Montana Judicial Branch

**Policies & Procedures**

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| **Subject: Youth Drug Testing** | **Policy No.: 1260** |
| **Chapter: Title 41, chapter 5, MCA** | **Pages: 2** |
| **Section: Youth** | **Revision Date: May 31, 2016** |
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## **POLICY**

The Montana Judicial Branch recognizes that drug testing in the Youth Court is a necessary expense of the Youth Court. It is the policy of the Montana Judicial Branch to provide for the most cost-effective method of drug testing when drug testing a youth under the authority of the Youth Court.

## **DEFINITIONS**

1. “Drug testing” is the screening of juveniles to determine their use of alcohol, cannabis, cocaine, amphetamines/methamphetamines, hallucinogens, narcotics, analgesics, inhalants, or phencyclidine (PCP). Drug testing may include the use of hair analysis, sweat analysis, oral fluid testing, blood testing, breath analysis, and urine testing to screen for drugs.
2. “Field test” is a test utilized for drug testing that gives the results within ten minutes of testing of the sample.

**3.0 Procedure**

1. Youth Testing Materials:
   1. The standard testing method is urine testing, but other forms of testing may be utilized depending upon the circumstances and at the discretion of the juvenile probation officer.
   2. If juvenile probation staff are administering the tests, the tests and other necessary materials will be purchased using the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP).
   3. Chief juvenile probation officers may purchase kits from other vendors if the price is cheaper or the desired product is unavailable through the state term contract.

B. Chain of Custody Procedures: The person(s) responsible for collecting and testing samples shall be trained in the collection, handling, recording and storing of a sample to assure sample viability. Training may be conducted in person, through video or by video conferencing.

1. When a youth’s probation agreement requires drug testing, lab confirmation is not required for each drug test. If a positive test occurs, the youth shall be given the opportunity to provide a written admission of recent use. If the offender refuses to prepare a statement of use or denies usage, the test must be sent to the laboratory for confirmation.
2. If the sample is required to be sent to the laboratory, the staff shall follow all procedures in the term contract to ensure chain of custody compliance.

C. Cost of Drug Testing: Pursuant to the Youth Court Act and Montana Judicial Branch Policy No. 1270, a Youth Court may impose a fee on a juvenile and/or parent or guardian to help offset the cost associated with drug testing. If the Youth Court chooses to impose a fee, the following provisions apply:

1. The fee may not exceed the cost associated with conducting the drug testing. The Office of Court Administrator will notify the Youth Courts as to the cost for drug tests and other necessary materials purchased under the state term contract.
2. If a field test comes back as positive for drug use and the youth denies the use, the test will be sent to the laboratory. If the laboratory test is positive, the youth and/or parent or guardian should be assessed the cost of the lab work and all ancillary costs, including postage and handling. The Youth Court will pay the costs of the test if the laboratory returns a negative result.
3. Youth Courts may waive the cost of the drug test for a youth and/or parent or guardian who is unable to pay.
4. Costs of drug tests or drug testing services can be paid from the fees account or the PIF account established in 41-5-2011, MCA at the discretion of the Chief Juvenile Probation Officer.

**4.0 Authorities**

Title 41, chapter 5, MCA

# **5.0 Closing**

# Questions about this policy should be directed to Office of the Court Administrator at the following address:

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