



FAMILY LAW TREATMENT COURT (FLTC)

Superior Court of California, County of Santa Clara

PARTICIPANT HANDBOOK

JANUARY 2021

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FAMILY LAW TREATMENT COURT MISSION AND GOALS

Mission Statement

Through judicial oversight and enhanced access to comprehensive treatment services, the Family Law Treatment Court (FLTC) supports parents in their recovery. FLTC improves the safety and welfare of children by supporting parent's recovery from substance abuse and connecting parents with co-occurring mental health issues to services.

Goal #1

To assist FLTC each participant recover from substance abuse and co-occurring mental health disorders.

Goal #2

To assist each FLTC participant make positive changes in their life and improve their relationship with their child.

Goal #3

To assist FLTC families connect their children to early screening and treatment services.

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 comply with all child custody and visitation court orders issued by your All Purpose Judge (APJ). This handbook provides 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? FLTC is a voluntary, court-supervised collaborative court program for parents with children involved in custody hearings in Family Court. **It generally takes one year to complete the program, but that time may vary according to your progress and commitment to recovery.** The goal of FLTC is to help you become clean and sober and to better parent your child(ren) so you can keep custody, obtain custody or increase your parenting time.

Recovery from addiction and becoming a sober parent means developing self-sufficiency and accountability. Both are a measure of success. The FLTC team supports you through your recovery process and your family law case. FLTC builds on self-sufficiency, accountability, and responsibility. The FLTC team includes the FLTC Judge, FLTC Resource Specialist, FIRST 5 of Santa Clara County, the Santa Clara County Behavioral Health Department, and your treatment provider. One of the major benefits of participating in FLTC is the opportunity for increased time with your child(ren) as you progress in your recovery. Another benefit to recovery is that you will feel better, both physically and emotionally, by staying clean and sober.

What Should I Expect in FLTC? When you become an FLTC participant, you will be required to appear at FLTC hearings on a regular basis for a review of your progress. At each court appearance you will be given a return court date. At each hearing, the FLTC Judge will discuss your progress in the program. At each hearing you must provide the Judge with the following: (1) Meeting slips which document your attendance at NA, AA or other self-help meetings; (2) A Treatment Status Report (TSR) from your treatment program; and (3) Any certificates of completion. Generally, your treatment court appearances will be every two to six weeks based on your progress. If you are experiencing problems complying with the requirements, you will be required to come to court more often.

Each FLTC participant in good standing is entitled to a review hearing with his/her All Purpose Judge (APJ) every 120 days. These review hearings are scheduled by the FLTC Resource Specialist. One of the benefits of a review hearing is that your APJ will see the progress you have made in your recovery and may modify orders regarding visitation and custody. The FLTC Resource Specialist will provide your APJ with a progress report that includes your testing results. The opposing party and attorneys, including minor's counsel, will be notified of review hearings and are required to attend. They will also be provided with a copy of the progress report at the review hearing. Please note that the APJ may decide to defer making any changes in custody or visitation until all parties are present. Further, the APJ may decide against making changes to your custody/visitation orders based on other evidence that raises concerns regarding your parenting time. You may also ask your FLTC Resource Specialist for a progress report for other scheduled court hearings with your APJ.

Copies of your testing results are considered confidential and will be released only to designated persons, which may include your treatment provider. **A positive test, an unexcused missed test, or a dilute test**, as well as relapses or setbacks in your treatment, may result in modification of your treatment plan. Depending on the circumstances, an emergency review hearing may or may not be set with your APJ. We are here to support you during those difficult times and encourage you to contact the FLTC Resource Specialist for help.

FLTC RULES and INCENTIVES

All FLTC participants are required to abide by the following rules. Failure to regularly comply with any or all of the rules may result in 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 Resource Specialist at each FLTC hearing. You may also have your TSR emailed to the FLTC Resource Specialist at FLTC@scscourt.org. Please be sure to discuss any confidentiality concerns you may have with the FLTC Resource Specialist before authorizing your treatment provider to do so.
- 2. Attend at least three 12-Step or other approved self-help meetings a week (such as Alcoholics Anonymous or Narcotics Anonymous).** You must bring your signed

meeting slips or other proof of attendance to each court date. When possible each meeting attended should be confirmed with a stamp. There may be times when the Judge or Resource Specialist will require you to attend more than 3 meetings a week and/or to do 90 meetings in 90 days. **If you are not yet enrolled in an outpatient/inpatient program, then you must attend at least five (5) 12-Step meetings a week, until you become enrolled in a program.**

- 3. Find a sponsor who can help you work a 12-step program.** A sponsor is a person who has been in recovery long enough, at least a year or more, to understand recovery as outlined in the Twelve Steps. Your sponsor should be a person who is a personal example of the 12-steps at work and who is willing to devote the time and the effort supporting you in your recovery through a meaningful 12-step program.
- 4. Participate in random drug/alcohol tests at FLTC's testing facility or other approved site.** Reduced cost testing is available only at FLTC's contracted lab. FLTC has the right to request that you submit to a random drug/alcohol test at any time. You must have payment (by cash, check or credit card) and identification with you when you go to the testing lab. All test collections are observed by laboratory staff. **If you bring other people with you (children, friends, family), they will be asked to wait in the waiting room.**

THE ADDRESS AND HOURS OF FLTC'S CONTRACTED LAB IS:

DNA & Drug Screening Laboratory:

242 Meridian Avenue Suite A

San Jose, California 95126

(408) 993-9998

TESTING STATION HOURS AND HOTLINE NUMBER:

Monday through Friday: 7:30 am to 5:00 pm (HOURS SUBJECT TO CHANGE)

(408) 380-4302 for your color

- 5. FLTC utilizes various incentives to encourage you on your journey to sobriety.** Incentives for progress may include a star on the star board, bus tokens, gift cards or certificates of acknowledgement.

6. Please do not bring drugs, alcohol, paraphernalia, or weapons into court, as such conduct may result in your arrest by the Sheriff's deputies.
7. **Please attend all FLTC hearings on time.** Failure to regularly appear on time at FLTC hearings may result in termination from the program.
8. **Please obey all court orders and laws.**
9. **Please conduct yourself respectfully towards the FLTC Resource Specialist and treatment providers at all times.**
10. **Be Honest and Consistent.** Honesty is crucial for your success in achieving sobriety, which is in turn necessary for your success in life and to reaching your full potential as a parent. Without honesty, the FLTC Judge and Court team will not know what you need, and therefore cannot help. This includes being honest about pending criminal cases, relapses, and questions you might have about the FLTC program.

DRUG/ALCOHOL TREATMENT

You will be referred to a Substance Use and Treatment Services (SUTS) counselor or to the Gateway Phone Assessment number for an assessment of your needs and a referral to a treatment program. If you have private insurance, the FLTC Resource Specialist may request that you contact your medical provider for referral. **All program fees are your responsibility.** It is important that you sign a release form with your treatment program for the FLTC Resource Specialist to communicate with your counselor and receive TSR's. You are also responsible for providing the court with a TSR at each FLTC and review hearing. The FLTC Resource Specialist will contact your treatment program counselor for an update on a regular basis, and may share concerns from the FLTC team. If you are struggling in your recovery or relapse, you may be required by the Court to participate in a residential treatment program, a higher level outpatient program or an aftercare program. You must complete a treatment program in order to graduate from FLTC.

DRUG AND ALCOHOL TESTING

While you are participating in FLTC, you must abstain from all illicit drug use, drinking any alcoholic beverages, using marijuana (THC), and ingesting any products that contain illegal drugs or alcohol or marijuana (THC). If you are taking any prescription or non-prescription medication, you must provide a complete list of all medications to your FLTC Resource Specialist for review by the FLTC judge. You may also be asked to bring in your medical prescriptions.

FLTC contracts with DNA & Drug Screening Laboratory in San Jose for all drug and alcohol testing. **DNA & Drug Screening Laboratory uses the 10-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 or outpatient program that is testing you according to FLTC standards, you may test with them with approval from the FLTC Resource Specialist. There may be times when you will be out of the area on business or vacation. You are still required to test; it is up to you to find an approved testing laboratory and have the test results faxed or emailed to the FLTC Resource Specialist. You must notify the FLTC Resource Specialist when you will be gone and obtain approval of the testing facility in advance.

The actual random testing costs may vary depending on your ability to pay, the type of test required, and available program funding. All participants are expected to contribute a minimum of \$25.00 toward the cost of each test. Each client's ability to pay will be assessed on an individual basis by the FLTC Resource Specialist, and the fee waiver process will be discussed if necessary. **All fees are due at the time you test.**

Each FLTC participant is assigned a testing color by their FLTC Resource Specialist. **You must call the drug testing phone number (408) 380-4302 every day, before 10:00 am.** This is a message line only. There will be a new message each day that identifies the testing color for the day. You will need to listen to the entire message. **You must test each day your color is called on the message. Testing the next day does not satisfy the requirement to test each day your color is called.**

Important Information about Missed/Positive/Dilute Tests and Termination

Every drug test produces one of three results:

Negative: This means no drugs were detected;

Positive: This means drugs were detected; or

Dilute: This means the urine sample was so dilute that a reliable test result was not possible; a dilute test is generally deemed the equivalent of a positive drug test result.

Notification will be sent to the opposing party and all attorneys involved in the case **for all missed, dilute and positive tests, as well as for termination or voluntary withdrawal from the FLTC program.**

If you have unsupervised access to your child (ren) and have a missed, positive or multiple dilutes, then an emergency review hearing will be scheduled immediately with your APJ. Remember the Court's first priority is the safety of your child(ren).

Missed, dilute and positive tests may also be discussed with your treatment provider if the FLTC team observes a pattern of such tests and determines that these results may better inform your treatment experience.

If you would like to request a confirmation test after a positive result, you are responsible for all fees associated with the confirmation test unless otherwise authorized by the FLTC judge.

TWELVE STEP MEETINGS

You will be required to attend a **minimum of three 12-step meetings a week**, such as Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) or other approved self-help program. However, if you are not yet enrolled in an outpatient or inpatient program, the requirement is to attend **at least five** 12-step meetings a week until enrollment. Other group recovery meetings may be acceptable, and the FLTC Resource Specialist can help you identify alternatives. Frequent attendance at meetings 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 members 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 Resource Specialist 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 the FLTC program, you will graduate. The requirements for graduation include:

1. Demonstrated sobriety.
2. Fulfilled all drug testing requirements.
3. Completed an approved drug/alcohol inpatient or outpatient treatment program.
4. Attended at least three (3) 12-Step (such as AA/NA) meetings a week.
5. Completed the 12-step program with your sponsor.
6. Completed all FLTC exit paperwork.
7. Obeyed all laws and court orders.
8. Attended FLTC hearings on time.

You may request a graduation date from your FLTC Resource Specialist. The Resource Specialist will then review your request with the FLTC Judge, and the Judge will discuss your request with you at the next FLTC hearing. You may not present your request for a graduation date during an FLTC hearing.

Graduating from FLTC is a great accomplishment and will play an important role when your APJ is considering any changes in custody and/or visitation of your child(ren). At your graduation the Judge will present you with a Graduation Certificate during a brief ceremony at the beginning of a regularly scheduled FLTC calendar. The Judge will ask you to tell those present a little bit about your recovery journey. Please feel free to bring family, friends and/or your sponsor to the ceremony. You will also leave with a photograph of you, the Judge and any other person you would like included in the photo.

TO ENROLL IN FLTC

To enroll in the FLTC program, please call the FLTC Hotline at 408-534-5769 or email the FLTC team at FLTC@scscourt.org.

An FLTC Resource Specialist will contact you to schedule an intake appointment.



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