

Survey to Chief APOs

Issue: Drug Testing for Children & Youth

Question (from Chester County):

Our family Court Judges and dependency Masters routinely order our department to drug test individuals before them for purposes of Custody. These are NOT people under supervision.

Do any other departments do this? If so, could you share your policy/procedure, sample Court Orders and any other information that may be helpful regarding this matter.

Our Solicitor has issues with this as we are testing individuals not under our supervision even though we have a Court Order.

Also, does your Court order drug testing in these type cases and if so, who does it?

Adams County

We, in Adams, approached the court with jurisdiction issue and our PJ agreed.

We offered to train appropriate CYS staff and assisted them in setting up their own lab account.

They use our testing room in JPO area that is adjacent to their CYS office area but they purchase their own supplies and have their own lab forms for return. They do their own thing and court is ordering more for them than previously. We are out of it.

Allegheny County

In Allegheny we do not conduct tests for Family Div. or CYF. They are handled by the Health Department. We do test individuals in criminal court when requested by a judge. These are usually cases where the offender is scheduled to plea and appears to be under the influence. These request however are pretty infrequent. We do not have any type of policy or require a court order.

Berks County

Yes, we do it for the FC in Berks. However, the testing is done in JPO. They send an order over and we do it. No real policy other than we keep testing records separate.

Blair County

Blair is the same as Montco.

Carbon County

In Carbon – CYS does their own. We do not do them for family Court. About once a month, the Court asks us to do a breathalyzer for a defendant that is scheduled for Court. I approached the PJ about jurisdictional issues and was advised to continue.

Centre County

Same as Snyder here in Centre, However I agree not the best practice and I have issues concerns with the practice. We only do a few a year for the Court.

Columbia County

Columbia County does do drug testing for Custody cases and simply utilizes a court order. We do send results back to the Judge or Master for that case. We charge \$10 per test.

Dauphin County

Dauphin County has on onsite drug testing lab operated by the Adult Division. C&Y pulls all their urines for C&Y related matters and our lab only confirms the results (if C&Y request confirmation). We charge C&Y \$5.00 per confirmation.

Delaware County

Same as Montco

Erie County

Erie County probably averages 2-3 requests per month from the Family Court Judge. We test and the officer fills out a form that we developed to submit to the Court. If the individual contests the result and the Judge wants lab confirmation we pay for it and get reimbursed by OCY.

Juniata County

Same as Snyder Co

Lancaster County

We never get these requests in Lancaster County. I just spoke with our Children & Youth Director. She advised me that she contracts with a local drug & alcohol provider to administer their drug testing for CYA clients. The provider comes on site to CYA to administer the tests for both regular CYA cases (families already open with CYA) as well as cases being investigated by CYA. CYA's state funding covers 80% of these costs.

If it is a mutual (Adult Probation & CYA) case, CYA will rely on our drug test results and not necessarily conduct duplicate tests.

Chris...Crystal (our CYA Director) is happy to talk with your CYA Director, Doug.

Lawrence County

Lawrence County used to drug tests in these matters but in 2013 we had a Business Process Review conducted by an outside consultation firm. One of the firm's recommendations was for the Court to examine and reconsider the practice of drug testing in civil proceedings. After I reviewed this procedure with the President Judge, we no longer conduct court-ordered drug testing for civil proceedings (custody, family, etc.). Instead, it is recommended that clients for civil proceedings be directed to a local work health for court-ordered drugs testing. This is for all civil cases (Judges and Masters). The process has worked out very well. We have been asked to help the Court out in a pinch with civil Court Ordered drug test, which we did. But it very rarely done.

Lebanon County

Lebanon County Probation administers any drug test as directed by court order, usually for Children and Youth Services and custody matters. Recently, our DA's office has begun "requiring" a drug screen "by the probation department" prior to sentencing, as a condition of a negotiated plea. There is no court order in these cases, therefore, we have refused to administer the test.

I am interested in knowing your solicitors issue. I would think the court order gives you're the authority you need to conduct the test.

Also, does your Court order drug testing in these type cases and if so, who does it? Yes – we do.

Lehigh County

Same as Montgomery County.

Montgomery County

Yes in Montco...courtesy to the bench for Family Court matters. We do not test for Children and Youth. Nothing formal aside from a basic Court Order, essentially telling individual to report for testing and results to be forwarded to Judge.

Any problems (fail to report, hot urines, etc....) we just notify the specific Judge.

Snyder County

In Snyder County we test individuals when requested by the Court...It only happens during the proceedings and we provide the Court with the results immediately.

Tioga County

Tioga tests for CYS, Family court and Masters. All done via court order and we collect the testing fee of \$25.00, CYS pays us for any tests they want for dependency matters.

Venango County

Yes, Venango County Court Supervision does testing (oral/urine) for CYS Dependency and Custody matters. We require a Court Order and charge a small fee for the tests.

Wayne County

The person that needs the drug test for a custody matter has to be court ordered and show proof of the order. We charge \$10 for the drug test (paid up front or no test), in which we apply to a miscellaneous docket "Test, Drug" within CPCMS. We send a copy of the drug test over to the Judge or Master as well as provide a copy of the drug test to them.

York County

York's process is the same as Montco.