

FIRST DISTRICT MENTAL HEALTH COURT

GENERAL PROGRAM ORIENTATION

The First District Mental Health Court has been implemented to assist eligible justice involved individuals. The program operates as a collaborative system between criminal justice, mental health, and other community partners. The following is a general outline of what the program entails.

- This program is voluntary and you must consent in order to participate. Your consent is obtained when you sign the Mental Health Court Agreement.
- Prior to program acceptance, you must complete three (3) observations of the mental health court status hearing, to become familiar with the court procedure and receive program orientation materials in order to make an informed decision about participation (if it is determined that you are eligible to participate).
- To be eligible for the program you must meet the State of Utah's definition for Serious and Persistent Mental Illness (SPMI) and have a diagnosis of Schizophrenia, Schizoaffective Disorder, and/or Bipolar Disorder (usually Bipolar I or II, as Bipolar NOS does not meet the diagnostic threshold for a more specific disorder). However, ***diagnosis alone does not guarantee program acceptance***. Criminal and mental health history, personality characteristics, substance use history, perceived suitability and potential for program success, as well as motivational history and apparent readiness for change are additional factors that will be taken into consideration.
- Some things may categorically exclude you from eligibility such as aggravated or seriously violent offences, sexual offenses, a pronounced criminal history, developmental disability, organic disorders (e.g., traumatic brain injury, dementia), felony DUI, or if you do not reside within the jurisdiction of the court.
- If not currently an active client of Bear River Mental Health (BRMH) so that there is current mental health assessment information, you must schedule and complete a mental health assessment appointment with BRMH during your program observation period (unless there is assessment information available from another source within the previous 6 months).
- Mental health assessment information older than 6 months will require reassessment. Gathering and producing assessment information from non-BRMH sources is your responsibility. If you are incarcerated during the observation period and have had no

mental health assessments in the previous 6 months, BRMH will arrange for you to be seen for a clinical evaluation at the jail.

- If you are determined not to be eligible for the program, you will be remanded back to the court having original jurisdiction, to proceed in the traditional judicial system.
- Prior to program acceptance you must sign an authorization for disclosure so that clinical and/or medical information can be reviewed and discussed by the mental health court steering committee.
- Acceptance into the mental health court program will necessitate participation in mental health treatment. Mental health treatment is not without cost unless you are determined eligible for Medicaid. If you are not eligible for Medicaid, and do not have some other form of insurance, you will be responsible for the cost of services at BRMH, although you may qualify for a sliding-fee based on your household income.
- The court does not monitor the content of each participant's clinical service, but does monitor whether or not treatment appointments are kept, cancelled, or rescheduled (rate of participation), as well as the level of participation in treatment (active, passive, resistive), and disposition toward treatment (attitude and relationship with treatment providers). These factors are considered in determining eligibility for program advancement.
- The mental health court committee reviews all program referrals, eligibility information, determines program acceptance, and consults as a team prior to every court status hearing. For the committee to work effectively, the Mental Health Court Agreement contains and requires a waiver of due process, as your particular attorney may not be present during committee discussion between judge, prosecutor and other committee members.
- Generally, entry into the program requires a plea of "guilty" which is held in abeyance (not formally accepted on condition that the requirements of the mental health court program are completed). For the duration of the program you are placed on probation and subject to monitoring by Adult Probation and Parole (if legally within their jurisdiction).
- The duration of the program is generally consistent with the length of the probation period related to the class and type of offense committed. In most cases the program extends for approximately 18 months, although if new charges are incurred, and/or

there is a loss of program level, the duration may be longer. In some cases of exceptional performance, the program may be considerably less than 18 months.

- If you have substance abuse issues or related substance abuse offenses, the court may require you to submit to random urinalysis testing as well as participate in appropriate substance abuse treatment.
- The program has a series of 4 phases. Each phase of advancement includes the expectation of a demonstration of advanced levels of program commitment and participation.
- Advancement from one phase to the next will depend upon several measures of success which include (but are not limited to): (1) program duration, (2) successful adherence to clinical requirements (i.e., keeping scheduled appointments, taking medications as prescribed, active participation in treatment, etc.), (3) successful adherence to additional treatment requirements (i.e., drug and alcohol services, AA, NA, etc.), and (4) successful adherence to judicial requirements (employment, community service, curfew restrictions, completion of special judicial assignments, etc.).
- The program may incorporate elements of both reward and punishment. Participants could receive sanctions for non-compliance (including incarceration) as well as possible incentives for outstanding performance (i.e., reduced travel restrictions, fewer court appearances, in-kind incentives, etc.).
- Although the court will make every effort to help individuals succeed, participants may be terminated from the program for consistent problems of non-compliance and/or repetition of criminal conduct.
- If the court will not be in session for two consecutive weeks, during the interim week participants regularly scheduled for that week will present before the steering committee for a roll-call appearance. The roll-call is held in the court or an adjacent conference room. If a roll-call is scheduled, participants on the docket for that day will be notified in advance. Appearance for roll-call will carry the same expectation as appearance for the regular court status hearing.
- The mental health court is also in partnership with Utah State University for the purpose of measurement and study of program outcomes. Mental health court data may be utilized for research purposes.

- Successful completion of the program will generally result in a step reduction in class of criminal offense, although in some cases the criminal charge(s) may be dismissed.