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Supersedes:		

## Purpose

To outline policy for testing for use of controlled substances by any youth under the supervision of Family Services. This includes youth in custody, youth on juvenile probation and youth under protective supervision.

## Policy

Social workers should consider drug testing as an essential part of screening for substance use, and further assessment if information gathered indicates that substance abuse intervention may be warranted. Sources of such information include:

- An outside source of information such as an IEP or other official school report, a psychological or substance abuse screen/assessment or information from qualified service providers.
- Conversations with parents, foster parents, guardians, or legal authorities such as police.
- Youth self report that are promptly recorded in the case record.
- Social worker observation recorded in the case record.
- Affidavits or other court documents stating that alcohol and or drugs contributed to the behavior that led to Family Services involvement.
- A juvenile probation certificate with a condition to remain substance free *and* a reasonable suspicion of use based on 1 through 5 above.

Screening, including drug testing, and assessment shall be administered in the following situation:

- The youth has been ordered by the court to submit to drug testing, as part of the screening, assessment and/or treatment process and to release results to Family Services.

Screening and drug testing must be administered by trained DCF staff or trained designated contractors. Assessment must be administered by certified substance abuse counselors.

## Definitions

**Drug Testing:** means a laboratory test, onsite instrument, or non-instrument-based device such as a swab that tests bodily fluids such as saliva, urine, breath or hair, for traces of drugs or alcohol.

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**Screening:** a process in which clients are identified according to characteristics that indicate that they are possibly abusing substances. Screening identifies the need for a more in depth assessment but is not a substitute for an in depth assessment. Screening can include a brief drug or alcohol questionnaire or tool designed to determine if a substance abuse issue that requires further assessment may be present. All screening instruments selected must be validated and standardized. Drug testing is one method of screening for substance use and should accompany other question-and-answer methods of screening.

**Assessment:** means those procedures by which a counselor/program identifies and evaluates an individual's strengths, weaknesses, problems and needs in order to develop a diagnostic evaluation of the client's substance abuse and any co-existing conditions with the goal of providing an integrated approach to treatment planning. This should be driven by ASAM (American Society of Addiction Medicine) criteria for diagnostic consistency.

**Consent for Drug Testing, Screening and Assessment for Youth without court order**

The social worker shall obtain the youth's consent to participate in drug testing, screening or assessment. This consent to participate should be in writing. Any consent by the youth shall be accompanied by a written release of information. This consent is documented on the Consent to Release Results of Client Drug Testing (FS 300 (b)).

**Consent for Drug Testing, Screening and Assessment for Youth with court order**

If a youth is court ordered to undergo drug testing, screening or assessment, the youth's consent is not legally necessary. However, the youth should be encouraged to comply with the court's order, and be reminded of the consequences of non-compliance. DCF staff should utilize positive engagement strategies and motivational enhancement techniques to encourage the youth to comply. DCF staff shall secure from the youth a written release of information for the results of any court-ordered drug testing, screening or assessment. This consent is documented on the Consent to Release Results of Client Drug Testing (FS 300 (b)).

**Release of substance abuse testing, screening and assessment results**

Generally, Federal and State law prohibit the release of a youth's substance abuse treatment information (including drug testing, screening, assessment results) from a testing or treatment facility to anyone, unless the youth has given permission **regardless of the youth's custody or probation status.**

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It is DCF's policy to secure the permission of the youth to obtain information from testing, screening, assessment and treatment facilities (including a drug test administered by DCF), and to use this information to develop a case plan responsive to the youth's needs. The youth should be informed that results will be shared with the court and treatment team members. The written release shall specify the reasons and extent of disclosure.

**Procedure:**

- Whenever possible, Family Services should originate the release when the youth is referred in order to ensure that Family Services is named in the release and can therefore be notified of the results of a screen, drug test and/or assessment. This consent is documented on the Consent to Release Results of Client Drug Testing (FS 300 (b)).
- Release forms may also be provided by testing and treatment facilities. Social workers should ask testing and treatment sites to inform Family Services if a youth subject to a court order to submit to drug testing and sign a release refuses to undergo the testing or to sign the release.

**Contents of a Release form**

When a release form is provided by testing and treatment facilities the release should contain:

- The name of the program or individual releasing the information;
- the identity of the persons or organizations to whom the information is released;
- the purpose for which the information will be used;
- what information will be disclosed;
- the date the release is signed by the youth;
- a statement that the release may be revoked at any time except to the extent that actions have been taken in reliance on it; and
- the date, event or condition upon which the release will expire.

Any disclosure of information made with written youth consent must be accompanied by a written statement that the information disclosed is protected by Federal law and that the person receiving the information cannot make any further disclosure to another person or agency, including a court, of such information. Information may be disclosed to others only if the youth signs a consent form authorizing this disclosure.

The laws that protect the confidentiality of a youth's substance abuse treatment information are 42 Code of Federal Regulations (C.F.R.) Part 2 and the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

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### Refusal to Consent to Screen, Tests or Assessments or to Release Results

If a court has ordered a youth to submit to drug testing, screening or assessment and to release the results to DCF, the youth should be encouraged to comply with the court's order. The youth should be reminded of the potential consequences of non-compliance with a court order, such as a Violation of Probation or changes in legal status.

If the youth under court order refuses either to participate in drug testing, assessment or screening, or to sign a release of information, the youth is in violation of the court's order. DCF should bring this to the court's attention. The social worker should consult with the state's attorney or attorney general assigned to the department on how to proceed (See Policy No. 162 Violation of Probation).

If a youth not under a court order refuses to consent to drug testing, screening or assessment, to sign a release, or is advised by legal counsel not to consent, court intervention is necessary to proceed. The social worker should consult with the State's attorney or the Assistant Attorney General assigned to the department.

### Use of Results

Screening and drug testing, regardless of the results, requires a response from the social worker. For example, positive results may be a signal that further assessment is necessary. Negative results could mean an increase in privileges, decrease in supervision level, or other adjustments to the case plan.

Results of positive screens, drug tests or assessments should be used to develop an appropriate case plan for intervention. The case plan should consider:

- Appropriate and available treatment;
- a plan for future testing or further assessment as needed;
- a plan for family involvement;
- a review of level of supervision; and
- a plan to address the youth's substance abuse issues within the larger context of the youth's overall needs including substance abuse treatment, mental health needs, and overall healthcare.

Violations of probation and changes in legal status of the youth may be considered if the youth is not compliant with screening, drug testing, assessment or treatment.