

[Home](#) [Table of Contents](#)**§ 9886. Dismissal of Participants.**

9 CA ADC § 9886

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)
Title 9. Rehabilitative and Developmental Services
Division 4. Department of Alcohol and Drug Programs
Chapter 3. Programs for Alcohol and Drug Impaired Drivers
Subchapter 4. Participant Standards

9 CCR § 9886

§ 9886. Dismissal of Participants.

(a) The DUI program shall dismiss from the program any participant who:

- (1) Fails to participate in required program activities within 21 days of transfer to another DUI program licensed by the Department;
- (2) Fails to maintain program sobriety in accordance with Section 9874;
- (3) Fails to comply with DUI program rules;
- (4) Fails to comply with additional county requirements which have been established by the county alcohol and drug program administrator and approved by the Department in accordance with Section 9860;
- (5) Fails to attend program services for 21 days or longer without obtaining a leave of absence in accordance with Section 9876.5. This section shall not apply to multiple offenders in the last six months of the 18-month program or the last twelve months of the 30-month program;
- (6) Exceeds the number of absences allowed in Section 9876(d);
- (7) Fails to resume attending program activities within 21 days of the scheduled return from a leave of absence; or
- (8) Is physically or verbally abusive or acts in a threatening manner to DUI program staff or DUI program participants.

(b) The DUI program may dismiss a participant who fails to pay his/her program fee assessed in accordance with the requirements of Section 9879 or fails to reschedule and attend a financial assessment interview in accordance with the provisions of Subsection 9879(j). However, the DUI program shall not dismiss a participant, who has completed all required program services, for failure to pay program fees.

(c) If the participant was attending the program as a condition of probation or in accordance with a court order, the DUI program shall notify the court that the participant was dismissed from the program. The DUI program shall also notify the Department of Motor Vehicles if the participant has been issued a DL 107. (Proof of Enrollment Certificate)

(d) If the participant is not attending the program as a condition of probation or in accordance with a court order, the DUI program may reinstate the participant in accordance with the DUI program's written policy, which shall be included in the participant contract.

(e) The DUI program may refuse to reinstate a participant if the participant was dismissed because he/she was physically or verbally abusive to DUI program staff or other DUI program participants. The DUI program shall document in the participant's record the circumstances under which the participant was dismissed.

(f) The DUI program shall not give credit for services attended prior to dismissal if the participant has not been enrolled in a DUI program for a period of two years or longer. The DUI program shall give credit for services attended prior to dismissal if:

- (1) The dismissal occurred less than two years prior to re-enrollment; and
- (2) The DUI program who provided the services verifies in writing that the services were provided to the participant.

Note: Authority cited: Sections 11755 and 11836.15, Health and Safety Code. Reference: Section 11837.1, Health and Safety Code; and Section 13352.5 of the Vehicle Code.

HISTORY

1. Change without regulatory effect renumbering and amending former section 9832 to section 9886 filed 4-15-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 20). For prior history, see Register 82, No. 47.
2. Amendment of section and Note filed 6-7-93; operative 7-7-93 (Register 93, No. 24).
3. Amendment of subsections (a)(3) and (a)(8) and new subsections (a)(9)-(a)(10) filed 7-13-94; operative 7-13-94 (Register 94, No. 28).
4. Amendment filed 9-22-95; operative 10-22-95 (Register 95, No. 38).
5. Redesignation and amendment of former subsections (a)(8) and (a)(9) to new subsection (b) and subsection relettering filed 12-10-97; operative 1-9-98 (Register 97, No. 50).
6. Amendment filed 7-31-2002; operative 8-30-2002 (Register 2002, No. 31).
7. Amendment filed 3-22-2012; operative 4-21-2012 (Register 2012, No. 12).

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9 CCR § 9886, 9 CA ADC § 9886

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