



**Montgomery County**

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**MCMHTC**

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**Mental Health Treatment Court**

**Policies and Procedures**

**Honorable Mary A. Turner**

**Honorable Lisa Michalk**

**Presiding Judges**

## **Mission Statement**

*The Mission of the Montgomery County Mental Health Treatment Court is to increase public safety, facilitate participation in effective Mental Health and substance abuse treatment, improve the quality of life for people with mental illness charged with crimes, and make more effective use of the community's limited criminal justice and Mental Health resources.*

## **Introduction**

In February 2016, Montgomery County established the Mental Health Treatment Court Services program in an effort to address the increasing number of defendants, who were diagnosed with a mental illness, and are cycling through the jail and courts. The Court was implemented after extensive planning by representatives from the criminal justice system, Mental Health community as well as treatment providers and advocates. Judge Mary Ann Turner, Presiding Judge of County Court at Law #4 and Judge Lisa Michalk, Presiding Judge of the 221<sup>st</sup> District Court assumed leadership over the Mental Health Treatment Court.

## **Advisory Board**

On May 10, 2016, an advisory board was approved by the County Judge and Commissioners for the Mental Health Treatment Court. The members of the board are as follows: Judge Wayne Mack, Justice of the Peace, Pct. 2, Lt. Dan Lafferty, Constable, Pct. 2, Dr. Ron Massey, Evan Roberson, Executive Director for TriCounty Behavioral Healthcare, Janet Kasper, Program Director of Youth Outreach Alliance and Rev. David Lindwall of Montgomery United Methodist Church.

## **Goals**

The primary goals of the Mental Health Treatment Court are to:

- Improve public safety
- Minimize recidivism
- Increase access to and continued utilization of community resources
- Enhance collaboration between criminal justice agencies and community service/treatment providers to better serve all defendants
- Improve the quality of life for defendants living with mental illness

## **Model**

The Mental Health Treatment Court is based on the national problem-solving court model. It is a collaborative partnership between the criminal justice system, a network of community – based providers and the participant. The Mental Health Treatment Court program is designed to accommodate a full range of identified needs while providing structure and guidelines to help participants reach their goals.

## **Structure**

At the beginning of the program, more intensive supervision and treatment services are expected. As the Participant progresses through the program and demonstrates to the Judge that he/she is successfully managing treatment and the requirement of the Community Supervision and Corrections department, the Judge will consider reducing the frequency and intensity of Mental Health Treatment Court contact.

Defendants, who are accepted into the Mental Health Treatment Court program are placed on Pre-Trial Supervision, receive deferred adjudication or standard probation and all are monitored by Community Supervision and Corrections. The Mental Health Program length, which is determined by the participant’s progress, is at least 12-24 months for misdemeanor cases and 18-36 months for felony cases. Some participants may require a longer and more structured experience to help them fully benefit from the program and services. Other participants may demonstrate early and continued adherence to court requirements and may be considered for early termination once the minimum months of successful participation in the court has elapsed. On some occasions, a participant may complete the Mental Health Treatment Court program but still remain under the supervision of a Community Supervision office until the terms of Community Supervision are complete or the Judge early terminates the supervision period.

## **THE MENTAL HEALTH TREATMENT COURT TEAM**

### **Judge**

The Mental Health Treatment Court Judge heads the collaborative Court Team. In this capacity, the Judge regularly reviews reports from the Community Supervision and Corrections Department and treatment updates detailing each participant’s compliance with the treatment plan. During Mental Health Treatment Court appearance, the Judge addresses each participant individually at the bench – asking them their perspective on their progress in treatment, accomplishments, barriers and life in general. Based upon recommendations from the Mental Health Treatment Court Team, the Judge administers graduated incentive and sanctions

designed to increase each participant’s accountability and to enhance the likelihood of long-term behavior change.

### **Director**

The Mental Health Treatment Court Services Director is the key liaison with the Mental Health Treatment Court Judges, Team, Advisory board and stakeholders. The Director provides administrative, fiscal and clinical supervision over programmatic functions of the court. The Director establishes operational guidelines and manages all aspects of the budget including the procurement of supplemental funds, facilitates weekly staffing for each docket; develops and implements innovative community-based treatment options for Mental Health Treatment Court participants; and cultivates and strengthens collaborative relationships with community stakeholders.

### **Court Clinician**

The Court Clinician will conduct initial and on-going assessments to determine clinical eligibility for the Mental Health Treatment Court as well as identify psychosocial needs. The Court Clinician obtains weekly clinical updates from each treatment provider and routinely delivers direct clinical interventions to Mental Health Treatment Court participants. Additional responsibilities include on-going assessment of emerging participant needs, recommendation of subsequent modifications to participant Treatment Plans, triage and management of psychiatric crises and counseling as needed.

### **Assistant District Attorney**

The role of the Assistant District Attorney in the Mental Health Treatment Court differs from the customary role of an Assistant District Attorney in the traditional adjudication process. In the Mental Health Treatment Court, all parties and counsel (The Team) share the common goal of helping participants successfully comply with treatment in a community setting, and as such, the Assistant District Attorney assumes a non-adversarial approach. The Mental Health Treatment Court Prosecutor reviews new cases concerning legal eligibility pursuant to the guidelines defined by the Mental Health Treatment Court. The eligibility assessment includes a review of the defendant’s criminal history, consultations with the victims (if any), legal eligibility and appropriate dispositions of the defendant’s entry into the Mental Health Treatment Court. The Prosecutor consents to new cases, assists with staffing and makes appropriate recommendations.

## **Defense Attorney**

The Defense Attorney represents and advises the Participant in all Mental Health Treatment Court proceedings. The Defense Attorney uses a non-adversarial approach with a focus on protecting their client's constitutional right and their success in treatment. The Defense Attorney seeks solutions for their clients that minimize the client's exposure to incarceration, reduce the risk of re-arrest/new charges and mitigate the consequences of a criminal conviction.

## **Community Supervision Officer**

The specialized (trained in Mental Health) Community Supervision Officers oversee a caseload exclusively of Mental Health Treatment Court Participants. Each Officer works closely with participants and provides updates to the Team regarding compliance with Conditions of Probation. The Officer focuses on community involvement including meeting with participants in the field and office, interacting with community based organizations, overseeing probation fees and restitution and assisting participants with strategies that promote adherence to Conditions of Probation and compliance with treatment.

## **Case Manager (2)**

The Mental Health Treatment Court Case Manager assesses the nature and degree of Mental Health Treatment Court participant's service needs. The Case Manager will develop, implement and monitor the efficacy of the Court Treatment Plan. The Case Manager identifies current and emerging participant needs and links participants with appropriate rehabilitative services including Mental Health and substance abuse treatment, housing, food and other community resources. The Case Manager will monitor participant's compliance with the treatment plan by contacting treatment providers and assisting participants with non-compliance, through peer counseling and affirmations. Respectively, the Case Manager serves as a liaison with the Mental Health Treatment Court participant, community service/treatment providers and the Court Team.

## **ELIGIBILITY FOR THE MENTAL HEALTH TREATMENT COURT**

The Mental Health Treatment Court is designed for defendants who have been charged with a misdemeanor or felony offense and have a diagnosis of a severe and persistent mental illness.

### **Inclusion Criteria**

- Prior diagnosis of Bipolar Disorder, Major Depressive Disorder, Schizophrenia and Schizoaffective Disorder (may consider some PTSD and Anxiety Disorders)

- IDD (Intellectual and Developmental Disability, formerly Mental Retardation and Traumatic Brain Injury) cases must be able to function alone
- Diagnosis prior to the crime in most cases
- Diagnosis no longer than 3 years old, if not they must be re-evaluated. Evaluations must be completed by a Psychiatrist or Psychologist for felony cases. Evaluations for misdemeanor cases can be completed by a Licensed Professional Counselor, Psychiatrist, Psychologist or a Nurse Practitioner.
- Relation between the crime committed and the diagnosis
- Competent or restored to competency

#### **Exclusion Criteria**

- No link between crime and diagnosis
- 3G Crimes
- Murder
- Sex Offenses
- More than one (1) DWI offense
- Violent criminal history
- Use of firearm/knife
- Gang affiliation

Assaultive cases reviewed individually and approved on a case-by-case basis

#### **REFERRALS TO MENTAL HEALTH TREATMENT COURT**

Participants are referred to the Mental Health Treatment Court through a variety of sources including the following:

- Defense Attorney/Public Defender
- Assistant District Attorney
- Judge
- Community Supervision and Corrections Department
- Prospective Participant
- Family
- Community Treatment/Service Provider

The five page Mental Health Treatment Court Referral Packet, which is available online and in all of the different County and District Courts, must be completed and submitted with the required documentation to the Mental Health Court Services, who delivers it to the Mental Health Division of the District Attorney's Office. (See Appendix 1)

Once the referral packet has been received by the Mental Health Division of the District Attorney's Office, the defendant's past and current criminal history are reviewed. Both non-violent and violent offenses are eligible. Assaultive offenses are considered on a case-by-case basis. Defendants charged with murder, or those who have a past or current charge of a sex offense are ineligible for the Mental Health Treatment Court. DWI cases with one or more offenses will be reviewed on a case-by-case basis.

If the District Attorney's Office determines that a defendant is not legally eligible for the Mental Health Treatment Court, the referring attorney and Home Court are notified, and the case is disposed of in the Home Court.

If the District Attorney's office determines that a defendant is legally eligible and suitable for the Mental Health Treatment Court, the referral packet is delivered to the Mental Health Court Services Director, who enters the referral information into the CSS database. The Mental Health Court Services Director will then set up an appointment with defendant to meet the Court Clinician, who will complete a psychosocial evaluation that will be submitted to the Mental Health Treatment Court Team for review.

## **EVALUATION PROCESS**

Clients may be evaluated while in custody or out on bond. Prior to the evaluation, the Mental Health Treatment Court Clinician reviews the following sources of information:

- Incident Reports
- Montgomery County District Attorney's Office Arrest History
- Available psychiatric records from the community
- Clinical interview with the defendant

The Clinical Interview includes the following categories of information:

- Reason for Referral
- Past and current living situation
- Past and current psychiatric history
- Past and current substance use history
- Past and current medical history
- Social Supports
- Attitudes and criminal thought patterns
- Client identified strengths and goals for Mental Health Treatment Court
- Service Needs
- Clinical Impression

- Recommendations

Following the Mental Health Treatment Court Evaluation, the Court Clinician:

Completes a written psychosocial evaluation

- Reviews the case with the Mental Health Treatment Court Team to determine next steps, including
  - Recommend acceptance to the Mental Health Treatment Court Team
  - Requests additional records or further evaluation
  - Deny case from the Mental Health Treatment Court

If the defendant is legally and clinically eligible for the Mental Health Treatment Court, then he/she will need to attend New Participant Orientation. The Defense Attorney is notified so that a Transfer Order can be signed and submitted prior to the next docket date. The Defense Attorney is notified and is requested to attend the next Mental Health Treatment Court staffing during which the defendant's case will be reviewed by the entire Mental Health Treatment Court Team for acceptance into the Mental Health Treatment Court program. If the Judge and all members of the Mental Health Treatment Court Team agree that the defendant is a suitable candidate for the Mental Health Treatment Court, a plea date is set for the next available court date.

**Cases will not be transferred to the Mental Health Treatment Court without the consent of both the Home Court and the Mental Health Treatment Court.**

If the defendant is not legally and clinically eligible for the Mental Health Treatment Court, the Mental Health Treatment Court Director generates a denial letter indicating the reason for the denial and recommendations, when possible. The Mental Health Treatment Court Director then verbally informs the Defense Attorney of the denial and follows with an email of the denial letter to the Defense Attorney, the Mental Health division of the District Attorney's office and the Home Court Coordinator. If denied from the Mental Health Treatment Court, the defendant's case remains in the Home Court.

## **PLEA PROCESS**

Prior to the plea proceedings, all prospective participants will meet with the Case Managers of the Mental Health Treatment Court. During this meeting, the participants will receive an orientation to the Mental Health Treatment Court, the Mental Health Treatment Court Participant Handbook and the Mental Health Treatment Court Phases will be reviewed. Prospective participants will be encouraged to ask questions and raise any concerns they have about participating in the Mental Health Treatment Court. Upon completion of the orientation,



prospective participants will meet with their attorney to review and sign plea papers as well as the Montgomery County Mental Health Treatment Court Participant Contract and Court Waivers (Appendix 4 & 5).

Participation in the Mental Health Treatment Court is voluntary and the defendant must be willing to plead guilty. Mental Health Treatment Court participants agree to a minimum of one 12-24 months sentence for misdemeanors and 18-36 months sentence for felony cases (sentence may be longer depending on the seriousness of the offense). Mental Health Treatment Court participants must agree to adhere to an individualized Treatment Plan, comply with the terms of Community Supervision and participate in frequent Court appearances.

## **PROGRAM REQUIREMENTS**

General program requirements include the following:

- Follow all Mental Health Treatment Court recommendations
- Adhere to Conditions of Community Supervision
- Abstain from drugs and alcohol
- Submit to random drug and alcohol tests
- Sign Release of Information with each treatment provider and service provider
- Actively participate in Mental Health treatment
- Actively participate in substance abuse treatment and support groups (if indicated)
- Demonstrate adherence to psychotropic medications
- Attend all Mental Health Treatment Court appearances
- Remain law abiding

Once a defendant has plead into the Mental Health Treatment Court, they are eligible to opt out of the Mental Health Treatment Court Program. The only reasons that a client will be unsuccessfully discharged from the Mental Health Treatment Court are:

- New offense (s) will result in a transfer back to the Home Court
- Acute and/or prolonged non-adherence to Conditions of Community Supervision resulting in adjudication
- Prolonged non-adherence to Mental Health Treatment Court requirements resulting in return to the Home Court.

## **CONFIDENTIALITY**

The Mental Health Treatment Court is governed by the laws of confidentiality. Disclosure of information received during the course of participation in the Mental Health Treatment Court to non-authorized parties is strictly prohibited. Mental Health Treatment Court participants must authorized the disclosure to the Mental Health Treatment Court regarding their diagnosis, attendance, scope of treatment, treatment progress, quality of participation and termination or completion of treatment. All parties attending staffings that are not affiliated with the Mental Health Treatment Court must sign a confidentiality form, agreeing to maintain confidentiality of all client information and discussion around such information.

## **COURT APPEARANCES**

Court appearances are a key feature of the Mental Health Treatment Court Program. In the initial phase of the Mental Health Treatment Court Program, the participants will appear monthly before the Judge who reviews their individual progress. During their court appearance, participants will interact directly with the judge. The Judge will ask how they are doing with their treatment, probation and life in general. The Case Manager will inform the court of treatment compliance, medication compliance and group attendance, if required. The Community Supervision Officer will inform the court of any issues with probation compliance, community compliance and payment of fees, if required.

## **STAFFINGS**

Prior to each weekly docket, the full Mental Health Treatment Court Team engages in a staffing to discuss advancements and barriers for each participant on the docket. During the staffing, the members of the Mental Health Treatment Court Team will provide updates from interactions with the participants and families, as well as information obtained from treatment, service and housing providers. The Defense Attorneys and Prosecutors have the opportunity to share any information or recommendations they have regarding clients. The general approach is non adversarial. Information and recommendations are elicited from all who are involved in the case and are presented to the Judge. Based on all of the information and recommendations presented, the Judge makes the final decision regarding any incentives or sanctions that will be applied.

The staffing is also used to review new referrals being considered for acceptance into the Court.

## **PHASES**

The Mental Health Treatment Court requires a minimum participation period of 12 months for misdemeanor cases and 18 months for felony cases. Participation in the Mental Health Treatment Court is comprised of four (4) distinct phases and once completed will result in a

graduation ceremony for the participants. The length of each phase depends on the participant's progress, as well as their individual strengths and needs. Movement through each phase completely individual and is not based upon the length of time a participant has participated in a phase (Appendix 3).

The four phases are as follows:

- PHASE 1:       ORIENTATION & ENGAGEMENT
- PHASE 2:       PARTICIPATION IN ACTIVE TREATMENT
- PHASE 3:       STABILIZATION
- PHASE 4:       REINTEGRATION

### **INDIVIDUAL TREATMENT PLANS (ITP)**

Treatment plans will be developed by the Court Clinician then implemented and monitored by the Mental Health Treatment Court Case Managers. The Mental Health Treatment Court Clinician will approve the completed plan and offer any changes that may be needed or interventions added. A Treatment Plan is designed to address domains that are central to the participant's re-entry from jail into the community and their continued success during and long after their participation in the Mental Health Treatment Court. Upon a thorough psychosocial evaluation completed by the Mental Health Treatment Court Clinician, the Mental Health Treatment Court Team will identify the strengths and needs of the prospective participant, and if accepted, into the Mental Health Treatment Court links them to appropriate services. Treatment Plans are flexible and continuously adjusted based on the participant's individual needs and goals. The ITP will address the following five (5) categories:

1. Mental Health treatment
2. Substance Abuse treatment
3. Medication Adherence
4. Housing/Transportation needs
5. Income/Social Security/Health Insurance needs

### **TESTING PROTOCOL**

Random Urine Analysis (UA) is required of every Mental Health Treatment Court program participant. The frequency of UAs depends on the status of the participant and may be increased or decreased as a sanction or incentive resulting from the participant's individual progress in the program.

UA Testing, once ordered will be completed through a contracted vendor procured by the Community Supervision and Corrections Department.

### **TREATMENT PROVIDERS**

The Mental Health Treatment Court will work with a variety of behavioral health treatment providers in the community. The local Mental Health authority, namely Tri-County Behavioral Healthcare will provide the majority of Mental Health care services for the Mental Health Treatment Court participants. Tri-County may also provide substance abuse treatment for the participants that require it. In addition to Tri-County, participants may also use a private provider if they are able.

### **TRANSPORTATION**

Mental Health Court Services is currently working on programs that may assist clients with transportation to and from office visits, court proceedings and probation visits.

### **HOUSING**

If a participant is or becomes homeless during their participation in the Mental Health Treatment Court, the Mental Health Treatment Court Case Managers will link the participant to the most appropriate and available housing. Additionally if the participant appears to be in need of a more structured living environment during any point of their participation in Mental Health Treatment Court, the Mental Health Treatment Court Team may recommend to the Judge that the client be considered for a group home or sober living home. If the Judge is in agreement, the Mental Health Treatment Court Case Managers will work closely with the participant and their treatment providers to determine the best housing options for the participant.

### **RE-ENTRY PLANNING**

Re-Entry plans will be developed by the Mental Health Case Managers prior to the Participant's graduation date. Re-Entry plans will address how the participant plans to continue living his life with mental illness after graduation. Topics that will be addressed during the planning will be the participant's plan to continue treatment compliance, continue with probation compliance (if applicable), continue the law abiding skills that have been acquired and to remain abstinent from drug use (if applicable).

### **INCENTIVES AND SANCTIONS**

Graduated incentive and sanctions are a fundamental element of the Mental Health Treatment Court program. Incentives and sanctions are used by the Mental Health Treatment Court to

encourage positive behavior change. Participants are rewarded with incentive for compliance with their treatment plans, conditions of Community Supervision and Mental Health Treatment Court requirements. Participants receive sanctions for non-compliance and negative behaviors.

### **Incentives**

The Judge determines incentive based upon recommendations from the Mental Health Treatment Court Team. The type of incentive will vary, depending on the behavior that the Mental Health Treatment Court Team hopes to reinforce, reward, and will continue to motivate that individual.

Incentives include, but are not limited to:

- Praise from the Judge
- “Compliance Club” with Stars on the board
- Reduced frequency of court appearances
- Decreased intensity of Community Supervision (fewer meetings with Probation Officer)
- Decreased drug testing
- Applause in Mental Health Treatment Court
- Gift Card Fishbowl drawing
- Granting of privileges (e.g., travel permits)
- Reduced community service hours
- Waiver of fees
- Early termination of probation
- Graduation

### **Sanctions**

Non-compliant and negative behaviors are addressed immediately through the application of sanctions. The Judge applies the principle of graduated and least restrictive sanctions based on current and previous behavior. The Judge imposes sanctions after listening to the participant, and hearing recommendations from the Mental Health Treatment Court Team. Similar to the concept of incentives, the type of sanction that the Judge selects varies depending on the behavior that needs to be addressed and the consequences that motivate that individual (Appendix 11).

Sanctions may include, but are not limited to:

- Judicial reprimand
- Increased Mental Health Treatment Court appearances

- Rotated to the bottom of the docket/sit in Jury Box
- Behavior contract
- Delay in phase advancement or regression to a prior phase
- Written assignment
- Increased intensity of Community Supervision (more meetings with Probation Officer)
- Increased drug testing
- Loss of privileges (e.g. travel permit denied)
- Community Service hours
- Jail remand
- Termination from the Mental Health Treatment Court Program/ Sentencing

### **JAIL REMAND**

Jail remand is a decision made by the Judge in consultation with the Mental Health Treatment Court Team. It is an action taken by the Mental Health Treatment Court as a “last resort”. No Mental Health Treatment Court participant is ever remanded for the purpose of “teaching the participant a lesson”. Remand occurs as a result of continued program non-compliance, substance abuse and negative behavior in the community.

Jail remand differs from termination from the Mental Health Treatment Court, in that it does not necessarily imply unsuccessful discharge from the Mental Health Treatment Court. The Mental Health Treatment Court Team will continue to work with the participant during and after the jail remand to address the issues that initiated it.

### **CLINICAL INTERVENTIONS**

If warranted, clinical interventions may be applied in addition to or in place of a sanction. Clinical interventions include, but are not limited to:

- New level of care (e.g. the addition of individual therapy or more recovery groups)
- Increased level of care (e.g. residential or in-patient admission)

### **TERMINATION FROM THE MENTAL HEALTH TREATMENT COURT**

When a client engages in negative behaviors that result in a new arrest, the Mental Health Treatment Court Team will review the Individual Treatment Plan and the Conditions of Supervision to identify possible areas to be modified. Depending upon the severity of the new violation, the participant may be terminated from the Mental Health Treatment Court. A participant may also be terminated from the Mental Health Treatment Court for acute or prolonged non-compliance with their treatment plan and conditions of supervision.

## **APPENDICIES**

- 1. Mental Health Treatment Court Referral Packet (5 pages)**
- 2. Mental Health Treatment Court Participant Handbook**
- 3. Mental Health Treatment Court Phases**
- 4. Mental Health Treatment Court Participant Contract**
- 5. Mental Health Treatment Court Specialty Court Waiver**
- 6. Mental Health Treatment Court Phase Promotion Worksheet**
- 7. Mental Health Treatment Court Phase Checklist**
- 8. Mental Health Treatment Court Phase Contract**
- 9. Mental Health Treatment Court Graduation Application**
- 10. Mental Health Treatment Court Wellness Action Plan and Personal Crisis Plan**
- 11. Mental Health Treatment Court Incentives and Sanctions**

MONTGOMERY COUNTY  
MENTAL HEALTH COURT SERVICES  
301 N. Main, Suite 301  
Conroe, Texas 77301

**MENTAL HEALTH TREATMENT COURT REFERRAL PACKET**

In order for your client's case to be reviewed, **you must submit the completed 5 page Mental Health Treatment Court referral packet, and return it to Mental Health Court Services.** The completed packet will then be sent to the Diversion Court Prosecutor in the District Attorney's Office.

**Client Information:**

Name: \_\_\_\_\_

Cause #: \_\_\_\_\_

**Referral Source:**

ADA     Defense Attorney     Judge     Probation Department     Law Enforcement

**I am submitting the following documentation to the Home Court Prosecutor:**

MH Court Screening/Referral Form                       MH Court Joint Request to be evaluated

MH Court Order for Medical Records                       MH Court Client Application

**Inclusion Criteria:**

**An eligible defendant for the MH Court must have a pending misdemeanor or felony case:**

This defendant's charge is: \_\_\_\_\_

Misdemeanor Class \_\_\_\_\_                      Felony Level \_\_\_\_\_

An eligible defendant must be competent and have a primary diagnosis of a Mental Illness (i.e., Bipolar, Major Depressive Disorder, Schizophrenia and Schizoaffective Disorder). Defendant may also have a co-occurring substance abuse disorder (must be secondary).

**Defendant's primary diagnosis is one of the four (4) listed above**

**Defendant is competent.**



**Exclusion Criteria**

The following issues will exclude defendants from participating in the MH Court Program:

1. Past or current charge of a sex offense
2. More than one (1) previous DWI offense
3. Aggravated cases involving the use of guns or knives
4. Primary diagnosis of a substance abuse disorder
5. No link between the mental illness and current offense
6. Assaultive offenses will be considered on a case by case basis
7. Substantial history of violent offenses

**An eligible defendant must agree to the basic program requirements. This defendant is willing to:**

Undergo a clinical evaluation and a risk/needs assessment

Plead guilty

Adhere to an Individual Treatment Plan, which may include mental health and substance abuse treatment

Comply with terms of Community Supervision

Participate in frequent court appearances

**Failure to follow the program requirements may result in sanctions, changes of conditions or termination from the program. Failure to comply with the terms of Community Supervision may result in the revocation of bond, deferred adjudication status or probation, and may result in a conviction and sentence up to the full range of punishment.**

For questions regarding *general* eligibility, contact MH Court Services at 936-538-8110.

For questions regarding *legal* eligibility, contact the Montgomery County DA, Diversion Court Prosecutor at 936-539-7800.



**FOR USE BY MENTAL HEALTH TREATMENT COURT PERSONNEL ONLY**

**Reviewed by DA MH Diversion Court Prosecutor:** \_\_\_\_\_

**Date Form Received:** \_\_\_\_\_

**Date Eligibility Confirmed:** \_\_\_\_\_

**MENTAL HEALTH TREATMENT COURT PARTICIPANT APPLICATION**

You have been given this Mental Health Treatment Court application because someone believes that participating in the MH Court would be a good thing for you. The MH Court is a problem solving court in which defendants living with a mental illness participate in mental health treatment, engage in frequent appearances before the Judge and maintain regular visits with a Case Manager and specially trained Community Supervision Officer (Probation officer). MH Court participants remain in the MH Court and on probation for a period of 12- 24 months (misdemeanors) and 18- 36 months (felonies) –it all depends on how a person does in treatment and following the MH Court’s expectations. The agreed probation term may last *beyond* the time of graduation from the MH Court.

**As a MH Court participant, you would be expected to:**

- Plead guilty
- Attend monthly court appearance until the Judge is comfortable that things are going smoothly and reduces the frequency of your court appearances
- Follow all Probation requirements and MH Court recommendations
- Participate in mental health treatment
- Participate in substance abuse treatment if recommended
- Not use drugs or alcohol
- Submit to random drug and alcohol testing
- Remain law-abiding

**Please respond to the following statements regarding how you feel about participating in the MH Court:**

Participating in the MH Court sounds good to me because.....

I think I’d make a good MH Court participant because.....

You should consider me for the MH Court because.....

**Defendant’s Signature:** \_\_\_\_\_

**Date:**

**Defendant’s Printed Name:** \_\_\_\_\_

**JOINT REQUEST TO EVALUATE DEFENDANT FOR MENTAL HEALTH TREATMENT COURT**

**I. Defendant’s Request to be Evaluated for Mental Health Treatment Court**

I, \_\_\_\_\_, request to be evaluated for the Mental Health Treatment Court. In support of this request, I agree to submit to such evaluation for the purposes of determining my eligibility to participate in the Mental Health Treatment Court. I understand that the Mental Health Treatment Court will order copies of my medical and mental health treatment records from any treating physicians and that the information included in these records may contain information about substance abuse history and treatment. I further understand that the Mental Health Treatment Court will receive a copy of the evaluation, and that if I am declined by the Mental Health Treatment Court, the referring court may have access to my evaluation.

\_\_\_\_\_

Signature of Defendant

\_\_\_\_\_

Signature of Defense Attorney

\_\_\_\_\_

Printed Name (Defendant)

\_\_\_\_\_

Printed Name (Defense Attorney)

**II. State’s Affirmation**

The State of Texas believes that the Defendant may be a candidate for the Mental Health Treatment Court.

\_\_\_\_\_

Signature of Assistant District Attorney

\_\_\_\_\_

Printed Name of Assistant District Attorney

**III. Judge’s Approval**

The Court hereby approves and grants the Defendant’s request to be evaluated for participation in the Mental Health Treatment Court.

\_\_\_\_\_

**PRESIDING JUDGE**

\_\_\_\_\_

**DATE**

Cause No. \_\_\_\_\_

THE STATE OF TEXAS

§

IN THE DISTRICT COURT OF

V.

§

MONTGOMERY COUNTY, TEXAS

\_\_\_\_\_

§

\_\_\_\_\_ JUDICIAL DISTRICT

§

### ORDER FOR RELEASE OF RECORDS

This Order is issued pursuant to Texas Health & Safety Code § 611.006(11), as well as 45 C.F.R. § 164.512(e)(1)(i) Health Insurance portability and Accountability Act, and 42 C.F.R. Part 2, which authorize covered entities to disclose protected health information in the course of an judicial or administrative proceeding when responding to an order of the Court.

**IT IS ORDERED the Court and the Attorney for the Defendant be provided with immediate access to any and all of the Defendant’s medical, psychiatric and psychological records with three (3) business days of receipt of this order.** This information may include but is not limited to: History and physical examination; physician’s orders; psychiatric evaluation; psychosocial history; intellectual testing records; treatment notes; discharge summary and insurance provider.

IT IS FURTHER ORDERED that the \_\_\_\_\_ provide the following Defendant’s records to the Court electronically (i.e., by emailing the requested documents to [Gloria.Kessler@mctx.org](mailto:Gloria.Kessler@mctx.org)) or by facsimile (936) 538-8012 as may be directed. If you have any questions, please call Gloria Kessler, Director at (936) 538-8110.

IT IS FURTHER ORDERED that all costs incident to the filing of this order are hereby waived.

Signed this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_

Judge Presiding



**Montgomery County**

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**MCMHTC**

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**Mental Health Treatment Court**

**Participant Handbook**

**Honorable Mary A. Turner**

**Honorable Lisa Michalk**

**Presiding Judges**

## **Mission Statement**

*The mission of the Montgomery County Mental Health Treatment Court is to increase public safety, facilitate participation in effective mental health and substance abuse treatment, improve the quality of life for people with mental illness charged with crimes, and make more effective use of the community's limited criminal justice and mental health resources.*

## **Introduction**

Welcome to the Montgomery County Mental Health Treatment Court!!

This handbook has been designed for your personal use. It is meant to answer any questions, address concerns and provide you with detailed information about what is expected of you as a Mental Health Treatment Court participant.

A Mental Health Treatment Court is a problem-solving court in which defendants living with a mental illness are given the opportunity to participate in mental health treatment, make frequent appearances before the Judge and have regularly scheduled visits with a Case Manager and a specially trained Community Supervision Officer in place of a prolonged jail or prison sentence.

As a participant, you will be expected to comply with the treatment plan developed for you by the Clinician of the Mental Health Court Services. You will need to comply with the directives of your Case Manager and Community Supervision Officer. Most importantly, you will need to follow any instructions given to you by the Judges in the Mental Health Treatment Court.

The foundation of the Mental Health Treatment Court is based on and promotes the following essential values:

- 1. Dignity and Respect for self and others**
- 2. Taking personal responsibility**
- 3. Honesty**

## Program Eligibility

Referrals – Initial referrals are accepted through a variety of sources, including law enforcement, jail staff, defense attorneys, prosecutors, mental health professionals, family and friends.

District Attorney Approval – **All** cases are reviewed by the District Attorney's office for initial approval.

The following criteria must be met for you to be eligible for Mental Health Treatment Court:

- Currently charged with a misdemeanor or felony offense (some exclusions do apply) (Assault cases will be considered on a case-by-case basis)
- Diagnosed with a significant mental illness
  - Bipolar Disorder
  - Major Depressive Disorder
  - Schizophrenia/Schizoaffective Disorder
  - IDD (Intellectual and Developmental Disability)
- May have a co-occurring substance abuse disorder
- Must be legally competent
- Must be willing to voluntarily participate in comprehensive clinical evaluation, commit to an individualized treatment plan, follow terms of Community Supervision and Mental Health Treatment Court standards
- Willing to plead guilty, if accepted into the court

In addition, there **must** be an identified relationship between the mental illness and the behavior which resulted in the criminal charge.

## Program Acceptance

Intake Process - It is the policy of the Mental Health Treatment Court program that the intake be timely and clinically sound.

Once the case is approved, the defendant will be given a date and time for an intake appointment. The defendant's attorney and court of origin are notified of status at intake and at disposition.

The defendant will meet with the Director or Court Clinician of MHC for a formal, comprehensive psychosocial assessment that is submitted to the District Attorney's office for final approval/denial. If approved, the defendant will be placed on the Mental Health Treatment Court Docket for introduction to the court.

## Program Participation

The Mental Health Treatment Court treatment team is here to help you. The treatment team will consist of the Judge, the District Attorney, the Defense attorney, the Director of the Mental Health Treatment Court, your Case Manager, your Community Supervision officer, mental health providers and **YOU!** Yes, you are part of the team. You will have an active role in developing and, of course following your treatment plan as well as adhering to the requirements of the Mental Health Treatment Court and Community Supervision.

The Mental Health Treatment Court treatment team will be here to support, encourage and help you stay focused as you work towards achieving your goals. Remember, it will be *your* motivation, *your* commitment and *your* dedication to *yourself* and to *your* goals that will ultimately determine *your* success in the Mental Health Treatment Court program.

The Mental Health Treatment Court treatment team will help you gain access to services and programs such as housing, employment opportunities, mental health services, substance abuse treatment and medical care.



As a Mental Health Treatment Court participant, you will be expected to:

- Follow all Mental Health Treatment Court requirements and Court recommendations
- Follow all of the Probation requirements
- Follow your Treatment Plan, which will include participating in mental health treatment
- Participate in substance abuse treatment, if needed
- Submit to random drug and alcohol testing
- Attend all Mental Health Treatment Court appearances
- Abstain from drugs and/or alcohol
- Follow the laws and not commit any new offenses

When you first start the program, you can expect more intensive treatment from your treatment providers and more rigorous supervision from the Court and your Community Supervision officer. As you demonstrate to the Judge that you are successfully managing your treatment and conditions of supervision, the Judge may consider reducing the frequency and intensity of your court appearances. Your treatment providers will be responsible for determining the intensity of your treatment.

## **MENTAL HEALTH TREATMENT COURT TEAM**

Under the leadership of Judge MaryAnn Turner and Judge Lisa Michalk, a team of professionals have been assembled to help you make positive changes in your life. Your Mental Health Treatment Court Team is comprised of the following people:

**Honorable MaryAnn Turner**

**Judge of Misdemeanor Dockets**

**Honorable Lisa Michalk**

**Judge of Felony Dockets**

**Gloria Kessler, M.Ed., LPC, NCC, LCDC**

**Director of Mental Health Court Svcs**

**Vacant Currently**

**Court Clinician**

**Andra Symmonds**

**Case Manager**

**Emily Cooper**

**Case Manager**

**Calvin Martin**

**MH Community Supervision Officer**

**Courtney Matheny**

**MH Community Supervision Officer**

**Mike Shirley**

**Assistant District Attorney**

**Kathryn Liptrap**

**Defense Attorney**

**Jarrold Walker**

**Defense Attorney**

### **LENGTH OF PROGRAM**

Each participant in the Mental Health Treatment Court program is required to participate at least 12 -24 months for misdemeanor cases and 18-36 months for felony cases. After that, the Judge will review your case every 3 months to see if graduation is appropriate. Some participants complete the Mental Health Treatment Court program before the end of their sentence and some serve their entire sentence with the Court in order to receive the additional support from the Judge and the Mental Health Treatment Court Team.

### **PROGRAM PHASES**

The Mental Health Treatment Court requires a minimum participation period of 12-24 months for misdemeanor cases and 18-36 months for felony cases. Participation in the Mental Health Treatment Court is comprised of four (4) distinct phases and once completed will result in a graduation ceremony for the participants. The length of each phase depends on the participant's progress, as well as their individual strengths and needs. Movement through each phase completely individual and is not based upon the length of time a participant has participated in a phase.

The four phases are as follows:

PHASE 1: ORIENTATION & ENGAGEMENT

PHASE 2: PARTICIPATION IN ACTIVE TREATMENT

PHASE 3: STABILIZATION

PHASE 4: REINTEGRATION

### **Phase 1: ORIENTATION & ENGAGEMENT**

During this phase, you will become oriented to how the Mental Health Treatment Court works and what is expected of you in this program. You will then be engaged in a higher level of court activity as we make every effort to get to know you better. We consider getting to know you and you getting to know us as one of our most important initial activities. Our hope is to create an environment of trust and develop an open dialogue with you. In order to achieve this, we will work with you during your monthly court appearances and are available to meet with you on non-court days as well.

### **Minimum Requirement for Phase 1 Mental Health Treatment Court Participants**

- Abstain from alcohol and drug use
- Abide by ALL rules and regulations of the Montgomery County Community Supervision and Corrections Department and follow ALL conditions ordered by the Judge
- Follow ALL rules and recommendations of the Mental Health Treatment Court Program
- Attend ALL appointments, sessions, and meetings as scheduled and on time
- Meet with Mental Health Treatment Court Team as directed
- Attend monthly court appearances on time
- Adhere to your Individual Treatment Plan (ITP) and let your treatment provider and Mental Health Treatment Court Team know if you think that the plan needs adjusting

- Submit to random drug and alcohol testing
- Demonstrate compliance with your medication treatment
- Work with Mental Health Treatment Court Case Managers in obtaining services which may include: housing, mental health care, medical care, substance abuse treatment, benefits, employment, pro-social activities and/or educational options
- Identify and begin attending a support group of your choice, if stipulated in your ITP or directed by the Judge
- Communicate with Mental Health Treatment Court Team if missing appointments or court proceedings

### **Advancement Criteria from Phase 1 to Phase 2**

**For 2 consecutive months**, the Mental Health Treatment Court Participant will have documentation confirming all of the following:

- All NEGATIVE alcohol and drug tests
- Only excused absences from Mental Health Treatment Court
- Only excused absences from scheduled appointments with Mental Health Treatment Court Case Managers
- Only excused absences from appointments with MH treatment providers and community supervision officer
- Positive reports from MH Treatment providers and CSO
- Medication compliance
- Start working on your Personal Crisis Plan (should be completed by end of Phase 2)
- Complete Phase 1 Promotion Worksheet

## **Phase 2: PARTICIPATION IN ACTIVE TREATMENT**

During this phase we will continue to deepen our working relationship with you. You will be actively engaged with your treatment and service providers. Based on your individual progress, the Judge will determine the frequency of your Mental Health Treatment Court appearances, which may be reduced from monthly to once per month. The overall goal of this phase is for you to begin to experience a sense of well-being and empowerment.

### **Minimum Requirement for Phase 2 Mental Health Treatment Court Participants**

- Abstain from alcohol and drug use
- Abide by ALL rules and regulations of the Montgomery County Community Supervision and Corrections Department and follow ALL conditions ordered by the Judge
- Follow ALL rules and recommendations of the Mental Health Treatment Court Program
- Attend ALL appointments, sessions, and meetings as scheduled and on time
- Meet with Mental Health Treatment Court Team as directed
- Attend monthly court appearances on time
- Continue to adhere to your Individual Treatment Plan (ITP) and let your treatment provider and Mental Health Treatment Court Team know if you think that the plan needs adjusting
- Submit to random drug and alcohol testing
- Continued compliance with your medication treatment
- Develop a relapse prevention plan (mental health and substance use) and obtain a sponsor, if needed
- Develop a support system for your mental health and substance abuse treatment needs
- Provide proof of attending a support group of your choice, if stipulated in your ITP or directed by the Judge
- Obtain and maintain services which may include: housing, mental health care, medical care, substance abuse treatment, benefits, employment, pro-social activities and/or

educational options. Report any needs to you Mental Health Treatment Court Case Manager.

- Communicate with Mental Health Treatment Court Team if missing appointments or court proceedings
- Make payments towards court fees and/or restitution unless otherwise indicated by the Judge
- Begin working on your Wellness Action Plan

### **Advancement Criteria from Phase 2 to Phase 3**

**For 3 consecutive months**, the Mental Health Treatment Court Participant will have documentation confirming all of the following:

- All NEGATIVE alcohol and drug tests
- Only excused absences from Mental Health Treatment Court
- Only excused absences from scheduled appointments with Mental Health Treatment Court Case Managers
- Only excused absences from appointments with MH treatment providers and community supervision officer
- Maintain adherence to Mental Health Treatment Court directives
- Positive reports from MH Treatment providers and CSO
- Medication compliance
- Completed your Personal Crisis Plan
- Rough draft of your Wellness Action Plan
- Complete Phase 2 Promotion Worksheet

### **Phase 3: STABILIZATION**

Entering this phase, you will have demonstrated to the Judge, the Mental Health Treatment Court Team, your Treatment providers and YOURSELF that you are working hard to achieve your goals. During this phase, our collective goal will be to help you maintain your focus and your progress. As long as you continue to follow your Individual Treatment Plan (ITP) and court directives, your court appearances will be reduced to once per month, then once every six weeks and then once every eight weeks, as the Judge directs you.

#### **Minimum Requirement for Phase 3 Mental Health Treatment Court Participants**

- Abstain from alcohol and drug use
- Abide by ALL rules and regulations of the Montgomery County Community Supervision and Corrections Department and follow ALL conditions ordered by the Judge
- Follow ALL rules and recommendations of the Mental Health Treatment Court Program
- Attend ALL appointments, sessions, and meetings as scheduled and on time
- Meet with Mental Health Treatment Court Team as directed
- Attend monthly or monthly court appearances on time
- Continue to adhere to your Individual Treatment Plan (ITP)
- Submit to random drug and alcohol testing
- Continued compliance with your medication treatment
- Maintain your support system for your mental health and substance abuse treatment needs
- Provide proof of attending a support group of your choice, if stipulated in your ITP or directed by the Judge
- Follow your relapse prevention plan and maintain contact with your sponsor
- Maintain services which may include: housing, mental health care, medical care, substance abuse treatment, benefits, employment, pro-social activities and/or

educational options. Report any needs to you Mental Health Treatment Court Case Manager.

- Communicate with Mental Health Treatment Court Team if missing appointments or court proceedings
- Continue making payments towards court fees and/or restitution unless otherwise indicated by the Judge
- Continue to develop your Wellness Action Plan

### **Advancement Criteria from Phase 3 to Phase 4**

**For 4 consecutive months**, the Mental Health Treatment Court Participant will have documentation confirming all of the following:

- All NEGATIVE alcohol and drug tests
- Only excused absences from Mental Health Treatment Court
- Only excused absences from scheduled appointments with Mental Health Treatment Court Case Managers
- Only excused absences from appointments with MH treatment providers and community supervision officer
- Maintain adherence to Mental Health Treatment Court directives
- Positive reports from MH Treatment providers and CSO
- Medication compliance
- Completed your Wellness Action Plan
- Draft your Graduation Application Packet
- Complete Phase 3 Promotion Worksheet



## **Phase 4: REINTEGRATION**

You are now nearing Mental Health Treatment Court Graduation!! Reaching this phase indicates that you've accomplished the primary goals that you and the Mental Health Treatment Court Team identified when you entered the program. During this phase our goal is to ensure that you have all of the necessary skills and tools to maintain your progress even after you have completed the Mental Health Treatment Court program. During this phase, you will attend Court monthly so that we are confident that you are full prepared for life beyond Mental Health Treatment Court graduation.

### **Minimum Requirement for Phase 4 Mental Health Treatment Court Participants**

- Abstain from alcohol and drug use
- Abide by ALL rules and regulations of the Montgomery County Community Supervision and Corrections Department and follow ALL conditions ordered by the Judge
- Follow ALL rules and recommendations of the Mental Health Treatment Court Program
- Attend ALL appointments, sessions, and meetings as scheduled and on time
- Meet with Mental Health Treatment Court Team as directed
- Attend monthly court appearances on time
- Maintain adherence to your Individual Treatment Plan (ITP)
- Submit to random drug and alcohol testing
- Maintain compliance with your medication treatment
- Maintain your support system for your mental health and substance abuse treatment needs
- Provide proof of attending a support group of your choice, if stipulated in your ITP or directed by the Judge
- Follow your relapse prevention plan and maintain contact with your sponsor

- Maintain services which may include: housing, mental health care, medical care, substance abuse treatment, benefits, employment, pro-social activities and/or educational options.
- Make a verbal commitment to remain law abiding
- Complete payments of all court fees and/or restitution unless otherwise indicated by the Judge
- Complete, submit and present your Wellness Action Plan to the Court
- Complete, submit and present your Mental Health Treatment Court Graduation Application packet to the Court
- Complete Moral Reconciliation Therapy

### **Advancement Criteria from Phase 4 to Phase 5 (Graduation)**

**For 6 consecutive months**, the Mental Health Treatment Court Participant will have documentation confirming all of the following:

- All NEGATIVE alcohol and drug tests
- Only excused absences from Mental Health Treatment Court
- Only excused absences from scheduled appointments with Mental Health Treatment Court Case Managers
- Only excused absences from appointments with MH treatment providers and CSO
- Maintain adherence to Mental Health Treatment Court directives
- Positive reports from MH Treatment providers and CSO
- Medication compliance
- No new law violations within last 6 consecutive months
- Completed payments of all court fees and/or restitution unless otherwise indicated by the Judge

- Successful complete of Individual Treatment Plan (ITP)
- Completed Wellness Action Plan
- Completed Graduation Application

## **LEGAL REPRESENTATION**

Each participant will be represented by Defense Attorney that is assigned solely to the Mental Health Treatment Court. You will meet with the defense attorney after you enter your plea and become a Mental Health Treatment Court participant. This attorney will be present at court staffings with the Mental Health Treatment Court Team and at your court appearances when you meet with the Judge. Your defense attorney will represent your interest if you request changes to your treatment plan, will advocate for you if the Court is considering sanctions, will request modified Conditions of Supervision or early termination of probation, and should it be necessary, will represent you at a hearing to revoke probation or adjudicate guilt. You may hire your own attorney if you have the funds to do so.

## **CONFIDENTIALITY AND YOUR RECORDS**

In order to ensure that we have all of the information that is necessary to provide you with the most effective Treatment and Supervision Plan, we will be requesting copies of your medical, mental health and psychological records throughout the course of your participation in the Mental Health Treatment Court. In order to guard your privacy, the Mental Health Treatment Court Team will ensure that no one outside of the Mental Health Treatment Court Team will have access to your protected health information. Only court orders and official documents (such as conditions of probation, motions to adjudicate guilt or revoke probation and judgement and sentences) will be placed in the court's public file. Protected Health Information (such as medical records) will be filed in a separate

Mental Health Treatment Court file, which will only be available to the Mental Health Treatment Court Team.

## **STAFFINGS**

Before each Mental Health Treatment Court appearance, your case will be staffed by the Mental Health Treatment Court Team. The Mental Health Treatment Court Team members will give the Judge a progress report that will address how you are doing in between court appearances—such as how things are going for you at home, school, work and with your family. The progress report will also cover how you are doing in treatment – your medication compliance, group attendance and other treatment requirements. Lastly, the progress report will give an update to the Judge on how you are doing with your Conditions of Supervision.

## **COURT APPEARANCES**

**Initially, you will attend court on a monthly (every 2 weeks) basis.** As you demonstrate to the Judge and Mental Health Treatment Court Team that you are adhering to the rules of the Court and Conditions of Supervision, the frequency of your court appearances will be reduced. Attending court is a vital component of participation in the Mental Health Treatment Court program. You will need to schedule meetings, appointments or work obligations around your court hearings. You will need to be in court unless otherwise directed by the Judge.

Mental Health Treatment Court differs a little from a regular court appearance in that the goal of the court is to help you succeed with your treatment and probation. Therefore, the Judge takes a special interest in your treatment and probation experiences and will ask you at each court appearance how you think you are doing and will want to discuss any problems you might be having. You are given the opportunity to tell the Judge about any concerns you have so that your concerns can be addressed and a course of action determined. If you are meeting your treatment goals and following your Conditions of Supervision, you may be eligible for an incentive. If you are not meeting your treatment goals or

following your Conditions of Supervision, the next course of action may include a clinical intervention or sanction.

Good behavior in court is very important and can show the court that you can demonstrate respect and follow court rules. Shown below are several ways that you can show respect to the court:

- Attend all Mental Health Treatment Court appearance – all absences require prior approval from the Mental Health Treatment Court Team. Failure to appear in court may result in a warrant being issued for your arrest.
- Be on time to Mental Health Treatment Court
- Check in with the Bailiff when you arrive
- Turn your cell phone OFF and do not use any portable electronic devices in the courtroom
- Once court is in session, any talking without the Judge’s consent is unacceptable and may result in removal from the courtroom and a sanction
- Wear appropriate clothing and remove your hat while inside the courtroom

## **INCENTIVES**

**Incentives** for behavior are an important part of the Mental Health Treatment Court program. In order to help you change the behaviors that get you in the most trouble, the Judge and the Mental Health Treatment Court Team will work with you on developing and applying meaningful rewards and consequences (sanctions). Program compliance and positive behavior changes are rewarded with incentive. Incentives are responses to positive progress in the program. The type of incentive will vary depending on the behavior that we want to recognize and the things that motivate you as an individual.

**Incentives** for compliance with the Mental Health Treatment Court program rules may include, but not limited to:

- Named in the monthly “Compliance Club” list
- Acknowledgement and praise from the Judge

- Reduced frequency of court appearances
- Fewer meetings with Community Supervision Officer
- Reduced frequency of drug testing
- Granting of privileges (e.g., travel permit, lift curfew restrictions)
- Early advancement to next Phase
- Early Graduation from Mental Health Treatment Court Program
- Early Termination of Probation

## **SANCTIONS**

Non-Compliant and undesirable behaviors are addressed immediately through the application of sanctions. The Judge applies the principle of “graduated and least restrictive” sanctions based on both current and previous behavior. Similar to the concept that we apply to incentives, the type of sanction that the Judge selects will vary depending on the behavior that needs to be addressed and the things that motivate you as an individual.

**Sanctions** for non-compliance with the Mental Health Treatment Court program rules may include, but not limited to:

- Exclusion from the monthly “Compliance Club” list
- Judicial reprimands
- Increased frequency in court appearances
- Rotated to the bottom of the docket (last to be seen by Judge)
- Behavior contract or change to Individual Treatment Plan
- Delay in phase advancement or repeat of prior phase
- Written assignments
- More frequent meetings with Community Supervision Officer
- Increased frequency of drug testing
- Loss of privileges (e.g., travel permit, curfew restrictions)
- Community Service Hours (CSR)
- Jail remand (jail time)
- Termination from the Mental Health Treatment Court program/sentencing

## **TERMINATION/SENTENCING**

In applying sanctions and determining whether your case should be set for a hearing to adjudicate guilt or revoke probation, the Judge will consider many factors including, but not limited to:

- Your attitude throughout your participation in the Mental Health Treatment Court
- Your compliance history
- Severity of your mental illness or drug/alcohol addiction
- Your criminal history
- Whether you are stable enough to participate in the Mental Health Treatment Court Program
- Whether you have become legally incompetent
- Likelihood of serious physical harm to yourself or others that is unmanageable in a community setting

## **GRADUATION**

Once your participation with the Mental Health Treatment Court Program has come to an end, you and your family will be invited to join in celebration as the Judge congratulates you on successfully completing the program and achieving your goals and establishing stability in your life. The Judge will review your case for dismissal or early termination of probation. If you continue on probation, you may be moved from the more intensive MH caseload to a less intensive standard caseload, where the requirements are less rigorous.

## IMPORTANT CONTACT INFORMATION

Mental Health Court Services	(936) 538-8131
Mental Health Court Services Director	(936) 538-8110
Mental Health Court Services Case Manager – Andra Symmonds	(936) 538-8073
Mental Health Court Services Case Manager – Emily Cooper	(936) 538-8134
M Treatment Court Defense Attorney – Kathryn Liptrap	(936) 441-2333
Mental Health Treatment Court Defense Attorney – Jarrod Walker	(936) 756-0444
MH Community Supervision Officer – Calvin Martin	(936) 538-8242
MH Community Supervision Officer – Courtney Matheny	(936) 538-8973
Tri-County Behavioral Healthcare Main Number	(936) 521-6300
Tri-County Behavioral Healthcare Crisis Line	(800) 659-6994

## CONCLUSION

The Mental Health Treatment Court Program has been developed to help you achieve stability in your life. The program is designed to promote your self-awareness, independence and to return you to the community as a productive and responsible citizen. Your Judge, Mental Health Treatment Court Clinical Team, Community Supervision Officer, District Attorney, Defense Attorney and Treatment Providers are available to guide and assist you, but the final choice is YOURS.

We hope this handbook has been helpful and answered most of your questions. If you have any additional questions or concerns about the Mental Health Treatment Court Program, please feel free to contact your attorney, or the Mental Health Treatment Court Team at (936) 538-8131 or email us at [mhcs@mctx.org](mailto:mhcs@mctx.org).

## WELCOME TO THE MENTAL HEALTH TREATMENT COURT TEAM!





**Montgomery County**

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**MCMHTC**

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**Mental Health Treatment Court**

**PROGRAM PHASES**

**Honorable Mary A. Turner**

**Honorable Lisa Michalk**

**Presiding Judges**

The four phases are as follows:

PHASE 1: ORIENTATION & ENGAGEMENT

PHASE 2: PARTICIPATION IN ACTIVE TREATMENT

PHASE 3: STABILIZATION

PHASE 4: REINTEGRATION

### **Phase 1: ORIENTATION & ENGAGEMENT**

During this phase, you will become oriented to how the Mental Health Treatment Court works and what is expected of you in this program. You will then be engaged in a higher level of court activity as we make every effort to get to know you better. We consider getting to know you and you getting to know us as one of our most important initial activities. Our hope is to create an environment of trust and develop an open dialogue with you. In order to achieve this, we will work with you during your monthly court appearances and are available to meet with you on non-court days as well.

### **Minimum Requirement for Phase 1 Mental Health Treatment Court Participants**

- Abstain from alcohol and drug use
- Abide by ALL rules and regulations of the Montgomery County Community Supervision and Corrections Department and follow ALL conditions ordered by the Judge
- Follow ALL rules and recommendations of the Mental Health Treatment Court Program
- Attend ALL appointments, sessions, and meetings as scheduled and on time
- Meet with Mental Health Treatment Court Team as directed
- Attend monthly court appearances on time
- Adhere to your Individual Treatment Plan (ITP) and let your treatment provider and Mental Health Treatment Court Team know if you think that the plan needs adjusting
- Submit to random drug and alcohol testing

- Demonstrate compliance with your medication treatment
- Work with Mental Health Treatment Court Case Managers in obtaining services which may include: housing, mental health care, medical care, substance abuse treatment, benefits, employment, pro-social activities and/or educational options
- Identify and begin attending a support group of your choice, if stipulated in your ITP or directed by the Judge
- Communicate with Mental Health Treatment Court Team if missing appointments or court proceedings

### **Advancement Criteria from Phase 1 to Phase 2**

**For 2 consecutive months**, the Mental Health Treatment Court Participant will have documentation confirming all of the following:

- All NEGATIVE alcohol and drug tests
- Only excused absences from Mental Health Treatment Court
- Only excused absences from scheduled appointments with Mental Health Treatment Court Case Managers
- Only excused absences from appointments with MH treatment providers and community supervision officer
- Positive reports from MH Treatment providers and CSO
- Medication compliance
- Start working on your Personal Crisis Plan (should be completed by end of Phase 2)
- Complete Phase 1 Promotion Worksheet

## **Phase 2: PARTICIPATION IN ACTIVE TREATMENT**

During this phase we will continue to deepen our working relationship with you. You will be actively engaged with your treatment and service providers. Based on your individual progress, the Judge will determine the frequency of your Mental Health Treatment Court appearances. The overall goal of this phase is for you to begin to experience a sense of well-being and empowerment.

### **Minimum Requirement for Phase 2 Mental Health Treatment Court Participants**

- Abstain from alcohol and drug use
- Abide by ALL rules and regulations of the Montgomery County Community Supervision and Corrections Department and follow ALL conditions ordered by the Judge
- Follow ALL rules and recommendations of the Mental Health Treatment Court Program
- Attend ALL appointments, sessions, and meetings as scheduled and on time
- Meet with Mental Health Treatment Court Team as directed
- Attend monthly court appearances on time
- Continue to adhere to your Individual Treatment Plan (ITP) and let your treatment provider and Mental Health Treatment Court Team know if you think that the plan needs adjusting
- Submit to random drug and alcohol testing
- Continued compliance with your medication treatment
- Develop a relapse prevention plan (mental health and substance use) and obtain a sponsor, if needed
- Develop a support system for your mental health and substance abuse treatment needs
- Provide proof of attending a support group of your choice, if stipulated in your ITP or directed by the Judge
- Obtain and maintain services which may include: housing, mental health care, medical care, substance abuse treatment, benefits, employment, pro-social activities and/or

educational options. Report any needs to you Mental Health Treatment Court Case Manager.

- Communicate with Mental Health Treatment Court Team if missing appointments or court proceedings
- Make payments towards court fees and/or restitution unless otherwise indicated by the Judge
- Begin working on your Wellness Action Plan
- Begin participation in weekly Moral Reconciliation Therapy (MRT)

### **Advancement Criteria from Phase 2 to Phase 3**

**For 3 consecutive months**, the Mental Health Treatment Court Participant will have documentation confirming all of the following:

- All NEGATIVE alcohol and drug tests
- Only excused absences from Mental Health Treatment Court
- Only excused absences from scheduled appointments with Mental Health Treatment Court Case Managers
- Only excused absences from appointments with MH treatment providers and community supervision officer
- Maintain adherence to Mental Health Treatment Court directives
- Positive reports from MH Treatment providers and CSO
- Medication compliance
- Completed your Personal Crisis Plan
- Rough draft of your Wellness Action Plan
- Complete Phase 2 Promotion Worksheet

### **Phase 3: STABILIZATION**

Entering this phase, you will have demonstrated to the Judge, the Mental Health Treatment Court Team, your Treatment providers and YOURSELF that you are working hard to achieve your goals. During this phase, our collective goal will be to help you maintain your focus and your progress. As long as you continue to follow your Individual Treatment Plan (ITP) and court directives, your court appearances will be continue to be once every other month, and then may be reduced, as the Judge directs you.

#### **Minimum Requirement for Phase 3 Mental Health Treatment Court Participants**

- Abstain from alcohol and drug use
- Abide by ALL rules and regulations of the Montgomery County Community Supervision and Corrections Department and follow ALL conditions ordered by the Judge
- Follow ALL rules and recommendations of the Mental Health Treatment Court Program
- Attend ALL appointments, sessions, and meetings as scheduled and on time
- Meet with Mental Health Treatment Court Team as directed
- Attend monthly court appearances on time
- Continue to adhere to your Individual Treatment Plan (ITP)
- Submit to random drug and alcohol testing
- Continued compliance with your medication treatment
- Maintain your support system for your mental health and substance abuse treatment needs
- Provide proof of attending a support group of your choice, if stipulated in your ITP or directed by the Judge
- Follow your relapse prevention plan and maintain contact with your sponsor
- Maintain services which may include: housing, mental health care, medical care, substance abuse treatment, benefits, employment, pro-social activities and/or

educational options. Report any needs to you Mental Health Treatment Court Case Manager.

- Communicate with Mental Health Treatment Court Team if missing appointments or court proceedings
- Continue making payments towards court fees and/or restitution unless otherwise indicated by the Judge
- Continue to develop your Wellness Action Plan
- Continue to participate in weekly Moral Reconciliation Therapy (MRT)

### **Advancement Criteria from Phase 3 to Phase 4**

**For 4 consecutive months**, the Mental Health Treatment Court Participant will have documentation confirming all of the following:

- All NEGATIVE alcohol and drug tests
- Only excused absences from Mental Health Treatment Court
- Only excused absences from scheduled appointments with Mental Health Treatment Court Case Managers
- Only excused absences from appointments with MH treatment providers and community supervision officer
- Maintain adherence to Mental Health Treatment Court directives
- Positive reports from MH Treatment providers and CSO
- Medication compliance
- Completed your Wellness Action Plan
- Draft your Graduation Application Packet
- Complete Phase 3 Promotion Worksheet

## **Phase 4: REINTEGRATION**

You are now nearing Mental Health Treatment Court Graduation!! Reaching this phase indicates that you've accomplished the primary goals that you and the Mental Health Treatment Court Team identified when you entered the program. During this phase our goal is to ensure that you have all of the necessary skills and tools to maintain your progress even after you have completed the Mental Health Treatment Court program. During this phase, you will attend Court monthly so that we are confident that you are full prepared for life beyond Mental Health Treatment Court graduation.

### **Minimum Requirement for Phase 4 Mental Health Treatment Court Participants**

- Abstain from alcohol and drug use
- Abide by ALL rules and regulations of the Montgomery County Community Supervision and Corrections Department and follow ALL conditions ordered by the Judge
- Follow ALL rules and recommendations of the Mental Health Treatment Court Program
- Attend ALL appointments, sessions, and meetings as scheduled and on time
- Meet with Mental Health Treatment Court Team as directed
- Attend monthly court appearances on time
- Maintain adherence to your Individual Treatment Plan (ITP)
- Submit to random drug and alcohol testing
- Maintain compliance with your medication treatment
- Maintain your support system for your mental health and substance abuse treatment needs
- Provide proof of attending a support group of your choice, if stipulated in your ITP or directed by the Judge
- Follow your relapse prevention plan and maintain contact with your sponsor



- Maintain services which may include: housing, mental health care, medical care, substance abuse treatment, benefits, employment, pro-social activities and/or educational options.
- Make a verbal commitment to remain law abiding
- Complete payments of all court fees and/or restitution unless otherwise indicated by the Judge
- Complete, submit and present your Wellness Action Plan to the Court
- Complete weekly Moral Reconciliation Therapy (MRT)
- Complete, submit and present your Mental Health Treatment Court Graduation Application packet to the Court

### **Advancement Criteria from Phase 4 to Phase 5 (Graduation)**

**For 6 consecutive months,** the Mental Health Treatment Court Participant will have documentation confirming all of the following:

- All NEGATIVE alcohol and drug tests
- Only excused absences from Mental Health Treatment Court
- Only excused absences from scheduled appointments with Mental Health Treatment Court Case Managers
- Only excused absences from appointments with MH treatment providers and CSO
- Maintain adherence to Mental Health Treatment Court directives
- Positive reports from MH Treatment providers and CSO
- Medication compliance
- No new law violations within last 6 consecutive months
- Completed payments of all court fees and/or restitution Successful complete of Individual Treatment Plan (ITP)
- Completed Wellness Action Plan
- Completed Graduation Application

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

§

IN THE DISTRICT COURT

§

V.

§

OF MONTGOMERY COUNTY, TEXAS

§

§

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_  
DEFENDANT

### **MENTAL HEALTH TREATMENT COURT WAIVER**

My participation in the Montgomery County Mental Health Treatment Court requires that I waive very important rights. I have fully discussed my rights with my lawyer, or I have had an opportunity to consult with a lawyer before agreeing to enter the specialty court. I am satisfied that I understand how the program will affect my rights.

In consideration of being accepted into the above-named Montgomery County Specialty Court, **I hereby freely, voluntarily and knowingly WAIVE the following:**

- \_\_\_\_\_ 1. **Waiver of Right to Remain Silent:** I give up my right to remain silent regarding my compliance with and participation in the specialty court program named above. I agree to fully and HONESTLY participate in all specialty court meetings.
- \_\_\_\_\_ 2. **Searches:** I will submit to random searches of my person, vehicle, residence or other personal property at the request of the Montgomery County Community Supervision and Corrections Department for controlled substances, alcohol or any illegal drug paraphernalia.
- \_\_\_\_\_ 3. **Confrontation:** I waive any right to confront and cross-examine any witnesses concerning results of any confirmed drug test while a participant in the specialty court program named above other than for purposes of revoking my term of community supervision.
- \_\_\_\_\_ 4. **Modification of Community Supervision:** I waive any right to a hearing on any modification made to the terms of my community supervision as ordered by the specialty court named above, unless the modification involves the revocation of my term of community supervision.

\_\_\_\_ 5. **Attorney Presence:** I waive any right to have an attorney present during proceedings which may occur while I am a participant in the specialty court program named above, unless proceedings may result in revocation of my term of supervision.

\_\_\_\_ 6. **Ex Parte Communication Waiver:** The exchange of information regarding me that occurs between team members in staffing before court appearances is a key component of a successful specialty court program. The Judge presiding over the specialty court program named above is a part of the staffing and may receive information about me from treatment providers, probation officers, law enforcement officers, prosecutors, social workers and others involved with my treatment and participation in the specialty court program. I understand that this information that would be received by the Judge in the absence of me or my attorney is known as an “*ex parte* communication.” I understand and agree and waive any objection to the Judge initiating, permitting, or considering such *ex parte* communication in my absence regarding my compliance and participation in the specialty court program named above.

\_\_\_\_ 7. **Extradition to the State of Texas:** I waive the right to contest any effort by any jurisdiction to return to the State of Texas.

**FREE, VOLUNTARY, KNOWING WAIVER**

At the time of executing this document, **I am not under the influence of any substance.** The decision to waive my rights and enter the specialty court program named above is mine alone and made of my own free will. I hereby freely, voluntarily, and knowingly waive my rights as acknowledged above. I expressly agree to accept and abide by all the terms and conditions of this specialty court as established by the Court and the Treatment Provider.

\_\_\_\_\_  
**PARTICIPANT SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**PARTICIPANT PRINTED NAME**

\_\_\_\_\_  
**ATTORNEY FOR PARTICIPANT  
BAR NO. \_\_\_\_\_**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**ATTORNEY FOR THE STATE OF TEXAS  
BAR NO. \_\_\_\_\_**

\_\_\_\_\_  
**DATE**