



STATE OF MICHIGAN

SAGINAW COUNTY CIRCUIT COURT

10th Judicial Circuit
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FRED L. BORCHARD
Chief Judge

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Administrative Order 2013-03, 010
01, 070

**ORDER FOR THE ESTABLISHMENT OF A
MENTAL HEALTH TREATMENT COURT**

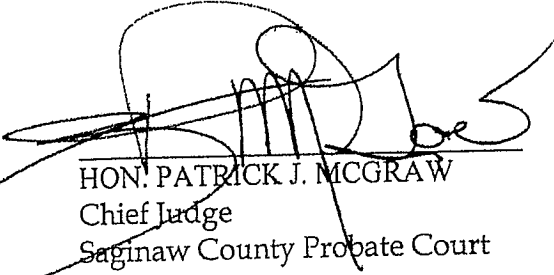
IT IS ORDERED:

The purpose of this order is to establish a mental health treatment court in the 10th Circuit and 70th District Courts upon approval by the State Court Administrative Office (SCAO). The court(s) will collaborate with the Saginaw County Mental Health Authority, Office of the Saginaw County Prosecutor, and any other partners considered necessary to better serve individuals with diagnoses of mental illness, developmental disability, or serious emotional disturbance. Attached is the Memorandum of Understanding that identifies the roles of each party.


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).
*See 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.

Effective Date: May 1, 2013

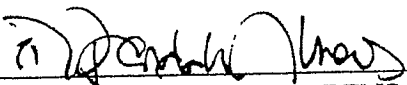


HON. PATRICK J. MCGRAW
Chief Judge
Saginaw County Probate Court



HON. FRED L. BORCHARD
Chief Judge
10th Judicial Circuit Court

Dated: 4.17.13



HON. M. RANDALL JURRENS
Chief Judge
70th Judicial District Court

Dated: 4.17.13

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 SAGINAW COUNTY MENTAL HEALTH TREATMENT COURT

This is an understanding between the **10th Circuit Court, 70th District Court, Office of the Saginaw County Prosecutor, Saginaw County Sheriff's Department, and Saginaw County Community Mental Health Authority.**

1. We agree to share the following vision for a Saginaw County Mental Health Treatment Court:
 - Improve public safety by more effective monitoring and sentencing of a defendant with a mental illness in the criminal justice system;
 - Reduce the number of defendants with a mental illness incarcerated in the Saginaw County Jail;
 - Reduce the number of mental health hospitalizations of defendants with a mental illness in Saginaw County;
 - Enhance the quality of life of a defendant with mental illness and his or her family and community;
 - Coordinate the delivery of Mental Health Services, the Criminal Justice System and Court's response to a defendant with mental illness.

2. We endorse the goal of establishing a Saginaw County Mental Health Treatment Court in order for Participants to address their criminal behavior and improve the quality of their lives. We acknowledge that for this to be successful, there must be cooperation within a network of systems to facilitate and achieve the mission, challenge and vision of the Saginaw County Mental Health Treatment Court.

3. We agree that the mission of the Saginaw County Mental Health Treatment Court will be to successfully provide services and monitoring to defendants with a mental illness, to reduce the burdens on the criminal justice system, including the jail, and to reduce the costs on the

mental health treatment system, including reducing inpatient hospitalization.

4. We agree that a defendant with a mental illness who is approved for this program must have close supervision and a coordinated probation and mental health treatment Order. We agree that the program should provide appropriate interventions, programming, reinforcement and monitoring.
5. We agree on the following principles:
 - Defendants with a serious mental illness require not only a Probation Order but also mental health treatment services.
 - All criminal justice staff involved, including the Judge, need to develop expertise in working with seriously mentally ill individuals.
 - Regular appearances before a Judge are an effective way of maintaining compliance with a Probation and Mental Health Treatment Order.
 - Important decisions regarding the coordination of a Probationary Order and a Mental Health Treatment Order should be made collaboratively with input from mental health treatment professionals, probation officers, and the Judge.
 - All participants should be accountable for their behavior and should be monitored with incremental sanctions for negative behaviors and positive rewards for improved behaviors.
 - The Mental Health Treatment Court shall establish written protocols through a Policy and Procedure Manual.
 - Participation in the Mental Health Treatment Court will be governed by written eligibility criteria established by the Mental Health Treatment Court Planning Committee.
 - A defendant's participation in the Mental Health Treatment Court will be voluntary.

6. The roles of the parties are as follows:

Saginaw County Sheriff's Department

Participate in Planning Committee, cooperate with the identification and screening of in-custody defendants for participation in the program. Provide feedback to the Treatment Team on any Community Correction sanctions ordered for the participants. Assist with the training of officers in order to identify and refer eligible defendants.

Office of the Saginaw County Prosecutor

Participate in the Planning Committee. Authorize the designation of an assistant prosecutor to participate with the planning committee and treatment team meetings.

70th District Court

Participate in the Planning Committee. Designate a Judge to be the primary Judge for the Mental Health Treatment Court who will handle all Court sessions and all Mental Health Treatment Team meetings. In addition, designate a judge as back up judge for the Mental Health Treatment Court. Moreover, provide coordination for court administration.

10th Circuit Court

Designate a Judge, or a designate, to serve on the Planning Committee and provide a Judge to serve as the back-up Judge for the Mental Health Treatment Court. Moreover, provide coordination for court administration.

SCCMHA

Provide a representative for the Planning Committee. Designate an individual for the Treatment Team. Conduct Mental Health evaluations. Provide care coordination services.

Mental Health Treatment Court Judge

Chair meetings, preside in Court, coordinate Team activities, evaluations and planning, assist in the development of policies and procedures and written criteria for admission.

Case Manager

Screen eligible individuals, participate in the Planning Committee, attend all mental Health Treatment Team meetings to approve participants and monitor the participants' performance. Attend all Court sessions and provide feedback to the Court. Coordinate the activities of the mental health treatment providers, Probation and the Court.

All members of the Planning Committee assist in the development of policies and procedures including the development of written criteria for admission. Provide oversight and direction to the program.

All members of the Treatment Team shall attend all Court sessions and the pre-Court team meeting to discuss the progress of the participants and any applicable sanctions and incentives. Assist in the development of individualized Mental Health Treatment and Probation Orders for all participants.

A Consumer Representative of the Mental Health Treatment system shall serve on the Planning Committee and represent the interests of the consumers and their families.

7. The Planning Committee will include the following representatives:
 - Saginaw County Sheriff's Department
 - 70th District Court
 - Office of the Saginaw County Prosecutor
 - Attorney representative of the criminal defense bar
 - 10th Circuit Court

- SCCMHA
- Case Manager
- A consumer representative of the Mental Health Treatment system in Saginaw County.

The Planning Committee is expected to meet three (3) times per year to review the policies and procedures of the Court and to plan for the future.

8. Admission Criteria for the Mental Health Treatment Court. All of the following criteria MUST be met:

A. Individual has a diagnosis of:

- Schizophrenia
- Schizoaffective disorder
- Bipolar disorder
- Major depressive disorder with psychotic features
- Developmental Disability

(Individuals with a substance use disorder co-occurring with one of the above diagnoses will not be excluded.)

- B. Individual has the capacity to understand the requirements of the Mental Health Court program;
 - C. Individual must agree to participate in the Mental Health Court program;
 - D. The Treatment Team must determine, in its sole discretion, that the individual's mental illness contributed to his/her offense;
 - E. The Treatment Team must conclude, in its sole discretion, that mental Health Court intervention will result in symptom remission or reduction and/or reducing the likelihood of further criminal offenses;
- and,

F. The Treatment Team must determine, in its sole discretion, that the individual does not pose an unacceptable risk to staff with whom he/she will come into contact as a Mental Health Court participant.

9. Eligible offenses for the Mental Health Treatment Court shall be as follows:

- Any Misdemeanor
- Any Possession of Drugs
- User Dealing – not for profit
- Certain Felony Offenses
- Larceny from a Person
- Uttering and Publishing
- Forgery

The following offenses are NOT eligible:

- CSC
- Child Abuse

10. Additional Eligibility Requirements:

- All applicants must be Saginaw County residents
- Applicant may not be on parole

11. Admission Process: All defendants eligible for the Mental Health Treatment Court will be referred to SCCMHA, who will do the following:

- review the case for eligibility
- obtain releases for records
- obtain and review the criminal history
- obtain and review the police report
- review history of any prior terms of probation
- submit the case with a recommendation to the Mental Health Treatment Team
- conduct Mental Health evaluation


12. All defendants participating in the Mental Health Treatment Court are expected to:

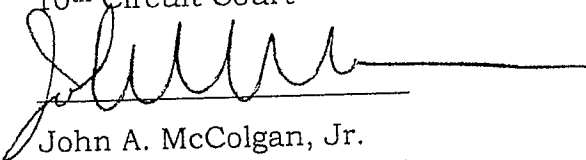
- appear in Court as required
- comply with the Mental Health Service Plan and Probation Order
- be subject to sanctions if not in compliance with the Plan, included, but not limited to, jail, curfew, community service, ISP and tether.

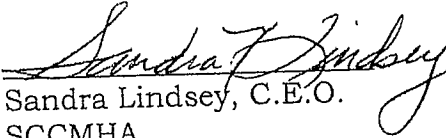
Eligible defendants must already have been diagnosed with a serious mental illness or be developmentally disabled. All misdemeanor defendants are eligible. Any defendant charged with a felony, who is expected to be in an intermediate sanctions cell or a straddle cell, is eligible for screening. Participation is voluntary and eligibility is in the sole discretion of the Mental Health Court Treatment Team.

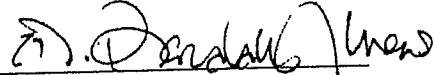
The Mental Health Court Treatment Team will include the following:


- Judge
- SCCMHA Representatives
- Case Manager
- Saginaw County Prosecutor or his designate
- Appointed criminal defense attorney


Hon. Fred L. Borchard
10th Circuit Court


John A. McColgan, Jr.
Saginaw County Prosecutor


Sandra Lindsey, C.E.O.
SCCMHA


Hon. M. Randall Jurrens
70th District Court


William Federspiel,
Saginaw County Sheriff