



**THIRD JUDICIAL CIRCUIT
OF MICHIGAN**

701 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3413

VIRGIL C. SMITH
CHIEF JUDGE

(313) 224-5430

LOCAL ADMINISTRATIVE ORDER 2009 – 12

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

SUBJECT: ESTABLISHMENT OF A MENTAL HEALTH TREATMENT COURT

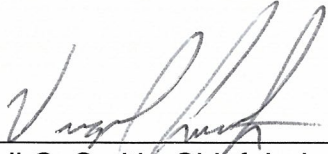
This Administrative Order is to establish a Mental Health Treatment Court in the Criminal Division of the Third Judicial Circuit of Michigan (The Court). The Court will collaborate with Detroit Central City, residential treatment providers, community mental health agencies, the Wayne County Sheriff's Department, other law enforcement agencies, Wayne County Prosecutor's and/or City Attorney's Office, and the Defense Bar 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 Court. The roles of each party are described in the attached Memorandum of Understanding.

IT IS ORDERED:

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). {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.

Dated: October 19, 2009



Virgil C. Smith, Chief Judge
Third Judicial Circuit of Michigan

Attachment A

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

WAYNE COUNTY MENTAL HEALTH TREATMENT COURT

This agreement is entered into on October 30, 2008, between **Wayne County Third Circuit Court** and **Detroit-Wayne County Community Mental Health Agency (D-WCCMHA)**; **The Wayne County Prosecutor's Office**; **Legal Aid and Defender, State Defender's Office**; **The Wayne County Sheriff**; **The Wayne County Jail, Health Services Department**; **Wayne County Children and Family Services**; **The Michigan Department of Corrections**; and **Bureau of Substance Abuse Prevention Treatment and Recovery** to document the roles and responsibilities of each agency in the planning and operation of the Mental Health Treatment Court.

A. Program Description

The Wayne County Mental Health Court is a diversion program based on the philosophy where a centralized mental health program utilizes available community resources and support systems to increase the efficiency of the criminal court by creating an environment that is conducive to mental health treatment and wellness, while insuring the safety of the public at large.

The program provides diversion opportunities for offenders identified with serious mental illness and co-occurring mental illness and substance use disorders, thus allowing the courts treatment options in affording the use of alternatives to prosecution. The offender's re-entry into the community will be monitored, thus increasing public safety and reducing recidivism

B. Mission Statement and Program Goals

The mission of the Wayne County Mental Health Court is to provide a problem-solving approach for persons with serious mental illness and co-occurring substance use disorders who are charged with a non-violent felony. They and their families are given the opportunity to voluntarily participate through conditional releases in community treatment and court approved service plans as an alternative to incarceration and the normal criminal prosecution process and punishment. Our vision is a community which does not include persons who have unnecessarily lost liberties because of their mental illness.

Our goals are to reduce the involvement of persons with serious mental illnesses and co-occurring substance use disorders in the criminal justice system; reduce recidivism and re-incarceration of persons with mental illnesses in the criminal justice system; reduce to burden and cost on law enforcement and the jail; incorporate the principles of recovery throughout the Criminal Justice, mental health and substance abuse systems; and to increase public safety.

C. Provisions

To this end, each agency agrees to participate by coordinating and/or providing the following:

The Wayne County Third Circuit Court agrees to:

- 1) Designate a judge 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.
- 14) Work with internal evaluator to collect program data and participate in evaluation activities, up to and including access to data under the department jurisdiction.

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 Detroit-Wayne County Community Mental Health Agency 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, 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 to 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.
- 12) Work with internal evaluator to collect program data and participate in evaluation activities, up to and including access to data under the department jurisdiction.

The Wayne County Prosecuting Attorney 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.
- 3) Designate someone to attend treatment team meetings and all scheduled court proceedings.
- 4) Interact with defense counsel in a problem-solving 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.

Legal Aid & Defender, State Defender's Office agrees to:

- 1) Participate on the planning committee.
- 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 county prosecutor in a problem-solving 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.

The Wayne County Children & Family Services agrees to:

- 1) Participate on the planning committee.
- 2) Identify and screen in-custody offenders for referral to the Mental Health Treatment Court based upon eligibility criteria.
- 3) Designate a screener(s) who will complete specialized training on identifying individuals with mental illness.
- 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.
- 6) Work with internal evaluator to collect program data and participate in evaluation activities, up to and including access to data under the department jurisdiction.

The Wayne County Sheriff's Department agrees to:

- 1) Participate on the planning committee.
- 2) Identify and screen in-custody offenders for referral to the Wayne County Jail, Mental Health Department.

- 3) Designate a screener(s) who will complete specialized training on identifying individuals with mental illness.
- 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.
- 6) Work with internal evaluator to collect program data and participate in evaluation activities, up to and including access to data under the department jurisdiction.

The Wayne County Jail, Health Services Department agrees 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.
- 5) Work with internal evaluator to collect program data and participate in evaluation activities, up to and including access to data under the department jurisdiction.

The Michigan Department of Correction's Probation Department agrees to:

- 1) Participate on the planning committee.
- 2) Designate probation officer(s) for supervision duties for the Mental Health Treatment Court caseload, and to serve on the team.
- 3) Attend status review hearings and team meetings.
- 4) Comply with all Mental Health Treatment Court Policies and Procedures that have been previously agreed upon by all parties.

Substance Abuse Coordinating Agency 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 CMHSP 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.
- 4) Work with internal evaluator to collect program data and participate in evaluation activities, up to and including access to data under the department jurisdiction.

Case Manager agrees to:

- 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 services for treatment, employment and/or education, housing, and monitors participant compliance and progress with the treatment plan.
- 8) Participate in training on how to screen for eligible participants.

D. Methods for Exchanging and Maintaining Confidential Information

All participant medical and treatment records shall be maintained in accordance with HIPAA; 42 CFR Part 2; Michigan Mental Health Code; Michigan Public Health Code; and all other applicable federal, state and local laws. Information shared among the partners shall be maintained according to these laws and where applicable, participants

and/or their legal guardians shall consent to the sharing of information necessary to evaluate, adjudicate and meet the goals of the program.

E. Other Data Reporting Requirements

For purposes of internal evaluation, there may be several sources of data that will be examined and integrated to track outcomes for individuals involved in the Mental Health Court. Possible sources include the Wayne County Sherriff database that would reveal jail admission and Community Mental Health data base that would report treatment encounters and type of treatment received (e.g. hospitalization, medication review, out patient therapy, etc.). Participation in the evaluation and agreement from the relevant organizations to share their data has been built into the MOU.

To obtain the needed information from the various databases, personal identifiers will be used to locate the necessary data. However, once the data is obtained and linked with the other sources of data, the personal identifiers will be stripped from the data and assignment of a 'subject code' that cannot be linked to the individual will be completed. All subsequent analysis will be completed in aggregate. This process of using identifiers to obtain the original data and then de-identifying the data and then assigning a subject code that cannot be linked to the individual satisfies HIPPA and other confidentiality regulations.

All of the procedures for evaluation and data collection will be reviewed by a minimum of three institutional review boards: Michigan State University, Wayne County Jail and Detroit Wayne County Community Mental Health

F. Procedures for Conflict Resolution

We agree that we have a common interest in preventing any misunderstandings or differences that may arise between us from becoming claims against one another. With the intent of avoiding this, we agree that we shall make good faith efforts to identify in advance and discuss the potential causes of disputes. We further agree that should an actual dispute arise among the parties that we shall make good faith efforts to resolve such disputes by voluntarily negotiating our own written resolution of the matter directly among the parties. We agree that should the matter remain unresolved for more than thirty (30) days, the parties shall seek a mutually agreed upon neutral mediator to work out our own voluntary resolution of the matter.

G. 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.

H. Terms of Agreement

This Agreement is effective on October 30, 2008 and may be renewed each year upon mutual agreement of all parties.

I. 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.

J. Terms and Conditions

All terms and conditions of the Agreement are subject to the continuation of Mental Health Treatment Court funding.

K. 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.

L. Review of the Memorandum of Understanding

This Memorandum of Understanding will be reviewed on a yearly basis by the Wayne County Third Circuit Court Mental Health Treatment Court Committee and revised as necessary upon mutual agreement of all parties.

Signatures of Authorized Representatives:

Bernard G. Kost
Name and Title Executive Court Administrator
Wayne County Third Circuit Court

11/5/08
Date

Veda Sharp LMSW, Acting
Name and Title Executive Director
Detroit-Wayne County Community Mental Health Agency

11-5-08
Date

[Signature]
Name and Title
Wayne County Prosecutor's Office

11-5-08
Date

Donald Johnson CHIEF DEFENDER
Name and Title DONALD JOHNSON
Legal Aid & Defender, State Defender's Office

11-5-08
Date

Warren C. Evans
Name and Title
Sherriff of Wayne County

11-5-08
Date

William C. Leppan
Name and Title
Wayne County Jail, Health Services Department

11-5-08
Date

Jeffery South Director
Name and Title
Wayne County Children & Family Services

11-3-08
Date

Shirah Y. Moore
Name and Title
Michigan Department of Corrections

12/5/08
Date

Karzon H. Bligi Director
Name and Title
Bureau of Substance Abuse Prevention
Treatment & Recovery

11-3-2008
Date

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