



Forsyth County DUI Court
State Court of Forsyth County

DUI COURT ENTRY PROCEDURE

1. You received this DUI Court Entry Packet (DCEP) at your DUI Review Hearing Date. Please review all the documentation thoroughly. You will complete all of the documents with the attorney you hired or with the DUI Court Defense Attorney if you did not hire an attorney. You must sign and initial all documents where indicated.
2. At your DUI Review Hearing Date, you received written notice of your DUI Court Assessment date at the Accountability Court Office located at 425 Tribble Gap Road, Cumming, Georgia 30040. You must keep that appointment and be on time. If you fail to appear for your assessment, you will be considered a decline from DUI Court and there will be a presumption your case will not be reconsidered for entry.
3. When you arrive for your DUI Court Assessment, you will fill out an information packet for the clinical evaluator. Please come prepared to provide information on your residence, employment, medical conditions, mental health conditions, and medications. If you have any medical or mental health issues you believe might interfere with your ability to attend and complete the program, please bring documentation of such from your doctor to your assessment.
4. Your case and assessment will be discussed at the next regularly scheduled staffing meeting of the DUI Court Team. The Team will discuss your eligibility and treatment needs and decide whether you are approved to enter into DUI Court. Your attorney (or the DUI Court Defense Attorney) will be notified that you have been accepted and a court date for entering your plea will be set.
5. You and your counsel must bring the DCEP to the scheduled plea and entry date and provide it to the Solicitor General's Office for presentation to the DUI Court Judge.
6. Upon entry of your plea into the DUI Court Program, you will be provided with reporting instructions to the Accountability Court Office for orientation.



Forsyth County DUI Court
State Court of Forsyth County

What is DUI Court?

DUI Court is an Accountability Court. As such, it blends drug and alcohol treatment with judicial accountability for actions and choices. In Forsyth County, it is a minimum of 18 months, but can take longer to complete depending on the individualized treatment needs and sanctions of each participant. DUI Court can benefit a defendant with a DUI through reduced jail time; a reduction or even full credit of statutorily required fines, upon successful completion of the program; credit of statutorily required community service hours; affordable drug and alcohol treatment and testing; shortened license suspension times; and support in achieving sobriety.

Phases

DUI Court is a 5 Phase program encompassing a minimum of 18 months.

Phase 1 – minimum of 56 days

Phase 2 – minimum of 154 days

Phase 3 – minimum of 154 days

Phase 4 – minimum of 90 days

Phase 5 – minimum of 90 days

Court Attendance

DUI Court meets every other week. Phases 1 and 2 report to court two times per month. Phases 3, 4, and 5 report to court one time per month. In the event there are three court dates in a month, only participants with sanctions will appear in court on one of the dates. Court dates are provided for each calendar year at orientation, and prior to the beginning of each calendar year. Participants must be in the courthouse and ready to enter the courtroom at 2:45 p.m.

Treatment

Treatment is an important part of an Accountability Court. Participants of the DUI Court Program will be required to attend treatment during all phases of the program and sanctions will be imposed for being late or failing to attend.

Alcohol/Drug Testing

All participants of the DUI Court program will be subject to alcohol and drug testing. This includes both breathalyzer testing and urine testing. All urine screens will be observed. It is the participant's responsibility to provide a clean and testable sample. Participants must check the screening line every day to determine whether they are required to screen that day. If the participant has a screen, they must appear at the screening location during the allocated screening window. Being late for a screen, even by one minute, counts as a missed screen.

Cost

DUI Court costs \$200 per month, plus probation supervision fees. The \$200 per month covers the cost of all treatment, individual and groups, and all drug screening, as long as the participant is testing negative. The participant may be charged for a lab confirmed positive screen. If inpatient treatment or testing other than urinalysis is required of a participant, costs may be required to be paid by the participant.

Community Support Meetings

Participants are required to attend Community Support Meetings (including, but not limited to, AA, NA, SMART Recovery, Celebrate Recovery, etc.) during the DUI Court Program. The number of required meetings is determined per phase, and can be individualized to the participant based on their needs. The DUI Court Program does not assign specific meetings, and instead, encourages participants to find the meeting that meets their needs to have support in their recovery.

Employment/Educational Requirements

All participants of the DUI Court Program must obtain and maintain full-time work or school schedules. Participants are required to provide proof of weekly hours worked and will be sanctioned if they are not working the required number of hours. Participants shall not work in an establishment that sells alcohol by the drink, or where alcohol is the predominant product (package stores).

Waiver of Rights

To be a participant of the Forsyth County DUI Court Program, you must agree to a waiver of your 2nd and 4th Constitutional Amendment Rights, throughout your time in the program. You may not possess or purchase a firearm so long as you are in the DUI Court Program. Additionally, you are subject to search of you person, residence, electronic devices, papers, and effects while in the DUI Court Program and your residence WILL be searched. You cannot live anywhere with alcohol, firearms, ammunition, vapes, vape juices, e-cigarettes, drugs, drug contraband, drug paraphernalia, or energy drinks or you will be sanctioned, most likely to time in jail. Prior to entering the program, make sure anyone you live with is aware of these restrictions and is willing to abide by them. Any prohibited items being present will result in a sanction, regardless of ownership.

**IN THE STATE COURT OF FORSYTH COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,)
)
)
vs.) **ACCUSATION NO:** _____
)
)
_____,)
Defendant.)
_____)

DUI COURT CONTRACT

You are voluntarily entering the Forsyth County DUI Court Program. Read the terms of this contract carefully, and initial each term of the contract, date, and sign the contract.

1. _____ I understand the DUI Court Program is a **minimum** of eighteen months. The program may take longer than eighteen months in my case due to my own treatment needs and sanctions.
2. _____ I understand, as a participant of the DUI Court Program, I am required to attend court sessions, group treatment sessions, individual treatment sessions, intermittent/on-going assessment for treatment needs, case management meetings, drug and alcohol screenings, community support meetings (eg. AA/NA/SMART), and other meetings as directed.
3. _____ I will not violate the law. However, if I do violate the law, I will report it immediately and I understand such violations may subject me to jail time and/or termination from the DUI Court Program. I understand it is my responsibility to inform any law enforcement officer with whom I have contact that I am a participant in the Forsyth County DUI Court Program.
4. _____ I will not use alcohol, energy drinks, e-cigarettes, vapes, or vape juices in any form, nor will I occupy any residence or vehicle where such is present.
5. _____ I will not use or possess any drugs, legal or illegal, including, but not limited to, marijuana, THC products, CBD products, Kratom, and Kombucha products. I must take the Notice to Medical Professionals form anytime I see a medical professional, including a dentist. Prior to filling ANY prescriptions, I must get permission from the Accountability Court Staff and follow all directions. I will not use or possess or use over the counter, non-prescription medications or substances before receiving permission from the Accountability Court Staff, as some over-the-counter medications will produce a positive reading on drug screens and could trigger relapse.
6. _____ I will be responsible for my own transportation and will appear on time for all court sessions, treatment sessions, drug and alcohol screens, and meetings as required and comply with all sanctions imposed.
7. _____ I understand any positive result on any instant testing mechanism, or reasonable belief by law enforcement, screeners, or Accountability Court Staff that I am under the influence, I will be required to surrender the keys to my vehicle and find alternate transportation, if I am allowed to leave.
8. _____ I understand I will be required to pay \$200 per month for the duration of my participation in the DUI Court Program, in addition to probation supervision fees, inpatient treatment fees, and additional monitoring services for abstinence or curfew compliance, as required by the DUI Court Program.

9. _____ I will attend the court ordered number of Community Support Meetings (eg. AA/NA/SMART) per week and submit proof of attendance as required.
10. _____ I will be gainfully employed full time or be a full-time student unless the judge approves otherwise. I will provide proof of my employment or student status in the form of pay stubs, 1099s, W-2s, time sheets, and/or grade reports on a regular basis, as directed by the Accountability Court Staff. My employment cannot be in a place that sells alcohol by the drink; where alcohol constitutes a predominant number of the sales; where narcotics, dangerous drugs, or other mood or mind altering substances are available; or for family members.
11. _____ I will not possess a firearm or ammunition while in the drug court program nor will I occupy any residence or vehicle where such is present. I understand I am to bring NO weapons of ANY kind to any DUI Court affiliated facility, including all facilities where DUI Court events are held.
12. _____ I will avoid people and places of disreputable or harmful character. This includes, but is not limited to, people currently on misdemeanor or felony probation or parole (other than those participating in the Forsyth County Accountability Court programs), people incarcerated in any jail or prison, people in other accountability courts in other circuits, and people with felony convictions, drug users and drug dealers. I may not be present in an establishment where alcohol is sold if less than half the sales are for food, or after a full menu is no longer offered.
13. _____ I understand that I am not to “pair off” with any other participant of the program, nor enter into any other personal relationship within the Forsyth County Accountability Court Programs, which may affect the integrity of the group process. This includes communication and association between or among two or more participants. Such communication and association is limited to official DUI Court business, DUI Court requirements, and DUI Court sanctioned events.
14. _____ I will submit to a search of my person, residence, papers and/or effects, without there being probable cause to conduct the search, and without there being a warrant, any time of the day or night, whenever required to do so by a probation officer, law enforcement officer, treatment staff, or accountability court staff, and I specifically consent to the use of anything seized as evidence in any hearing or judicial disciplinary proceedings.
15. _____ I understand and agree to abide with imposed sanctions for program violations that include, but are not limited to, curfews, additional AA/NA/Community-support meetings, community service, in court detention, repeat of a program treatment phase, issuance of bench warrants, jail time, and termination from the program resulting in a probation revocation.
16. _____ I understand that for the duration of my DUI Court Program participation, I will be subject to alcohol and drug screens (including, but not limited to, blood, breath, urine, sweat, hair, or other bodily substance). I understand it is my responsibility to provide a clean and testable sample. I understand all screens will be observed. I understand I will have the opportunity to admit or deny use prior to every screen and honesty will receive a benefit in the sanctioning process. I understand diluted urine samples, as determined by creatinine levels, and missed screens, due to tardiness or complete absence, will be treated as positive screens with denial. I understand that I will not be sanctioned for a positive screen without admission unless it has been confirmed at a laboratory and I stipulate to the admission of such test results and accept the imposed sanctions.
17. _____ I will keep the DUI Court Office and Probation Department advised of my current address and phone number at all times. I will obtain prior approval to change my address. My place of residence is subject to DUI Court approval.

18. _____ I understand I must make arrangements for the care and supervision of any children I have who are under the age of 18 during court, treatment sessions, and periods of incarceration. If such children are brought to the courtroom, they must be accompanied by a non-DUI Court participant at all times.
19. _____ I will follow all other program rules which are now in effect or which may come into effect at any time in the future. I understand that the Participant Handbook will be updated from time to time to reflect any such changes and I will have the opportunity to have a current Participant Handbook.
20. _____ I understand I may not participate in DUI Court if I am an affiliated gang member.
21. _____ I understand upon my acceptance into the DUI Court Program, I am a participant and subject to the terms and conditions of this contract until my time in the program comes to an end through 1) successful completion and graduation from the program, or 2) termination or discharge from the program by order of the Court. I will not at any time have the option to withdraw from the program, even if I am facing a sanction.

I have read the above contract, or had it read to me, and acknowledge that I understand all terms and conditions. I understand that my failure to participate in and complete the DUI Court Program will result in termination from the program and a probation revocation. I have been given the opportunity to ask any questions that I may have. I hereby voluntarily enter into this agreement with the Forsyth County DUI Court program.

Dated this _____ day of _____, 20_____.

Defendant

Attorney for Defendant

SO ORDERED, this _____ day of _____, 20_____.

Judge of State Court
Bell-Forsyth Judicial Circuit



NOTICE TO PATIENTS PURSUANT TO 42 C.F.R. § 2.22

The confidentiality of alcohol and drug abuse patient records maintained by this program is protected by federal law and regulations. Generally, the program may not say to a person outside the program that a participant attends the program, or disclose any information identifying a patient as an alcohol or drug abuser unless:

1. The participant consents in writing;
2. The disclosure is allowed by a court order; or
3. This disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit or program evaluation.

Violation of federal law and regulations by a program is a crime. Suspected violations may be reported to appropriate authorities in accordance with federal regulations. Federal law and regulations do not protect any information about a crime committed by a participant either at the program or against any person who works for the program or about any threat to commit such a crime. Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.

DUI Court Participant Date

Witness Date



**CONSENT FOR DISCLOSURE OF CONFIDENTIAL
FORSYTH COUNTY DUI COURT INFORMATION**

I, _____, have read and/or had explained to me the Notice of Patients Pursuant to 42 C.F.R. Section 2.22, shown below and which is a federal regulation, regarding the disclosure of my substance abuse treatment information and hereby consent to the release of substance abuse treatment information among the following:

- Forsyth County DUI Court treatment team or any person or organization that may provide me treatment or services.
- Judge T. Russell McClelland or any other Judge assigned to preside over DUI Court and other employees of the court.
- The Solicitor General and staff members.
- The DUI Court Defense Attorney or my own retained lawyer.
- Accountability Court Office Staff
- Misdemeanor Probation.
- Forsyth County and City of Cumming law enforcement and medical personnel.
- Any physical or mental health facility.

I further understand and agree that I will appear in court as required for a review of my progress, that the court is open to the public and that, therefore, others present in court may learn of my treatment and program compliance. I understand that this information will be public in nature, though the Judge will attempt to minimize the divulgence of personal information in this forum.

The purpose of this consent is to permit the court and all other named parties to have the information they need to determine my initial and continued eligibility and suitability for treatment. This includes my treatment attendance, drug test results, compliance or non-compliance with program rules, prognosis and progress in accordance with the Forsyth County DUI Court criteria.

I understand that this consent will remain in effect and cannot be revoked by me until (5) years from the date of a formal termination of my involvement with the Forsyth County DUI Court Program by completion of all program requirements or termination.

I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of substance abuse patient records and that recipients of this information may re-disclose it only in connection with their official duties.

DUI Court Participant

Date

Witness

Date



**CONSENT FOR THE RELEASE OF INFORMATION
FORSYTH COUNTY DUI COURT PROGRAM**

I, _____ consent to communication among the Forsyth County DUI Court, Forsyth County Accountability Court Office, treatment providers, misdemeanor, county, and/or state probation, my attorney, solicitor general, drug test lab and other agencies regarding any and all information requested pertaining to me, to include but not be limited to information obtained through GCIC, NCIC record checks, and information concerning substance use, drug testing, diagnosis and treatment.

I authorize any prison, detention center, county jail or city jail in which I have been confined to release to the court all information in my records concerning tests for HIV (AIDS), tuberculosis, and hepatitis.

I authorize any ignition interlock provider to release to the court any and all information regarding my ignition interlock device and reports regarding said device.

I release the facility and personnel which releases such information to the Court from any and all liability for complying with this authorization.

This consent will remain in effect for five (5) years from the date of final disposition of this case by either dismissal or sentencing.

Any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations governing confidentiality of AOD abuse patient records and that recipients of this information may re-disclose it only in connection with their official duties.

DUI Court Participant

Date

Witness

Date



URINE ALCOHOL AND DRUG ABSTINENCE TESTING AND INCIDENTAL EXPOSURE CONTRACT

Advances in the science of alcohol and drug detection in urine have greatly increased the ability to detect even trace amounts of alcohol or drug consumption. In addition, these tests are capable of detecting alcohol ingestion for significantly longer periods of time after a drinking episode. Because these tests are sensitive, in rare circumstances, exposure to non-beverage alcohol and non-drug food sources can result in detectable levels of alcohol and/or drugs (or their breakdown products). To preserve the integrity of the Drug Court testing program, it is necessary for us to restrict and/or advise Drug Court participants regarding the use of certain alcohol and drug containing products.

It is ***YOUR*** responsibility to limit your exposure to the products and substances detailed below; however, this list is not all inclusive. It is ***YOUR*** responsibility to read product labels, to know what is contained in the products you use and consume and to stop and inspect these products ***BEFORE*** you use them. ***Use of the products detailed below in violation of this contract will NOT be allowed as an excuse for a positive test result. When in doubt, don't use, consume, or apply.***

_____ **Cough syrups and other liquid medications:** Drug Court participants are prohibited from using alcohol-containing syrups, such as Nyquil®; and dextromethorphan-containing syrups, such as Robitussin ® Other cough syrup brands and numerous other liquid medications, utilize and contain ethyl alcohol (ethanol) and/or dextromethorphan (DXM). Drug Court participants are required to read product labels carefully to determine if they contain ethyl alcohol (ethanol) and/or dextromethorphan (DXM). All prescription and over-the-counter medications must be reviewed with the case manager or coordinator before use. Information on the composition of prescription medications should be available upon request from your pharmacist. Non-alcohol and dextromethorphan containing cough and cold remedies are readily available at most pharmacies and major retail stores.

_____ **Non-alcoholic Beer and Wine:** Although legally considered non-alcoholic, NA beers (e.g. O'Doul's®, Sharp's®) do contain a residual amount of alcohol. Drug Court participants are **NOT** permitted to ingest NA beer or NA wine.

_____ **Food and Other Ingestible Products:** There are numerous consumable products that contain ethyl alcohol and/or drugs that could result in a positive test for alcohol or drugs. Flavoring extracts, such as vanilla or almond extract, and liquid herbal extracts (such as Gingko Biloba), could result in a positive screen for alcohol or its breakdown products. Communion wine, food cooked in wine, fermented drinks, and flambé' dishes (alcohol poured over a food and ignited) must be avoided. Poppy seeds can cause a positive screen for opiates and must be avoided. Read carefully the labels on any liquid herbal or homeopathic remedy and do not ingest without approval from your case manager. If consuming food prepared by others, do not hesitate to ask about preparation or ingredients.

_____ **Mouthwash and Breath Strips:** Most mouthwashes (Listermint®, Cepacol®, etc.) and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol can produce a positive test result. Drug Court participants are required to read product labels and educate themselves as to whether a mouthwash product contains ethyl alcohol. Use of ethyl alcohol-containing

mouthwashes and breath strips by Drug Court participants is not permitted. Non-alcohol mouthwashes are readily available and are an acceptable alternative. If you have questions about a particular product, bring it in to discuss with your case manager.

_____ **Hand sanitizers:** Hand sanitizers (e.g. Purell®, Germex®, etc.) and other antiseptic gels and foams used to disinfect hands contain up to 70% ethyl alcohol. Excessive, unnecessary, or repeated use of these products could result in a positive urine test. Hand washing with soap and water is just as effective for killing germs.

_____ **Hygiene Products:** Aftershaves and colognes, hair sprays and mousse, astringents, insecticides (bug sprays such as Off®) and some body washes contain ethyl alcohol. While it is unlikely that limited use of these products would result in a positive test for alcohol (or its breakdown products) excessive, unnecessary, or repeated use of these products could affect test results. Participants must use such products sparingly to avoid reaching detection levels. It is incumbent upon each participant to limit their use of topically applied (on the skin) products that contain ethyl alcohol.

_____ **Solvents and lacquers:** Many solvents, lacquers and surface preparation products used in industry, construction, and the home, contain ethyl alcohol and other chemicals. Both excessive inhalation of vapors, and topical exposure to such products, can potentially cause a positive test result for alcohol or drugs. As with the products noted above, Drug Court participants must educate themselves as to the ingredients in the products they are using. Frequency of use and duration of exposure to such products should be kept to a minimum. A positive test result will not be excused by reference to use of an alcohol-based solvent. If you are in employment where contact with such products cannot be avoided, you need to discuss it with your case manager. Do not wait for a positive test result to do so.

_____ **Energy drinks:** Some energy drinks have been shown to contain small amounts of alcohol although it is not necessarily identified on the label. Drug Court participants are **NOT** permitted to ingest energy drinks.

Remember...when in doubt, don't use, consume, or apply!!!!!!

I HAVE READ AND UNDERSTAND MY RESPONSIBILITIES:

DUI Court Participant

Date

Witness

Date