

# MENTAL HEALTH COURT



# PARTICIPANT'S MANUAL

## **INTRODUCTION**

Welcome to the Midland County MENTAL HEALTH COURT (MHC). This handbook is designed to answer questions, address concerns and provide overall information about the MHC program. As a participant, you will be expected to follow the instructions given to you by the judge and probation officer as well as to comply with the treatment plan developed for you by an approved treatment provider. This handbook will detail what is expected of you as a MHC participant and review general program information. It is intended to be a standard guide to MHC participants in Midland County.

## **PROGRAM DESCRIPTION**

The Midland County Mental Health Court Program (MHC) is a voluntary program for offenders who are mentally ill. The program consists of intensive supervision of clients by a mental health professional, frequent appearances before the MHC judge, mandatory mental health counseling, regular attendance at group counseling sessions, as well as attendance at substance abuse classes and drug and alcohol testing, if needed.

At the beginning of the program, staff controls the participant's risk through frequent drug testing, meetings with the probation officer and treatment team, and frequent court attendance. As the participant moves through the program, he will begin to understand and learn about his mental illness, addiction, and how to control his own life. Once this is accomplished, the participant moves from risk-control to self-risk management. The entire program length, which is determined by the participant's progress, will not be less than 12 months.

## **ELIGIBILITY CRITERIA**

An individual must meet the criteria for a serious mental illness, defined as major depressive disorder, bi-polar disorder, schizophrenia or schizo-affective disorder. Individuals with co-occurring substance use disorders are also considered where the mental health diagnosis is primary. MHC targets individuals that have a high to moderate criminogenic risk of re-offending, as determined by the Community Supervision and Corrections Department.

To be considered for MHC, an individual must be charged with, convicted of, or on probation for a misdemeanor or felony offense. The participant's prior criminal history and treatment history in the community mental health system are considerations in determining eligibility. MHC participants must reside in Midland or Ector County.

Individuals charged with any misdemeanor or felony offense will be considered on a case by-case-basis. Participation in MHC is voluntary, unless it is court ordered as a term and condition of probation. The individual must be willing to participate in community treatment. The individual also must be willing to sign a release of information for details pertaining to his or her mental health treatment, substance use, legal status, and history to be shared with the MHC team.

## **REFERRAL/ACCEPTANCE TO MENTAL HEALTH COURT**

Any person may refer an individual to the MHC. Prior to discussing an individual's eligibility for the MHC, the individual must sign a consent form allowing free exchange of mental health and medical information. Once a consent form is signed, the Court Coordinator will prepare a referral sheet and forward the referral sheet and consent form to the defense attorney, Permian Basin MHMR, Probation Department, and the District Attorney's Office.

To be eligible for MHC, an individual must be diagnosed with a serious mental illness and qualify for MHMR services, per State of Texas guidelines. Additionally, the State must be willing to offer probation or pretrial diversion to the individual.

Stakeholder staffing occurs immediately prior to a MHC session. At the staffing, the stakeholders discuss each applicant's eligibility for MHC. If the stakeholders vote to accept an individual, the individual is invited to observe a MHC status hearing and to participate in MHC. Unless specifically court ordered under TEX. CRIM. PROC. CODE ANN 42.12A.506, participation is voluntary.

## **TREATMENT PLANS**

Treatment plans are prepared by MHMR and are flexible and adjusted based on a client's individual needs and goals. They take into account the participant's baseline functions, individual capabilities, and holistic needs including physical, mental, and spiritual interests. Treatment plans are altered to reflect the participant's progress.

## **MENTAL HEALTH COURT STATUS HEARINGS**

MHC Status Hearings are a central feature of MHC. Participants appear regularly before the Judge who reviews progress. During the status hearing, the Court is provided with any additional treatment status reports and other information from a variety of sources. The participant is expected to bring proof of completed community service hours and/or treatment attendance. Participants interact directly with the Judge during MHC status hearings.

## **GOALS**

Participation in MHC should be between twelve (12) and twenty-four (24) months, depending on individual needs. The first six (6) to eighteen (18) months is the Maintenance Phase where the participant is expected to regularly attend MHC status hearings, meet weekly with probation, take all prescribed medication and comply with his treatment plan. After six (6) to eighteen (18) months in the program, the stakeholders will discuss a participant's progress and consider him for advancement to the Graduation Phase.

Advancement to the Graduation Phase is based upon compliance with the treatment plan and compliance with the terms and conditions of probation. Once in the Graduation Phase, a participant will not have to report to probation or attend MHC status hearings as frequently. The goal of the Graduation Phase is to transition a participant from a high level of service to a lower level of service while still being supervised by the Court and accountable to the stakeholder team. The Graduation Phase should last approximately six (6) months.

## **INCENTIVES AND SANCTIONS**

Incentives and sanctions are used by the Court to motivate each participant's compliance with the recommended treatment plan. If treatment compliant, the participant receives encouragement and incentives for continuing to do well. If the participant is not compliant, sanctions may include a reprimand or increased intensity of treatment to enforce the importance of compliance with court orders. At the end of the hearing, the client receives a written reminder of the next court date on a preprinted form.

### **Incentives**

Incentives are used to assist the defendant in achieving treatment goals. The Judge determines incentives based upon recommendations from the stakeholders. Examples of incentives include:

- 1) Verbal reinforcement from the Court;
- 2) Applause;
- 3) Certificates of Achievement;
- 4) Less restrictive treatment;
- 5) Reduced frequency of Court appearances;
- 6) Tokens (i.e.: gift cards); and
- 7) Graduation.

### **Sanctions**

Sanctions are used to assist the participant in achieving treatment goals. At any time, with or without a sanction, a participant may be assessed for a higher level of treatment, hospitalization, additional support meetings, or more intensive case management. The Judge imposes sanctions after hearing from the client, counsel, and the MHC team. Examples of sanctions include:

- 1) Admonishment or reprimand from the Court;
- 2) Volunteer community service work;
- 3) Assignments/Written essays;
- 4) Increased intensity of treatment;
- 5) Increased frequency of Court appearances;
- 6) Drug testing; and
- 7) Termination of MHC and return to criminal court for further proceedings.

## **TERMINATION**

A participant may be terminated from MHC. This usually occurs when the participant re-offends, stops coming to MHC Status Hearings, or has left a treatment program and refuses to return. In these circumstances, the case is returned to the original criminal court for further proceedings.

If a participant fails to appear at the MHC Status Hearings, the stakeholders will determine suitability for continuation in the program once the participant is back before the group. If a participant is participating in MHC as a condition of probation and he stops coming to court, leaves a treatment program, or refuses to return to treatment, he is in violation of probation and may have his probation revoked and his jail or state prison sentence imposed.

## **GRADUATION**

A ceremony and reception is held to commemorate participants who have met the minimum requirements as detailed above, maintained satisfactory progress, and remained engaged in treatment and services. Several months before graduation, the MHC team begins working with the participant regarding his transition to graduate status and develops a plan to ensure that the client reintegrates safely into the community. Graduation will occur at least six months prior to the expiration of the participant's probation.

## **POST GRADUATION**

After graduation, the participant will continue to attend MHC status hearings every three months. The purpose of continued reporting is to ensure continued compliance with treatment while receiving a lower level of services. The Court can modify terms and conditions of probation, including extending the period of supervision, to assure the participant can successfully transition into this lower service level.

## **CONFIDENTIALITY**

The MHC program is governed by Federal laws of confidentiality. Disclosure of information received in the course of treatment is strictly prohibited unless a court order "for good cause" is issued. Defendants must authorize the disclosure to the stakeholders of information regarding their "diagnosis, attendance, scope of treatment, treatment progress and quality of participation, and termination or completion of treatment."

Additionally, an applicant must sign a Consent Form allowing the stakeholders to communicate with and disclose to one another the following information: medical records, psychiatric evaluations and diagnosis, psychosocial reports, urinalysis results, attendance or non-attendance of court-ordered appointments, participant's cooperation with treatment, participant's progress in treatment, and participant's prognosis. Prior to

staffing an applicant to MHC, that applicant must sign a Consent Form. Additionally, the stakeholders agree not to disclose any information learned through participation in MHC.

## **CONCLUSION**

The MHC program has been developed to help you achieve stability in your life. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible citizen. The judge, probation officer, treatment provider, and community resources are present to guide and assist you, but the final responsibility is yours. Good luck to you!

### **MENTAL HEALTH COURT RULES:**

- ◆ Follow all of the terms and conditions of community supervision;
- ◆ Participate in and complete the MHC treatment plan as designed by the treatment provider to the satisfaction of the Court;
- ◆ Adherence to prescribed medication;
- ◆ Secure housing and residential treatment, if necessary;
- ◆ Compliance with drug and alcohol testing and counseling, if appropriate;
- ◆ Initiation of Social Security Disability/Insurance (SSDI/SSI) application or acquisition of public assistance, if appropriate, including Medicaid;
- ◆ Attendance at regular court appearances;
- ◆ Evidence of productive use of time (obtain a job, volunteer community service, education, ect.), if appropriate;
- ◆ Community service work, if appropriate.
- ◆ Sign a Consent Form so that your probation officer will be able to access necessary paperwork, including, but not limited to evaluations, polygraphs, and medical records.
- ◆ Must live in Midland or Ector County.
- ◆ Shall be honest and forthright in all aspects of this program.

### **MHMR TREATMENT RULES**

- ◆ Honesty is the key to success. Be completely honest and upfront in treatment.
- ◆ Attend all ordered treatment sessions. This includes individual and group counseling, educational sessions, MHMR appointments, and other treatment as directed. Unexcused, missed treatment sessions will result in a sanction.
- ◆ Be on time. If you are late for treatment, you may not be allowed to participate, and will be considered non-compliant. Contact your counselor if there is a possibility that you may be late.
- ◆ Participate fully in all treatment. Complete homework assignments prior to class.
- ◆ Maintain confidentiality of other MHC participants. Treatment cannot succeed unless all participants maintain the confidentiality of other participants and of information disclosed in treatment.
- ◆ Take all medications as prescribed, including dosage/ appropriate time to take them.

### **COURT ROOM RULES AND ATTIRE**

- ◆ You are expected to maintain appropriate behavior at all times in the courtroom and courthouse. This includes:
  - ◆ No talking in the courtroom.
  - ◆ No sleeping in the courtroom.
  - ◆ No eating, drinking or gum chewing in the courtroom.
  - ◆ Cell phones must be turned off or they will be confiscated.
  - ◆ Appropriate dress is necessary; shoes and shirts are required and no sweats, t-shirts, hats, shorts, sunglasses or tank-tops should be worn. You are expected to maintain appropriate grooming, and be freshly bathed. If you are attending court straight from work and your work clothes will be soiled, keep a fresh change of clothes with you.
- ◆ No children are allowed in the court room unless they have specific permission from the Court.