



Thirteenth Judicial Circuit Court

Introduction

To

Mental Health Court

**THIRTEENTH JUDICIAL CIRCUIT COURT
ADULT MENTAL HEALTH COURT PROGRAMS
POLICY AND PROCEDURE MANUAL**

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History of Mental Health Court

In Missouri as in other states, deinstitutionalization of the mentally ill from state institutions has led to increased instances of this population being found in the criminal justice system. Mental Health Courts were developed to deal with this special population.

Boone County's Mental Health Court was established in response to the increasing numbers of mentally ill persons found in the local jail population. At the same time, the Honorable Christine Carpenter recognized the challenges by substance-abusing offenders with mental illness as a co-occurring disorder through her experience presiding over Boone County's Drug Court.

On April 22, 2003, Boone County established a Mental Health Court. This project was created to better serve the community by reducing criminalization of persons with mental illness, and promoting an integrated treatment program. The first docket consisted of two participants.

The Mental Health Court is a voluntary program that includes regular court appearances before the Mental Health Court Judge. Participants in Mental Health Court also have to go to treatment, which includes individual counseling, group counseling, and regular drug testing. The length of the Mental Health Court Program is determined by each participant's progress, with a minimum of one year and a maximum of two years.

The Mental Health Court received its initial funding from a federal grant from the Bureau of Justice Administration. This grant was for two years, and was extended through November 2006. Also, funding will be sustained with help of Boone County's special law enforcement tax, Proposition "L". Other services that are provided by Mental Health Court are paid by a variety of sources: the participant's private insurance, participant's Medicaid and the Missouri Department of Mental Health.

Mission Statement

The mission of the Mental Health Court is to address the unique needs of the mentally ill, and the mentally ill with a coexisting disorder of substance abuse, in the criminal justice system by serving as a bridge between the criminal justice system and the mental health system, for the benefit of the clients they share.

Program Purpose

The purpose of the Mental Health Court program is to improve services to offenders who have a serious and persistent mental illness, including those offenders with co-occurring substance abuse disorders, by assuring a continuum of care and easy access to mental health services.

The court works to increase cooperation between the mental health treatment system and the criminal justice system to achieve faster case processing time and improved access to public mental health treatment services, with the larger objectives of reducing the criminalization of persons with mental illness, reducing recidivism, improving public safety, and improving the level of functioning of program participants in society.

**THIRTEENTH JUDICIAL CIRCUIT COURT
ADULT MENTAL HEALTH COURT PROGRAMS
10 ESSENTIAL ELEMENTS**

- 1. Planning and Administration. A broad-based group of stakeholders representing the criminal justice, mental health, substance abuse treatment, and related systems and the community guides the planning and administration of the court.**

Mental health courts are situated at the intersection of the criminal justice, mental health, substance abuse treatment, and other social service systems. Their planning and administration should reflect extensive collaboration among practitioners and policymakers from those systems, as well as community members. To that end, a multidisciplinary “planning committee” should be charged with designing the mental health court. Along with determining eligibility criteria, monitoring mechanisms, and other court processes, this committee should articulate clear, specific, and realizable goals that reflects agreement on the court’s purposes and provide a foundation for measuring the court’s impact (see Element 10: Sustainability). Ideally, the development of a mental health court should take place in the context of broader efforts to improve the response to people with mental illnesses involved with, or at risk of involvement with, law enforcement, the courts, and corrections. Such discussions should include police and sheriffs’ officials, judges, prosecutors, defense counsel, court administrators, pretrial services staff, and corrections officials; mental health, substance abuse treatment, housing, and other service providers; and mental health advocates, crime victims, consumers, and family and community members. The planning committee should identify agency leaders and policymakers to serve on an “advisory group” (in some jurisdictions members of the advisory group will also make up the planning committee), responsible for monitoring the court’s adherence to its mission and its coordination with relevant activities across the criminal justice and mental health systems. The advisory group should suggest revisions to court policies and procedures when appropriate, and should be the public face of the mental health court in advocating for its support. The planning committee should address ongoing issues of policy implementation and practice that the court’s operation raises. Committee members should also keep high-level policymakers, including those on the advisory group, informed of the court’s successes and failures in promoting positive change and long-term sustainability (see Element 10). Additionally, by facilitating ongoing training and education opportunities, the planning committee should complement and support the small team of professionals who administer the court on a daily basis, the “court team” (see Element 8). In many jurisdictions, the judiciary will ultimately drive the design and administration of the mental health court. Accordingly, it should be well represented on and take a visible role in leading both the planning committee and advisory group.

- 2. Target Population. Eligibility criteria address public safety and consider a community’s treatment capacity, in addition to the availability of alternatives**

to pretrial detention for defendants with mental illness. Eligibility criteria also take into account the relationship between mental illness and a defendant's offenses, while allowing the individual circumstances of each case can be considered.

Because mental health courts are, by definition, specialized interventions that can serve only a portion of defendants with mental illness, careful attention should be paid to determining their target populations. Mental health courts should be conceptualized as part of a comprehensive strategy to provide law enforcement, court, and corrections systems with options, other than arrest and detention, for responding to people with mental illnesses. Such options include specialized police-based responses and pretrial services programs. For those individuals who are not diverted from arrest or pretrial detention, mental health courts can provide appropriately identified defendants with court-ordered, community-based supervision and services. Mental health courts should be closely coordinated with other specialty or problem-solving court-based interventions, including drug courts and community courts, as target populations are likely to overlap. Clinical eligibility criteria should be well defined and should be developed with an understanding of treatment capacity in the community. Mental health court personnel should explore ways to improve the accessibility of community-based care when treatment capacity is limited and should explore ways to improve quality of care when services appear ineffective (see Element 6: Treatment Supports and Services). Mental health courts should also focus on defendants whose mental illness is related to their current offenses. To that end, the planning committee should develop a process or a mechanism, informed by mental health professionals, to enable staff charged with identifying mental health court participants to make this determination.

3. Timely Participant Identification and Linkage to Services. Participants are identified, referred, and accepted into mental health courts, and then linked to community-based service providers as quickly as possible.

Providing safe and effective treatment and supervision to eligible defendants in the community, as opposed to in jail or prison, is one of the principal purposes of mental health courts. Prompt identification of participants accelerates their return to the community and decreases the burden on the criminal justice system for incarceration and treatment. Mental health courts should identify potential participants early in the criminal justice process by welcoming referrals from an array of sources such as law enforcement officers, jail and pretrial services staff, defense counsel, judges, and family members. To ensure accurate referrals, mental health courts must advertise eligibility criteria and actively educate these potential sources. In addition to creating a broad network for identifying possible participants, mental health courts should select one or two agencies to be primary referral sources that are especially well versed in the procedures and criteria. The prosecutor, defense counsel, and a licensed clinician should quickly review referrals for eligibility. When competency determination is necessary, it should be expedited, especially for defendants charged with misdemeanors. The time required to accept someone into the program

should not exceed the length of the sentence that the defendant would have received had he or she pursued the traditional court process. Final determination of eligibility should be a team decision (see Element 8: Court Team). The time needed to identify appropriate services, the availability of which may be beyond the court's control, may constrain efforts to identify participants rapidly (see Element 6: Treatment Supports and Services). This is likely to be an issue especially in felony cases, when the court may seek services of a particular intensity to maximize public safety. Accordingly, along with connecting mental health court participants to existing treatment, officials in criminal justice, mental health, and substance abuse treatment should work together to improve the quality and expand the quantity of available services.

4. Terms of Participation. Terms of participation are clear, promote public safety, facilitate the defendant's engagement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community, and provide for positive legal outcomes for those individuals who successfully complete the program.

Mental health courts need general program parameters for plea agreements, program duration, supervision conditions, and the impact of program completion. Within these parameters, the terms of participation should be individualized to each defendant and should be put in writing prior to his or her decision to enter the program. The terms of participation will likely require adherence to a treatment plan that will be developed after engagement with the mental health court program, and defendants should be made aware of the consequences of noncompliance with this plan. Whenever plea agreements are offered to people invited to participate in a mental health court, the potential effects of a criminal conviction should be explained. Collateral consequences of a criminal conviction may include limited housing options, opportunities for employment, and accessibility to some treatment programs. It is especially important that the defendant be made aware of these consequences when the only charge he or she is facing is a misdemeanor, ordinance offense, or other nonviolent crime. The length of mental health court participation should not extend beyond the maximum period of incarceration or probation a defendant could have received if found guilty in a more traditional court process. In addition, program duration should vary depending on a defendant's program progress. Program completion should be tied to adherence to the participant's court-ordered conditions and the strength of his or her connection to community treatment. Least restrictive supervision conditions should be considered for all participants, especially those charged with misdemeanors. Highly restrictive conditions increase the likelihood that minor violations will occur, which can intensify the involvement of participants in the criminal justice system. When a mental health court participant completes the terms of his or her participation in the program, there should be some positive legal outcome. When the court operates on a pre-plea model, a significant reduction or dismissal of charges can be considered. When the court operates in a post-plea model, a number of outcomes are possible such as early terminations of supervision, vacated pleas, and lifted fines and fees. Mental health court participants, when in compliance with the terms of their participation, should have the option to withdraw from the program at any point without having their prior participation

and subsequent withdrawal from the mental health court reflect negatively on their criminal case.

- 5. Informed Choice. Defendants fully understand the program requirements before agreeing to participate in a mental health court. They are provided legal counsel to inform this decision and subsequent decisions about program involvement. Procedures exist in the mental health court to address, in a timely fashion, concerns about defendant's competency whenever they arise.**

Defendants' participation in mental health courts is voluntary. But ensuring that participants' choices are informed, both before and during the program, requires more than simply offering the mental health court as an option to certain defendants. Mental health court administrators should be confident that prospective participants are competent to participate. Typically, competency determination procedures can be lengthy, which raises challenges for timely participant identification. This is especially important for courts that focus on defendants charged with misdemeanors (see Element 3: Timely Participant Identification and Linkage to Services). For these reasons, as part of the planning process, courts should develop guidelines for the identification and expeditious resolution of competency concerns. Even when competency is not an issue, mental health court staff must ensure that defendants fully understand the terms of participation, including the legal repercussions of not adhering to program conditions. The specific terms that apply to each defendant should be spelled out in writing. Defendants should have the opportunity to review these terms, with the advice of counsel, before opting into the court. Defense attorneys play an integral role in helping to ensure that defendants' choices are informed throughout their involvement in the mental health court. Admittedly, the availability of defense counsel varies from one jurisdiction to another. In some communities, defendants' access to counsel depends on the crime with which they were charged or the purpose of the hearing. Recognizing these constraints, courts should strive to make defense counsel available to advise defendants about their decision to enter the court and have counsel be present at status hearings. It is particularly important to ensure the presence of counsel when there is a risk of sanctions or dismissal from the mental health court. Defense counsel participating in mental health courts—like all other criminal justice staff assigned to the court—should receive special training in mental health issues (see Element 8: Court Team).

- 6. Treatment Supports and Services. Mental health courts connect participants to comprehensive and individualized treatment supports and services in the community. They strive to use—and increase the availability of—treatment and services that are evidence-based.**

Mental health court participants require an array of services and supports, which can include medications, counseling, substance abuse treatment, benefits, housing, crisis interventions services, peer supports, and case management. Mental health courts should anticipate the treatment needs of their target population and work with providers to ensure that services will be made available to court participants. When a participant is identified and linked to a service provider, the mental health court team should design a treatment plan that takes into account the results of a complete mental health and

substance abuse assessment, individual consumer needs, and public safety concerns. Participants should also have input into their treatment plans. A large proportion of mental health court participants have co-occurring substance abuse disorders. The most effective programs provide coordinated treatment for both mental illnesses and substance abuse problems. Thus, mental health courts should connect participants with co-occurring disorders to integrated treatment whenever possible and advocate for the expanded availability of integrated treatment and other evidence-based practices.

3 Mental health court teams should also pay special attention to the needs of women and ethnic minorities and make gender-sensitive and culturally competent services available. Treatment providers should remain in regular communication with court staff concerning the appropriateness of the treatment plan and should suggest adjustments to the plan when appropriate. At the same time, court staff should check with community-based treatment providers periodically to determine the extent to which they are encountering challenges stemming from the court's supervision of the participant. Case management is essential to connect participants to services and monitor their compliance with court conditions.⁴ Case managers—whether they are employees of the court, treatment providers, or community corrections officers—should have caseloads that are sufficiently manageable to perform core functions and monitor the overall conditions of participation. They should serve as the conduits of information for the court about the status of treatment and support services. Case managers also help participants prepare for their transition out of the court program by ensuring that needed treatment and services will remain available and accessible after their court supervision concludes. The mental health court may also provide post-program assistance, such as graduate support groups, to prevent participants' relapses.

7. Confidentiality. Health and legal information should be shared in a way that protects potential participants' confidentiality rights as mental health consumers and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services should be safeguarded in the event that participants are returned to traditional court processing.

To identify and supervise participants, mental health courts require information about their mental illnesses and treatment plans. When sharing this information, treatment providers and representatives of the mental health court should consider the wishes of defendants. They must also adhere to federal and state laws that protect the confidentiality of medical, mental health, and substance abuse treatment records. A well-designed procedure governing the release and exchange of information is essential to facilitating appropriate communication among members of the mental health court team and to protect confidentiality. Release forms should be part of this procedure. They should be developed in consultation with legal counsel, adhere to federal and state laws, and specify what information will be released and to whom.⁵ Potential participants should be allowed to review the form with the advice of defense counsel and treatment providers. Defendants should not be asked to sign release of information forms until competency issues have been resolved (see Element 5: Informed Choice). When a defendant is being considered for the mental health court, there should not be any public

discussions about that person's mental illness, which can stigmatize the defendant. Even information concerning a defendant's referral to a mental health court should be closely guarded—particularly because many of these individuals may later choose not to participate in the mental health court. To minimize the likelihood that information about defendants' mental illnesses or their referral to the mental health court will negatively affect their criminal cases, courts whenever possible should maintain clinical documents separately from the criminal files and take other precautions to prevent medical information from becoming part of the public record. Once a defendant is under the mental health court's supervision, steps should be taken to maintain the privacy of treatment information throughout his or her tenure in the program. Clinical information provided to mental health court staff members should be limited to whatever they need to make decisions. Furthermore, such exchanges should be conducted in closed staff meetings; discussion of clinical information in open court should be avoided.

8. Court Team. A team of criminal justice and mental health staff and service and treatment providers receives special, ongoing training and helps mental health court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process.

The mental health court team works collaboratively to help participants achieve treatment goals by bringing together staff from the agencies with a direct role in the participants' entrance into, and progress through, the court program. The court team functions include conducting screenings, assessments, and enrollments of referred defendants; defining terms of participation; partnering with community providers; monitoring participant adherence to terms; preparing for all court appearances; and developing transition plans following court supervision. Team members should work together on each participant's case and contribute to the court's administration to ensure its smooth functioning. The composition of this court team differs across jurisdictions. These variations notwithstanding, it typically should comprise the following: a judicial officer; a treatment provider or case manager; a prosecutor; a defense attorney; and, in some cases, a court supervision agent such as a probation officer. Many courts also employ a court coordinator responsible for overall administration of the court, which can help promote communication, efficiency, and sustainability. Regardless of the composition of the team, the judge's role is central to the success of the mental health court team and the mental health court generally. He or she oversees the work of the mental health court team and encourages collaboration among its members, who must work together to inform the judge about whether participants are adhering to their terms of participation. Mental health court planners should carefully select team members who are willing to adapt to a nontraditional setting and rethink core aspects of their professional training. Planners should seek criminal justice personnel with expertise or interest in mental health issues and mental health staff with criminal justice experience. Planners should also work to ensure that the judge who will preside over the mental health court is comfortable with its goals and procedures. Team members should take part in cross-training before the court is launched and during its operation.

Mental health professionals must familiarize themselves with legal terminology and the workings of the criminal justice system, just as criminal justice personnel must learn about treatment practices and protocols. Team members should also be offered the opportunity to attend regional or national training sessions and view the operations of other mental health courts. New team members should go through a period of training and orientation before engaging fully with the court. Periodic review and revision of court processes must be a core responsibility of the court team. Using data, participant feedback, observations of team members, and direction from the advisory group and planning committee (see Element 1), the court team should routinely make improvements to the court's operation.

9. Monitoring Adherence to Court Requirements. Criminal justice and mental health staff collaboratively monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery.

Whether a mental health court assigns responsibility for monitoring compliance with court conditions to a criminal justice agency, a mental health agency, or a combination of these organizations, collaboration and communication are essential. The court must have up-to-date information on whether participants are taking medications, attending treatment sessions, abstaining from drugs and alcohol, and adhering to other supervision conditions. This information will come from a variety of sources and must be integrated routinely into one coherent presentation or report to keep all court staff informed of participants' progress. Case staffing meetings provide such an opportunity to share information and determine responses to individuals' positive and negative behaviors. These meetings should happen regularly and involve key members of a team, including, when appropriate, representatives from the prosecution, defense, treatment providers, court supervision agency, and the judiciary. Status hearings allow mental health courts publicly to reward adherence to conditions of participation, to sanction non-adherence, and to ensure ongoing interaction between the participant and the court team members. These hearings should be frequent at the outset of the program and should decrease as participants progress positively. All responses to participants' behavior, whether positive or negative, should be individualized. Incentives, sanctions, and treatment modifications have clinical implications. They should be imposed with great care and with input from mental health professionals. Relapse is a common aspect of recovery; non-adherence to conditions of participation in the court is common. But non-adherence should never be ignored. The first response should be to review treatment plans, including medications, living situations, and other service needs. For minor violations the most appropriate response may be a modification of the treatment plan. In some cases, sanctions are necessary. The manner in which a mental health court applies sanctions should be explained to participants prior to their admittance to the program. As a participant's commission of violations increases in frequency or severity, the court should use graduated sanctions that are individualized to maximize adherence to his or her conditions of release. Specific protocols should govern the use of jail as a consequence

for serious noncompliance. Mental health courts should use incentives to recognize good behavior and to encourage recovery through further behavior modification. Individual praise and rewards, such as coupons, certificates for completing phases of the program, and decreased frequency of court appearances, are helpful and important incentives. Systematic incentives that track the participants' progress through distinct phases of the court program are also critical. As participants complete these phases, they receive public recognition. Courts should have at their disposal a menu of incentives that is at least as broad as the range of available sanctions; incentives for sustained adherence to court conditions, or for situations in which the participant exceeds the expectation of the court team, are particularly important.

10. Sustainability. Data are collected and analyzed to demonstrate the impact of the mental health court, its performance is assessed periodically (and procedures are modified accordingly), court processes are institutionalized, and support for the court in the community is cultivated and expanded.

Mental health courts must take steps early in the planning process and throughout their existence to ensure long-term sustainability. To this end, performance measures and outcome data will be essential. Data describing the court's impact on individuals and systems should be collected and analyzed. Such data should include the court's *outputs*, such as number of defendants screened and accepted into the mental health court, as well as its *outcomes*, such as the number of participants who are rearrested and reincarcerated. Setting output and outcome measures are a key function of the court's planning and ongoing administration (see Element 1).⁶ Quantitative data should be complemented with qualitative evaluations of the program from staff and participants. Formalizing court policies and procedures is also an important component of maintaining mental health court operations. Compiling information about a court's history, goals, eligibility criteria, information-sharing protocols, referral and screening procedures, treatment resources, sanctions and incentives, and other program components helps ensure consistency and lessens the impact when key team members depart. Developing additional plans for staff turnover helps safeguard the integrity of the court's operation. Because sustaining a mental health court without funding is difficult, court planners should identify and cultivate long-term funding sources early on. Court staff should base requests for long-term funding on clear articulations of what the court plans to accomplish. Along with compiling empirical evidence of program successes, mental health court teams should invite key county officials, state legislators, foundation program officers, and other policymakers to witness the court in action. Outreach to the community, the media, and key criminal justice and mental health officials also promotes sustainability. To that end, mental health court teams should make community members aware of the existence and impact of the mental health court and the progress it has made. More important, administrators should be prepared to respond to notable program failures, such as when a participant commits a serious crime. Ongoing guidance from, and reporting to, key criminal justice and mental health leaders also helps to maintain interest in, and support for, the mental health court.

THIRTEENTH JUDICIAL CIRCUIT COURT ADULT MENTAL HEALTH COURT PROGRAMS

BENEFITS OF MENTAL HEALTH COURT

Mental Health Court benefits not only the individuals who are diverted into mental health treatment programs and have the opportunity to change their lives, but also the community which benefits from the reduction of crime. Mental Health Court is an effective alternative to incarceration, costing less than traditional Department of Corrections custody. Some of the many benefits of Mental Health Court programs are listed below.

- Participants acquire tools to manage their mental illness and have more stable lifestyles;
- Participants often obtain employment and/or work towards furthering their education;
- Participants improve the level of the health and reduce overall health care costs;
- Participants gain opportunity to become contributing members of society;
- Participants can avoid future arrests, probation revocation, felony convictions, and incarcerations;
- Family structures are often reunited and provides future generational growth;
- Reduction of jail overcrowding of jail overcrowding and overall criminal dockets.

SERVICES OFFERED

By taking part in the Mental Health Court programs, participants gain access to a variety of comprehensive services that can help them turn their lives around. Some of the services offered through the Mental Health Court programs are as follows:

- Intensive outpatient and residential treatment programs
- Individual counseling and case management
- Employment counseling, training and referrals
- Education and literacy assistance
- Health care referrals
- Medication management
- Assistance in finding housing, childcare, disability services
- Provide life-skills training

Program Overview

On April 22, 2003, Boone County established a special Mental Health Court to serve the special needs of persons with mental illness who appear as defendants in criminal cases. In the regular court system, defendants often interact with a number of different defense attorneys, prosecutors, and judges, all on the same case. This approach creates barriers that prevent the justice system from identifying and addressing the unique needs of the mentally ill offender, and from addressing the issues that led to the defendant's criminal charges. Mentally ill offenders under the previous system often spent unnecessary time in jail and, lacking access to mental health treatment services, often became repeat offenders.

The Boone County Mental Health Court program is a supervised, comprehensive treatment program for non-violent misdemeanor and felony offenders who require mental health treatment and have a minimal history of prior criminal convictions. The program includes regular court appearances, drug testing, and individual and group counseling.

Mental Health Court Supervision

A Mental Health Court participant will be required to appear in Mental Health Court on a regular basis. At each appearance, the Judge will be given a progress report prepared by the treatment team regarding drug tests, attendance and participation in treatment and compliance with the Diversion Manager or Probation Officer. The Judge may ask the participant questions about his/her progress, and discuss any specific problems the participant may have been experiencing. If doing well, the participant will be encouraged to continue with the Program and work with the treatment team toward graduation. If not doing well, the Judge will discuss these issues with the participant and the treatment team and determine further action. In the event of program violations; i.e. missed or dirty urine screens, failure to attend individual or group counseling, failure to attend 12-step meetings, etc., sanctions may be imposed by the courts. Repeated violation of the program expectations, and failure to progress satisfactorily, may result in termination from the program.

Failure to appear in Court on the date and time scheduled may result in a warrant being issued for the participant's arrest. If a participant cannot appear in Court as scheduled, the Diversion Manager or Probation Officer and Mental Health Court Coordinator must be notified as soon as possible.

The following violations may result in termination from the Mental Health Court Program: warrants and/or new arrests; missing drug tests; demonstrating a lack of program response by failing to cooperate with treatment, and violence or threats of violence directed at the treatment team or others. The Mental Health Court Judge will make the final decisions regarding termination from the program.

**THIRTEENTH JUDICIAL CIRCUIT COURT
ADULT MENTAL HEALTH COURT PROGRAMS**

MENTAL HEALTH COURT OPERATIONS MANUAL

I. MENTAL HEALTH COURT PROGRAMS RULES:

All Mental health Court participants must abide by the following rules of the Mental Health Court Programs. Each individual is held accountable for their actions and full compliance is necessary to succeed in the program.

- **Do not use or possess any drugs or alcohol.**
Maintaining an alcohol and drug free lifestyle is an important part of the recovery process.
- **Do not use any medication without prior consent.**
All medication over the counter or prescribed by a physician must be authorized by the Treatment Staff or Diversion Manager prior to being taken.
- **Do not enter establishments who's primary function is the sale of alcohol or gambling.**
Casinos, grocery store liquor sections, bars or packaged liquor stores are off limits. You may not purchase liquor for any reason.
- **Attend all treatment sessions.**
If a participant is unable to attend a scheduled session, he/she must contact the treatment counselor **before** a session is missed.
- **Report to Diversion Manager/Probation Officer as directed.**
If unable to make an appointment, contact the Diversion Manager/Probation Officer immediately.
- **Be on time to appointments with treatment providers, Diversion Manager/Probation Officer, and Court.**
If a participant is late, he/she may not be allowed to attend appointment and could be considered non-compliant.
- **Do not make threats towards other participants or staff or act in a violent manner.**
Violent; dishonest or inappropriate behavior will not be tolerated and will be reported to the Court. This may result in termination from the Drug Court Program.
- **Dress appropriately for Court, Probation, and treatment sessions.**
Clothing bearing drug or alcohol related themes or promoting or advertising alcohol or drug use is considered inappropriate. Sunglasses, hats and bandanas are not to be worn inside the Courthouse, treatment center or probation office.
- **Always tell the truth.**

This will take the participant's best effort and truthfulness. Participants who are not truthful will not be allowed to remain in the program.

- **Do not leave the county without permission.**
You must get permission from your Diversion Manager/Probation Officer prior to leaving Boone County. If you are planning to leave the state, you must get approval from the Drug Court team and apply for a travel permit with your Diversion Manager/Probation Officer. Travel permits require a 15-day processing period. It is your responsibility to apply for the permit in a timely manner.
- **Turn in all documents one (1) day prior to Court appearances.**
In order to receive credit for AA/NA's, payment of fees or community service hours a participant must turn the proper documentation into their probation officer no later than the day prior to their court appearance.
- **Report for testing upon contact with Law Enforcement.**
You must report for a drug test within one hour of any contact with a law enforcement officer.

II. TREATMENT PROCEDURES

Treatment will be provided through a team approach. The treatment team will assess the level and intensity of treatment that will best meet a participant's needs. A recommendation will be made to the Mental Health Court Judge indicating that the client should receive detoxification, residential or outpatient treatment. If admitted to a residential treatment program, the treatment plan will include the requirements of that program. If not admitted into a residential treatment program, an intensive outpatient program will be developed which includes:

- **Treatment Plans:**
An "initial" treatment plan will be developed by the treatment team following an overall assessment of a participant's substance abuse history and social situation. The plan will act as a guide for the initial treatment phase. The plan will be maintained by the treatment team and updated as one progresses through the program.
- **Drug Testing:**
Each participant will be given a color and a drug testing hotline card. Every participant is to call the hotline daily. When the participant's color is called they will be given from 5:00 a.m. until 10:00 a.m. to submit to testing. The Diversion Manager/Probation Officer, Alternative Sentencing Center, treatment agency or Reality House will conduct urine testing and breathalyzer tests. The Mental Health Court Judge will impose additional sanctions for failing to test within the time allowed, providing a dilute specimen or failing to submit to a drug test. A participant will be tested through the entire treatment process. Additional testing may be required at the discretion of the Diversion Manager/Probation Officer, Treatment Provider, and the Court.

- **Counseling:**

An important aspect of the Mental Health Court is participation in counseling. This may include both individual and group sessions. Participation in one or both of these will be at the recommendation of the treatment provider. Attendance at counseling sessions will be reported to the Judge as part of a participant's progress report. Prior permission from the treatment counselor must be obtained in order to be excused from a counseling session.
- **Twelve Step Meetings:**

Attendance may be required at 12-step meetings such as Narcotics Anonymous and Alcoholics Anonymous. Attendance is an important part of the recovery process that helps familiarize the participant with the 12-step philosophy, and to develop levels of trust to learn and create social bonds with other people in recovery. The treatment team will provide information regarding the time and location of 12-step meetings. The participant must provide proof of attendance to their Diversion Manager prior to each court appearance.
- **Sponsor:**

The participant may be asked to obtain a self-help sponsor. A sponsor is a 12-step group member of the same gender with significant sobriety (at least one year) who assists the participant on a personal level with sobriety, personal problems, working the steps, etc. Ask at a meeting for a temporary sponsor until a permanent can be obtained.
- **Personal Journal:**

Upon acceptance into the Mental Health Court Program, all clients will be expected to keep a journal. The Mental Health Court Judge will provide each participant with a weekly topic for the journal entry. The purpose of the journal is to provide the Judge with each participant's personal perception of drug court related topics, including personal problems of alcohol and drug dependence, and short-term and long-term goals. The court will provide a journal to each participant at their first court appearance. **The journal must be brought to every court appearance.**
- **Termination:**

A Mental Health Court participant can be terminated from the program for the following reasons: lack of treatment progress as decided by the treatment provider, failure to secure full time employment, failure to pay fees or fines, threats, assaults, new arrests, continued substance use, medical problems that interfere with treatment, or an unfavorable ninety day evaluation.
- **Medications:**

All medications over the counter or prescribed by a physician must be authorized by the Treatment Staff or Diversion Manager prior to being taken. A Notice of Participation in Treatment Court form has been provided in the participant's

handbook. It must be used every time you go to the doctor's office or the Dentist. A list of authorized over the counter medication is also available in the handbook.

III. MENTAL HEALTH COURT PHASES:

Mental Health Court clients will likely be involved in the Mental Health Court for one to two years. This program has three levels. An offender may enter the program at any level, or be moved to a different level at any time depending on the individual's assessment results or needs and participation in the program.

The levels are:

Level I: STABILIZATION (approximately 3 months)

Level II: COGNITIVE/ LIFE-SKILLS-BUILDING (minimum of 6 months)

Level III: RESTORATIVE/ REINTEGRATION (minimum of 3 months)

The following requirements are general expectations and are subject to change depending on circumstances of each individual case.

Level I: STABILIZATION (approximately 3 months):

- ~ Meet with Probation Officer/Case Manager twice a week at Office
- ~ Weekly meetings with Community Support Worker
- ~ Weekly appearance before the Court
- ~ Attend co-occurring group, if applicable
- ~ Attend chosen support group (12-step group, N.A.M.I., etc.)
- ~ Attend individually selected groups to address the offender's immediate needs (parenting classes, anger management, budgeting, etc.)
- ~ Attend psychosocial rehabilitation
- ~ One home visit per month by Case Manager and/or Probation Officer
- ~ Random home visits and UA (Urine Analysis) as deemed necessary
- ~ Attend all scheduled psychiatric and counseling appointments and comply with treatment recommendations
- ~ Compliance with prescribed medications
- ~ Develop treatment goals and plans to address these goals

Level II: COGNITIVE/ LIFE-SKILLS-BUILDING (minimum of 6 months)

- ~ Appear in court on a bi-weekly to monthly basis
- ~ Meet with Probation Officer/Case Manager at Probation Officer's office weekly
- ~ Meet with Community Support Worker weekly
- ~ Attend co-occurring groups, if applicable
- ~ Attend chosen support groups
- ~ Attend psychosocial rehabilitation
- ~ Referral to Vocational Rehabilitation, employment, or educational services as deemed appropriate
- ~ Monthly home visits from Probation and Parole
- ~ Random urinalysis as deemed necessary
- ~ Attend all scheduled psychiatric and counseling appointments and comply with treatment recommendations
- ~ Medication compliance

At Level II, the offender will be expected to work closely with the Community Support Worker and Probation Officer/Case Manager to develop the skills necessary for positive changes in the offender's behavior.

Level III: RESTORATIVE/ REINTEGRATION (minimum of 3 months)

- ~ Monthly appearance in Court
- ~ Between weekly and monthly visits with Probation Officer
- ~ Bi-weekly meetings with Community Support Worker
- ~ Attend support groups
- ~ Attend Victim Impact Classes or Panel
- ~ Possible community service
- ~ Monthly home visits from Probation and Parole
- ~ Random urinalysis as deemed necessary
- ~ Attend all scheduled psychiatric and counseling appointments and comply with treatment recommendations
- ~ Medication compliance

At each level, the Mental Health Court Team will meet prior to each court appearance.

▪ **Graduation Requirements:**

1. Satisfactory attendance at all treatment services and contact with Diversion Manager.
2. Six months continuous of clean drug tests.
3. Participant has completed a continuing recovery plan with counselor.
4. Mental Health Court Team agrees that the Participant has sufficiently integrated the information to support recovery.
5. Participant has an understanding of Mental Illness and medication management.
6. Participant has acquired all benefits that they are qualified for within the community: stable housing, Medicaid/Medicare, SSI/SSDI, food stamps, etc.
7. Completion of one full year in the program.

IV. Mental Health Court Sanctions and Incentives:

▪ **Mental Health Court Sanctions:**

If a participant fails to comply with the program, the Mental Health Court Judge, at their discretion, may order one or more of the following:

- Warning from Judge
- Move to end of docket
- Increase AA / NA meetings
- More frequent drug and/or alcohol testing
- Place on Electronic Monitoring
- More intensive treatment

- Additional community service hours
 - Increase reporting to Diversion Manager/Probation Officer
 - Increase court appearances
 - Complete the Weekend Relapse Intervention Program
 - Move back to previous phase
 - Spend Period of time in Reality House
 - Spend period of time in Jail
 - Termination from Mental Health Court
- **Mental Health Court Incentives:**
When a participant consistently cooperates and participates in the Treatment Program, the Drug Court Judge may, at their discretion, order one or more of the following:
- Praise from Judge
 - Move to top of docket
 - Decrease court appearances
 - Excused from attending court
 - Receive gift cards from local businesses
 - Presented with a gift bag during court
 - Draw from the prize jar
 - Enter weekly drawing
 - Progress to next phase
 - Reduction in treatment and probation visits
 - Reduction in drug and/or alcohol testing
 - Month off of fees
 - Allowed to travel more frequently
 - Graduation of the program in one year

**THIRTEENTH JUDICIAL CIRCUIT COURT
ADULT MENTAL HEALTH COURT PROGRAMS
MEMORANDUM OF UNDERSTANDING**

WHEREAS, the Thirteenth Judicial Circuit Court for Boone County, Missouri, has established a Mental Health Court to identify, develop, and implement alternatives to incarceration for defendants with mental disorders. Defendants who are assigned to the Mental Health Court are referred to herein as Participants; and

WHEREAS, the Mental Health Court concentrates not only on the offense, but attempts to ascertain and address the root causes of the participant's behavior through linkage to an intensive supervision and treatment program; and

WHEREAS, the goal of the Mental Health Court is to reinforce the value of and adherence to treatment, using a range of sanctions and incentives tailored toward each defendant's needs, abilities, progress and level of risk to self or others in order to achieve twin goals of public safety and treatment compliance; and

WHEREAS, the success of the court depends on the effective participation of many entities including, but not limited to, the Thirteenth Judicial Circuit Court, the Mental Health Court Judge, the Boone County Prosecutor's Office, the Mental Health Court Prosecutor, the Boone County Public Defender's Office, the Mental Health Court Public Defender, the Missouri State Probation and Parole Office, and participating treatment and residential care providers (Team Members); and

WHEREAS, the intervention is immediate and the adjudication process is comparatively non-adversarial in nature and, to the extent possible, the players shed the traditional roles, move beyond the legal formalism of the traditional court and look for the best legal result, working to link participants to treatment, housing and other support systems and monitor the participants for adherence to treatment conditions over a period of time; and

WHEREAS, all members of the Mental Health Court Team share responsibility for a participant's success or failure.

In an effort to support a comprehensive program of services to meet the needs of Participants, the Team Members agree as follows:

1. Thirteenth Judicial Circuit Court. The Court will provide a Judge who will preside over the Mental Health Court, and staff support for processing of cases before the court. It is essential that mental health court cases be assigned consistently to the same judge in order that the judge may become familiar with each defendant and case, to better judge what approaches, incentives and sanctions may be most effective with each defendant.

1. Mental Health Court Judge. The Mental Health Court will preside over the judicial proceedings of the Mental Health Court, and chair staffing meetings, and will function as the team leader for the Mental Health Court. The judge will become familiar with options available for treatment of Mental Health Court participants, and will choose approaches for each defendant, as may appear appropriate based on the circumstances of each case.

2. Mental Health Court Coordinator. The Mental Health Court Coordinator will prepare and manage Mental Health Court Dockets; assist in the preparation of and administer the budget of the Mental Health Court; identify, apply for and administer available grant funding; prepare periodic reports and statistical data; attend and participate in staffing meetings; and solicit community support through education and linkages in an effort to enhance services available to participants. The Mental Health Court Coordinator is the initial point of contact for defendants. The Mental Health Court Coordinator gathers information about mental health diagnosis, treatment compliance, family interaction, and chemical dependency issues. The Mental Health Court Coordinator works with treatment providers to obtain timely assistance for defendants and to assist defendants with other needs which may impact their progress.

3. Boone County Prosecutor's Office. The Boone County Prosecutor's Office will assign a prosecuting attorney to each Mental Health Court docket, and staff support for processing of Mental Health Court cases by the Prosecutor's Office.

4. Prosecuting Attorney. The Mental Health Court prosecuting attorney will review defendants' cases to identify those who should be referred to the Mental Health Court. The prosecuting attorney will review potential participants for eligibility, and will refer appropriate cases to the Mental Health Court. The prosecuting attorney will attend staffing meetings, and will participate in efforts to identify and implement alternatives to incarceration for Participants. The Mental Health Court Prosecuting Attorney will work with the Mental Health Court team to identify and implement appropriate treatment options for defendants in lieu of conviction and incarceration.

5. Public Defender's Office. The Boone County Public Defender's Office will assign public defenders to represent Participants in Mental Health Court proceedings, and staff support for processing of Mental Health Court cases by the Public Defender's Office.

6. Public Defender. Attorneys from the Public Defender's Office who are assigned to the Mental Health Court will actively advocate for appropriate alternatives to incarceration for Participants, will attend and participate in staffing meetings, and will assist the Mental Health Court in identifying and implementing alternatives to incarceration for Participants. The Participant's attorney shall ensure that the defendant understands the nature of his legal rights, the requirements that come with participation in the Mental Health Court, and the possible consequences of failure to comply with the court's order. The Participant's attorney will weigh the long-term benefit to the

Participant of compliance with Mental Health Court treatment requirements against the short-term benefit to the Participant of avoiding restrictions.

7. Treatment Providers. Treatment providers will provide staffing for providing treatment assistance to Participants, and to participate in weekly staffing meetings. Mental health treatment providers will conduct screening and assessments on each Participant. Substance abuse treatment providers will provide drug testing services, as ordered by the court or required by court-ordered/approved treatment programs. All treatment providers will make recommendations as to appropriate treatment programs for individual Participants. Treatment providers will work actively with the Mental Health Court to identify and implement alternatives to incarceration for Participants, and will work actively to identify and access funding sources for treatment services to Participants.

8. Department of Corrections, Office of Probation and Parole. The Office of Probation and Parole will provide officers to supervise Participants, as appropriate, in fulfilling the conditions of their participation in Mental Health Court, and staff support for processing of the files of Participants in the Office of Probation and Parole.

9. Probation and Parole Officer. Probation and parole officers will monitor the activities of Participants to ensure compliance with court-ordered conditions of participation, report to the Mental Health Court on the progress of Participants, refer Participants to appropriate agencies for services, and assist the Mental Health Court in identifying and implementing alternatives to incarceration for Participants. Probation and parole officers will attend court sessions in order to monitor the requirements and progress of parolees. At the first court hearing, the probation and parole officer will meet the Participant and set the Participant's first appointment time.

10. All Team Members. All Team Members will:

- a. Actively work with other Team Members to identify and implement alternatives to incarceration for Participants.
- b. Share information with other Team Members as may be necessary or appropriate to best serve the interests of the Mental Health Court Participants.
- c. Protect the confidentiality of personal information on Participants, to the extent allowed or required by law.
- d. Assist in developing community linkages to enhance the effectiveness of the Mental Health court program.
- e. Assist in identifying and accessing funding sources for services to Participants.
- f. Assist in educating the public and other professionals on the work of the Mental Health Court and the needs of its Participants.
- g. Work to ensure the timely and efficient delivery of assistance and services to Mental Health Court Participants.

**THIRTEENTH JUDICIAL CIRCUIT COURT
MENTAL HEALTH COURT PROGRAMS
STAFFING PROCEDURES**

Perhaps the most critical component of our Mental Health Court is the use of “staffings”. These are the meetings just prior to court, where the team discusses each participant who will appear in court that afternoon. The Mental Health Court Programs utilize a strong team approach, which focuses on fairness and accountability. The team relies on accurate reports from the case managers, Probation Officers and Treatment Counselor, who provide detailed, up-to-date information on the progress of each client. Additionally, case managers make recommendations for individual treatment plans, sanctions, and incentives. Decisions are made by a team consensus, and team members make an effort to set aside their traditional roles to determine the best approach for each participant. This requires each team member to be educated in all aspects of treatment and recovery. The Drug court team is committed to the continual education of its team members and has frequent trainings.

DOCKET PROCEDURES

Another major component of the Mental Health Court process is the Mental Health Court dockets which occur during the afternoon following the staffing procedure listed above. The Mental Health Court dockets consist of three types of appearances: initial hearings for new participants entering the program, status hearings for the active participants of the programs, and graduation for the participants that have finished the program. During the initial court hearings the individual appears in front of the Judge and is given initial instructions and requirements about the program, and is officially admitted. The status hearings are regularly scheduled progress hearing where the participants appear in front of the Judge to go over everything that was discussed in the staffing prior to court. The dockets that include graduations occur four times a year and consist of a graduation ceremony to honor the success of the participant. The Mental Health Court Coordinator will produce a docket for each court date along with the next return dates for the participants appearing in court. The Judge, during this one-on-one interaction, will have the opportunity to reinforce positive behaviors, identify areas that need continued improvements, and/or impose appropriate consequences.

**THIRTEENTH JUDICIAL CIRCUIT COURT
ADULT MENTAL HEALTH COURT PROGRAM
REFERRAL TO MENTAL HEALTH COURT PROGRAM**

Defendants may be referred to the Mental Health Court from a variety of different places. In-custody defendants are often referred by jail psychiatric staffs that have screened for mental health issues. Defendants may also be referred for consideration by police, attorneys, family members and probation officers. A defendant may also be referred by a judge at any point during regular legal proceedings if the judge believes the defendant could be better served by the Mental Health Court.

The Mental Health Court reserves the right not to accept cases into its program. Participants must be Boone County residents and the offense in which they have been charged must be a non-violent offense.

Conditions of Participation in the Mental Health Court Program

Non-violent offenders who have been identified as having a mental illness or who have a mental illness and a substance abuse problem, have a special opportunity to receive treatment for their mental illness, including any substance abuse problem, through participation in the Boone County Mental Health Court.

**THIRTEENTH JUDICIAL CIRCUIT COURT
ADULT MENTAL HEALTH COURT PROGRAMS**

**ELIGIBILITY AND ADMISSION PROCEDURES FOR
PRE-PLEA DIVERSION MENTAL HEALTH COURT**

I. INITIAL SCREENING

1. Following the arrest of the Defendant, the Mental Health Court Coordinator will receive a referral identifying the defendant as a possible participant for the Mental Health Court Program. (As stated in the previous section, the Mental Health Court Program can receive referrals on individuals from various sources).
2. The Mental Health Court Coordinator will contact the Prosecuting Attorney's Office in order to determine if they will approve a Defendant to be screened for the Mental Health Court Program. At this time the Mental Health Court Coordinator will send an Initial Eligibility Determination Form to the Prosecutor.
3. The Prosecuting Attorney's Office will conduct an initial screening of the Defendant using the Mental Health Court Program Initial Eligibility Determination form.
 - a. For those Defendants the Prosecuting Attorney deems as eligible, a copy of the Mental Health Court Program Initial Eligibility Determination form will be delivered to the Mental Health Court Coordinator.
4. The Mental Health Court Coordinator then contacts the Defendant's Public Defender/Private Attorney to let them know that the Defendant has been referred to the Mental Health Court Program and has been approved by the Prosecuting Attorney's Office. Also at this time the Mental Health Court Coordinator lets the Public Defender/Private Attorney know what track the Prosecuting Attorney's Office is offering. (**NOTE: The Mental Health Court Coordinator has no input/negotiation abilities on track recommendations. This process can only be negotiated by the Prosecuting Attorney's Office and Defendant's Counsel if a change is wanted or recommended).

II. CLIENT NOTIFICATION OF CONSIDERATION FOR MENTAL HEALTH COURT AND INITIAL ASSESSMENT BY MENTAL HEALTH COURT COORDINATOR

1. In-Custody Defendants:
 - a. The Public Defender/Private Attorney will notify the Defendant they are being considered for Mental Health Court. The Public Defender will then notify the Mental Health Court Coordinator as to whether the Defendant wants to be considered for the Program.
 - b. For those Defendants who choose to be assessed further, the Mental Health Court Coordinator will:
 - Review the Eligibility Determination form and complete the Mental Health Court Packet.

- Next the Defendant is instructed that Burrell Behavioral Health will be conducting a clinical assessment on the Defendant to determine if the Defendant has a qualifying Axis I Diagnosis. (The Mental Health Court Coordinator does not determine if the defendant has an Axis I Diagnosis).
 - The Mental Health Court Coordinator then contacts Burrell Behavioral Health and requests that they conduct a screening on the defendant to determine his/her eligibility for the Mental Health Court Program. The Mental Health Court Coordinator also faxes the initial intake that they completed with the client and the first half of the Initial Staffing that details charges, criminal history, etc.
 - Once Burrell assessment is received, the Mental Health Court Coordinator completed the Initial Staffing Report and places the Defendant on the Staffing Docket for discussion.
 - The Mental Health Court Team then discusses the Defendant at the Mental Health Court Staffing. The Defendant will either be approved or rejected at this time.
 - Once a staffing determination has been made, the Mental Health Court Coordinator will write a letter to the Sentencing Court Judge, the Circuit Clerk's Office, the Prosecutor and Attorney on the case letting them know whether or not the Defendant is eligible and has been
 - This notice will requests that future court proceedings scheduled for the Criminal Case be terminated and that the case be transferred to Division IX for admission into the Mental Health Court Program.
 - Following the Defendants first appearance, the Circuit Clerk and Prosecuting Attorney will be notified whether the Defendant was accepted or denied Mental Health Court.
- c. If the Defendant denies assessment, the Prosecuting Attorney will proceed with the criminal case.
2. For those Defendants who have contacted the Alternative Sentencing office, retained an attorney who has entered an appearance in the criminal case, and indicated he or she wants to be assessed, the Mental Health Court Coordinator will:
- a. Review the Eligibility Determination form and complete the Mental Health Court Client Initial Assessment forms. These forms will contain the charge(s), victim name, restitution amount if available, prior record information, and a brief description of the offense. An interview will also be conducted with the Defendant as to substance abuse history, home, and employment status.
 - b. Have the Defendant sign a release of information.
 - c. Give the Defendant a date and time to appear in Mental Court.
 - d. Contact the Diversion Manager and fax a copy of the initial assessment forms.
 - e. Contact Burrell Behavioral Health to schedule a clinical assessment and fax a copy of the initial assessment forms.

- f. Notify the Prosecuting Attorney of the date the Defendant is being screened for Mental Health Court. This notice will requests that future court proceedings scheduled for the Criminal Case be terminated and that the case be transferred to Division IX for admission into the Mental Health Court Program.
 - g. Following the Defendants first appearance, the Circuit Clerk and Prosecuting Attorney will be notified whether the Defendant was accepted or denied Mental Health Court.
3. For those Defendants with a Private Attorney present at the arraignment:
 - a. The Prosecuting Attorney will notify the Defendant's attorney that the individual is being considered for entry into Mental Health Court. This notification will occur verbally and with a Notification of Defendant Consideration to Mental Health Court form
 - b. The Defense Attorney will notify the Alternative Sentencing office whether or not the Defendant wants to be assessed by returning the Notification of Defendant Consideration to Mental Health Court form to the Mental Health Court Administrator. (Mental Health Court Coordinator will send a copy to the Prosecuting Attorney).
 - c. When the Defendant contacts the Alternative Sentencing office indicating he or she wants to be assessed, the Mental Health Court Coordinator will:
 - Review the Eligibility Determination form and complete the Mental Health Court Client Initial Assessment forms. These forms will contain the charge(s), victim name, restitution amount if available, prior record information, and a brief description of the offense. An interview will also be conducted with the Defendant as to substance abuse history, home, and employment status.
 - Have the Defendant sign a release of information.
 - Give the Defendant a date and time to appear in Mental Health Court.
 - Contact the Diversion Manager and fax a copy of the initial assessment forms.
 - Contact Burrell Behavioral Health to schedule a clinical assessment and fax a copy of the initial assessment forms.
 - Notify the Prosecuting Attorney of the date the Defendant is being screened for Mental Health Court. This notice will requests that future court proceedings scheduled for the Criminal Case be terminated and that the case be transferred to Division IX for admission into the Mental Health Court Program.
 - Following the Defendants first appearance, the Circuit Clerk and Prosecuting Attorney will be notified whether the Defendant was accepted or denied Mental Health Court.

III. DIVERSION MANAGER AND TREATMENT PROVIDER

1. Within seven (7) working days of notification, the Diversion Manager will conduct a Mental Health Court Orientation, a full screen urinalysis, and interview a significant

other. The results of the interview and testing will be faxed or delivered to the Mental Health Court Administrator.

- a. **If the Defendant is in custody**, the Diversion Manager will meet with the Defendant at the Jail to conduct the initial assessment and urine test. If necessary, a request will be sent to the Court in which the criminal case is pending.
- b. **If the Defendant has been released on Bond**, the Defendant will be instructed by the Mental Health Court Administrator to contact the Diversion Manager. It is also expected the Diversion Manager will attempt to contact the Defendant.

Note: If the Defendant is in the Assessment Phase and there is more than seven (7) work days between the initial meeting date with the Diversion Manager and the first court appearance, the Diversion Manager shall have a face-to-face meeting with the Defendant within that time period.

2. Within seven (7) workdays, the Treatment Provider will conduct a substance abuse inventory, physical and mental health screening; have Defendant sign necessary release of information forms. The results of this evaluation along with a treatment recommendation will be faxed to the Mental Health Court Administrator.
 - a. **If the Defendant is in custody**, the treatment provider will conduct the assessment upon their release from custody.
 - b. **If the Defendant has been released on Bond**, he or she will be notified by the Mental Health Court Administrator to contact the appropriate treatment agency within one (1) work day.

**THIRTEENTH JUDICIAL CIRCUIT COURT
ADULT MENTAL HEALTH COURT PROGRAMS**

**ELIGIBILITY AND ADMISSION PROCEDURES FOR
POST-PLEA DIVERSION MENTAL HEALTH COURT**

I. INITIAL SCREENING

1. Following the arrest of the Defendant, the Mental Health Court Coordinator will receive a referral identifying the defendant as a possible participant for the Mental Health Court Program. (As stated in the previous section, the Mental Health Court Program can receive referrals on individuals from various sources).
2. The Mental Health Court Coordinator will contact the Prosecuting Attorney's Office in order to determine if they will approve a Defendant to be screened for the Mental Health Court Program. At this time the Mental Health Court Coordinator will send an Initial Eligibility Determination Form to the Prosecutor.
3. The Prosecuting Attorney's Office will conduct an initial screening of the Defendant using the Mental Health Court Program Initial Eligibility Determination form.
 - a. For those Defendants the Prosecuting Attorney deems as eligible, a copy of the Mental Health Court Program Initial Eligibility Determination form will be delivered to the Mental Health Court Coordinator.
4. The Mental Health Court Coordinator then contacts the Defendant's Public Defender/Private Attorney to let them know that the Defendant has been referred to the Mental Health Court Program and has been approved by the Prosecuting Attorney's Office. Also at this time the Mental Health Court Coordinator lets the Public Defender/Private Attorney know what track the Prosecuting Attorney's Office is offering. (**NOTE: The Mental Health Court Coordinator has no input/negotiation abilities on track recommendations. This process can only be negotiated by the Prosecuting Attorney's Office and Defendant's Counsel if a change is wanted or recommended).

II. CLIENT NOTIFICATION OF CONSIDERATION FOR MENTAL HEALTH COURT AND INITIAL ASSESSMENT BY MENTAL HEALTH COURT COORDINATOR

1. In-Custody Defendants:
 - c. The Public Defender/Private Attorney will notify the Defendant they are being considered for Mental Health Court. The Public Defender will then notify the Mental Health Court Coordinator as to whether the Defendant wants to be considered for the Program.
 - d. For those Defendants who choose to be assessed further, the Mental Health Court Coordinator will:
 - Review the Eligibility Determination form and complete the Mental Health Court Packet.

- Next the Defendant is instructed that Burrell Behavioral Health will be conducting a clinical assessment on the Defendant to determine if the Defendant has a qualifying Axis I Diagnosis. (The Mental Health Court Coordinator does not determine if the defendant has an Axis I Diagnosis).
 - The Mental Health Court Coordinator then contacts Burrell Behavioral Health and requests that they conduct a screening on the defendant to determine his/her eligibility for the Mental Health Court Program. The Mental Health Court Coordinator also faxes the initial intake that they completed with the client and the first half of the Initial Staffing that details charges, criminal history, etc.
 - Once Burrell assessment is received, the Mental Health Court Coordinator completed the Initial Staffing Report and places the Defendant on the Staffing Docket for discussion.
 - The Mental Health Court Team then discusses the Defendant at the Mental Health Court Staffing. The Defendant will either be approved or rejected at this time.
 - Once a staffing determination has been made, the Mental Health Court Coordinator will write a letter to the Sentencing Court Judge, the Circuit Clerk's Office, the Prosecutor and Attorney on the case letting them know whether or not the Defendant is eligible and has been.
 - If the defendant has been accepted by the Mental Health Court, the defendant must plead guilty at Final Disposition and then be ordered to complete Mental Health Court.
 - Following the Defendants first appearance, the Circuit Clerk and Prosecuting Attorney will be notified whether the Defendant was accepted or denied Mental Health Court.
 - c. If the Defendant denies assessment, the Prosecuting Attorney will proceed with the criminal case.
- 2. For those Defendants who have contacted the Alternative Sentencing office, retained an attorney who has entered an appearance in the criminal case, and indicated he or she wants to be assessed, the Mental Health Court Coordinator will:
 - b. Review the Eligibility Determination form and complete the Mental Health Court Client Initial Assessment forms. These forms will contain the charge(s), victim name, restitution amount if available, prior record information, and a brief description of the offense. An interview will also be conducted with the Defendant as to substance abuse history, home, and employment status.
 - b. Have the Defendant sign a release of information.
 - c. Give the Defendant a date and time to appear in Mental Court.
 - d. Contact the Diversion Manager and fax a copy of the initial assessment forms.
 - e. Contact Burrell Behavioral Health to schedule a clinical assessment and fax a copy of the initial assessment forms.

- e. Notify the Prosecuting Attorney of the date the Defendant is being screened for Mental Health Court. If the defendant has been accepted by the Mental Health Court, the defendant must plead guilty at Final Disposition and then be ordered to complete Mental Health Court.
 - f. Following the Defendants first appearance, the Circuit Clerk and Prosecuting Attorney will be notified whether the Defendant was accepted or denied Mental Health Court.
3. For those Defendants with a Private Attorney present at the arraignment:
- d. The Prosecuting Attorney will notify the Defendant's attorney that the individual is being considered for entry into Mental Health Court. This notification will occur verbally and with a Notification of Defendant Consideration to Mental Health Court form
 - e. The Defense Attorney will notify the Alternative Sentencing office whether or not the Defendant wants to be assessed by returning the Notification of Defendant Consideration to Mental Health Court form to the Mental Health Court Administrator. (Mental Health Court Coordinator will send a copy to the Prosecuting Attorney).
 - f. When the Defendant contacts the Alternative Sentencing office indicating he or she wants to be assessed, the Mental Health Court Coordinator will:
 - Review the Eligibility Determination form and complete the Mental Health Court Client Initial Assessment forms. These forms will contain the charge(s), victim name, restitution amount if available, prior record information, and a brief description of the offense. An interview will also be conducted with the Defendant as to substance abuse history, home, and employment status.
 - Have the Defendant sign a release of information.
 - Give the Defendant a date and time to appear in Mental Health Court.
 - Contact the Diversion Manager and fax a copy of the initial assessment forms.
 - Contact Burrell Behavioral Health to schedule a clinical assessment and fax a copy of the initial assessment forms.
 - Notify the Prosecuting Attorney of the date the Defendant is being screened for Mental Health Court. If the defendant has been accepted by the Mental Health Court, the defendant must plead guilty at Final Disposition and then be ordered to complete Mental Health Court.
 - Following the Defendants first appearance, the Circuit Clerk and Prosecuting Attorney will be notified whether the Defendant was accepted or denied Mental Health Court.

III. DIVERSION MANAGER AND TREATMENT PROVIDER

3. Within seven (7) working days of notification, the Diversion Manager will conduct a Mental Health Court Orientation, a full screen urinalysis, and interview a significant other. The results of the interview and testing will be faxed or delivered to the Mental Health Court Administrator.

- c. **If the Defendant is in custody**, the Diversion Manager will meet with the Defendant at the Jail to conduct the initial assessment and urine test. If necessary, a request will be sent to the Court in which the criminal case is pending.
- d. **If the Defendant has been released on Bond**, the Defendant will be instructed by the Mental Health Court Administrator to contact the Diversion Manager. It is also expected the Diversion Manager will attempt to contact the Defendant.

Note: If the Defendant is in the Assessment Phase and there is more than seven (7) work days between the initial meeting date with the Diversion Manager and the first court appearance, the Diversion Manager shall have a face-to-face meeting with the Defendant within that time period.

- 4. Within seven (7) workdays, the Treatment Provider will conduct a substance abuse inventory, physical and mental health screening; have Defendant sign necessary release of information forms. The results of this evaluation along with a treatment recommendation will be faxed to the Mental Health Court Administrator.
 - b. **If the Defendant is in custody**, the treatment provider will conduct the assessment upon their release from custody.
 - b. **If the Defendant has been released on Bond**, he or she will be notified by the Mental Health Court Administrator to contact the appropriate treatment agency within one (1) work day.

**THIRTEENTH JUDICIAL CIRCUIT COURT
ADULT MENTAL HEALTH COURT PROGRAMS**

**ELIGIBILITY AND ADMISSION PROCEDURES FOR
PROBATION MENTAL HEALTH COURT**

I. INITIAL SCREENING

1. Following the arrest of the Defendant, the Mental Health Court Coordinator will receive a referral identifying the defendant as a possible participant for the Mental Health Court Program. (As stated in the previous section, the Mental Health Court Program can receive referrals on individuals from various sources).
2. The Mental Health Court Coordinator will contact the Prosecuting Attorney's Office in order to determine if they will approve a Defendant to be screened for the Mental Health Court Program. At this time the Mental Health Court Coordinator will send an Initial Eligibility Determination Form to the Prosecutor.
3. The Prosecuting Attorney's Office will conduct an initial screening of the Defendant using the Mental Health Court Program Initial Eligibility Determination form.
 - a. For those Defendants the Prosecuting Attorney deems as eligible, a copy of the Mental Health Court Program Initial Eligibility Determination form will be delivered to the Mental Health Court Coordinator.
4. The Mental Health Court Coordinator then contacts the Defendant's Public Defender/Private Attorney to let them know that the Defendant has been referred to the Mental Health Court Program and has been approved by the Prosecuting Attorney's Office. Also at this time the Mental Health Court Coordinator lets the Public Defender/Private Attorney know what track the Prosecuting Attorney's Office is offering. (**NOTE: The Mental Health Court Coordinator has no input/negotiation abilities on track recommendations. This process can only be negotiated by the Prosecuting Attorney's Office and Defendant's Counsel if a change is wanted or recommended).

II. CLIENT NOTIFICATION OF CONSIDERATION FOR MENTAL HEALTH COURT AND INITIAL ASSESSMENT BY MENTAL HEALTH COURT COORDINATOR

1. In-Custody Defendants:
 - e. The Public Defender/Private Attorney will notify the Defendant they are being considered for Mental Health Court. The Public Defender will then notify the Mental Health Court Coordinator as to whether the Defendant wants to be considered for the Program.
 - f. For those Defendants who choose to be assessed further, the Mental Health Court Coordinator will:
 - Review the Eligibility Determination form and complete the Mental Health Court Packet.

- Next the Defendant is instructed that Burrell Behavioral Health will be conducting a clinical assessment on the Defendant to determine if the Defendant has a qualifying Axis I Diagnosis. (The Mental Health Court Coordinator does not determine if the defendant has an Axis I Diagnosis).
 - The Mental Health Court Coordinator then contacts Burrell Behavioral Health and requests that they conduct a screening on the defendant to determine his/her eligibility for the Mental Health Court Program. The Mental Health Court Coordinator also faxes the initial intake that they completed with the client and the first half of the Initial Staffing that details charges, criminal history, etc.
 - Once Burrell assessment is received, the Mental Health Court Coordinator completed the Initial Staffing Report and places the Defendant on the Staffing Docket for discussion.
 - The Mental Health Court Team then discusses the Defendant at the Mental Health Court Staffing. The Defendant will either be approved or rejected at this time.
 - Once a staffing determination has been made, the Mental Health Court Coordinator will write a letter to the Sentencing Court Judge, the Circuit Clerk's Office, the Prosecutor and Attorney on the case letting them know whether or not the Defendant is eligible and has been.
 - If the defendant has been accepted by the Mental Health Court, the defendant must at Final Disposition plead guilty, be placed on probation, and then be ordered to complete Mental Health Court.
 - Following the Defendants first appearance, the Circuit Clerk and Prosecuting Attorney will be notified whether the Defendant was accepted or denied Mental Health Court.
- c. If the Defendant denies assessment, the Prosecuting Attorney will proceed with the criminal case.
2. For those Defendants who have contacted the Alternative Sentencing office, retained an attorney who has entered an appearance in the criminal case, and indicated he or she wants to be assessed, the Mental Health Court Coordinator will:
- c. Review the Eligibility Determination form and complete the Mental Health Court Client Initial Assessment forms. These forms will contain the charge(s), victim name, restitution amount if available, prior record information, and a brief description of the offense. An interview will also be conducted with the Defendant as to substance abuse history, home, and employment status.
 - b. Have the Defendant sign a release of information.
 - c. Give the Defendant a date and time to appear in Mental Court.
 - d. Contact the Diversion Manager and fax a copy of the initial assessment forms.
 - e. Contact Burrell Behavioral Health to schedule a clinical assessment and fax a copy of the initial assessment forms.

- e. Notify the Prosecuting Attorney of the date the Defendant is being screened for Mental Health Court. If the defendant has been accepted by the Mental Health Court, the defendant must at Final Disposition plead guilty, be placed on probation, and then be ordered to complete Mental Health Court.
 - f. Following the Defendants first appearance, the Circuit Clerk and Prosecuting Attorney will be notified whether the Defendant was accepted or denied Mental Health Court.
3. For those Defendants with a Private Attorney present at the arraignment:
- g. The Prosecuting Attorney will notify the Defendant's attorney that the individual is being considered for entry into Mental Health Court. This notification will occur verbally and with a Notification of Defendant Consideration to Mental Health Court form
 - h. The Defense Attorney will notify the Alternative Sentencing office whether or not the Defendant wants to be assessed by returning the Notification of Defendant Consideration to Mental Health Court form to the Mental Health Court Administrator. (Mental Health Court Coordinator will send a copy to the Prosecuting Attorney).
 - i. When the Defendant contacts the Alternative Sentencing office indicating he or she wants to be assessed, the Mental Health Court Coordinator will:
 - Review the Eligibility Determination form and complete the Mental Health Court Client Initial Assessment forms. These forms will contain the charge(s), victim name, restitution amount if available, prior record information, and a brief description of the offense. An interview will also be conducted with the Defendant as to substance abuse history, home, and employment status.
 - Have the Defendant sign a release of information.
 - Give the Defendant a date and time to appear in Mental Health Court.
 - Contact the Diversion Manager and fax a copy of the initial assessment forms.
 - Contact Burrell Behavioral Health to schedule a clinical assessment and fax a copy of the initial assessment forms.
 - Notify the Prosecuting Attorney of the date the Defendant is being screened for Mental Health Court. If the defendant has been accepted by the Mental Health Court, the defendant must at Final Disposition plead guilty, be placed on probation, and then be ordered to complete Mental Health Court.
 - Following the Defendants first appearance, the Circuit Clerk and Prosecuting Attorney will be notified whether the Defendant was accepted or denied Mental Health Court.

III.DIVERSION MANAGER AND TREATMENT PROVIDER

- 5. Within seven (7) working days of notification, the Diversion Manager will conduct a Mental Health Court Orientation, a full screen urinalysis, and interview a significant

other. The results of the interview and testing will be faxed or delivered to the Mental Health Court Administrator.

- e. **If the Defendant is in custody**, the Diversion Manager will meet with the Defendant at the Jail to conduct the initial assessment and urine test. If necessary, a request will be sent to the Court in which the criminal case is pending.
- f. **If the Defendant has been released on Bond**, the Defendant will be instructed by the Mental Health Court Administrator to contact the Diversion Manager. It is also expected the Diversion Manager will attempt to contact the Defendant.

Note: If the Defendant is in the Assessment Phase and there is more than seven (7) work days between the initial meeting date with the Diversion Manager and the first court appearance, the Diversion Manager shall have a face-to-face meeting with the Defendant within that time period.

- 6. Within seven (7) workdays, the Treatment Provider will conduct a substance abuse inventory, physical and mental health screening; have Defendant sign necessary release of information forms. The results of this evaluation along with a treatment recommendation will be faxed to the Mental Health Court Administrator.
 - c. **If the Defendant is in custody**, the treatment provider will conduct the assessment upon their release from custody.
 - b. **If the Defendant has been released on Bond**, he or she will be notified by the Mental Health Court Administrator to contact the appropriate treatment agency within one (1) work day.

**THIRTEENTH JUDICIAL CIRCUIT COURT
ADULT MENTAL HEALTH COURT**

INELIGIBILITY AND TERMINATION PROCEDURES

I. WHEN A DEFENDANT IS DETERMINED INELIGIBLE FOR THE PROGRAM

1. An order will be issued by the Mental Health Court Judge remanding the Defendant to the Division in which the criminal case is pending.
2. A notice will be sent to the Circuit Clerk and Prosecuting Attorney indicating the Defendant was denied enrollment or chose not to participate in Mental Health Court.

II. WHEN A DRUG COURT PARTICIPANT IS TERMINATED FROM THE PROGRAM

1. Diversion – The Mental Health Court Judge will make a docket entry in the court file indicating the defendant is terminated from the program and placing the case on the next trial setting docket to be set for trial in the originally assigned court. Notice will be sent to the prosecuting attorney and the defense counsel of record.
2. Probation - A docket entry will be made in the court file in which the criminal case is pending indicating the defendant is terminated from the program. It will then be at the discretion of the Mental Health Court Judge or the sentencing Judge to issue a warrant. The case will be set for the next available probation violation hearing date in the sentencing court.

**THIRTEENTH JUDICIAL CIRCUIT COURT
ADULT MENTAL HEALTH COURT PROGRAM**

GRADUATION PROCEDURES

The Mental Health Court Programs hold a Graduation Ceremony four times a year for those participants that have completed the program and are deemed to appropriate for graduation. The Graduation Ceremony celebrates the achievements of the individuals while in the program, as well as, turns the focus onto the continued success of the participant. When a participant completes the program, depending on which track they are in, the following will happen:

1. Pre-Plea Diversion: The Mental Health Court Judge will make a docket entry in the court file indicating the defendant has graduated from the program. The Prosecuting Attorneys Office files a Nollie Prosequi letter dismissing the case against the defendant. The defendant is no longer under control of the court or probation.
2. Post-Plea Diversion: The Mental Health Court Judge will make a docket entry in the court file indicating the defendant has graduated from the program and place the case on the next trial setting docket to be set for appearance in front of the originally assigned court in order to withdraw the guilty plea and a Nollie Prosequi letter is filed dismissing the case against the defendant. The defendant is no longer under control of the court or probation.
3. Probation and Re-entry: The Mental Health Court Judge will make a docket entry in the court file indicating the defendant has graduated from the program. The defendant is still on probation for a minimum of six months after graduation. During this probationary period, if no violations occur, the probation officer can request early dismissal from probation.

Frequently Asked Questions

1. What is Mental Health Court?

Mental Health Court is an alternative sentencing program that brings together criminal justice workers and health care providers to provide assistance to qualified defendants in order to address the unique needs and teach them the essential skills for functioning in society without further intervention from the criminal justice system. The purpose of the program is to reduce criminal offenses through appropriate mental health and substance abuse treatment.

2. Who does it serve?

The Mental health Court program is available to defendants who are residents of Boone County, who are charged with non-violent offense in Boone County, and who have a qualifying Axis I Diagnosis, with or without a co-occurring substance abuse problem.

3. Who does the program benefit?

The Mental Health Court program benefits the participants by making available to them a comprehensive treatment program to address their specific needs. The treatment the participants receive helps them improve the quality of their life, and through successful completion of the program they may avoid a criminal record or incarceration. By appropriate intervention and treatment, the program intends to break the cycle of recidivism of the mentally ill as a result of the failure to provide them with needed mental health treatment. The community benefits from the reduced recidivism in the form of lower costs for arrests, court proceedings, and incarceration. Also, Mental Health Court participants receive treatment to help them better function in the community, reducing the risk of crime and increasing the community sense of safety.

4. Why was the Mental Health Court Created?

The Mental Health Court was created to address the special needs of the mentally ill who become involved in the criminal justice system. It was intended to decriminalize mental illness, while providing needed treatment to enable the mentally ill to better function in the community and avoid recurring involvement with the criminal justice system.

5. What services does a Mental Health Court participant receive?

A team of individuals from the criminal justice system and the mental health care system work together to design a treatment plan for each participant, and to guide and assist the participant through the plan. The treatment plan can include group and individual mental health counseling, substance abuse treatment, support groups, medications, and therapeutic housing. Since a number of individuals work together on the team, the participant is able to access a continuum of care which is designed to meet his or her special needs and which might not otherwise be available.

6. Who serves on the Mental Health Court Team?

The Mental Health Court Team is made up of the Judge of the Mental Health Court, the Mental Health Court Coordinator, a representative from the Prosecutor's Office, a representative from the Public Defender's Office, the defendant's defense attorney, a representative from Probation and Parole, and treatment providers. Other people may participate in team meetings and courts sessions, as appropriate. Advocacy groups and community members are welcome to attend court proceedings and to discuss any concerns they may have with the Mental Health Court Coordinator.

7. Who pays for the Mental Health Court?

The Mental Health Court Program was made possible when Boone County voters approved Proposition "L" in 2002. In addition, the court obtained a federal grant from the Bureau of Justice Administration to help fund participant expenses for treatment and housing. This grant ran through November 2006. Expenses for treatment are also paid through the participant's private insurance, Medicaid, and the Missouri Department of Mental Health. Depending on their income level, some participants may have out-of-pocket expenses. However, this is the exception, not the rule.

8. What happens if a defendant fails to follow the requirements of the Mental Health Court Program?

The Mental Health Court has a number of options which can be implemented if a defendant fails to follow the requirements of the Mental Health Court program. The options range from a verbal warning, to increased treatment requirements, to termination from the program. A defendant who is terminated from the program is referred back to the regular court for disposition of the charges pending against him or her. Defendants who are already on probation may have their probation revoked and may be required to serve jail or prison time.

9. When does the Mental Health Court meet?

Mental Health Court sessions every Tuesday at 3:00 p.m., in Division IX of the Boone County Courthouse, 705 E. Walnut, Columbia, MO. Court Sessions are open to the public. For further information, please contact:

Stacey Crane, Mental Health Court Coordinator

Telephone: (573)886-4232

E-mail: stacey.langendoerfer@courts.mo.gov,

APPENDIX A

APPENDIX B

**POLICY AND PROCEDURES
FOR
ASSISTANT PROSECUTING ATTORNEY**

ASSISTANT PROSECUTING ATTORNEY: The Mental Health Coordinator prior to screening individuals for participation in the Mental Health Court Program must first send a referral to the Prosecuting Attorney's Office for the Prosecutor Assigned to that case to review all potential Diversion, Post Plea and Probation participants for eligibility. One Assistant Prosecuting Attorney will be a part of the Mental Court Team and actively participate in staffing of cases, and interact in a non-adversarial manner to address revocations, pleas and application of sanctions and incentives as they apply to the participant. However, no one Assistant Prosecutor is assigned to review cases for Mental Health Court eligibility and therefore, the Mental Health Court Coordinator must coordinate with the prosecutor assigned to each individual case in order to establish approval for participation in the program.

I. Referral procedures

- A. All initial referral will be first reviewed by the Mental Health Court Coordinator.
 - 1) Insure the charges meet the guideline to participate or can be amended to meet the guidelines.
 - 2) The Mental Health Coordinator then sends the referral to the Assistant Prosecuting Attorney for them to accept or reject the individual for screening for the program. At this time the Assistant Prosecuting Attorney will also include which program the defendant will be approved to participate in. (i.e. Diversion, Post Plea or Probation)
- B. The Mental Health Prosecuting Attorney will sign off or reject the Initial referral.
 - 1) If rejected the referral will be returned to the Mental Health Court Coordinator marked denied with an explanation as to why the referral was denied.
 - 2) If accepted a copy of the referral will be sent to the Mental Health Court Coordinator.
- C. The Mental Health Court Coordinator will then call the defense Attorney and let them know that the individual has been approved for a Mental Health Court Screening and what track the Prosecuting Attorney is offering.
 - 1) If the defendant is not interested the Prosecuting Attorneys Office will be notified immediately and set the case for normal prosecution.
 - 2) If the defendant is interest the Prosecuting Attorney will be notified and the assessment process will begin.

II. Assessment Process

- 1) The Mental Health Court Coordinator is responsible for conducting the Assessment and will advise the Prosecutor assigned to the case when the case will be placed on the Mental Health Court Docket.

III. Acceptance or Denial

- A. The Mental Health Court Prosecutor will be advised when a new case is placed on the docket for acceptance or denial.
- B. During the Team Staffing a presentation of the assessment will be made and each team member will have an opportunity to voice their opinion.
- C. The Mental Health Court Judge will have the final decision as to the defendant being accepted or denied to the program.
- D. If the defendant is denied Mental Health Court, the criminal proceeding will continue as normal.
- E. If the defendant is accepted the criminal case proceeding will be stopped until the defendant graduates or is terminated.

IV. Graduation

- A. When a Diversion defendant is scheduled for graduation the Mental Health Court Prosecuting Attorney will notify the Prosecuting Attorney of the pending graduation and the need for a Nollie Prosequi Letter.
- B. When a Post Plea defendant is scheduled for graduation the Drug Court Assistant Prosecuting Attorney will review the case and prepare any paperwork necessary to comply with the plea agreement.

V. Termination

- A. When a Diversion defendant is terminated the Mental Health Court Judge will assign them to the next available court date in the division they were assigned.
 - 1) The Mental Health Court Assistant Prosecuting Attorney will notify the Assistant Prosecuting attorney assigned to the case and the criminal proceeding will continue.
- B. When a Post Plea defendant is terminated the Mental Health Court Judge will assign them to the next available court date in the division they pled.
 - 1) The Mental Health Court Assistant Prosecuting Attorney will notify the assistant prosecuting attorney assigned to the case and the criminal proceeding will continue.

APPENDIX C

**POLICY AND PROCEDURES
FOR
PROBATION OFFICERS**

DIVERSION MANAGER/PROBATION OFFICER- The Diversion Manger will document the defendant's progress in treatment, employment and any other programs. With this information, he/she will update the Mental Health Court Administrator as to the Defendant's progress prior to the staffing of each defendant for court.

I. Participation

A. The Mental Health Probation Officer/Diversion Manager will:

- 1) Maintain all information requested on the Mental Health Court status sheet
- 2) Insure the information is updated and complete prior to staffing
- 3) Notify the Mental Health Court Administrator and the participants treatment provider of any problem (Arrest, Positive Test, No Shows, Etc.) or participant requests (change of court date, out of county trips, out of state trips, weddings, funerals, etc).

II. Graduation

A. When a participant is scheduled for graduation the Probation Officer/Diversion Manager will insure that the defendant has completed all requirements of the Drug Court Program before the scheduled graduation date.

III. Termination

A. When a Diversion or Post Plea participant is terminated the Mental Health Court Judge will assign them the next available court date in the division they were assigned or had pled in.

- 1) The Mental Health Court Diversion Manager will be sent a Discharge report and will have the Mental Health Court case closed in the Probation Office database.

B. When a Probation or Re-Entry Participant is terminated the Mental Health Court Judge will assign them the next available court date in the division they were convicted in.

- 1) The Mental Health Court Probation Officer will write a probation violation and have the case closed in the probation office database.

APPENDIX D

**POLICY AND PROCEDURES
FOR
TREATMENT PROVIDERS**

DESIGNATED TREATMENT PROVIDERS: As a member of the Boone County Mental Health Court Team the designated Treatment Providers will conduct a screening and assessment on each participant, participate in weekly staffing, make treatment recommendations to the Court. In addition, the treatment provider will identify and provide a continuum of care for participants while advocating on behalf of the client and for the integrity of the Court. Treatment agencies will seek out and utilize all other funding sources prior to billing the court for services.

I. Assessment Process

- A. The Mental Health Court Coordinator is responsible for conducting the Initial Assessment and will advise the Treatment Provider when a case has been referred to the Mental Health Court.
- B. Treatment Provider Assessment
 - 1) An additional assessment is required for all referrals by a Mental Health Treatment Provider in order to establish an Axis I Diagnosis. Once an evaluation has been completed the assessment will be forwarded to the Mental Court Coordinator so an Initial Assessment can be completed and presented to the Mental Health Court Staffing Team.

II. Participation

- A. The Mental Health Court Treatment Provider will:
 - 1) Maintain all information requested on the Mental Health Court Status Sheets and send the information to the Mental Health Court Secretary by 12:00PM the Monday before Court.
 - 2) Insure the information is updated and complete prior to staffing.
 - 3) Notify the Mental Health Court Coordinator and the participants Diversion Manager/Probation Officer of any problems (Arrests, Positive Drug Test, No Shows, etc.) or participant requests (change of court date, out of county trips, out of state trips, weddings, funerals, etc).

III. Acceptance or Denial

- A. The Mental Health Court Team will review each prospective participant prior to acceptance or denial during the pre-court staffing.
- B. During the Team Staffing a presentation of applicants will be made by the Mental Health Court Coordinator and each team member will have the opportunity to voice their opinion.
- C. The Mental Health Court Judge will have the final decision as to the defendant being accepted or denied Mental Health Court.
- D. If the defendant is denied Mental Health Court the criminal preceding will continue as normal.
- E. IF the defendant is accepted the criminal case preceding will be stopped until the defendant graduates or is terminated.

IV. Graduation

- A. When a participant is scheduled for graduation the Treatment Provider will insure that the defendant has completed all requirements of the Mental Health Court Program before the scheduled graduation date.

V. Termination

- A. When any participant is terminated the Mental Health Court Judge will assign them the next available court date in the division they were assigned or had pled in.
 - 1) The Treatment Provider will be informed that the participant has been terminated during staffing.

APPENDIX E

Boone County Mental Health Court Entry Questionnaire

- 1) If I am at least 21 years old, I may drink alcoholic beverages while I am in Mental Health Court T F
- 2) I am required to call the UA Hotline everyday, including Saturday and Sunday T F
- 3) I am responsible for keeping all appointments and being on time, including court appearances, treatment sessions, and meetings with my probation officer T F
- 4) I am allowed to take medicine prescribed by a doctor without asking for permission from Mental Health Court T F
- 5) It is OK to be late or miss appointments if the reason is work related T F
- 6) I am expected to tell the truth at all times T F
- 7) I must respect other people's confidentiality T F
- 8) I must ask permission to take any over the counter medication T F
- 9) Boonville is in Boone County T F
- 10) If it is my day to give a UA, I must comply by what time_____
- 11) If I have any contact with law enforcement, I am required to give a UA within 1 hour T F
- 12) I must provide the Mental Health Court with my current address and phone number and notify them of any changes T F
- 13) What is the phone number to call for UA color of the day_____
- 14) If I am really sick, I can take medicine that a friend or family member gives me T F
- 15) I do not need to ask permission to attend a concert T F
- 16) I can go to "the boats" to gamble as long as I do not drink or use drugs T F
- 17) If I have permission to leave Boone County, I must give a UA both before and after my trip T F

- 18) All my employment verification, AA or NA sheets, and community service papers must be given to my P.O. by noon on what day? _____
- 19) If my job requires me to leave Boone County, it is OK to go without Mental Health Court's permission T F
- 20) If I am arrested on a new felony charge, I may be terminated from the Mental Health Court Program T F
- 21) My probation officer is _____ and his/her phone number is _____.
- 22) It is OK to sleep in group or at AA/NA if I have been at work and I am really tired T F
- 23) Full time employment or school is a requirement of Mental Health Court T F
- 24) A dilute UA is an accident and there will be no sanction T F
- 25) If I miss a UA, it may be considered the same as a positive test T F
- 26) I may be required to provide a UA at anytime, even if it is not my color day T F
- 27) Mental Health Court can direct me to find new housing T F
- 28) Another Mental Health Court participant can sign my AA or NA sheet T F
- 29) I am not allowed to leave Boone County without permission T F
- 30) It is OK to go to bars if I do not drink T F
- 31) It is not a problem to be with my old friends when they are using, as long as I don't use T F
- 32) If I have permission to leave Boone County, but my plans change and I don't go, I don't have to take the before and after UA T F
- 33) If I have questions or problems I should wait until court to talk about it T F
- 34) Since honest is important in Mental Health Court, I may be terminated from the program if I falsify an AA/NA attendance sheet or community service form T F

Program Overview

On April 22, 2003, Boone County established a special Mental Health Court to serve the special needs of persons with mental illness who appear as defendants in criminal cases. In the regular court system, defendants often interact with a number of different defense attorneys, prosecutors, and judges, all on the same case. This approach creates barriers that prevent the justice system from identifying and addressing the unique needs of the mentally ill offender, and from addressing the issues that led to the defendant's criminal charges. Mentally ill offenders under the previous system often spent unnecessary time in jail and, lacking access to mental health treatment services, often became repeat offenders.

The Boone County Mental Health Court program is a supervised, comprehensive treatment program for non-violent misdemeanor and felony offenders who require mental health treatment and have a minimal history of prior criminal convictions. The program includes regular court appearances, drug testing, and individual and group counseling.

Mental Health Court Supervision

A Mental Health Court participant will be required to appear in Mental Health Court on a regular basis. At each appearance, the Judge will be given a progress report prepared by the treatment team regarding drug tests, attendance and participation in treatment and compliance with the Diversion Manager or Probation Officer. The Judge may ask the participant questions about his/her progress, and discuss any specific problems the participant may have been experiencing. If doing well, the participant will be encouraged to continue with the Program and work with the treatment team toward graduation. If not doing well, the Judge will discuss these issues with the participant and the treatment team and determine further action. In the event of program violations; i.e. missed or dirty urine screens, failure to attend individual or group counseling, failure to attend 12-step meetings, etc., sanctions may be imposed by the courts. Repeated violation of the program expectations, and failure to progress satisfactorily, may result in termination from the program.

Failure to appear in Court on the date and time scheduled may result in a warrant being issued for the participant's arrest. If a participant cannot appear in Court as scheduled, the Diversion Manager or Probation Officer and Mental Health Court Coordinator must be notified as soon as possible.

The following violations may result in termination from the Mental Health Court Program: warrants and/or new arrests; missing drug tests; demonstrating a lack of program response by failing to cooperate with treatment, and violence or threats of violence directed at the treatment team or others. The Mental Health Court Judge will make the final decisions regarding termination from the program.

**THIRTEENTH JUDICIAL CIRCUIT COURT
ADULT MENTAL HEALTH COURT PROGRAMS**

MENTAL HEALTH COURT OPERATIONS MANUAL

II. MENTAL HEALTH COURT PROGRAMS RULES:

All Mental health Court participants must abide by the following rules of the Mental Health Court Programs. Each individual is held accountable for their actions and full compliance is necessary to succeed in the program.

- **Do not use or possess any drugs or alcohol.**
Maintaining an alcohol and drug free lifestyle is an important part of the recovery process.
- **Do not use any medication without prior consent.**
All medication over the counter or prescribed by a physician must be authorized by the Treatment Staff or Diversion Manager prior to being taken.
- **Do not enter establishments who's primary function is the sale of alcohol or gambling.**
Casinos, grocery store liquor sections, bars or packaged liquor stores are off limits. You may not purchase liquor for any reason.
- **Attend all treatment sessions.**
If a participant is unable to attend a scheduled session, he/she must contact the treatment counselor **before** a session is missed.
- **Report to Diversion Manager/Probation Officer as directed.**
If unable to make an appointment, contact the Diversion Manager/Probation Officer immediately.
- **Be on time to appointments with treatment providers, Diversion Manager/Probation Officer, and Court.**
If a participant is late, he/she may not be allowed to attend appointment and could be considered non-compliant.
- **Do not make threats towards other participants or staff or act in a violent manner.**
Violent; dishonest or inappropriate behavior will not be tolerated and will be reported to the Court. This may result in termination from the Drug Court Program.
- **Dress appropriately for Court, Probation, and treatment sessions.**
Clothing bearing drug or alcohol related themes or promoting or advertising alcohol or drug use is considered inappropriate. Sunglasses, hats and bandanas are not to be worn inside the Courthouse, treatment center or probation office.
- **Always tell the truth.**

This will take the participant's best effort and truthfulness. Participants who are not truthful will not be allowed to remain in the program.

- **Do not leave the county without permission.**
You must get permission from your Diversion Manager/Probation Officer prior to leaving Boone County. If you are planning to leave the state, you must get approval from the Drug Court team and apply for a travel permit with your Diversion Manager/Probation Officer. Travel permits require a 15-day processing period. It is your responsibility to apply for the permit in a timely manner.
- **Turn in all documents one (1) day prior to Court appearances.**
In order to receive credit for AA/NA's, payment of fees or community service hours a participant must turn the proper documentation into their probation officer no later than the day prior to their court appearance.
- **Report for testing upon contact with Law Enforcement.**
You must report for a drug test within one hour of any contact with a law enforcement officer.

II. TREATMENT PROCEDURES

Treatment will be provided through a team approach. The treatment team will assess the level and intensity of treatment that will best meet a participant's needs. A recommendation will be made to the Mental Health Court Judge indicating that the client should receive detoxification, residential or outpatient treatment. If admitted to a residential treatment program, the treatment plan will include the requirements of that program. If not admitted into a residential treatment program, an intensive outpatient program will be developed which includes:

- **Treatment Plans:**
An "initial" treatment plan will be developed by the treatment team following an overall assessment of a participant's substance abuse history and social situation. The plan will act as a guide for the initial treatment phase. The plan will be maintained by the treatment team and updated as one progresses through the program.
- **Drug Testing:**
Each participant will be given a color and a drug testing hotline card. Every participant is to call the hotline daily. When the participant's color is called they will be given from 5:00 a.m. until 10:00 a.m. to submit to testing. The Diversion Manager/Probation Officer, Alternative Sentencing Center treatment agency or Reality House will conduct urine testing and breathalyzer tests. The Mental Health Court Judge will impose additional sanctions for failing to test within the time allowed, providing a dilute specimen or failing to submit to a drug test. A participant will be tested through the entire treatment process. Additional testing may be required at the discretion of the Diversion Manager/Probation Officer, Treatment Provider, and the Court.

- **Counseling:**
 An important aspect of the Mental Health Court is participation in counseling. This may include both individual and group sessions. Participation in one or both of these will be at the recommendation of the treatment provider. Attendance at counseling sessions will be reported to the Judge as part of a participant's progress report. Prior permission from the treatment counselor must be obtained in order to be excused from a counseling session.
- **Twelve Step Meetings:**
 Attendance may be required at 12-step meetings such as Narcotics Anonymous and Alcoholics Anonymous. Attendance is an important part of the recovery process that helps familiarize the participant with the 12-step philosophy, and to develop levels of trust to learn and create social bonds with other people in recovery. The treatment team will provide information regarding the time and location of 12-step meetings. The participant must provide proof of attendance to their Diversion Manager prior to each court appearance.
- **Sponsor:**
 The participant may be asked to obtain a self-help sponsor. A sponsor is a 12-step group member of the same gender with significant sobriety (at least one year) who assists the participant on a personal level with sobriety, personal problems, working the steps, etc. Ask at a meeting for a temporary sponsor until a permanent can be obtained.
- **Personal Journal:**
 Upon acceptance into the Mental Health Court Program, all clients will be expected to keep a journal. The Mental Health Court Judge will provide each participant with a weekly topic for the journal entry. The purpose of the journal is to provide the Judge with each participant's personal perception of drug court related topics, including personal problems of alcohol and drug dependence, and short-term and long-term goals. The court will provide a journal to each participant at their first court appearance. **The journal must be brought to every court appearance.**
- **Termination:**
 A Mental Health Court participant can be terminated from the program for the following reasons: lack of treatment progress as decided by the treatment provider, failure to secure full time employment, failure to pay fees or fines, threats, assaults, new arrests, continued substance use, medical problems that interfere with treatment, or an unfavorable ninety day evaluation.
- **Medications:**
 All medications over the counter or prescribed by a physician must be authorized by the Treatment Staff or Diversion Manager prior to being taken. A Notice of Participation in Treatment Court form has been provided in the participant's

handbook. It must be used every time you go to the doctor's office or the Dentist. A list of authorized over the counter medication is also available in the handbook.

GRADUATION REQUIREMENTS

- 1) Satisfactory attendance at all treatment services and contact with Diversion Manager.
- 2) Six months continuous of clean drug tests.
- 3) Participant has completed a continuing recovery plan with counselor.
- 4) Mental Health Court Team agrees that the Participant has sufficiently integrated the information to support recovery.
- 5) Participant has an understanding of Mental Illness and medication management.
- 6) Participant has acquired all benefits that they are qualified for within the community: stable housing, Medicaid/Medicare, SSI/SSDI, food stamps, etc.
- 7) Completion of one full year in the program.

Mental Health Court Sanctions and Incentives:

Mental Health Court Sanctions:

If a participant fails to comply with the program, the Mental Health Court Judge, at their discretion, may order one or more of the following:

- Warning from Judge
- Move to end of docket
- Increase AA / NA meetings
- More frequent drug and/or alcohol testing
- Place on Electronic Monitoring
- More intensive treatment
- Additional community service hours
- Increase reporting to Diversion Manager/Probation Officer
- Increase court appearances
- Complete the Weekend Relapse Intervention Program
- Move back to previous phase
- Spend Period of time in Reality House
- Spend period of time in Jail
- Termination from Mental Health Court

Mental Health Court Incentives:

When a participant consistently cooperates and participates in the Treatment Program, the Drug Court Judge may, at their discretion, order one or more of the following:

- Praise from Judge
- Move to top of docket
- Decrease court appearances
- Excused from attending court
- Receive gift cards from local businesses
- Presented with a gift bag during court
- Draw from the prize jar
- Enter weekly drawing
- Progress to next phase
- Reduction in treatment and probation visits
- Reduction in drug and/or alcohol testing
- Month off of fees
- Allowed to travel more frequently
- Graduation of the program in one year

Contact Information

AGENCY	PHONE NUMBER	FAX NUMBER	CONTACT PERSON
Mental Health Court	886-4232	886-4247	Stacey Crane
Probation Office	884-7016	884-7076	Tina Rose
Burrell Behavioral Health	777-7500	777-7577	Virginia Almon
New Horizons	443-0405	875-2557	Isaiah Cummings
Reality House	449-8401		Rob Harrison
Daybreak	875-8088		Greg Boyt
Boone County Family Resources	874-1995		Laura Baldwin
McCambridge	449-3953	874-3189	Beth Berhorst
Columbia Police Mental Health Court Officer	874-7658		Mike Hayes
Public Defender	882-9701	882-9147	Kevin O'Brien
Prosecutors Office	886-4100		
Mental Health Court Hotline	886-4225		

Oxford Houses

House Name	Phone Number	Address	Type of House
Bicknell	442-7084	104 Bicknell 65203	Male
Rothwell	256-8501	220 Elliot Drive 65203	Female
Calico	474-0035	2504 Calico Ln 65202	Male
Cougar	442-2330	600 Rogers St 65201	Male
Leslie	256-5221	19 Leslie Ln 65202	Male
Nellwood	814-0888	2501 Nellwood Dr 65202	Male
Proctor	874-9610	314 Proctor Drive 65202	Male
Jewell	256-4831	111 Benton Street 65203	Female
Sandra	875-5721	921 Sandra 65202	Male
Spring Valley	443-3571	338 Crownpoint 65203	Female
Willowbrook	474-0741	2501 Willowbrook Ct 65202	Male

My Probation Officer is	
My Treatment Agency is	
My Drug Testing Color is	

NOTICE OF PARTICIPATION IN TREATMENT COURT

This notice is to verify that _____

Is currently participating in the: Boone County Mental Health Court.

As a participant, any use of physician prescribed or over the counter medication is not allowed without the knowledge and consent of the Court and monitoring and supervision by treatment providers and/or probation officers.

We would request that you take this into account when prescribing or recommending medication. The undersigned participant and the Court greatly appreciate your consideration of these restrictions as you provide medical or dental treatment to this patient. Please feel free to contact the Court representative by telephone at (573)886-4232 to discuss any issues relating to this patient and supervised treatment.

Signature of Participant/Date

Signature of Court Representative/Date

We request that you sign below for our records to ensure our participants are fulfilling their responsibility to the Court and to their medical provider by disclosing this information. Thank You.

Attending Physician/Nurse Practitioner, Dentist/Date

**Boone County Mental Health Court
Exit Questionnaire**

- 1) The length of the program was: too long, too short, just right.
- 2) I think the program would be better if it lasted _____ months.
- 3) I was able to use drugs while in the Mental Health Court and I was not caught:
True or False
- 4) I was able to drink while in the Mental Health Court and I was not caught:
True or False
- 5) How did I avoid getting
caught_____
- 6) The incentives I received while in Mental Health Court (gift certificates,
movie passes, etc.) really meant a lot to me: True or False
- 7) Group was the best part of counseling True or False
- 8) Individual therapy was the best part of counseling True or False
- 9) It was important to me to be able to talk to the Judge: True or False
- 10) This program was the first time I received treatment for drug or alcohol abuse:
True or False
- 11) This program was the first time I received treatment for mental health issues:
True or False
- 12) This program was good, it was just right for me: True or False
- 13) If I could, I would add _____to the program. (Use
additional space on back if needed)
- 14) It was important for me to get into the program very soon after my arrest:
True or False

15) The most important reason for me to be in this program was:

To stay out of jail or prison

To get treatment for my mental illness

To get treatment for my drug problem

To get a job

To get back with my family

To have more money

Other _____

16) The most effective part of the program for me
was _____

17) Drug testing was helpful to keep me from using: True or False

18) I should have been tested More or Less

19) Best part of the program: _____

20) Worst part of the
program: _____

21) AA/NA was very helpful: True or False

22) I plan to continue to work with my sponsor: True or False

23) I was treated fairly by the mental health court staff and judge:
True or False

24) I would be interest in a mental health court alumni group:
True or False

25) I would be interested in some mental health court social activities like picnics,
softball games or bowling: True or False

26) Mental Health Court should have its own GED Program: True or
False