

**IDAHO SECOND JUDICIAL DISTRICT
MENTAL HEALTH COURT**



PARTICIPANT HANDBOOK

Revised Edition July 2015

WELCOME

Welcome to the Mental Health Court (MHC) Program. This handbook is designed to answer questions and give you information about MHC.

In MHC you are expected to follow the instructions of the judge and the probation officer as well as to comply with the treatment plan agreed upon by you and your counselors. This handbook will tell you more about the MHC program. You are encouraged to share it with your family and friends.

PROGRAM DESCRIPTION

Mental Health Court Program is an opportunity to participate in treatment programs for mental health and substance abuse while under close supervision by the court system. It is designed for adults with a diagnosis of mental illness who have committed a crime. Instead of going to jail, defendants are given the chance to stay in their community while getting help following their treatment plans. You will be closely supervised by mental health professionals, and may receive treatment for substance abuse with frequent screening tests to check for drug/alcohol use. There is also close involvement with Probation and Parole, and with the court system. Participants in MHC will appear in court often (weekly in the beginning phases) to report to the judge about their progress. You are expected to be truthful throughout the duration of the program. The judge also receives reports from the MHC treatment providers, drug treatment counselors, and probation officers. The average length of the MHC is two years.

ELIGIBILITY CRITERIA

To be eligible to participate in the Mental Health Court you must:

- Be able to manage the structure of the program. On a case by case situation an IQ may be necessary to determine the ability for a client to participate in MHC program.
- Have been charged with a crime and be identified as having mental illness for which treatment attempts have been unsuccessful.

You may be excluded from MHC if you have a history of violent crimes, or current criminal charges of violence. Criminal history will be evaluated on a case by case situation.

You may be excluded from MHC if you have a history of sex offenses, or current criminal charges of a sexual nature.

HOW DO I GET INTO MENTAL HEALTH COURT?

Any member of the community may nominate someone for MHC. The first call should be to your attorney. Your attorney will decide if MHC is a good option for you, and your attorney will see that the screening process begins. After you have completed appointments with the necessary professionals an application will be given to the MHC team. If you are accepted into the program you will either continue with the attorney that you have been using or be appointed to a different attorney.

WHAT WILL HAPPEN IN COURT?

Usually you will be required to plead guilty, or enter an admission to a probation violation, before you are allowed to enter the MHC program. You will not be able to withdraw your guilty plea if you are terminated or voluntarily drop from the MHC program.

Once you are in the program you will be required to attend court every week, on Wednesday, in the courtroom of Nez Perce County Courthouse at 8:30 am. When you come to court you will be called by name to come to the defendant's table and have a conversation with the judge. The judge will ask you to say how you are doing in your program, and he will give you a chance to ask questions or to ask for help with any problems.

If you have been told to attend a community based drug/alcohol meeting or support group then you must bring your attendance card with you to court every time you come. If you have a job you need to bring a copy of your pay stub to show the judge that you are working.

All participants in the program attend court together. Family members and friends are invited to attend court with you.

WHAT DOES THE PROGRAM COST?

There is a fee for court attendance that is paid at the court clerk's counter and a probation supervision fee. Supervision fees will be paid as directed by the probation officer. Payment records will be reported to the judge as part of your progress reports. **All fees must be paid before advancement to the next phase and discharge from probation.**

PHASES

Treatment Phases for the first 18 months:

Pre-Acceptance Phase: The focus of this period, anticipated to be approximately four weeks and is intended to allow the defendant to maintain a brief period of sobriety **if this is a part of their treatment plan**, and demonstrate receptiveness to treatment and the requirements of MHC. Participants will:

- Make an appointment with the Adult Mental Health at the Department of Health and Welfare (DHW) to receive an evaluation.
- Make an appointment with the designated treatment center to receive a drug/alcohol abuse evaluation.
- Make an appointment with Department of Corrections (Probation) for an LSI screening.
- Attend a community based drug/alcohol meeting or support group, i.e. AA/NA, Celebrate Recover, NAMI as directed.
- Submit to random and frequent drug screening and/or breath tests.
- Submit to an 8:00 pm curfew.

The pre-acceptance phase requires 2 to 4 weeks of following the requirements that are necessary to be admitted into the MHC program. Some participants will already meet

some of these criteria by having completed prior education/treatment programs; or some participants will have achieved a period of sobriety due to being incarcerated. In cases such as these, the pre-acceptance/detoxification phase may be shortened to the length of time necessary to complete the evaluations and develop a treatment plan. Some participants will be held in jail until detox is accomplished and the participant demonstrates a motivation to participate in the MHC program.

Phase One -Stabilization: The focus of this phase, anticipated to 4-6 months, is to engage and support you in your treatment plan.

Participants will:

- Appear in court once a week.
- Follow your treatment plan.
- Permit random unannounced home visits by probation officers or other law enforcement agencies.
- Attend groups and individual counseling-frequency as determined by the treatment provider.
- Obtain a sponsor if ordered by the court.
- Be subject to random drug and alcohol screening tests.
- Maintain clean and sober living.
- Attend community based drug/alcohol meetings or a support group if ordered by the court.
- Obtain employment or volunteer in the community if ordered by the court.
- Be subject to an 8 pm curfew.
- Comply with all terms and conditions of your probation agreement.
- Comply with any other requirements of the MHC program.
- Complete Phase 1 competencies before moving to Phase 2.

During Phase 1 you are expected to fully participate in MHC. Part of your treatment plan may include abstinence from drug and alcohol use and to develop the skills necessary to maintain this state. Treatment may also include taking medications as recommended and prescribed by health care professionals. In order to advance to Phase 2 you must have a period of continuous clean urine screens; have a positive probation report; be recommended for promotion by the ACT team and by your treatment provider; have your court fees paid; and have all other Phase 1 requirements met.

Phase Two- Decision-Making: The focus of phase 2, anticipated to be 4-6 months, is to demonstrate a commitment to treatment and willingness to live within the law, and living without alcohol and other drugs.

Participants will:

- Appear in court once a week.
- Follow your treatment plan.
- Permit random unannounced home visits by probation officers or other law enforcement agencies.
- Attend groups and individual counseling-frequency as determined by the treatment provider.
- Be subject to random drug and alcohol screening tests.
- Maintain clean and sober living
- Attend community based drug/alcohol meetings or a support group if ordered by the court as part of your recovery.
- Be subject to 9:00 pm curfew.
- Maintain either employment, volunteering or begin an education program if ordered by the court.

- Comply with all terms and conditions of your probation agreement.
- Comply with any other requirements of the MHC program.
- Complete Phase 2 competencies before moving to Phase 3.

To advance to Phase 3 participants must have a positive probation report, be recommended for promotion by the ACT team and by their treatment providers, have their court fees paid and have met all other phase 2 requirements. Part of your treatment plan may include abstinence from drug and alcohol use and to develop the skills necessary to maintain this state. Treatment may also include taking medications as recommended and prescribed your health care professional.

Phase Three - Community Transition: The focus of Phase 3 will be on relapse prevention and maintaining a crime-free life. Emphasis will be on educational, social, and vocational training as needed. Participants will:

- Appear in court the first and third Wednesday of the month.
- Follow your treatment plan.
- Permit random, unannounced home visits by probation officer and other law enforcement agencies.
- Attend group and individual counseling – frequency is determined by the treatment providers.
- Be subject to random drug and alcohol screening tests.
- Maintain clean and sober living.
- Attend community based drug/alcohol meetings or a support group if ordered by the court as part of your recovery.
- Be subject to 10:00 pm curfew.
- Maintain employment, volunteering or begin an education program if ordered by the court.
- Attend life skills, health, employment, family, or educational programs as directed.
- Comply with all terms and conditions of your probation agreement.
- Comply with any other requirements of the MHC program.
- Complete Phase 3 competencies before moving to Phase 4.

Phase Four -Independent Living: The focus of Phase 4 is to complete any additional treatment programs and to become independent in the community. Treatment may also include taking medications as recommended and prescribed your health care professional. Ongoing support and communication between you and your mental health service provider is encouraged. Phase 4 is a 6 month period and at the completion there is a graduation ceremony to include court documentation dismissing or reducing your charges (if this was the agreement prior to being accepted into MHC. Appear in court monthly; the first Wednesday of the month.

- No curfew.
- Be subject to random drug and alcohol screening tests.
- Comply with all terms and conditions of your probation agreement.
- Complete any additional treatment programs.
- Comply with any other requirements of the MHC program.
- Complete any additional treatment programs.

Graduation: Length of the program, including all of the phases is a minimum of 18 months. Successful participants will graduate after completing phase 4. Court fees will need to be paid before graduating from the program. You will need to complete the requirements of your treatment plan and demonstrate the ability to live independently. All restitution will need to be

paid before dismissal or reduction of charges. The MHC judge will have the final say as to your readiness to graduate.

Termination from the Program

You may be removed from the MHC program for not following the rules, for not making progress, or for committing a new crime. Once the decision is made to consider removing you from the MHC program you will have a right to a hearing. This hearing will determine whether you will be removed from MHC. If you are removed from the program your original sentence, based upon your original guilty plea or admission to a probation violation could be imposed.

Infractions/Sanctions

Infractions are actions that are against the MHC program.

Infractions include, unexcused absences or tardiness (from MHC or any program appointment), positive alcohol/drug screens, providing a fraudulent or altered urine sample or attendance card, disruptive or disrespectful behavior, failure to attend community based drug/alcohol meetings or a support group, failure to take medications as prescribed, or following your treatment plan, failure to complete a sanction, getting a new arrest, or violating a court order.

Sanctions are disciplinary actions assigned to participants who have not followed the rules of MHC. Sanctions range from writing an essay to going to jail, or being terminated from the program. Each infraction is considered on a case by case basis. The team takes the circumstances into account. For instance, if you miss a treatment session because you were ill and notify the provider ahead of time this will be taken into account verses if you do not call at all and miss the treatment session. Because of this, there may be times when the sanctions seem “unfair” because you were given more punishment for the same offense than someone else. Do not spend much energy comparing your sanction to someone else’s. If you do not know all the circumstances you will not be able to understand the differences. The team will never discuss the circumstances of someone else’s sanction.

MORE GUIDANCE AND EXPECTATIONS

1. Community based drug/alcohol meetings or support groups, i.e. AA/NA, Celebrate Recovery:

Participant’s MAY be expected to attend these meeting on a weekly basis. Participants will need to show proof of your attendance by having the chairperson of the meeting initial their card. Mental Health court participants may not initial cards for other MHC participants. There is a direct link between the faithfulness of attendance at community based drug/alcohol meetings or a support group and the success of the participant who has a problem with addiction, so even if the meetings are “boring” or inconvenient or “not helpful” you will still be expected to attend. Try out different meetings in order to find one that suits you. There are lots of meetings in the area at all times of the day and evening. Give this a chance to work for you.

*If you are in an addiction treatment program you are also expected to get a sponsor as soon as possible after beginning MHC. A sponsor is a person working an active recovery program, who has at least two years of sobriety, and with whom you will work the Twelve Steps of AA/NA. Another MHC participant cannot be your sponsor.

2. Abstinence:

All participants must remain completely abstinent of all illegal drugs and alcohol.

When a participant first enters MHC there is often a window of time when the urine screens come back positive for illegal drugs. This is especially true of drugs such as marijuana, which take

some time to metabolize out of the system. In this case a first positive urine screen is used to establish a base-line, and no sanction will be imposed as long as the lab reports continue to show diminishing levels of the drug in the urine. A significant increase in drug levels will be interpreted as a new use (note: in order to avoid a sanction for this first positive test a participant must be honest with the team about their recent drug use). In other words, if you tell us you have been using meth, but we also get a positive for cocaine, that could be interpreted as deception. Tell us what the screen will be positive for and we will work with you as you get clean.

*After establishing abstinence any positive lab report on a urine, saliva, hair sample or patch test will be interpreted as new drug use. When the MHC team has proof of drug use in a participant an immediate sanction may be imposed. If a participant disputes the results of the test they are entitled to ask for a repeat test. Participants will be responsible for the cost of a confirmation that comes back positive.

3. Attendance:

***All participants in phase 1 and phase 2 of MHC will attend all sessions of court unless given specific permission to be gone.**

Permission to miss will be given rarely. Examples of reasons that are *not* acceptable for missing court:

- no child care
- no transportation
- work
- school

If you are not in court, and did not have specific permission to miss court, you will be subject to arrest.

***All participants are expected to attend all scheduled sessions of treatment, and to be on time for all sessions.** Absence or tardiness from treatment will result in sanctions. Missing a treatment appointment can result in community service hours for the first offense, but additional misses may double the penalty. Missing treatment repeatedly may result in serving some jail time, as does repeated tardiness.

***Participants who are enrolled groups must attend all classes.** Occasionally permission is given to miss a class, but if you miss more than one or two classes you may not be allowed to return to that session, and will have to start over in a new CSC class the next time it is offered, or in a different town.

4. Community Service:

One of the sanctions frequently assigned by the judge is community service. This is work performed for no pay, and must be done for a nonprofit agency. If you are thinking of doing volunteer work for a needy individual that work must *first* be approved by the MHC team. Permission is usually given if a nonprofit agency agrees *in advance* to sponsor your volunteer work and sign for your hours.

*There will be no credit given for community service performed while in jail.

*A community service report form was given to you in your welcome packet when you signed into MHC. If you need another one contact your probation officer.

* There is a workmen's compensation fee requirement for all community service hours. You must pay approximately 60 cents per hour of community service (in advance) at the fee window of the courthouse.

5. Contacts:

There will be no association with other MHC participants (outside of court, treatment, or AA/NA functions) unless permission is given by the MHC team. This includes giving or accepting rides to and from group functions.

*Any contacts with police must be reported to the probation officer immediately with specific details.

*All phone messages to probation officers and other MHC team members must be specific and contain all the necessary information.

6. Court Appearances:

Participants are expected to be in court weekly, except Phase 3 participants who only have to appear every other week and phase 4 who appear in court once a month. Always bring your signed community based drug/alcohol card with you to court if you are in an addiction treatment program. Also be prepared to show proof of employment by bringing your most recent pay stub if you have a job or proof of volunteer hours completed. The judge may ask to see both those items.

*Expect to remain in the courtroom until all participants have been called forward by the judge. If you have a pressing need to leave the courtroom before court is dismissed you may ask for permission ahead of time, or you may ask the judge when you are talking to him.

*Please observe courtroom etiquette by dressing appropriately (no bare midriffs, no short shorts, no T-shirts with offensive or drug related messages on them, no big holes in your jeans, etc.). A good rule of thumb is to dress for court the way you would dress for a job interview

*You will be expected to speak directly to the judge when your name is called to come forward in court. When he asks you a question answer with a “yes judge” or a “no judge” instead of “yeah” (this is not a rule, but a suggestion). Be honest with the judge and speak up if you have questions or concerns about any aspect of your program. However, it is recommended to not argue with the judge after the judge has made a decision. Respect goes a long ways.

*Do not speak to each other while court is in session unless absolutely necessary. Whispering is distracting for the judge and the other people in the courtroom.

*Court is open to the public. Feel free to invite family members and friends to accompany you to court, but tell them about the rules before they come in.

*Turn off all cell phones and pagers before entering the courtroom.

*If you have questions for the team do not whisper to us during court because we must be paying attention to what the judge is saying to the participants and vice-verse. It's a good idea to write down your questions and give them to us on a note. We will either answer you then, or give you a call in the near future to discuss your question.

7. Curfew:

All participants are given a curfew by their probation officer. This curfew is in effect seven days a week and includes holidays. A probation officer and/or a law enforcement officer will perform

random checks to see if you are at home when you are supposed to be home. A curfew violation is considered a sanctionable offense.

8. Mental Health Court Costs:

There is a fee to be paid at the clerk's window. Stay current on your monthly MHC fees. There may be a cost of supervision fee to Probation and Parole. That amount may vary (talk with your probation officer for fee amount). These fees, too, must be current before you will be allowed to travel out of state.

9. Drug Screening Tests (for participants whose treatment includes substance abuse):

MHC participants will submit to tests of their bodily emissions to check for the presence of drugs (including alcohol). MHC usually uses urine tests but we also may use tests on hair, saliva, sweat, and breath. It is your responsibility to call the UA phone message Monday through Saturday, and if your number is named, go to the treatment center to be tested. It would be a good idea to listen to the message twice, just to be sure, since a missed UA can result in jail.

*Arrive at the treatment center ready to provide a urine sample. If you cannot provide a urine sample you will be allowed a short amount of time to drink some fluid and try again, but if you have not produced a sufficient quantity of urine within an hour you will be sent home and the test may be interpreted as positive.

*Likewise, if you provide a dilute sample it may also be interpreted as positive. It is difficult to drink enough fluids to accidentally dilute your urine to that extreme, so the lab has suggested anyone whose urine is diluted is probably trying to hide the presence of drugs in their system by flooding themselves with water. In other words, if you normally drink lots of coffee, diet soda, etc. hold back on a day when your number is called. Drink just enough to be able to provide a urine sample.

10. Requests to travel, or stay out past curfew, gambling establishments, etc.:

For participants who want to travel out of the area for a special occasion (or would like permission to stay out past their curfew) please ask permission to do so. **It is recommended to NOT wait until you are in court to ask the judge for permission. All requests should be put into writing and given prior to the team meeting on MHC day.** Requests can be given to anyone on the MHC team. When planning to travel out of town be prepared to give dates of departure and return; names, phone numbers, and addresses of who you will be staying with, and let your hosts know your probation officer may be calling them to verify your information and discuss abstinence requirements, curfews, etc. If your request is to go camping your PO will need a map with driving instructions on how to get to your camp site. Remember, travel requests will be granted only to participants who are current on all their fees. Clients are not to enter into establishments where there is gambling.

11. Medical conditions:

In general if you have a serious medical condition you will not be excluded from MHC. You must be willing to fully disclose your condition and medical care to the treatment providers and the MHC team. If you are taking a prescribed medication for your condition you must continue to do so. Although we can be flexible and work around your condition, you must be able to engage in and complete treatment.

If your doctor prescribes medication you must bring in the prescription and show your probation officer and/or your treatment provider. We also require that you notify the medical professional of your addiction. Each participant is given a medical ID card which must be initialed by the medical staff and brought to MHC.