

# Jasper County Treatment Court LDP Program



## Holder Handbook

## **Welcome to the Jasper County LDP Program**

Thank you for your interest on beginning the process of acquiring your Limited Driving Privilege (LDP). By going through the Jasper County DWI Treatment Court, participants and graduates may have the opportunity to obtain a Limited Driving Privilege; a Limited Driving Privilege allows an individual to drive a motor vehicle in certain pre-approved situations with an active 5-year, 10-year or even in some cases, lifetime denial on his or her driving record. This program is specifically designed to allow these individuals the opportunity to operate a motor vehicle safely and legally while promoting a safer community of Jasper County and the surrounding area.

## **About the Limited Driving Privilege Program**

The Jasper County Limited Driving Privilege Program, implemented in 2015, has served many of its Jasper County DWI Treatment Court participants and graduates; more specifically, it's for those individuals that have committed an offense resulting in a 5 or 10 year denial on their driver record and are currently or have participated in our DWI Treatment Court; the program allows qualified candidates to apply for an LDP and if accepted, to petition the Court for their Limited Driving Privilege Order. The LDP Order will permit the operation of a motor vehicle within the confines of the Court Order and exclusively grant operation of a motor vehicle with an installed and approved Ignition Interlock Device (IID). The duration of the LDP is calibrated by the dates within the LDP order; however, those dates may be altered and determined by the actions of the individual, the Court and the Department of Revenue.

## **Overview**

Once a participant has been in Treatment Court for six months or more, he or she may apply to receive an LDP if the minimum requirements have been met. Granting an LDP is at the sole discretion of the Court and the Court will consider many factors including compliance of Treatment Court requirements, length of sobriety, overall stability, safety of the community, and any other criteria deemed relevant. \*LDP is not guaranteed to Treatment Court participants.

An LDP is not the same as a regular driver's license. An LDP will be limited to certain activities such as driving to/from work, medical or treatment appointments, and/or driving to/from school. An LDP does not allow someone to drive during a vacation or to a restaurant and does not allow an LDP holder to transport minors who are not specifically designated in the Court Order. An LDP requires the (1) proof of installation and (2) maintenance of an ignition interlock device (IID) and (3) vehicular insurance at the cost to the participant. These requirements will continue throughout the duration of the LDP, even after graduation from the program. In addition, the Court will require random drug and alcohol testing during the duration of the LDP. Violating the terms of your LDP may result in its suspension or revocation.

## Minimum Application Requirements for Limited Driving Privilege

- Six (6) months in a Treatment Court Program
- Six (6) months free of alcohol and drugs
- Six (6) months free of any positive, diluted, adulterated or missed drug and alcohol test
- Six (6) months from unlawful operation of a motor vehicle
- Engagement in treatment with completion of a minimum of 75 hours of SATOP
- Completion of the Victim Impact Panel (VIP).
- Substantial and sustained compliance with all Treatment Court requirements


Please note that these are the **minimum** requirements to be considered for a limited driving privilege. The Treatment Court team or court services officer will also consider the following:

- Safety of the community
- Level of participation in treatment
- Stability of residency
- Ability to comply with and maintain financial obligations
- Stability of mental health
- Any other criteria deemed fit

\*Please also make sure that your Driver's License does not have any other holds and has not expired. We strongly urge that you make sure that you do not have any other holds on your driver's license. For example, we cannot issue a LDP if your license has been suspended or revoked for failure to pay child support. For eligibility, call 573-751-4475 or go to the DMV.


### How to Apply:

- Once you have met the minimum requirements, submit an application for the Limited Driving Privilege to your Treatment Court team or drop it off at 601 S. Pearl Joplin, MO 64801 on the 3<sup>rd</sup> floor in the Circuit Clerk's Office (Room 300). The application is attached to back of this manual or one can be picked up at Circuit Clerk's Office (Room 300). You must submit a current "Driver Records with Personal Information" (available at the DMV) along with your application. Please make sure your license has not expired. If it has, you will have to take the driver's test again prior to receiving an LDP. You will also need to ensure you do not have any current out of state and in-state suspensions resulting from cases other than the present DWI. If you have current suspensions, they **MUST** be resolved at least one (1) week prior to your scheduled court date.

	Do not proceed to the following steps until the DWI Court advises you to do so.
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- Once you are told to move forward, you will need to file a petition for an LDP at the Joplin Courthouse with the Circuit Clerk (Room 300). The filing fee is \$51.50 (money order or cashier's check). You may consult and hire a private attorney to file the petition or you may

file it pro se (without an attorney). The Treatment Court Judge and Prosecutor cannot give you legal advice on this petition. The Department of Revenue will typically file a formal answer within **45 days** of receiving the petition. Once a formal answer has been filed, your court date will be set.

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- Once you have established a court date for your Limited Driving Privilege, you will need to contact Jared Prater at 417-438-4245 to secure a meeting to ensure you have all appropriate paperwork and documentation needed for your court date. During this meeting you will discuss what to expect on your court day in addition to documents that will be needed prior to and after court in order to ensure your LDP is valid.

<p><b>Documentation needed prior to your scheduled court date:</b></p> <ul style="list-style-type: none"><li>➤ You <b>MUST</b> obtain liability insurance (SR-22) one week prior to the LDP hearing.</li><li>➤ It would also be in your best interest to secure an appointment for installation of your Ignition Interlock Device (IID) that has a photo identification and GPS technology.</li><li>➤ VIP certificate of completion (if the court does not already have it on file)</li><li>➤ Secure hair follicle tests so that the results can be filed with the court on or prior to your scheduled court date. The results of your hair follicle will either be sent to me by the drug testing company or will need to be faxed to the attention of Jared Prater at 417-782-7172.</li></ul>	
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- Once your hearing has been completed, you will receive an order to install your Ignition Interlock Device (IID) by the court. You will need to take this to your scheduled appointment for installation. Your IID must be equipped with a camera. You will need to bring proof of installation of your IID and proof that you have a valid license (or have passed your driving test) on your court date.
- If the court grants your petition, you will be given a document known as your Limited Driving Privilege Order. This will be your “driving document”. A copy of the order must be in the holder’s vehicle at all times. Due to the limited number of locations to which an LDP holder is allowed to drive, it is crucial the order consistently displays accurate information. This can be updated at any time by visiting the Circuit Court Clerk’s Office (Room 300).

## Approved Ignition Interlock Providers in Missouri:

ADS	(833) 386-1325	Stopdwi.com
RoadGuard	(800) 332-6858	Roadguardinterlock.com
Intoxalock	(877) 495-0377	Intoxalock.com
Lifesafer	(800) 765-1188	Lifesafer.com
Smart Start	(800) 880-3394	Smartstartinc.com

## LDP Program Expectations:

As an LDP holder, you will be required to abide by the rules outlined in your court order including, but not limited to the following:

- Total abstinence from the use of drugs and alcohol for the duration of your LDP status.
- Report twice a year as directed by the Court Services Officer or Court Personnel
- Submit to random drug and alcohol testing at the request of the Court Services Officer or Court Personnel. Testing will be at your cost and must be completed within 24 hours of the request. Results must be submitted to the Court Services Officer or Court Personnel as directed.
- Keep contact information up-to-date with the Court Services Officer. Failure to maintain up-to-date information with the Court may result in a suspension of the LDP.
- Avoid transporting any children below the age of 18 unless they are specifically listed in the order granting your Limited Driving Privilege.
- Maintain proof of financial responsibility and your ignition interlock device with a GPS and camera for the duration of your LDP. Failure to maintain insurance and your ignition interlock device, as required, shall result in the immediate termination of your LDP.
- Comply with any special conditions outlined in your order granting your LDP.

## Amending Orders

Any change in address, phone number, employment, or other personal information which appears on an LDP order must be kept up-to-date. Changes in personal information can be reported to the Circuit Clerk on the third floor of the Joplin Courthouse where they will be reviewed by the Court. If the Judge and the Clerk are available at the time of updating, a new order can be written up and approved within the same day; however, circumstances may arise where it may take another visit to the Courthouse to retrieve the amended LDP order.

## **Violation Policy**

Being found to be in violation of any requirements outlined in the LDP order or in violation of the Ignition Interlock Device (IID) such as failures, tampering, circumvention, violations resets or high breath alcohol concentration (BrAC) will permit either a warning, suspension or revocation of your LDP. Following a violation, the holder must contact the Court Services Officer at 417-438-4245 within 24 hours of violating. If the violation occurs on Saturday or Sunday, you may wait until Monday morning to contact the Court Service Officer. Following contact with the Court Service Officer after a violation has occurred, an observation period of ninety (90) days will ensue to verify ongoing sobriety and stability, followed by a hearing to continue, suspend or revoke the LDP. You may hire a private attorney or you can act as pro se (without an attorney). The observation period will consist of the following obligations:

1. Sign a release of information between the treatment provider and court so that communication is expected/encouraged.
2. Obtain a substance abuse assessment or an appointment within seven (7) days of meeting with the Court Services Officer.
3. Provide verification of treatment, support groups, or any other forms of documentation to the Court Services Officer.
4. Follow any treatment plan prescribed to me for a minimum of ninety (90) days and complete any course work, groups sessions, or individual sessions as prescribed.
5. Attend a minimum of one community support group each week and provide verification of groups to the Court Services Officer when reporting.
6. Submit to hair follicle test(s) that may include both ETG and a test for other substances at the end of the ninety (90) days; results are to be provided to the Court Services Officer. This test will be completed at the expense of the LDP holder with an estimated cost of up to \$375.
7. Violators in the observation period must check in with the Court Service Officer at least twice a month for the first 30 days and once a month for the last 60 days.

The ninety-day observation period may be extended if substance use is ongoing; the result of ongoing substance use or lack of engagement in treatment may result in further sanctions by the Court in the form of a warning, suspension or revocation.

## **How to be Successful**

The LDP is a privilege, not a right. Understanding this concept will greatly increase your likelihood of success in this program. Familiarize yourself with the Court order and communicate any potential issues that may arise with the Court Service Officer. Feel free to call the Court Services Officer at any time during regular business hours. Good luck; we are here for you.