

STATE OF MICHIGAN
IN THE SIXTEENTH JUDICIAL CIRCUIT COURT

In Re: Establishment of a Mental Health
Treatment Court

Local Administrative Order #2013-03

IT IS ORDERED:

The purpose of this order is to establish a mental health treatment court in the 16th Judicial Circuit Court upon approval by the State Court Administrative Office (SCAO). The Court will collaborate with Macomb County Community Mental Health, Macomb County Prosecutor, Macomb County Sheriff, Macomb County Jail, and MDOC Probation to better serve individuals with diagnoses of mental illness, developmental disability, or serious emotional disturbance. All the above mentioned parties have entered into a Memorandum of Understanding with the 16th Judicial Circuit Court. The roles of each party are described in the attached Memorandum of Understanding.

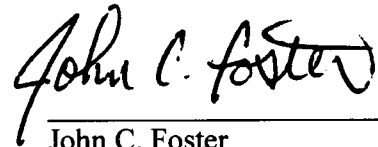
1. In the development of the program's policies and procedures, consideration was given to the ten essential elements of a mental health court as described by the U.S. Department of Justice, Bureau of Justice Assistance (BJA). *See* Attachment A.
2. A multidisciplinary group of stakeholders participated in the planning and program design of the mental health treatment court.
3. Legal and clinical eligibility criteria are both clearly defined, policies to identify the target population have been developed, and those individuals responsible for referring participants have been trained to identify eligible participants.
4. Policies that facilitate timely participant identification, referral, and admission into the mental health treatment court have been developed.
5. Policies and procedures describing the program length, level of supervision, treatment plan development, requirements for successful completion, expulsion criteria, case disposition upon successful completion of the program, any sanctions, incentives, and other key program components are developed and will be explained to eligible participants as part of the terms of participation.
6. Guidelines to identify and expeditiously resolve any participant competency concerns have been developed.
7. Local evidence-based mental health and substance abuse treatment services and other ancillary services (e.g., medication compliance, housing and benefit issues, crisis

intervention, peer and family support) have been identified and are available resources for program participants to utilize.

8. The Court shall maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards. The Court has established procedures to ensure substantial compliance with Part 2 of Title 42 of the Code of Federal Regulations, and the Health Insurance Portability and Accountability Act (HIPAA) to safeguard the confidentiality of participants' medical records.
9. Each mental health treatment court team member and their roles are described in either the Memorandum of Understanding or in the program manual. Each team member has completed training on working with individuals who have been diagnosed with a mental illness or developmental disability.
10. Policies and procedures on the methods and frequency in which the responsible individuals will monitor participant compliance with the program requirements have been developed.
11. Funding sources and local treatment service resources have been identified as part of the plan for sustaining the mental health treatment court. The plan also includes the collection of data for SCAO to use in conducting a process and outcome evaluation that may be used to demonstrate the effectiveness of the program and thereby help secure future funding.

Effective Date: _____

Date: 09/26/2013



John C. Foster
Chief Judge
16th Judicial Circuit Court and
Macomb County Probate Courts

The Essential Elements of Mental Health Treatment Courts
As Described by the Bureau of Justice Assistance (BJA)

1. Planning and Administration
2. Target Population
3. Timely Participant Identification and Linkage to Services
4. Terms of Participation
5. Informed Choice
6. Treatment Supports and Services
7. Confidentiality
8. Court Team
9. Monitoring Adherence to Court Requirements
10. Sustainability

Memorandum of Understanding MENTAL HEALTH TREATMENT COURT

This agreement is entered into among the Macomb County 16th Judicial Circuit Court, Macomb County Community Mental Health, Macomb County Community Corrections, Macomb County Prosecutor, Defense Attorney, Macomb County Sheriff, Macomb County Jail and Macomb County Community Service Agency to document the roles and responsibilities of each agency in the planning and operation of the mental health treatment court.

A. Program Description

The 16th Judicial Circuit Court will implement a Mental Health Court Docket. The Court will have a Mental Health Treatment Court docket on specified days of the month and, once per month, the Judge and key team members will meet for a full MCMHTC team meeting. The objective of the MCMHTC is to assist the seriously mentally ill defendants with close supervision and coordination among the criminal justice system, the Court, and mental health treatment. The cases may include both felonies and state law misdemeanors. All cases will be subject to judicial discretion.

The program will provide appropriate interventions, programming, reinforcement, and monitoring of seriously mentally ill defendants to minimize the likelihood of future criminal court involvement. The structure of this Court is highly interactive to ensure that all those invested in the process have access to each other and share information and treatment goals toward the success of the defendant.

B. Mission Statement and Program Goals

Mission Statement

It is the mission of the Macomb County Mental Health Court to improve public safety and reduce recidivism by criminal defendants who suffer from severe mental illnesses by efficiently utilizing both court and community resources to connect these individuals with the best and most appropriate treatment options available while maintaining accountability for the crime committed.

Program Goals

- 1) Connect criminal defendant who suffer from serious mental illnesses to appropriate treatment services.
- 2) Find appropriate dispositions to criminal charges by taking into consideration the mental illness diagnosis, the severity of the criminal charge and the prior criminal history.
- 3) Reduce recidivism for individuals who participate with appropriate

treatment.

- 4) Reduce jail and inpatient stays for costs savings to the community.

C. Provisions

Each agency agrees to participate by coordinating and/or providing the following:

The Macomb County 16th Judicial Circuit Court agrees to:

- 1) Designate a judge or judges to preside over the mental health treatment court program and docket.
- 2) Establish a planning committee to develop written program policies and procedures.
- 3) Establish procedures to be used to determine that defendants have sufficient understanding to participate in the program.
- 4) Establish points of participant eligibility for the mental health treatment court at post arraignment or later.
- 5) Designate primary court personnel responsible for answering questions, serving as liaison to agency personnel, and participating in treatment team meetings and status review hearings.
- 6) Indicate processes by which court personnel will identify prospective program participants, initially screen for legal and clinical eligibility, and refer prospective program participants to the community mental health service program for further assessment.
- 7) Identify the clinical eligibility criteria for the designated target population.
- 8) Designate case manager roles, responsibilities, and caseloads.
- 9) List the procedures court personnel use to relay information regarding prospective participants to the treatment agency to enable them to conduct the psychiatric assessment to determine clinical eligibility.
- 10) Develop preferred methods, forms, and timetables for exchanging information between court staff and agency personnel regarding court-related progress and compliance of program participants, including filing of new criminal charges or technical probation violations and reporting results of drug and alcohol tests.

- 11) Compile and submit any mandated financial or program progress reports to the appropriate agencies.
- 12) Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
- 13) Work with the community mental health service program to determine consumer representative(s) on the planning committee to represent the interests of participants and their families.

The mental health treatment court judge agrees to:

- 1) Chair meetings, preside over status review hearings, coordinate team meetings, participate in the development of policies and procedures, and assist with identifying funding sources to sustain the program.
- 2) Assist in the development of legal and clinical eligibility criteria.
- 3) Use incentives, sanctions and disciplines as deemed necessary for participant success.
- 4) Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
- 5) Participate in training on how to screen for eligible participants.

The Macomb County Community Mental Health agrees to:

- 1) Assist in the development of legal and clinical eligibility criteria.
- 2) Participate on the planning committee.
- 3) Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
- 4) Identify primary agency personnel responsible for answering questions, serving as liaison to court personnel, conducting intake assessments, and participating in treatment team meetings and status review hearings.
- 5) Provide a description of services including admissions and discharge criteria available to mental health treatment court program participants and notify the court in writing of any changes in program services offered.
- 6) Communicate maximum time frames needed for conducting psychiatric assessments from date of court referral, beginning program participant

treatment from date of acceptance, and exchanging progress and compliance information from date of occurrence.

- 7) Develop preferred methods, forms, and timetables for exchanging information between agency and mental health court docket personnel regarding agency-related progress and compliance of program participants, including appointment attendance, medication compliance, drug and alcohol test results, individualized treatment plan status, progress, changes, agency discharge plans, and recommendations for continuing care or additional service needs.
- 8) Participate in treatment team meetings and in staffing of cases.
- 9) Arrange or coordinate with the substance abuse coordinating agency for substance use disorder treatment services for persons with co-occurring mental health and substance use disorders.
- 10) Provide training to team members on how to screen for individuals exhibiting symptoms of mental illness.
- 11) Provide information to the mental health court team on relevant mental health confidentiality and recipient rights laws.

The Macomb County Community Corrections agrees to:

- 1) Assist in the development of legal and clinical eligibility criteria.
- 2) Participate on the planning committee.
- 3) Designate someone to attend treatment team meetings and all scheduled court proceedings when necessary.

The Macomb County Prosecutor agrees to:

- 1) Assist in the development of legal and clinical eligibility criteria.
- 2) Participate on the planning committee and in the staffing of cases as resources allow.
- 3) Designate someone to attend treatment team meetings and all scheduled court proceedings as resources allow.
- 4) Interact with defense counsel in a nonadversarial manner to address pleas and the application of sanctions and incentives.
- 5) Screen all potential participants based upon established eligibility criteria.

- 6) Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
- 7) Participate in training on how to screen for eligible participants, if necessary.

The Macomb County Sheriff's Department agrees to:

- 1) Participate on the planning committee as resources allow.
- 2) Identify and screen in-custody offenders for referral to the mental health treatment court based upon eligibility criteria.
- 3) Designate an officer(s) who will complete specialized training on identifying individuals with mental illness. This officer(s) will be a member of the mental health treatment court team.
- 4) Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
- 5) Participate in training on how to screen for eligible participants.

The Macomb County Jail agree(s) to:

- 1) Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
- 2) Screen all potential participants based upon established eligibility criteria.
- 3) Provide treatment such as medications to jail residents that are participants in the mental health treatment court program to stabilize their mental illness while they are incarcerated.
- 4) Participate in training on how to screen for eligible participants.

The Macomb County Office of Substance Abuse agrees to:

- 1) Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
- 2) Provide, arrange, or coordinate with the community mental health services program for mental health treatment services for persons with co-occurring mental health and substance use disorders.

- 3) Provide information to the mental health treatment court team on a timely basis regarding participant treatment progress.

The case manager responsibilities will be:

- 1) Coordinate the work and activities of all parties serving as members of the mental health treatment court team.
- 2) Serve as primary contact person for the mental health treatment court.
- 3) Screen all potential participants based upon established eligibility criteria.
- 4) Collaborate with the participant and other mental health treatment court team members when developing the treatment plan.
- 5) Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
- 6) Coordinate activities with assigned probation staff without duplicating supervision activities.
- 7) Serve as the primary team member that brokers and monitors services for treatment, alcohol and drug testing, employment and/or education, and housing, and monitors participant compliance and progress with the treatment plan.
- 8) Participate in training on how to screen for eligible participants.

The public defense attorney responsibilities will be:

- 1) Participate on the planning committee and in the staffing of cases.
- 2) Attend treatment team meetings.
- 3) Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
- 4) Interact with the city attorney and/or county prosecutor in a nonadversarial manner to address pleas and the application of sanctions and incentives.
- 5) Assure that participant procedural and due process rights are protected.
- 6) Participate in training on how to screen for eligible participants.

Probation supervision information:

- 1) Cases assigned to the Mental Health Court docket will be placed on a period of reporting probation to the Michigan Department of Corrections Probation Department.

D. Methods for Exchanging and Maintaining Confidential Information

Discussions at team meetings are confidential. Participants are required to sign confidentiality agreements. All parties to this agreement are bound by the applicable rules and regulations of HIPPA, 42 CFR Part 2, and the Michigan Health Code and Michigan Public Health Code. Participants must consent to disclosure of confidential mental health information. Written records will be stored in a secure room or locked container.

E. Other Data Reporting Requirements

All team members agree to assist with any data reporting requirements and/or evaluations from the State Court Administrative Office or the MCMHTC.

F. Mutual Indemnification

The participating agencies agree to indemnify, defend, and hold harmless each other and their officers, agents, and employees from any and all claims, actions, or proceedings arising solely out of the acts or omissions of the indemnifying agency in the performance of this memorandum of understanding.

The participating agencies agree that each is acting in an independent capacity and not as officers, employees, or agents of the other agencies.

G. Terms of Agreement

This agreement is effective on October 1, 2013 until terminated in accordance with subsection J.

H. Fiscal Terms

This memorandum of understanding does not involve an exchange of funds. Any exchange of funds for services rendered as part of the mental health treatment court will be described in a separate contract.

A 501(C)(3) Corporation may be used as a source of funding for such things as commencement challenge coins, bus passes, training, written materials, etc. The Judges, court personnel, and county personnel will not raise money for or otherwise participate in the administration of the 501(C)(3) Corporation.

I. Terms and Conditions

All terms and conditions of this agreement are subject to the continuation of mental health treatment court funding.

J. Termination of Memorandum of Understanding

Upon mutual consent of all parties, this memorandum of understanding is subject to further negotiation and revision as required to support the needs of the mental health treatment court program. Any changes shall be in writing and signed by all parties herein or their duly appointed representatives authorized to act on their behalf. This memorandum of understanding may be terminated by any party for any reason by giving a 30-calendar-day written notice.

K. Review of the Memorandum of Understanding


This memorandum of understanding will be reviewed on a yearly basis by the Macomb County 16th Judicial Circuit Court mental health treatment court planning committee and revised as necessary upon mutual agreement of all parties.

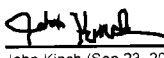
Electronic Signatures of Authorized Representatives through *Adobe EchoSign*:

John C. Foster, Chief Judge 16th Judicial Circuit & Macomb Probate Courts
Carl J. Marlinga, Probate Judge assigned to the Mental Health Court
Jennifer M. Phillips, Court Administrator
John Kinch, Executive Director Macomb County Community Mental Health
Eric Smith, Macomb County Prosecutor
Anthony Wickersham, Macomb County Sheriff
Al Lorenzo, Macomb County Assistant County Executive

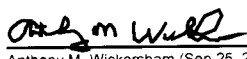
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