# DELAWARE COUNTY MUNICIPAL COURT
# MENTAL HEALTH DOCKET

## *PARTICIPANT HANDBOOK*



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# WELCOME TO THE DELAWARE MUNICIPAL COURT MENTAL HEALTH DOCKET (MHD)

This handbook is designed to answer questions and concerns and provide information about the mental health docket. As a participant in the Mental Health Docket, you will be required to follow instructions given by the Judge. This handbook will explain what is expected of you.

## WHAT IS A MENTAL HEALTH DOCKET?

The Mental Health Docket is a special part of the Delaware Municipal Court. It is a court-supervised program for Delaware County residents who face criminal charges and who also have a mental illness. The Mental Health Docket is a voluntary program that includes regular court appearances before a Judge.

## ELIGIBILITY REQUIREMENTS

Your decision to be on Mental Health Docket is **voluntary** but participation in the Mental Health Docket is **mandatory**.

The Mental Health Docket will not deny anyone admission to the program based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, or any disability. Also, the Mental Health Docket will not consider a defendant's ability to pay fees and/or other financial obligations in determining eligibility for the docket, progress while on the docket, and/or graduation from the docket. The Mental Health Docket will make reasonable accommodation based on a defendant's financial ability.

Your criminal history will be reviewed as part of the acceptance process. There are some prior offenses which may exclude you from the program.

If you are currently on any type of community control through another court, acceptance into the Mental Health Docket must be coordinated with that court.

Legal issues regarding your competency to stand trial or insanity defenses must be resolved before you enter the Mental Health Docket

### Clinical Criteria

A) The offender's mental health disorder was a factor in the behavior that resulted in the pending charges(s) and, unless treated, the defendant's disorder is likely to contribute to future criminal behavior.
B) The offender must be receptive to behavioral health treatment.
C) The offender agrees to maintain any psychiatric medication, psychotherapy, and/or other counseling.
D) The offender has a primary diagnosis DSM-IV Axis I, mental illness.
E) The offender agrees to actively participate and cooperate with the mental health docket coordinator and community providers.

**Legal Criteria**

A) The offender must be charged with a misdemeanor offense. (See Disqualifying Factors).
B) The offender is competent and understands and appreciates the consequences of the legal proceedings.
C) The offender does not have a current sexual offender status.
D) The offender agrees to actively cooperate with the mental health probation officer.
E) The offender does not pose a risk of harm to the community, the staff of the Court, the providers, or agencies working with the Mental Health Docket court.

Legal and clinical eligibility alone do not create a right to participate in the specialized docket. The Mental Health Docket Judge has the discretion to decide who participates in the program.

## REFERRAL PROCESS

Referrals to the Mental Health Docket may be made by police officers, jail staff, community control officers, pre-trial officers, prosecutors, defense counsel, case managers, and representatives from the treatment community, or you.

## SCREENING/ASSESSMENT PROCESS

Within three (3) days of receiving a referral, the Mental Health Docket Coordinator will schedule an appointment to screen potential candidates. Applicants are screened for eligibility and information is collected during the screening, such as criminal history, residency, education, employment, family, medical and mental health history. The Defendant will be responsible for providing the Mental Health Docket Coordinator with a copy of a mental health assessment, completed within the last sixty (60) days. Upon completion of the screening, the Mental Health Docket Coordinator provides a written recommendation to the Mental Health Docket team and Court. The Mental Health Docket Judge makes the final determination regarding admittance into the program. The specialized docket provides prompt access to a continuum of approved treatment and rehabilitation services.

## ADMISSION INTO THE MENTAL HEALTH DOCKET

All participants must meet the legal and clinical criteria for admission into the docket. The Mental Health Docket Judge has the discretion to decide who participates in the Mental Health Docket. The legal and clinical criteria do not create the right to enter the Mental Health Docket.

If accepted into the program, a court hearing is scheduled with you and your attorney to review and sign the Participant Agreement. Your attorney will explain what rights you are waiving, possible sanctions which may be imposed, circumstances leading to termination and the legal effects of unsuccessful termination. You will be placed on probation for a period of up to 5 years. The program is designed to be completed in approximately two (2) years. If you follow the terms of community control and your Court Services Plan, you can graduate from the Mental Health

Docket in approximately two (2) years**.** The Mental Health Docket Coordinator and/or Probation Officer will meet with you immediately following the hearing to go over all necessary paperwork.

## THE MENTAL HEALTH DOCKET TEAM & THEIR ROLES

The Mental Health Docket Team consists of the Judge, docket coordinator, probation officer, and other treatment and service providers as are from time to time involved. The function of the team is to facilitate the development of an appropriate court services plan, access program services and resources, and ensure that you fully participate in your treatment. The team does this by evaluating clinical information, probation concerns and other sources of information. The information will then be presented to the Judge with recommendations that shall include but not be limited to, rewards, sanctions, graduation, treatment levels of care, reduction in a variety of meetings, or possible termination from the program.

The role of the Judge is to lead the Mental Health Docket team and make final decisions concerning incentives, sanctions, advancement to the next phase, successful completion or termination from the program. The Mental Health Docket Coordinator conducts eligibility screenings, links participants to treatment providers, gathers treatment reports from providers and monitors the progress of participants throughout the program. The probation officer monitors compliance with your Court Services Plan, conducts drug and alcohol screens, makes home visits and provides feedback to the treatment team and Judge regarding your progress in meeting goals and objectives. The treatment provider conducts assessments, develops individualized treatment plans and makes recommendations to the treatment team regarding your specific treatment needs. MHD team meetings are held thirty (30) minutes prior to the Status Review Hearings. You have the right to request attendance of defense counsel during the portion of the treatment team meeting that applies to you.

## WHAT'S IN IT FOR YOU

Successful completion of the MHD program may result in your guilty plea(s) and conviction(s) vacated. This program offers you the chance to move forward with the new things you have learned to help you take control of your life. Even more important than the things you will learn not to do (such as abusing drugs and alcohol and committing any more crimes), are the things you will learn how to do: eating right, reducing stress, becoming employed, rebuilding family relationships, and becoming a productive member of the community.

Remember that there are many people who make up the MHD and they all want to see you succeed. If you take advantage of the assistance offered by them, you will discover many ways to make a better life for yourself. Nobody said it would be easy. We are here to help!

## RULES OF THE PROGRAM

To remain in the Mental Health Docket, you are required to follow rules:

- You must participate in regular status review hearings. In other words, you must show up at Mental Health Docket Status Hearings on time.

- You must show up on time for meetings with your probation officer.
- You cannot use any illegal substances, unprescribed medications, alcohol, or recreational marijuana.
- You must attend all scheduled treatment and provider appointments.
- You must complete the required paperwork and homework assignments.
- You must successfully complete all four phases of the program.

## LENGTH OF THE PROGRAM

The amount of time you spend in the MHD program will be determined by your individual progress but will be in most cases no less than 18 months and no longer than 60 months. Your time may be extended in the program if you fail to comply with all of the requirements.

This book details your rights and responsibilities in the Mental Health Docket as well as specific information about eligibility requirements, rules, guidelines, probation requirements and treatment information.

## PARTICIPANT MONITORING

You will be required to appear in front of the Mental Health Docket Judge on a regular basis at the status-review hearings. When you first enter the program, you must come to Court the first and third Wednesday of every month at 3:00pm. Your attendance at the status-review hearings will diminish over time as you progress through the phases. During the Orientation Phase and Phase I, each participant will appear twice each month. During Phase II each participant will appear once per month, and during Phase III each participant will appear once every six weeks.

The Judge will be given progress reports regarding your drug tests, attendance at your treatment-provider appointments and other required programs, and make sure that you are compliant with your Court Services Plan. These reports will come from the docket coordinator, your probation officer, your treatment and/or mental health counselor(s), and any other members of support programs with whom you are working. The Judge will ask you about your progress and discuss any problems you may be having.

You must come to court every scheduled session. As you make progress, you will come less often. If you are doing well, you will be encouraged to continue working towards the goal of graduating from MHD.

You are required to arrive on time and stay until court is finished unless the Judge dismisses you earlier.

## REGULAR TREATMENT PROVIDER ATTENDANCE

In the program, you are required to attend all of your scheduled treatment sessions and other provider appointments. You must be on time for all sessions. If you are late, you may not be

allowed to attend and may be considered absent. Your treatment schedule will vary according to your progress, and it is your responsibility to schedule all needed appointments

## REQUIRED PAPERWORK: RELEASES OF INFORMATION

Members of the Mental Health Docket team and providers must be able to communicate about your eligibility and progress in the program. You must sign release-of-information forms to allow this to happen. You must also sign additional releases as needed to arrange additional treatment, counseling, or support-service referrals. Any failure by you to sign releases will be treated as a refusal to participate in the program and will be grounds for your dismissal.

## COMPLETION OF PROGRAM PHASES

The Mental Health Docket is divided into an orientation phase and three treatment phases, and completion of the docket takes at least 18 months. Remember, when you first enter the program, you are placed on probation for up to 5 years. How long it takes is based on you and your progress. Each phase consists of specific treatment goals, activities, and requirements that you must meet before moving to the next phase. The phases are explained in detail on the following pages.

Remember: While there are certain things you must complete, your ability to move along in the program and graduate will depend on your own actions. If you miss appointments, ignore requirements, or fail to stay away from non-prescribed drugs and alcohol, your time in the MHD program will be longer, and you may be dismissed from the program.

Throughout the time you are involved in the Mental Health Docket, it is your responsibility to review your Court Services Plan with your probation officer and follow it carefully.

## THE COURT SERVICES PLAN

A Court Services Plan begins with an assessment conducted by a licensed Mental Health agency or provider to create your behavioral-health treatment plan. The Court Services Plan will include this treatment plan as well as recovery goals developed by you, the docket coordinator, and your probation officer. Your probation officer will review and update your Court Services Plan with you on a regular basis.

This plan may require some or all of the following:

- Outpatient treatment
- Counseling (individual and group)
- Taking medication as prescribed
- Inpatient treatment/Residential treatment
- Regular and random drug/alcohol testing
- Alcohol and drug counseling

- Educational/vocational/employment programs
- Participation in self-help groups
- Community service
- Employment

Your probation officer will also help you with other areas of your life according to your individual needs. This may include referrals for:

- Educational assessments
- School or other educational services
- Job training and job placement services
- Family counseling
- Life skills classes
- Public Assistance/Medicaid
- Recreational activities

## THE PHASES OF THE MENTAL HEALTH DOCKET PROGRAM

### Orientation – Phase 1

The Orientation phase is the first six weeks of the program. The requirements are minimal, allowing time for you to acclimate to the program. You will be provided with the Participant Handbook if you have not received it.

**Tasks to be considered for orientation phase include the following:**

- Meeting with the coordinator and probation officer to review the Participant Handbook, signing confirmation that you have received the Handbook, and signing additional release-of-information forms
- Meeting with the probation officer to review the Court Services Plan and community-control intake paperwork
- Attending all status-review hearings
- Addressing any issues with transportation
- Engaging in an individualized treatment plan.

### Stabilization - Phase 2

Stabilization is the beginning of your program. This phase focuses on stabilizing symptoms and obtaining compliance with the program requirements. Your probation officer will prepare a case plan tailored to your individual needs that you must carefully follow. Successful completion of this phase will be based upon your performance, your compliance with the program, and the recommendations of the Mental Health Docket Team. Your probation officer will prepare a case plan outlining specific goals and objectives for you to complete during the Orientation Phase.

**Tasks to be considered for the stabilization phase include the following:**

- Ensuring court obligations are being met, such as developing payment schedules for fines, court costs, and victim-restitution payments
- Assigning appropriate community service or serving mandatory jail time if applicable
- Determining frequency of random drug and alcohol testing
- Identifying prescribed medications and determining frequency for medication-compliance monitoring
- Completing all other assessments and inventories determined necessary by the mental health docket team, including housing, education, vocational, employment, and life skills.

Conditions to be monitored are as follows:

- Attending all Mental Health Docket status-review hearings two times per month
- Understanding the Mental Health Docket program expectations and handbook
- Complying with all rules of the Mental Health Docket program
- Completing necessary release-of-information forms
- Understanding Court Services Plan
- Complying with Court Services Plan
- Attending medical and mental-health-treatment appointments
- Complying with all medication and treatment requirements
- Attending meetings with case manager (if applicable)
- Completing behavioral-health screenings and evaluations in a timely manner
- Complying with the terms of probation
- Attending weekly meetings with the probation officer
- Submitting drug and alcohol testing
- Complying with instructions given by probation officer
- Attending substance-abuse-treatment sessions and activities
- Attending 12-step or support-group meetings as directed by treatment provider or probation officer
- Obtaining a 12-step sponsor in a timely manner (if applicable)

The following requirements must be met in order for the participant to move to the next phase:

- Participating in the Mental Health Docket for a minimum of 24 weeks
- Obtaining written recommendation from treatment provider
- Receiving recommendation from Mental Health Docket team
- Providing clean drug screens for 60 days
- Avoiding new sanctions for the last four weeks
- Avoiding new convictions in the last 90 days
- Completing four satisfactory home visits with the probation officer
- Completing all homework assignments and submitting an essay

## Community Integration - Phase 3

Phase III of the Mental Health Docket will focus on community reintegration. After you have remained stable for a designated period of time, other non-psychiatric needs can begin to be addressed. During this period, other service needs can be assessed and addressed, including health, dental, optical, clothing, housing, and vocational-training needs, as well as any other concerns identified by the Mental Health Docket team. Successful completion of this phase will depend on your performance and a recommendation from the Mental Health Docket team. Your probation officer will prepare a Court Services Plan outlining specific goals and objectives for you to complete during Phase III.

**Tasks to be considered for the Community Integration Phase include the following:**

- Ensuring court obligations are met, such as compliance with payment schedules for fines, court costs, victim-restitution payments, and with community-service requirements
- Continuing random drug and alcohol testing at a frequency determined by the Mental Health Docket team
- Continuing medication-compliance monitoring
- Continuing linkages with housing, educational, vocational, and employment opportunities.

Participant requirements to consider for the community reintegration phase include the following:

- Attending all Mental Health Docket status review hearings one time per month
- Complying with all rules of the Mental Health Docket program
- Complying with Court Services Plan
- Attending medical and mental-health-treatment appointments
- Complying with all medication and treatment requirements
- Attending all meetings with case manager (if applicable)
- Attending weekly meetings with the probation officer
- Complying with the terms of probation
- Complying with instructions from the probation officer
- Complying with any additional conditions of probation that the Court or the probation officer orders verbally or in writing
- Submitting to all drug and alcohol testing
- Attending all mental health and substance abuse treatment sessions and activities
- Attending 12-step or support-group meetings as directed by your provider or probation officer (if applicable)
- Obtaining a 12-step or support-group sponsor in a timely manner (if applicable)
- Engaging in some meaningful activity as defined by the treatment team
- Performing all required community service

- Following through with all housing, educational, vocational, and employment referrals

The following requirements must have been met in order for the participant to move to the next phase:

- Participating in the Mental Health Docket for a minimum of 24 weeks
- Obtaining a written recommendation from treatment provider
- Receiving recommendation from Mental Health Docket team
- Providing clean drug screens for 90 days
- Avoiding new sanctions for the last eight weeks
- Avoiding new convictions in the last 90 days
- Completing at least three satisfactory home visits with the probation officer
- Completing all homework assignments and submitting an essay.

**Maintenance – Phase 4**

Phase IV is focused on adhering to and sustaining the structure and discipline developed in earlier phases. By the time you graduate to this phase, you have successfully followed your psychiatric-treatment requirements, including medication compliance, and you will have successfully obtained and maintained housing, employment, volunteer activities, educational or vocational plans, developed a functional support system, abstained from use of non-prescribed drugs and alcohol; and avoided additional involvement with the criminal-justice system. The amount of case management will lessen as you build your capacity to work with service providers on your own. The Mental Health Docket team will act in a support role, monitoring your maintenance. With any regression, the docket team will act swiftly to guide you back on track. The length of this phase varies, depending on your needs and your progress. Your probation officer will prepare a case plan outlining specific goals and objectives for you to complete during Phase IV. Requirements include:

- Attending Mental Health Docket status review hearings once every 6 weeks
- Complying with the rules of the Mental Health Docket program
- Complying with Court Services Plan
- Attending all appointments with medical and/or treatment providers
- Complying with all medication and treatment requirements
- Attending meetings with case manager (if applicable)
- Reporting to probation officer at such times and in the manner directed by that officer
- Submitting to all drug and alcohol testing
- Complying with instructions from probation officer
- Complying with any additional conditions of probation that the Court or the probation officer orders verbally or in writing
- Complying with terms of probation
- Attending all mental-health and substance-abuse treatment sessions and activities

- Attending 12-step or support-group meetings as directed by your treatment provider or probation officer (if applicable)
- Engaging in some meaningful activity as defined by the treatment team
- Performing all required community service
- Attendance at two positive community activities
- Active participation in a structured daily activity
- Maintaining stable housing
- Obtaining educational, vocational, or employment opportunities
- Following through with all housing, educational, vocational, and employment referrals

The following requirements must be met in order for the participant to be considered for graduation:

- Participating in the Mental Health Docket for a minimum of 24 weeks
- Obtaining a written recommendation from a treatment provider
- Receiving the recommendation of the Mental Health Docket team
- Providing clean drug screens for 90 days
- Avoiding new sanctions for the last four weeks
- Avoiding new convictions in the last 90 days
- Completing at least three satisfactory home visits with the probation officer
- Completing all homework assignments and submitting an essay and a budget

Participants must also be drug or alcohol free for a period of 12 months or some other reasonable period of time as determined by the Judge and the treatment team to be considered for successful termination.

The frequency of case management will lessen as you build your capacity to engage with service providers on your own. At the discretion of the docket team, appearances at Mental Health Docket hearings are reduced even further. The Mental Health Docket team will act in a support role, monitoring your maintenance.

## REQUIREMENTS FOR GRADUATION

The final decision about your readiness to graduate will be made by the Mental Health Docket Judge. Your probation officer will let you know when the judge has decided that you are eligible for graduation. Your family and other loved ones will be invited to attend the ceremony where the judge will commend you on successfully completing the program. Successful completion of the Mental Health Docket program may result in reduction or dismissal of the charges and reduction in fines. This is at the discretion of the Mental Health Docket judge and the rest of the Mental Health Docket treatment team and your sentencing judge (when applicable).

## WHAT CAN HAPPEN IF YOU DO FOLLOW THE RULES (POSSIBLE INCENTIVES)

As you progress through the MHD program, you will be given rewards for your efforts. Incentives for progress in the Mental Health Docket may include:

- Increased or expanded community-control privileges
- Less frequent urine testing
- Judicial praise and encouragement at status-review hearings
- A decrease in attendance at MHD court sessions
- Certificates of completion of phases and graduation
- Graduation
- Living a life of recovery

## WHAT CAN HAPPEN IF YOU DON'T FOLLOW THE RULES (POSSIBLE SANCTIONS)

If you break the rules of the docket, you may be subject to a sanction. Doing any of the following may result in a sanction:

- New arrest or other police contact;
- Leaving a treatment program;
- Breaking the rules at a treatment program;
- Failure to take your prescribed medication;
- Positive urine or alcohol-sensor tests, or admission of use;
- Failure to submit to an alcohol or drug test;
- Attempts to falsify drug tests;
- Missing or arriving late for docket (court);
- Missing or arriving late for individual or group counseling appointments;
- Missing 12-step or other support-group meetings;
- Missing or arriving late for any mental health docket appointments~~;~~
- Failure to follow the direction of the mental health docket team or a probation officer;
- Failure to improve troublesome behaviors;
- Demonstrating a lack of progress in the docket or treatment;
- Failure to keep other appointments such as public-benefit aid, healthcare benefits, housing assistance, social security applications, etc.

Sanctions for noncompliance are immediate and graduated and may include, but are not limited to, the following:

- Verbal warning;
- Essay assignment;
- Increased urine testing;
- Increased attendance at MHD court sessions;
- Increased probation appointments;

- Community service;
- Placement in an earlier program phase or repetition of a phase;
- Increased attendance at support groups;
- Increased level of treatment;
- Courtroom observation sessions
- Daily reporting/"day jail" sessions
- House arrest
- Curfew modification
- Incarceration; and
- Dismissal from the MHD program.

Noncompliance may result in unsuccessful termination from the program. The judge makes the final determination regarding termination. The judge has the discretion to decide termination in accordance with the written eligibility criteria for this specialized docket. Unsuccessful termination may result in further legal action, including revocation of Intervention In Lieu of Conviction, filing of a probation violation, loss of eligibility for other specialized dockets and jail or prison time.

## SUBSTANCE USE MONITORING

One of the Mental Health Docket goals is to help you remain abstinent from alcohol and all non-prescribed drugs. You will be tested regularly throughout the program. Drug testing must occur throughout the duration of your time on the Mental Health Docket, especially if you have been diagnosed with a substance-use disorder, but at the discretion of the Mental Health Docket Judge. Participants who do not have a history of substance use must still undergo random and observed drug testing, although a frequency of less than twice each week will be considered.

All drug and alcohol testing plans are individualized. Tests will be random, frequent, and always observed. Urine samples will be analyzed for temperature, specific gravity, Creatinine and other chemical markers to ensure a valid urine specimen. Drug screens may be conducted during your court appearance, during your home visits, or at any other time**.** Failing to submit to testing, refusing to submit to testing, submitting an adulterated sample, submitting the sample of another individual, or diluting a sample will be treated as positive tests that can result in an immediate sanction. A positive test or admission of alcohol or other drug use will not automatically disqualify you from the docket but will result in an immediate sanction or an increase or change in your current level of treatment.

Understand that test results will be shared at the treatment-team meetings, the judge will have access to all drug results including failures or refusals to test, and the judge or your probation officer may order a drug test at any time. The Judge will be notified immediately of any violations of the above rules.

All participants are responsible for calling in to the drug testing call in system each morning from 6:00 a.m. to 9:59 a.m. to find out if they are to report for testing. If selected, participants are required to report between 8 a.m. and 3:30 p.m. All participants are required to provide a sample in the above time frames. If you are unable to report at those times, you are to make

prior arraignments with the probation officer. Failure to test in a timely manner may result in a refusal.

**Urine Specimen Procedures**

Your probation officer or another same-sex probation officer or monitor will personally watch you produce the urine sample.

Medical conditions need to be verified. Females can use a specimen collection unit (hat). Females must keep their hands on their laps and must remove tampons prior to providing any urine specimens. Females will always be tested by female offices, and males will always be tested by male offices.

If participants are unable to provide a urine specimen immediately, they will be told to remain until they are able to provide a urine specimen. Participants who are unable to provide a urine specimen within two hours of being ordered to do so or signing in will be considered to have refused to submit the specimen and will be viewed as having tested positive for illegal drugs. If the participant comes to the office to submit a urine sample shortly before the office is scheduled to close for the day, he or she will be given only two brief opportunities that day to provide a valid sample.

**Positive tests**

Participants who produce any positive test results and will be asked for an explanation or admission of use. If the participant admits to using it, the sample will not be sent to the lab, and appropriate sanctions may be imposed. (See the "Sanctions" section).

If the participant denies using and the lab reports a positive result, the participant must pay the costs of the lab test. The participant who denies using illegal drugs must complete the admission-request form by checking the box indicating drug-use denial, and then the probation office will send the sample to a lab.

Positive drug tests will be addressed through the treatment provider to verify if the use is a continued use or a relapse. The participant will be reassessed and be placed in the appropriate level of care to address the positive screen and to re-engage or re-stabilize the participant. The treatment provider as well as the Mental Health Docket team will be notified of the positive urine screen. Sanctions for the relapse may include increased status-review hearings, homework assignments pertaining to relapse and drug use, increased office visits, and jail.

The Mental Health Docket team participates in determining the incentives and sanctions, and the Mental Health Docket Judge will enforce and reinforce them. All sanctions and rewards will be documented in the participant's file and reviewed at the status-review hearings.

**Breathalyzer:**

In the State of Ohio, breath tests that register a concentration of .08 grams or more by weight of alcohol per 210 liters of breath are considered to be under the influence for driving purposes only. A decision to arrest, refer to a detox center, or send home a participant with a breath-test reading of .08 or more will be made with reference to the participant's current behavior, whether the participant will be operating a motor vehicle, and other normal arrest criteria.

Under normal circumstances, all participants who test at or above the .08 threshold on a breath-alcohol test could be arrested and transported to the Delaware County jail for their safety, at the discission of the Mental Health Docket Coordinator.

**Notification/Documentation**

The results of all drug tests are immediately shared with the Mental Health Docket Team and the participant's treatment provider. In addition, information will be shared if a participant failed to report, failed to provide a sample, adulterated a sample, provided a sample of another individual, and or tampered with a sample.

**Sanctions - Pertaining to Substance Use/Testing**

- If a participant is late for a test or misses a test, that action will be considered a presumptive positive test for drugs or alcohol.
- If a participant refuses to submit a urine sample, that refusal is considered a presumptive positive test.
- The participant must provide a urine sample that is clean for all drugs and alcohol.
- If the participants fail to produce a urine specimen within two hours or if the sample provided is not of sufficient quantity, that action will be considered a presumptive positive test for drugs or alcohol.
- If the participant produces a diluted urine sample, that action will be considered a presumptive positive test for drugs or alcohol.
- If a participant substitutes or adulterates his or her specimen for the purposes of changing the drug-testing results, that participant will be considered to have tested positive test for drugs or alcohol and will receive a sanction, which might include removal from the Mental Health Docket. Positive urines at the first test will be considered a baseline drug test and will be documented. The treatment provider will be immediately notified as will the Mental Health Docket team.

**Relapses**

Relapses will be addressed through the treatment provider to verify whether the use is a continued use or a relapse. The participant will be reassessed and placed at the appropriate level of care to address the positive screen and to re-engage or re-stabilize the participant. The treatment provider as well as the Mental Health Docket team will be notified of the positive urine

screen. Sanctions for the relapse may include more frequent status-review hearings, homework assignments about relapses and drug use, more frequent office visits, and jail.

The Mental Health Docket team participates in determining the incentives and sanctions, and the Mental Health Docket Judge will enforce and reinforce them. All sanctions and rewards will be documented in the participant's file and reviewed at the status-review hearings.

**Relapse Triggers and Relapse Prevention**

The individual or group sessions focus on designing a plan to address your relapse prevention. Your probation officer and treatment counselors will help you identify your triggers and will discuss ways to avoid bad situations and to work through them when they cannot be avoided.

Relapse triggers can include:

- Spending time with people who are drinking and using illicit drugs
- Going to places that cause you to use drugs or alcohol or make you upset
- Denial of past problems
- Using defense mechanisms that caused problems in the past
- Not working on your recovery plan
- Isolation
- Arguing or fighting with loved ones
- Bad luck and disappointments
- Good luck, celebration events, holidays

**Prescribed Medication Usage**

Participants are responsible for informing all treating physicians of their past and current struggles with drug and alcohol use before participants are given any addictive medication. If a doctor believes that a docket participant should use a particular controlled substance that will yield a positive urine screen, the physician must submit a letter to the Mental Health Docket Probation Officer stating that the doctor is aware of the participant's status as a recovering addict or alcoholic and that the need for the medication outweighs the risks. The participant **MUST** secure that kind of letter **PRIOR** to taking any medication that will cause a positive screen. If the participant tests positive and does not have a letter from his or her doctor, the participant will face immediate sanctions.

If a participant receives emergency-room care, he or she must provide verification of all emergency-room orders and discharge information to the Mental Health Docket Probation Officer no later than seven days after the participant is released from the hospital. Any prescriptions must be cleared by a primary-care physician in order for the participant to continue taking the medication without sanctions. A pattern of visits to the emergency room for ailments that require opiate treatment may be brought back before the Court at the discretion of the Mental Health Docket team.

**Over-the-Counter-Medication Usage**

The use of certain types of over-the-counter medications may be counterproductive to the recovering participant, and participants should use caution when using all over-the-counter medications. Medications containing alcohol are not permitted. Medications that participants may use include:

PAIN:
Acetaminophen 500 mg, no more than 2 tablets every 4-6 hours
Ibuprofen 200-800 mg, every 4-6 hours as needed
Aspirin
Excedrin Migraine

STOMACH:
Mylanta
Milk of Magnesia
Pepto-Bismol

ANTACIDS:
Zantac
Pepcid
Prilosec
Tums or Rolaids

FLU SYMPTOMS:
Theraflu
Alka-Seltzer

COUGH/COLD:
Delsym (the no-alcohol or pediatric version only)
Mucinex (but not the D or DM version)
Not permitted: Tylenol Cold, Tylenol Nighttime

ALLERGIES: (none of the following can be the D or DM formula)
Claritin
Allegra
Benadryl

JOINT PAIN:
Tylenol Arthritis
Ben Gay muscle rub & thermal patches
Icy Hot muscle rub & thermal patches
Bio Freeze

VITAMINS: (no sports additives or supplements)
Multivitamins
Prenatal vitamins

## WHAT ELSE IS EXPECTED OF YOU

As you can see, you are expected to follow a set of basic rules. Some other expectations focus on your actions in court and the things that you must do as part of your Court Services Plan.

The rules require that everyone in Mental Health Docket:

- Treat others with respect;
- Follow a dress code;
- Refrain from possession, sale, or use of non-prescribed drugs and alcohol;
- Stay out of bars;
- Follow doctors' orders for taking prescribed medication;
- Submit to urine testing and alcohol breath testing;
- Provide current contact information; and
- Refrain from breaking the law again.

MHD expectations will also cover areas of housing, healthcare, employment, and education. The expectations are described below.

### Treatment of Others

You should respect the opinions and feelings of other people in MHD. Verbal or physical threats to anyone in the program or any member of the team will not be tolerated. Do not bring items that might be used to hurt another person accidentally or on purpose. Any such behavior will immediately be reported to the Judge and may result in a severe sanction or your termination from the program.

You will not be asked to be an informant in this program. You will not be expected or encouraged to discuss any information concerning anyone's behavior or progress except your own.

### Dress Code

You will be required to dress appropriately for your court sessions and treatment appointments. Clothing bearing drug and alcohol themes or advertising alcohol or drug use is inappropriate. Other inappropriate themes include sex, foul language, racial or ethnic slurs, self-hatred or defiance. Tank tops, hats/head coverings (unless for cultural or religious purposes), cropped tops, "muscle shirts," and shorts are not allowed in court. You cannot wear sunglasses in court unless a doctor has prescribed their indoor use for you. Cell phones are not permitted during court sessions or during meetings with the treatment team.

### Refrain from Possession or Use of Drugs

You will not possess, sell, or use alcohol or illegal drugs.
You will be required to report all drug or alcohol usage to the Judge at each court appearance.

- Repeated use will result in an alcohol and drug assessment.
- Failure to report drug or alcohol use will result in a severe sanction.
- Any drugs that a doctor prescribes for you must be reported to your probation officer immediately.

**Stay Out of Bars**

As a Mental Health Docket participant, you are not permitted to frequent bars. A bar is any establishment whose primary income is derived from the sale of alcohol in any form.

**Provide Current Contact Information**

You agree to provide the Mental Health Docket team and other treatment providers and court staff current information about your residence address, mailing address, telephone number, and place of employment or schooling. You must report any changes that occur while you are in the program.

**Refrain from Violations of the Law**

You are required to refrain from further violations of the law. Additional offenses may result in your being terminated from the Mental Health Docket program.

**Housing**

Stable housing is necessary for recovery. Before you make a change in your living situation, you must discuss it with your probation officer and obtain that officer's permission.

**Healthcare**

You are expected to seek medical attention when needed. You are also expected to follow through on medical advice. You may be asked to provide evidence to the court of medical conditions or appointments. Healthcare appointments are not to be scheduled at times when you are to be in court. Any prescribed drugs must be reported to your probation officer immediately.

**Employment and Education**

If you are able, you agree to obtain and maintain verifiable employment, or enroll in an educational program. Employment must be consistent and legitimate.

## FOLLOW UP

The Mental Health Docket Coordinator is required to follow up with you after you leave the program. This follow-up is not intended to identify you individually or to sanction you. Its purpose is to see how people who participate in the Mental Health Docket do after they leave the program

and to determine what impact the program has had on your life. Your feedback is important in evaluating the overall effectiveness of the program and identifying opportunities for improvement. You are always invited to return to the Mental Health Docket as a visitor to share your success with us and the existing participants. Your success can be a motivating factor for the participants currently in the program!

**If there is anything in this Participant Handbook you do not understand – please ask the MHD Probation Officer or the MHD Docket Coordinator to explain it further.**

## MENTAL HEALTH COURT DOCKET
## PARTICIPANT HANDBOOK CONFIRMATION STATEMENT

I acknowledge that I have received, read and understand the Mental Health Court Docket Participant Handbook. I have had the opportunity to ask questions regarding these issues and they have been explained to me.

I have read and agree to abide by the guidelines as outlined in the Mental Health Court Docket Participant Handbook.

I understand what I can expect from this program and what this program expects of me.

**Name:** _____
**Print**

**Name:** _____ _____
**Signature** **Date**

**Witness:** _____ _____

**Signature** **Date**