

**IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,

Prosecutor,

v.

_____,
Defendant.

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§

CASE NO.: _____

OFFENDER NO.: _____

CHARGES: _____

**H.E.L.P. PROGRAM PARTICIPANT AGREEMENT
AND PERFORMANCE CONTRACT**

_____ I am **voluntarily** entering the H.E.L.P. Program, which is a behavior modification program. The H.E.L.P. Program is designed to help me to make substantial changes in my behavior, which will not be easy and which will require me to work hard. In this Program, I will work to acquire tools and skills to help me cope with stress and conflicts, so that I can maintain a safe and stable life. By voluntarily entering this Program, I recognize that I need a change in my life, change that will result in my having a greater knowledge of my mental health, substance abuse, medical and/or other personal issues, more self-control, more stability, more choices, and hopefully a less stressful life.

Pending Case Participants

_____ By entering the H.E.L.P. Court Program in a pending criminal case (in other words, *not* pursuant to a sentence or probation revocation), I understand that the State has made no promise concerning what will happen to my criminal case. The case will remain inactive (it will not be placed on any pretrial hearing or trial calendars) while I participate in the H.E.L.P. Program. When I enter the final phase of the Program, Phase 5, the State will make an offer to close my case. I am not required to accept that offer, and I will continue to have the right to plea not guilty and go to trial if I wish. I and my attorney will be able to discuss all aspects of my case and make an informed decision on what action to take in my pending case. While the State cannot make a specific promise as to the impact that successful H.E.L.P. Program completion will have on my case, I understand that successful completion of the H.E.L.P. Program will result in some form of favorable treatment, such as, but not limited to, a reduction in charges, a reduced sentence recommendation, or a reduction in fine amount. On the other hand, if I am terminated from the H.E.L.P. Program for any reason, I understand that my pending case will then be transferred to the Court's active docket and will return to the trial calendar. If I am terminated from the H.E.L.P. Program, I will not expect to receive any form of favorable treatment by the State as a result of my H.E.L.P. Program participation.

Post-Sentence/Probation Revocation Participants

_____ If I am entering the H.E.L.P. Program post-sentence or post-probation revocation, then the sentence clearly states what benefit I am to receive if I complete the H.E.L.P. Program, and what punishment I am to receive if I fail to complete the H.E.L.P. Program. I have discussed this sentence/revocation order with my attorney and I understand that I will not receive any form of

favorable treatment by the State as a result of my H.E.L.P. Program participation other than that expressly stated in the written sentence/revocation order.

H.E.L.P. Program Requirements

General Requirements

1. _____ I will obey all Court orders, program rules, regulations and requirements, including the instructions of the Judge, my Case Manager, probation officer and/or parole officer. I agree to follow all rules/policies/procedures of the H.E.L.P. Program, treatment providers, probation officer, housing, employment/volunteer, and all other agencies involved in my Court process. I agree to immediately obtain clarification for any rules/policies/procedures I do not understand. Above all, I understand that the H.E.L.P. Court will not accept the excuse “I did not know” about a specific rule/policy/procedure.
2. _____ I understand that it is my responsibility to understand the rules/policies/procedures of each agency involved in my progress through the H.E.L.P. Program.
3. _____ I agree to attend H.E.L.P. Court sessions as directed by my Case Manager. Veterans Track H.E.L.P. court sessions are held Monday afternoons at 3:00 p.m. Regular H.E.L.P. court sessions are held Monday afternoons at 3:30 p.m. in Courtroom #4 of the Hall County Courthouse. When I appear in Court I will arrive **on time** and appropriately dressed for the courtroom setting.
4. _____ I will be honest at all times to the H.E.L.P. Court Judge, H.E.L.P. Court staff, treatment providers, probation officers, employers, housing personnel and all others who are involved in my Court process. I understand that dishonesty and manipulation is strictly prohibited and could result in a sanction and/or termination.
5. _____ I will sincerely participate in all aspects of the H.E.L.P. Program, including treatment, probation, housing, community service, assigned volunteer work, workforce development programs and/or employment. I will arrive **on time** for all scheduled appointments, meetings and/or counseling sessions. I understand that my failure to actively participate in any required aspect of the Program will be considered to be noncompliance and may result in a sanction and/or my termination from the program.
6. _____ I understand that I am required to use my time constructively while in the H.E.L.P. Program, which includes but is not limited to, gainful employment, treatment, counseling, medical appointments, group meetings and/or volunteer work. If I am unable to secure full-time employment because of disability income for some other verifiable reason, I understand that volunteer work will be mandated.

7. _____ The H.E.L.P. Program consists of five (5) phases. The minimum amount of time required to complete the program for those enrolling with misdemeanor charges only is twenty (20) months. The minimum amount of time required to complete the program for those enrolling with felony charge(s) is twenty six (26) months.
8. _____ If applicable, I understand that as a condition of this court accepting and enrolling me into the H.E.L.P. Court program, I am waiving my right to withdraw my guilty plea.
9. _____ If applicable, I have received two plea offers from the State of Georgia. One plea offer indicates the sentencing recommendation the State would make at my sentencing if I **did not** graduate H.E.L.P. Court. The other plea offer represents the most severe sentencing recommendation I would expect the State of Georgia to make at my sentencing hearing if I successfully graduate from H.E.L.P. Court.
10. _____ I will maintain my residence in Hall County and I will allow the H.E.L.P. Program staff, my Case Manager, probation and/or law enforcement to visit me in my home and elsewhere. I agree to submit to a search of my person, residence, place of business, motor vehicle, papers and/or personal effects at any time with or without a search warrant or probable cause, and I specifically consent to the use of anything seized as evidence in any action to revoke my probation or in any subsequent criminal prosecution. I will not be away from my residence overnight or longer for any reason (vacation, family obligation, employment, etc.) without first obtaining permission from the H.E.L.P. Case Manager.
11. _____ If I intend to move my residence, I will notify my Case Manager prior to making such a move and will not move to the new residence without first obtaining the approval of my Case Manager.
12. _____ I will honor any curfew imposed on my by the Court and/or my Case Manager.
13. _____ I will remain compliant with any other court cases and/or court-ordered obligations that I may have, including, but not limited to child support payments, community service, fines, restitution, etc. I shall immediately disclose all such obligations to my Case Manager.
14. _____ I hereby waive any right I may have to a committal/probable cause hearing, and I submit to the jurisdiction of the Superior Court of Hall County.
15. _____ I will avoid people or places of disreputable or harmful character. This includes people currently on probation or parole, or people with felony convictions, drug users, and/or drug dealers, unless such a person is expressly approved by my H.E.L.P. Case Manager.
16. _____ I will not leave the State of Georgia for any reason without first obtaining permission from the Court and the H.E.L.P. Case Manager.

17. _____ I will be responsible for my own transportation unless otherwise coordinated with my Case Manager.
18. _____ I will not possess any weapons while participating in the H.E.L.P. Program.
19. _____ I will not violate the law while participating the H.E.L.P. Program, including State laws, local ordinances and/or traffic violations. If I am arrested or issued a citation for any reason, I will report such arrest or citation to my Case Manager within twenty-four (24) hours.

Sanctions

20. _____ I understand that the Court will impose sanctions for Program noncompliance and/or Program violations in an effort to modify my behavior. Sanctions include, but are not limited to admonishments from the Judge, required essays, curfew restrictions, house arrest, increased community service, phase reductions, jail time, and/or any combination of the above or additional sanctions as the H.E.L.P. Team deems appropriate.
21. _____ I understand that by entering the H.E.L.P. Court program, I waive my due process right to a hearing regarding Program noncompliance and/or Program violations that may result in sanctions.

Appointments and Treatment

22. _____ I will enroll, fully participate in and complete the recommended treatment program as directed, which may include but is not limited to inpatient/outpatient treatment, medication, substance abuse treatment, meetings, counseling and employment training programs.
23. _____ I will attend any/all appointments, including but not limited to Court sessions, meetings with treatment staff, group counseling meetings, individual counseling appointments, probation appointments, community service and/or medical appointments. If I cannot attend an appointment, I will call to reschedule the appointment at least 24 hours prior to the appointment time and will immediately notify my Case Manager (1) the reason I could not attend the appointment; and (2) the date/time of the rescheduled appointment.
24. _____ Attendance at all meetings and appointments is mandatory, but attendance alone does not satisfy the requirements of the H.E.L.P. Program. I understand that I must meaningfully participate in the Program. I understand that poor participation, inattentiveness, resistance to treatment, chronic tardiness, violation of rules and/or failure to complete assignments may result in a sanction and/or termination from the H.E.L.P. Program.
25. _____ **Should I fail to appear for any H.E.L.P. Court hearings, counseling or case management sessions as directed, I may be arrested pursuant to a Bench Warrant.**

Medication

26. _____ I will take any and all medication as prescribed by a physician. Any difficulties taking medication (side effects, etc.) must be reported to the physician *immediately*. If I fail to take medication as prescribed, I may be sanctioned.

Drugs and Alcohol

27. _____ I will not use or possess alcohol or illegal drugs. I will give a breath, blood, urine, hair or sweat sample, as directed, for drug and/or alcohol testing.
28. _____ I will not use or possess prescription medications unless I have a valid prescription for such medication from a physician *and* the use of that prescription has been approved in advance by my Case Manager (with the exception of medications provided by ambulance or hospital staff in the case of a verifiable medical emergency). I will not abuse over-the-counter medications (Nyquil, sleep medication, etc.). I understand that if I test positive for the use of alcohol, illegal drugs and/or non-prescribed prescription medication, that I will be sanctioned or terminated from the Program.
29. _____ I understand that many over-the-counter medications, mouthwashes and/or other substances may produce a positive reading on drug screens and/or may contain substances such as codeine or alcohol. I understand that if I use these substances without prior permission from my Case Manager and my drug screen results are positive for drugs and/or alcohol, my drug screen will be treated as a positive screen and I will be sanctioned accordingly.
30. _____ I understand that if I wish to contest the results of a positive drug screen, I have the option to request that the screen be sent off to a laboratory for confirmation. If the screen is confirmed negative, I will not be charged the cost of confirmation; however, if the screen is confirmed positive, I may be required to pay for the confirmation test and face an additional sanction.
31. _____ If I miss a drug screen, refuse to submit to a drug screen or otherwise attempt to manipulate a drug screen specimen (such as provide dilute urine, urine substitute, etc.), said screen will be considered a positive screen and I will be sanctioned accordingly.
32. _____ I agree to remove myself from any place where there is illegal/prescription drug activity or use. I will stay away from establishments where the primary business is the sale of alcoholic beverages, unless my Case Manager has expressly permitted me to be at such an establishment for employment or other permissible reason.

Return of Case to Active Docket upon Graduation or Termination

33. _____ I understand that if I have one or more pending criminal charges, upon my successful completion and/or graduation from the H.E.L.P. Program *or* upon my

termination from the Program, my case(s) will be transferred to the Honorable Kathlene F. Gosselin's active docket in the Hall County Superior Court for resolution. At that time, and at any time during my participation in the H.E.L.P. Program, I will have the opportunity to discuss the pending case with my attorney and decide what action to take regarding the resolution of the case.

This Participant is entering the H.E.L.P. Court program under the following disposition:

_____ Pre-plea/Pre-adjudication

_____ Post-plea/Pre-adjudication

_____ Post-adjudication

_____ Probation Revocation

Participant Date

I have conferred with the Defendant about the H.E.L.P. Program and reviewed this Contract with him/her. I am satisfied that the Defendant is voluntarily entering this Contract and that he/she knows and understands the rights he/she is waiving and the obligations he/she is incurring by entering this Contract. No threats or promises have been made by anyone to induce the Defendant to enter into this Contract.

Attorney for Defendant Date

AGREED and ORDERED, this _____ day of _____, 20 ____.

Kathlene F. Gosselin
Judge, Hall County Superior Court
Northeastern Judicial Circuit