

Mental Health Court Program Protocols



Policy & Procedure Manual

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Mission Statement

The mission of the Macon County Mental Health Court is:

- To increase **public safety**—by reducing criminal activity and lowering the high incarceration rates for people with mental illnesses who become involved in the criminal justice system;
- To increase **treatment engagement**—by brokering comprehensive services and supports, rewarding adherence to treatment plans and imposing sanctions for non-adherence;
- To improve the **quality of life**—by ensuring that program participants are connected to needed community-based treatments, housing, and other services that encourage recovery;
- To use **resources effectively**—by reducing repeated contacts between people with mental illnesses and the criminal justice system and by providing treatment in the community.

Court Model

The Macon County Mental Health Court Program is a pre- and post-adjudicatory program serving mental health defendants. Post-adjudicatory participants enter the program as a condition of probation. Pre-adjudicatory participants plead guilty to at least one offense. Judgment and sentencing are deferred, and no conviction is entered upon successful completion of the program.

Target Population

The Macon County Mental Health Court program's target population are offenders who reside in Macon County, Illinois, who have a current nonviolent criminal offense and a DSM-IV Axis I disorders who are charged with nonviolent criminal offenses. The Macon County Mental Health Court shall target individuals who are moderate-high to high criminogenic risk and have high behavioral health treatment needs.

Eligibility and exclusionary criteria are defined objectively and communicated to potential referral sources, including judges, law enforcement, defense attorneys, prosecutors, treatment professionals, and probation officers. The PSC team will not apply subjective criteria or personal impressions to determine an individual's eligibility for the program which would in any way discriminate any population.

Goals and Objectives

The goals and objectives of the Mental Health Court program are:

- Integrate mental health treatment services with justice system case processing: The Mental Health Court has established treatment-based benchmarks which each participant must achieve before petitioning for advancement.
- Promote public safety in a non-adversarial manner while protecting participants' due process rights: No defendant can enter the Mental Health Court program without advice from counsel and that defendant's attorney will serve as a member of the team. All key players will attend pre-court staffing sessions to review participants' progress.
- Early identification and placement of eligible participants.
- Access to a continuum of treatment services: Participants will have access to a full-range of mental health treatment services.

- Ongoing judicial interaction: As the participants move toward graduation and self-care, they will interact less often with the judge.
- Monitoring and evaluation to measure achievement and gauge effectiveness.
- Continuing interdisciplinary education: The Mental Health Court will offer cross-training between criminal justice experts and treatment providers.
- Forging partnerships to generate local support and enhance effectiveness.
- Evidence-based practices shall be considered and utilized in all aspects, including the planning process, operation, program evaluation, review of policies and procedures and the evaluation of treatment providers for effectiveness.
- Shall establish a formal plan for data collection and program evaluation as required by the AOIC.
- Shall develop a plan for long- term sustainability. Resources for operations, including staffing and treatment shall be identified. A budget shall be developed and regularly reviewed and modified.

I. Macon County Mental Health Court Team

The Mental Health Court Team shall include, but not be limited to, the judge, a prosecutor, a public defender, probation officer(s), licensed treatment provider(s), and the local coordinator. Teams may include additional team members, including a participant’s private counsel of record. Private counsel may participate in the team discussion/staffing for his or her client only.

- Written policies and procedures shall outline responsibilities for each team member consistent with the roles and responsibilities set forth in the applicable MOUs.
- The team shall utilize a non-adversarial, collaborative approach.
- The team members shall maintain professional integrity and accountability and commit to serving on the team for a minimum of one year.
- All team members shall attend and participate in team staffings. The team shall engage in ongoing communication and respectful discussion. The discussion may include the exchange of timely, objective and accurate information about an individual who has been referred to the program or about a participant. Team staffings are closed to participants and the public unless the judge finds reason to make an exception with respect to a particular case or cases.
- Prior to each regular status review hearing, a participant’s progress in treatment and compliance with program requirements shall be discussed at a team staffing. The discussion may include ways to improve a participant’s outcomes and/or whether the participant should be rewarded, sanctioned or terminated. As to termination discussions, the judge shall ensure compliance with subsection 9.3.

Judge: The Mental Health Court judge is the lead partner of the team. The judge, before being assigned to preside in such a court, should have experience and/or training in a broad range of topics including, but not limited to: criminal law; behavioral health; confidentiality; ethics; evidence-based practices; substance use and abuse; mental illness and co-occurring disorders.

The judge shall adhere to the following:

- Be assigned to preside over the Mental Health Court for a minimum of two years;
- Attend relevant training events including those focused on evidence-based substance abuse and mental health treatment;
- Attend the team staffings;
- Consider input from team members before making final decisions;
- Preside over status hearings in open court on a regular basis and spend sufficient time to review each participant's progress in the PSC program;
- Offer supportive comments and/or incentives to reinforce the importance of a participant's commitment to treatment and the participant's ability to improve his or her own health or behavior; and
- Impose sanctions and therapeutic adjustments when appropriate.
- The judge shall stay abreast of current law and research on best practices and participate in ongoing interdisciplinary education and training.
- The judge shall participate in developing and implementing an interdisciplinary training plan for team members.

Problem Solving Court Coordinator: The Problem Solving Court (PSC) coordinator is responsible for overseeing the Mental Health Court program under the direction of the Mental Health Court judge and the director of court services. The coordinator provides programmatic information to all those involved in the facilitation of the program to ensure its monitoring and evaluation. Other responsibilities include coordinating continuing education for staff and stakeholders, seeking outside funding sources, chairing meetings of the Mental Health Court team and the PSC steering committee, and leading community outreach initiatives. In fulfilling this responsibility, his/her duties are varied and include, but are not limited to the following:

1. Organizes and coordinates training for Mental Health Court team members;
2. Maintains cooperative relationships with treatment agencies, community organizations and other involved partners;
3. Assists in the screening of potential participants to determine eligibility and interest;
4. Attends case staffings and court hearings, reports compliance/noncompliance and recommends incentives and sanctions;
5. Facilitates community presentations;
6. Promotes team integrity;
7. Develops community resources;
8. Collects data/statistics and works closely with any program evaluator;
9. In conjunction with team members, researches and writes grant proposals.

State's Attorney: The State's Attorney (SA) will review new cases and then determine which are appropriate for referral to the Mental Health Court. The SA, or an Assistant State's Attorney (ASA) designee, shall investigate any allegation of violation of Mental Health Court directives and assesses the appropriateness of continued Mental Health Court participation. If the ASA deems it appropriate, they may seek termination from Mental Health Court.

Public Defender: The Public Defender (PD) meets with each potential participant whose case has been referred to the Mental Health Court to explain the court's rules and expectations, the potential participant's legal rights and how those rights are affected by participation in the

Mental Health Court program. Upon entry of an order of transfer to Mental Health Court, an Assistant Public Defender (APD) shall appear in court and serve as a resource for any participant who otherwise has retained private counsel. Said assistant public defender shall also continue as counsel for any participant that is represented by the public defender's office and shall so serve in that capacity until the potential participant is terminated – successfully or unsuccessfully.

Probation Officer: The probation officer (PO) monitors participants' progress through the program including monetary obligations, activities, employment status, living arrangements, etc. The PO will report observations of home visits, drug tests and monitoring at staff meetings and record the data. In fulfilling this responsibility, his/her duties are varied and include, but are not limited to, the following:

1. Plans and implements in collaboration with the licensed treatment providers, the day-to-day activities of the Mental Health Court participant;
2. Conducts initial intake interviews, and explains program requirements to participants;
3. Monitors participant compliance with Mental Health Court rules; communicates with participants in accordance with the program requirements;
4. Attends case staffings and court hearings on a regular basis, reporting compliance/noncompliance and recommends incentives and sanctions;
5. Assists in the promotion of team integrity;
6. Assists in the development of community resources;
7. Assists in the collection of data/statistics.

Law Enforcement Representatives: The Macon County Sheriff's Department (MSO) and the Decatur Police Department (DPD) will each have an assigned designee to the Mental Health Court, and will be permitted to attend staffings. The designee will serve as a liaison and be able to communicate information regarding clients to law enforcement personnel.

Treatment Provider: The Mental Health Court community-based substance abuse treatment provider (TP), Heritage Behavioral Health Center (HBHC), ensures defendants are placed in treatment that is determined by individual needs and availability of services. The TP will report on participants' weekly progress in any assigned programs and groups. Duties are varied and include, but are not limited to, the following:

1. Conducts assessments to determine eligibility for Mental Health Court;
2. Provides screening, assessment and/ or treatment to participants;
3. Coordinates treatment with other treatment provider(s);
4. Develops treatment plans;
5. Provides therapy services;
6. Attends staffings and court hearings for Mental Health Court participants, as appropriate;
7. Assists participants in applying for state, federal and Veterans benefits;
8. Assists participants in applying for housing, unemployment and educational programs;
9. Arranges housing and transportation;
10. Refers participants for medical treatment and medication management to appropriate local agencies.

Participant: It is the role of the participant to comply with all Mental Health Court and treatment provider fees, regulations, rules and drug screens.

II. Eligibility Policy

The target group consists of individuals with DSM-IV Axis I disorders who are charged with nonviolent criminal offenses. Disorders within this definition include Schizophrenia, Schizoaffective Disorder, Bipolar I Disorder, Major Depression and Psychotic Disorder NOS. The Mental Health Court can serve those with co-morbid substance use disorders. Persons with primary personality disorder diagnoses are not considered for the project.

The Mental Health Court does not serve anyone under the age of 18. The court does not serve persons charged with sex offenses. By statute, the current offense cannot be a violent crime as defined by the United States Department of Justice, Bureau of Justice Affairs.

To be considered for admission to the Mental Health Court, the defendant must agree to:

- Waive right to jury trial
- Sign an irrevocable stipulation of facts, including testimony of witnesses who may not be recalled, and which by itself provides sufficient evidence for a finding of guilt in a bench trial

The Mental Health Court may accept a limited number of cases not falling into the above categories depending on individual circumstances.

Additional factors which may affect eligibility are determined on a case-by-case basis, and may include, but are not limited to:

- Must be a Macon County resident at the time of the referral and remain as such until the completion of the program.
- Must have a current nonviolent criminal case in Macon County.
- Must be diagnosed with a mental illness.
- Must be 18 years old or older at the time of the arrest.

The following Circumstances will be considered on a case by case basis:

- Violation of Probation (VOP) cases
- Victim Consent/Restitution
- Possession with Intent to deliver
- Current offense

III. Referral/Screening/Assessment Policy/Case Management Plan

Persons who are potentially eligible are referred to the State's Attorney's Office (SAO), which eliminates those with a violent offense or prior involvement in a Mental Health Court. The SAO then notifies defense counsel (normally the Public Defender) of the person's eligibility. Defense counsel

informs the participant as to the goal and responsibility of Mental Health Court, while a probation officer (PO) from Macon County Court Services assesses for risk and danger factors. Defendants observe Mental Health Court, and the treatment provider (TP), Heritage Behavioral Health Center (HBHC), assesses to determine degree of substance abuse disorders and possible mental disorders.

A defendant may be admitted into the Mental Health Court program only upon the agreement of the prosecutor and the defendant and with the approval of the court. Persons with low risk factors are not considered good candidates for Mental Health Court.

A history of violent offenses will be taken into consideration by the team for acceptance into the program.

Referral Policy – Referrals to the Mental Health Court program are sent directly to the PSC coordinator. Participants shall be assessed on a timely basis for eligibility using validated risk-assessment tool(s) and clinical assessment tool(s) administered and scored by a trained and/or licensed professional. The coordinator will review the demographic information as well as local criminal history prior to assigning the case for eligibility screening.

Screening Policy – Screening procedures consist of assessments performed by Macon County Court Services and the treatment provider.

1. **Macon County Court Services:** The PO meets with the candidate and conducts an initial interview, gathering adequate information to complete the eligibility check-list and complete the Level of Service Inventory-Revised (LSI-R) within five (5) business days of receipt of the referral of the case.
2. **Heritage Behavioral Health Center:** HBHC will perform a complete bio-psycho-social mental health assessment within five (5) business days of receipt of the referral of the case.

The participant is informed that he/she will be notified by the defense attorney as to the issue of eligibility to participate in the program.

Case Management Plan

The PO is responsible for primary case management. The Mental Health Court program utilizes Effective Case Work supervision model developed by Orbis Partners. This model relies on four strategies: 1) mapping/risk assessment using the LSI-R; 2) utilizing intrinsic motivation; 3) developing problem-solving skills; and 4) offering regular reinforcement.

Each participant will have a case management plan developed to address their individual needs, to be performed by Macon County Court Services and the treatment provider.

1. **Macon County Court Services:** The PO will determine the contact needs of each participant that can include, but not be limited to, group reporting, office appointments or home appointments.
2. **Heritage Behavioral Health Center:** HBHC will develop an Individual Treatment Plan that can include, but not be limited to, group therapy, individual therapy, residential or intensive outpatient treatment, or prescriptions.

IV. Restitution Policy

All participants who owe restitution must complete payment of the established amount prior to graduation. The restitution protocol is as follows:

1. Prior to program acceptance, the SA shall determine if restitution will be required and shall notify the PD and the PO of the exact amount of restitution required.
2. Prior to program acceptance, the PD shall notify the potential participant that restitution is required and the potential participant shall agree to pay restitution as part of Mental Health Court.
3. If a dispute arises between the participant and the SA as to the amount of restitution owed, the matter shall be submitted to the Mental Health Court team for immediate resolution. If a consensus cannot not be reached, the judge shall set the amount of restitution to be paid by the client. If necessary, a hearing will be held.
4. Upon notification of the determined restitution amount, the PO and the participant shall establish a payment plan to be administered by the Macon County Circuit Clerk's Office.
 - A. The PO shall monitor payments and inform the Mental Health Court team of payment progress during staffing status reports.
5. Graduation from the Mental Health Court program shall not occur until restitution has been paid in full by the participant or excused by the State's Attorney's Office (SAO).
 - A. The SAO shall retain the exclusive right to excuse the payment of restitution and ask the court to enter a judgment against the participant.
 - B. The SAO shall consider, among other things, in deciding whether to excuse the payment of restitution and enter judgment on restitution:
 1. The victim's position on restitution;
 2. The participant's financial situation;
 3. The recommendations of the Mental Health Court team.

V. Acceptance Orientation Policy

Each participant accepted into the program completes a pre-acceptance orientation prior to acceptance, and an in-court orientation at the acceptance proceeding.

Pre-Acceptance Orientation: The PD will meet with the participant prior to the in-court acceptance, and include the following:

- The PD and the client shall review the Participation Handbook & Participation Agreement and confirm that the participant understands the program rules and expectations.
- Each potential participant will observe one or more sessions of court prior to finalizing their decision.

In-Court Acceptance: Shall be conducted by the judge and include the following:

- Acceptance of the negotiated plea
- Entry of sentencing order
- Entry of Mental Health Court consent to participate

- Next status date set in the Mental Health Court courtroom
- Participation in the Mental Health Court is voluntary.
- No person has a right to be admitted into a Mental Health Court.
- All individuals entering or participating in the Mental Health Court must be fit to stand trial. The provisions of Article 104 of the Code of Criminal Procedure of 1963 (725 ILCS 5/104-10 et seq.) apply.
- A participant's formal entry shall be on the record and in open court with the participant and his or her counsel present.
- Prior to the individual, counsel and the judge signing a Consent to Participate, the judge shall explain the Consent to the individual on the record, including the program requirements of the Mental Health Court and the range of responses that may be imposed by the judge on the individual as a result of conduct of the individual while a participant in the Mental Health Court. After the judge has explained the Consent to the individual, the individual shall have the opportunity to confer with counsel, have his or her questions answered by the judge and elect to voluntarily execute the Consent.
- No Mental Health Court shall require as a condition of entry into the program that a participant (1) waive appellate rights or (2) waive any rights with respect to a petition seeking unsuccessful discharge of the participant from the Mental Health Court or revocation of probation, as set forth in subsection 9.3 of the problem-solving courts standards.
- Each Mental Health Court shall have policies and procedures to prevent discrimination that would keep any individual from being unfairly excluded from the program. If the individual meets the written and clinical criteria for the program, the individual shall not be unfairly excluded from admission based upon gender, race, nationality, ethnicity, limited English proficiency, disability, socioeconomic status or sexual orientation.

VI. Individual Treatment Policy

Probation: Each defendant will meet with their PO within five (5) business days of program entry.

- The PO and the defendant will establish a schedule of home and/or office visits

HCHC: Each defendant and their HBHC case manager shall develop an Individual Treatment Plan (ITP) within five (5) business days of program entry. A copy of the ITP will be provided to the Mental Health Court team upon request.

- The ITP shall be developed with input from the defendant and will reflect the defendant's needs and preferences for treatment.
- The ITP shall identify the need of any ancillary services.
- The ITP will be reviewed as necessary to ensure its effectiveness and allow for needed modifications.

The range of treatment services and supports that are recommended and provided to participants is based upon the severity of their mental illness and the severity of functional impairments stemming from their mental illness. In most cases, HBHC is the treatment provider.

Depending on the severity of their illness and level of functional impairment, participants receive varying intensities of mental health services including:

- Case management to link persons with housing, primary medical care, entitlements. All participants will have an assigned case manager.
- Therapy/Counseling (individual and/or group) for mental health and/or co-occurring substance use disorders
- Psychiatric care
- Community support to promote development that assists the person in recovery by learning illness management skills, development of a natural support network, taking responsibility for their treatment and recovery, developing resiliency, and basic daily living skills.

The DLA-20 assessment is administered by HBHC at regular intervals.

Individuals with co-occurring mental health and substance use disorders are assigned to the appropriate level of substance abuse care based on the use of the criteria currently in use by the American Society of Addiction Medicine.

VII. Confidentiality Policy

Authorization for release of information and consent is required for participation in the Mental Health Court.

- The Mental Health Court team adheres to HIPAA Privacy and Security Policies and Procedure.(45 CFR Parts 160 and 164)
- All parties involved in the Mental Health Court agreement will abide by any applicable Federal and Illinois State Laws which relate to the confidentiality of mental health, alcohol and drug abuse client records.
- Known violations shall be reported to the judge and to any other entity as required by law. Violations will not be tolerated.

Limits of Confidentiality

Information from case files may be shared with individuals or organizations as specified under the following conditions:

- Information may be gathered about program participants and shared with the Mental Health Court team only upon receipt of signed release forms.
- Identifying information of program participants may be used in data collection, agency publications or promotional materials only upon written consent.
- Mental Health Court clinical staff members are mandatory reporters and must disclose information indicating that a participant may be dangerous to or intends to harm his/herself or others.

VIII. Drug Testing Policy

Participants of the Mental Health Court program are required to follow all rules and procedures as set forth by the Mental Health Court team in regards to drug testing.

Drug tests are used as a continuous assessment and diagnostic tool; to reinforce and validate recovery and abstinence; as an intervention and treatment tool; and as a deterrent to drug use.

If a participant has a positive test at any time throughout the drug court program, the judge, based on recommendations from the Mental Health Court team, may impose appropriate sanctions, including incarceration.

Drug testing protocols:

Urine samples taken will be analyzed by EMIT technology in the form of the Viva-E instrument provided by Siemens Corporation. Officers have been trained and certified by Siemens to operate and maintain this instrument. The Viva-E instrument uses EMIT technology and has been established as an accurate instrument to determine the presence of drugs.

Purpose

This department will use drug testing as a tool to verify compliance with the orders of the court and to make appropriate referrals to community-based programs. Drug tests will be administered for the following reasons: offender accountability, reasonable suspicion of drug use, court ordered condition, and/or to monitor treatment effectiveness.

Related Protocols

Mental Health Court participants will participate in the Random Drug Testing Program. The Mental Health Court Probation Officer will determine the frequency of testing based on program guidelines. These offenders will be assigned a color with predetermined testing frequency. The offender will be required to call the drug testing line each day to see if they are required to report for testing.

The Viva-E instrument will be utilized two days per week by a testing officer. Upon receiving a positive result, the sample will be tested a second time for confirmation. The Viva-E instrument will be calibrated weekly to ensure accuracy and validity.

Urine collection will be done in the lab restroom. It is the policy of this department that urine samples not be collected at home or at school. Should this restroom be out of order, or unavailable for use for any reason, supervisors will establish the location for urine collection. The lab area is off limits to all people not directly involved with the collection and testing process.

A standard drug test will include THC, cocaine, opiates and creatine, unless additional panels are requested.

Upon receiving a positive result the sample will be tested a second time for confirmation. All samples are to be disposed of in the lab restroom. The cup and gloves will be placed in the red biohazard bag.

Documentation

The results of all drug tests shall be recorded in Tracker. At the time of urine collection, the supervising officer will be responsible for opening the drug test entry in Tracker and case note with regards to collection. Support Staff will be responsible for completing the drug test entry by entering the test results.

Procedure

To ensure the integrity of the collection process, protect against falsification and/or contamination of the specimen, and to secure a proper chain of custody, the following procedures have been put in place for the collection of urine:

- The collection officer is to complete the collection/evidence log documenting the date of collection, offender's name, supervising officer, and collection officer.
- A label is to be filled out by the supervising officer and attached to the test cup. This label will contain the following: date of collection, offender's name, supervising officer, and collection officer.
- The collection officer will direct the offender to remove coats and/or other bulky clothing that may interfere with the actual viewing of the collection process.
- The collection officer will direct the offender to wash their hands.
- The officer must view the offender urinate into the specimen cup.
- The offender will be directed to secure the lid on the cup and wipe away any excess urine from the cup and wash their hands.
- The offender will be directed to place the evidence label over the top and down the sides of the cup.
- The offender will then be escorted to the refrigerator to secure placement of the sample.

IX. Community Supervision Policy

The Mental Health Court is a four-phase program, with the designated PO and HBHC clinical designee being the primary persons responsible for supervising the progress of the participants. They will communicate the progress of clients in the program scheduled to appear in court that week.

Phase One: Introduction to Treatment

- Treatment modality will be determined by HBHC
- Level of Supervision
 - Three (3) contacts per week, with two (2) being face-to-face (PO and/or HBHC personnel.)
 - Weekly court appearances

- Recommended duration: minimum of 90 days
- Participants must submit a letter to the PSC team to move to the next phase of the program. To be considered for the next phase, a participant must:
 - Be compliant with the recommended treatment plan
 - Attend required probation and treatment appointments
 - Actively participate in treatment group(s)

Phase Two: Skills/Sustainability

- Treatment modality will be determined by HBHC
- Level of Supervision
 - Two (2) contacts per week, with one (1) being face-to-face (PO and/or HBHC personnel.)
 - Court appearances every two (2) weeks
- Recommended duration: six (6) months
- Participants must submit a letter to the PSC team to move to the next phase of the program. To be considered for the next phase, a participant must:
 - Be compliant with the recommended treatment plan
 - Attend required probation and treatment appointments
 - Actively participate in treatment group(s)

Phase Three: Maintenance of Recovery

- Treatment modality will be determined by HBHC
- Level of Supervision
 - Two (2) contacts per month, with one (1) being face-to-face (PO and/or HBHC personnel.)
 - Court appearances every four (4) weeks
- Recommended duration: five (5) months
- Participants must submit a letter to the PSC team to move to the next phase of the program. To be considered for the next phase, a participant must:
 - Be compliant with the recommended treatment plan
 - Attend required probation and treatment appointments
 - Actively participate in treatment group(s)

Phase Four: Continuing Care

- Level of Supervision
 - One (1) face-to-face contact per month (PO and/or HBHC personnel.)
 - Court appearances every eight (8) weeks
- Recommended duration: six (6) months
- Participants must submit a letter to the PSC team to graduate from the program. To be considered for graduation, a participant must:
 - Be compliant with the recommended treatment plan
 - Attend required probation and treatment appointments
 - Actively participate in treatment group(s)

Ongoing Supervision

- Level of Supervision determined at time of successful completion of the Mental Health Court program

- Duration will be for the remainder of the supervision time

After Hours/Weekend – Any contact with Mental Health Court participants that is outside the normal work hours of probation and court services will be determined on the individual needs of each client.

X. Discharge Policy and Aftercare

There are four ways a participant may be discharged or terminated from the Mental Health Court program:

1. **Successful:** The participant completes all the program requirements.
2. **Neutral:** The participant does not violate program requirements necessitating an unsuccessful discharge, but is unable to successfully complete program requirements to qualify for a successful discharge. For example, the participant has or develops a serious medical or mental health condition, disability, or any other factor that may prevent the participant from meeting the requirements.
3. **Unsuccessful:** The participant is terminated from the Mental Health Court due to violation of program requirements, and will have the right to a hearing of the allegations. If terminated unsuccessfully, the participant faces sentencing on the original charge(s) for which the participant was referred to the Mental Health Court program.
4. **Voluntary Withdrawal:** The participant shall in all circumstances be permitted to withdraw in accordance with Mental Health Court procedures. Upon withdrawal, the participant faces possible sentencing on the original charge(s) for which the participant was referred to the Mental health Court program.

The Mental Health Court Program shall follow the violation, termination and discharge guidelines and procedures as stated in the Mental health Court Treatment Act as well as conditions determined by the Mental Health Court team:

As stated in 730 ILCS 168/35:

Section 35. Violation; termination; discharge.

(a) If the court finds from the evidence presented, including but not limited to the reports or proffers of proof from the mental health court professionals that:

- (1) the defendant is not performing satisfactorily in the assigned program;
- (2) the defendant is not benefiting from education, treatment, or rehabilitation;
- (3) the defendant has engaged in criminal conduct rendering him or her unsuitable for the program; or

(4) the defendant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate; the court may impose reasonable sanctions under prior written agreement of the defendant, including but not limited to imprisonment or dismissal of the defendant from the program; and the court may reinstate criminal proceedings against him or her or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing. No defendant may be dismissed from the program unless, prior to such dismissal, the defendant is informed in writing: (i) of the reason or reasons for the dismissal; (ii) the evidentiary basis supporting the reason or reasons for the dismissal; (iii) that the defendant has a right to a hearing at which he or she may present evidence supporting his or her continuation in the program.

Based upon the evidence presented, the court shall determine whether the defendant has violated the conditions of the program and whether the defendant should be dismissed from the program or whether some other alternative may be appropriate in the interests of the defendant and the public.

(b) Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the defendant or successfully terminate the defendant's sentence or otherwise discharge him or her from the program or from any further proceedings against him or her in the original prosecution.

(Source: P.A. 95-606, eff. 6-1-08.)

Discharge Plan

The team shall develop and provide participants with a discharge plan. The discharge portion of the Mental Health Court program begins with Phase 4. When transitioning to this phase, participants have finished their HBHC treatment program, but will continue to work with staff who can oversee their (the participants) continued progress.

HBHC's recovery support specialist is responsible for: the oversight of clinical substance abuse treatment for Phase 4 participants, when treatment is declining in intensity; identifying non-treatment needs; linking participants with culturally sensitive community resources that support recovery and self-sufficiency; and developing a mentoring component in which selected Phase 4 participants and graduates can serve as mentors for those in earlier phases.

See Appendix C for the HBHC discharge plan and form.

XI. Commencement Policy

All participants must attend commencement ceremonies. Before the commencement is official, the Mental Health Court team will review the participant's commencement application and staff the case. It is at this point that the legal agreements made pending completion shall be reviewed and acted upon accordingly.

XII. After Hours/Emergency Response Policy

The PO and HBHC are to inform all participants to call 911 in case of medical emergencies and the Macon County Crisis Line at (217) 362.6262 in case of mental health or substance abuse related concerns. If possible, the participant is also directed to leave a message for the appropriate Mental Health Court team member. If a Mental Health Court team member receives an emergency call, he/she will direct the caller to the proper emergency personnel.

XIII. Other

Status Hearings

Status hearings are held at 2.30 p.m., Tuesdays, in courtroom 5B, unless otherwise directed by the judge. Hearings are scheduled for 60 minutes.

Staffing

The Mental Health Court team meets prior to each Mental Health Court setting. The team reviews:

- New referrals
- Participants who've had issues since their last status hearing
- Participants in custody, awaiting treatment
- Participants in treatment
- Participants who've done positive things since their last status hearing
- Applications for phase movement
- Any other items

Data Collection and Program Outcomes Policy

The PSC coordinator shall collect and maintain program data and provide monthly and quarterly reports. All statistical data shall be entered into the Probation and Court Services case management system by the PO.

Fees

The participant is required to pay a standard probation fee of \$35 per month in addition to restitution and any other fines, fees or court costs that the participant may be required to pay. The fee shall be assessed during the first month that the participant enters the program, and every month thereafter until the participant successfully completes the program or is unsuccessfully terminated from the program. The probation fee shall be assessed regardless of whether the participant enters the program under the deferred judgment option or under the non-deferred judgment option. The participant's bond money may be applied toward the payment of the probation fee in the same manner as it may be applied to pay other fines, fees and costs.

Capacity

The Mental Health Court capacity has been set at 25 participants.

Training and Professional Development

The PSC team shall regularly participate in trainings, webinars, events, and other educational opportunities on topics that are essential to the effective planning, implementation and operation of the PSC and to ensuring that the PSC maintains fidelity to the PSC model. Topics include, but are not limited to, evidence-based screening, assessment and treatment practices, target population, substance use disorder, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency and team dynamics.

The PSC team shall stay abreast of current law and research on best practices and participate in ongoing interdisciplinary education and training.

Incentives, Sanctions and Therapeutic Adjustments

All responses to a participant's behavior shall be predictable, fair, consistent and without regard to a person's gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation.

Incentives, sanctions, and therapeutic adjustments shall be administered to motivate a person to comply with the program requirements and to successfully complete the program. The entire team shall have input into the discussion of what constitutes an appropriate response to a participant's behavior with the final decision to be made by the judge.

Weekly incentives will be acknowledgement in open court of participants' good behavior and compliance with the program's rules and guidelines. Participants who are acknowledged will be entered into a drawing for a gift card to a local store.

Prior to the administration of any sanction, incentive or therapeutic adjustment, the judge shall advise the participant in open court of the sanction, incentive or therapeutic adjustment and the reason for the administration. The participant shall be permitted to address the court about the sanction, incentive or therapeutic adjustment for the court to consider.

Policies and procedures concerning the administration of sanctions, incentives, and therapeutic adjustments are to be specified in writing and provided to the participant in the participant handbook.

Appendix A: Consent to Participate Form

STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT OF ILLINOIS
MACON COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
) No. _____
_____,)
Participant.)

CONSENT TO PARTICIPATE MENTAL HEALTH COURT PROGRAM

1. I understand that I have no legal right to participate in the Mental Health Court Program. I have reviewed this Consent to Participate with my Attorney and I hereby knowingly and voluntarily execute this Consent to Participate which allows me to participate in the Mental Health Court Program.
2. I agree to participate in and cooperate with any and all treatment recommendations, including, but not exclusively, any mental health or substance abuse assessments and/or treatment recommended by the Mental Health Court Team, which consists of the Judge, Local PSC Coordinator, Prosecutor(s), Public Defender or Defense Counsel, Probation, Treatment Provider(s), Case Manager(s) and any other personnel designated by the Mental Health Court Team.
3. I understand that it is essential that all members of the Mental Health Court Team, including the Judge, communicate as a team and share information regarding my participation in the Mental Health Court, including compliance with treatment, and I agree to them doing so. Upon entry into the Mental Health Court, I consent to the Mental Health Court public defender representing me at Mental Health Court staffings and at Mental Health Court status review hearings unless I have privately retained counsel. I understand that my privately retained counsel will be required to represent me at all staffings and Mental Health Court status review hearings. In the event that my privately retained counsel is unable to attend staffings and/or court, I understand that my attorney will arrange for other counsel to appear on my behalf.
4. I agree to adhere to all components of my treatment, including attending all counseling sessions, treatment programs, taking my medication as prescribed, engaging in structured daily activities as recommended by the Mental Health Court Team, and cooperation with home visits by Mental Health Court Team members.
5. I agree to appear in court as required. I understand that my court hearings will be open to the public and an observer could connect my identity with the fact that I am in treatment and I consent to this type of disclosure to a third person.
6. I agree to reside in Macon County and to keep the Mental Health Court Team advised of my current address and telephone number, employment status, and any new arrests at all times during the program.
7. I agree to sign any and all releases of information consenting to the disclosure of information to the Mental Health Court Team. I understand that if I refuse to comply with signing a release when requested, it may be grounds for my termination from Mental Health Court.
8. I agree to be truthful, cooperative, and respectful with the Mental Health Court Team.
9. I understand that based upon any report (written or oral) of my violation of this Consent to Participate, the Mental Health Court Judge may: authorize a warrant for my arrest; impose any sanction, including jail time if

ordered by the Judge; adjust my treatment plan; or modify or revoke any conditions of my probation or bond. My violation(s) may result in proceedings being initiated seeking my termination from the Mental Health Court and these proceedings could either be resolved in Mental Health Court or be referred back to traditional court.

10. I understand that my alcohol, drug treatment and mental health records are protected by Part 2 of Title 42 of the Code of Federal Regulations (C.F.R.) and HIPAA; Illinois Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110 et seq.; 45 C.F.R Parts 160 & 164. I understand that I may revoke this Consent To Participate at any time except to the extent that action has been taken in reliance on it. In any event, this Consent To Participate expires upon the termination of the probation I am serving in this case, or the termination of all proceedings with regard to this cause of action as named above.

11. I understand that I may voluntarily withdraw from the Mental Health Court Program in accordance with the Mental Health Court procedures. I understand that there may be consequences, actual or potential, which will result from my withdrawal.

12. I understand that at the discretion of the presiding Mental Health Court Judge, for purposes of research and/or education, other persons may be permitted to attend the Mental Health Court Team meetings where communications as to my case will occur.

13. I understand that language help is available and if I need assistance, it is my responsibility to inform the court I need help.

I UNDERSTAND THAT THE MENTAL HEALTH COURT PROGRAM MAY BE AN OPPORTUNITY FOR ME TO AVOID CONVICTION, JAIL AND/OR PRISON AND TO HELP ME OBTAIN TREATMENT AND MOVE FORWARD WITH MY LIFE. I ALSO UNDERSTAND THAT ALL MEMBERS OF THE MENTAL HEALTH COURT TEAM WANT TO SEE ME SUCCEED AND ARE HERE TO HELP ME.

I HEREBY DECLARE THAT I HAVE READ THE ENTIRE MENTAL HEALTH COURT CONSENT TO PARTICIPATE AGREEMENT, THAT I HAVE HAD THE OPPORTUNITY TO CONSULT WITH AN ATTORNEY, THAT I UNDERSTAND ITS PROVISIONS AND AGREE TO THE CONDITIONS CONTAINED HEREIN.

Participant

Date

Assistant State's Attorney

Date

I HAVE REVIEWED THIS CONSENT WITH THE DEFENDANT. THE DEFENDANT UNDERSTANDS IT AND VOLUNTARILY AGREES TO PARTICIPATE. I FURTHER UNDERSTAND THAT THE MENTAL HEALTH COURT TEAM WILL BE DISCUSSING THE DEFENDANT'S COMPLIANCE AND COOPERATION WITH HIS/HER TREATMENT PLAN AND TERMS OF SUPERVISION AT MENTAL HEALTH COURT STAFFINGS AND AT MENTAL HEALTH COURT STATUS HEARINGS. I ACKNOWLEDGE THAT IF I REMAIN COUNSEL OF RECORD FOR THE DEFENDANT, I WILL APPEAR AT MENTAL HEALTH COURT TEAM STAFFINGS WHEN THE DEFENDANT IS SCHEDULED TO BE STAFFED BY THE MENTAL HEALTH COURT TEAM AND ALSO APPEAR AT OR ARRANGE FOR OTHER COUNSEL TO APPEAR WITH THE DEFENDANT AT ALL MENTAL HEALTH COURT HEARINGS.

Assistant Public Defender

Date

Circuit Judge

Date

Appendix B: Consent for the Release of Information Form

Macon County Mental Health Court

CONSENT FOR THE RELEASE OF INFORMATION

I, _____ authorize _____
Name of Agency/Person(s)

to disclose to and exchange with _____

regarding _____ DOB _____ the following information: _____

for the following purposes: _____

(Purposes for which disclosed information may be used by the requesting Agency / Person(s).)

Consequences: I know that the state and federal privacy laws protect my records. I know:

- Why I am being asked to release this information.
- I do not have to consent to the release of this information.
- That, generally, I must give my written consent for the Mental Health Court to give out the information.
- If I do not consent, the information will not be released unless the law otherwise allows it.
- I may stop this consent with a written notice at any time, but this written notice will not affect information the agency has already released.
- The person or agency that receives my information may be able to pass it on to others.
- If my information is passed on to others by the Mental Health Court, it may longer be protected by this authorization.
- This consent will end one year from the date I sign it, unless the law allows for a longer period.

I understand my consent will expire automatically one year from the date of my signature below.

Signed this _____ day of _____ 20_____.

Appendix C: HBHC Discharge Plan and Form

Intervention:	Amount:	Frequency:
	Duration:	Staff Responsible:
Intervention:	Amount:	Frequency:
	Duration:	Staff Responsible:
Intervention:	Amount:	Frequency:
	Duration:	Staff Responsible:

Client Centered Consultation: Yes **Frequency:** Up to 1x per week
Staff Responsible:

Discharge Criteria What will the client be able to demonstrate to indicate they no longer require continued care?

Continued Stay Criteria Describe those problems or difficulties (needs) that are currently present that support continued care.

Transition Criteria Describe those strengths and abilities the client will demonstrate (in continued care) to help them move to a less intensive level or frequency of care.

Anticipated Date by which client will transition to less intensive level of care or discharge?

What does the client want to achieve as a result of treatment?

Identify the client's overall progress towards recovery:

Identify any changes in client's strengths and abilities (gains) achieved during program participation.

Identify any changes in client's preferences:

Current medications prescribed by Heritage: (See Assessment or Doctor's Note)

Prescribing Doctor:

Current medications NOT prescribed by Heritage:

Prescribing Doctor(s):

Identify the client's needs for support systems that will assist in continuing his/her recovery, well being, or community integration:

Referral: **Contact:** **Hrs of Oper:** **Status:**

Scheduled Appointments: **Staff Responsible for Follow-up:**

I acknowledge by my signature that I have participated in the development and been given a copy of this plan, the process and content of this plan has been explained to me by the clinical staff as signed below. I fully plan on participating in the above treatment recommendations and I understand if I do not participate in services, my services may be discontinued.

Number of Pages: 6

_____	_____	_____	_____	_____	_____
Client Signature	Date	Clinical Staff Signature	Date	Treatment Team	Date
_____	_____	_____	_____	_____	_____
Guardian Signature	Date	QMHP/Supervisor Signature	Date	Treatment Team	Date
_____	_____	_____	_____		
LPHA Signature	Date	Physician Signature	Date		