

CONSENT - ADULT

I have read the Drug Court Agreement. I have reviewed the terms of the agreement with my attorney. I agree to abide by the terms of the agreement. I am aware that under the Drug Court Agreement, a Drug Court Panel or the Drug Court Judge in their complete discretion may sentence me up to three days in jail for a violation of the Drug Court Agreement without the right to a hearing or the right to consult my lawyer for a positive urine, blood, breath, or other tests for illegal substances or alcohol; any admitted use of alcohol, illegal substances, nonprescribed controlled substances, huffing of mood-altering substances, and failure to attend substance abuse treatment as required.

Defendant

Date

Attorney

Date

Community Drug Court Agreement (Adult)

State of Iowa vs. _____

Court Number _____ County _____

THIS AGREEMENT is entered into on this _____ day of _____, 20____, by and between _____, the defendant, and the Community Drug Court Program.

THE PARTIES AGREE THAT:

1) I understand the District Court has ordered that I complete the requirements of the Community Drug Court Program (hereinafter referred to as “Drug Court Program”) as a condition of my probation, as noted in either a sentencing order or probation violation dispositional order.

OR

I understand that I have been transferred to the Drug Court Program pursuant to House File 2458, and in accordance with Section 901B.1 of the Iowa Code. Specifically, this plan allows for the transfer of individuals between levels in the continuum of services provided by the Department of Correctional Services.

2) I understand that I meet the criteria for admission into the Drug Court Program and believe it is in my best interest to enter the Drug Court Program and I agree to comply with the following special conditions of the Drug Court Program.

3) I hereby waive all confidentiality rights and expressly consent to the sharing of confidential substance abuse treatment information, educational records, employment information, law enforcement data and medical/mental health information with any and all treatment providers, drug court judge (which may be a district court judge or district associate judge), the county attorney’s Office, the Department of Corrections, and the volunteer community panel members (hereinafter “panel members”) and law enforcement mentors.

4) I agree to actively participate in the Drug Court Program and attend all drug court appearances before the panel members, all court hearings, drug court status review hearings, treatment meeting/sessions, probation meetings, educational programs and any other session/meeting deemed necessary by the probation officer/drug court officer/panel members and/or a drug court judge. I waive any right, if any, to have an attorney present at the drug court appearances; to the reporting of the drug court appearances; the presence of the drug court judge; compliance with the procedures for finding a person in violation of probation and/or in contempt

of court as provided for in the Code of Iowa; or compliance with the rules of procedure and evidence governing such matters in the district court.

5) I agree to truthfully answer all inquiries made by and shall follow all instructions given by the probation officer/drug court officer, panel members, drug court judge, and treatment providers and hereby grant permission to the probation officer/drug court officer to visit my home, place of employment, school or educational setting, treatment program or other locations for the purpose of monitoring my compliance or noncompliance with the provisions of this agreement.

6) I agree to abide by all city, state and federal laws, regulations, ordinances, and the conditions of probation. I agree that I will not possess any firearms or weapons. I also agree I will not wear any clothing associated with gang activity in the local community or be at any gathering where illegal or gang activity is occurring. Any law enforcement contact with me shall be reported to probation officer/drug court officer within (3) days after such an incident.

7) I agree to comply with all the rules and requirements of the Drug Court Program, school, job training site, place of employment, or medical/mental health/substance abuse treatment providers.

8) I agree to submit a list of known associates to the probation officer/drug court officer prior to the next meeting with my probation officer/drug court officer and shall not be found in the company of any known criminal or negative persons during the duration of this agreement.

9) I agree to submit my person, property, place of residence, vehicle, and any personal effects to search by a probation officer/drug court officer for the purpose of finding any weapons, illegal substances, substances used in the manufacture of illegal substance, other contraband, or other evidence of illegal activity for the purpose of monitoring the compliance or noncompliance with the provisions of this agreement and/or the probation agreement.

10) I agree to undergo any substance abuse evaluation and/or mental health evaluation and/or medical evaluation as directed by the district court judge, probation officer/drug court officer, panel members, or drug court judge and further agrees to undergo any treatment services which are deemed necessary by any substance abuse/medical/mental health evaluators, the district court judge, probation officer/drug court officer, panel members, or drug court judge.

11) I agree to submit to any form of drug or alcohol testing (including a PBT) as directed by the district court judge, probation officer/drug court officer/panel members or medical/mental health/substance abuse treatment providers or the drug court judge.

12) I agree to not use, ingest, inject, huff, or smoke any alcohol, illegal substances or non-prescribed controlled substances or any other mood-altering substances or be in the presence of those who are using, ingesting, injecting, smoking or huffing these substances.

13) I agree to submit to electronic monitoring, surveillance, voice monitoring, house arrest, or other restrictions as deemed necessary by the district court judge, probation officer/drug court officer, panel members, or the drug court judge.

14) I agree to complete all community service work ordered by the district court judge, the probation officer/drug court officer, panel members or drug court judge and pay all restitution as ordered by the district court judge or as directed by the probation officer/drug court officer or panel members.

15) I agree that at any time the drug court judge may, upon the request of the probation officer/drug court officer or panel members preside over a hearing (referred to as a drug court status review hearing) to review the status of my participation in the Drug Court Program. At such drug court status review hearing, I will be present with my probation officer/drug court officer. The drug court judge will engage in an off-the-record discussion with me and my probation officer/drug court officer. I waive any right, if any, to have an attorney present or to the reporting of the hearing. Furthermore, I consent and agree that the drug court judge may engage in ex parte communications with the probation officer/drug court officer, treatment providers or panel members prior to the drug court status review hearing in order to become familiar with the status of my compliance or lack of compliance with the terms of probation and/or the terms of this agreement. At the conclusion of the drug court status review hearing, the drug court judge will determine in his/her sole discretion whether there has been noncompliance with the terms of the probation agreement and/or the terms of this agreement. I consent and agree that if the drug court judge determines that the defendant: (1) had a positive result from a urine, blood, breath, or other test for illegal substances, alcohol, or non-prescribed controlled substances; (2) has admitted use of alcohol, illegal substances, non-prescribed controlled substances, or huffing or use of mood-altering substances; or (3) has failed to attend substance abuse treatment sessions (individual or group), the drug court judge may impose sanctions for said violations including immediate or delayed placement into county jail for period up to 72 hours. Furthermore, I consent and agree that the drug court judge has the authority to impose sanctions for noncompliance with other terms of the probation agreement and/or the terms of this agreement, as well as alternative or additional (other than jail time) sanctions for noncompliance as set out in (1), (2), and (3). The sanctions may include, but are not limited to: (a) performing community service hours; (b) undergoing a substance abuse/mental health/medical evaluation; (c) undergoing the recommended treatment or services; (d) attending AA/NA meetings; (e) seeking/maintaining employment; (f) beginning/completing schooling; and/or (g) undergo electronic monitoring. I consent and agree that any of the above sanctions may be imposed without further notice; without a formal hearing in the district court; without the right, if any, to consult counsel or have counsel present; without the requirement of complying with the procedures for finding a person in violation of probation and/or in contempt of court as provided for in the Code of Iowa and without the requirement of complying with the rules of procedure and evidence governing contempt or probation violation matters in the district court.

In addition, I agree and consent that any drug court judge who has presided over one or more drug court status review hearings involving me may be the presiding judge at any subsequent

formal probation revocation proceedings involving me which occur in district court upon a filing initiated by the county attorney's office.

16) I agree that if, at the conclusion of a drug court appearance before the panel members, there is a determination made by the probation officer/drug court officer and panel members in their sole discretion that there has been (1) a positive result from a urine, blood, breath or other test for illegal substances, alcohol, or non-prescribed controlled substances; (2) any admitted use of alcohol, illegal substances, non-prescribed controlled substances, or huffing or use of mood-altering substances; or (3) a failure to attend substance abuse treatment sessions (individual or group), the probation officer/drug court officer and panel members may recommend to the drug court judge and upon verbal approval of the drug court judge may require immediate or delayed placement of me in the county jail for a period up to 72 hours. Furthermore, I consent and agree that the probation officer/drug court officer and panel members have the authority to impose sanctions (as set out in paragraph 15 above) for other noncompliance with the terms of the probation agreement and/or this agreement, as well as alternative or additional sanctions (other than jail time) for noncompliance as set out in paragraphs (1), (2), and (3) above. I consent and agree that any of the above sanctions may be imposed without further notice; without a formal hearing in district court; without the right, if any, to consult counsel or have counsel present; without the requirement of complying with the procedures for finding a person in violation of probation and/or in contempt of court as provided for in the Code of Iowa; and without the requirement of complying with the rules of procedure and evidence governing contempt or probation violation matters in district court.

17) I agree that any sanctions imposed by the drug court judge at a drug court status review hearing and/or by the panel members at a drug court appearance shall not preclude the district court from imposing any type of sanction on me in any subsequent court proceedings based in whole or in part on my conduct which gave rise to the sanctions imposed by the drug court judge or panel members.

18) I agree that I may be required to appear at drug court appearances before the panel members at which other Drug Court Program participants will be present. All drug court appearances before the panel members are confidential in nature and I agree that any information disclosed at said appearances involving any other participant will not be shared with others outside of the Drug Court Program.

19) I agree that failure to comply with the terms of this agreement and/or the terms of probation may result in: (1) commencement of a district court probation revocation proceeding or other proceedings at the discretion of the probation officer/drug court officer and/or county attorney's office and/or (2) termination from the Drug Court Program.

20) I agree that the drug court judge, probation officer/drug court officer, and/or panel members may recommend that I be terminated from the Drug Court Program based on my failure to abide by the terms of this Drug Court Agreement or the terms of the probation agreement. If I disagree with the recommendation that I be terminated from the Drug Court Program, the probation

officer will file a probation revocation proceeding in the district court wherein I may contest my termination from the Drug Court Program and any of the alleged noncompliance with the terms of this agreement or the probation agreement. I will be entitled to be represented by counsel at said proceeding and if I can't afford counsel, I will be appointed counsel if I meet the financial requirements for court-appointed counsel. If I agree to the recommendation for my termination from the Drug Court Program, no hearing will be held. However, the probation officer/drug court officer may still file a probation revocation proceeding in the district court to seek sanctions and/or modification of the terms of probation for my noncompliance with the terms of my probation agreement and/or this agreement. In any event, if I am terminated from the drug court program, I will be reassigned to a new probation officer and will be subject to the provisions of the probation agreement and the special conditions of probation as set out in the sentencing order in my case.

21) I agree that this agreement may be modified, changed and/or amended at any time at the discretion of the administrators of the Drug Court Program. I further agree that I will be bound by and will comply with any future modifications, changes, or amendments to this agreement upon their being given written notice of any such modifications, changes, or amendments.

I acknowledge that I have read this agreement; that I understand the terms and conditions of this agreement; that I know of no reason why I cannot complete the terms of this agreement and that I agree to abide by the terms and conditions of this agreement.

Dated this ____ day of _____, 20____, in _____ County, Iowa.

Participant

Probation Officer/Drug Court Officer