

## CONSENT - JUVENILE

I have read the Woodbury County 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 a juvenile detention facility 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.

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Juvenile

Date

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Attorney

Date

## **Community Drug Court Agreement (Juvenile)**

In the interest of \_\_\_\_\_, a Juvenile

Court Number \_\_\_\_\_ County \_\_\_\_\_

THIS AGREEMENT is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the Juvenile, \_\_\_\_\_, and the Juvenile's Parent/Guardian/Custodian and the Community Drug Court.

### **THE PARTIES AGREE THAT:**

- 1) The Juvenile Court has ordered you to complete the requirements of the Community Drug Court Program (hereinafter referred to as "the Drug Court Program" as a condition of probation after disposition in the Juvenile Court.**
- 2) The juvenile meets the criteria and is qualified for admission to the program.
- 3) All parties believe it is in the best interest of the juvenile to enter into this Agreement.
- 4) The juvenile waives all confidentiality rights and expressly consents 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, district associate judge or an associate juvenile court judge), the County Attorney's Office, Juvenile Court Services, the Department of Corrections, and the volunteer community panel members (hereinafter "panel members") and law enforcement mentors.
- 5) The juvenile shall actively participate in the Drug Court Program and attend all drug court appearances before the panel members, court hearings, drug court status review hearings, treatment meetings/sessions, probation meetings, educational programs and any other session/meeting deemed necessary by the juvenile court officer/drug court officer/panel members and/or a drug court judge. The undersigned agree that the Juvenile waives 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 juvenile court.
- 6) The juvenile shall truthfully answer all inquiries made by and shall follow all instructions given by the juvenile court officer/drug court officer, panel members, drug court judge, trackers and treatment providers and hereby grants permission to the juvenile court officer/drug court officer/trackers to visit his/her home, place of employment, school or educational setting,

treatment program or other locations for the purpose of monitoring the juvenile's compliance or noncompliance with the provisions of this Agreement.

7) The juvenile shall comply with all city, state and federal laws, regulations, ordinances, and the conditions of probation. The juvenile shall not possess any weapon or 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 the juvenile shall be reported to juvenile court officer/drug court officer within (3) days after such an incident.

8) The juvenile shall obey his/her parents/guardian/custodian and shall further abide by the jointly agreed upon curfew hours established by the juvenile, his/her parent/guardian/custodian, my parent(s), and juvenile court officer/drug court officer which are: \_\_\_\_\_  
\_\_\_\_\_.

9) The juvenile shall 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.

10) The juvenile shall reside with \_\_\_\_\_ and shall not change his/her residence without permission from the juvenile court judge or juvenile court officer/drug court officer.

11) The juvenile shall obtain permission from his/her juvenile court officer/drug court officer or juvenile court judge before leaving the State of Iowa, and shall abide by any other travel or driving restrictions imposed by juvenile court judge and/or juvenile court officer/drug court officer.

12) The juvenile shall submit a list of known associates to the juvenile court officer/drug court officer before the first drug court appearance before the panel members and shall not be found in the company of any known criminal or negative persons during the duration of this Agreement.

13) The juvenile agrees to submit his/her person, property, place of residence, vehicle, and any personal effects to search by a juvenile court 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.

14) That the juvenile agrees to undergo any substance abuse evaluation and/or mental health evaluation and/or medical evaluation as directed by the juvenile court judge, juvenile court 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 juvenile court judge, the juvenile court officer/drug court officer, panel members, or drug court judge.

15) The juvenile shall submit to any form of drug or alcohol testing (including a PBT) as directed by the juvenile court judge, juvenile court officer/drug court officer/panel members or medical/mental health/substance abuse treatment providers or the drug court judge.

16) The juvenile shall not use, ingest, inject, huff or smoke any alcohol, illegal substances or non-prescribed controlled substances or huff any mood-altering substances or be in the presence of those who are using, ingesting, injecting, huffing, or smoking these substances.

17) The juvenile shall submit to electronic monitoring, surveillance, voice monitoring, house arrest, or other restrictions as deemed necessary by the juvenile court judge, juvenile court officer/drug court officer, panel members, or the drug court judge.

18) The juvenile agrees to complete all community service work ordered by the juvenile court judge or by the juvenile court officer/drug court officer, panel members or drug court judge and pay all restitution as ordered by the juvenile court judge or as directed by the juvenile court officer/drug court officer or panel members.

19) The undersigned consent and agree that at any time the drug court judge may, upon the request of the JCO/drug court officer or panel members, preside over a hearing (referred to as a drug court status review hearing) to review the status of the juvenile's participation in the Drug Court Program. At such drug court status review hearing, the juvenile will be present with his/her JCO/drug court officer and his/her parent/guardian/custodian, if present. The drug court judge will engage in an off-the-record discussion with the juvenile and the juvenile's parent/guardian/custodian, if present, and the JCO/drug court officer. The undersigned waive any right, if any, to have an attorney present or to the reporting of the hearing. Furthermore, the undersigned consent and agree that the drug court judge may engage in ex parte communications with the JCO/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 the juvenile's 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. The undersigned consent and agree that if the drug court judge determines that the juvenile: (1) had a positive result from a urine, blood, breath or other test for illegal substances, alcohol, or non-prescribed controlled substances; (2) had admitted use of alcohol, illegal substances, non-prescribed controlled substances, or huffing of use of mood-altering substances; or (3) has failed to attend substance abuse/mental health treatment sessions (individual or group), the drug court judge may impose sanctions for said violations including immediate or delayed placement into the juvenile detention facility for a period of up to 72 hours. Furthermore, the undersigned 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 time in detention) 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 recommended treatment or services; (d) attending AA/NA meetings; (e) seeking/maintaining employment; (f) beginning/completing school; and/or (g) undergo electronic monitoring. The undersigned consent and agree that any of

the above sanctions may be imposed without further notice; without a formal hearing in the juvenile 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 juvenile court.

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

20) The undersigned consent and agree that if, at the conclusion of a drug court appearance before the panel members, there is a determination made by the JCO/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 or 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/mental health treatment sessions (individual or group), the JCO/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 the juvenile in the juvenile detention facility for a period up to 72 hours. Furthermore, the undersigned consent and agree that the JCO/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 time in detention) for noncompliance as set out in paragraphs (1), (2), and (3) above. The undersigned consent and agree that any of the above sanctions may be imposed without further notice; without a formal hearing in juvenile 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 juvenile court. The juvenile will have the right to a review hearing before a juvenile court judge/district court judge within 24 hours of the juvenile's placement in detention pursuant to § 232.44 of the Iowa Code. The juvenile will have court-appointed counsel at said hearing. After conferring with counsel, the juvenile may waive his/her right to said hearing.

21) The juvenile hereby agrees to follow the additional rules:

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22) The juvenile agrees 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 juvenile court from imposing any type of sanction on the juvenile in any subsequent juvenile court proceedings based in whole or in part on the conduct of the juvenile which gave rise to the sanctions imposed by the drug court judge or panel members.

23) The juvenile and parent/guardian/custodian agree that they may be required to attend drug court appearances before the panel members at which other Drug Court Program participants and their parent/guardian/custodian will be present. All drug court appearances before the panel members are confidential in nature and the Juvenile and his/her parent/guardian/custodian agree that any information disclosed at said appearances involving another juvenile or their parent/guardian/custodian will not be shared with others outside of the Drug Court Program.

24) The undersigned consent and agree that the juvenile's failure to comply with the terms of this Agreement and/or the terms of probation may result in (1) commencement of a juvenile court probation revocation proceeding or other proceedings at the discretion of the JCO/drug court officer and/or county attorney's office and/or (2) termination from the Drug Court Program.

25) The undersigned consent and agree that the drug court judge, JCO/drug court officer, and/or panel members may recommend that the juvenile be terminated from the Drug Court Program based on the juvenile's failure to abide by the terms of this Drug Court Agreement or the terms of the probation agreement. If the juvenile disagrees with the recommendation that he/she be terminated from the Drug Court Program, the JCO will file a probation revocation proceeding in the juvenile court wherein the juvenile may contest his/her termination from the Drug Court Program and any of the alleged noncompliance with the terms of this agreement or the probation agreement. The juvenile will be entitled to be represented by counsel at said proceeding and, if the juvenile cannot afford counsel, the juvenile will be appointed counsel if the juvenile meets the financial requirements for court-appointed counsel. If the juvenile agrees to the recommendation for his/her termination from the Drug Court Program, no hearing will be held. However, the JCO/drug court officer may still file a probation revocation proceeding in juvenile court to seek sanctions and/or modification of the terms of probation for the juvenile's noncompliance with the terms of probation agreement and/or this agreement. In any event, if the juvenile is terminated from the Drug Court Program, the juvenile will be reassigned to a new JCO and will be subject to the provisions of the probation agreement and the special conditions of probation as set out in the disposition order in the juvenile's case.

26) The undersigned 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. The undersigned agree that they 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.

The undersigned parties acknowledge that they have read this Agreement; that they understand the terms and conditions of this Agreement; that they know of no reason why the juvenile cannot complete the terms of this Agreement and that they agree to abide by the terms and conditions of this Agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_ County, Iowa.

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Juvenile

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Parent/Guardian/Custodian

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Attorney for Juvenile

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Juvenile Court Officer/Drug Court Officer

FORM REVISED 9/25/12