

STATE OF MICHIGAN ST. CLAIR COUNTY 72 ND DISTRICT COURT	MENTAL HEALTH COURT	LOCAL ADMINISTRATIVE ORDER (LAO) 2009-01
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72nd District Court, 201 McMorran Blvd., Port Huron, MI 48060

(810) 985-2072

ORDER FOR THE ESTABLISHMENT OF A MENTAL HEALTH TREATMENT COURT

INTRODUCTION:

The purpose of this order is to establish a mental health treatment court in the 72nd District Court for St. Clair County upon approval by the State Court Administrative Office (SCAO). The courts will collaborate with St. Clair County Probate Court, St. Clair County Community Mental Health, St. Clair County Prosecuting Attorney, Port Huron City Attorney, St. Clair County Sheriff's Department, St. Clair County Court-Appointed Defense Attorney Association, and 72nd District Court Probation Department to better serve individuals with diagnoses of mental illness or developmental disability. The goal is to divert into long term mental health treatment mentally ill individuals who have been charged with a criminal offense that meets the eligibility criteria. All the above mentioned parties have entered into a Memorandum of Understanding.

ELIGIBLE PARTICIPANTS:

The judge, a representative of Community Mental Health, or the Prosecutor shall refer qualified individuals for participation in the program. The criteria for entrance into the program shall be:

1. Axis I diagnosis of Schizophrenia, Schizoaffective disorder, Bipolar Affect disorder, or Major Depression by a licensed and qualified mental health professional. Or, a diagnosis of a mild or moderate developmental disability.
2. At least 17 years of age
3. Resident of St. Clair County
4. Defendant must agree in writing to participate and cooperate with the program
5. Defendant must acknowledge in writing a willingness to take medication
6. Defendant must have the capacity to understand the requirements of Mental Health Court, the consequences for failure to follow those requirements and the ability to comply with terms of bond or probation
7. Defendant was not compliant with treatment at time of arrest
8. Defendant must not pose an unacceptable risk of harm to mental health court staff, him/herself, and the community

9. The Mental Health Court, the District Court Judge assigned to the case, and the prosecutor must approve the request for entry into the program.
10. If the defendant is indigent, an attorney shall be appointed to represent the defendant at county expense. The appointed attorney shall be paid from the 72nd District Court budget. If the defendant has sufficient income to retain an attorney, the case may proceed with retained counsel.

ELIGIBLE OFFENSES:

Misdemeanor offenses are eligible for selection to the program.

PROCEDURE:

1. The Community Mental Health Jail Services Clinical Coordinator shall review the daily jail booking report to find eligible participants for the program. The CMH Jail Services Clinical Coordinator will complete a screening process of all persons referred by the Court, prosecutor, jail, or CMH staff and forward any potential participants to the Mental Health Court team.
2. At or before the pretrial, the District Court Judge assigned to the case shall determine if the individual is willing to participate in mental health treatment. If the individual is willing to participate and is eligible for Mental Health Court based upon the screening criteria, an Order Assigning the Mental Health Court Judge to the case shall be entered by the District Court Judge assigned to the case.
3. Before entry into the Mental Health Court program, the District Court Judge assigned to the case and defense counsel will explain the rights of the participant, and the consequences for failure to complete the program.
4. If the individual is willing to participate in the mental health court program, he/she will sign an agreement with the Court and Community Mental Health, enter a plea of guilty to the allegations, and consent to an order for mental health treatment. The case will be assigned to the Mental Health Court.
5. The disposition of the charges will be determined on a case by case basis by the Mental Health Court Judge and may include taking the plea under advisement, delaying sentence pursuant to MCL 771.1, or a traditional sentence with jail time suspended pending completion of the program. No plea shall be taken under advisement without the consent of the appropriate prosecuting official.
6. The Mental Health Court shall enter an Order requiring the Defendant to attend treatment, maintain medication compliance, and appear in court as ordered on a regular basis or any other conditions of a probation sentence.

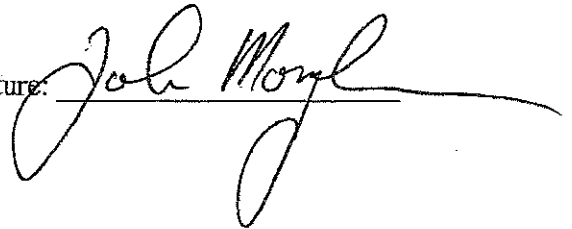
The CMH representative, the prosecutor, probation officer, and defendant shall attend all court hearings as directed by the Mental Health Court Judge. The case will be monitored for compliance for a period determined by the Court.

7. A determination of successful/unsuccessful participation will be made by the Mental Health Court Judge.
8. The CMH representative shall notify the Mental Health Court in writing of non-compliance on the part of the defendant.
9. If the plea agreement was pursuant to MCL 771.1, and the individual does not comply with treatment after signing the agreement and entering a plea, sentencing shall be scheduled and take place before the Mental Health Court Judge.
10. If the plea was taken under advisement, and the individual does not comply with treatment after signing the agreement, the plea shall be accepted and the matter will be scheduled for sentencing before the Mental Health Court.
11. If pursuant to the agreement, the defendant entered the Mental Health Court as a condition of the sentence, a probation violation hearing shall be scheduled within 14-21 days of the notice of non-compliance being filed with the Court.
12. The Court will report the conviction and final outcome of the case as required by statute and court rule. The Court will restrict access to CMH treatment records and communications as set forth in the State Court Administrative Office Non-Public and Limited Access to Court Records Chart.

Effective Date: _____

Date: 1-14-09

Chief Judge Signature: _____

A handwritten signature in black ink, appearing to read "John Moyal", written over a horizontal line. The signature is cursive and stylized.