

# State of Michigan



DAVID L. STOWE  
JUDGE OF PROBATE

## The Circuit Court for The Thirteenth Judicial Circuit – Family Division Probate Court for the County of Grand Traverse

Administrative Order 2011-1

### ORDER FOR THE ESTABLISHMENT OF A MENTAL HEALTH TREATMENT COURT

IT IS ORDERED:

The purpose of this order is to establish, effective June 1, 2011, a cooperative venture between 13<sup>th</sup> Circuit Court Family Division, Grand Traverse County mental health service agencies/providers, Grand Traverse County Prosecutors Office, and other local law enforcement agencies upon approval by the State Court Administrative Office (SCAO). The Court will collaborate with the above mentioned parties to better serve individuals with diagnoses of mental illness, developmental disability, or serious emotional disturbance. The goal of the 13<sup>th</sup> Circuit Court Juvenile Mental Health Court program is to divert into long term mental health treatment, mentally ill juveniles who have been charged with a criminal offense that meets the eligibility criteria.

#### ELIGIBLE PARTICIPANTS:

A representative from the court, with permission from the appropriate prosecuting authority, shall refer qualified individuals for participation in the program. The criteria for entrance into the program shall be:

1. Axis I diagnosis i.e. mood disorder, depressive disorder, psychotic disorder, PTSD, ADHD, persistent adjustment disorder, anxiety disorder;
2. At least 10 and not more than 17 years of age;
3. Resident of Grand Traverse County;
4. Juvenile's parent or guardian must agree in writing to participate and cooperate with the program;
5. Juvenile must agree in writing to participate and cooperate with the program;
6. Juvenile must acknowledge in writing a willingness to take medication; Juvenile and Juvenile's parent or guardian must have the capacity to understand the requirements of Juvenile Mental Health Court program;
7. Juvenile must not pose an unacceptable risk of harm to the Juvenile Mental Health Court staff and team members, participants, themselves, and the community;
8. The appropriate prosecuting authority must approve the request for entry into the program.

#### ELIGIBLE OFFENSES:

The offenses eligible for selection to the program shall include felonies and misdemeanors (both pre and post adjudication with the approval of the appropriate prosecuting authority). Some violent offenses will be eligible with the consent of the victim. However, all specified juvenile violations listed in MCL 712A2d shall be excluded from the program.

**ROBERT P. GRIFFIN HALL OF JUSTICE**  
280 WASHINGTON STREET, TRAVERSE CITY, MI 49684

**PROBATE COURT**  
SUITE 223  
231/922/6862

**FAMILY COURT**  
SUITE 202  
231/922/4640

**JUVENILE**  
SUITE B106  
231/922-4650

**VOLUNTEER SERVICES**  
SUITE B150  
231/922/4827

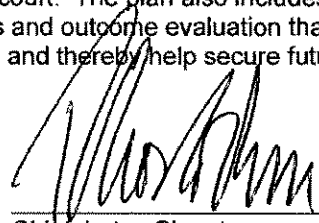
PROCEDURE:

1. In the development of Juvenile Mental Health Court's policies and procedures, consideration was given to ten essential elements of a mental health court as described by the U.S. Department of Justice, Bureau of Justice Assistance (BJA).
2. The Coordinator will partner with local mental health service agencies/providers, probation staff, legal counsel and prosecuting attorneys office to identify eligible participants for the program.
3. Upon acceptance of a guilty plea, the case will be referred to the Juvenile Mental Health Court Program. If the participant successfully completes the program, the case will be dismissed pursuant to the protocol as set forth in this order. If the juvenile does not successfully complete the program, the case shall be referred back to the formal probation docket for further review.
4. Prior to Disposition, the Court shall determine if the juvenile and his/her parent or guardian is willing to participate in mental health treatment. If the individual and his/her parent or guardian is willing to participate in the program, the program coordinator and/or the probation department will contact the appropriate prosecuting authority to request entry into the program. The appropriate prosecuting authority shall review all referred cases and agree to the individuals' participation in the program. He/she shall sign the contract indicating acceptance into the program. In addition, the appropriate juvenile probation officer shall signify his/her approval by signing the contract. No cases shall be accepted into the Juvenile Mental Health Court program without the agreement of both the prosecuting attorney's office and the appropriate juvenile probation officer.
5. If the juvenile and his/her parent or guardian are willing to participate in the Juvenile Mental Health Court program they will sign an agreement with the Court that defines program requirements, enter a plea of guilty to the allegations, and consent to an order for mental health treatment. If the juvenile and the juvenile's parent or guardian is not willing to participate in the program, the case shall continue in the normal fashion in the Family Division of the 13<sup>th</sup> Circuit Court. The Coordinator or his/her designee shall notify the Court in writing of non-compliance on the part of the juvenile. If the juvenile and his/her parent or guardian do not comply with treatment after signing the agreement and entering a plea, the case will be referred back to the formal probation docket within 14-21 days of the notice of non-compliance being filed with the Court.
6. Juvenile must acknowledge in writing a willingness to take medication; Juvenile and juvenile's parent or guardian should not have a serious emotional or cognitive impairment that would interfere with the ability to successfully participate and comply with Juvenile Mental Health Court programming and expectations.
7. The Court shall require the following as a condition of probation: that the juvenile and his/her parent or guardian attend all treatment services, that the juvenile and his/her parent or guardian appear in court as ordered on a regular basis and the juvenile and his/her parent or guardian shall comply with any additional conditions of probation that the Court may require. The Coordinator or his/her designee, the probation officer, the juvenile, as well as his/her parent or guardian shall attend all court hearings. The case will be monitored for compliance for a period of at least 9 months. If the defendant successfully completes the program, the charges shall be dismissed and/or expunged.
8. The Court will report the conviction and final outcome of the case as required by statute and court rule. The Court will restrict access to treatment records and communications as set

forth in the State Court Administrative Office Non-Public and Limited Access to Court Records Chart. The court shall maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards. The court has established procedures to ensure substantial compliance with Part 2 of Title 42 of the Code of Federal Regulations, and the Health Insurance Portability and Accountability Act (HIPAA) to safeguard the confidentiality of participants' medical records.

9. Each mental health court team member and their roles are described in the Memorandum of Understanding. Each team member has completed training on working with individuals who have been diagnosed with a mental illness or developmental disability.
10. Funding sources and local treatment service resources have been identified as part of the plan for sustaining the juvenile mental health court. The plan also includes the collection of data for SCAO to use in conducting a process and outcome evaluation that may be used to demonstrate the effectiveness of the program and thereby help secure future funding.

6/15/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Chief Judge Signature

6/15/11



**13<sup>th</sup> Circuit Juvenile Mental Health Court**  
**MEMORANDUM OF UNDERSTANDING FOR JUVENILE MENTAL HEALTH**  
**COURT PROGRAM**

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Each Juvenile Mental Health Court Memorandum of Understanding will serve to set forth the ground rules clarifying expectations of individual Juvenile Mental Health Court Team members. This Memorandum of understanding shall remain in effect from June 1, 2011 through June 1, 2012. A successful Juvenile Mental Health Court Program requires that all parties know, support, and adhere to these Memoranda of Understanding.

**IT IS UNDERSTOOD** that participants will disclose all relevant information to the Juvenile Mental Health Court Team. The information provided will be respected according to the federal confidentiality laws as they apply to Mental Health Court Practitioners. Team member will abide by the Health Insurance Portability and Accountability Act (HIPAA) to safeguard the confidentiality of participants' medical records.

**IT IS ALSO UNDERSTOOD** that team members will attend all meetings and actively listen, with only one person speaking at a time. Each person's comments and views will be respected. Individuals are encouraged to explain their positions and opinions. Conflicts should be discussed in the forum of the Juvenile Mental Health Court Team meetings, so that the group can assist in the resolution of the conflict and help in the decision making process. Any differing of opinion should focus on ideas or strategies for the growth and development of the Juvenile Mental Health Court Program. Team Members will be pro-active in solving problems as they emerge.

**IT IS ALSO UNDERSTOOD** that the Juvenile Mental Health Court has the responsibility to review admission of participants, level changes, and recommendations for sanctions, expulsion, and graduation. The method of the decision-making process is consensus; however, the Presiding Judge has ultimate decision-making authority.

**IT IS ALSO UNDERSTOOD** that Team Members will follow through on assignments and commitments. It is each Team Member's responsibility to seek new ways to work more efficiently. In the event a Team Member is unable to attend the Juvenile Mental Health Court Team meetings, it is the expectation that the member will submit a report or send a delegate from their agency.

**IT IS ALSO UNDERSTOOD** that the Judge Presiding over the Juvenile Mental Health Court has the ability to sanction participants. Due to the Judge's ability to sanction, the Team Members agree that if the participant violates the terms of the Juvenile Mental Health Court contract, prosecutorial action will not be sought. The matter will be addressed within the structure of the Juvenile Mental Health Court Program.

## Roles in Juvenile Mental Health Court

### Mental Health Treatment Providers

- Provide comprehensive mental health services to juveniles and their families.
- Hold Individual/group/family sessions.
- Maintain contact with Probation Officers regarding progress of identified youth and providing weekly progress reports concerning identified youth.
- Develop specific counseling services and programs to assist in providing an appropriate service program to participants and members of the community.
- Assist in exploring funding options and intensive residential programming for youth identified as needing this type of treatment.
- Evaluate and make recommendations for the course of treatment throughout status phases.
- Developing an ongoing treatment plan.
- Attending graduation ceremonies.
- Participate in public relations and community education regarding the merits of Juvenile Mental Health Court.
- Attend trainings and quarterly team meetings to monitor program development.

### Therapeutic Programs Coordinator

- Ensure that an integrated approach is utilized in providing a broad range of services to youth and families.
- Meet with Prosecuting Attorney to review/approve all referrals in conjunction with the Probation Officers.
- Collaborate with the Judge, the Probation staff, and service providers.
- Educate and train Probation Officers and court staff about the processes and merits of the Juvenile Mental Health Court.
- Participate in public relations and community education regarding the merits of Juvenile Mental Health Court.
- Attend trainings and quarterly/monthly meetings to monitor development.
- Verify that all necessary participation and waiver forms are completed before entering into the program.
- Attend weekly status hearings for juveniles enrolled in the program.

### Prosecuting Attorney

- Approves all potential candidates for Juvenile Mental Health Court.
- Assist in monitoring reports of potential illegal activity and disseminating the information to the Juvenile Mental Health Court Coordinator.
- Use a non-adversarial approach to promote the best interest of the child and the public's safety, while protecting the participant's due process rights.
- Participate in a coordinated strategy for responding to instances of compliance and non-compliance with Juvenile Mental Health Court plan.

### Defense Attorney

- Ensure that juvenile is aware of his/her rights and how they pertain to being a Juvenile Mental Health Court participant.
- Review all terms of Juvenile Mental Health Court contract with youth and parents.
- Advocate for the rights of participants during Juvenile Mental Health Court Status Review Hearings.
- Use a non-adversarial approach to promote rehabilitation while protecting the participant's rights.
- Meeting with the Probation Officers and Therapeutic Programs Coordinator to discuss progress of juveniles when necessary.
- Attend trainings and quarterly team meetings to monitor program development.
- Participate in public relations and community education regarding the merits of Juvenile Mental Health Court.
- Educate local Bar Association members regarding Juvenile Mental Health Court.

### Probation Officers

- Meeting with Prosecuting Attorney to review/approve all referrals.
- Interview the juvenile and his/her parents to determine if they meet criteria for enrollment in the Juvenile Mental Health Court Program.
- Meet with juveniles on a weekly basis, make referrals to appropriate community agencies, and monitor adherence to treatment plans.
- Coordinate and implement service/treatment of the juvenile and his/her family.
- Monitor results of ordered drug tests and applying sanctions and incentives as warranted by drug test results and team recommendations.
- Coordinate weekly status review hearings with Juvenile Mental Health Court participants, their families, the Judge, the Prosecutor, treatment providers and other relevant Juvenile Mental Health Court Team members.
- Prepare and complete all participants' status reports, documents, and record keeping as required by the Court and the program funding source and provide expert testimony in court proceedings as needed.
- Develop, coordinate and manage a full continuum of treatment services and interventions for the Juvenile Mental Health Court participants and their families, including employment and rehabilitation services.
- Actively monitor Juvenile Mental Health Court participants' compliance with court orders to ensure public safety and to promote development of life skills.
- Attend graduation ceremonies.
- Build relationships with family members and meeting with participant and family to discuss pertinent issues, to provide crisis intervention and to provide ongoing services.
- Attend training and quarterly team meetings to monitor program development.
- Perform all other duties and responsibilities as required by the Juvenile Mental Health Court Judge, program administration, and the Juvenile Mental Health Court funding source.

#### School Representative

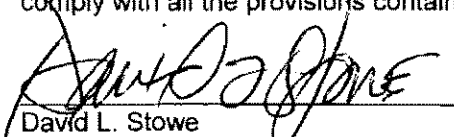
- Educate school staff regarding the process and goals of Juvenile Mental Health Court, and incorporating necessary aspects into school policy, programs, and services.
- Develop specialized school programming and support services for those youth who have identified mental health needs.
- Attend graduation ceremonies.
- Maintain contact with Probation Officer regarding the progress of identified youth.
- Attend trainings and monthly team meetings to monitor program development.

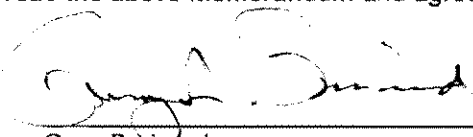
#### Juvenile Drug Court Judge

- Review juvenile's rights and verifying that all necessary participation and waiver forms are contained within the court file before entering into the program.
- All Juvenile Mental Health Court Review hearings will be appropriately noticed and held on the record.
- Attend weekly status hearings for juveniles enrolled in the program.
- Provide support, sanctions, incentives, and determining, with the assistance of the Treatment Team, when graduations to next phase of the program shall proceed.
- Evaluate/modify the juvenile's treatment plan.
- Participate in graduation ceremonies.
- Participate in public relations and community education regarding the merits of Juvenile Mental Health Court.
- Attend trainings and quarterly team meetings to monitor program developments.

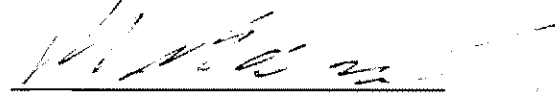
**Juvenile Mental Health Court – Memo of Understanding Signature Page**

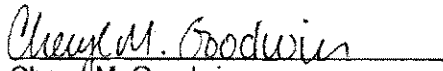
The undersigned hereby affirms that he/she has read the above Memorandum and agrees to comply with all the provisions contained therein.

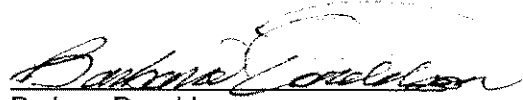
  
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David L. Stowe  
Judge

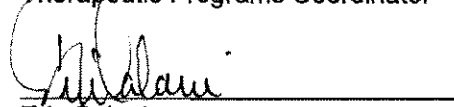
  
\_\_\_\_\_  
Greg Brainard  
Administrator


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James Pappas  
Assistant Prosecuting Attorney


  
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Mark Risk  
Defense Attorney

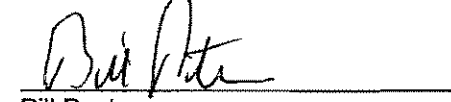
  
\_\_\_\_\_  
Cheryl M. Goodwin  
Therapeutic Programs Coordinator

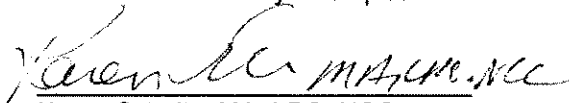
  
\_\_\_\_\_  
Barbara Donaldson  
Senior Intensive Probation Officer

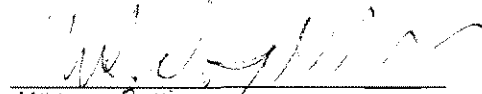
  
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Eric Salani  
Intensive Probation Officer

  
\_\_\_\_\_  
Matthew Ferguson  
Intensive Probation Officer

  
\_\_\_\_\_  
Jana Rockne LPC, LMFT  
Individual and Family Therapist

  
\_\_\_\_\_  
Bill Paxton  
Director of Northern Michigan Services

  
\_\_\_\_\_  
Karen Schultz, MA, LPC, NCC  
Individual and Family Therapist

  
\_\_\_\_\_  
Michael Sullivan  
Individual & Family Therapist

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**13<sup>th</sup> Circuit Juvenile Mental Health Court**  
**MEMORANDUM OF UNDERSTANDING FOR JUVENILE MENTAL HEALTH COURT**  
**PROSECUTING ATTORNEY**

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**IT IS ALSO UNDERSTOOD** that team members will attend meetings, when available, and will actively listen, with only one person speaking at a time. Each person's comments and views will be respected. Individuals are encouraged to explain their positions and opinions. Conflicts should be discussed in the forum of the Juvenile Mental Health Court Team meetings, so that the group can assist in the resolution of the conflict and help in the decision making process. Any differing of opinion should focus on ideas or strategies for the growth and development of the Juvenile Mental Health Court Program. Team Members will be pro-active in solving problems as they emerge.

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**IT IS FINALLY UNDERSTOOD** that the specific roles and responsibilities of the **Prosecuting Attorney** are as follows:

- Approves all potential candidates for Juvenile Mental Health Court.
- Assist in monitoring reports of potential illegal activity and disseminating the information to the Juvenile Mental Health Court Coordinator.
- Use a non-adversarial approach to promote the best interest of the child and the public's safety, while protecting the participant's due process rights.
- Participate in a coordinated strategy for responding to instances of compliance and non-compliance with Juvenile Mental Health Court plan.

The undersigned hereby affirms that he/she has read the above Memorandum and agrees to comply with all provision contained therein.

  
James Pappas  
Chief Assistant Prosecuting Attorney

  
Date