

## **Rule 9. Specialized Dockets**

The Cuyahoga County Juvenile Court has established specialized dockets pursuant to Appendix I. Specialized Docket Standards in the Rules of Superintendence for the Courts of Ohio.

Each specialized docket is presided over by one of the six elected judges. The presiding judge may refer the specialized docket to a magistrate.

The presiding judge of a specialized docket is responsible for ensuring judicial accountability for the processing of individual cases and the pace of litigation.

Any judge of the Cuyahoga County Juvenile Court may serve unlimited consecutive terms as the presiding judge of a specialize docket.

## **Rule 9.1 The Family Dependency Treatment Court**

### **(A) Establishment of the Family Drug Court Docket**

The Cuyahoga County Juvenile Court's Family Dependency Treatment Court, also known as the Family Drug Court, was established in 2001. The mission of the Family Drug Court is to empower parents to address their substance abuse addictions and other needs to achieve long-term sobriety, recovery and family stability in order to ensure the safety of their children. The Family Drug Court shall use a non-adversarial, team approach to provide support and intense monitoring to assist all participants.

### **(B) Placement in the Family Drug Court**

To be eligible for participation in the Family Drug Court, a parent must have an open case alleging child abuse, neglect and/or dependency with the Substance Treatment And Recovery Team ("START") Unit of Cuyahoga County Division of Children and Family Services ("CCDCFS") and be clinically assessed to be in need of chemical dependency treatment. The parent must be willing to enter the Family Drug Court docket voluntarily and to comply with the docket and treatment requirements. For more information regarding eligibility requirements or what makes a parent ineligible, please see the policy and procedure manual. The Family Drug Court presiding judge has the ultimate discretion over who is admitted onto the docket with input and recommendations from the Prosecutor's Office, CCDCFS, and the Public Defender's Office.

### **(C) Case Assignment in Multi-judge Courts**

All Family Drug Court cases shall be transferred to the presiding judge of the Family Drug Court. The presiding judge will be responsible for the case through final disposition. The successful or unsuccessful termination from the Family Drug Court does not affect the assignment of the case to the presiding judge.

## **(D) Family Drug Court Case Management**

Each participant shall sign an agreement that he or she will comply with the rules of Family Drug Court and that he or she has received a copy of the participant handbook that details the rights and responsibilities of the Family Drug Court, the benefits to participation in the Family Drug Court, the resources available to the participant, the list of requirements of the Family Drug Court and the specific legal and clinical eligibility criteria for participating in the Family Drug Court.

## **(E) Termination from the Family Drug Court**

A successful termination occurs when a parent completes all the treatment and court requirements of his or her program to the satisfaction of the treatment team. The parent will graduate from Family Drug Court and his or her case will be closed. An unsuccessful termination occurs when a parent stops participating in the program with three unexcused absences or demonstrates willful noncompliance with the program's expectations. For further information, please see the policy and procedure manual. Termination from the Family Drug Court will also result if a parent is charged with a new crime of serious violent activity, CCDCFS receives new allegations of serious physical abuse or sexual abuse against the child or the parent is incarcerated for an extended period of time. If termination occurs for any of these reasons, the case remains on the docket of the Family Drug Court judge who will make further dispositional orders regarding the permanency plan for the child.

## **Rule 9.2 Mental Health Court**

### **(A) Establishment of the Juvenile Mental Health Court Docket**

The Juvenile Mental Health Court was established in 2008. The goal of Mental Health Court is to support youth and their families in addressing the mental health issues that brought them into the juvenile justice system. This is done by collaborating with the treatment providers using close monitoring and rewards and sanctions for the youth (and his or her family).

The mission of Mental Health Court is to enhance public safety by preventing recidivism, while assisting participants in taking responsibility for their behavioral health issues, using effective, evidence-based interventions and treatments in a holistic, accountability-based and community supported program.

### **(B) Placement on the Juvenile Mental Health Court Docket**

While participation in Mental Health Court begins after adjudication as part of the dispositional orders of the case, identification of the youth for possible participation on the docket may be employed at any stage of the proceedings. Referrals may come from a variety of sources including a judge or magistrate, probation officers, prosecutors, defense counsel, and treatment providers. The person who feels that a youth may have mental health issues will refer the case to the Mental Health Court Probation Officer. The team makes a recommendation to admit the youth in Mental Health Court or not, but the ultimate decision regarding admission is left to the discretion of the Mental Health Court judge. The jurist hearing the case through adjudication and disposition would then issue a court order referring the case to Mental Health Court.

In order to be admitted to the program, the youth must have been diagnosed with a severe mental illness, be adjudicated on the complaint, and the parents and the youth must be willing and able to cooperate with court requirements and the treatment program. Sex offenders and youth younger than twelve will not be permitted to participate in the program. Youth whose IQ is lower than 70 or who have been found to be developmentally disabled will not be considered

for the program. Youth with dual diagnoses will be admitted to this docket when the primary concern is the mental illness.

**(C) Case Assignment in Multi-judge Courts**

All Mental Health Court cases shall be transferred to the docket of the presiding judge of the Mental Health Court. The presiding judge will be responsible for the case through final disposition. The youth's successful or unsuccessful termination from Mental Health Court does not affect the assignment of the case to the presiding judge.

**(D) Juvenile Mental Health Court Docket Case Management**

Each youth shall sign an agreement that he or she will comply with the rules of Mental Health Court and that he or she has received a copy of the participant handbook that details the rights and responsibilities of the Mental Health Court, the benefits that will result from participating in the Mental Health Court, the resources available to the participant, the list of requirements of the Mental Health Court and the specific legal and clinical eligibility criteria for participating in the Mental Health Court.

**(E) Termination from the Juvenile Mental Health Court Docket**

When a youth completes all the treatment and court requirements of his or her program to the satisfaction of the treatment team, he or she will successfully graduate from mental health court and his or her case will be closed.

When a youth is unable to complete all the treatment and court requirements through no fault of his or her own, he or she will be neutrally discharged from mental health court. The dispositional orders upon a neutral discharge will be determined on a case-by-case basis.

When a youth chooses not to comply with the treatment or court requirements, he or she will be unsuccessfully discharged from mental health court upon the recommendation of the treatment team and in the discretion of the judge. When a youth is unsuccessfully terminated from mental health court, he or she will remain on the docket of the mental health court judge who will make further dispositional orders

on a case-by-case basis.

## **Rule 9.3 The Juvenile Drug Court**

### **(A) Establishment of the Juvenile Drug Court**

The Cuyahoga County Juvenile Drug Court (“Juvenile Drug Court”) was established in May, 1998 to offer a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to substance-dependent youths who come before the juvenile court.

The Juvenile Drug Court strives to help each youth become a fully functioning adolescent by focusing on sobriety, mental health stability, academia and maturity into young adulthood. The overarching goal of the Juvenile Drug Court is to enhance public safety and encourage youth to live healthy and drug-free lives.

### **(B) Placement in the Juvenile Drug Court**

Any Cuyahoga County Juvenile Court jurist or the Intake Coordinator may refer a youth to the Juvenile Drug Court by contacting the Drug Court Case Management Clerk.

To be eligible for participation in the Juvenile Drug Court, a youth must meet the following criteria: The youth must be assessed as being drug dependent or have a drug abuse problem and be amenable to treatment; youth who are dually diagnosed will be admitted to this docket when the primary concern is the drug abuse problem; Youth who demonstrate suicidal, homicidal or delusional ideations shall not be admitted until those conditions have been assessed by a certified mental health professional and are adequately controlled by medication and/or mental health treatment; Youth whose developmental disabilities or mental health issues are so significant that the individual may not be able to understand or comprehend the goals and expectations of the program will not be admitted into the program; The youth’s charges will be assessed on a case-by-case basis for content, degree, impact etc. in determining whether a youth should be eligible for Juvenile Drug Court; The youth must be at least 13 years of age and be a Cuyahoga County resident; The youth must admit to the new charge(s) and volunteer to participate in the Juvenile Drug Court.

The presiding judge over the Juvenile Drug Court has the ultimate discretion over who is admitted onto the docket with input and recommendations from the Prosecutor’s Office and the Public

Defender's Office. The Cuyahoga County Juvenile Drug Court is a voluntary program and no youth can be ordered to enter the program.

**(C) Case Assignment in Multi-judge Courts**

If accepted into Juvenile Drug Court, the underlying delinquency will be transferred from the originally assigned judge to the Juvenile Drug Court judge. While in Juvenile Drug Court, the youth shall appear on a regular basis for status review hearings before the Juvenile Drug Court jurist. Upon unsuccessful completion (neutral discharge or unsuccessful discharge for cause) from Juvenile Drug Court, the matter shall be reassigned to the previously assigned Cuyahoga County Juvenile Court Judge.

**(D) Juvenile Drug Court Assessment and Case Management**

The Juvenile Court Drug Court coordinator will conduct an initial screening and provide the youth with the program design and expectations. If the youth appears to meet the legal and clinical eligibility requirements of the Cuyahoga County Juvenile Drug Court and continues to express an interest in participating in the program, a drug and alcohol assessment and if applicable, a mental health assessment, will be scheduled.

If the youth is accepted into the program, a participation agreement with the parent and the public defender shall be completed. Treatment services will be promptly made available to the youth based upon the individualized needs as evidenced by the assessments.

As described more fully in the Cuyahoga County Drug Court Program Description, each youth shall be closely monitored by random, frequent and observed alcohol and other drug testing protocols that meet the requirements of the program. Each youth's performance and progress shall be closely monitored by regularly conducted status team meetings and ongoing judicial interaction which shall occur no less frequently than twice monthly while in the initial phases of the program. As the participant completes phases, judicial interaction may become less frequent.

### **(E) Termination from the Juvenile Drug Court**

A youth is terminated from the Juvenile Drug Court in one of three ways.

A successful termination occurs when the participant completes all necessary requirements of the Juvenile Drug Court and graduates from the Juvenile Drug Court. Upon a successful completion and graduation, the youth will not be adjudicated and the case will be dismissed pursuant to Juv. R. 29. The record will be dismissed under the Juvenile Drug Court and will be immediately sealed.

An unsuccessful termination occurs when the participant is persistently noncompliant with the rules and requirements of the Juvenile Drug Court. A participant who is unsuccessfully terminated from the Juvenile Drug Court will be adjudicated a delinquent child and the matter will be transferred to the previously assigned jurist for disposition.

A neutral discharge can occur when a participant is no longer able to participate in the Juvenile Drug Court. A participant who is neutrally discharged from the Juvenile Drug Court will be adjudicated a delinquent child and the matter will be transferred to the previously assigned jurist for disposition.

## **Rule 9.4 Juvenile Re-Entry Court**

### **(A) Establishment of the Juvenile Re-Entry Court Docket**

The Juvenile Court Re-Entry Court was established in 2007. The goal of the Juvenile Re-Entry Court, which is voluntary, is to provide high risk youth who are released from the Department of Youth Services, with more intensive supervision for a successful transition into the community. The objective of the Juvenile Re-Entry Court program is to reduce recidivism and re-incarceration, provide an early release from parole and to prevent relapse into substance abuse and gang activity.

### **(B) Placement in the Juvenile Re-Entry Court Docket**

The Juvenile Re-Entry Court target population is selected from youth who have been adjudicated delinquent of any felony offense and are committed to the Department of Youth Services. Additional criteria are specified upon release from the institution; the individual will reside in Cuyahoga County and be under the supervision of parole in the Cuyahoga County jurisdiction. Individuals with mental health, drug or alcohol issues are included in the target population provided they are competent to understand the criteria of the Juvenile Re-Entry Court because it is a voluntary program.

The targeted youth, while in the institution, are identified by Department of Youth Services staff and are engaged by trained case managers several months prior to their release from the institution. The parole officer and treatment team make the recommendation that the youth be considered for participation in the Juvenile Re-Entry Court. The Juvenile Re-Entry Court Jurist has final discretion whether to accept the individual into the program.

Official acceptance into the Juvenile Re-Entry Court occurs at the initial scheduled court review hearing within a month of release from the institution. The youth must voluntarily agree to participate in the Juvenile Re-Entry Court and the youth must sign an agreement to abide by the rules and conditions of both parole supervision and the Juvenile Re-Entry Court program.

**(C) Case Assignment in Multi-Judge Courts**

The Juvenile Re-Entry Court youth's parole case is transferred to the docket of the Juvenile Re-Entry Court jurist for the sole purpose of the Juvenile Re-Entry Court and the services provided. The case will remain the responsibility of the assigned jurist who will oversee any matters not related to the Juvenile Re-Entry Court.

**(D) Juvenile Re-Entry Court Case Management**

Each youth shall sign an agreement that states that he or she will comply with the rules of the Juvenile Re-Entry Court and that he or she has received a copy of the participant handbook. The handbook details the rights and responsibilities of the Juvenile Re-Entry Court youth, the benefits to participation in the Juvenile Re-Entry Court, the possible sanctions and incentives, and the requirements expected of the participant.

The Juvenile Re-Entry Court parole officer and treatment team will provide a range of supportive services including assessment, diagnosis, determination of appropriate treatment intervention and level of care, intensive case management, urinalysis screens, follow-up and linkage with referring justice systems and to ancillary services such as educational support, vocational support, mentoring, transportation, respite, housing, electronic monitoring and other necessary interventions.

**(E) Termination from the Juvenile Re-Entry Court Docket**

A participant can be terminated from the Juvenile Re-Entry Court in one of three ways.

A successful termination occurs when the youth completes all directives and orders of the Juvenile Re-Entry Court program. Successful termination from the Juvenile Re-Entry Court is within the discretion of the Juvenile Re-Entry Court jurist, and typically will coincide with successful discharge from parole supervision.

An unsuccessful termination occurs when the youth is persistently noncompliant with the terms and conditions of the

Juvenile Re-Entry Court program and parole, or a youth may be unsuccessfully discharged if convicted of a new serious criminal charge, or the youth is re-committed to the Department of Youth Services or adult jail. A youth who is unsuccessfully terminated from the Juvenile Re-Entry Court is continued under parole supervision, and is monitored by the assigned Juvenile Court jurist.

A neutral discharge can occur when a youth is no longer capable of engaging in the Juvenile Re-Entry Court due to mental health issues, hospitalization, relocation, or at the discretion of the treatment team, parole and the Re-Entry Court jurist. A youth who is neutrally discharged from the Juvenile Re-Entry Court is continued under parole supervision, and is monitored by the assigned juvenile court jurist.