ADMINISTRATIVE ORDER

43rd Circuit Court, 2019-3 J
4th District Court, 2019-3 J

ORDER FOR THE ESTABLISHMENT OF THE CASS COUNTY COURTS' MENTAL HEALTH COURT PROGRAM

IT IS ORDERED:

This administrative order is issued in accordance with MCL 600.1090, *et seq*. The purpose of this order is to establish a mental health court program (MHC) for the 43rd Circuit Court and the 4th District Court in Cass County, upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the *10 Essential Elements of a Mental Health Court* promulgated by the Bureau of Justice Assistance (see Attachment A).

1. The Cass County Courts have entered into a memorandum of understanding with the Cass County Prosecuting Attorney, a representative of the community mental health services program, a representative of the criminal defense bar, and a representative or representatives of community treatment providers and other key parties pursuant to MCL 600.1091. The memorandum of understanding describes the role of each party and is attached (see Attachment B).

2. A multidisciplinary group of stakeholders participated in the planning and program design for Cass County's mental health court (Cass County was previously part of a regional mental health court program with Berrien County, for which planning started in April 2014 after which the Berrien/Cass Mental Health Court became operational in October 2014).

3. Team members have familiarized themselves with the operations of the previously existing regional mental health court operated by Berrien and Cass Counites and cross-training between mental health and judicial systems has occurred.

4. The Cass MHC (CMHC) has established eligibility criteria that are consistent with MCL 600.1093 through MCL 600.1095. Criteria, both legal and clinical, are clearly defined for admission.

5. In compliance with MCL 600.1093(3), no participant will be admitted until a complete preadmission screening and an evaluation assessment are completed. Policies that facilitate timely participant identification, referral, and admission into the mental health court have been developed.

6. All participants will sign a written agreement to participate in the program in conformance with MCL 600.1094(1)(c). Policies and procedures describing the

program length, level of supervision, treatment plan development, requirements for successful completion, expulsion criteria, case disposition whether successful or unsuccessful completion of the program, sanctions, incentives, and other key program components are developed and will be explained to eligible participants as part of the terms of participation.

7. The CMHC will provide consistent and close monitoring of the participant as required by MCL 600.1096. Policies and procedures on the methods and frequency in which the responsible individuals will monitor participant compliance with the program requirements have been developed.

8. The court will maintain case files in compliance with District Court Retention and Disposal Schedule General Schedule #13 and Circuit Court Retention and Disposal Schedule General Schedule #15, the Michigan Trial Court Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of mental health court records.

9. Pursuant to MCL 600.1099, the coordinating court will provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the mental health court.

10. The court will use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO.

11. In order to begin or continue operation of the mental health court, Cass County Mental Health Court will become certified by the State Court Administrative Office under MCL 600.1091.

12. This order is effective October 1, 2019.

Date: 5/29/19

Honorable Susan L. Dobrich, P32783
Chief Judge, Cass County Courts

Date: 6-7-19

Honorable Mark A. Herman, P34735
43rd Circuit Court

Date: 6-6-19

Honorable Stacey A. Rentfrow, P55910
4th District Court

ATTACHMENT A
The 10 Essential Elements of a Mental Health Court

Essential Element #1 – Planning and Administration
A broad-based group of stakeholders representing the criminal justice, mental health, substance abuse treatment, and related systems and the community guides the planning and administration of the court.

Essential Element #2 – Target Population
Eligibility criteria address public safety and consider a community's treatment capacity, in addition to the availability of alternatives to pretrial detention for defendants with mental illnesses. Eligibility criteria also take into account the relationship between mental illness and a defendant's offenses, while allowing the individual circumstances of each case to be considered.

Essential Element #3 – Timely Participant Identification and Linkage to Services
Participants are identified, referred, and accepted into mental health courts, and then linked to community-based service providers as quickly as possible.

Essential Element #4 – Terms of Participation
Terms of participation are clear, promote public safety, facilitate the defendant's engagement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community, and provide for positive legal outcomes for those individuals who successfully complete the program.

Essential Element #5 – Informed Choice
Defendants fully understand the program requirements before agreeing to participate in a mental health court. They are provided legal counsel to inform this decision and subsequent decisions about program involvement. Procedures exist in the mental health court to address, in a timely fashion, concerns about a defendant's competency whenever they arise.

Essential Element #6 – Treatment Supports and Services
Mental health courts connect participants to comprehensive and individualized treatment supports and services in the community. They strive to use—and increase the availability of— treatment and services that are evidence-based.

Essential Element #7 – Confidentiality
Health and legal information should be shared in a way that protects potential participants' confidentiality rights as mental health consumers and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services should be safeguarded in the event that participants are returned to traditional court processing.

Essential Element #8 – Court Team
A team of criminal justice and mental health staff and service and treatment providers receives special, ongoing training and helps mental health court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process.

Essential Element #9 – Monitoring Participant Progress
Criminal justice and mental health staff collaboratively monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery.

Essential Element #10 – Sustainability
Data are collected and analyzed to demonstrate the impact of the mental health court, its performance is assessed periodically (and procedures are modified accordingly), court processes are institutionalized, and support for the court in the community is cultivated and expanded.