



Eugene Mental Health Court

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2 Mental Health Court Mission

Eugene Mental Health Court Mission:

Mental Health Court (MHC) provides treatment, skill building and access to services for individuals with a diagnosis of mental illness who are charged with misdemeanor offenses at the Eugene Municipal Court (EGMC). The MHC team provides participants with the necessary skills and support systems to identify and manage mental illness. By diverting criminal participants from traditional prosecution into a treatment Court, MHC seeks to reduce recidivism, promote public safety, and increase the productivity and quality of life for its participants.

3 Mental Health Court Goals

Eugene Mental Health Court Goals:

1. Connect participants with treatment services.
2. Ensure public safety through mental health treatment and developing support systems.
3. Reduce recidivism of mentally ill participants.
4. Increase productivity and enhance quality of life.

4 Mental Health Court Eligibility

Objective Criteria:

- Voluntarily participate in the program and acknowledge any secondary substance use (if relevant) and voluntarily participate in treatment.
- Have a pending criminal charge with Eugene Municipal Court.
- Have a diagnosis of a mental illness, be developmentally disabled and/or have a traumatic brain injury.
- In most cases an entry of a plea is required. If there is no stipulation between the parties, a hearing will be scheduled. The Judge will then hear both the prosecution and defense positions and will issue a ruling.
- Demonstrate to the Court the ability to make Court appearances and meet the requirements of the treatment providers.

Discretionary Criteria:

- In making the final decision on whether a participant is suitable for MHC, the court may consider the factors listed in ORS 135.886(2).
- On rare occasions, MHC can be ordered as a condition of probation.

5 Referrals

The defense attorney, City Prosecutor, Judge, treatment providers, family and friends of the participant may request a referral to Mental Health Court.

6 Screenings and Tools

An initial screening interview is performed by defense counsel. A questionnaire is used and supplemented by written additions to further detail a participant's eligibility into the Mental Health Court. Once the initial screening is complete and the individual meets the minimum eligibility criteria, he or she is referred to Lane County Behavioral Health (LCBH) where a secondary screening is administered.

The secondary screening performed by LCBH includes an evidence based assessment screening tool which will determine risk of reoffending and need levels, in addition to formulating an individualized treatment plan. The results will determine if the applicant is a good candidate for MHC. Once a candidate is deemed appropriate, a request for MHC is forwarded to the prosecutor for review to determine eligibility under ORS 135.886(2) and an acceptance letter is issued to the Court.

7 Petitions and Waivers

A formal Petition to enter Mental Health Court is executed once a participant is deemed eligible for the program and negotiations between the parties have taken place. Generally, either a guilty plea or a no contest plea is required. Verbal and written waiver of rights is given in open Court and also included in the Plea Petition. Additionally, an informed consent process is included with the assessment, which informs participants of their rights and responsibilities regarding treatment.

8 Program Scope and Length

Mental Health Court's scope is broad: all types of misdemeanors are eligible. Presently, space is limited to 30 participants at a time.

The standard length of the program is 6 months. If a participant meets the mental health liaison and Court's expectations, it is possible to graduate in 5 months. On occasion, a participant agrees to a lengthier program to fulfill all the program

requirements. When MHC is ordered as a condition of probation, scope and length are generally the same, however, terms can vary based on probation requirements.

9 Program Rules and Requirements

- No new criminal charges;
- Attend monthly MHC sessions;
- Submit to urinalysis (UAs) testing when directed by Court or treatment provider. UA's may continue throughout the entirety of the program.
- Attend a minimum of weekly group sessions and any other treatment and/or support group as directed by the Court, unless the treatment provider recommends otherwise;
- Meet and remain compliant with treatment provider/prescriber recommendations;
- Take all medications as prescribed and report any problems to provider;
- Attend one individual meeting with the mental health specialist/liaison bi-weekly;
- Comply with any other directives of the Court outlined in the "Return to Court Form" including outside professional treatment contacts;
- Comply with no contact orders;
- Pay in full any restitution due before charges are dismissed. A participant may graduate from MHC with restitution owing, however, cases are not resolved until the restitution is paid;
- When MHC is a condition of probation, all above Rules and Requirements apply in addition to any others set forth on the judgment.

10 Treatment

LCBH determines individual treatment plans for participants based on the results from the evidence based assessment screening tool initially administered. The minimum requirements to graduate include a minimum of 36 contacts over six months: weekly group sessions, bi-weekly check-ins with the Mental Health liaison, and monthly court appearances. Specific requirements are tailored to the individual, depending on a variety of factors not limited to socio-economic status (SES) and diagnosis. Other

services may be utilized such as UAs, psychiatry, medication management, drug and alcohol treatment, co-occurring treatment & support groups in addition to education providers. Participants are given access to a wide variety of drop-in groups at LCBH, and can receive referrals to other services ranging from primary medical care, housing, substance abuse, and ongoing mental health care. These services may be utilized after graduation from the diversion program.

11 Medications

LCBH typically will oversee and administer prescriptions and management of medications, however, referrals to outside agencies occur when appropriate. UAs determine substance use by participants. Participants often have prescriptions for medications that show up on a drug screen. Other substance use is addressed by MH liaison with the participant and Court. When appropriate, a participant who tests positive for an illegal substance can be referred to drug treatment. Participants are required to follow their prescriber's directives for both prescribed and over-the-counter medications. If a participant is having problems with medications, he/she is encouraged to contact the prescriber immediately (side effects etc.). Medications are not mandatory. However, if a participant is not being compliant with prescribed medications and an associated decline in functioning is observed or reported, the participant will be encouraged to start or resume medications.

12 Incentives and Sanctions

Incentives:

Court incentives include praise, listening, less monthly Court appearance time, dismissal of charge(s), and graduation in open court.

Sanctions:

Treatment sanctions include more requirements which could include more UAs, additional assignments/homework (e.g. write an essay), increased individual contact with mental health liaison each month, and an additional treatment requirement.

Court sanctions include more questions by the court, longer monthly Court appearance time, lengthening term of program and possible termination.

When MHC is ordered as a condition of probation and the participant is non-compliant, probation revocation or an extension of probation including a jail sentence or jail sanction could be imposed.

13 Medical Privacy

Participants sign a release of information allowing medical information to be shared with the court and attorneys; however, the information is limited to the participant's progress in the program. Information is sent through a secure email. HIPPA laws apply to the medical provider and LCBH liaison. Releases of Information may be put in place for more specific information but participation in the program allows information (e.g., participation and progress in program) to be relayed back to the legal and court teams. Additionally, health records are not kept in the Court file.

14 End of the Program

Successful Participation:

Active and successful participation in the program ends with a graduation in open court. The participant is offered an opportunity to address peers, family, supporters, and providers present at court, receive a round of applause and congratulations, along with a certificate of completion handed to the graduate directly from the Judge who personally acknowledges their achievement. After the participant completes any remaining legal requirements such as paying restitution, the charges are dismissed (if a diversion). If MHC was ordered as a condition of probation and all other probation requirements are met, the probation will be closed as completed successfully. Participants are encouraged to continue with treatment/services and their relationship with LCBH, or their current treatment provider, so that a continuation of care is assured.

Unsuccessful Participation:

Upon withdrawal or Court termination, the participant proceeds within the traditional court process. A sentencing on the underlying charge(s) (if a diversion) will be imposed, or an additional sanction and or probation revocation, as permitted by law, if MHC was a condition of a probationary sentence.