action taken against the parent, if necessary.

School

All juveniles on probation are required to attend **school** when it is officially in session. The court does not dictate which school the juvenile is to attend unless there is some necessity

to do so. The rules of the school become an enforceable part of the juvenile's probation. In other words, a violation of a rule, as defined by the school's student handbook, could potentially be a probation violation as well. This is not always the case as most often the action taken by the school, such as after school detention or in-school suspension, is considered to be an adequate response to the rule infraction. A school rule violation which results in an **out-of-school suspension** may require a different response from the court. First of all, the court order requires that juveniles receiving an out-of-school suspension report to the Leelanau County Holdover Site on the days which the suspension is to be served. Most often the school notifies us when a juvenile on probation receives an out-of-school suspension. However, it is strongly recommended that either the juvenile or the parent contact the court as well, in order to allow the court enough time to make arrangements for a volunteer to be contacted. The juvenile is expected to be at the holdover site no later than 9:00 a.m. and to be picked up at 4:00 p.m. Transportation to and from the holdover site is the responsibility of the juvenile and his/her parent(s) or guardian(s). The juvenile is to bring his/her own lunch. The volunteer's role in the holdover site is to supervise, monitor, or direct the juvenile while in holdover.

Obey All State, Federal, And Local Laws

While on probation, the juvenile is ordered to abide by all state, federal and local **laws**. Although this seems obvious, it is ordered for a couple reasons. First of all, there may be some differences in local laws as defined from county to county. The juvenile should try to make themselves aware of these differences. (An example is Leelanau County has an "Open Party" law prohibiting furnishing or the distribution of alcohol to minors which is different than the state's law for furnishing to a minor.) Secondly, if a juvenile breaks the law in some form, (even a traffic violation) they can have their probation violated. The court order further states that the juvenile shall not use or possess any **alcoholic beverage** (must be 21), **illegal drugs** or **tobacco** (must be 18), nor be in the presence of anyone who is illegally using or possessing alcohol or drugs. A person not on probation would not be in violation of any law to merely be in the presence of a minor violating the laws pertaining to alcohol or drugs. A juvenile on probation would be in violation of their probation even if they did not participate in the act of drinking, smoking or using the drug. While it is possible that a juvenile may be in a car or in some other situation where a minor produces alcohol or drugs, it is imperative that the juvenile remove himself/herself from the situation somehow as soon as possible.

In-Home Care Program

The juvenile may be referred to the In-Home Care Program in lieu of placement outside the home. This is a notification to the family that if the juvenile accrues any cost associated with the probation, the court will pay for cost, and then the family is to reimburse the court for those costs.

No-Contact Or Association Provision

In the event that juvenile has committed an offense with another juvenile or victimizes another human being, the court order frequently requires that the juvenile have no **contact or association** with the other juvenile(s) or with the victim. This is similar to a restraining order in the adult court system. No contact or association is defined as no telephone calls, no e-mails, no sitting next to each other at school or on the bus, or any social interaction whatsoever. Since we live in a small community, social contact is inevitable at times, but avoid any unnecessary interaction.

Costs

The court order usually requires that the juvenile (not the parents) pay some **court costs**. The specific amount of court costs are determined by the Judge and may vary depending

upon the type or number of offenses committed. Some costs such as smoking/cigarette tickets are set by the state. Because the Judge expects the juvenile, not the parents, to come up with the money, enough time is allowed for the juvenile to earn the money. Consideration is also given to the juvenile's age, employment, and earning ability. The court is also required to assign a **Victim Rights Assessment** for certain offenses determined by the state. The amount, \$20.00, goes into a fund that victims of crimes, upon application, can receive compensation through the Victim Rights Compensation Board.

Restitution

Juveniles are court-ordered to pay restitution when the juvenile has created some type of damage or taken something, which cannot be restored, to its rightful owner. The Court does its best to determine a fair amount of restitution, but the offender, by the very act of his/her offense, is at the mercy of the Court. The Court will see to it that the victim of the offense is satisfied. Often, in situations where two or more juveniles take part in an offense requiring restitution, the Court tries to divide the amount fairly. It is sometimes difficult to determine which juvenile is more responsible for damages; therefore, it is not unusual for the Court to just divide the amount evenly. Currently, the Court is allowed to order up to \$2500 for restitution. If the victim seeks a higher amount than \$2,500, that would involve court action in the District or Circuit Court.

The juvenile is to earn the money him or herself for any court-ordered court costs, Victims Rights Assessment, and restitution. The juvenile could be ordered to seek, secure, and maintain a minimum of part time employment, and that 30% be taken out of the juvenile's paycheck. This order is in place until restitution is paid in full. The juvenile pays the restitution to the Court and the Court, in turn, vouchers a payment to the victim. (Section 712A.18(8)-(13) of the Juvenile Code addresses other issues regarding restitution that the Court may take.)

The Judge usually orders that the three types of costs above, Court Costs, Victims Rights Assessment and Restitution be paid within a given time period (ex. 3 months). However, as long as there is an indication by the juvenile that he/she is making every effort to pay off these debts, there is some likelihood that the Judge would allow more time to complete payment. Probation itself will continue until the costs are paid. Furthermore, if there is not a reasonable effort put forth by the juvenile to make payments toward these costs, then there is also the likelihood that the juvenile could be petitioned back into court for either a Show Cause Hearing or a Probation Violation Hearing.

Reimbursement

The last ordered term regarding costs is **reimbursement**. Whenever the Court has to pay for services given to the juvenile or their parents, the Court must seek reimbursement for these costs. Services which require reimbursement, but are not limited to, are: counseling, drug screening, classes, attorney fees, placement, use of the holdover, transporting, and other services contracted through the court. Parents are requested to complete a financial affidavit to help the court financial officer determine a reasonable reimbursement that would not cause undue hardship on the family. If parents do not complete the necessary financial information requested, then the court will determine an arbitrary amount indiscriminately. More information regarding the financial reimbursement required of parents can be found at the Reimbursement website.

Essays

Juveniles may be required to write **essays**. Essays are brief literary compositions expressing their beliefs or opinions about a particular subject. The specific topic of the essays are determined by the probation officer as well as the required length. Though the length (the number of words) is usually counted, the content of the essay is most

important. Essays are referred to throughout a juvenile's probation as part of the "learning" experience.

Apologies

Juveniles who have committed an offense are expected to **apologize** for their actions. This apology needs to be in writing and is most often hand-delivered. The apology letter is to be delivered to his/her probation officer. The probation officer reviews the letter for the following content: that the juvenile appears to be sincere, that they have accepted full responsibility for their offense, that it is legible, and that they have given the victim some type of assurance that this offense will not happen again. When the letter is approved, it will be returned to the juvenile who must make arrangements with the victim to deliver the letter in person. The juvenile should ask the victim to read the letter, then to sign it, as a way of acknowledging their acceptance of the letter, and as a way for the court to determine that the juvenile completed their responsibility of making a full apology.

Community Service Work

Community service work is a way in which juveniles can give something back to the community in which they offended. Every time an offense is committed, it deteriorates the fabric of society. Community Service Work is a way to rebuild it or "do something good" for each bad action or mistake. Community service work is defined as work completed for the community, not for an immediate relative, and/or not for profit. Juveniles are either given a list of options to choose where his/her community service work will be completed, or the work is assigned for them. Once a choice of where to complete the work is made, the juvenile must first get approval from the court before he/she starts. Juveniles who start the work before getting proper approval may not get credit for work completed. If the work is assigned for them, then someone from the court will either write to them or call them with specific instructions of where to work. Failure to show up at work sites, as arranged, or failure to cooperate with whomever is supervising the juvenile may result in a Show Cause hearing.

Teacher Progress Reports

Teacher progress reports are a way in which the court may monitor the juvenile's school performance on a weekly basis. Any juvenile ordered to are required to bring a report sheet with him/her each Friday to class. The juvenile is to hand the report to the teacher before each class, than the student is to pick up the completed report at the end of each class. The format is similar to an eligibility slip for athletes. However, the teacher reports include questions about grades, attitude, attendance, and section for teacher's general comments. When the form is completed, it is the juvenile's responsibility to send the report to his/her probation officer.

Tutoring

As the Court determines, the juvenile may be ordered to cooperate with a tutor as assigned. Each tutor is a screened volunteer who is not paid for time spent tutoring. It is essential that the juvenile keep any/all appointments with the tutor as scheduled, brings the necessary work or assignments to each tutoring session, and uses both the tutor's and the juvenile's time constructively. Failure to keep any/all appointments, or failure to put forth appropriate efforts, or any lack of respect shown towards tutor may result in a probation violation.

Suspend or Restrict Driving Privileges

The Judge has the authority to **suspend and/or restrict driving** privileges for any length of time he sees fit. In certain cases of traffic, drug, or alcohol-related offenses, the court

must send an abstract of the disposition to the Secretary of State. This means that the Secretary of States Office will now have a record the juvenile's offense in their computer system. This may impact your license immediately or in the future. In some cases, this means the juvenile's license is actually revoked, and then the juvenile would have to reapply and pay a reinstatement fee for his/her license. If the juvenile does not have a license or just has a driver's permit, this may still impact his/her driving privileges in the future. When the Secretary of States Office receives the abstract from the court, they will create a drivers license number for the juvenile, and when the juvenile is old enough to apply, the license actions will show up (ex. 30-day suspension or 6-month restriction).

Counseling and/or Assessments

The Judge may order the juvenile and/or his/her parents to participate in **counseling** and/or an **assessment**. Most often, the counseling begins with some type of assessment or evaluation. The recommendations from the assessment or evaluation with help determine how or what type of counseling is needed. Counseling may involve just the juvenile, but in many cases it involves the parent(s) or guardian(s) to whatever extent the counselor feels is necessary. The goals of counseling are determined within the sessions by the participants. The length of time that the counseling lasts is a decision primarily left up to the counselor, but is usually based on an objective look at the progress toward the goals.

Along a similar note, the Judge may order a **psychological** or **psychiatric evaluation**. These are more in-depth appraisals of the individual's functioning that often include a variety of tests. Tests may include physicals, neurological, written questionnaires, I.Q. tests, and interviews. The findings of the psychiatrist or psychologist are written into a report along with recommendations, and then forwarded to the court. The recommendations may include a variety of suggestions that include medications, outpatient counseling, or, in some cases, inpatient treatment. The Judge may order that the juvenile cooperate with whatever recommendations deemed necessary.

Classes

The court has available and arranges a number of **classes** throughout the year. There are substance abuse classes, parenting classes, and anger management classes (also called alternatives to violence). Most often these classes have a set number of sessions (4-10), and may accommodate 5 to 10 participants depending on the type of class. Mere attendance does not satisfy the ordered probationary requirement. Active participation is required to satisfactorily complete this requirement.

SUBSTANCE ABUSE CASE MANAGEMENT

A major responsibility of the Leelanau County Family Court's Substance Abuse Caseworker is substance abuse case management. The Caseworker is to arrange, administer, document, and report drug and alcohol urinalysis screening and/or Preliminary Breath Tests (as requested) to probationers identified by a probation officer. These tests are conducted by the Substance Abuse Caseworker on a random and/or appointment basis. In order to randomly test probationers, the worker is required to conduct testing in various environments including schools, homes, agencies, and courthouses. The following is a description of the typical testing protocol used when the worker is randomly administering tests in the identified environments.

Alcohol And Drug Screening Protocol

SCHOOL TESTING:

The worker must always report to the main/grade office of the designated school. The Substance Abuse Caseworker then will request to see the probationer that will be tested. As a means to maintain confidentiality and to reduce possibility of tampering with the testing procedure, the worker should request a fairly private meeting and/or testing area. Whenever possible the worker should request a counseling room for pre-test meetings, and a Health Room/Staff bathroom where the screening can be privately and confidentially completed by the probationer. After checking the bathroom for tampering materials the probationer can enter the facility **alone** to complete the urinalysis sample.

A private testing facility (health room, staff bathroom) should always be utilized when the worker is administering a test to a probationer of the opposite gender. Upon completing the screening with opposite gendered probationers, the worker will conduct a post-test meeting with the probationer. These meetings will often take place in a designated counseling room, typically in/near the school office, and should entail completion of the testing paperwork, scheduling of testing appointment, and/or result information.

When administering a test to a probationer of the same gender as the worker, the public bathroom can be used when situations do not allow for a Health Room/Staff bathroom to be used. When administering a test in a public bathroom to a same gendered probationer, this worker will conduct the appropriate paperwork in the bathroom while probationer is providing the urinalysis sample in a private bathroom stall or urinal.

After completion of random screening and /or meeting with this worker, the probationer returns to class with an excused pass obtained from main/grade office.

COURTHOUSE TESTING:

Incorporated in the Leelanau County Family Court's Drug Testing Program is weekly drug urinalysis and/or Preliminary Breath Tests. These screenings are arranged to take place three days a week at the Leelanau County courthouse. The Probation Officer and the Substance Abuse Caseworker notify designated probationers (by Letter) as to the frequency, location, and times of their mandated drug and alcohol screening.

The Substance Abuse Caseworker is responsible for conducting, supervising, and reporting (non) compliance of probationer's scheduled testing. These weekly tests are conducted in the Jury Room of the Leelanau County Courthouse building. Probationers are instructed to check in with the Family/Probate Court office when they arrive for testing. The worker will meet with the probationer prior to testing (in Jury Room). The probationer is then instructed to complete the urinalysis sample in the private bathroom located in the Jury Room. Typically, the worker will remain in Jury Room to complete paperwork when testing same-gendered probationer.

When conducting a test with a probationer of the opposite gender the worker will complete pre-test meeting/paperwork, examine probationer, (i.e. ask probationer for any tampering materials, perfume, cologne, etc.) and examine facility for tampering material. To ensure privacy the worker will exit testing area (Jury Room) while opposite-gendered probationer completes testing. Testing of probationers is conducted on an individual basis. Parents and/or guardians have been encouraged to meet with worker prior and/or during testing procedure.

IN-HOME TESTING:

The Leelanau County Family Court Drug Testing Project is utilizing the Substance Abuse Caseworker to substantially increase random urinalysis and Preliminary Breath Tests. The randomness of these tests may include "dropping in" on a probationer in his/her home to

complete the screening. When testing on a probationer's home another adult must always accompany the worker. Testing will never take place in a home without a parent or guardian present. Typically, the parent or guardian is present while conducting an urinalysis/breathalyzer in the home of a probationer.

When conducting a test in a home environment the worker will conduct a pre-test meeting /paperwork in the presence of the probationer and adult. Upon completion of the pre-test meeting the worker will examine testing facility and question probationer for tampering materials. The probationer is then instructed to provide the urinalysis sample in a designated private facility (bathroom). Upon completion of screening the worker can examine temperature reading to ensure tampering has not occurred. In a post-test meeting the worker will instruct probationer through the proper "sealing" and paperwork procedure(s) before ending test session.

OTHER AGENCY TESTING:

When testing in a facility or agency other than the usual designated testing cite it is recommended that the worker follow similar procedure/protocol as those designated in above descriptions. The workers primary responsibility will be to always maintain safety (for both probation and worker), confidentiality, and professionalism. When testing in an agency other than the usual testing cite it is recommended that the worker seek as confidential, but tamper-free testing cite as possible. The worker should conduct pre/post screening meetings with probationer in a consultation room with parent/guardian whenever possible. These meetings allow worker to complete screening paperwork and "sealing" procedures. Upon completion of screening it is recommended that worker complete a detailed documentation of screening session. This will allow for proper reporting, questions, and concerns to be conveyed to probation officers and/or supervisor(s).

Sanctioning Policy

All youth placed on probation with the Leelanau County Family Court will be subject to participation in scheduled and/or random drug and alcohol testing. Upon testing positive for a controlled substance the following sanctions **may** be implemented at the recommendation of the youth's probation officer on a case-by-case basis. As testing results continue to show substance abuse the probationer may be subject to specific graduated (intensified) sanctions.

LEVEL I SANCTION:

Upon the youth's Dispositional Hearing all youth in Leelanau County can be subject to scheduled and/or random drug/alcohol testing. Youth testing positive (indicating substance use) for the first time under this sanctioning level may be subject to any/all of the following sanctions: 1) a referral to substance abuse assessment/counseling; 2) probation violation, which may entail increased probation requirements (i.e. extended probation, community service work, court/victim restitution).

LEVEL II SANCTION:

As youth continues to test positive for a controlled substance (more than one positive test result) the probationer may be subject to any/all of the following sanctions: 1) referral to day/after-school treatment program; 2) required attendance to Alcoholic Anonymous and/

or Narcotics Anonymous meetings; 3) increased drug/alcohol testing and monitoring including possible electronic tether and/or placement in non-secure detention.

LEVEL III SANCTION:

A probationer testing positive for a controlled substance three or more times may be subject to any/all of the following sanctions: 1) intensified services for youth and family including Wraparound Program; 2) placement in a non-secure detention home; 3) referral to short-term inpatient substance abuse program.

LEVEL IV SANCTION:

A probationer that has exhibited ongoing substance abuse as indicated by four or more positive drug/alcohol screenings may be subject to placement referral to long-term residential substance abuse treatment program followed by after-care and reintegration services.