

IN THE CIRCUIT COURT OF THE 16th
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 5.036/10-1

IN RE:

**MONROE COUNTY TREATMENT-BASED
DEPENDENCY DRUG COURT PROGRAM**

WHEREAS, Article V, section 7 of the Florida Constitution and sections 397.334 and 39.521, Florida Statutes, authorized the creation of the dependency drug court implemented in 2001 to assist families; and

WHEREAS, separate subdivisions of the Family Law Division of the Circuit Court are required to assist in the referral of certain eligible individuals for drug and alcohol treatment and support toward the goal of reunifying and strengthening families; and

WHEREAS, the court must ensure that reasonable and consistent services are provided to parents to enable them to overcome their substance abuse problems so that children are not held in out of the home placements for long periods of time; and

WHEREAS, the purpose of dependency proceedings is to provide for the care, safety and protection of children while preserving and strengthening the child's family whenever possible; and

WHEREAS, the Sixteenth Judicial Circuit's Drug Court Program has the ability to provide assessment, drug testing, substance abuse treatment services, including family and couples counseling, in a limited number of cases, and the court wishes to continue the process of referral to those services in juvenile dependency cases throughout the circuit;

NOW, THEREFORE, in order to effectuate the intent of the Legislature and the aforesaid policy of the Sixteenth Circuit and Monroe County, it is **ORDERED** that:

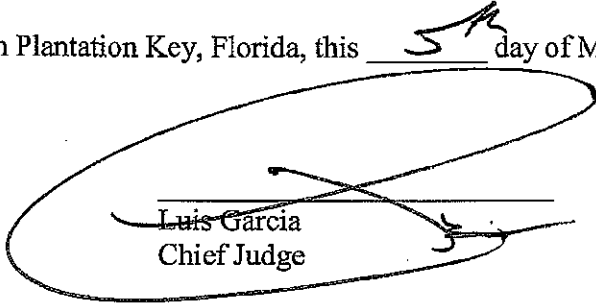
1. Family Treatment Dependency Drug Court shall handle eligible cases from the Circuit Dependency Divisions for possible referral into family drug abuse treatment and support.

2. The Court shall target parents with children adjudicated dependent, identified by the Dependency Drug Court Team as having substance abuse issues requiring substantial substance abuse treatment services for parents of dependent children.
3. A Circuit Judge in the Upper Keys, Middle Keys and Lower Keys Divisions shall be assigned to the Family Treatment Dependency Drug Court.
4. Drug Court personnel, or "Drug Court Team", will review the parent's case to determine if the parent meets the criteria for admission into the Family Treatment Dependency Drug Court's substance abuse treatment program. If the parent meets the criteria for admission, the parent's name will be forwarded to the Family Treatment Dependency Drug Court Program for purposes of determining provisional eligibility and acceptance into the 16th Judicial Circuit Family Treatment Dependency Drug Court.
5. The Drug Court Team will be comprised of not less than a Department Children & Families attorney, a community based care representative, and a Drug Court representative, and may also include, but is not limited to, any or all of the following: Mental Health Agency Staff.
6. Upon receipt of the parent's name, a Family Treatment Dependency Drug Court representative shall notify the parent to schedule an assessment. At the assessment, a representative of the Family Treatment Dependency Drug Court shall explain the purpose and operation of the program to the parent, and determine whether or not the parent wishes to participate in the program. If the parent does not wish to participate in this program, the case will remain on the Dependency docket and the Department of Children & Families is free to proceed with the dependency case as seen fit by the department.
7. If the parent does wish to participate in the program, the 16th Judicial Circuit Family Treatment Dependency Drug Court shall prepare the placement paperwork. The placement paperwork shall state that the program will last for no less than twelve (12) months. This paperwork shall also state the conditions of the parent's enrollment in the program in order to receive substance abuse education, intervention and treatment services.
8. Once the parent has agreed to participate in the program, a placement hearing shall be scheduled on the delinquency docket of the assigned judge. The parent shall sign all required placement documents prior to the judge's execution of the Family Treatment Dependency Drug Court Placement Order. Upon execution of the Order, the parent becomes an active Family Treatment Dependency Drug Court participant.
9. During the period of the parent's participation in the program, the Family Treatment Dependency Drug Court shall monitor the parent's treatment progress and compliance with its rules and regulations.

10. In the event that the parent violates the conditions of the program, the alleged violation shall be treated as an alleged violation of the terms and conditions of treatment. Family Treatment Dependency Drug Court personnel shall notify the Drug Court judge, the community based care provider and the Department of Children & Families of the violation and request that the matter be set for hearing.
11. At the hearing, the parent may be found in contempt of court and the judge may impose a number of sanctions which may include expulsion from the program.
12. If a parent's participation in the program is terminated for cause, the parent's case shall be returned to the dependency docket from which the case originated prior to its referral to Family Treatment Dependency Drug Court.
13. Upon the successful completion of the 16th Judicial Circuit Family Treatment Dependency Drug Court program, the court shall make findings regarding the parent's successful completion of the program and the parent will be terminated from the Family Treatment Dependency Drug Court program.

Upon execution of this order, Administrative Order 5.036, dated August 6, 2009, is hereby rescinded.

DONE and **ORDERED** in chambers in Plantation Key, Florida, this 5th day of March, 2010.


Luis Garcia
Chief Judge