

Topic: Court Related Drug and Alcohol Testing

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In the 1960s and 1970s, the military recognized an increase in the use of heroin amongst its personnel which served in the Vietnam War and implemented a drug testing program on returning troops. The military program was then expanded to personnel which were on active duties becoming the first large scale drug testing regime. Positive drug tests were considered medical cases with no punitive consequences given. The Department of Defense didn't implement a no tolerance policy, treating a positive drug test result as a punishable offense, until after May 1981 when a Marine Corps jet crashed aboard the aircraft carrier Nimitz causing the death of fourteen crew members while injuring 48 others. Many crew members tested positive for marijuana after the accident, thereby emphasizing that drug abuse was a problem that needed to be addressed in the armed forces

The use of workplace drug testing didn't increase until the mid-1980s. There were numerous lawsuits filed, challenging the scientific validity of drug-testing results and asserting violations of employees' rights so the need for drug-testing standards and oversight became more and more obvious. The US Government finally took action to address this issue in 1986 when noting the effects of drug abuse on workplace safety and productivity thereby creating the Federal Drug-Free Workplace Program. Over 20 million Federal employees and other covered industries began testing in 1988. In the early 1990s, stricter laws were created and Urine and Hair Drug testing became more commonplace in our legal system. Nail Testing gained attention in many states beginning around 2006 and Blood Spot Alcohol Testing became relevant in 2010 because of technology breakthroughs. At least 47 of the 50 states have legislation and court cases to regulate specific drug-testing requirements.

Today there are many reasons drug & alcohol tests are used in legal cases:

- (1) Custody issues (2) Arrests involving drug possession or distribution charges (3) Domestic Disputes (4) Parole or Probation (5) Driving Under the Influence (6) Accident and Injury cases etc.

Here are the most common types of tests used for court:

- 1) **Instant Urine Drug Tests** are up to 99% accurate. All instant results should be called "Negative" or "Non-Negative". A result should not be called "Positive" until the sample has been sent for lab confirmation testing.
- 2) **Urine Lab Based Tests** can take 2 to 6+ business days for positive results because of confirmation testing and MRO review. Always ask the drug test collector how long the results should take.
Note: Since urine drug testing does not distinguish between drugs of abuse and certain medications, some positive results may require a Medical Review Officer (MRO) to determine if the results were caused due to a valid prescribed medication. Confirmation testing typically adds another 1 to 3 business days and the MRO review can add another 1 or 2 business days before the final results become available. *This process guards against a positive result due to a valid prescription ("false positive").* An MRO will only review lab-based tests.
- 3) **Hair & Nail Tests** can detect drug & alcohol use up to about 3 months. It usually takes 2 or 3 business days for "Negative" results and a few days longer for "Positive" results (if the sample was sent over-night). Again, an MRO should be used for "Positive" results. These tests are widely used in child custody cases.
- 4) **EtG (80 hour Urine Alcohol Test):** Can use lab or an instant test. Setting up multiple random tests can be an effective way to show there was no alcohol consumption. Instant EtG tests tend to have a higher cut-off level so it's likely they detect alcohol use for 2 to 3 days instead of up to 80 hours like the lab testing.
- 5) **Alcohol Breathalyzers** are often used for DUI's, car accidents and workplace accidents.
- 6) **Blood Spot tests** detect moderate to risky drinking for approximately 3 weeks. Good for custody cases.
- 7) **Blood Tests** can determine recent drug use for 1 or 2 days and alcohol levels for about 1 hour per drink.
- 8) **Saliva Tests** are good tests for recent drug use- about 2 or 3 days for most drugs. (About 14 hours for THC)

Head Hair

Adulteration: Moderate to Difficult

Detection: Around 3 months

Collection: Usually No Notice Needed

Urine

Adulteration: Easy

Detection: 2 to 4 Days (Most drugs)

Collection: May Require Notice

Fingernail

Adulteration: Very Difficult

Detection: 3 to 6 months

Collection: May Need Notice

Whole Blood & Oral Fluid

Adulteration: Very Difficult

Detection: 1 day (Blood) & 2-3 days (Oral)

Collection: No Notice Required

As you can see, *detection times* vary. Toenail and Body Hair testing detects drug use up to about 1 year. Toenails should not be your first choice because the samples are not as consistent & less clinical data is available.

It takes about 10 to 20 minutes after using a drug for it to be detected in Saliva, one to two hours with urine and typically 7 to 14 days for Hair and Nails to be at maximal detectable levels. Unlike Urine testing, the drug type being tested does not affect the detection time frame for Hair and Nail testing, and not as much for Saliva testing.

Urine drug detection times, or the amount of time the drug remains detectable in the body, vary from drug to drug. Drug levels can vary in the same individual depending on when the test is done. The first urination of the day will yield the highest concentrations of drug metabolites. Testing urine at other times of the day may yield differing results since the hydration of urine changes throughout the day.

Factors that could affect the urine drug result:

(1) Drinking large amounts of fluids to self-dilute the urine sample. (2) Certain over the counter medications may cause a preliminary positive. (3) Donor's age, weight, sex, metabolic rate, drug concentration/strength, overall health plus the amount and strength of drug consumed all affect how long the drug may be detectable. (4) Using someone else's urine. (5) Adulterating or contaminating the sample by consuming an adulterant or adding one to the sample cup.

The chart below shows drug detection times for urine-based testing. Positive instant drug test results should be confirmed with lab testing and use a Medical Review Officer before a result is considered final.

<u>DRUG CATEGORY</u>	<u>DETECTION</u>	<u>DRUG CATEGORY</u>	<u>DETECTION</u>
Amphetamines (AMP)	2-5 Days	Opiates (OPI & MOR)	2-4 Days
Barbiturates (BAR)	4-14 Days	Oxycodone (OXY)	2-3 Days
Benzodiazepines (BZO)	2-7 Days	Phencyclidine (PCP)	3-8 Days
Cocaine (COC)	2-4 Days	Tricyclics (TCA)	2-8 Days
Marijuana (THC) Casual use	2-6 Days	Propoxyphene (PPX)	2-3 Days
Marijuana (THC) Chronic use	10-21+ Days	Buprenorphine (BUP)	2-5 Days
Methadone (MTD)	2-5 Days	Ecstasy (MDMA)	2-4 Days

Note: All of the above urine detection times are estimates. If you researched 10 different sources on your own, you would probably find 10 slightly different answers. I consider the above times to be "middle of the road" or "average" using standard workplace cutoffs (standard tests).

Urine Test price Range: \$39 to \$139+ mostly depending on where you go and the number of drugs tested.

Most drug testing businesses only use one hair testing lab with limited testing options, many do not offer nail testing at all so you may have to call around to get what you want. Below is the most extensive list for testing options available. You cannot simply pick the drugs you want tested. The panels are set. (i.e. If you only need "Propoxyphene" tested you must order at least a 9 panel to have it included.)

- (1) **Amphetamines**- MDA, MDEA, MDMA (ecstasy), methamphetamine
- (2) **Cannabinoids**- carboxy-THC (Marijuana)
- (3) **Cocaine**- benzoylecgonine, cocaethylene, cocaine, norcocaine
- (4) **Opiates**- 6-MAM, codeine, hydrocodone, hydromorphone, morphine
- (5) **Phencyclidine**- phencyclidine (PCP)
- (6) **Benzodiazepines**- alprazolam, diazepam, midazolam, nordiazepam, oxazepam, temazepam
- (7) **Barbiturates**- amobarbital, butalbital, pentobarbital, phenobarbital, secobarbital
- (8) **Methadone**- EDDP, methadone
- (9) **Propoxyphene**- norpropoxyphene
- (10) **Oxycodone**- oxycodone, oxymorphone
- (11) **Meperidine**- normeperidine
- (12) **Tramadol**- tramadol
- (13) **Fentanyl**- norfentanyl
- (14) **Sufentanil**- norsufentanil
- (15) **Ketamine**- ketamine, norketamine
- (16) **Buprenorphine** – buprenorphine, norbuprenorphine
- (17) **Zolpidem** – (Ambien)

*There is also a hair and nail test designed to help detect environmental exposure called "Child Guard". This test adds an investigative emphasis on the child's environment, not just on drug consumption, by modifying conventional hair and nail testing procedures. See <http://hairtestingofvirginia.com/hair-testing-choices/> for details. Hair and nail testing for exposure mostly identifies Cocaine, Marijuana & Amphetamines (Including Meth) - mostly in that order of frequency.

*Many drug testing Laboratories only offer a 5-panel test which is what most child custody cases ask for. The 5 drug categories are standard but the drugs tested within each category are not standard, especially for opiates and amphetamines. For example, one company may have hydrocodone and MDEA standard while another lab's test may not include them at all. Asking questions about specific drug use will help you determine the right testing choice.

*The **standard hair test** uses the most recent 1 ½ inches of head hair growth which tests approximately 3 months. For a **6-month test**, there is at least one lab that will do a "Segmented" test meaning they will do two 3-month tests on one sample, as long as the sample is at least 3 inches long. The segmented test is available to test a variety of drugs, but no alcohol testing is available. There will be two separate test results, one result for up to about 3 months and the second for about 3 to 6 months (two testing fees). The **finger nail drug test** has a window of detection of up to 3 to 6 months and there is no accurate way of determining the exact timeline from test to test. The Body Hair & Toenail test detects up to about 1 year but there are some drawbacks to using these tests discussed on the "Choosing the Right Test" handout.

Hair and Nail test price range: About \$129 - \$229 for the standard 5 panel. The 7 to 17 panel tests typically range from \$179 to \$699+ depending on where you go and how many different drugs are being tested.

Drugs and EtG (Alcohol) are incorporated into **hair** by three main routes:

- (1) Environmental exposure- If a donor smoked, handled, distributed or manufactured a drug, it can physically transfer from the contaminated environment to the hair. This route of incorporation *does not apply to EtG*.
- (2) When sweat and oil from the scalp containing drug and drug metabolites incorporate into hair.
- (3) Blood deposits drug and the drug metabolites into the hair's root.

Head hair grows at an average rate of a ½ inch per month and the majority of the head hair is actively growing, therefore a 1.5 inch segment (Standard Test) closest to the scalp equates to approximately 3 months of hair growth providing an approximate 3 month window of detection. Hair that is often treated cosmetically can have diminished results. The bleaches, dyes, permanents, and straighteners will destroy some of the drug substances in the hair thereby reducing the quantitative presence of drugs and EtG (Alcohol).

Body hair grows at a similar rate to head hair but once it achieves a pre-determined length, the hair can go dormant for up to 6 to 12 months before being shed. Therefore, the detection window for most drugs of abuse in body hair **may** be up to approximately 1 year. Studies show that most body hair is dormant at any given time so only environmental exposure plus sweat and oils from the skin will deposit the drug onto the hair when dormant. Since blood will no longer feed dormant hair drug metabolites, there might be an increased chance for a false negative result. Also, if the body hair is shaved a couple months prior to testing, the result may only reflect a couple months instead of up to 1 year. Although I've had many positive body hair results over the years, in most cases, I believe body hair should only be used if head hair and fingernails are not available.

Drugs and EtG (Alcohol) are incorporated into **nails** by four main routes:

- (1) Environmental exposure- If a donor smoked, handled, distributed, manufactured a drug, it will physically transfer from the contaminated environment to the nail and become incorporated into the nail; this route of incorporation *does not apply to EtG*.
- (2) Sweat and oil from the skin around the nails containing drug and their metabolites incorporate into the nail.
- (3) Blood deposits drugs and their metabolites into the germinal matrix where the nail originates.
- (4) The blood deposits drugs and their metabolites from the nail bed underneath the nail as the nail grows in length and thickness.

Note: Once drug and/or drug metabolites are incorporated into *hair or nails*, they begin to slowly leach out due to normal daily hygiene and exposure to the elements. Blood depositing drugs and their metabolites are believed to be the main source of detectable levels in both hair and nails.

A nail test needs, on average, a 2mm sample (thickness of a quarter) from each nail to provide a sufficient sample for testing. The **fingernail** may require as long as 6 months to grow from the germinal matrix to the end of the finger so a nail clipping may reflect the drug use history during this entire period of time, but due to the water solubility of EtG, the detection window for Alcohol has been estimated to be approximately up to 3 months and possibly longer for very heavy drinkers. **Toenails** grow slower and have an 8 to 14 month drug detection window and a longer, but a lesser known detection window for EtG.

Tip: Always get drug test results directly from the drug tester. A computer savvy person could easily change the results to whatever they want!

Alcohol (EtG) Testing

Head Hair

Adulteration: *Moderate to Difficult*
 Detection: *Around 3 months*
 Collection: *Usually No Notice Needed*

Fingernail

Adulteration: *Very Difficult*
 Detection: *Around 3 months*
 Collection: *May Need Notice*

Urine

Adulteration: *Easy*
 Detection: *Around 3 days*
 Collection: *May Require Notice*

Dried Blood Spot

Adulteration: *Very Difficult*
 Detection: *Around 3 Weeks*
 Collection: *No Notice Required*

Notes:

- (1) EtG stands for Ethyl Glucuronide which is a metabolite created when alcohol is digested.
- (2) Saliva, Breathalyzer and Whole blood Alcohol testing detects in hours. About 1 hour for each drink consumed.
- (3) Hair, Nail and Blood Spot alcohol test "positive" results indicate "Binge/Risky" drinking, while a Urine, Whole Blood and Saliva alcohol test "positive" result can detect lower alcohol consumption for a much shorter detection window.
- (4) Body Hair and Toenail Alcohol detection time is less than the drug detection time frame because alcohol has a shorter half-life. Due in part to sparse data, testing labs don't specify a detection time. Based on my own experience and conversations with toxicologists, I'm confident EtG is detectable for 5+ months in Toenails and about 3 months in body hair depending on consumption.
- (5) For Driving Under the influence (DUI) cases, an Alcohol Breathalyzer test is used by law enforcement for initial screening along with a blood alcohol test.
- (6) Child Custody cases often use head hair & finger nail EtG testing to determine if alcohol consumption is a problem. Random urine EtG testing is helpful to determine if any alcohol is consumed.
- (7) The dried blood spot test is the most convenient way to test for phosphatidylethanol (PEth). PEth is an abnormal phospholipid formed in red blood cells following alcohol exposure. PEth in blood exists as a component of the red cell membrane. PEth is a mid to long-term alcohol biomarker, and a positive result indicates moderate to heavy alcohol consumption during the 2-4 weeks prior to sample collection. The heavier the drinker, the longer the test will be able to detect alcohol for a "Positive" result.

Alcohol Testing- (Think 3-3-3) Urine 3 days, Blood Spot 3 weeks, Head Hair & Fingernails 3 months.

*The number of drinks over the testing time frame is less important than the number of drinks per episode.

There are over 4 times as many people with alcohol abuse problems as those with drug abuse problems. (Source: Drug and Alcohol Testing Industry Associates- www.DATIA.org) Yet most emphasis is still placed on drug testing.

Interpreting "Positive" Alcohol results for Hair, Nail and Blood Spot Testing:

I've talked with numerous toxicologists over the past decade and all of them are leery of making definitive statements about what a "Positive" alcohol result number means. The numbers can get into the hundreds of pg/mg with a positive result being anything over 20 pg/mg. A higher result number would indicate a higher level of drinking than someone with a lower number but saying how much or how often they drank still isn't possible. No one can say with certainty if a positive result was caused by 1 week of heavy use or continued use over many weeks or months because the result can only indicate a snapshot for the time period tested as a whole. A "Negative" result does not provide a numerical result.

Choosing the Right Test

Which test is best? The quick answer is, “it depends”. Each test has advantages and disadvantages. Choosing the best test based on the circumstances involved in the case is the best we can do. There is no one test that is the best every time. The test which shows the best picture of what a person is doing or not doing should be the goal. I think it is fair to say that the science behind testing is sound, but the consistency of samples is not. Biology can be messy, inter-individual variables can be significant. The question becomes, which type of sample gives the best chance to provide an accurate result for the timeline in question?

The “Drug Testing Detection Time Frames” handout (pg. 2) should provide most of what you need to know about **urine-based testing**. Saliva based testing is rarely used for court cases but its basic information is covered on your other handouts. The majority of child custody cases involve using a longer based test which is difficult to cheat like the **hair and nail test**. Criminal cases can vary greatly depending on what people are charged with so the type of tests used will also vary.

I believe the scientific research behind hair and nail testing is at the point where we can all be confident in the science, the key is in choosing the best type of sample to eliminate the false “negatives”. A “positive” is a “positive”, the science is sound. Choosing the wrong test will increase the chances of a false negative which can be minimized by asking the right questions:

- (1) What is the timeframe you want the test to cover? - See page 2 and other handouts for specifics.
- (2) What type of samples can the person provide? - Is their head hair long enough? Do they have short or fake finger nails? Do they have enough body hair? Some people shave their entire body. Etc.
- (3) Is there a deadline in which the sample needs to be collected? - If someone colors, straightens or bleaches their hair a fingernail test may be best but if their nails are very short and the judge only gave 48 hours to provide a sample, you may have to go with the hair test.
- (4) Purpose of test? - Random, follow-up, drug levels, custody case, a specific allegation etc.
- (5) Which drugs need to be tested? - Each type of test has its own limitations.

In a perfect world where every person had the perfect head hair, body hair, fingernail and toenail samples available, I would prioritize utilizing the following testing order for drugs and alcohol:

- (1) **Fingernail Test**- The science points to more advantages and less disadvantages than hair testing. If the 3 to 6 month drug timeframe is a problem, use head hair if 3 months is preferred. For Alcohol, the fingernail test covers the same duration as head hair so go with the nail test.
- (2) **Head Hair Test**- #2 mostly because hair products can help to cause a false negative.
- (3) **Body Hair**- Because of the limitations listed on page 4.
- (4) **Toenail Test**- There just is not enough data available yet and the testing window is too long for most cases.

At this point in time, hair testing is the number one choice for judges and attorneys but I believe finger nail testing will gain traction once the facts become better known.

As a drug test collector, I often get a client with a court order for a 6 month or 1 year hair test. As you now know, hair testing has limitations for drug testing and even more for alcohol testing. Not all drug testers have a 6-month option and some drug testing businesses don't collect body hair or offer nail testing at all. Knowing your next best testing option is important.

Can a hair or nail test determine how much or how often someone is using a drug? No. Hair and nails are reservoir matrix's, where drugs can collect and/or degrade over time. When testing any reservoir matrix, you are unable to back-track and determine time, dosage or frequency because there are simply too many variables involved. Reservoir matrices such as hair and fingernails continuously collect drug biomarkers. Because the biomarker is collected over a period of time, the results represent a total accumulation that cannot be pin-pointed to specific times/dates/dosages, etc. "The only interpretation that can come from a positive hair test is that the individual used or was exposed to drugs during the three months prior to collection and 3 to 6 months for fingernails." (Source: United States Drug Testing Laboratories, Inc.) Another important variable in determining the quantity of drugs found in hair is hair color and the use of cosmetic treatments. Dark hair binds some drugs tighter than light hair making the numerical "Positive" result higher and cosmetic treatments (straighteners, dyes) can cause lower numerical results.

Testing laboratories will not make definitive statements regarding what a "Positive" hair or nail drug test result means because of all the variables involved. Saying how much or how often someone used a drug isn't possible. No one can say with certainty if a positive result was caused by 1 week of heavy use or continued use over many weeks or months because the result only indicates a snap shot over a specific period of time. (A "Negative" result does not provide a numerical result). At no time should a hair or nail test be used to show abuse based on the levels of a positive result. These tests were not designed to do that. How they can be useful in showing abuse is to show if a person is taking a drug they are not supposed to take- no valid prescription. A person abusing prescription drugs sometimes will take whatever they can get their hands on.

In my opinion, there really is no good drug testing method to determine if people are abusing drugs based on drug levels alone. Sometimes daily blood or urine tests are used to track the levels but obviously the person using the drug can alter their behavior if they know they're being tested.

Paul Mungo- November 24, 2017- All rights reserved

Alcohol Testing:

- A positive EtG result in fingernail or hair specimens may indicate multiple occurrences (six or more) of high alcohol consumption (0.08% BAC) within a three-month window of detection prior to testing.
(Source: United States Drug Testing Laboratory- USDTL)
- Lower alcohol consumption behavior (Less than 0.08% BAC) may also cause a positive EtG hair or nail test result but it will take more drinking occurrences than the high alcohol consumption example above.
- The number of drinks is less important than the number of drinks per episode (drinking behavior).
(Source: National Institute of Alcohol Abuse and Alcoholism- NIAAA)
- A hair result of 30 pg/mg or more is consistent with chronic excessive drinking. (Source: Society of Hair Testing)
- A fingernail test is more sensitive than a hair test for the detection of EtG therefore it's possible a result that was positive using fingernails may be negative using a hair sample.
- Hair color *does not* impact a hair alcohol (EtG) test result, but cosmetic treatments can impact the results. A person using a lot of hair products has an increased chance for a false negative result.

Drug Testing:

- With hair testing results, alkaline drugs like opiates, PCP, amphetamines and cocaine are affected by hair color. Marijuana, which is acidic, is not affected by hair color.
- Cosmetic hair treatments can affect any type of hair drug test result.
- There is no color bias with nail testing.
- Hair color affects a drug test result as follows: The darker the hair, the better many drug metabolites can bind to it. Studies show that black hair will yield the highest numeric positive test results, then brown, then blonde and red hair holds the least amount of drug metabolites on average.

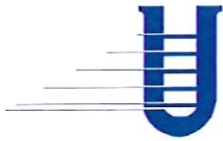
What Information Should Be Covered When A Drug or Alcohol Test is Being Ordered for a Case?

- (1) **Time frame of Testing** – “Provide a sample for a ... test within the next 5 days” etc. Allow at least 10 days for a nail test in case nails are too short and need to grow to a sufficient length. (Prohibit the use of additional cosmetic treatments for hair. “Must remove everything from the natural fingernails prior to testing.”)
- (2) **Which test will be required** – “5 panel hair, 10 panel urine, 5 panel saliva, 7 panel nail plus alcohol” etc.
- (3) **The frequency of testing** - “at least once a month, 2 hair tests over the next 7 months, two consecutive clean hair tests 3+ months apart, six random urine tests over the next 4 months” etc. (Specify the type of test- 5 panel etc.)
- (4) **Specify what will happen if a test is missed or failed** - Automatic fail, will assume positive result etc.
- (5) **Specify who will receive the test results and how** – By email, fax, letter etc.

Note: Cosmetic hair treatments can act as a reducing or oxidizing agent causing drugs and alcohol (EtG) to degrade. Hair treatments also make hair more porous allowing **drugs** and **EtG** to enter and be washed away faster.

Testing for Drug Abuse:

Again, I believe there really isn't a good drug testing method to determine if people are abusing drugs based on drug levels alone. At no time should a hair or a nail test be used to show abuse based on test result levels. You also shouldn't use urine or saliva to show drug abuse. None of these tests are designed to do that. A positive result cannot be used to take the drug level amount into account to determine if the results are at abuse levels since it's simply a snapshot of a period of time. The only way they can be useful in showing abuse is by showing if a person is taking a drug they are not supposed to take.



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 3500 Virginia Beach Blvd
 Suite 500
 Virginia Beach, VA 23452

Client F081310VA
Client Drug Testing Solutions of VA
Location
Collector PAUL MUNGO

Sample Information

Specimen ID	[REDACTED]	Test Reason	Other
Donor ID	[REDACTED]	Type	Hair
Lab Sample ID	[REDACTED]	Collected	11/30/2022 14:00
SSN	[REDACTED]	Received	12/1/2022 13:38
		Report Date	12/6/2022 17:40

Tests Requested

ETG-HAIR	Hair ETG	Sample	POSITIVE		
Test	Result	Quantitation	Screen Cutoff	Confirm Cutoff	
ETHYL GLUCURONIDE LCMSMS	POSITIVE		20 pg/mg		
Ethyl Glucuronide LCMSMS	POSITIVE	34 pg/mg		20 pg/mg	

Additional Sample Information

Head Hair

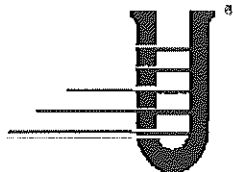
Sample Comments

Test developed and characteristics determined by United States Drug Testing Laboratories, Inc. See Compliance Statement on our website http://www.usdtl.com/compliance_statement.

All screen methods are immunoassay unless otherwise noted.

Certification

Data approved by Faz Paharuddin on 12/6/2022



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Report To Paul Mungo - Owner
Drug Testing Solutions of VA
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Virginia Beach, VA 23452

Client F081310VA
Client Drug Testing Solutions of VA
Location
Collector PAUL MUNGO

Sample Information

Specimen ID
Name
Lab Sample ID
SSN/DonorID

Test Reason Environmental Exposure
Type Hair
Collected 4/13/2020 10:30
Received 4/14/2020 13:06
Report Date 4/16/2020 14:51

Tests Requested

CHILDGUARD		Sample POSITIVE	
Hair ChildGuard05			
Test	Result	Quantitation	Screen Cutoff Confirm Cutoff
AMPHETAMINES	negative		500 pg/mg
COCAINES	negative		500 pg/mg
OPIATES	negative		200 pg/mg
PCP	negative		300 pg/mg
CANNABINOIDS	POSITIVE		1 pg/mg
Carboxy-THC GC/MS	negative		0.05 pg/mg
Native THC GC/MS	POSITIVE	29 pg/mg	10 pg/mg

Additional Sample Information

Head Hair

Sample Comments

Test developed and characteristics determined by United States Drug Testing Laboratories, Inc. See Compliance Statement on our website http://www.usdtl.com/compliance_statement

Certification

Data approved by Owais Hameed on 4/16/2020

Hypotheticals

1. Parent A and Parent B are in a contested custody matter. Parent A has made the court and GAL aware of Parent B's drug use. The court orders Parent B to submit to a 7- panel hair follicle test within 7 days of the hearing date. Parent B arrives at drug testing facility with no body hair whatsoever.
2. Parent A has been ordered to submit to a breathalyzer test before parent time (every other weekend). After 2 months under the order, they have a positive test (BAC) in the morning before drop off. Parent A calls you and swears they did not consume any alcohol whatsoever the day before or morning of parenting time. Parent B, pursuant to the order, does not bring children for visitation.
3. Parent A and B do not have any custody order in place. Child (age 10) comes back from Parent B's house and smells of marijuana. Parent B cannot tell if the child is under the influence of marijuana. Parent B takes child for child guard test.

Va. Code Ann. § 16.1-278.15

Current through 2024 Regular Session and 2024 Special Session I.

Code of Virginia 1950 > Title 16.1. Courts Not of Record. (Chs. 1 — 11) > Chapter 11. Juvenile and Domestic Relations District Courts. (Arts. 1 — 18) > Article 9. Disposition. (§§ 16.1-278 — 16.1-290.2)

§ 16.1-278.15. Custody or visitation, child or spousal support generally.

A. In cases involving the custody, visitation or support of a child pursuant to subdivision A 3 of § 16.1-241, the court may make any order of disposition to protect the welfare of the child and family as may be made by the circuit court. The parties to any petition where a child whose custody, visitation, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the Office of the Executive Secretary of the Supreme Court of Virginia. The court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse or neglect, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding. If support is ordered for a child, the order shall also provide that support will continue to be paid for a child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until the child reaches the age of 19 or graduates from high school, whichever occurs first. The court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support. Upon request of either party, the court may also order that support payments be made to a special needs trust or an ABLE savings trust account as defined in § 23.1-700.

B. In any case involving the custody or visitation of a child, the court may award custody upon petition to any party with a legitimate interest therein, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members. The term "legitimate interest" shall be broadly construed to accommodate the best interest of the child. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the custody of the child has previously been awarded to a local board of social services.

C. In any determination of support obligation under this section, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Such judgment becomes a lien against real estate only when docketed in the county or city where such real estate is located. Nothing herein shall be construed to alter or amend the process of attachment of any lien on personal property.

D. Orders entered prior to July 1, 2008, shall not be deemed void or voidable solely because the petition or motion that resulted in the order was completed, signed and filed by a nonattorney employee of the Department of Social Services.

E. In cases involving charges for desertion, abandonment or failure to provide support by any person in violation of law, disposition shall be made in accordance with Chapter 5 (§ 20-61 et seq.) of Title 20.

F. In cases involving a spouse who seeks spousal support after having separated from his spouse, the court may enter any appropriate order to protect the welfare of the spouse seeking support.

G. In any case or proceeding involving the custody or visitation of a child, the court shall consider the best interest of the child, including the considerations for determining custody and visitation set forth in Chapter 6.1 (§ 20-124.1 et seq.) of Title 20.

G1. In any case or proceeding involving the custody or visitation of a child, as to a parent, the court may, in its discretion, use the phrase "parenting time" to be synonymous with the term "visitation."

H. In any proceeding before the court for custody or visitation of a child, the court may order a custody or a psychological evaluation of any parent, guardian, legal custodian or person standing in loco parentis to the child, if the court finds such evaluation would assist it in its determination. The court may enter such orders as it deems appropriate for the payment of the costs of the evaluation by the parties.

I. When deemed appropriate by the court in any custody or visitation matter, the court may order drug testing of any parent, guardian, legal custodian or person standing in loco parentis to the child. The court may enter such orders as it deems appropriate for the payment of the costs of the testing by the parties.

J. In any custody or visitation case or proceeding wherein an order prohibiting a party from picking the child up from school is entered pursuant to this section, the court shall order a party to such case or proceeding to provide a copy of such custody or visitation order to the school at which the child is enrolled within three business days of such party's receipt of such custody or visitation order.

If a custody determination affects the school enrollment of the child subject to such custody order and prohibits a party from picking the child up from school, the court shall order a party to provide a copy of such custody order to the school at which the child will be enrolled within three business days of such party's receipt of such order. Such order directing a party to provide a copy of such custody or visitation order shall further require such party, upon any subsequent change in the child's school enrollment, to provide a copy of such custody or visitation order to the new school at which the child is subsequently enrolled within three business days of such enrollment.

If the court determines that a party is unable to deliver the custody or visitation order to the school, such party shall provide the court with the name of the principal and address of the school, and the court shall cause the order to be mailed by first class mail to such school principal.

Nothing in this section shall be construed to require any school staff to interpret or enforce the terms of such custody or visitation order.

History

[1991, c. 534](#); [1992, cc. 585, 716, 742](#); [1994, c. 769](#); [1996, cc. 767, 879, 884](#); [2000, c. 586](#); [2002, c. 300](#); [2003, cc. 31, 45](#); [2004, c. 732](#); [2008, cc. 136, 845](#); [2015, cc. 653, 654](#); [2017, cc. 46, 95, 509](#); [2023, c. 17](#).