

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

IN RE: ORDER FOR THE
ESTABLISHMENT OF A
MENTAL HEALTH COURT PROGRAM

LOCAL ADMINISTRATIVE
ORDER: 2017-06

At a session of said Court, held in the Kent County Courthouse
In the City of Grand Rapids, in said County on November 20, 2017

Present: HON. DONALD A. JOHNSTON, Chief Circuit Judge

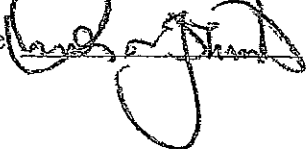
IT IS ORDERED:

This administrative order is issued in accordance with MCL 600.1090, *et seq.* The purpose of this order is to establish a mental health treatment court program (MHTC) in 17th Circuit Court – Kent County upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the *10 Essential Elements of a Mental Health Court* promulgated by the Bureau of Justice Assistance (see attachment A).

1. The court has entered into a memorandum of understanding with each participating county prosecuting attorney in the circuit or district court, a representative or representatives of the community mental health services programs, a representative of the criminal defense bar, and a representative or representatives of community treatment providers and other key parties pursuant to MCL 600.1091. The memorandum of understanding describes the role of each party and is attached.
2. A multidisciplinary group of stakeholders participated in the planning and program design of the mental health treatment court.
3. Team members have familiarized themselves with the operations of an existing mental health court(s) and cross-trained between mental health and judicial systems.
4. The MHC has established eligibility criteria that are consistent with MCL 600.1093 through MCL 600.1095. Criteria, both legal and clinical, are clearly defined for admission.

5. In compliance with MCL 600.1093(3), no participant shall be admitted until a complete preadmission screening and an evaluation assessment are completed. Policies that facilitate timely participant identification, referral, and admission into the mental health court have been developed.
6. All participants shall sign a written agreement to participate in the program in conformance with MCL 600.1094(1)(c). Policies and procedures describing the program length, level of supervision, treatment plan development, requirements for successful completion, expulsion criteria, case disposition whether successful or unsuccessful completion of the program, sanctions, incentives, and other key program components are developed and will be explained to eligible participants as part of the terms of participation.
7. The MHC shall provide consistent and close monitoring of the participant as required by MCL 600.1096. Policies and procedures on the methods and frequency in which the responsible individuals will monitor participant compliance with the program requirements have been developed.
8. Upon execution of the written agreement to participate in the Mental Health Treatment Court, the case shall be assigned to the presiding Judge of the Mental Health Treatment Court.
9. The court shall maintain case files in compliance with the General Records Retention and Disposal Schedule #16 - Michigan Trial Courts, and 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.
10. Pursuant to MCL 600.1099, the coordinating court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the mental health court.
11. The court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO.

Effective Date: Nov 20, 2017

Date: Nov 20, 2017 Chief Judge Signature  Court 17th Circuit

ATTACHMENT A

The 10 Essential Elements of a Mental Health Court

Essential Element #1 – Planning and Administration

Essential Element #2 – Target Population

Essential Element #3 – Timely Participant Identification and Linkage to Services

Essential Element #4 – Terms of Participation

Essential Element #5 – Informed Choice

Essential Element #6 – Treatment Supports and Services

Essential Element #7 – Confidentiality

Essential Element #8 – Court Team

Essential Element #9 – Monitoring Participant Progress

Essential Element #10 – Sustainability

MEMORANDUM OF UNDERSTANDING

17TH JUDICIAL CIRCUIT COURT MENTAL HEALTH COURT PROGRAM

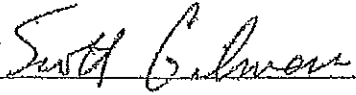
This is an understanding among the 17TH Judicial Circuit Court and Kent County Prosecuting Attorney, Kent County Sheriff's Department, Michigan Department of Corrections - Kent County Probation Office, Kent County Office of the Public Defender and Network 180 to accomplish the following:

- A. Provide leadership through innovative services.
 - B. Continuously improve services.
 - C. Achieve program goals through teamwork.
 - D. Enhance the quality of life for participants throughout Kent County.
 - E. Reduce criminal behavior and decrease incarceration of the mentally ill.
1. We endorse the goals and mission of the 17TH Judicial Circuit Court Mental Health Court (MHC) Program in order for participants to reduce future criminal behavior and improve the quality of their lives. For these programs to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission and vision of the MHC Program.
 2. We agree that the mission of the MHC Program is to successfully link serious mentally ill individuals to the appropriate treatment services while maintaining public safety and reducing recidivism.
 3. There are ten elements under which the respective agencies work cooperatively:
 - A. Develop a broad-based group of stakeholders to guide the administration of the program.
 - B. Target individuals whose mental illness is related to their crime and meet both clinical and legal criteria for admission.
 - C. Identify and link participants within a timely manner to the appropriate treatment services.
 - D. Promote positive legal outcomes by well-defined terms of participation that facilitate engagement in treatment that corresponds to the level of risk to the community.
 - E. Address competency issues in a timely fashion when they arise and provide legal counsel to assist with admission and program requirements.
 - F. Provide comprehensive and individualized treatment while striving to utilize evidence-based services.
 - G. Protect participants' health and legal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA) and Part 2 of 42 CFR while making information available to the court team.

- H. Maintain a court team that is comprised of court and mental health staff, along with treatment and service providers who maintain ongoing specialized training. The team is responsible for assisting a participant to achieve their goals.
 - I. Collaboratively monitor program requirements while offering graduated incentives and sanctions to modify behavior.
 - J. Periodically evaluate the program's functioning and effectiveness to ascertain local support by reviewing data that is collected.
4. The roles of the parties are as follows:
- A. **Network 180.** Attend team meetings and court sessions; conduct assessments; provide mental health treatment services to participants; assist in monitoring compliance of program requirements; report on progress of participants; and offer insights and suggestions on those participants who have mental health issues.
 - B. **Kent County Prosecuting Attorney.** Provide initial screening of eligible participants; participate in team meetings and court sessions; provide feedback, ideas, and suggestions as needed; represent the interests of the prosecutor and law enforcement.
 - C. **Kent County Sheriff's Department.** Attend team meetings and court sessions as needed and provide feedback to the court on the RMHC participants' follow-up on all ordered sanctions.
 - D. **Michigan Department of Corrections Kent County Probation.** Attend team meetings and court sessions; provide probation oversight for all MHC participants; work with the MHC coordinator in supervising and monitoring the individuals in the program; prepare presentence reports and perform drug tests as needed; and respond to violations for participants who have violated terms of probation.
 - E. **Mental Health Court Program Judge(s).** Chair meetings; preside in court; and coordinate team activities, evaluations, and planning.
 - F. **Kent County Office of the Public Defender.** Attend team meetings and court sessions; ensure that defendants' procedural and due process rights are followed; and provide feedback, suggestions, and ideas on the operation of the court.
 - G. **Mental Health Court Program Coordinator (Network 180).** Schedule and attend meetings; arrange for additional screenings of persons referred by the prosecutor; answer inquiries from defense attorneys on possible eligibility; oversee data entry into DCCMIS system; establish community resource connections for services; And act as a liaison with treatment providers, drug testing contractor (if applicable), and probation.

5. This agreement commences on October 1, 2017 and ends on September 30, 2018, unless extended in writing by the parties.

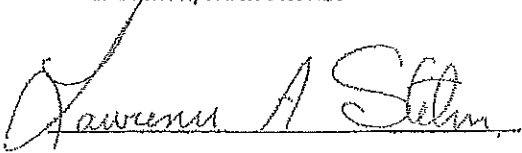
6. Any party wishing to terminate its participation in this MOU must provide at least 30 calendar day written notification to the other parties of its intent and reason for termination.



Scott Gilman, Network 180

12-4-17

Date



Sheriff Lawrence Stelma

12-29-17

Date



Christopher Becker, Kent County Prosecutor

11-29-17

Date

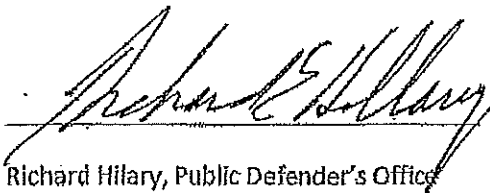


Heidi E. Washington, Director

11-21-17

Date

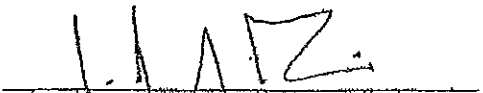
Michigan Department of Corrections



Richard Hilary, Public Defender's Office

12/8/17

Date



The Honorable J. Joseph Rossi,

12-7-17

Date

17th Circuit Court Mental Health Court Judge