

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 5.603-10/23*

IN RE: **JUVENILE DRUG COURT**

According to a national research study, four out of every five children and teens (ages 10-17) in the juvenile justice system (1.9 out of 2.4 million arrests are either under the influence of alcohol or drugs while committing a crime, test positive for drugs, are arrested for committing an alcohol or drug offense, admit to having substance abuse and addiction problems, or share some combination of these characteristics). A reduction in juvenile substance abuse can make a significant impact on the community by reducing law enforcement and detention/jail costs while promoting public safety.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of **General Practice & Judicial Administration 2.215**, it is **ORDERED** as follows:

1. **Juvenile** Drug Court is hereby established in the Fifteenth Judicial Circuit of Florida.
2. The treatment portion of the program will consist of a three-phase treatment model, including individual and group counseling, random urinalysis and other support services.
3. Participants for the program will be selected by the Drug Court Team. In order to be eligible to participate in **Juvenile** Drug Court, the following criteria must be met:
 - a. **Participant must be between the ages of 14 and 17 (Original Track) or between the ages of 13 and 17 (Intervention Track);**
 - b. **Participant must** reside in Palm Beach County;
 - c. **Participant** and advocate agree to participate; and
 - d. **Meet the eligibility requirements for the Original Track or Intervention Track as delineated below:**¹

ELIGIBILITY FOR THE ORIGINAL JUVENILE DRUG COURT TRACK:

- (1) **985.345 CASES:** Meets criteria as outlined in F.S. 985.345:
 - (a) Has not previously been adjudicated for a felony; and
 - (b) Is charged with a felony of the second or third degree for:

¹ Admission can be denied if the SAO establishes by a preponderance of the evidence that the youth was involved in dealing and selling controlled substances.

- (i) Purchase or possession of a controlled substance under Chapter 893;
- (ii) Tampering with evidence;
- (iii) Solicitation for purchase of a controlled substance; or
- (iv) Obtaining a prescription by fraud

OR

(2) **PLEA & PASS CASES:** Any filed misdemeanor or non-violent, second or third degree felony offense(s) where youth is not on Probation and WITH WRITTEN AGREEMENT FROM THE OFFICE OF THE STATE ATTORNEY where **there is evidence of a substance abuse problem and:**

- (a) Victim is in agreement (only on victim cases)
- (b) Youth has not previously been enrolled in a diversion program for a felony non-drug offense
- (c) Youth has not previously been found to have committed a non-chapter 893 felony
- (d) Youth has not previously been found to have committed more than 2 felony drug offenses
- (e) Youth is not charged with a firearm, sale of a controlled substance or a sex offense
- (f) Youth has not previously participated (signed contract) in any juvenile drug court

OR

(3) **PROBATION CASES:** Youth may be placed in **Juvenile** Drug Court as a condition of Probation or is currently on Probation and requests to modify Probation; and:

- (a) Youth has not previously participated² (signed contract) in any juvenile drug Court;
- (b) Youth is not charged with any offense involving a firearm or a sex offense.
- (c) **Youth charged with sale of a controlled substance may, upon request and with agreement of the State, on a case-by-case basis, be eligible if the offense is not motivated primarily by financial gain and there is demonstrated drug abuse.**

² Youth either completed or was unsuccessfully terminated prior to current charge(s) being filed.

ELIGIBILITY FOR THE JUVENILE DRUG COURT INTERVENTION TRACK:

(1) PLEA AND PASS CASES: Any filed misdemeanor or non-violent second or third degree felony offense(s) with evidence of substance abuse problems including, but not limited to: failure of diversion program due to failed drug tests, non-compliance with residential treatment, self-report and/or parent (guardian) documentation of use; or new charge for substance use related offense and WITH WRITTEN AGREEMENT FROM THE OFFICE OF THE STATE ATTORNEY, pending the outcome of a substance use evaluation where:

- (a) Victim is in agreement (only on victim case)**
- (b) Youth has not previously participated (signed contract) in any juvenile drug court**
- (c) Youth has not previously been enrolled in a diversion program for a felony non-drug offense**
- (d) Youth has not previously been found to have committed a non-chapter 893 felony**
- (e) Youth has not been found to have committed more than 2 felony drug offenses**
- (f) Youth is not charged with a firearm, sale of a controlled substance, or a sex offense**

OR

(2) PROBATION CASES: Any misdemeanor charge or any felony offense of the second or third degree with the youth presenting with substance use and no history of prior Probation and:

- (a) Youth has not previously participated (signed contract) in any juvenile drug Court;**
- (b) Youth is not charged with any offense involving a firearm, sale of controlled substance, or a sex offense.**

4. The **Juvenile** Drug Court Team will consist of the following: **Juvenile** Drug Court Judge, **Juvenile** Drug Court Coordinator, State Attorney **representative**, Public Defender **representative**, treatment provider(s), Department of Juvenile Justice representative, Youth Court representative, Clerk of Court representative, and a school **district** representative.
5. The **Juvenile** Drug Court Team shall meet prior to each Drug Court session to review current cases and make determinations on new referrals.

- Staffing will be conducted **prior to Drug Court hearings** by the **Juvenile Drug Court Team** to determine if potential candidates will be admitted into **Juvenile Drug Court**. If a youth is accepted into **Juvenile Drug Court**, the youth and **the corresponding** advocate must agree to participate in **Juvenile Drug Court** and will be required to successfully complete the program.

DONE AND SIGNED in Chambers, at West Palm Beach, Palm Beach County, Florida, this 26th day of October 2023.



Glenn D. Kelley, Chief Judge

*supersedes admin. order 5.603-5/15