

STATE OF FLORIDA
TWENTIETH JUDICIAL CIRCUIT



COLLIER COUNTY
MENTAL HEALTH COURT PROGRAM

PARTICIPANT HANDBOOK

INTRODUCTION TO MENTAL HEALTH COURT

Mental Health Court (or “MHC”) is an alternative treatment court program offered to people who have been arrested in Collier County who suffer from severe and persistent mental illnesses. The program is designed to help stabilize participants’ lives, equip them with tools needed to support their recovery, and reduce the chance of being arrested again in the future. The emphasis is on treatment as an alternative to jail or prison time. In some cases, charges may be reduced or dropped upon successful completion of the MHC Program, as decided by the State Attorney’s Office.

This Handbook is designed to answer questions, address concerns, and provide an overview of the MHC Program. In addition, participants will be expected to follow all specific instructions given in MHC by the Judge or by any member of the MHC Team, and comply with their individualized Intervention Plan. All potential participants are encouraged to share this Handbook with any family or friends who are part of their support network, as well as with any mental health professionals who are currently involved in their treatment.

PROGRAM OBJECTIVES

Mentally ill offenders often spend unnecessary time in jail, lack knowledge of and access to available mental health treatment services, and are at higher risk of becoming repeat offenders, cycling through the justice system many times over their lifetimes. The MHC Program represents an effort to identify and address the unique needs of these mentally ill offenders so that the cycle is interrupted and stopped. This effort relies upon effective cooperation between the criminal justice system and the mental health treatment system. This joint effort hopes to achieve the following results for the benefit of the mentally ill offenders: faster case processing, improved access to public mental health treatment services, improved well-being, and reduced recidivism. In turn, these efforts benefit the larger community through increased public safety and decreased spending.

HOW IT WORKS

Mental Health Court is a criminal treatment court that accepts certain persons facing misdemeanors, felonies and/or violations of county or state probation. Following the criminal arrest of a person with a severe and persistent mental illness, anyone may make a referral of that person to be considered for participation in MHC. The client will then be screened by a mental health professional from the David Lawrence Center, the contracted MHC Program coordinator, to determine whether he or she is clinically appropriate for MHC.

If found to be clinically appropriate for MHC, it is up to the State Attorney to determine if the client is legally appropriate for participation, and under what terms and conditions. Clients who are found to be eligible for MHC will be offered a choice as to whether they wish to participate. The client's defense attorney will need to discuss all details of the MHC opportunity with the client, including the terms contained within this Handbook, in order to advise the client fully in making this decision. Participation in MHC is voluntary, but once accepted into the program, compliance is required.

Prior to entry into MHC, a proposed Intervention Plan will be developed by the MHC Team. This Intervention Plan will be designed specifically to address the unique needs of the client in order to assist them in finding a lasting recovery, improving their quality of life and decreasing their chances of recidivism. Specific treatment goals will be set forth, along with the services the client will need to use in order to meet those goals. The client will have the opportunity to review the plan and discuss any concerns with both the MHC staff and his or her attorney, before entry into the program. It is important for the client to fully understand the proposed treatment options in order to make an informed decision regarding entry into the program.

In addition to the Intervention Plan, clients who are considering entering MHC will be provided with an MHC Contract, which sets forth the specific terms and conditions for the client's participation in MHC. Depending on individual circumstances, the Contract may provide for certain rewards upon successful completion of MHC and probation, ranging from early termination of probation to avoidance of a conviction to reduction or even dismissal of some or all of the charges.

If the client wishes to accept the Intervention Plan and the Contract and enter MHC, they will enter a plea to their charges according to the terms set forth in the Contract, as negotiated by their defense attorney and the State Attorney. The participant will then be placed on a period of probation to ensure their compliance with all of the terms set forth in the Contract, the Intervention Plan and this Handbook. In addition, the participant may be obligated to make restitution to victims, complete certain court-directed classes, and pay or work off all fines, court costs and probation fees.

THE MENTAL HEALTH COURT TEAM

Mental Health Court is a collaborative effort between members of the criminal justice system and members of the mental health treatment system. As such, the court is run by a team of dedicated and specially trained professionals representing the relevant agencies involved in the effort. The MHC Team consists of a Judge, an Assistant State Attorney, an Assistant Public Defender, a State Probation Officer, a County Probation Officer, one or more representatives of the treatment provider (see below), and one or more representatives of the Collier County Sheriff's Office and Naples Jail Center.

TREATMENT PROVIDERS

While the David Lawrence Center (DLC) is the treatment provider that is contracted to provide case management and coordination services for MHC, Participants are free to select any treatment provider they may choose. Participants who receive treatment from providers other than DLC (including anytime they may become hospitalized or referred to a residential treatment program) will need to execute a Consent to Release of Information form promptly so that relevant information may be shared by that treatment provider with the members of the MHC Team. Refusal to execute such a Consent form may result in termination from MHC.

SOBRIETY AND MENTAL HEALTH COURT

MHC is a sobriety-based treatment court program. As such, consumption of alcohol, drugs or other mind altering substances is strictly prohibited, and will be closely monitored through random drug and alcohol testing. Participants must provide a complete list of all properly prescribed medications to their Probation Officer and their Case Manager, and must update the list immediately anytime a doctor makes any changes. All prescribed medications must be taken precisely as prescribed, and must be refilled in a timely manner so that no doses are missed. Should your treatment provider wish to prescribe any medications that may be subject to abuse (classic examples include pain-killers and some anxiety medications), you will need to discuss this prescription with your Case Manager immediately to determine whether this will interfere with your continued participation in MHC.

MENTAL HEALTH COURT SUPERVISION

All MHC participants are required to appear in MHC and to meet with their assigned Case Manager and Probation Officer on a regular basis. This is for the purpose of monitoring compliance with their court and treatment obligations, and may include random drug testing, inspection of medications and other inquiries. Participants are required to be fully honest with the MHC Team members regarding any struggles or problems they may be having, or any mistakes they may have made, so that the MHC Team and treatment providers can assist. Failure by a participant to be fully honest with a member of the MHC Team may result in imposition of a sanction at a minimum (see below), or in termination from MHC and prosecution for Violation of Probation, in more severe instances.

At each court appearance, the Judge will be given a progress report prepared by the MHC Team. The Judge will ask questions about progress and discuss any specific problems the participant may be experiencing during court. If the participant is doing well, he or she will be encouraged to continue with the program and work with their treatment provider toward successful completion of all terms. If the participant is not doing well, or is not being honest with the Team, the Judge will discuss this with the participant and the treatment provider to determine further action.

Sanctions by the Court for non-compliance can range from a friendly warning to community service, an essay, an earlier curfew, or in some cases, time in jail. Continued non-compliance can result in a Violation of Probation and possible termination from MHC.

MENTAL HEALTH COURT PROGRAM RULES

All MHC participants will be required to abide by the following rules:

1. Comply with the Intervention Plan developed for you.
2. Attend all review hearings before the MHC Judge.
3. Follow all instructions given by the Judge, your Probation Officer, your Case Manager and your treatment providers.
4. Be on time to all appointments associated with and including MHC.
5. Dress appropriately for court and treatment sessions.
6. While in court, remain seated and quiet until called upon to speak.
7. Act in a respectful manner toward the MHC Team members, and all treatment providers.
8. Refrain from participating in any threatening or violent behavior.
9. Refrain from the use of alcohol or any drugs or mind-altering substances unless prescribed by a qualified mental health care professional and approved by the MHC Team.
10. Refrain from committing any act which would result in a new arrest.

COMPLETION OF MENTAL HEALTH COURT

Successful completion of MHC will be celebrated by an informal graduation ceremony, to which friends and family are invited. Depending upon the terms of the MHC Contract, the Participant may still remain on a period of probation following this graduation. Successful completion of both MHC and all probation terms may result in rewards ranging from early termination of probation to avoidance of a conviction to dismissal of some or all of the charges, in accordance with the MHC Contract. On the other hand, failure to successfully complete MHC or other unsuccessful discharge from the program may result in Violation of Probation and further prosecution.

CONFIDENTIALITY

All participants' privacy will be protected consistent with Florida and federal law. In response to these regulations, policies and procedures have been developed which guard all participants' confidentiality. All participants will be asked to sign appropriate consents and waivers authorizing the transfer of information among participating agencies and MHC Team members.

CONCLUSION

The MHC program has been developed to give you the best possible opportunity to return to the community as a healthy, productive and responsible member. The program is voluntary and depends entirely upon your willingness to be honest in asking for and accepting help. The members of the MHC Team will be present every step of the way to guide you and assist you in any way they can, but the final responsibility and accomplishment will be yours.

We hope this handbook has been helpful to you and answered your questions. If you have additional questions or concerns about the MHC program, please consult our website at <http://www.ca.cjis20.org>. Click on “Programs” then “Mental Health Court” then “Collier.”