

# Fifth Judicial District Mental Health Court

Participant Handbook



Twin Falls, Idaho

2017

**Honorable G. Richard Bevan**

## Introduction

Welcome to the Fifth Judicial District Adult Mental Health Court program. This handbook is designed to answer questions, address concerns and provide overall information about the program. As a participant, you will be expected to follow the instructions given to you by the judge and probation officer as well as to comply with the treatment plan developed for you by an approved treatment provider. This handbook will detail what is expected of you as an Adult Mental Health Court participant and review general program information. It is intended to be a standard guide to Mental Health court participants within the Fifth Judicial District. However, some guidelines may vary at the discretion of the Mental Health court team. All participants are encouraged to share this handbook with family and friends.

## Guilty Plea and Sentencing

**You will be required to plead guilty and be sentenced before participating in Mental Health Court program. You may not be allowed to withdraw your guilty plea if you are terminated or withdraw from the Mental Health Court program.**

## Program Goals

- Community safety.
- Integrate services and systems for court participants.
- Reduce the criminalization of persons with mental illness and other brain disorders

A primary goal of mental health court is to assist those with Serious Persistent Mental Illness in the criminal justice system. The court also exists to: support and assist a participant to effectively manage their illness; develop and maintain self reliance; promote individual strengths to live independently; and avoid incarceration.

## **Program Rules**

- 1. Attend all ordered treatment sessions.** This includes individual and group counseling, educational sessions, and other treatment as directed. Unexcused missed treatment sessions will result in a sanction. You must also comply with each treatment agency's policy regarding missing treatment due to illness.
- 2. Psychiatric treatment including medication management will be provided by the Department of Health and Welfare, ACT team only.** Participants seeking or receiving psychiatric care from other sources will be subject to sanction up to and including termination.
- 3. Comply with all treatment and medication recommendations.** This includes all recommendations covering your psychiatric care as well as following the directions and recommendations of doctors treating non-psychiatric medical issues. All medications **MUST** be taken as prescribed.
- 4. Medication management.** Participants will be required to provide a list of all physicians used for non-psychiatric treatment and a list of all pharmacies used. The use of additional doctors or pharmacies without prior approval will result in sanction by the court, including but not limited to the restriction of using one physician and one pharmacy only.
- 5. Be on time.** If you are late for treatment, you may not be allowed to participate and will be considered non-compliant. Contact your counselor if there is a possibility that you may be late.
- 6. Keep all scheduled appointments.** This applies to appointments made with any and all Mental Health Court team members as well as appointments with other agencies or persons when directed to do so by a Mental Health Court team member.
- 7. Do not make threats towards other participants or staff or behave in a violent manner.** Violent, threatening, provoking, discriminatory, or inappropriate behavior will not be tolerated and will be reported to the Court. This behavior may result in a sanction or termination from the Mental Health Court program.
- 8. Attend all scheduled Mental Health Court sessions.** You must attend all court sessions as scheduled by the Mental Health Court Coordinator. You must also be on time for all court appearances.
- 9. As a participant, you will be expected to dress appropriately for court.** Clothing bearing violence, gang colors/symbols or language, sexual, drug, or alcohol related themes are inappropriate. Sleeveless shirts and body piercing other than earrings will not be allowed in court. Clothing must fit properly, neither too tight nor too loose. Clothing must be clean and in good repair. Clothing may not have offensive language or pictures. Shorts must be at least mid thigh. Pant waist must remain at the waist line (above the hipbone). Shirts must cover the abdomen and not expose the midriff. Athletic or gym shorts are not allowed. Sunglasses are not to be worn in court unless medically approved. No hats. The decision of what constitutes inappropriate attire is ultimately at the discretion of the court.

10. **As a participant, you will be expected to dress appropriately for all Mental Health Court activities (including but not limited to treatment, support groups, probation appointments, and employment).** Clothing bearing violence, gang colors/symbols or language, sexual, drug, or alcohol related themes are inappropriate. Clothing must fit properly, neither too tight nor too loose. Clothing must be clean and in good repair. Clothing may not have offensive language or pictures. Shorts must be at least mid thigh. Pant waist must remain at the waist line (above the hipbone). Shirts must cover the abdomen and not expose the midriff. Clothing, jewelry, makeup, or other accessories that distract from the treatment process or inhibit employment opportunities are prohibited. The decision of what constitutes inappropriate attire is ultimately at the discretion of the treatment provider, group facilitator, probation officer, employer, or employment counselor.
11. **Abstain from the use of alcohol and illicit drugs.** This condition is fundamental to successful completion of the program. Any prescription or over-the-counter medication use must be immediately reported to the Mental Health Court team for review. Abuse of or failure to report prescriptions or over the counter medications will result in a sanction.
12. **Abstain from the use of all mood altering substances.** This includes all substances legal or illegal to possess that alter mood or simulate the effects of illegal substances. It includes but is not limited to substances such as Spice, Haze, Ivory Wave, Kratom, bath salts, over the counter medications, and/or inhalants.
13. **Submit to urinalysis, saliva, breath, and/or hair follicle tests as requested.** You will be tested throughout the entire program for substance abuse and/or medication compliance. You will be tested frequently and randomly. The Mental Health Court Team will have access to all drug testing results including any "stalls," or failure to test, and may order a test at any time. A "stall" is considered the inability to provide a urine specimen within 60 minutes of the request or within the time allotted by any drug testing agency contracted to collect samples for testing by the Mental Health Court. A "stall" and failing to report, or appearing late to submit a urine test, oral swab, or breath test will be treated as a violation. Adulterated urine, breath, or hair will be considered as a positive test. One of the goals of the Mental Health Court is to help you achieve total abstinence from alcohol, illicit drugs, and mood altering substances; however, a positive alcohol or drug test will not automatically disqualify you from the program. The Judge will review your overall performance with the Mental Health Court staffing team to determine appropriate consequences. Court Sanctions may be imposed against you as a result of a positive test. Any new criminal behavior involving the use and/or abuse of prohibited or illicit substances may result in new criminal charges being filed by the Prosecutor's Office.  
Because bleaching or dying hair may adulterate a hair follicle test, participants shall not bleach or dye their hair without permission of the Mental Health Court Coordinator or Probation Officer. Participants wishing to bleach or dye their hair may be required to first submit to a hair follicle test at their own expense.
14. **Stipulate to the admission of test results:** Should you be requested to submit to tests for controlled substances, you shall stipulate to the admission of those test results in the form of a certified affidavit at any probation or Mental Health Court hearing following a judicial determination that live testimonial evidence would otherwise be impractical. However, you may, at your own expense, have the lab analysis of your hair, blood, saliva, urine, or breath performed at an approved lab of your choosing upon notifying the official administering the test at the time the test is requested.
15. **Maintain confidentiality of other Mental Health Court participants:** Treatment cannot succeed unless all participants maintain the confidentiality of other participants and of information disclosed in treatment. If a Mental Health Court Participant breaks confidentiality, the circumstances involved will be carefully examined by the Mental Health



Court Staff and possible Court Sanctions may be applied which may include Termination from the Mental Health Court Program.

- 16. Consent to curfew, social, and activity restrictions.** All participants are subject to a 10:00 PM curfew unless they are working or participating in approved treatment activities. Curfew restrictions may be adjusted on a case by case basis at the discretion of the Mental Health Court Probation Officer. Typically curfew in phase 1 is 7:00 PM but it set at the discretion of the probation officer.
- 17. Maintain appropriate housing with no roommates other than immediate family members or legal spouse.** Exceptions may be made on a case by case basis at the discretion of the Mental Health Court team.
- 18. Comply with all terms and conditions of probation.** Compliance with all terms and conditions of probation listed in your Judgment of Conviction and / or Probation Order is a requirement of Mental Health Court.
- 19. Participants are required to find and maintain appropriate employment. Participants shall not work for “under the table” wages and all employment must be approved by the Mental Health Court team.** Participants are expected to work to their fullest capacity but within the limits of any documented disability. All employment or educational activities must be approved by the Mental Health Court team prior to beginning those activities.
- 20. Maintain, follow, and submit at budget.** All participants are required to maintain an accurate working budget and to follow the financial advice and/or directions of the Mental Health Court team. Participants are expected to submit their budget to the Mental Health Court team for review upon request and for each change in phase. Any expenditure in excess of \$200.00 must be preapproved by the Mental Health Court Coordinator or Probation Officer.
- 21. Associations.** Participants shall not associate with persons prohibited by probation. Participants shall not associate with other court participants outside of treatment or other Mental Health Court activities unless specifically authorized in advance by the Mental Health Court team. Participants are required to provide a list of all associates (first and last names) to the Mental Health Court Probation Officer for approval.
- 22. Honesty.** Participants shall be truthful in all communications with the Mental Health Court team. They shall not omit, minimize, exaggerate, or lie to any team member, person or agency involved in their programing.

## Additional Requirements

Each participant will have a treatment plan that addresses your unique needs and community safety. The treatment plan could include mental health treatment, medications, inpatient or outpatient chemical dependency treatment, twelve step or other self-help groups, domestic violence treatment, Vocational Rehabilitation, or other specialized treatments as recommended. Participants are expected to engage in the development of their treatment plan and actively work with the members of the Mental Health Court team to achieve the goals identified in that plan. **Participants are required to reside in Twin Falls,**



**Idaho in order to facilitate effective access to treatment and supervision while in Mental Health Court.**

**Phase I – Consists of the participant meeting program requirements for a minimum period of Twenty four (24) weeks. In order to be successful in phase 1, the court’s expectation is that you attend all required program appointments and that you actively engage the Mental Health Court team by communicating all of your issues, problems, and needs to team members and the court.**

- Report to probation officer in person as directed by the probation officer.
- Cooperate with Assertive Community Treatment (ACT) team and/or other identified mental health treatment providers to determine a treatment plan. Remain or become compliant with ALL mental health treatment directives. This may include daily medication monitoring when needed.
- Attend alcohol/drug counseling and/or 12-step meetings as directed by the treatment team and probation officer. Provide written verification as directed by the probation officer.
- Submit to random urinalysis, saliva, hair follicle, or BAC tests as directed by the court, probation officer, treatment provider, or any Mental Health Court team member.. As a new participant, you will be provided with a written copy of the Mental Health Court drug testing policy.
- Attend Mental Health Court every week unless excused or otherwise instructed by the Court Coordinator.
- Do not leave Twin Falls City without prior permission from the Mental Health Court Probation Officer. Out of county employment is not normally allowed, however, exceptions may be made on a case-by-case basis and requires the approval of the Mental Health Court Team and Mental Health Court Judge.
- Work with and follow all advice of the mental health court team to become financially responsible by tracking income, expenses, identifying debt, and making payments where necessary and appropriate.
- Complete Phase I competency sheet to the satisfaction of the Mental Health Court Team prior to moving to Phase II.

**\*Note: Upon completion of Phase 1, travel restrictions will revert to the standard restrictions issued by Probation and Parole.**

**Phase II – Consists of the participant meeting program requirements for a minimum period of Sixteen (16) weeks. In order to be successful in phase 2 it is the expectation of the court that you learn and begin to actively apply the skills offered in all treatment areas and that you demonstrate consistent adherence to probation rules.**

- Report to probation officer as directed by the probation officer.
- Remain compliant with ALL mental health treatment directives. This includes strict compliance with medication recommendations/directives.
- Attend alcohol/drug counseling and/or 12-step meetings as directed by the court, treatment provider and/or probation officer. Provide written verification as directed by the probation officer.



- Submit to random urinalysis, saliva, hair follicle, or BAC tests one (1) to seven (7) times per week, or as directed by the court, probation officer, or treatment provider, or any Mental Health Court team member.
- Attend Mental Health Court at least three (3) times per month. You will be scheduled to miss one (1) week of court per month.
- Continue to contact your sponsor and provide written verification as required by treatment or your probation officer.
- Make consistent payments on court fees each month. Work with the mental health court team to develop financial goals and plans to achieve those goals.
- Complete Phase II competency sheet to the satisfaction of the Mental Health Court Team prior to moving to Phase III.

**Phase III– Consists of the participant meeting program requirements for a minimum period of Sixteen (16) weeks. In order to be successful in phase 3, it is the expectation of the court that you actively and consistently utilize and apply the skills offered in treatment and begin to identify and work on future goals and needs.**

- Report to probation officer in person as directed by the probation officer.
- Remain compliant with ALL Mental Health and Probation treatment directives.
- Attend alcohol/drug counseling and/or 12-step meetings as directed by the treatment provider and probation officer. Provide written verification as directed by the mental health court team.
- If directed, continue to contact sponsor and provide written verification as directed by the probation officer or treatment provider. Submit to random urinalysis, saliva, hair follicle, or BAC tests one (1) to seven (7) times per week, or as directed by the court, probation officer, or treatment provider, or any Mental Health Court team member.
- Attend Mental Health Court at least twice (2) a month. You will be scheduled to miss two (2) weeks (non consecutive) per month.
- Pay all court fees each month.
- Complete Phase III competency sheet to the satisfaction of the Mental Health Court Team prior to moving to Phase IV.

## **Phase IV - Continued Care – 10 month minimum**

**In order to be successful in phase 4, it is the expectation of the court that you demonstrate your ability to utilize the skills offered in the program in an independent manner. As you prepare to transition out of Mental Health Court and off of**



**probation, positive and pro-social activities are encouraged to foster more independent stability and decrease the likelihood of future legal or psychiatric problems.**

- Report to probation officer in person as directed by the probation officer.
- Attend treatment as instructed by the treatment provider and/or Probation Officer.
- Submit to random urinalysis, saliva, hair follicle, or BAC tests one (1) to seven (7) times per week, or as directed by the court, probation officer, or treatment provider, or any Mental Health Court team member.
- Attend Mental Health Court once a month.
- If directed, attend 12-step meetings as needed/required and provide written verification as directed by the probation officer.
- If directed, continue to contact sponsor and provide written verification as directed by the probation officer or mental health court team.
- Pay financial obligations each month and be current with court fees and fines.
- Maintain employment or participate in continuing education as directed

**E**ach week the Mental Health staffing team will assess participant progress. The participant will have either met the requirements or not met the requirements of that week. When the participant has met the requirements, they receive a reward and are advanced a week within their phase. When the participant does not meet the requirements for that week, they do not receive a reward and may have additional restrictions or treatment interventions placed upon them. Once the participant has attended mental health court for the minimum amount of time required of each phase and completed the relevant phase competency sheet to the satisfaction of the mental health court team, they advance to the next phase.

### **Special Considerations, Re-arrests and Sanctions.**

Special consideration will be given to circumstances responsible for the participant not meeting the requirements for the week.

Any re-arrest or new charge may result in dismissal from Mental Health Court.

Sanctions may be implemented for not meeting the requirements each week. Ideally, sanctions will fit the nature of the violation and be applied in a graduated fashion. Some of the options available are community service, increased probation contact, increased treatment contact, inpatient treatment, medication monitoring, court observation and as a last resort, jail time.\*

**\*Least restrictive alternative.** – All persons participating in diversion programs should be treated in the least restrictive alternative manner available, and all unnecessary institutionalization should be avoided. Jails are generally an inappropriate place for persons waiting for diversion as jail experiences tend to exacerbate underlying symptoms of mental illness. Long jail stays should be avoided in all diversion cases.

## **Program Fees**

As a participant, you must agree to pay a program fee each month, in addition to Cost of Supervision fees. The maximum amount of this fee is **\$35.00** per month with a minimum amount of **\$5.00**. However, you may request a reduction of the \$35.00 per month fee on the basis of financial hardship. Fee determination will be made on a case-by-case basis and will require proof of financial hardship. Each participant is required to develop and maintain a written budget with their case manager and probation officer. Payment records will be reported to the judge as part of your regular progress reports. All court fees must be paid prior to discharge from probation.

## **Termination from the Program**

This is a voluntary program. You can *voluntarily terminate* from the program at any time; however, the original sentence may be imposed. The Mental Health Court staffing team can also recommend *termination* from the program for non-compliance, new criminal charges, probation violations, and/or drug testing problems.

**In the event the Mental Health Court team recommends involuntary termination from the program, a Report of Violation will be filed by the Mental Health Court Probation Officer. The court participant will be entitled to all rights of due process normally afforded to defendants according to law, most-likely before a Judge other than the Mental Health Court Judge. If a court participant admits to the violations alleged or is found in violation during an evidentiary hearing, the participant will be subject to termination from Mental health Court in addition to all other possible penalties according to law. If the Participant is found to have not committed the violations as alleged, they will be returned to Mental Health Court for continued participation.**

If you are involuntarily terminated from the program, the original sentence may be imposed.

## **Graduation Requirements**

Upon successful completion of the Mental Health Court program you will graduate from the program. In order to graduate from Mental Health Court you must accomplish the following minimum requirements:

- 12 months of sobriety from prescription drug abuse, illicit drugs and/or alcohol;
- 12 months of steady employment unless retired, disabled, full time homemaker or full-time student;
- Successful completion of all court ordered treatment;
- Maintain sponsor contact as directed;
- Regular 12-step meeting attendance as directed;
- Completion of all specialized probation terms;
- Remain current on monthly payments of fines, restitution and treatment fees;
- Completion of an approved Phase 4 project and a “Before and After” letter; and
- Completion of a long term recovery plan.(Completion of the W.R.A.P class will satisfy this requirement)



**NOTE:** the Mental Health Court Judge, upon recommendation from the mental health court team may at his discretion waive or alter the minimum graduation requirements).

## **Graduation**

At graduation, your family and close friends will be invited to join in as the judge congratulates you on successfully completing the program and achieving your goal to establishing stability in your life. Graduation from the program will be followed by monitored probation. Successful completion of the Mental Health Court program may result in reduction of the original sentence or commutation of the charges; however, this will be up to your sentencing judge or the Mental Health Court Judge.

## **Conclusion**

The Mental Health Court program has been developed to help you achieve stability in your life. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible citizen. The judge, probation officer, treatment providers, and community resources are present to guide and assist you, but the final responsibility 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 Court program, please feel free to contact the Mental Health Court probation officer, the Mental Health Court Coordinator, your public defender or private attorney.

**GOOD LUCK TO YOU!!**

## Mental Health Court Team contact information

Felony Mental Health Probation Officer 594 Washington Street South Twin Falls, Idaho 83301	(208) 736-3080
Mental Health Court, ACT team 823 Harrison Twin Falls, Idaho 83301	(208) 736-2177
Mental Health 24-Hour Crisis Line 823 Harrison Twin Falls, Idaho 83301	(208) 736-2177
Twin Falls Public Defender's Office 233 Gooding St. N. Twin Falls, Idaho 83301	(208) 734-1155
Canyon View Hospital 228 Shoup Avenue West Twin Falls, Idaho 83301	(208) 734-6760
Mental Health Court Coordinator Richard Neu 260 4 <sup>th</sup> Ave. North Suite B Twin Falls, ID 83303 rneu@co.twin-falls.id.us	(208) 735-4374
Preferred Child and Family Services, Inc. 284 Martin St. Twin Falls, Idaho 83301	(208) 733-7186
Idaho Division of Vocational Rehabilitation 823 Harrison, Room 107 Twin Falls, Idaho 83301	(208) 732-1598

