

*CCCBA Family Law and Criminal Law Sections proudly presents...*

**OH MY GOD I GOT A DUI!**  
**Where Sobriety Meets Parenting –**  
**Child Custody & Alcohol Abuse**

**Hon. Brian Haynes, Contra Costa County Superior Court**

**Laura M. Pagey, Law Office of Laura M. Pagey**

**Jason Sweetman, Soberlink**

**Moderator: Ariel Brownell Lee - Law Office of Ariel Brownell**

**AGENDA**

- I. Intro (Ariel Brownell Lee)
  - a. General outline of today's MCLE
  - b. We will take all questions at the very end
  - c. Introduce test subjects
- II. First Round of Testing for everyone
- III. Intro and Science Behind Soberlink (Jason Sweetman)
- IV. Quick test
  - a. Quick overview of DUI law (Judge Haynes and Laura Pagey)
  - b. Overview of CA law
  - c. 1st, 2nd, 3rd, 4th DUI Convictions
  - d. Sentencing and Discretion
  - e. Hypotheticals
- V. Another Round of Testing
- VI. Parenting and parenting plan (Judge Haynes and Laura Pagey)
  - a. How to raise the existence of DUI to court?
  - b. What is it about drinking that the court is *\*actually\** concerned about?  
What is it about DUIs that the court is *\*actually\** concerned about and how would the court treat custody and visitation for the parents in the hypos?  
Besides using something like Soberlink, what other types of help/enforcement tools exist?
- VII. Soberlink (Jason Sweetman)
  - a. Best practices put in place by addiction treatment experts.
  - b. What do you do if the court is asking you to send the results?
  - c. Compliance
- VIII. Final Round of Testing

IX. Questions?

# PROGRAM MATERIALS



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA**

**DRIVING UNDER THE INFLUENCE (DUI)**

VEHICLE CODE SECTIONS 23152 (a) or (b)

**Driving after you have taken drugs or alcohol is not safe!** You can hurt yourself or someone else, and the court can make you:

- Pay fines, mandated fine penalties, and fees when your car is impounded,
- Spend time in jail or prison,
- Lose your driver's license or driving privilege for 6 months, 18 months, 3 years, or, in some cases, permanently.
- Have your car impounded or taken away permanently.

**Your punishment might be even more serious if:**

- Your blood alcohol level was .20% or more,
- You refused to do a chemical test,
- There was a child under 14 years of age in the vehicle,
- You are also convicted of reckless driving at high speed,
- You drive under the influence again and hurt or kill someone.

**What if I am under 21?**

- You will lose your driver's license or privilege to drive for 1 year.

WHAT COULD HAPPEN?		PAY MONEY	JAIL/PRISON	NO LICENSE or DRIVING PRIVILEGE	IMPOUND OR LOSE CAR
1 <sup>st</sup> Time	MOST	<ul style="list-style-type: none"> <li>• \$1,000 fine</li> <li>• Mandated fine penalties</li> <li>• 30 day impound fee</li> </ul>	<ul style="list-style-type: none"> <li>• 6 months jail</li> </ul>	<ul style="list-style-type: none"> <li>• 6 months</li> </ul>	<ul style="list-style-type: none"> <li>• 30 days</li> </ul>
	AT LEAST (without probation)	<ul style="list-style-type: none"> <li>• \$390 fine</li> <li>• Mandated fine penalties</li> </ul>	<ul style="list-style-type: none"> <li>• 96 hours jail</li> </ul>	<ul style="list-style-type: none"> <li>• 6 months</li> </ul>	<ul style="list-style-type: none"> <li>• Not imposed</li> </ul>
2 <sup>nd</sup> Time (in 10 years)	MOST	<ul style="list-style-type: none"> <li>• \$1,000 fine</li> <li>• Mandated fine penalties</li> <li>• 30 day impound fee</li> </ul>	<ul style="list-style-type: none"> <li>• 12 months jail</li> </ul>	<ul style="list-style-type: none"> <li>• 18 months</li> </ul>	<ul style="list-style-type: none"> <li>• 30 days</li> </ul>
	AT LEAST (without probation)	<ul style="list-style-type: none"> <li>• \$390 fine</li> <li>• Mandated fine penalties</li> <li>• 1-30 day impound fee</li> </ul>	<ul style="list-style-type: none"> <li>• 90 days jail</li> </ul>	<ul style="list-style-type: none"> <li>• 18 months</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 30 days</li> </ul>
<p><b>If you are convicted a third or fourth time, your record will show that you are an "habitual" offender. You will not be able to get a license again until you complete an 18-month DUI program.</b></p>					
3 <sup>rd</sup> Time (in 10 years)	MOST	<ul style="list-style-type: none"> <li>• \$1,000 fine</li> <li>• Mandated fine penalties</li> <li>• 90 day impound fee</li> </ul>	<ul style="list-style-type: none"> <li>• 12 months jail</li> </ul>	<ul style="list-style-type: none"> <li>• 3 years</li> </ul>	<ul style="list-style-type: none"> <li>• 90 days</li> </ul>
	AT LEAST (without probation)	<ul style="list-style-type: none"> <li>• \$390 fine</li> <li>• Mandated fine penalties</li> <li>• 1-90 day impound fee</li> </ul>	<ul style="list-style-type: none"> <li>• 120 days jail</li> </ul>	<ul style="list-style-type: none"> <li>• 3 years</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 90 days</li> </ul>
4 <sup>th</sup> Time (in 10 years)	MOST (if felony)	<ul style="list-style-type: none"> <li>• \$1,000 fine</li> <li>• Mandated fine penalties</li> <li>• 90 day impound fee</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 3 years state prison</li> <li>• Parole</li> </ul>	<ul style="list-style-type: none"> <li>• License revoked (taken away)</li> </ul>	<ul style="list-style-type: none"> <li>• Judge decides</li> </ul>
	AT LEAST (if misdemeanor)	<ul style="list-style-type: none"> <li>• \$390 fine</li> <li>• Mandated fine penalties</li> <li>• Impound fee</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 1 year jail</li> </ul>	<ul style="list-style-type: none"> <li>• License revoked (taken away)</li> </ul>	<ul style="list-style-type: none"> <li>• Judge decides</li> </ul>

**What else can happen?**

The DMV may also take actions against you, separate from the court. The court has no control over DMV actions.

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, you can be charged with murder.

**I have read and understood the information above.**

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's signature

\_\_\_\_\_  
Date



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA**

**ALCOHOL-RELATED RECKLESS DRIVING**

VEHICLE CODE SECTION 23103 per 23103.5

WHAT COULD HAPPEN?	▶ PAY MONEY	▶ JAIL/PRISON	▶ NO LICENSE or DRIVING PRIVILEGE	▶ SPECIAL NOTE
IF NO PROBATION ALLOWED	<ul style="list-style-type: none"> <li>\$145 to \$1,000 fine</li> <li>Mandated fine penalties</li> </ul>	<ul style="list-style-type: none"> <li>5-90 days jail</li> </ul>	<ul style="list-style-type: none"> <li>Up to 1 year if driver is under 21</li> </ul>	This will count as a DUI conviction if you have another DUI offense in less than 10 years.
IF PROBATION ALLOWED	<ul style="list-style-type: none"> <li>\$145 to \$1,000 fine</li> <li>Mandated fine penalties</li> </ul>	<ul style="list-style-type: none"> <li>Up to 90 days jail</li> </ul>		

The DMV may also take actions against you, separate from the court. The court has no control over DMV actions.

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, you can be charged with murder.

**I have read and understood the information above.**

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's signature

\_\_\_\_\_  
Date

**DRIVING WITH A SUSPENDED, REVOKED, OR RESTRICTED LICENSE**

WHAT COULD HAPPEN?	▶ PAY MONEY		▶ JAIL/PRISON	
Vehicle Code Section 14601	1 <sup>st</sup> Time	<ul style="list-style-type: none"> <li>\$300 to \$1,000 fine</li> <li>Mandated fine penalties</li> </ul>	AND • 5 days to 6 months jail	
	2 <sup>nd</sup> Time (if violated 14601, 14601.1, 14601.2, or 14601.5 in past 5 yrs)	<ul style="list-style-type: none"> <li>\$500 to \$2,000 fine</li> <li>Mandated fine penalties</li> </ul>	AND • 10 days to 1 year (10 days in jail required with probation)	
Vehicle Code Section 14601.1	1 <sup>st</sup> Time	<ul style="list-style-type: none"> <li>\$300 to \$1,000 fine</li> <li>Mandated fine penalties</li> </ul>	AND/OR • Up to 6 months jail	
	2 <sup>nd</sup> Time (if violated 14601, 14601.1, 14601.2, or 14601.5 in past 5 yrs)	<ul style="list-style-type: none"> <li>\$500 to \$2,000 fine</li> <li>Mandated fine penalties</li> </ul>	AND • 5 days to 1 year	
Vehicle Code Section 14601.2	1 <sup>st</sup> Time	<ul style="list-style-type: none"> <li>\$300 to \$1,000 fine (\$2,000 fine required if you are designated an habitual traffic offender within 3 years of this conviction.)</li> <li>Mandated fine penalties</li> </ul>	AND • 10 days to 6 months jail (10 days in jail required with probation. 180 days jail required if designated an habitual traffic offender within 3 years of this conviction.)	
	<b>NOTE: Driving under the influence is unsafe! If you kill someone, you can be charged with murder.</b>			
	2 <sup>nd</sup> Time (if violated 14601, 14601.1, 14601.2, or 14601.5 in past 5 yrs)	<ul style="list-style-type: none"> <li>\$500 to \$2,000 fine</li> <li>Mandated fine penalties</li> </ul>	AND	• 30 days to 1 year (30 days jail required with probation)
Vehicle Code Section 14601.3	1 <sup>st</sup> Time	<ul style="list-style-type: none"> <li>\$1,000 fine</li> <li>Mandated fine penalties</li> </ul>	AND • 30 days jail	
	2 <sup>nd</sup> Time (if violated 14601.3 in past 7 years)	<ul style="list-style-type: none"> <li>\$2,000 fine</li> <li>Mandated fine penalties</li> </ul>	AND • 180 days jail	
Vehicle Code Section 14601.5	1 <sup>st</sup> Time	<ul style="list-style-type: none"> <li>\$300 to \$1,000 fine</li> <li>Mandated fine penalties</li> </ul>	AND • Up to 6 months	
	2 <sup>nd</sup> Time (if violated 14601, 14601.1, 14601.2, 14601.3, 14601.5 in past 5 yrs)	<ul style="list-style-type: none"> <li>\$500 to \$2,000 fine</li> <li>Mandated fine penalties</li> </ul>	AND • 10 days to 1 year	

The DMV may also take actions against you, separate from the court. The court has no control over DMV actions.

**I have read and understood the information above.**

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's signature

\_\_\_\_\_  
Date



SUPERIOR COURTS OF CALIFORNIA ★ COUNTY OF CONTRA COSTA

**NOTICE TO REPORT  
ASSIGNMENT/SENTENCE TO:**

**MARTINEZ COURT – 07100**  
725 COURT STREET ROOM 127  
MARTINEZ, CA 94553

**PITTSBURG - 07465**  
1000 CENTER DRIVE  
PITTSBURG, CA 94565

**RICHMOND – 07460**  
100 37<sup>TH</sup> STREET  
RICHMOND, CA 94805

**12-Hour**  
Wet Reckless Program  
or 18-20 years old

**3-MONTH**  
1<sup>ST</sup> OFFENDER DUI PROGRAM  
(BELOW 0.15% BAC)

**6-MONTH**  
1<sup>ST</sup> OFFENDER DUI PROGRAM  
(0.15% - 0.19% BAC)

**9-MONTH**  
1<sup>ST</sup> OFFENDER DUI PROGRAM  
(0.20% BAC OR HIGHER)

**18-Month**  
MULTIPLE OFFENDER DUI PROGRAM

**Name** \_\_\_\_\_  
Last First M.I.

**Docket Number:** \_\_\_\_\_

**Address** \_\_\_\_\_  
Street Apt. #  
\_\_\_\_\_  
City State Zip

**Conviction/Referral Date:** \_\_\_\_\_

**Offense Date:** \_\_\_\_\_

**CDL # or X-Ref #:** \_\_\_\_\_

**Phone Number** \_\_\_\_\_

**E-Mail Address (optional)** \_\_\_\_\_

Court Probation  Reinstated (Continue)

Formal Probation  Re-referred (Start over)

<b>BAC:</b>	<b>Birthdate:</b>

Future Solutions 560 Lennon Lane, Suite 200 Walnut Creek, CA 94598 (925) 932-7791	Alcohol and Drug Abuse Council 2020 N. Broadway, Suite 101 Walnut Creek CA 94596 (925) 932-8100	Neighborhood House 3065 Richmond Parkway, Suite 114 Richmond, CA 94806 (510) 222-2209 <b>ESPAÑOL</b>
Dawn Center 1251 California Avenue, Suite 600 Pittsburg, CA 94565 (925) 439-1332 <b>ESPAÑOL</b>	Pueblos Del Sol Education Program 121 Sand Creek Road, Suite A Brentwood, CA 94513 (925) 240-7213	County of: _____  Go to: <a href="http://www.dhcs.ca.gov">http://www.dhcs.ca.gov</a> for current DUI Provider List

I have received a copy of the Notice to Report and understand that I must enroll in the program of my choice, by circling one of the programs listed above. If an appointment was not made at the time of conviction, I will contact the DUI program directly within 48 hours to schedule an intake appointment. Failure to enroll will result in an order to show cause or a bench warrant for my arrest.

**Defendant's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

You are ordered to enroll in a State-licensed DUI Program. Failure to enroll will result in your return to court. The State of California will not accept completion of an on-line DUI program. You have been provided a scheduled intake below. Please contact the DUI provider directly if you need to reschedule.

**DUI Program Intake Appointment**

Intake Date \_\_\_\_\_ Time: \_\_\_\_\_ Defendant's Primary Language: \_\_\_\_\_

**Participant Status:**

**Defendant was dismissed because:**

- Enrolled on Date: \_\_\_\_\_
- Failed to Enroll Date: \_\_\_\_\_
- Completed the \_\_\_\_\_ Program
- Completed but owes \$ \_\_\_\_\_

- Failed to attend for over 21 days
- Missed too many sessions (\_\_\_\_)
- Did not honor payment plan. Owes \$ \_\_\_\_\_
- Insobriety (BAC: \_\_\_\_\_)
- Other: \_\_\_\_\_

**Date:** \_\_\_\_\_

**Program Representative Signature :** \_\_\_\_\_



Superior Court Of California, County Of Contra Costa  
MISDEMEANOR ORDER OF PROBATION

PROBATION ORDER COMMITMENT FORM

MARTINEZ

PITTSBURG

RICHMOND

DEFENDANT \_\_\_\_\_ DOCKET NO. \_\_\_\_\_ DEPT: \_\_\_\_\_

The above named defendant having been convicted in this court of the following offense(s), violation of:

Section(s)  23152 \_\_\_\_\_  with prior(s) \_\_\_\_\_  OTHER: \_\_\_\_\_

IT IS ORDERED THAT:  imposition  execution of sentence be suspended during period of probation with the following terms and conditions:

**TERMS OF PROBATION/SUPERVISION:** (Applicable Items Checked):

- 1.  FORMAL  COURT PROBATION GRANTED:  
For a period of \_\_\_\_ yrs \_\_\_\_ months from the date of this order.
- STANDARD TERMS (see reverse for standard terms and additional instructions)
- Contact Court Probation Officer on \_\_\_\_\_
- 2.  REVIEW DATE: \_\_\_\_\_
- Defendant must appear in Court.  Defendant need not appear.

**JAIL / FINE / VOLUNTEER WORK / RESTITUTION**

- 3.  Be IMPRISONED \_\_\_\_ yrs \_\_\_\_ months \_\_\_\_ days.  
 \_\_\_\_ yrs \_\_\_\_ months \_\_\_\_ days actual credit. \_\_\_\_ conduct
- \_\_\_\_ yrs \_\_\_\_ months \_\_\_\_ days suspended.
- Eligible for 1/2 credits.  Sentence to commence on \_\_\_\_\_  
Report to Martinez Detention Facility (MDF) by 12:00 p.m.
- Serve consecutive / concurrent with \_\_\_\_\_  
 any imposed sentence.
- Jail  SWAP  No EHD  EHD  
 in \_\_\_\_\_ County allowed.
- Contact Custody Alternative Facility (CAF) within 14 days.
- Day-for-day credit for time served in approved residential program.
- Must complete \_\_\_\_ months \_\_\_\_ days in program.
- OTHER: \_\_\_\_\_

- 4.  Pay a FINE of \$ \_\_\_\_\_
- Pay RESTITUTION FINE of \$ \_\_\_\_\_ PC 1202.4(b)
- Make payments to the Court's collection agency, Linebarger.
- Suspend probation revocation fine \$ \_\_\_\_\_ PC 1202.44
- Probation to terminate upon payment of fine/completion of jail sent.
- \_\_\_\_\_ days jail concurrent / consecutive in lieu of fine.

- 5.  Perform \_\_\_\_\_ hours VOLUNTEER COMMUNITY SERVICE  
 In lieu of fine  OTHER: \_\_\_\_\_
- Show proof of completion to Court or DPO by \_\_\_\_\_

- 6.  Pay VIC RESTITUTION of \$ \_\_\_\_\_ PC 1202.4(f)
- VICTIM: \_\_\_\_\_
- Make RESTITUTION as determined by further order from the Court.
- Make payments to the Court's collection agency, Linebarger.

- 7.  Submit your person, place of residence, storage locker, any vehicle or property under your control to search and seizure at any time of day or night, with or without warrant, to any peace officer  
 for alcoholic beverages only  \_\_\_\_\_

- 8.  Not use or possess any controlled substances, narcotics, cannabis, or narcotic paraphernalia without a prescription from a licensed physician.

- 9.  Not possess, control, or have custody of checks, credit cards, ATM cards, mail, or identification unless valid and in your own name.

- 10.  Do not own, possess or control any deadly or dangerous weapons, including firearms and other concealable weapons.

10a.  Pursuant to PC 29810 def. provided Proh. Persons Relin. Forms

- 11.  Weapon ordered  confiscated  destroyed  
 returned to \_\_\_\_\_

- 12.  Do not annoy / threaten / contact \_\_\_\_\_  
 \_\_\_\_ yrs.

- 13.  Stay away from \_\_\_\_\_  \_\_\_\_ yrs.  
 \_\_\_\_ yds.

- 14.  Do not possess or consume alcoholic beverages.

- 15.  Submit to drug / alcohol detection tests as directed by Court Probation Officer or by any Peace Officer.

- 16.  Not go to places where you know alcoholic beverages are the chief item of sale.

**PROGRAM TERMS**

- 17.  Attend and complete the \_\_\_\_\_  
Alcohol Program.  <.15 = 3 mo.  .15 - .19 = 6 mo.  >.20 = 9 mo.
- 18.  Report to Post conviction Drinking Driver's Program within 10 days and comply with its rules and fee requirements.
- 19.  Attend Domestic Violence / Anger Management / Parenting Program.  
 \_\_\_\_\_ weeks
- 20.  Participate in counseling as directed by the Court Probation Officer and not leave or terminate program without permission.
- 21.  Register per  PC 457.1  PC 290  Gang
- 22.  Referred for HIV testing. Test date on \_\_\_\_\_
- OTHER: \_\_\_\_\_

**DRIVING TERMS**

- 23.  Driving privilege restricted for \_\_\_\_\_ to / during / from:  
Employment, treatment program, school, other: \_\_\_\_\_
- 24.  Driving privilege suspended / revoked for \_\_\_\_\_
- 25.  Not drive a motor vehicle unless properly licensed and insured.
- 26.  Not drive unless registered owner of vehicle.
- 27.  Not drive vehicle with any measurable alcohol in blood.
- 28.  If arrested for a violation of 23152 or 23153 CVC, do not refuse a chemical test for the detection of alcohol.
- 29.  Designated habitual traffic offender.
- 30.  Ignition Interlock Device  ordered  not ordered  \_\_\_\_ yrs  
 Provide proof of installation to Court within 30 days.
- OTHER: \_\_\_\_\_

**ADDITIONAL TERMS**

- 31.  OTHER: \_\_\_\_\_

Although not a condition of Probation, you are ordered to pay the following fees:

- CCA \$ \_\_\_\_\_  COA \$ \_\_\_\_\_
- \$41 Theft Fee PC 1202.5  Lab Analysis Fee \$ \_\_\_\_\_
- OTHER \_\_\_\_\_

I HAVE READ AND RECEIVED A COPY OF THESE CONDITIONS OF PROBATION AND I UNDERSTAND AND AGREE TO PERFORM THEM AND UNDERSTAND THAT IF I FAIL TO DO SO, MY PROBATION MAY BE REVOKED AND I MAY BE SENTENCED TO JAIL OR SENTENCED AS OTHERWISE PROVIDED BY LAW.

**DEFENDANT'S**

SIGNATURE \_\_\_\_\_

SOC. SEC. # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ DOB \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ ST \_\_\_\_\_ ZIP \_\_\_\_\_

HOME PH. (\_\_\_\_) \_\_\_\_\_ CELL PH. (\_\_\_\_) \_\_\_\_\_

**COMMITMENT:** TO THE SHERIFF: I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE ENTRY OF JUDGMENT OR ORDER AND IS YOUR AUTHORITY FOR THE EXECUTION THEREOF.

JUDGE

DATED



SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA  
**FELONY ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM**

CASE NUMBER(S)

People v. _____	
Judge _____ Date _____	
Defendant's Attorney _____	
Clerk _____ Reporter _____	

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

**INITIAL ONLY THE BOXES THAT APPLY TO YOU:**

**CHARGES**

\_\_\_\_\_/ 1. **[If represented by counsel]**  
 I have read, discussed with my attorney and understand all allegations in the complaint / information / indictment filed against me.

\_\_\_\_\_/ 1a. **[If pro per]**  
 I have read and understand all allegations in the complaint/information/indictment filed against me.

**CONSTITUTIONAL RIGHTS**

\_\_\_\_\_/ 2. I understand that I have the right to an attorney to represent me throughout the proceeding, and that if I am unable to afford to hire an attorney, the Court will appoint an attorney to represent me at public expense, subject to reimbursement based on my ability to pay. I give up my right to be represented by an attorney. **[initial only if not represented by an attorney]**

\_\_\_\_\_/ 3. I understand that on a felony complaint I have the right to a preliminary hearing before a judge at which the district attorney must prove that a crime has been committed by me. If the district attorney does not meet this burden of proof, the charges on the complaint against me would be dismissed. I give up my right to a preliminary hearing. **[Initial only if plea before P.X.]**

\_\_\_\_\_/ 4. I understand that I have the right to a speedy and public trial by a jury on the charges. I give up my right to a jury trial on the charges.

\_\_\_\_\_/ 5. I understand that I have the right to confront and cross-examine all witnesses against me. I give up this right.

\_\_\_\_\_/ 6. I understand that I have the right to present evidence and to call witnesses to testify on my behalf and that I may use the power of the Court to subpoena such evidence or witnesses and compel their presence in court. I give up this right.

\_\_\_\_\_/ 7. I understand that I have the right to remain silent and cannot be forced to testify against myself. I understand that by pleading guilty or no contest I am incriminating myself. I give up my right against self-incrimination.

SEE REVERSE SIDE

## CONSEQUENCES OF GUILTY/NO CONTEST PLEA

- \_\_\_\_\_/ 8. I understand that the Court will treat a "no contest" plea just like a guilty plea and find me guilty.
- \_\_\_\_\_/ 9. I understand that the legal maximum state prison or county jail sentence for the charge(s) to which I am pleading guilty/no contest, including all sentence enhancements, is \_\_\_\_ years and \_\_\_\_ months, and that the maximum fine for the charge(s) is \$10,000 per charge.
- \_\_\_\_\_/ 10. I understand that conviction of the charge(s) makes me ineligible for a grant of probation. **(When probation ineligibility allegations are charged and admitted).**
- \_\_\_\_\_/ 11. I understand that my sentence in  state prison or  county jail will be \_\_\_\_ years and \_\_\_\_ months.
- \_\_\_\_\_/ 12. I understand that my sentence in this case will count as a prior prison commitment under Penal Code Section 667.5 if I am charged with another case in the future.
- \_\_\_\_\_/ 13. I understand that any state prison sentence will be followed by my being on parole or post-release community supervision. Parole can be from 2 years up to 15 years depending upon your crime. For certain sex offenses it can be up to 20 years 6 months. Post-release community supervision can be for up to three years.
- \_\_\_\_\_/ 14. SPLIT SENTENCE: I understand that my sentence will be \_\_\_\_ months or \_\_\_\_ days in county jail followed by \_\_\_\_ months or \_\_\_\_ days of mandatory supervision by probation.
- \_\_\_\_\_/ 15. If I receive a split sentence, I understand that the court will suspend execution of a concluding portion of the term and I will be placed on mandatory supervision by probation. The court may impose on that period of mandatory supervision any conditions that are reasonably related to the charge(s) to which I am pleading guilty/no contest.
- \_\_\_\_\_/ 16. FELONY PROBATION: I understand that I will be placed on felony probation for \_\_\_\_ years.
- \_\_\_\_\_/ 17. I understand that the Court will impose conditions upon my probation. These conditions may include up to one year in the Contra Costa County jail, a fine of up to \$10,000, and other conditions that are reasonably related to the charge(s) to which I am pleading guilty/no contest.
- \_\_\_\_\_/ 18. I understand that as a condition of probation I will serve \_\_\_\_ days in the Contra Costa County jail.
- \_\_\_\_\_/ 19. I have credit for \_\_\_\_ actual days served through today.
- \_\_\_\_\_/ 20. I understand that I will be permitted to apply for a Custody Alternative Bureau (C.A.B.) Program (EHD/SWAP/Sheriff's Parole) to serve the remainder of my sentence. I further understand that the Sheriff will determine if I am accepted into that program; if rejected I will have to serve the remainder of my time in county jail. NO PROMISES NOR REPRESENTATIONS HAVE been made to me regarding whether or not I will be accepted into these programs. If rejected, I understand that I will serve my sentence in County jail and that I will not have my sentence modified for that reason NOR will I be permitted to withdraw my plea for that reason. **(applies only to persons referred to the Sheriff's Custody Alternative Bureau).**
- \_\_\_\_\_/ 21. I understand that if I violate the conditions of my probation, the court could revoke my probation and sentence me to the maximum term in state prison or county jail and to the maximum fine.
- \_\_\_\_\_/ 22. I understand that if I violate the conditions of my mandatory supervision or post-release community supervision, the court could revoke my supervision and sentence me to county jail.
- \_\_\_\_\_/ 23. I understand that conviction of the charge(s) will subject me to registration requirements.



- \_\_\_\_\_/ 24. I understand that conviction of the charge(s) will require me to pay appropriate restitution to the victim(s) of my crimes and/or to pay a restitution fine of not less than \$200 and not more than \$10,000 [for a felony conviction] or not less than \$100 and not more than \$1,000 [for a misdemeanor conviction].
- \_\_\_\_\_/ 25. I understand that conviction of the charge(s) will result in suspension or revocation of my privilege to drive a motor vehicle.
- \_\_\_\_\_/ 26. Federal Law provides for mandatory deportation for certain crimes. I understand that if I am not a citizen of the United States, I have the right to contact an immigration attorney, a diplomat or consular representative of my country. I also understand that a conviction of a crime may, and for certain crimes will, result in my deportation, denial of my re-entry to the United States and denial of my application for citizenship.
- \_\_\_\_\_/ 27. I understand that the charge to which I am pleading guilty/no contest constitutes a "STRIKE" under current law and may be charged as a "STRIKE" prior conviction in the future, if I am charged with a new felony offense. If found to be true, this strike prior would subject me to the enhanced penalties under the strike law. **[for use when defendant is pleading guilty to future strike].**
- \_\_\_\_\_/ 28. I understand that the charge to which I am pleading guilty/no contest may be charged as a prior conviction in the future and subject me to increased penalties. **[for use on other "priorable" offenses].**
- \_\_\_\_\_/ 29. I understand that as a result of my conviction in this case, I will be prohibited from possessing any firearm or ammunition.
- \_\_\_\_\_/ 30. I understand that any plea entered in this case may be an admission of a violation of probation, mandatory supervision, post-release community supervision, or parole which has been imposed on me in any other criminal case.
- \_\_\_\_\_/ 31. I understand that I have the right to appeal this sentence, conviction and any rulings made by the Court in this case. I give up my right to appeal in exchange for accepting this negotiated disposition.

#### **VOLUNTARINESS OF PLEA**

- \_\_\_\_\_/ 32. Except for what is promised to me in open court **ON THE RECORD** I have not been promised or offered anything by anyone (including my attorney) that causes me to enter a guilty/no contest plea.
- \_\_\_\_\_/ 33. No threat has been made against me or anyone close to me that causes me to enter a guilty/no contest plea.
- \_\_\_\_\_/ 34. My mental abilities are not now impaired in any manner by prescription or nonprescription drugs, alcohol, or for any other cause; I am completely alert and sober; and I am fully able to understand these proceedings.

#### **FACTUAL BASIS OF PLEA**

**[If represented by counsel]**

- \_\_\_\_\_/ 35. I have discussed the contents of the police reports and investigative reports with my attorney. I am satisfied that I know the evidence that could be used against me in trial, as well as any possible defenses to these charges.

SEE REVERSE SIDE

**[If in pro per]**

- \_\_\_\_\_/ 35a. I have read the police reports and I am satisfied that I know the evidence that could be used



against me to these charges, as well as any possible defenses.

\_\_\_\_\_/ 36. I believe and agree that a jury or judge who heard the evidence against me could find me guilty of the charges to which I am pleading guilty/no contest.

**ENTRY OF PLEA**

\_\_\_\_\_/ 37. Having read and understood this form, I hereby freely and voluntarily plead [ ] guilty or [ ] no contest to \_\_\_\_\_  
(list charges, priors and enhancements)

\_\_\_\_\_  
SIGNATURE OF DEFENDANT

\_\_\_\_\_  
DATE

**ATTORNEY'S STATEMENT**

I am the attorney of record for the defendant. I have reviewed the form and any addendum with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant's decision to waive constitutional rights. I stipulate that there is a factual basis for the defendant's plea(s).

\_\_\_\_\_  
SIGNATURE OF DEFENDANT'S ATTORNEY

\_\_\_\_\_  
DATE

**INTERPRETER'S STATEMENT (if applicable)**

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that he/she understood the contents of the form, and then he/she initialed and signed the form.

Language:  Spanish  Other (specify): \_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TYPE OR PRINT NAME

\_\_\_\_\_  
SIGNATURE

**COURT'S FINDINGS AND ORDER**

The Court, having reviewed this form and all attachments hereto, and having questioned the defendant concerning his/her understanding of, and execution of this form, finds that the defendant has expressly, voluntarily, knowingly, understandingly and intelligently waived his/her rights as set forth therein; that the plea(s) of the defendant are freely and voluntarily made with an understanding of the consequences thereof; and that there is a factual basis for the plea(s). The Court accepts the plea(s), finds the defendant guilty of each charge and allegations pled to, and orders this form filed and incorporated in the case file by reference as though fully set forth therein.

DATED \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT



# Superior Court of California, County of Contra Costa

MARTINEZ

PITTSBURG

RICHMOND

People v. \_\_\_\_\_

Case No. \_\_\_\_\_

## MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

### RIGHT TO A LAWYER

1. I understand that I have the right to be represented by a lawyer throughout the proceedings. I understand that the court will appoint a free lawyer for me if I cannot afford to hire a lawyer, but at the end of the case I may be asked to pay all or part of the cost of that lawyer, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to a lawyer and that it is almost always unwise to represent myself. ....

Initial  
Applicable  
Boxes

1.

### NATURE OF THE CHARGES

2. I understand that I am charged with the following offense(s):

2.

\_\_\_\_\_   
Type of offense(s) and section number(s)

3. *If applicable* – I understand that I am also charged with having the following prior conviction(s):

3.

\_\_\_\_\_   
Case number(s) and date(s)

4. *If applicable* – I understand that I am also charged with violating the probation imposed on me in case number(s) \_\_\_\_\_ on date(s) \_\_\_\_\_

4.

5. I understand the charge(s) against me, and the possible pleas and defenses. ....

5.

### CONSTITUTIONAL RIGHTS

6. **RIGHT TO A TRIAL BY A JUDGE OR BY A JURY** – I understand that I have the right to a speedy, public trial by a judge or by a jury. ....

6.

7. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine all witnesses testifying against me. ....

7.

8. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, I am incriminating myself. ....

8.

9. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me. ....

9.

### CHARGES OF PRIOR CONVICTION(S) AND PROBATION VIOLATION(S)

10. *If applicable* – I understand that I have the right to a lawyer, the right to a trial by judge or jury, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence for all the charges against me, including any charged prior conviction(s). However, for a charge of violating probation, I do not have the right to a jury trial although I do have the right to a hearing before a judge. ....

10.



**WAIVER OF RIGHTS**

- 11. Understanding all this, for *all* the charges against me, including any prior conviction(s) or probation violation(s):
  - 11a. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer.)..... 11a.
  - 11b. I give up my right to a trial by a judge or by a jury. .... 11b.
  - 11c. I give up my right to confront and cross-examine witnesses. .... 11c.
  - 11d. I give up my right to remain silent and not incriminate myself. .... 11d.
  - 11e. I give up my right to produce evidence or witnesses on my own behalf. .... 11e.

**CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST**

- 12. **Penalty:** I understand that the *possible consequences* for the offense(s) charged are:
  - 12a. as described in Exhibit A attached hereto. I also understand that the Department of Motor Vehicles may take additional administrative actions affecting my license. .... 12a.
  - 12b. as follows: \_\_\_\_\_ 12b.
- 13. Federal Law provides for mandatory deportation for certain crimes. I understand that if I am not a citizen of the United States, I have the right to contact an immigration attorney, a diplomat or consular representative of my country. I also understand that a conviction of a crime may, and for certain crimes will, result in my deportation, denial of my re-entry to the United States and denial of my application for citizenship. 13.
- 14. *If applicable* – I understand that any plea entered in this case may be an admission of a violation of probation or parole which has been previously imposed on me in any other case. .... 14.
- 15. *If applicable* – I understand that any plea of no contest will result in conviction and punishment, the same as a plea of guilty but cannot be used against me in a civil lawsuit. 15.
- 16. I understand that the Department of Motor Vehicles will suspend my license for an additional six months if my offense involved a controlled substance (drug). .... 16.

**PLEAS**

- 17. All promises made to me concerning this plea have been stated on the record or are as follows: \_\_\_\_\_ 17.
- Other than as indicated, no further promises have been made to me. No one has threatened me, or anyone closely related to or associated with me, to make me plead guilty or no contest. ....
- 18. Having read and understood this form, I hereby freely and voluntarily plead [  ] guilty or [  ] no contest to \_\_\_\_\_ (list charges) 18.
- 19. I understand that I have the right to wait from six hours to five days prior to being sentenced. I give up this right and agree to be sentenced at this time. .... 19.
- 20. *If applicable* – I freely and voluntarily admit the prior conviction(s) listed on this form. I understand that this admission may increase the penalties which are imposed on me. .... 20.
- 21. *If applicable* – I understand that I have the right to enter my plea before, and be sentenced by a judge. I give up this right and agree to enter my plea before, and be sentenced by \_\_\_\_\_, duly appointed Temporary Judge. 21.
- 22. I understand that I have the right to appeal this sentence, conviction and any rulings made by the Court in this case. I give up my right to appeal in exchange for accepting this negotiated disposition. 22.



23. I am not under the influence of any alcohol or drug at the time of signing this document.

23.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's Signature

**ATTORNEY'S STATEMENT**

I am the attorney of record for the defendant. I have reviewed the form and any addendum with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant's decision to waive constitutional rights.

DATE	SIGNATURE OF DEFENDANT'S ATTORNEY →
------	----------------------------------------

**INTERPRETER'S STATEMENT (If Applicable)**

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that he/she understood the contents of the form, and then he/she initialed and signed the form.

Language:  Spanish  Other (specify): \_\_\_\_\_

DATE	TYPE OR PRINT NAME	COURT INTERPRETER'S SIGNATURE →
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**WAIVERS AND PLEA IN ABSENTIA (If Applicable)**

1. I specifically waive my right to personally enter my plea, I waive my right to be personally present when sentence is imposed, I waive my right to delay sentencing not less than six hours nor more than five days after entry of the plea, and I waive my right to personally address the court in mitigation of my sentence which might be imposed.

2.  (Check box if represented by Attorney)

I hereby authorize and direct my attorney named \_\_\_\_\_ to enter said plea of \_\_\_\_\_ to the court for me in my absence. My attorney is further authorized and directed to waive time for sentencing, and to receive the sentence, including probation, in my absence.

Date: \_\_\_\_\_  
(Notary, if appropriate)

\_\_\_\_\_  
Signature of Defendant

**COURT'S FINDINGS AND ORDER**

The court, having reviewed this form and any addendum, and having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

DATE:

→ \_\_\_\_\_

- Judge of the Superior Court
- Temporary Judge of the Superior Court



# Soberlink Implementation & Order Language Outline

## Introduction

Soberlink is designed specifically for Family Law which means it varies from all other alcohol monitoring methods by focusing on child custody, parenting agreements, and everything Family Law Professionals and Clients need. Although Soberlink has been used in courts across the U.S. and Canada since 2011, professionals who are more accustomed to criminal-related monitoring may have questions about Soberlink's new approach. This document will provide clear guidance on how to correctly implement the Soberlink system within your Family Law practice.

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- **Section 1:** Important Reminders
- **Section 2:** Definition of Terms
- **Section 3:** Important Considerations for Alcohol Monitoring
- **Section 4:** Soberlink Best Practices
- **Section 5:** Soberlink Implementation Steps
- **Section 6:** Order Language Outline
  - Questions to be Answered and Written into Order
  - Additional Language to be Written into Order
  - Suggested Order Language for Testing Instructions

## Section 1: Important Reminders

- This document serves as guidance for preparing orders involving Soberlink and is not considered final or binding. **This document will not be accepted by Soberlink to initiate testing set up or Device activation.** The Monitored Client and Concerned Party must request, complete, and electronically sign a **Soberlink Monitoring Agreement** when you feel they are ready.
- While the **Soberlink Monitoring Agreement** ultimately determines the specifics of testing setup, it's imperative for attorneys to regard this document as a foundational guideline. **By ensuring that the details of the Order align exactly with the details of this document, completion of the Soberlink Monitoring Agreement becomes a seamless and efficient process.** Use this document as the bridge between your legal expertise and the precise requirements of the Soberlink system, ensuring that the all parties clear and consistent in their understanding and expectations.

## Section 2: Definition of Terms

These terms have been defined for the purposes of this document.

- **Monitored Client:** The parent required to submit tests using the Soberlink Device.
- **Concerned Party:** The person who will co-sign the Soberlink Monitoring Agreement, receive Soberlink test results, and has the best interests of the child(ren) in mind.
- **Paying Party:** The person (Monitored Client or Concerned Party) who will purchase the Soberlink Device and pay the monthly subscription fee.
- **Soberlink Monitoring Agreement:** The contract, provided by Soberlink, that must be completed and electronically signed by the Monitored Client and Concerned Party. This document dictates how Soberlink monitoring will be set up, and must be completed before Soberlink monitoring can begin.
- **Alerts/Reports:** Text and/or email notifications regarding tests and testing history.
- **Order:** The order, parenting agreement, or any other document created by the attorney, mediator, judge, etc. that includes details on how the Soberlink Agreement should be filled out.

## Section 3: Important Considerations for Alcohol Monitoring

According to the National Council of Juvenile and Family Court Judge's Bench Card on Alcohol Use Disorder, an effective alcohol monitoring system should include:

- Capability to send real-time results to unlimited recipients
- Facial recognition that instantly authenticates identity
- Software that performs instant analytics on testing activity
- Reports that are visually displayed in a calendar layout
- Multiple sensors that detect tampering
- Agreements that detail all aspects of monitoring
- Creation of court-admissible reports
- Availability of experts to testify at any time

Soberlink is the only alcohol monitoring system encompassing all the above mentioned features. Proper implementation of Soberlink is essential to guarantee that these features function effectively in the context of Family Law.



## Section 4: Soberlink Best Practices

**Soberlink Best Practices: Based on an Expert Panel Document:** Many times, orders for Soberlink monitoring are incorrectly written using language appropriate only for older methods of alcohol monitoring, such as urine testing. To address this issue, Soberlink convened a panel of Addiction Treatment experts to determine the optimal use of Soberlink. Their findings were [published in the Journal of Addiction Medicine](#). From these insights, Soberlink developed “Soberlink Best Practices: Based on an Expert Panel.” This document should be reviewed prior to completing this outline.

[Read the Best Practices Document »](#)

## Section 5: Soberlink Implementation Steps

1. A **Law Professional** completes Order Language Outline (See Section 6).
2. A Law Professional creates the **Order**.
3. The **Paying Party** purchases a Device and requests a **Soberlink Monitoring Agreement** by following the guided steps on Soberlink’s website at [www.soberlink.com/start-the-process](http://www.soberlink.com/start-the-process).
4. The **Paying Party** receives a link to the **Soberlink Monitoring Agreement** via email.
5. The **Paying Party** fills in and signs their portion of the **Soberlink Monitoring Agreement** in accordance with the **Order**. The Agreement is automatically sent to the other party.
6. The other party reviews and signs the **Soberlink Monitoring Agreement**.
7. The **Monitored Client** calls Soberlink during business hours with the Soberlink device in hand to complete activation.

The example above reflects the process if the Paying Party is either the Monitored Client or the Concerned Party. If someone else is the Paying Party, contact [support@soberlink.com](mailto:support@soberlink.com)

# Section 6: Order Language Outline

## Questions to be Answered and Written into Court Order

### How often will monitoring occur? (Which Soberlink Program will be used?)

- Only During Parenting Time (Level 1 – Parenting Time Only)
- 7 Days a Week (Level 2 – Daily Testing)

### How will testing be reported (Which Soberlink Plan will be used?)

- Basic Plan** – No real-time Alerts. Daily Email Reports of previous day's testing. Limited to 2 Report recipients. (Monitored Client and Concerned Party)
- Plus Plan** – Real-time Email Alerts. Daily, Weekly, and Monthly Email Reports. Unlimited Report recipients.
- Premium Plan** – Real-time Email and Text Alerts. Daily, Weekly, and Monthly Email Reports. Unlimited Report recipients.

### Who will pay for the device and monitoring fees?

- Monitored Client
- Concerned Party

### Monitored Client (The parent who is required to submit tests using the Soberlink Device)

Name: \_\_\_\_\_ Email: \_\_\_\_\_ Phone #: \_\_\_\_\_

### Concerned Party (The person who receives test results and has the best interests of the child(ren) in mind)

Name: \_\_\_\_\_ Email: \_\_\_\_\_ Phone #: \_\_\_\_\_

### Additional Contact to Receive Alerts or Reports

*Plus and Premium Plans Only*

Name: \_\_\_\_\_ Email: \_\_\_\_\_ Phone #: \_\_\_\_\_

Name: \_\_\_\_\_ Email: \_\_\_\_\_ Phone #: \_\_\_\_\_

*Note: The Monitored Client, Concerned Party, and additional Contacts will be set up with Default Alerts and Reports. Parties can change their personal Alerts or Reports after setup by emailing [support@soberlink.com](mailto:support@soberlink.com).*



## How many tests per day are required during a full day of testing?

*\*Note: Soberlink Best Practices states to start with 3 tests/day and reduce to 2 tests/day with consistent, compliant behavior. Guidance is provided in Soberlink Best Practices: Based on an Expert Panel.*

- 2 Tests/day (When waking up and before bed)
- 3 Tests/day (When waking up, mid-day, and before bed)
- 4 Tests/day (When waking up, early mid-day, late mid-day, and before bed)

## What are the consequences of a positive test?

*\*Note: Guidance is provided in Soberlink Best Practices: Based on an Expert Panel.*

## What are the consequences of a missed test?

*\*Note: Guidance is provided in Soberlink Best Practices: Based on an Expert Panel.*

## Additional Language to be Written into Order

- Alcohol monitoring will be obtained from Soberlink. A Device shall be purchased at [www.soberlink.com](http://www.soberlink.com)
- A Soberlink Monitoring Agreement shall be requested at [www.soberlink.com](http://www.soberlink.com) and electronically signed by the Monitored Client and Concerned Party before monitoring can begin.
- The party requesting the Agreement at [www.soberlink.com](http://www.soberlink.com) will fill out the agreement details.
- Upon activation, Monitored Client will opt-in to Soberlink text messages.
- Soberlink records will be admissible in court.

## Suggested Order Language for Testing Instructions

### Level 1 – Parenting Time Only

- A test shall be sent 1 hour prior to Parenting Time and immediately following the conclusion of Parenting Time.
- During Parenting Time, the Monitored Client shall submit a test upon waking up, mid-day, and before bed.

### Level 2 – Daily Testing

- Testing is required 7 days a week
- Abstinence from alcohol use is required
- 2 to 3 Tests will be scheduled per day
- Test windows will be set at 2 hours and 15 minutes
- Tests will be scheduled upon waking up and before bed. The first test of the day shall be scheduled at the Monitored Client's typical waking hour. The last test of the day will be scheduled at the Monitored Client's typical bedtime hour. Soberlink will schedule the third test based on Soberlink Best Practices.

*Note: Scheduled tests have a 2 hour and 15-minute window meaning that a test scheduled at 8 AM gives the Client from 7:45 AM to 10AM to submit the test on time.*