

20TH JUDICIAL CIRCUIT
LEE COUNTY
MENTAL HEALTH COURT

PARTICIPANT HANDBOOK



MISSION STATEMENT

Improving the lives of individuals with a mental health condition through community-based treatment in order to enhance stability, independence, and promote public safety.

PROGRAM OVERVIEW

The Lee County Mental Health Court program is a court-supervised treatment program for individuals over 18 years old, who have a pending criminal case and a qualifying mental health diagnosis. See eligibility criteria on the next page. Entry into the program is voluntary. However, once you have entered, you may not withdraw from the program without legal consequences, such as a violation of probation or return to trial docket. This handbook contains information about the rules, requirements, and expectations.

The program is a strict sobriety-based program. The length of the program is based on your plea offer/charges and on your individual needs and progress. A treatment plan will be developed to meet your individual needs and will be reviewed with you and updated frequently. In addition to treatment, you will be required to attend court regularly. You will be subject to random drug testing, and you will be monitored by probation. These requirements are more fully explained in later pages of this handbook. Please ask your attorney or any member of the Mental Health Court Team if you have any questions.

THE TEAM

The Mental Health Court Team combines court supervision with treatment and is made up of members from the criminal justice system and a treatment provider(s). Before court, the team meets as a group to discuss your progress. The team decides incentives and sanctions, when you are eligible to phase-up and move-on, or if you should be terminated from the program. The team includes:

- Judge
- Administrative Office of the Courts Coordinator
- Clinicians/ Case Managers
- State Attorney's Office Prosecutor
- Public Defender's Office Defense Attorney/Social Worker or private attorney
- Probation
- Law Enforcement



ELIGIBILITY REQUIREMENTS

You may be eligible for mental health court if you are:

- 18 years of age or older
- A resident of Lee County, or willing to reside in Lee County for the duration of the mental health court program
- Legally appropriate as determined by the State Attorney, the Court and Florida Statutes.
- Clinically appropriate as determined by the treatment provider. You must sign all requested medical releases to allow team members to coordinate care.

You might not qualify if one of the following applies to you:

- You have an Immigration hold
- You have another case or warrant in any other jurisdiction
- You are a Registered sex offender or sexual predator
- The victim in your case is not in agreement
- Your charge(s) carries a statutory minimum mandatory prison sentence

TREATMENT

No two people are the same. As such, everyone facing a mental health condition and addiction, if applicable, experiences it differently. Therefore, you will have a unique treatment plan designed to meet your unique needs. The plan will be developed after completion of an in-depth evaluation with a member of the treatment team. It will include the level of care needed (residential, outpatient, etc.) and will be updated as you progress through the program.

Several services may be included in the treatment plan, including group therapy, individual therapy, recovery support group meetings (such as NAMI, Alcoholics Anonymous, Narcotics Anonymous, SMART Recovery), and educational classes. It may also include residential treatment and medication. The frequency of meetings/groups/therapy sessions will be addressed in the treatment plan. You must fully participate in treatment and comply with all treatment requirements in your treatment plan. If you do not comply with any treatment requirements, this will be reported to the team and addressed by the Judge.

Medication Assisted Treatment (MAT) is the use of medication, in combination with therapy, to treat substance use disorders. If you have a substance use disorder, you are encouraged to explore MAT with the treatment team to determine if it might be a useful tool for your treatment and recovery. Any medication that is FDA approved for the treatment of substance use disorders is permitted in Mental Health Court. However, you must strictly follow all instructions given to you to ensure that your use of that medication is proper and lawful. The use of MAT will be closely coordinated and monitored by the Mental Health Court team and the prescribing medical professionals.

CASE MANAGEMENT

Upon entry into Mental Health Court, you will be assigned a case manager, who will guide you through the program and will provide available social service support (such as housing, transportation, family, and general living needs). The case manager will also track and inform the court of your progress (or lack of progress).

COURT APPEARANCES

You will be required to appear in court on a regular basis to discuss progress and/or problems. The Judge will talk with you and every other participant individually. During court appearances, the Judge will award incentives, impose sanctions, and hold graduation ceremonies for eligible participants. The number of court appearances required is determined by phase. Court appearances are mandatory, and failure to appear will result in a bench warrant for arrest.

COURTROOM & TREATMENT ETIQUETTE

The following guidelines apply to both the courtroom and all treatment settings:

DO:	DO NOT:
<ul style="list-style-type: none">✓ Arrive 10 minutes early✓ Use the restroom beforehand✓ Address the Judge, Bailiffs, Attorneys, Court Staff & Treatment Staff with respect✓ Wear appropriate attire✓ Be respectful and quiet	<ul style="list-style-type: none">⊗ Bring cell phones or any other electronic devices⊗ Leave until you are dismissed⊗ Talk while treatment or court is in session⊗ Bring food, drinks, or chew gum⊗ Use profane language⊗ Sleep⊗ Wear inappropriate attire

PROPER COURTROOM & TREATMENT ATTIRE

- Men are required to wear shoes with socks; long pants with a belt; and a collared shirt tucked in.
- Women are required to wear shoes with socks or sandals; dress, or skirt, or long pants; blouse, or casual dress shirt and/or sweater.
- NO bare shoulders, midriffs, see-through tops, or revealing clothing
- NO underwear, bra straps, or boxers showing
- NO t-shirts, tank tops, muscle shirts, halter tops, tube tops
- NO dresses, skirts that fall above the knee, or shorts
- NO ripped/torn jeans, baggy pants that fall below your waist
- NO flip flops, hats, bandanas, or sunglasses
- NO clothing with an emblem, logo, or wording that promotes illegal or inappropriate activity
- NO clothing that depicts or promotes gang affiliation, violence, sex acts, drug/alcohol use, or profanity

Under certain circumstances, virtual appearances may be approved. If approved, you will be given separate instructions for virtual attendance.

INCENTIVES & SANCTIONS

An **incentive** is a reward for meeting or exceeding all program requirements and following the rules. Incentives may include, but are not limited to:

- Verbal praise from the Judge
- Applause
- Phase promotion
- Travel pass
- Early dismissal from court
- Snack box
- Credit toward community service hours
- Virtual court appearances
- Fishbowl selection

A **sanction** is a response for not meeting program requirements or not following the rules. Sanctions may include, but are not limited to:

- Verbal Warnings
- Writing assignments
- Community Service Hours
- Curfew enhancements
- Increased drug testing
- Phase/Graduation delays
- Sheriff's Day Work Program
- Jail
- Termination

Common **behaviors** that result in incentives and sanctions include, but are not limited to:

ACHIEVEMENTS	VIOLATIONS
<ul style="list-style-type: none">• Attending all Court appearances• Attendance and participation in treatment• Attendance and participation in recovery support meetings• Compliance with treatment / supervision plan• Self-reporting a relapse• Asking for help if struggling• Negative drug test results for a period• Completion of GED• College enrollment and attendance• Vocational training enrollment and attendance• New job / job promotion• Voluntary speaking engagements• Demonstrations of leadership among peers• Volunteering at non-required Court community service projects• Phase advancements• Graduation	<ul style="list-style-type: none">• Late for a program requirement• Failure to complete an assignment• Incomplete/Incorrect meeting sheets and/or paperwork• Missed, Dilute, or Tampered Drug Test• Curfew violation• Failure to comply with Treatment's or Probation's Instructions• Failure to gain/maintain employment• Unexcused absences• Disrespectful to Staff / Inappropriate behavior• Drug/Alcohol use without <u>prompt</u> honesty• Failure to complete previously imposed sanction• Association with people who are engaged in criminal activities• Criminal Behavior, New Arrest, or Absconding• Falsifying document of any kind• Lying to the judge, treatment, probation, or any member of the team

Honesty is the most important factor in the determination of sanctions. Other factors the team will consider include, but are not limited to, length of time in Mental Health Court, number of prior violations and sanctions, especially of the same or similar nature, attitude, efforts to correct the problem promptly, and overall progress in treatment and in court.



DRUG & ALCOHOL TESTING

The Lee Mental Health Court Program is a sobriety-based program. You will be tested for the presence of drugs, alcohol, and any banned substances throughout the program and while on probation. You must contact the designated drug testing provider every day, including weekends, to find out if you need to test that day. Failure to make contact as instructed may result in a sanction. If you make a mistake or forget to make contact as instructed, you should immediately contact the case manager and/or probation officer for instruction on how to proceed.

Testing by urinalysis is our primary form of testing. It is random, always observed, and all tests may be subject to laboratory confirmation at defendant's expense if challenged. If necessary, we may also employ other forms of testing at your expense. These include remote alcohol monitors, oral swabs, sweat patches and other approved means to detect unlawful substances.

Missing any form of a drug test or failing to submit a sample may be treated as a positive drug test and result in a sanction unless the Judge finds that there are exceptional circumstances after consultation with the team. Diluting or tampering with a sample is dishonest. A diluted drug test may be treated as a positive and may result in a sanction. Tampering with a drug test may result in termination from the program. *Honesty is always the best policy.*

DILUTES/ADULTERATIONS

A dilute is a common method used to conceal the fact that a substance is in one's system. A diluted sample can occur by drinking a large amount of fluid(s) in a short period of time before testing.

An adulteration is any interference done to a test or test sample pre-collection OR post-collection. It may include blocking/damaging a detection mechanism, by adding substances to a drug test, or by taking over the counter supplements.

The lab determines whether a sample is diluted/adulterated. The lab measures various indicators such as creatinine, pH, and specific gravity, to ensure that a sample is valid and has not been diluted/adulterated.

A diluted or adulterated sample may be considered a positive test and you might get a sanction. It may also delay your phasing. This information is provided as a warning against intentionally or unintentionally providing a diluted or adulterated sample. Do not drink an excessive amount of liquid prior to a urine drug test. Follow exact instructions for all drug testing.

EMERGENCY PROCEDURES

From time to time, circumstances may arise that require us to adjust the procedures set forth in this Handbook. Emergency situations may affect your daily court requirements, such as drug testing and treatment appointments. Any adjustments are intended to balance the safety of all participants and team members with the requirements of providing structure and accountability within the boundaries of the law.



MEDICATION & MEDICAL DISCLOSURE POLICY

All medication must be coordinated between your prescribing physician and your case manager and must be FDA approved. This includes over-the-counter medications and prescriptions. Certain medications for cold/coughing/allergies, and certain sleep aids contain ingredients that can cause a positive drug test result. For this reason, you must immediately inform your case manager of any over the counter or prescribed medications you are taking.









Regarding prescription medication, you must take it only as prescribed by your doctor. Do not take extra or “leftover” medications from a prior prescription that you stopped taking; you should speak to your case manager about proper disposal, and you should not consume these medications unless you are once again directed to do so by your prescribing physician. Also, it is against the law to take prescription drugs that were not prescribed for you. If you take someone else’s medication, or if you share or sell your own medication to anyone, you may be charged with a new crime and/or termination from the program.

You must immediately inform your case manager of all doctor visits, dental visits, emergency room visits, scheduled surgeries, post-operative care, and all other medical appointments. You must promptly provide any releases or documentation requested of you. ***You must ALWAYS tell your doctor or medical professional that you are in the Mental Health Court Program and (if applicable) that you have a history of substance use disorder.**

BANNED SUBSTANCES & AVOIDING "FALSE" POSITIVE DRUG TEST RESULTS

There are certain substances and foods that can cause a "false" positive drug test result. It is your responsibility to avoid these substances and foods. If you ingest or expose yourself to these substances or foods, a positive drug test may result in a sanction. You must inform your case manager of any vitamins or dietary supplements you are taking.

YOU ARE RESPONSIBLE FOR EVERYTHING THAT IS USED ON YOUR BODY AND ENTERS YOUR BODY. WHEN IN DOUBT, LEAVE IT OUT!!!

	No alcohol, period. This includes foods cooked with alcohol, and beverages labeled "Non-Alcoholic."		No solvents, lacquers, insecticides, etc. If you work with chemicals, you must speak with your probation officer and case manager.
	No mouthwash and no breath strips that contain alcohol.		No foods containing poppy seeds.
	No hand sanitizer that contains alcohol.		No mind- or mood-altering substances, or hallucinogenic substances, even if they are legal and/or "naturally occurring." Examples include, but are not limited to Kratom, Kava, Spice, Bath Salts and Tianna.
	No perfumes, colognes, body sprays, aftershave, astringents, or any other hygiene products that contain alcohol.		No diet or performance supplements, weight loss aids, work out aids, weight gaining aids, creatine, etc.



PROBATION

You will be monitored by State Probation and/or Administrative Office of the Courts/County Probation while you are in Mental Health Court. The probation officer assigned to Mental Health Court has been specially trained and is a critical member of the Mental Health Court team. You are expected to comply fully with all of your probation officer's instructions. You will be required to check-in with your probation officer as instructed. Probation may also supervise your curfew, make random home visits, perform random drug testing, oversee restitution payments (if applicable), and monitor your employment and any community service that might be imposed.

Probation may also make random home visits both with and without law enforcement escorts. Your residence must be alcohol and drug free. Your house, vehicle, and person may be searched by probation without a warrant for alcohol and other illegal substances.

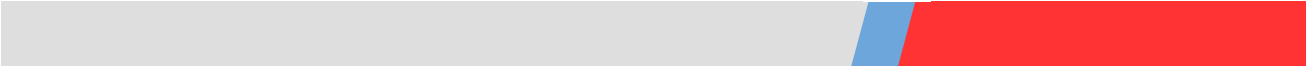
EMPLOYMENT, EDUCATION, & VOCATION

Recovery includes developing life skills to become a self-sufficient and productive member of the community. After Phase 1, you will need to be working, going to school, or doing community service hours. Mental Health Court is an opportunity for you to better yourself. Consider getting your GED or pursuing vocational training or attending college. Your case manager can assist you with getting started. Your probation officer can also help you find a job or instruct you regarding community service hours.

ATTENDANCE & TARDINESS

You are required to attend all scheduled treatment sessions, meetings, court appearances, and scheduled events. Failure to attend any such event will be counted as an unexcused absence and you might be sanctioned. If you are unable to attend an event, you must contact treatment and/or probation immediately. Excused absences are rarely given and are usually reserved for emergencies only. In order to be excused from an event, you must appropriately and timely contact treatment and/or probation upon becoming aware of your inability to attend an event. When applicable, you will be required to provide documentation.

You must be on time to all events. Arriving late is disruptive and disrespectful of everyone else's time. You are expected to arrive 10 minutes early before all treatment sessions, meetings, court appearances, and scheduled events. You should plan ahead and allow plenty of time to travel. If you are late, you might not be allowed to attend the event, and this could be counted as an unexcused absence. If you are going to be late, you must contact treatment and/or your probation officer immediately.



FINANCIAL OBLIGATIONS

There are several different costs for which you may be responsible while you are participating in the Lee County Mental Health Court program.

- Restitution- you are responsible for paying back all restitution as set forth in your plea offer/contract (if applicable). Failure to do so could delay your phasing and could result in a Violation of Probation. Speak to your attorney or Probation Officer if you are struggling to make these payments.
- Court Costs- will be determined at the time of your sentencing and can include but are not limited to costs of investigation, cost of prosecution, public defender fees, and standard court fees.
- Treatment Costs- you may be responsible for paying for your treatment depending on available program funding. Costs may be reduced based on financial evaluation and are paid directly to the treatment provider.
- Drug Testing Costs- you may be responsible for drug testing fees depending on available program funding. However, if you test positive or dilute and wish to challenge the results, you may be responsible for all costs associated with the test including laboratory confirmation.

GRADUATION (SUCCESSFUL COMPLETION)

Graduation is a special court event that celebrates your continuing recovery and completion of the phases of the Mental Health Court program. Once you have completed all requirements for each phase, you will be eligible to apply for Graduation. Upon approval of the application from the Mental Health Court team, a tentative Graduation date will be scheduled. You are required to keep complying with all the terms of your treatment plan and the rules of probation and Mental Health Court during this time. Failure to comply will result in a delay of your Graduation. Unless your individual contract/plea offer states otherwise, you will be eligible to petition the Court for early termination of your probation upon successful completion/Graduation. Upon successful termination of your probation, your individual contract/plea offer may entitle you to additional incentives.

TERMINATION

Termination occurs at the discretion of the Mental Health Court team. Reasons for termination may include, but are not limited to: new charges, absconding, repeated sanction for behavioral issues, tampering with a UA, falsifying documents of any kind, and lying to the judge, treatment, or probation. Always be honest. If you are struggling, ask for help!



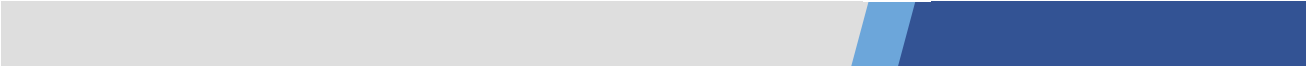
CONFIDENTIALITY

You will be required to review and sign a Lee County Treatment Court Release of Information prior to being screened for Mental Health Court. Any information shared in the course of screening, assessment or treatment is subject to limited confidentiality protections. You should speak to your attorney prior to discussing any criminal activity in which you may be involved.

Information regarding past or present drug use as well as past drug sales, will not be used by the State Attorney's Office to prosecute the instant case, or to initiate a new prosecution. However, any information you share in the course of screening, assessment, or treatment, which implicates the safety of another person, may be used in an investigation and/or prosecution against you. The confidentiality protections do not extend to past or present forcible felonies, firearm offenses, or crimes involving children. All health care information will be protected pursuant to federal law.

MENTAL HEALTH COURT RULES & EXPECTATIONS

1. **Always Tell the Truth.** Recovery is not easy and your success will take your best effort. Your best effort includes being truthful to everyone involved in your recovery.
2. **Do Not Use or Possess Any Drugs, Alcohol, or Mind-Altering Substances.** Sobriety is one of the most important goals of the Mental Health Court program. Maintaining a substance free lifestyle and following any mental health recommendations is crucial to your recovery process. This includes avoiding all alcohol and any other substance that is mind and/or mood altering unless specifically approved by the treatment team. Stay away from establishments whose main business is the sale of alcohol, unless specifically permitted by your probation officer.
3. **Be Respectful.** You are expected to treat everyone with respect. This includes everyone on the Mental Health Court team: the judge, everyone at treatment, all court staff, probation, law enforcement, and your fellow participants. You are expected to be quiet and attentive during all treatment sessions, court appearances, and any other Mental Health Court related event. Cell phones are not permitted in treatment sessions nor in court.
4. **No Threats or Violence.** Threats or violence of any kind will not be tolerated and are grounds for termination.
5. **Follow Your Treatment Plan.** Your treatment plan is unique and tailored to fit you. Do not compare your treatment plan to another participant's. You are here to focus on your own recovery. If you have questions about your treatment plan, contact a member of treatment.
6. **Follow All Probation Instructions.** Your probation officer will instruct you on all the rules and expectations of probation. You must follow and fully comply with all instructions from your probation officer. Non-compliance will result in a violation of probation. You are expected to keep all appointments, be on time, and respectful to all probation staff.

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7. **Attend All Scheduled Treatment, Meetings, Court Appearances, and Events & Be on Time.** You are required to attend all treatment sessions, meetings, court appearances, and scheduled events. Unexcused absences will result in a sanction. If you are unable to attend anything, you must contact treatment and/or your probation officer immediately. If you are going to be late, you must contact treatment and/or your probation officer immediately.
 8. **Obey All Laws.** This includes, but is not limited to, obeying all traffic laws. For example, you must not drive unless you are properly licensed, registered, and insured, and you must obey speed limits, stop signs, and all rules for safe operation of a vehicle.
 9. **Do Not Associate with Anyone Engaged in Criminal Activity.** You may not communicate or interact in any way with someone whom you know to be engaged in criminal behavior. You must be protective of your recovery. Anyone who is involved in illegal activity is not supportive of your recovery and should not be around you. If you need help, you should contact a member of the team right away and follow their advice for separating from the bad situation.
 10. **Ask for help.** The entire Mental Health Court team wants you to succeed. If you are struggling, or have questions or concerns about anything, ask for help. You are not in this alone.

PHASE REQUIREMENTS

Phase 1:

- Minimum of 30 Days
- Random Drug and Alcohol Testing
- Random Home Checks
- Follow all Probation Instructions
- Follow all Treatment & Case Management Instructions
- Participate in Treatment as Determined by Your Needs
- Weekly Court Appearances
- Minimum of 14 Days of Sobriety to advance
- Minimum of 14 Days without a sanction to advance

Phase 2:

- Minimum of 60 Days
- Random Drug and Alcohol Testing
- Random Home Checks
- Follow all Probation Instructions
- Follow all Treatment & Case Management Instructions
- Participate in Treatment as Determined by Your Needs
- Bi-Weekly Court Appearances
- Work, School, or Community Service
- Consistent Restitution Payments (if applicable)
- Minimum of 30 Days of Sobriety to advance
- Minimum of 14 Days without a sanction to advance

Phase 3:

- Minimum of 60 days (misdemeanor)
- Minimum of 90 days (felony)
- Random Drug and Alcohol Testing
- Random Home Checks
- Follow all Probation Instructions
- Follow all Treatment & Case Management Instructions
- Participate in Treatment as Determined by Your Needs
- Court Appearances every 3 weeks
- Work, School, or Community Service
- Consistent Restitution Payments (if applicable)
- Minimum of 30 Days of Sobriety to advance
- Minimum of 14 Days without a sanction to advance

Phase 4:

- Minimum of 60 days (misdemeanor)
- Minimum of 90 days (felony)
- Random Drug and Alcohol Testing
- Random Home Checks
- Follow all Probation Instructions
- Follow all Treatment & Case Management Instructions
- Participate in Treatment Determined by Your Needs
- Monthly Court Appearances
- Work, School, or Community Service
- Consistent Restitution Payments (if applicable)
- Minimum of 30 Days of Sobriety to advance
- Minimum of 14 Days without a sanction to advance

Phase 5:

- Minimum of 60 Days (misdemeanor)
- Minimum of 90 days (felony)
- Random Drug and Alcohol Testing
- Random Home Checks
- Follow all Probation Instructions
- Follow all Treatment & Case Management Instructions
- Participate in Treatment as Determined by Your Needs
- Monthly Court Appearances
- Work, School, or Community Service
- Consistent Restitution Payments (if applicable)
- Minimum of 30 Days of Sobriety to Move On
- Minimum of 14 Days without a sanction to Move On
- Complete Exit Interview

The entire Mental Health Court team determines phase advancement. You will fill out a phase advancement application that will be turned in 1 week before you are eligible to phase.