



SAMPLE

POLICIES AND PROCEDURES

MANUAL

Revised July 2007

BE ADVISED: This document incorporates the rules adopted June 15, 2007 for court programs, and is provided as a sample document only. Asterisks (**) denote areas specific to each program's procedures. Sections of this document may be reproduced for purposes of developing a program manual. Prior to incorporating the policies and procedures detailed in this document into a program manual, however, please review to ensure the language reflects the actual practices of the program.

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I. ADMINISTRATION

[Reference Rules-Sec 1, 8, 19]

1. Authority

Indiana Code § 12-23-14 authorizes the operation of the Harmony Superior Court Alcohol and Drug Program. The program is operated in accordance with IC § 12-23-14 and Judicial Conference of Indiana Rules for Court Alcohol and Drug Programs.

2. Applicability

Harmony Superior Court provides court alcohol and drug services, under the authority of IC § 12-23-14, to persons ordered by a Harmony County court to participate in the program. The Indiana Judicial Center, Judicial Conference of Indiana, must certify the Harmony Superior Court Alcohol and Drug Program.

3. Eligibility and Non-Discrimination

A. Residents of Harmony County may be served by Harmony Superior Court Alcohol and Drug Program, if they are referred from any court, prosecutor, community corrections, or probation department within Harmony County or the state of Indiana. Referrals from out-of-state will be considered on a case-by-case basis. This program will not discriminate on the basis of race, religion, gender, ethnicity, age, or disability.

B. As required by Section 19 of the Rules, this program will post its written policy of non-discrimination in a conspicuous place that can be easily seen by clients.

4. Certification

A. Harmony Superior Court operates in accordance with IC 12-23-14 and the Judicial Conference of Indiana Rules for Court Alcohol and Drug Programs. The program follows the re-certification procedures required under Section 8 of the Rules. The program will at a minimum:

- (1) Contact the Indiana Judicial Center no later than 120 days prior to the expiration of the current certification to indicate intent to apply for re-certification and obtain application.
- (2) Submit an application for re-certification and an updated Policy and Procedures Manual (PPM) to the Indiana Judicial Center no later than 30 days prior to the on-site review date established by the Center.
- (3) Place the certificate indicating Indiana Judicial Center's approval to provide services in a prominent place in the office where services are provided.

II. PROGRAM MANAGEMENT

[Reference Rules-Sec 18, 27, 30, 31, 32]

1. Philosophy and Purpose**

Chemical dependence is a primary disease that manifests itself in chronic, progressive, negative consequences for the offender, their family, and the community. For personal and community safety, alcohol use is acceptable only when used responsibly, by people of legal age, and when the risk of adverse consequences is low or non-existent. There is no tolerance for impaired

driving in this community. Prescription and over-the-counter medications are to be used only for the purposes for which they were intended, and illegal drugs are not to be used at all.

When people misuse or abuse drugs (including alcohol), proper early intervention by Harmony Superior Court, can be an effective strategy and tool for countering the negative cost to this community for such behavior by offenders.

Therefore, it is the purpose of Harmony Superior Court, to provide the appropriate type of substance abuse assessment, education, referral to treatment, and case management to eligible court offenders in need of such services and in lieu of criminal detention.

2. Goals and Objectives**

[Reference Rules-Sec. 18]

A. The goals of Harmony Superior Court are:

- (1) To improve public safety by reducing alcohol and drug related criminal activity and deviant behavior.
- (2) To improve the quality of life of offenders, their family members, and the public by reducing the frequency and severity of substance use by offenders.
- (3) To provide such service through the use of user fees at no expense to the taxpayer.

B. The objectives of this program are:

(Note: Objectives need to be measurable)

- (1) To provide eligible offenders with a timely, appropriate assessment, for the purpose of determining an appropriate type of intervention.
- (2) To provide substance abuse education, at basic and advanced levels, that will enable and promote a behavioral change on the part of offenders.
- (3) To provide appropriate referral of offenders to substance abuse treatment providers, who will provide effective treatment for the offender.
- (4) To develop and maintain an effective network of treatment providers and contractors to whom clients may be referred.
- (5) To provide a continuum of care and management of an offender's case that meet both the criminal justice and treatment system requirements by focusing on the compliance of the offender within their individualized treatment and criminal justice requirements.

C. Harmony Superior Court will review these goals and objectives annually and revise them as necessary. These goals and objectives reflect the philosophy of this program and will guide the program's operation and delivery of services.

4. Organization**

[Reference Rules-Sec. 27(a)-(d)]

A. The governing body of this program shall consist of the judges of the Circuit and Superior Courts of Harmony County. The program's supervising judge will be the Judge of Harmony Superior Court. The governing body has ultimate responsibility for this program and designates the program director as the individual responsible for the daily operation and administration of the program. The program director will report to the supervising judge. Staff will be hired by and serve at the pleasure of the supervising judge. A description of governing body members is on file in each judge's court.

B. The program director will annually prepare a written report for the supervising judge's review and approval that complies with Judicial Conference Rules. Upon approval by the supervising judge, the program director is to submit a copy of the annual report to the Indiana Judicial Center by March 31st of each year. A copy of this report is available from the program director. The annual report includes:

- (1). a summary of the program's activities and accomplishments,
- (2). a summary of the program's user fee fund, including beginning and ending balances and a summary of income and expenditures,
- (3). documentation of any certification reviews or IJC visits during the year
- (4) additional material as deemed appropriate by the program director.

C. This manual contains the policies and procedures by which the principles and guidelines, established by the governing body, are implemented and practiced. The program director and staff will review this manual at least every two years and update it as necessary, dating each page. It is available to the governing body and program staff and is kept in the program director's Office. A copy of the program's organizational chart is included as an **enclosure** of this manual.

5. Service Providers

[Reference Rules-Sec. 27(e)&(f)]

A. The program director is responsible for determining annually that all addictions treatment services providers utilized by the program are certified by the DMHA (Division of Mental Health and Addictions) or an equivalent agency for those providers not located in Indiana. The program uses the SAMHSA online directory and the DMHA certification list to make determinations of agency certification. As a best practice standard, the program also requires a copy of the agency certification and a list of the therapists and their credentials annually. The program director will also have a referral arrangement with all addiction services providers that provides for:

- (1). initiation and acceptance of referrals;
- (2). exchange of client-related information; and
- (3). post-referral reporting by the addictions services provider that enables the program staff to perform their case management responsibilities.

B. A written referral agreement is available on each addictions services provider that annually receives ten (10) or more clients from this program. Referral agreements are kept by the program director. The program only refers to those certified agencies that utilize credentialed therapists or instructors for program clients.

6. Client Surveys **

[Best Practice—not required]

Harmony Superior Court Alcohol and Drug Program will provide each client with an opportunity to complete a client survey commenting on referral and contract services as well as those services provided directly by the program. Results of these surveys are included in the annual report and are available from the program director. A copy of the survey is included as an **enclosure** of this manual.

7. Professional Requirements

[Reference Rules- Sec. 30]

The program director, assessment staff and case managers must obtain the Court Substance Abuse and Case Management Specialist (CSAMS) credential within two years of the date of first hire as a professional staff member. Further, such staff members must maintain the CSAMS credential by providing annual documentation to the program director of continuing education equaling twenty (20) hours of training related to substance abuse and case management issues, and five (5) hours of training related to criminal justice issues that are IJC approved.

8. Education Programs**

[Reference Rules- Sec. 31]

Harmony Superior Court Alcohol and Drug Program provides two substance abuse education courses for its clients. A client will be assigned to either a basic or advanced substance abuse education course based upon the evidence obtained during the assessment. Each course has been approved by the Indiana Judicial Center for use with program clients. Program staff instructs both types of courses. A description of each course is as follows:

- the **Basic** Substance Abuse Education Program is a twelve (12) hour cognitive-based course, documented by research and includes a self-assessment module. The curriculum that is used is Prime for Life – Indiana.
- the **Advanced** Substance Abuse Education Program is a twenty (20) hour class that is a research-documented, cognitive-based curriculum, also containing a self-assessment module. This course is designed primarily for substance abusers with some symptoms indicating a progression toward dependence. The curriculum that is used is the Alcohol and Drug Flex Modules.

9. Contractors**

[Reference Rules-Sec. 32]

A. Harmony Superior Court Alcohol and Drug Program may contract for services except for eligibility and case termination. The contractor must provide services for the program in the manner intended and meet all requirements contained in IC § 12-23-14 and Judicial Conference Rules that apply to contractor services.

B. This program contracts for Spanish-speaking translation services. A current contract is on file with the program director. This program's contractors are not employees of the program and do not receive compensation from the program other than for contracted services.

III. CLINICAL STANDARDS

[Reference Rules – Sec. 20-25]

1. Client Rights**

[Reference Rules- Sec. 20]

The program director of the Harmony Superior Court Alcohol and Drug Program will ensure that all clients participating in the program are provided with a written statement of client rights in accordance with the Judicial Conference Rules for Court-Administered Alcohol and Drug Programs. The program provides a form to the client, which contains the client's rights. The client will sign a signature page indicating that they understand their rights and have been provided a copy of their rights. The signature page is placed in the client's record. A copy of the client's rights form is included as an **enclosure** of this manual and indicates the rights required in this section.

It is the policy of Harmony Superior Court Alcohol and Drug Program to protect client rights while providing quality service. A client who alleges their rights have been violated by program staff, or wishes to file a grievance, has the means to have complaints heard and addressed in a professional and timely manner by reporting said violations or grievances to the program director in writing. The program director will then determine, through investigation of the facts, if action is necessary. If the violation or grievance is with the program director, the written complaint must be delivered to the supervising judge at Harmony Superior Court, One Courthouse Square, City, State, Zip Code. The results of an investigation, by either the program director or supervising judge, will be documented in the client's record and the personnel record of the staff involved. Complaints regarding the program staff or director will not influence in any way the services provided to the client.

2. Client Orientation**

[Reference Rules- Sec. 21]

- A. Clients will register with the program secretary and complete a registration form.
- B. Orientation on the program is provided in an individual setting at the start of the client's assessment appointment. All specific areas of orientation will be indicated on a signature page. The page will be signed by the client indicating their receipt and understanding of the orientation information. The original signed copy will be placed in the client's record. The orientation forms are included as an **enclosure** of this manual.
- C. The information provided to the client during the orientation process includes:
 - (1) Explanation of the philosophy and goals for each service offered; (*best practice*)
 - (2) Explanation of the rules governing the client's conduct and behavior that could result in disciplinary action or discharge
 - (3) Explanation of the hours during which services are provided;
 - (4) Explanation of the financial arrangements including services to be provided, the rate for the services, a reasonable projection of the time for which services will be provided, and the conditions of payment;
 - (5) Explanation of the program's grievance procedures including the procedure for alleged violations of client's rights; and
 - (6) Explanation of the program's non-discrimination policy. (*May be placed elsewhere, but has to be in writing to the client and posted in a conspicuous place.*)

Note: *These are minimum orientation requirements unless otherwise noted. Most programs have many additional items that they cover in orientation.*

3. Client Assessments**

[Reference Rules- Sec. 22]

- A. Harmony Superior Court Alcohol and Drug Program staff will schedule and conduct an assessment of the client within 2 weeks of the date the judge has ordered the client into the program. One (1) hour will be scheduled for each assessment, and the assessment will be a face-to-face, personal interview with the client.

B. Each client will be given a form to fill out at orientation that will include questions regarding the following information:

- (1) statement of the presenting problem, including the client's version;
- (2) social and peer group;
- (3) military service history;
- (4) financial status;
- (5) alcohol and drug use of family members and attitudes toward such use;
- (6) occupational and educational status;
- (7) legal history and current legal status;
- (8) history of medical problems;
- (9) history of mental health problems;
- (10) current thoughts of suicide or homicide; and
- (11) family history and environmental setting from which the client comes.

C. During the personal assessment interview with the client, the staff member will gather the following minimum information:

- (1) substances used, including prescription and over-the-counter drugs;
- (2) year of first use of each substance;
- (3) substances used within the last forty-eight (48) hours;
- (4) substances of preference;
- (5) frequency of use of each substance;
- (6) previous occurrences of overdose, withdrawal, or adverse drug reaction;
- (7) method of administration of each substance; and
history of previous substance abuse treatment received.

D. Assessment staff will determine the scope and depth of the client's substance use, based upon the information and evidence obtained through the assessment process. The staff member will then decide on appropriate referral(s) and justification for the individual service contract terms based upon guidelines adopted by the program. At the end of the assessment interview, an individual service contract (ISC) will be developed collaboratively by the client and the assessment staff.

E. The ISC will contain:

- (1) the evidence obtained during the assessment;
- (2) the recommendations supported by the evidence;
- (3) the requirements and expectations for successful completion of the contract; and
- (4) the consequences for unsuccessful completion of the contract.

F. Failure to complete the contract will result in administrative therapeutic-based sanctions, or by return to court for disposition, depending on the situation and severity of the breach of contract.

G. Each client will sign the ISC indicating the client understands the content of the contract has participated in its development and acknowledges receipt of a copy of the contract. The original ISC will be placed in the client's record.

H. If the program is implementing or monitoring an ISC from another court program and that ISC is available to the program, another ISC will not be developed.

4. Client Privacy**

[Reference Rules – Sec. 23]

A. Private offices will be used to conduct assessment, orientation, and case management appointments. Education appointments will be conducted in private classrooms. All appointments will be conducted behind closed doors. Urine drug screens and breath tests will be conducted in private restrooms when possible, based on the situation.

B. Visitors and non-program personnel will be escorted by program personnel.

5. Confidentiality of Client Records

[Reference Rules – Sec. 24]

A. This program complies with all federal and state laws, including federal rules (42 CFR Part 2) pertaining to the confidentiality of alcohol and drug abuse patient records. In the event there is a conflict between state and federal law, the more restrictive law will prevail.

B. Minor clients who are adjudicated in adult court will be treated as adults with the rights and responsibilities of an adult. Minor clients must sign all consent forms.

C. Those clients found to be incompetent must have an adult who has been given authority by the court, or power of attorney designation, to give consent for purposes of confidentiality. Deceased clients right's transfer to the executor of the estate or the next of kin, in cases where there is not an executor named. Proof of signature authority must be provided in writing before the appropriate protocol will be followed.

D. In general, information regarding clients will not be disclosed without a properly completed consent form for release of information. With a release, only information pertinent to that particular entity will be disclosed. The program uses a criminal justice release for those persons to and from whom compliance information would be required by the court. A general, revocable release will be used in cases of those persons from or to whom the client wishes the program to have contact. This includes, but is not limited to:

- (1) Client's family or other contact person designated by the client
- (2) Third party payers
- (3) Legal counsel, including attorney of record
- (4) Employers
- (5) Judicial officers
- (6) Probation department
- (7) Prosecutor
- (8) Addiction treatment services providers
- (9) Community corrections

E. In the case of medical emergencies, demographic information and other information pertinent to the current medical emergency may be disclosed without consent if the staff member determines the situation poses an immediate threat to the health of any individual and which requires immediate medical intervention. The event and details disclosed will be entered into the progress notes of the client record.

F. In the case of research, audit, or evaluation, information may be disclosed without client consent as long as that information is not client identifying information, and the program director meets the requirements of 42CFR Part 2.52 and 2.53.

G. Subpoenas compel you to release information only when accompanied with a valid consent form authorizing the release. Legal orders are not sufficient by themselves to request information unless they result from a causal hearing as outlined in 42 CFR Part 2.64 and 2.65.

H. This program will follow all state guidelines with respect to investigation and prosecution of allegations concerning adult and child abuse and neglect. The initial report may be made without client consent; however any information requested after the initial report must be disclosed only with court order or consent. In all cases, the program director makes the final determination regarding disclosure of client information.

I. Requests from a client for release of information from the client record must be made in writing. This program will release, upon request, copies of the Individual Service Contract, consent forms or orientation materials with client signature. Progress notes and assessor notes written on the assessment form will not be disclosed without a show cause court order. All other information in the client record will be released on a case by case basis at the discretion of the program director and may be withheld under the following circumstances:

1. withholding is necessary to protect the confidentiality of other sources of information;
2. it is determined that the information requested may result in harm to the physical or mental health of the client or another person;
3. the consent was not given freely, voluntarily, and without coercion; or
4. granting the request will cause substantial harm to the relationship between the client and the program or to the program's capacity to provide services in general.

J. **All client records will be stored both on hard copy and computer files following 42CFR2. Written records are kept in locked file cabinets in a file room with only appropriate staff having access to the records. Progress notes are kept in a secure database with only appropriate staff having access by password. Any disclosure of client information will be noted in the progress notes in the client's record.

K. Consent forms to release client information will be used which indicate the specific entities to give and receive information, the purpose and type of disclosure, signature of the client indicating understanding and receipt of a copy of the release, signature of a staff witness, and the form will have all blank lines crossed out at signing. The original or a facsimile copy will be placed in the client's record. Copies of each of the consent forms used for release of confidential information are included as an **enclosure** of this manual.

L. Client records will be maintained and disposed of in accordance with Indiana Supreme Court Administrative Rule 7.

6. Case Management**

[Reference Rules – Sec. 25]

- A. All relevant contact with the client or regarding the client will be documented in the client progress notes, with the date of contact and identification of the staff member writing the note. Progress notes will be maintained in chronological order.
- B. Harmony Superior Court Alcohol and Drug Program will provide monitoring of the client's progress in the program by receiving written reports, at least monthly, from each referral source; meeting with the client one on one as appropriate to the individual needs of the client; and, conducting an exit interview prior to termination of the client from the program.
- C. The referring court will be notified of non-compliance even if administrative or therapeutic-based sanctions are imposed instead of termination from the program or unsuccessful completion. Upon termination, Harmony Superior Court Alcohol and Drug Program will provide a written report, marked confidential, to the court indicating successful or unsuccessful termination of the client's case. The termination report will be placed in the client's court file by the referring court.

IV. FACILITIES

[Reference Rules – Sec. 26]

1. Location and Code Compliance**

Harmony Superior Court Alcohol and Drug Program is housed in a location across the street from the courthouse in the Courthouse Annex. This government facility protects and preserves the privacy, confidentiality, health and safety of the clients and staff and offices are fully enclosed to provide for private conversations with clients. The program complies with all federal, state, and local health and safety codes. Elevator, fire and health inspections are conducted as required and reports are available from the County Commissioners.

2. Protection of Client Confidentiality **

The program office will be arranged in such a way as to protect the confidentiality of each client, to the extent possible, from the general public. The entrance door to the program office is solid wood and the waiting room is screened from the outside of the building to protect the privacy of clients from the public.

3. Security and Storage of Client Records **

Client records are stored in locked filing cabinets in a records room. They are kept secure at all times in staff offices or in the file room, as required by federal regulations (42 CFR Part 2).

V. FISCAL MANAGEMENT

[Reference Rules – Sec. 28]

1. User Fee Fund**

The Harmony County Auditor maintains the alcohol and drug user fee fund (# 0517) and makes disbursements from it. The auditor provides the program with a monthly report of all income, disbursements and balance of the fund. The program director is responsible for monthly reconciliation of the fund.

2. Collection of Fees**

[Reference – IC 12-23-14-16]

The Harmony County Clerk collects all user fee payments from clients. The program is connected via computer with the clerk's office and program staff can view each client's status of payment at any time. The Harmony County Clerk makes a monthly deposit to the auditor of all fees collected in a given month and provides the program with a monthly report of the deposit. Additionally, the program director is responsible to ensure that no client is charged in excess of \$400 for program services regardless of who provides the services.

3. Program Budget

The program budget is developed by the program director, approved by the supervising judge, and is also approved by the County Council. The supervising judge is responsible for ensuring that all disbursements from the user fee fund are in accordance with state statute.

4. Schedule of Fees**

A. A copy of the Harmony County local court rule establishing program fees is included as an **enclosure** of this manual. The rule requires the clerk to collect the following fees:

Assessment and Case Management	\$200.00
Basic Education	\$100.00
Advanced Education	\$150.00
Case Transfer	\$ 50.00

B. All fees are assessed within the statutory cap and relate to the cause number of the individual referral. Clients are provided information on these fees in the orientation materials.

VI. PERSONNEL MANAGEMENT**

[Reference Rules – Sec. 29]

1. Personnel Policies

Harmony Superior Court Alcohol and Drug Program follows the personnel policies and procedures of Harmony Superior Court, which has adopted most of the personnel issues outlined in the Harmony County Personnel Handbook to include professional conduct rules, wages and benefits, and employee grievance procedures. A copy of the handbook is provided to each employee during orientation.

2. Employment procedures

The supervising judge, per IC §12-23-14-11, appoints the program director and the necessary staff to operate this program; such staff shall serve at the pleasure of the supervising judge. The program director is responsible for verifying and documenting credentials and qualifications of all staff, volunteers, contractors, referral sources and consultants by obtaining copies of credentials and documenting contact with references.

3. Personnel Files

Each employee shall have a personnel file that is confidentially kept by the program director. Contents will include but not be limited to the employee's:

- (1) Application or resume
- (2) Verification of qualifications, credentials, and licensure, if applicable
- (3) Job description
- (4) Position changes
- (5) Documentation of orientation for entry-level staff
- (8) Documentation of in-service and continuing education activities
- (9) Documentation of commitment to adhere to ethics requirements

4. Job Descriptions

Job descriptions are kept in the employee's personnel file and include, but are not limited to:

- | | |
|--------------------|--|
| (1) Job title | (4) Duties and responsibilities |
| (2) Qualifications | (5) Reporting and supervisory responsibilities |
| (3) Credentials | |

Harmony Superior Court Alcohol and Drug Program

Organizational Chart

