

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO**

STATE OF OHIO,	*	CASE NO.
Plaintiff,	*	
vs.	*	FELONY NONSUPPORT (FNS) DOCKET PARTICIPATION AGREEMENT AND WAIVER OF RIGHTS
Defendant.		

The undersigned Defendant (hereinafter referred to as the “Defendant” or “Participant”) requests that they be sentenced to the Butler County Court of Common Pleas Felony Nonsupport (FNS) Program as part of a community control sanction, which could be imposed herein. The execution of this agreement does not obligate the Court to sentence the Defendant to community control. The Defendant acknowledges that they consulted with their attorney regarding the legal ramifications of entering FNS and reviewed both the *Participant Handbook* and this document with their attorney.

A Defendant may be sentenced into FNS through one (1) or more of the following four (4) methods:

- Plea and sentencing
- Intervention in Lieu of Conviction
- Probation Violation
- Judicial Release

Non-Discriminatory Practices

No person shall be denied admission to FNS based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, any disability, or their ability to pay any Court-ordered financial obligations such as fines, court costs, etc.

Pursuant to Local Rule 7.03, once the Defendant has been ordered to complete FNS, their case shall be transferred to the FNS Judge. Any, and all further Court proceedings with respect to that, shall be heard by the FNS Judge. Once entered FNS, the Defendant shall become the Participant.

The Participant understands that by entering FNS, they are waiving certain constitutionally guaranteed rights which they might otherwise be entitled. Those rights include, but are not limited to:

- Waiver of the right to consult with and be represented by an attorney at status review hearings. However, the Participant does maintain the right to request the attendance of defense counsel. Defense counsel will be present at treatment team meetings and status review hearings to represent all participants facing a probation violation hearing, graduated sanction, and any participant requesting representation.

- Waiver of any objection to the Judge receiving communication regarding the Participant's child support payments, treatment progress, and/or rule violations without the Participant or their attorney being present.
- Waiver of the right to remain silent and to not incriminate themselves at status review hearings with regards to FNS program violations.
- Waiver of the right to freely associate with other persons, including the Participant's spouse or significant other, who, in the sole discretion of the Court, may interfere with or impede the progress of the Participant.
- Waiver of the right to be searched without probable cause and/or a warrant in regard to FNS staff being able to conduct searches of the Participant's person, residence, and/or property (including the Participant's cell phone).

Terms and conditions of FNS:

1. The Participant can expect to be in FNS for a minimum of twelve (12) months. However, this does NOT guarantee they will complete the entire program at the end of that twelve (12) month period. Time may be extended in the program if the Participant fails to comply with all the requirements. The Participant may earn additional time in the Program if they fail to maintain sobriety, obtain new charges, fail to comply with the rules of FNS, fail to take medications as prescribed, or fail to comply with Court orders.
2. Once the Participant is accepted into FNS, the Participant is required to complete four phases to be eligible for graduation. These four phases are comprised of the following: Phase 1: Engagement and Orientation; Phase 2: Stabilization; Phase 3: Reintegration; Phase 4: Maintenance. Each phase contains certain treatment objectives, rehabilitative activities, therapeutic aspects, and the requirements for advancing to the next phase. The Participant's progress through the program is based upon their individual performance in their treatment plan and compliance with the program phases.

Phase advancement is not solely based on pre-set timelines. Time between status review hearings may be increased or decreased based upon compliance with employment, child support obligation, treatment protocols, Program rules, and overall observed progress.

Phase 1: Orientation and Engagement. This is the initial phase of the FNS Docket, where the Participant will become familiarized with how the program functions, the requirements and expectations of the program and their own individualized treatment plan. This phase is expected to last approximately thirty (30) days. During this phase, the Participant has the most contact with the Court by attending scheduled status review hearings weekly. The Participant will be required to submit to frequent, random, observed alcohol and drug testing at a minimum of two (2) times per week.

Participant requirements for Phase 1 compliance include, but not limited to:

- Attending weekly status review hearings
- Attend all scheduled appointments

- Attend and participate in all treatment
- Attending meetings with the probation officer as scheduled
- Submitting to random alcohol and drug testing at a minimum of two (2) times per week
- Taking prescription medications as directed
- Get documents needed for identification, employment and/or public assistance
- Abiding by the individualized FNS case and treatment plans, the FNS Participation Agreement, and rules/conditions of community control
- Committing no new criminal offenses

Phase 2: Stabilization. This phase is designed to assist the Participant in achieving sobriety, structure, and stability. This phase is expected to last approximately sixty (60) to ninety (90) days. During this phase the Participant will be required to submit to frequent, random, observed alcohol and drug testing at a minimum of two (2) times per week.

Participant requirements for Phase 2 compliance include, but not limited to:

- Attending status review hearings at a minimum of every two (2) weeks
- Attend all scheduled appointments
- Attend and participate in all treatment
- Attending meetings with the probation officer as scheduled
- Submitting to random alcohol and drug testing at a minimum of two (2) times per week
- Taking prescription medications as directed
- Engaging with employment readiness services
- Establishing a sober support network as recommended by treatment providers
- Engaging in any ancillary services as needed to foster a pro-social lifestyle (parenting class, anger management class, theft class, etc.)
- Establishing a financial plan/budget
- Abiding by the individualized FNS case and treatment plans, the FNS Participation Agreement, and rules/conditions of community control
- Committing no new criminal offenses

Phase 3: Reintegration. This phase is designed to assist the Participant in maintaining the sobriety, structure and stability gained through the previous phases

and preparing them for employment and meeting financial obligations. This phase is expected to last approximately twelve (12) to sixteen (16) weeks. During this phase, the Participant shall attend scheduled status review hearings every four (4) weeks. During this phase the Participant will be required to submit to frequent, random, observed alcohol and drug testing at a minimum of one (1) time per week.

Participant requirements for Phase 3 compliance include, but not limited to:

- Attending status review hearings at a minimum of every four (4) weeks
- Attend and participate in all treatment
- Attend all scheduled appointments
- Attending meetings with the probation officer as scheduled
- Engaging in a sober support network
- Submitting to random alcohol and drug testing at a minimum of one (1) times per week
- Taking prescription medications as directed
- Obtaining full-time, legitimate, verifiable employment
- Maintaining financial plan/budget
- Begin making payments towards child support as ordered
- Abiding by the individualized FNS case and treatment plans, the FNS Participation Agreement, and rules/conditions of community control
- Committing no new criminal offenses

Phase 4: Maintenance. This phase is designed to monitor the Participant to ensure they can maintain the lifestyle achieved in prior phases and prepare for graduation from the FNS Docket. This phase is expected to last approximately twenty-four (24) weeks.

Participant requirements for Phase 4 compliance include, but not limited to:

- Attending status review hearings at a minimum of every six (6) weeks
- Continued compliance with all treatment plans
- Attending meetings with the probation officer as scheduled
- Submitting to random alcohol and drug testing at a minimum of one (1) time per week
- Maintaining steady, full-time, legitimate, verifiable employment
- Making consistent payments towards child support and other financial obligations as ordered

- Continued engagement in a sober support network
 - Abiding by the individualized FNS case and treatment plans, the FNS Participation Agreement and rules/conditions of community control
3. The Participant may be recommended for residential treatment during the FNS Docket. In this event, the FNS Docket will work closely with the treatment agency to obtain written reports on the Participant's progress and compliance, should the Participant be unable to appear for scheduled Status Review Hearings.

The Participant may be required to complete treatment through the River City Correctional Center, the MonDay Program, or the Community Correctional Center (CCC). The Participant shall be given jail time credit for time served while in River City, MonDay, or CCC.

4. Substance Use Monitoring
The Participant shall check in daily through Redwood, by phone or through the website, and report for substance screenings at the time and date scheduled. The Participant shall also submit to random, frequent observed urine screens if requested by a member of the FNS team. If the Participant fails to submit a urine specimen, tampers with the urine specimen, submits the sample of another, dilutes their specimen, or fails to produce enough urine needed for analysis, then they shall be immediately sanctioned as if the urine screen produced a positive result. Should the Participant deny any use when confronted regarding a positive urine screen, the specimen shall be sent to a certified outside laboratory for testing by Gas Chromatography-Mass Spectrometry (GC/MS). The Participant may be subject to a probation violation hearing if their GC/MS results are positive. The Participant shall also submit to testing of their breath or blood as required by any member of the FNS team.
5. The Participant may be ordered to wear GPS monitoring bracelet. The Participant shall pay the cost for that monitoring. The Judge maintains discretion to waive fees if the Participant is indigent.
6. The Participant may be ordered to wear a Secure Continuous Remote Alcohol Monitoring (SCRAM) bracelet. The Participant shall pay the cost for that monitoring. The Judge maintains discretion to waive fees if the Participant is indigent.
7. The Participant shall pay their Court-ordered child support obligations.
8. The Participant agrees to voluntarily report to the FNS team any violations of the Program rules, including the Participant's use of illegal drugs and/or alcohol.
9. The Participant shall pay a probation supervision fee of thirty-five dollars (\$35.00) per month for the duration of the term of community control. None of the thirty-five dollars (\$35.00) probation supervision fee shall be used as part of the treatment costs.
10. The Participant shall obtain and maintain full-time, legitimate employment unless otherwise waived by the Court.

11. The Participant shall comply with any additional community control requirements the Court may impose.
12. FNS incorporates ongoing judicial interaction with each participant. Therefore, the Participant shall attend all scheduled Court appearances, including regular status review hearings.
13. The Participant will be given a pocket calendar and shall carry it with them at all times. The Participant shall write the dates for all scheduled treatment sessions, status review hearings, probation/employment liaison appointments, drug screens, and work/school/GED class schedules in said pocket calendar. The Participant shall make said pocket calendar available for inspection by any member of the FNS team at any time.
14. The Participant shall abstain from the use or possession of any illegal drugs, alcohol, marijuana, or synthetic cannabinoids (including, but not limited to, Spice or K2) while in the Program.
15. The Participant shall provide information regarding prescription medications to their assigned treatment providers, the assigned probation officer, and the assigned case manager. The Participant shall inform the FNS team of all prescriptions obtained by the Participant the next business day after receipt of said prescription. They shall obtain permission from the FNS team before getting the prescription filled. The Participant shall inform the FNS team of all over-the-counter medications that they may be using. It is the Participant's responsibility to confer with a pharmacist or medical professional to see that any medication, whether prescribed or over-the-counter, is not mood altering or addictive and that it does not contain alcohol. Use of any such medication, irrespective of whether it is prescribed or obtained over-the-counter, could result in the Participant's unsuccessful termination from FNS based on an individual determination.
16. The Participant shall sign an authorization for release of information form to provide for communication of confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996." 42 U.S.C. 300gg-42, as amended, and sections R.C. 2151.421 and R.C. 2152.99.
17. The Participant shall inform the FNS team of any changes in employment within twenty-four (24) hours of the occurrence of the change.
18. Any change in address must be approved by the assigned probation officer prior to the change.
19. The Participant shall not associate with anyone known to be actively involved in the sale or use of illegal drugs.
20. The Participant shall not become romantically or sexually involved with another FNS Participant.

21. The Participant shall adhere to a dress code for all FNS appointments:

- No short shorts or miniskirts
- No spaghetti straps or tank tops
- No tops or dresses with cleavage exposing any portion of the breast
- No halter tops or strapless tops/dresses
- No skintight pants, skirts, or shorts
- No baggy pants
- No see-through clothing
- No clothing that makes reference to drugs and/or alcohol
- No sexually suggestive clothing

22. For status review hearings, the Participant shall be dressed in clean, neatly groomed clothing. Any noncompliance with the dress code may result in the Participant being asked to leave and face a possible sanction.

23. At the time of a positive drug test (which may include a test taken upon entry to the program), the FNS team may consider an adjustment in treatment and/or the possibility of sanctions. Any change in the case plan and/or sanctions are enforced and reinforced by the Judge.

24. Immediate, graduated, and individualized incentives and sanctions govern the response of the Court to the Participant's compliance or noncompliance.

Incentives

Immediate, graduated, and individualized incentives govern the responses of FNS to your compliance. Incentives are individualized according to your specific case plan and directly related to your achievements as certain milestones of the FNS Docket are attained. Incentives are also tracked to ensure you are rewarded on a progressive basis.

The following are examples of desired prosocial behaviors appropriate for incentives:

- Attending Status Review Hearings as scheduled and on time
- Attending required treatment appointments and reaching individual treatment objectives
- Taking prescription medications as prescribed
- Maintaining close and productive contact with case management
- Engaging in vocational or educational services
- Obtaining full-time, legitimate employment
- Paying child support obligations as Court-ordered

- Attending a parenting program
- Abstaining from alcohol and drugs, as evidenced by negative drug testing results
- Complying with the rules of FNS, the FNS Participation Agreement, community control, and the laws
- Securing stable housing
- Advancing in FNS Court Phases
- Accomplishing milestones identified by the Treatment Team and according to each participant's individual treatment plan

The following are examples of incentives:

- Encouragement and praise from the Judge
- Ceremonies and certificates of progress, including advancement in FNS phases
- Decreasing frequency of Status Review Hearings and probation office visits
- Reduction in fines and court costs
- Increasing or expanding other privileges
- Encouragement to increase participation in positive activities you find pleasurable
- Assistance with purchasing necessities, clothes, or household items
- Reducing jail days
- Graduating from FNS

Sanctions

The Participant shall be subject to sanctions which may be imposed by the Court in furtherance of treatment. Immediate, graduated, and individualized sanctions govern FNS responses to the Participant's noncompliance. Graduated sanctions are used to help the Participant conform behavior to program requirements. Sanctions are crafted in an individualized and creative manner, as well as in a progressive manner based on the infraction. Any Participant facing imposition of a sanction will be represented by defense counsel at the treatment team meeting as well as the status review hearing. Sanctions are issued when there is noncompliance with either program protocol or the case plan. Sanctions shall be used as a deterrent to negative behavior and to encourage future compliance. All therapeutic adjustments in services, as well as participation in community-based mutual support meetings, is based solely on the clinically informed interests of the Participant. Incremental adjustments to the case plan made at the discretion of the Judge and the treatment team are not to be considered sanctions. However, failure to comply with case plan adjustments will subject the Participant to sanctions.

The following are examples of undesired behaviors:

- Failure to attend to attend court appearances and treatment appointments
- Failure to keep scheduled appointments with the probation officer, treatment case manager, or any other treatment team member
- Failure to follow FNS rules
- Failure to meet employment or vocational goals
- Non-compliance with any other requirements of the treatment plan
- Failure to obtain and/or maintain full-time, legitimate employment, or leaving employment when new employment has not been secured
- Failure to pay Court-ordered child support obligations
- Failure to follow FNS rules
- Noncompliance with random alcohol and drug screens, or testing positive for alcohol and/or drugs
- Failure to comply with the FNS Participation Agreement
- Failure to maintain confidentiality outside of treatment groups
- Failure to complete community service hours
- Failure to improve noncompliant behaviors

The following are examples of sanctions:

- Warnings and admonishments from the Judge
- Increasing frequency of alcohol and drug testing
- More frequent court appearances and/or increasing supervision contacts and monitoring
- Refusing specific requests, such as permission to travel
- Denying additional or expanded privileges, or rescinding privileges previously granted
- Issuing a no contact order with identified individuals
- Individualized sanctions such as writing essays, reading books, or performing other activities to reflect upon unacceptable behavior
- Ordering community service
- Electronic GPS monitoring, house arrest or SCRAM (Secure Controlled Remote Alcohol Monitoring)
- Brief jail stays
- Filing of probation violation

➤ Unsuccessful termination from FNS

25. Failure by the Participant to attend a scheduled status review hearing, treatment appointment, urine screen, or probation appointment, or other ancillary services appointments may result in the issuance of a warrant for their arrest.
26. The Participant agrees to maintain confidentiality in reference to information shared during status review hearings and/or treatment sessions regarding other FNS Participants.
27. The Participant agrees to abide by the rules of community control and be supervised by the Butler County Adult Probation Department.
28. In order to successfully graduate from FNS, the Participant shall demonstrate compliant behavior with the rules of FNS and the FNS Participation Agreement; successfully complete all four (4) phases of FNS; pay at least the current child support obligation as ordered; successfully complete all treatment and programming; abstain from alcohol and/or drugs for at least ninety (90) days prior to graduation (as evidenced by negative urine screens); and subsequently pay their other Court-ordered financial obligations, including Court costs, supervision fees, and restitution (if applicable).
29. The Participant understands that noncompliant behavior with the rules of the FNS Participation Agreement may result in a probation violation hearing. At said hearing, Participant may have the conditions of their community control modified. Modifications may include, but are not limited to, commitment to a Community Based Correctional Facility (CBCF), termination from FNS, and/or revocation of the Participant's community control.
30. The Participant understands that the FNS Judge may neutrally discharge them from FNS if the Participant is no longer capable of completing FNS because of any of the following: a serious medical condition; death; other factors that may keep the Participant from meeting the requirements for successful completion and discretion of the FNS Judge to determine the participant is no longer appropriate for FNS. Upon neutral discharge from FNS, the level of community control supervision shall be determined by the Judge.

PLEASE NOTE: Upon entering FNS, the Participant's information will be disclosed to the Supreme Court of Ohio for purposes of statistical reporting. If the Participant has a substance use disorder and is receiving treatment, the Supreme Court of Ohio will provide the Participant's information to the Ohio Automated Rx Reporting System (OARRS) maintained through the State of Ohio Board of Pharmacy. That information will stop being reported upon the Participant's exit from the program.

The Participant acknowledges that they have read and understand this agreement, freely and voluntarily relinquish the rights discussed herein, and agree to abide by all the rules and conditions of FNS.

Signature of Participant

Date

Signature of Participant's Attorney

Date