



MIAMI COUNTY COURT OF COMMON PLEAS
MENTAL HEALTH COURT

JUDGE STACY M. WALL

PARTICIPANT HANDBOOK

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WELCOME TO THE MIAMI COUNTY COMMON PLEAS
MENTAL HEALTH COURT

The Mental Health Court is an intensive probation program offering targeted treatment to offenders who have been diagnosed with a serious mental illness and whose illness has contributed to their involvement in the criminal justice system. This program is designed to give you access to treatment, assist in achieving stability of your mental health symptoms, staying out of the criminal justice system, and ultimately better your life.

Participants must be referred to the program. Upon referral, each potential participant will be assessed to see if they are eligible for the program. If the potential participant meets the legal and clinical eligibility criteria, the Mental Health Court Judge (“MHC Judge”) will determine final approval for admission.

If eligible, and after approval of the MHC Judge, the participant will be offered admission. The participant must voluntarily agree to participate in the program and must enter a plea of guilty. The participant will be ordered to complete the program and will be on intensive supervision with the Probation Department to monitor compliance with the requirements of the program.

The participant will go through a brief orientation with the Probation Officer to review the general conditions of supervision and the policies and procedures of the program. The participant will sign an acknowledgement of voluntary participation in the program.

The program is governed by the MHC Judge and the Treatment Team. The Treatment Team is comprised of the MHC Judge, judicial staff, treatment providers, the Probation Officer, case managers, and others whose primary concern is each participant’s mental and overall health. The Treatment Team will develop an individualized treatment plan, and each participant will be placed in the appropriate treatment services and programs as soon as possible.

The program consists of four phases: (1) Orientation and Compliance; (2) Stabilization; (3) Community Reintegration; and (4) Growth, Development, and Maintenance. Throughout the program, participants will have access to various treatment providers and community resources. While there is no predetermined timeline to complete the program, the average length of the program is 18 – 24 months. Completion of each phase is determined by each participant’s individual treatment progress.

While this is a voluntary program, once a participant is ordered to complete the program, they must follow the rules. These rules include, but are not limited to, abstaining from drug and alcohol use, taking all medication as prescribed, attending all appointments with treatment providers and the probation officer, meeting all conditions of probation, attending all court hearings, and abiding by the orders of the MHC Judge and the law. Incentives and sanctions will be used to reward compliance and to penalize noncompliance with the rules. Continued noncompliance may subject a participant to termination from the program.

Following the four phases, and upon satisfying the written criteria for successful completion, participants will be nominated for graduation. If the nominations are approved by the MHC Judge, a graduation ceremony will take place to commemorate each participant's accomplishments and continued success.

INTRODUCTION TO THE MENTAL HEALTH COURT

What is the Miami County Common Pleas Mental Health Court?

The Mental Health Court is a treatment program, supervised by Judge Wall, for people charged with a felony offense or whom are under the jurisdiction of the Common Pleas Court and who have been diagnosed with a severe and persistent mental illness. Entry into the program is voluntary and includes regular court appearances before the Mental Health Court Judge. You will work with a dedicated team of professionals on stabilizing your mental health symptoms, developing skills to successfully stay out of the criminal justice system and ultimately improving your quality of life. The Court is based on the AllRise Best Practice Standards.

Why should I participate in the Mental Health Court?

Joining the Mental Health Court means that you want to improve your life by working closely with the Mental Health Court Treatment Team to achieve your goals and stay out of jail on a short-term basis and out of the criminal justice system on a long-term basis. If you work with the Mental Health Court, you will find many ways to make a better life for yourself.

The Mental Health Court provides:

- Individualized treatment plans;
- Alcohol and drug treatment (if applicable);
- Medication monitoring;
- Referral to employment, educational, vocational, housing, and benefit services;
- Incentives for compliance with your treatment plan;
- Residential treatment (if appropriate); and
- Miscellaneous assistance such as help with driver's license issues.

Once you are admitted to the program, you will be ordered to complete the program, which means you must follow the rules. To be admitted to the program, participants must enter a plea of guilty and sign a Participation Agreement for the Mental Health Court. The Agreement explains the expectations of the program and what happens if you do not follow the rules. This Handbook and the Participation Agreement describe your rights and responsibilities while in the program. Upon your request, you will have an opportunity to review the Participation Agreement with a defense attorney to answer any questions you may have.

What rules do I have to follow as part of the Mental Health Court?

The following is a list of some of the rules of the Mental Health Court:

- Abstain from alcohol and drug use;
- Attend all court sessions;
- Attend all appointments with case managers, psychiatrists, counselors, and actively participate in treatment;
- Attend all appointments with your Probation Officer;
- Follow the orders of the Judge;
- Commit no new criminal offenses;
- Complete all required paperwork and assignments; and
- Successfully complete all phases of the program.

Your rights while in the Mental Health Court

Participants also have rights while participating in the program, such as:

- The right to voluntarily participate in the Mental Health Court;
- A right to have all legal consequences explained by a defense attorney before entering the program;
- A right to have a say in developing and carrying out your treatment plan;
- A right to access available treatment services in a timely manner; and
- A right to request attendance of a defense attorney during court hearings and at treatment team meetings.

****These rules and rights are not exhaustive, meaning a complete list of all rules of the program and rights while in the program are not provided on this page. Any questions about additional rules and rights should be directed to your attorney, the Mental Health Court Team, or your Probation Officer.**

****Please note that while participation is voluntary, failure to participate when ordered to Mental Health Court as a condition of community control or intervention in lieu of conviction may result in adverse consequences by the assigned sentencing judge.**

REFERRAL PROCESS AND ELIGIBILITY GUIDELINES

Referral Process

A referral can be made by almost anyone. Judges, probation officers, case managers, attorneys, and others can refer you to the Mental Health Court. If you are found to be eligible for the program and agree to participate in the program, then you must enter a plea of guilty. If you have been approved for intervention in lieu of conviction, your case will be stayed pending successful completion of the program.

How do I know if I am eligible for the Mental Health Court?

Once a referral is made, the Mental Health Court team determines eligibility. The following guidelines are used to decide who can participate in the program. None of these guidelines provide

a right to participate in the program. This means that even if you are eligible to participate, you may not be admitted to the program for other reasons. The Mental Health Court Judge has the final decision of whether to allow you to participate in the program based upon the written legal and clinical eligibility criteria.

Legal Eligibility:

- Charged with one or more felonies less than a felony of the second degree or otherwise under the jurisdiction of Common Pleas Court.
- An offender may be considered for admission at any stage of their charge.
- All offenders are required to enter a guilty plea as part of the program.
- If eligible, offenders may complete the program as part of Intervention in Lieu of Conviction or community control.
- Offenders eligible for judicial release may also be considered for admission.

Any one or more of the following will likely render the offender *ineligible* for the program:

- ✗ Persistent reoffending that is unrelated to a mental health diagnosis;
- ✗ History of serious or repetitive violence;
- ✗ Individuals determined to be legally incompetent;
- ✗ Certain crimes involving child victims; and
- ✗ Certain sexually oriented offenses and violent offenses resulting in a serious injury.
- ✗ Previous unsuccessful termination from Mental Health Court.

Clinical Eligibility:

- Participants must have been diagnosed with a serious mental illness, including, but not limited to, Schizophrenia, Schizoaffective Disorder (bipolar or depressive), Bipolar Disorder, Major Depressive Disorder, Obsessive Compulsive Disorder, Panic Disorder, or Post-Traumatic Stress Disorder, as diagnosed by a licensed provider and as described in the most current edition of the DSM (Diagnostic and Statistical Manual of Mental Disorders).
- Must have the ability to understand the expectations and consequences of the program and the ability to voluntarily participate in the program.
- Must have the need for, and will likely benefit from, intensive supervision services, as determined by a licensed provider.

Screening and Assessments

Once a referral is made, the Judge will order the required screening and assessments be completed to ensure you meet the criteria for admission as explained above.

Your legal eligibility will be assessed first. If you are legally eligible, you will then be assessed for clinical eligibility by persons designated by the Court who are properly licensed and trained to perform such assessments. The clinical assessment means that you must meet with a licensed therapist, psychiatrist or psychologist to discuss your current symptoms and your history of treatment. You will sign releases of information so that your treatment history can be reviewed and disclosed to the Mental Health Court Team. This assessment process is required. If you fail to report for the assessment, the Judge will be notified. Continued failure to report for your assessment may render you ineligible for the program.

Once the assessment is completed, the probation officer will conduct the ORAS assessment. After all steps are completed, the Judge and the Treatment Team will review your case for eligibility. The final decision of whether to admit you to the program will be made by the Judge. If you are found to be eligible for the program, a final decision will be rendered as quickly as possible, generally no later than twenty (20) days after your assessments were ordered.

If you are not eligible for the program or you fail to appear or otherwise fail to comply with the initial assessments, your case will proceed in front of the Judge originally assigned to your case.

What happens if I am admitted to the program?

Once you are determined to be eligible and are offered admission to the program, and after having consulted with your attorney, you must have entered a plea of guilty. The Judge assigned to your case will sentence you to community control. Upon successful completion of the program, a reserved prison term will not be imposed. If you were approved for intervention in lieu of conviction, then your case will be stayed pending successful completion of the Mental Health Court.

After you are admitted to the program, you will immediately meet with your Probation Officer. Your Probation Officer will let you know when to appear for your first scheduled Mental Health Court hearing. Your Probation Officer will perform a brief orientation to explain the expectations required for compliance with the program and the consequences of noncompliance, including the termination criteria. This will include completion of the required paperwork.

You will also work with a case manager and treatment providers to develop your individualized treatment plan. If you are already working with one or more case managers, the Treatment Team will work with them, if possible, throughout the program.

MENTAL HEALTH COURT TREATMENT TEAM

What is the Mental Health Court Treatment Team?

The Mental Health Court Treatment Team is made up of a group of professionals who are committed to helping you achieve success in the program. The Treatment Team meets before each docket to discuss your progress throughout the program.

The Treatment Team members include:

- The Judge;
- The Referral Coordinator (Staff Attorney to the Judge);
- Representatives from various treatment providers, including Tri-County Board of Recovery and Mental Health Services, Recovery & Wellness and others; and
- A designated Probation Officer, Mental Health Coordinator;
- A Public Defender and/or the Prosecutor.

The Mental Health Coordinator's role is to assist participants in all phases of the program, including discussing goals, progress, and to provide information regarding available resources.

A defense attorney will be in attendance at the Treatment Team meeting if requested by the participant.

Licensed treatment providers and case managers evaluate the services that best meet your needs and develop your individualized treatment plan. They also conduct random drug tests and provide treatment updates and recommendations to the Treatment Team.

The Probation Officer will also perform random drug and alcohol testing, monitor probation compliance, communicate directly with treatment providers and provide progress reports to the Treatment Team.

These team members attend all hearings and participate in discussions about incentives, sanctions, advancement through the program phases, successful completion, and termination.

COURT HEARINGS

When do I have to go to Court?

The Mental Health Court will meet every other Thursday. Participants will be provided with information on when to attend Court, but all participants start by attending every Court session. At Mental Health Court, each participant has the chance to speak directly with the Judge. As you progress through the program, the frequency of your required hearings may decrease.

The Treatment Team meetings are every other Thursday at 11:30 a.m. in Judge Wall's Court. The Mental Health docket will follow the Treatment Team meeting, beginning at 12:00 p.m. in Judge Wall's Court.

Court gives you the chance to speak with the Judge about your goals, accomplishments, and challenges. The Judge will review your compliance or noncompliance with the program rules, how you can improve compliance, and discuss the process of termination from the program if you refuse to comply with the rules of the Court.

Attendance Policy

The Mental Health Court Docket requires ongoing interaction between the Judge and each participant as an essential part of the program. Each participant must appear before the Judge every other Thursday during Phase 1 and 2 of the Program. Thereafter, each participant will be scheduled to regularly appear, based upon the participant's individual development and growth and within the discretion of the Judge, to review the participant's progress.

Regardless of which phase of the program you are in, each participant must appear at least every six weeks, as instructed by the Judge. As you progress through the program, the frequency of your required hearings may increase or decrease depending on your compliance and treatment status. You have the right to have a defense attorney with you during hearings.

The Mental Health Court strives to provide a supportive and educational environment to encourage participants to learn from one another. Thus, you are required to remain in the courtroom for the entire duration of the docket to promote support and learning for others in the program unless excused by the Judge.

Failure to appear at hearings or stay for the entire duration of the docket, may result in sanctions, including increased attendance, increased drug testing, issuance of a warrant for your arrest for failure to come to court, or denying permission to advance to the next phase of the program.

RULES OF THE MENTAL HEALTH COURT

To comply and remain in the Mental Health Court, you are required to follow these rules:

1. Stop the use of all illegal and non-prescribed drugs and the use of alcohol. You are required to comply with random and frequent drug testing throughout the program. The Judge will be informed of your test results. Positive test results will subject you to appropriate sanctions. **Failure to provide a sample as required, providing an altered sample, or submitting a diluted sample will be treated as a positive test result, and you will face immediate and appropriate sanctions.**
2. Appear in court as scheduled. You are required to be **on time** and appear before the Judge at your court hearings. The Judge has information about your progress and

compliance with treatment. The Judge will ask you about your progress and discuss any problems or concerns that you have.

3. Follow your treatment plan by attending all appointments with your case managers, treatment providers, probation officer, and support services **on time**. You may be required to participate in counseling. You may be required to attend groups such as anger management, parenting, substance abuse support, or any other area you or your treatment providers think is needed and will be beneficial to you.
4. Maintain and take all prescribed medications.
5. Follow the orders of the Judge and recommendations of the Mental Health Court Treatment Team.
6. Follow all rules in the Participation Agreement and as stated in this Handbook.

****Failure to comply with these rules, the Participation Agreement, the orders of the Judge, or if you commit a new criminal offense, will result in you being sanctioned on a graduated scale, and you may be subject to termination from the program.**

PROGRAM PHASES AND GRADUATION

What is the structure of the Mental Health Court?

Each participant must complete the four phases of the program to be eligible for graduation. The four phases are:

- (1) Orientation and Compliance;
- (2) Stabilization;
- (3) Community Reintegration; and
- (4) Growth, Development, and Maintenance.

The final step upon completion of all phases is graduation. Progress throughout the program is based upon each participant's performance and compliance with their individual treatment plan. The program phases are **not** based on a set timeline. The average time in the program is 18 months to 2 years. Treatment will begin as soon as possible after admission to the program. Failure to follow the rules of the Court or failure to follow your treatment plan may result in a longer period of program participation.

NOTE: It is important that you do not measure your progress through the phases based upon others who are in the program. Each participant's progress is measured by their individual circumstances and treatment plan. Sanctions will also impact a participant's progression through the phases.

Phase 1: Orientation and Compliance Phase

The goal of the initial phase is to help the participant understand all parts of the program. This phase familiarizes the participant with the expectations and requirements of the program. During this phase, the participant has the most contact with the Court by attending scheduled court hearings every two weeks. The goals of this phase are to ensure the participant understands the requirements of the program and adheres to the rules of the program and the law.

The following will be completed in Phase 1:

- Review and sign all agreements and releases of information required for voluntary participation in the Program.
- Become familiar with each Treatment Team member, Probation Officer, clinician, case manager, and any other member, to familiarize the participant with the team.
- Meet with service providers and address any issues of transportation.
- Meet with designated case manager(s) and treatment providers to create an initial treatment plan, which will be presented to the Judge and Treatment Team members.
- Determine frequency of random drug and alcohol screenings, which shall be based on a substance abuse assessment.
- Develop and implement plan for medication compliance.
- Attend scheduled meetings with Probation Officer, case managers, and treatment providers.
- Attend court every two weeks as scheduled.
- Abide by all rules of the Program, probation, and the law.

Phase 2: Stabilization Phase

The primary goal of this phase is to stabilize the participant and attain consistent compliance with the requirements of the program. The participant will continue to have regular contact with the court by attending all hearings and meetings on time and as scheduled. The participant will also have intensive contact with their probation officer, case manager, and treatment providers. The Treatment Team will assist the participant in addressing needs that directly impact their success, including housing, healthcare, clothing needs, recovery services, and legal issues.

- Meet all court obligations, including developing a plan for payment of fines, costs, and restitution.
- Determine frequency for continued medication compliance and monitoring.
- Attend court hearings every two weeks or as scheduled.
- Attend meetings with case manager, probation officer, and other treatment team members.
- Cooperate with random home visits by probation officer, case manager, and others.
- Submit to all drug and alcohol screenings as ordered, with negative results.
- Obtain housing and create a plan for maintaining stable housing.
- Abide by all rules of the program, probation, and the law.

- Remain medication compliant and create a plan for stabilization of mental health symptoms, behavioral issues, and (if applicable) substance use.
- Identify long-term goals.
- Obtain Sponsor.

Phases 1 and 2 may be combined at the discretion of the Judge when the participant's ORAS is low risk.

Phase 3: Community Reintegration

After obtaining stability in the previous phase, the participant may progress to the Community Integration phase. This phase is intended to address the issues that compelled the participant's involvement in the criminal justice system. The participant's required appearances at court hearings may be reduced. During this phase, the participant will demonstrate developed skills, improve relationships, and set employment, vocational, or educational goals.

The following will also occur:

- Meet probation requirements.
- Continue random drug and alcohol testing, as ordered, with negative results.
- Identify long-term goals and implementation plan.
- Begin solidifying support network and recovery support system.
- Improve familial or other supportive relationships.
- Begin to develop plans for employment, education, and social activities.
- Make referrals to ancillary services not yet addressed.
- Continue attending all required court hearings and appointments, including treatment sessions and activities.
- Maintain stable housing.
- Continue to cooperate with home visits.
- Continue to abide by the rules of the Program, probation, and the law.
- Address factors that contributed to the participant's involvement with the criminal justice system.
- Identify and connect with any outstanding service agencies pertinent to the participant's individual treatment plan.

Phase 4: Growth, Development, and Maintenance

This phase is focused on continued structure and discipline developed throughout the program. To arrive at this phase, the participant must have successfully adhered to psychiatric treatment requirements, maintained the prescribed medication schedule, obtained permanent housing, be actively pursuing employment and/or volunteering, participating in educational opportunities, developing a support system, abstaining from using illegal substances and alcohol, and avoiding any additional involvement with the criminal justice system.

The requirements for this phase are as follows:

- Complete probation obligations.
- Engage in implementation plan for previously identified long-term goals.
- Utilize sober support network and recovery support system.
- Continue to attend all court hearings as scheduled.
- Continue with treatment programs, probation reporting, case management, and other appointments.
- Continue with medication compliance.
- Obtain employment or secure disability benefits.
- Obtain permanent stable housing.
- Develop and submit a treatment plan for post-graduation.
- Demonstrate positive mental health treatment response and reduction/management of symptoms.

Completion of All Phases: Graduation

Each participant must have successfully completed all four phases of the program in order to be eligible for graduation. Any exceptions must be approved by the Judge. The participant must be nominated for graduation by a Treatment Team member, and the final determination is subject to approval from the Judge.

If the participant is approved for graduation, a graduation ceremony will take place. Family members, friends, and others of the participant's choosing may attend the graduation ceremony. All participants in the program are encouraged to attend. This is an opportunity to recognize the accomplishments and self-sufficiency of each participant as they transition out of the program.

INCENTIVES AND SANCTIONS

Incentives

A participant who complies with the rules of the program and their treatment plan may receive graduated incentives. Incentives are individualized according to the specific treatment plan and are directly related to the participant's achievements as certain milestones of the treatment plan are achieved. Incentives are tracked to ensure that the participant is rewarded on a progressive basis.

Incentives for the Program will be given for the following behaviors:

- Attending required court appearances.
- Attending required treatment appointments.
- Maintaining close and productive contact with case management.
- Reaching individual treatment objectives.
- Abstaining from alcohol and drugs, as evidenced by negative alcohol and drug screenings.

- Securing stable housing.
- Accomplishing milestones identified by the Treatment Team.
- Advancing through the Program phases.

Incentives may include the following:

- Encouragement and praise from the Judge.
- Aspirational items.
- Tokens to increase participation in positive activities that the participant enjoys, such as writing, artwork, or other positive hobbies.
- Assistance with purchasing care items, clothes, or household items.
- Gift cards.
- Decreasing frequency of court hearings.
- Reduction in fines and court costs.
- Increasing or expanding other privileges.

Sanctions

Immediate, graduated, and individualized sanctions are used when there is noncompliance with the program rules. Sanctions are a deterrent to negative behavior, as well as encouragement for future compliance by helping the participant conform their behavior to the requirements of the program. Sanctions are crafted in an individualized and creative manner, as well as in a progressive style based upon the specific violation. Sanctions are issued for noncompliance with both the program's protocols and the treatment plan. Sanctions may include increased treatment and shall be based solely on the interest of the participant, as determined by the Treatment Team.

Sanctions will be imposed for noncompliance with the rules of program and for the following behaviors:

- A positive drug or alcohol test.
- Noncompliance with drug or alcohol testing.
- Failure to attend court hearings as scheduled and on time.
- Failure to take prescribed medication.
- Failure to improve troublesome behavior.
- A new criminal conviction or criminal conduct.
- Failure to attend scheduled appointments with probation, case managers, or treatment team members.

Sanctions may include the following (sorted based on severity):

- ✗ Warning and admonishments from the Judge.
- ✗ Imposition of requirements from an earlier phase.
- ✗ Increasing frequency of drug and alcohol screenings.

- × Community service.
- × Increasing frequency of court hearings.
- × Increased monitoring.
- × Preparation of essays or reading assignments, which allow the participant to reflect upon their behavior.
- × Imposition of suspended fines or costs.
- × Escalating periods of jail or out-of-home placement.
- × Filing a community control or probation violation.
- × Ankle monitor and/or house arrest.
- × Termination of ILC.
- × Extension of phase.
- × Termination from the program.
- × A status review hearing before the Judge or with the treatment team.

PROGRAM COMPLETION AND TERMINATION

The rate at which a participant advances through the phases, and the final decision whether the participant has successfully completed the program and may graduate, is made by the Judge. The Judge bases the decision on discussions with and recommendations from the Treatment Team.

Successful Completion

This program is designed for those who accept their mental health diagnosis and want to obtain treatment, benefit from that treatment, better their lives, and stop the cycle of criminal behavior. Successful completion of the program is based entirely upon your active participation in the program and the desire to change your life. To complete the program, you must exhibit compliant behavior and achieve certain accomplishments.

Compliant behavior may include, but is not limited to, the following:

- Demonstrated independence with ability to take prescribed medication for a minimum period of 90 days prior to completion.
- Demonstrated period of abstinence from alcohol and drugs, evidenced by submitting negative alcohol and drug screens, a minimum of 90 days prior to completion.
- Attended all support group meetings.
- Active member in support groups and helps others obtain support.
- Displayed changes in thinking, attitude, beliefs, confidence, and self-sufficiency.
- Successfully completed treatment and programming.
- Demonstrated ability to identify and eliminate criminal thinking patterns.
- Completed any community service hours and other probation obligations.
- Accepts their mental illness.

Accomplishments may include, but are not limited to, the following:

- Demonstrated independence with ability to take prescribed medication for a minimum period of 90 days prior to completion.
- Demonstrated period of abstinence from alcohol and drugs, evidenced by submitting negative alcohol and drug screens.
- Completion of treatment.
- Relapse prevention plan established. (if needed)
- Regular support group attendance.
- Completed specialized docket program requirements, including community service.
- Completed vocational or educational plan.
- Displayed responsibility for behavior.
- Demonstrated stability in the community.
- Participant has petitioned the Mental Health Court for successful completion, and the Probation Officer agrees.

What is the process for deciding whether I successfully complete the Mental Health Court?

The Judge has discretion to determine when the participant has successfully completed the Program. The process of determining when a participant has successfully completed the program includes:

- Treatment Team reviews compliant behavior and accomplishments and will nominate the participant for successful completion. Participant may be nominated for completion by any Treatment Team member.
- The Judge will decide if the participant successfully completed the program. Upon such decision, an after-care plan shall be created subject to acceptance by the Judge.
- Upon completion, the participant shall participate in graduation and will be presented with a certificate of completion.
- Upon completion, the assigned Judge shall be notified.

Termination from the Mental Health Court

There are two types of termination criteria: unsuccessful and neutral discharge. As with admission to the program, the Judge has the final decision on whether a participant should be terminated from the program in accordance with the written termination criteria. The written termination criteria do not create a right to participate in the program.

What if I am terminated from the program or decide I no longer want to be in the program?

If you are terminated from the program, or you voluntarily withdraw from the program, your case will proceed as usual. You may be subject to a revocation hearing of your community control or ILC sanctions. After the hearing, your case will be reinstated in front of the Judge originally

assigned to your case for regular processing. This may include imposing a sentence that was previously reserved pending successful completion of this program.

Written Criteria for Unsuccessful Termination

The following actions may lead to unsuccessful termination from the Program:

- Ongoing noncompliance with treatment or resistance to treatment.
- New serious criminal convictions.
- A serious infraction of the rules of the program or a series of infractions.
- A serious community control violation or series of violations.

Unsuccessful termination from the program may result in the following:

- Loss of future eligibility to participate in the Mental Health Court.
- Further legal action, including revocation of community control, ILC, or judicial release sanctions.
- Depending on the circumstances, the participant may be subject to jail, prison, or other penalties.
- Should the defendant remain on probation, the defendant's case will proceed in front of the Judge originally assigned to the case.
- An unsuccessful termination from the program will **not** result in a discharge from any appropriate mental health, substance abuse, or other treatment available to the defendant. This means you can continue with treatment if you choose, but these services will no longer be provided to you through this program. You are responsible for continuing any treatment and for any costs if you continue using certain providers.

Written Criteria for Neutral Discharge

Neutral discharge means you have been minimally compliant with the program but can no longer participate in the program. The following actions or events may lead to neutral discharge from the program:

- A serious medical condition resulting in the participant's inability to participate in the program and adhere to the requirements of the program.
- A serious mental health condition resulting in the participant's inability to comply with the requirements of the Program.
- Death.
- Mental illness prevents you from being able to display a change in thinking or behavior.
- Any other factors that may keep the participant from meeting the requirements for successful completion.

Neutral discharge from the Program may result in the following:

- Defendant's case is sent back to the originally assigned Judge for regular case processing.
- Should the defendant wish to be admitted to the program in the future, the treatment team and Judge shall review the case closely, and the final decision of whether to readmit the defendant is within the discretion of the Mental Health Court Judge.

Temporary Suspension Status

Participants who are placed in a residential facility and cannot appear by video or be transported for court hearings shall be placed on temporary suspension status until release from the facility or the ability to appear at court hearings is regained. The treatment team will make every effort to obtain periodic status updates regarding the participant during this time. You will not be penalized if you are placed in a residential or medical facility and cannot appear.

SUBSTANCE USE MONITORING

Participation in the Mental Health Court may require you to submit to drug and alcohol testing. The Mental Health Court monitors each participant's substance use by random, frequent, and observed-alcohol-and-drug-testing protocols. The program uses the Miami County Adult Probation Department for drug and alcohol testing. A positive drug or alcohol screen at admission to the program, or drug use reported by the participant, shall result in a clearly established treatment plan that includes substance abuse treatment. This means that you will be required to attend substance abuse treatment as determined by the Judge and Treatment Team in addition to mental health treatment.

At your admission to the program, you will not be sanctioned for an initial positive drug or alcohol screen, but if you continue to use drugs or alcohol, the Judge will order immediate and progressive sanctions. Your continued drug or alcohol use may also result in an increased level of care for substance abuse treatment and referral to the appropriate agencies.

The following are the general policies for substance use monitoring while in the program:

1. Drug testing plans are individualized based upon the participant's substance abuse history, substance abuse assessment, previous test results, and progress throughout the program. However, to establish a baseline, it is mandatory that each participant be screened at the initial meeting with the Probation Officer.
2. The Miami County Common Pleas Adult Probation Department shall complete drug and alcohol screens in accordance with its policies.

3. The Treatment Team shall modify the screening to increase or decrease the frequency based upon the participant's individual needs.
4. Drug testing may be conducted at any time as determined by the Probation Officer, the Judge, or treatment provider, at random, and may be both frequent and observed. Random drug testing requests may be made during an office visit or by telephone and will be on an unscheduled date or time. The participant will be required to submit to drug testing upon request and will be required to do so on the same day.
5. The Probation Officer shall be responsible for reporting test results at Treatment Team meetings.
6. Positive drug or alcohol screens will result in sanctions, where appropriate, which are enforced and reinforced by the Judge.
7. The Judge shall be notified of a positive screen, failure to provide a sample, a missed screen, submission of an adulterated sample or diluted sample, or submission of the sample of another. All such results shall be treated as a positive result, and immediate sanctions will be imposed.
8. The Probation Department has internal policies setting forth the protocols for obtaining and testing samples, which ensure the reliability and validity of the test results. If a participant chooses to contest a positive instant drug screen, the participant may do so by making a request for laboratory confirmation testing and paying the laboratory costs for the testing. No sanctions will be imposed until test results are obtained.

CONTACT INFORMATION

Referral Coordinator:

Steve Bacon (Staff Attorney) (937) 440-6022

Probation Officer and Mental Health Court Coordinator:

Jonathan Kanet – PO and Coordinator (937) 440-6065

Alexis Sheffer – PO (937) 440-3556

Defense Attorney:

Joseph Fulker (937) 440-3956

Treatment Providers and Resources:

Recovery and Wellness	(937) 423-3432
Tri-County Board of Recovery & Mental Health Services	(937) 335-7727
Crisis Hotline	800-351-7347
TCN	(937) 335-4543
Opportunities for Ohioans with Disabilities (OOD)	

If you have questions about any of the information contained in this Handbook, please contact the Probation Officer/Mental Health Coordinator.