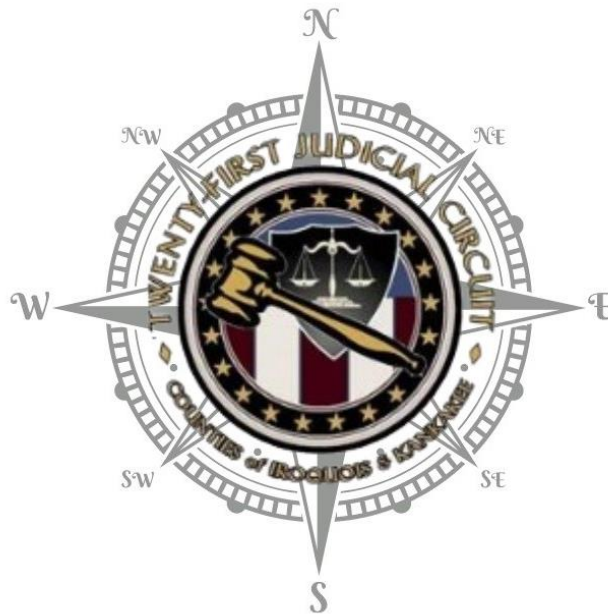


# Kankakee County Mental Health Court



**YOUR MIND MATTERS**

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## **PARTICIPANT HANDBOOK**



**A healthy mind is the greatest treasure you can find!**

It is the Mission of Kankakee County Mental Health Court to support participants successful return to society, reduce recidivism, decrease incarceration, increase public safety, and improve the participant's quality of life.

## Welcome to Kankakee County Mental Health Court



The Kankakee County Probation Department recognizes some individuals involved with the Criminal Justice System display behaviors resulting from chronic mental illnesses and co-occurring disorders. Kankakee County Mental Health Court (KCMHC) is an opportunity for you to improve the quality of life for you, your family, and the community and reduce the likelihood of reoffending. Mental Health Court (MHC) is a voluntary and intensely monitored program. MHC addresses your criminogenic risks and needs and assists you to achieve and maintain recovery. To be successful, it takes effort and commitment to work an honest treatment program. As you enter MHC, you need to be open-minded, willing, and motivated to change your lifestyle to achieve success.

## Mental Health Court (MHC) Handbook

This Handbook is designed to inform and assist you on how to successfully participate and complete MHC. If you have any question, please contact the MHC Probation Officer. The MHC Team wants you to succeed and works as a Team to help you successfully complete and graduate from MHC.

**As a Participant in MHC, you are expected to follow the instructions and directions of the Judge, the MHC Team, and your MHC Probation Officer.**

### What is Mental Health Court?

KCMHC is a voluntary Phase-Promotion intervention program for adults diagnosed with a mental illness whose mental health created significant problems in their life including justice system involvement and who may be having difficulty maintaining emotional stability and/or struggling to **stay drug and alcohol free**. You are required to sign a *Consent to Participate*, a MHC Order, and a *Consent for Release/Disclosure of Confidential Information*. The MHC Team works together to provide a variety of programs and consistent supervision and monitoring to support and help you recover.

MHC involves frequent court appearances, probation appointments, random drug and alcohol testing, participation in a cognitive behavioral group, community support meetings, and group and/or individual counseling. Your primary focus is your mental health, early enrollment in treatment, and compliance with treatment. As you progress through MHC Phases, employment, education, or other court approved plans may become part of your MHC requirements. MHC understands employment is important, but the Court's expectation is any employment schedule must fit around your MHC requirements and responsibilities.

The MHC Team recommends rewards and incentives for compliance, recommends sanctions for non-compliance, and recommends therapeutic adjustments when appropriate. The court in its discretion determines and gives rewards, incentives, sanctions, and therapeutic adjustment.

If you do not comply with MHC requirements, sanctions may be imposed including, but not limited to more frequent court dates, more frequent probation appointments, more frequent drug and alcohol testing, and/or other appropriate sanctions including jail, termination, and unsuccessful discharge from MHC.

## **Who Can Participate In Mental Health Court?**

KCMHC is designed to assist moderate to high risk and moderate to high needs adults diagnosed with a mental illness described in the DSM-V-TR with at least 1 pending Non-Disqualified misdemeanor or felony who reside in Kankakee County. Participant must meet the KCMHC Eligibility Standards.

### **Eligibility Standards**

1. Participant must consent to and Court must approve participation in MHC. Participant agrees to be admitted to MHC when written consent to participate is provided to the Court and participant acknowledges understanding its contents in open court.
2. Participant must be charged with a Non-Disqualifying Misdemeanor or Felony Offense.
3. Participant must be resident of Kankakee County.
4. Females must score at least Low Moderate and males must score at least Moderate on the ARA (Adult Risk Assessment) or High Risk and High Needs on the RANT (Risk and Needs Triage).
5. Participant must be diagnosed with a mental illness described in the Diagnostic and Statistical Manual of Mental Disorders, 5<sup>th</sup> Edition, text revised (DSM-V-TR).
6. Participant must have a Level Of Care Utilization System (LOCUS) score within the range of 2 – 5.
7. Participant must be found fit to stand trial by a licensed clinician if Participant's fitness is in question prior to involvement in MHC.
8. Participant must be willing to cooperate with the Court, with approved treatment providers, and must sign all consents and releases of information required by Probation and the Court.
9. Participant must meet eligibility requirements in Mental Health Court Treatment Act 730 ILCS 168/20.

### **Exclusionary Standards**

1. The exclusionary standards in 730 ILCS 168/20 apply to KCMHC.
2. A Participant shall be excluded from KCMHC if the crime is a crime of violence. The following are crimes of violence:
  - a. 1<sup>st</sup> Degree Murder
  - b. 2<sup>nd</sup> Degree Murder
  - c. Predatory Criminal Sexual Assault of a Child
  - d. Aggravated Criminal Sexual Assault
  - e. Criminal Sexual Assault
  - f. Armed Robbery
  - g. Arson

- h. Aggravated Arson
  - i. Aggravated kidnapping
  - j. Kidnapping
  - k. Aggravated Battery resulting in great bodily harm or permanent disability
  - l. Aggravated Domestic Battery resulting in great bodily harm or permanent disability
  - m. Aggravated Criminal Sexual Abuse by a person in a position of trust or authority over a child
  - n. Stalking
  - o. Aggravated Stalking
  - p. Home Invasion
  - q. Aggravated Vehicular Hijacking
  - r. Any offense involving the Discharge of a Firearm
3. Participant does not demonstrate a willingness to participate in a treatment program.
  4. Participant was convicted of a crime of violence (as enumerated in ¶ 2 a-q above) within the past 5 years excluding incarceration time, parole, and periods of mandatory supervised release.
  5. Participant is charged with a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code in which an individual is charged with aggravated driving under the influence that resulted in the death of another person or when the violation was a proximate cause of the death, unless, pursuant to subparagraph (G) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the court determines that extraordinary circumstances exist and require probation.
  6. Participant may be admitted to MHC only upon agreement of State's Attorney if Participant is charged with a Class 2 or greater felony violation of
    - a. Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act;
    - b. Section 5, 5.1, or 5.2 of the Cannabis Control Act;
    - c. Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the Methamphetamine Control and Community Protection Act.

Exclusionary criteria are not all encompassing and the MHC Judge decides if an individual is accepted or excluded from MHC. This is a discretionary decision by the MHC Judge. The Court and MHC Team responses to Participant behavior shall be fair, consistent, and without regard to Participant's gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status, sexual orientation, or gender identification.

## **Mental Health Court Team Member Roles**

MHC Team includes the Judge, Prosecutor, Public Defender/Private Defense Counsel, MHC Probation Officer, Licensed Treatment Providers, MHC Law Enforcement Officer, and Community Partners. MHC is non-adversarial meaning MHC Team members work closely together and work with you to develop case management and treatment plans tailored to your individual needs. Each Team member is specially trained in justice and treatment subject matters and each member plays a unique role.

### **Team Member Responsibilities:**

#### **Judge**

The Judge is the decision maker in the MHC process. The Judge participates in all MHC staffings and presides over court proceedings. The Judge administers rewards, incentives, sanctions, and therapeutic adjustments.

#### **Prosecutor**

The Prosecutor attends all staffing and court hearings. The Prosecutor may participate in the review of referrals. The Prosecutor participates in Participant staffings in a non-adversarial manner. The Prosecutor advocates for effective rewards, incentives, sanctions, and therapeutic adjustments while ensuring community safety.

#### **Defense Counsel**

The Public Defender/Private Defense Counsel attends all staffing and court hearings. Defense Counsel assists in the referral and entry process. Defense Counsel participates in Participant staffings in a non-adversarial manner. Defense Counsel advocates for effective rewards, incentives, sanctions, and therapeutic adjustments while ensuring Participant's legal rights are protected.

#### **MHC Coordinator/Probation**

**The MHC Coordinator** is a designated Probation Officer. The MHC Coordinator may also be a MHC Probation Officer. The MHC Coordinator manages and coordinates all facets of the MHC process including collaborating with treatment providers. The MHC Coordinator's duties are varied and include, but are not limited to:

1. Organize and coordinate training for MHC team members
2. Maintain cooperative relationships with treatment agencies, community organizations, and other involved partners
3. Assist in screening potential Participants to determine eligibility and interest
4. Attend staffings and court hearings, report compliance/noncompliance, and recommend rewards, incentives, sanctions and advocate for therapeutic adjustments
5. Facilitate community presentations

6. Promote team integrity
7. Develop community resources
8. Collect data/statistics and work closely with any program evaluator

### **MHC Probation Officer**

MHC Probation Officer is the primary case supervisor for Participants sentenced to MHC. The MHC Probation Officer attends all staffing and court hearings. The MHC Probation Officer advocates for effective rewards, incentives, sanctions, and therapeutic adjustments during team meetings. The MHC Probation Officer's duties are varied and include, but are not limited to:

1. Plans and implements in collaboration with the licensed treatment providers, the day-to-day activities of the MHC participant
2. Conducts initial intake interviews, explains program requirements, and reviews the client handbook with Participant
3. Monitors Participant compliance with MHC rules and communicates with Participants in accordance with the program requirements
4. Attends case staffings and court hearings, reports compliance/noncompliance, and recommends rewards, incentives, sanctions, and advocates for therapeutic adjustments
5. Assists in the promotion of team integrity
6. Assists in the development of community resources
7. Assists in the collection of data/statistics
8. Conducts ARA/CST and/or RANT assessments, reassessments and develops a case management plan with the Participant and updates the plan regularly and provides the plan and updates to Participant and MHC Team

### **Providers**

Licensed Treatment Providers conduct assessments to determine eligibility for MHC. Their duties include, but are not limited to:

1. Provide screening, assessment and/ or treatment
2. Coordinate treatment with other treatment provider(s)
3. Develop treatment plans, regularly update treatment plans, and share this information with the MHC Team
4. Provide therapy services
5. Attend staffings and court hearings for MHC participants and recommend rewards, incentives, sanctions and advocate for therapeutic adjustments
6. Assist Participants in applying for state, federal and veteran's benefits
7. Assist Participants in applying for housing, unemployment, and educational programs
8. Assist in arranging housing and transportation
9. Refer participants for medical treatment and medication management to appropriate local agencies

10. Collaborate and cooperate with MHC Probation Officer and the court

### **MHC Law Enforcement Officer**

The MHC Law Enforcement Officer attends all staffings and court hearings and recommends rewards, incentives, sanctions, and advocates for therapeutic adjustments. MHC Law Enforcement Officer acts as a liaison to other law enforcement agencies and offers a law enforcement perspective when policy and procedures are developed. MHC Law Enforcement Officer may assist with home visits as needed, process/serve warrants on MHC participants, and assist with referring potential MHC Participants. MHC Law Enforcement Officer promotes and encourages law enforcement officers to receive CIT training.

### **Community Partners**

Community partners coordinate treatment with other treatment provider, may attend staffings and court hearings as appropriate, assist Participants in applying for state, federal and veteran's benefits, assist participants in applying for housing, unemployment, and educational programs, assist in arranging for housing and transportation, and refer Participants for medical treatment and medication management to appropriate local agencies.

KCMHC is designed to assist low moderate (females) and moderate to high risk(males).

## **Mental Health Court Screening, Assessment, & Enrollment**

The MHC Probation Officer pre-screens you for eligibility by reviewing the pre-trial bond report, LEADS, and other available records to determine if any exclusionary criteria apply. The initial screening is to be completed within **10 business days** of referral receipt. If a disqualifying criterion is discovered, the referral is closed and a report sent to the referral source, Judge, Prosecutor, and Defense Counsel explaining the individual is not eligible due to a disqualifying criterion.

If no disqualifying criteria apply, the MHC Probation Officer conducts a face to face interview with you and administers the ARA-CST (Adult Risk Assessment-Community Supervision Tool). If you are charged with a Misdemeanor or Felony and report using or have a history of using controlled substances, the MHC Probation Officer administers the RANT (Risk And Needs Triage). If you meet the eligibility requirements, the MHC Probation Officer arranges/schedules a complete diagnostic assessment.

If you do not meet eligibility requirements, the referral is closed and a report sent to the referral source, Judge, Prosecutor, and Defense Counsel explaining why you are not eligible.

A complete diagnostic assessment based on the Diagnostic and Statistical Manual of Mental Disorders (DSM V-TR) determines whether you meet the following criteria:



1. Diagnosis of a mental illness described in the Diagnostic and Statistical Manual of Mental Disorders, 5<sup>th</sup> Edition, text revised (DSM-V-TR); and
2. Level Of Care Utilization System (LOCUS) score falls within the range of 2 – 5.

Provider performing the diagnostic assessment shall make a recommendation for the level of treatment care. The diagnostic assessment should be completed within **14 calendar days** from the referral date for individuals **in custody** and within **30 calendar days** from the referral date for individuals who are **not in custody**. Copies of the individualized treatment plan developed by the treatment provider shall be provided to you and the MHC Team within 14 calendar days of completion of the diagnostic assessment.

Upon receipt of the assessment/treatment plan, the MHC Probation Officer places you on the list for the next available staffing. The MHC Team reviews the referral packet, assessment and treatment plan, and uses objective eligibility and exclusionary criteria to determine if the potential Participant is acceptable for participation in MHC. If a you are determined ineligible for MHC or you decline to execute required Releases and Consents, the referral is closed and a report sent to the referral source, Judge, Prosecutor, and Defense Counsel explaining why you are not eligible for participation in MHC. The case will be reassigned to the original courtroom for regular case processing.

If the MHC Team finds you are eligible for acceptance into MHC, a court date is set and the Judge decides if you are accepted into MHC. The Judge has the final say.

## **Mental Health Court Courtroom Procedure**

The Court explains to you how MHC works, reviews your understanding of *Consent to Participate* in MHC, and directs you to sign the *Consent to Participate* in MHC in open court. The Court may direct you to sign other Consents and Releases at this time. The court determines your willingness to participate in MHC and decides if you are accepted into the MHC Program.

The court sets Review hearings. The Prosecutor, Public Defender/Defense Counsel, Treatment Providers, MHC Probation Officer, MHC Coordinator, and MHC Law Enforcement Officer shall attend each review hearing. The Court monitors compliance with the conditions of the MHC Program and determines and imposes any rewards, incentives, sanctions, and/or therapeutic adjustments deemed necessary for successful completion of the program.

## **Mental Health Court Schedule**

MHC Team Staffings take place each Wednesday at 3:00 p.m. in the Conference/Jury Room on the 2<sup>nd</sup> Floor of the Kankakee County Courthouse located at 450 E. Court Street, Kankakee,

Illinois 60901. MHC is scheduled every Wednesday at 3:30 p.m. in Courtroom 204 of the Kankakee County Courthouse.

## **Your Responsibilities as a Mental Health Court Participant**

You must be familiar with the conditions of your MHC Order and the *MHC Participant Handbook*. You shall pay all applicable fees which may include a \$25.00 per month Court Services Fee. Ability to pay is subject to court review based on your income level. Inability to pay will not stop or interfere with your advancement through the phases or graduation. You must pay restitution if ordered. Failure to comply with the conditions of the MHC Order and program rules may result in revocation of the MHC Order and unsuccessful discharge from the MHC program.

You receive a copy of the *MHC Participant Handbook* at the initial probation office visit. MHC Probation Officer reviews the *MHC Participant Handbook* with you. After you are given an opportunity to ask questions, you shall sign *Acknowledgment of Receipt of MHC Participant Handbook*. MHC Probation Officer shall file the *Acknowledgment of Receipt of MHC Participant Handbook* with the Clerk of the Court.

You must attend all court hearings, keep all appointments with your MHC Probation Officer, your Treatment Providers, and/or anyone else you are directed to report to for MHC. Failure to attend court, probation appointments, treatment or other activities as directed may result in being sanctioned up to and including removal and unsuccessful discharge from the MHC Program.

You are provided with copies of your case management and treatment plans. Failure to comply with the case management and treatment plans may result in being sanctioned up to and including removal and unsuccessful discharge from the MHC Program.

## **Mental Health Court Phases & Promotion**

KCMHC consists of Phases and Promotions. MHC Phases are guidelines only and subject to change based on individualized needs. Promotion through Phases is evaluated and based on compliance with MHC program rules. Participants meeting the requirements of each Phase are promoted to the next Phase. Participants struggling with the conditions i.e. relapses, missed appointments, missed court, dishonesty may be subject to increased reporting and additional Phase requirements.

The decision to promote Participant to the next phase is based on compliance with the treatment plan and actual progress in managing the mental illness including medication compliance, treatment compliance, and overall stability of Participant's mental health.

## **PHASE I: STABILIZATION—Minimum 60 Days**

You are closely monitored during Phase 1. Phase 1 is designed to address your most important needs at the time. You must:

1. Attend MHC every week including attendance for the entire weekly court proceeding. MHC Team may adjust this requirement.
2. Attend Probation appointments: at least 1 appointment every week
3. Cooperate with unscheduled visits, home visits, and/or contact with MHC Team
4. Engage in mental health treatment determined by Participant's individualized treatment plan
5. Submit to random urinalysis screens determined by the Participant's individualized treatment plan and/or requested by the MHC Team
6. Take all prescribed medicine as directed
7. Initiate appropriate daily living skills, interpersonal skills, and leisure activities
8. Attend self-help groups as determined by Participant's individualized treatment plan and/or requested by the MHC Team
9. Attend all appointments made with or by MHC Probation Officer, counselors, and/or psychiatrist
10. Attend all appointments made for case management, counseling, or psychiatric evaluation
11. Be drug tested no less than three times per week.
12. Remain drug and alcohol free by providing negative drug screens for 30 consecutive days prior to promotion to Phase 2
13. Prior to advancing to Phase 2, have no unexcused treatment appointments, probation appointments, or court appearances for 14 consecutive days
14. Complete Phase Promotion Request

Phase I focuses on restoring mental health stabilization. The court expects you to be on time for court, be respectful and honest, maintain personal hygiene and grooming, and begin to change unhealthy people, places, and things that do not support your recovery.

### **Promotion Requirements to Phase 2:**

1. No unexcused court appearance, probation appointments, and treatment appointments for 14 consecutive days prior to promotion
2. Taking all medication as prescribed
3. 30 days consecutive sober time from drugs and alcohol prior to promotion
4. Complete Phase Promotion Request

## **PHASE 2: BUILDING LIFE SKILLS--Minimum 120 Days**

You will be given more freedom and responsibility as you advance through the Phases. Phase 2 is designed to engage you in necessary mental health treatment and maintain positive change by continuing life skill building. You must:

1. Attend MHC court every 2 weeks
2. Attend Probation appointments as requested by MHC Probation Officer
3. Engage in mental health treatment as determined by the treatment plan
4. Engage in substance abuse treatment as determined by the treatment plan
5. Cooperate with unscheduled visits, home visits, and/or contact with MHC Team
6. Submit to random urinalysis screens determined by Participant's individualized treatment plan and/or requested by the MHC Team
7. Take all prescribed medicine as directed
8. Attend self-help groups as determined by Participant's individualized treatment plan and/or requested by the MHC Team
9. Attend all appointments made with or by MHC Probation Officer, counselors, and/or psychiatrist
10. Attend all appointments made for case management, counseling, or psychiatric evaluation
11. Be drug tested no less than two times per week.
12. Remain drug and alcohol free by providing negative drug screens for 45 consecutive days prior to promotion to Phase 3
13. Prior to advancing to Phase 3, have no unexcused treatment appointments, probation appointments, or court appearances for 30 consecutive days
14. Complete Phase Promotion Request

### **Promotion Requirements to Phase 3**

1. No unexcused court appearance, probation appointments, and treatment appointments for 30 consecutive days prior to promotion
2. Taking all medication as prescribed
3. 45 days consecutive sober time from drugs and alcohol prior to promotion
4. Complete Phase Promotion Request

### **PHASE 3: REINTEGRATION—Minimum of 120 days**

You continue to gain more independence during Phase 3, but you are still expected to report to the MHC Team on activities and choices. Phase 3 is designed to incorporate education and employment into your treatment. You are encouraged to begin exploring educational and vocational interests and abilities during Phase 3. You must:

1. Attend MHC 1 time per month
2. Attend Probation appointments as requested by MHC Probation Officer
3. Engage in mental health treatment as determined by the treatment plan
4. Engage in substance abuse treatment as determined by the treatment plan

5. Cooperate with unscheduled visits, home visits, and/or contact with MHC Team
6. Submit to random urinalysis screens determined by Participant's individualized treatment plan and/or requested by the MHC Team
7. Submit to random urinalysis screens determined by Participant's individualized treatment plan and/or requested by the MHC Team
8. Take all prescribed medicine as directed
9. Attend self-help groups as determined by Participant's individualized treatment plan and/or requested by the MHC Team
10. Attend all appointments made with or by MHC Probation Officer, counselors, and/or psychiatrist
11. Attend all appointments made for case management, counseling, or psychiatric evaluation
12. Be drug tested no less than one time per week.
13. Remain drug and alcohol free by providing negative drug screens for 60 consecutive days prior to promotion to Phase 4
14. Obtain employment or volunteer position, obtain independent housing, enroll in education courses (GED classes, higher education classes, vocational training, etc.) or engage in regular positive social activity not related to treatment (clubs, volunteer activities, community service, church, sports, etc.) as recommended by the MHC Team
15. Obtain training in life skills such as budgeting and housekeeping as recommended by the MHC Team
16. Prior to advancing to Phase 4, have no unexcused treatment appointments, probation appointments, or court appearances for 60 consecutive days
17. Complete Phase Promotion Request

#### **Promotion Requirements Phase 4**

1. No unexcused court appearance, probation appointments, and treatment appointments for 30 consecutive days
2. Taking all medication as prescribed
3. 45 days consecutive sober time from drugs and alcohol
4. Complete Phase Promotion paperwork

#### **PHASE 4 MAINTENANCE--Minimum 90 days**

1. Attend MHC as scheduled
2. Attend Probation appointments as requested by MHC Probation Officer
3. Submit to random urinalysis screens determined by Participant's individualized treatment plan and/or requested by the MHC Team
4. Take all prescribed medicine as directed
5. Attend self-help groups as determined by Participant's individualized treatment plan and/or requested by the MHC Team

6. Attend all appointments made with or by MHC Probation Officer, counselors, and/or psychiatrist
7. Be drug tested no less than one time per week.
8. Remain drug and alcohol free by providing negative drug screens for 90 consecutive days
9. Prior to Graduation, no unexcused treatment sessions, probation appointments, and court appearances for 90 consecutive days
10. Prior to Graduation, no court sanctions for 90 consecutive days
11. Complete a Discharge Plan

**Promotion Requirements for Graduation:**

1. No unexcused court appearance, probation appointments, and treatment appointments for 90 consecutive days prior to promotion
2. Taking all medication as prescribed
3. 90 days consecutive sober time from drugs and alcohol prior to Graduation
4. Complete Graduation Commencement Request

## **Mental Health Court Incentives, Sanctions, & Adjustments**

The MHC Team wants you to succeed. The MHC team uses incentives, sanctions, and therapeutic adjustments to help you successfully complete your MHC Program. Rewards are given for good choices and are also incentives to continue to make healthy choices. When rules are broken, there are consequences and these are called sanctions. If you relapse or need additional treatment, you will be given a therapeutic adjustment. These are terms you will hear a lot in the MHC Program.

The MHC Team regularly discusses your progress. The Judge makes the final decision regarding rewards, incentives, sanctions, and therapeutic adjustments. The Judge will talk to you in court about your progress and about any issues or other concerns. You are encouraged to respond and ask questions. Before any reward, incentive, sanction, or therapeutic intervention is given, the Judge will explain in open court what is happening and the reason for giving you the reward, incentive, sanction, or therapeutic adjustment.

### **Incentives**

Incentives are rewards for your progress and for following the MHC Program rules. Your good behavior is recognized by the MHC Team.

#### **Examples of Good Behavior**

- Being on time for court and treatment appointments
- Taking prescribed medication as directed
- Not missing any treatment or probation appointments

- Being drug and alcohol free
- Attending meetings and appointments
- Maintaining good hygiene
- Accomplishing tasks and goals set by MHC Team or treatment provider

### **Examples of Incentives**

- Applause
- Praise from the team
- Peer recognition
- Reward Cart\*
- Reduction in previously imposed sanctions
- Reduction of length of supervision
- Tokens of progress (bus tokens, gift cards)
- Decreased court appearances
- Reduction of pending fines and fees
- Decreased level of supervision
- Being allowed to travel
- Letter of recognition

\*Reward Cart, when MHC Team gives a reward, you may draw a reward from the Reward Cart in open court. Rewards vary and include candy, books, personal items, etc. The Reward Cart has 3 levels of rewards:

1. Cooper- Good
2. Silver- Great
3. Gold- Awesome

### **Rules**

The MHC Program has many rules and you need to follow these rules to be successful. There are consequences if you break the rules and the consequences depend on the severity of the rule violation.

### **Examples of Rule Violations**

- Getting arrested or violating probation
- Acting violently or threatening violence toward anyone associated with the MHC Program
- Not telling Probation Department about an arrest, address change, or job change
- Leaving Illinois without permission
- Not following the directions from the MHC Team
- Having a positive drug/alcohol test
- Not providing a urine or saliva sample
- Changing or altering a urine sample

- Missing a treatment session
- Taking medicine not prescribed to you
- Breaking any treatment or MHC Program rules
- Not completing treatment
- Not attending sober support group meetings or not finding a sponsor if one is recommended
- Not attending education or job training programs if recommended

### **Sanctions**

The Judge can give sanctions for any violation of probation or MHC Program rules. This includes any behavior that impacts your progress such as being late for treatment or late for court and any behavior that violates MHC Program rules.

When the Judge gives a sanction, the goal is to be fair, but also to hold you accountable for your choices and actions. The Judge will consider current behavior, past behavior, and review your efforts or lack of efforts and also review how you handled past sanctions. The Judge wants you to be successful. If you are given a sanction, this is a chance for you to reflect, grow, and move forward in your treatment plan.

Jail sanctions shall be imposed judiciously and sparingly. Unless you pose an immediate risk to public safety, jail sanctions shall be administered after less severe consequences proved ineffective in deterring infractions. Jail sanctions shall be definite in duration and typically last no more than three (3) to five (5) days. Participant shall have access to counsel and a hearing prior to a jail sanction being imposed because a significant liberty interest is at stake.

You may be removed from the MHC Program for not following program rules, not meeting program requirements, or not benefitting from the program. Again, the MHC Team wants you to succeed and will work with you to achieve success.

### **Examples of Sanctions**

- Increased MHC court appearances
- Observe MHC
- Admonishment from the Court
- Admonishment from MHC team
- Increased drug / alcohol testing
- Increased Reporting to Probation
- Reading/writing assignments
- Curfew
- Public Service Employment hours
- Electronic monitoring / SCRAM Alcohol monitoring
- Periodic imprisonment
- Video education



- Jail

### **Therapeutic Adjustments**

If you are not doing well with the type or amount of treatment under your treatment plan, your treatment may be adjusted based on feedback from the MHC Team. This change in treatment is called a therapeutic adjustment. If changes are made to your treatment plan, this is a positive step to better meet your health needs. It is not a punishment. It is an adjustment to better support your health.

### **Examples of Therapeutic Adjustments**

- Increased intensity of treatment
- Increased Self-help meetings
- Increased drug / alcohol testing
- Increased meetings
- Additional treatment groups
- Additional counselling referrals
- Writing assignments
- Verification of community support meeting attendance
- Medication assisted therapy
- Recovery Coach

## **Mental Health Court Drug Testing**

Drug and Alcohol (prohibited substance) testing is an integral part of the MHC program. Tests are used:

1. As an assessment and diagnostic tool
2. To reinforce and validate successful recovery and abstinence
3. As an intervention and confrontation tool
4. As a deterrent to drug/alcohol use
5. To provide non-manipulative environment to monitor progress
6. To assist in determining risk and revocation decisions

Drug testing can take place upon the premises or coordinated by a court approved treatment provider. The MHC Probation Officer shall provide for immediate testing as requested by the Court.

Upon acceptance to the MHC, you are assigned a color and are required to call the drug test line. See **Testing** below.

The number of drug/alcohol tests you takes varies. You are tested a minimum of 2 times per week in accord with best practice standards. Refusal to provide a sample, missing a scheduled test, delaying a test, providing a diluted or adulterated sample may result in a sanction.

## **TESTING**

You are required to submit to random drug and alcohol testing based on the following procedure. ***All drug tests must be observed to be considered valid.***

You are assigned a color for randomized drug testing. Colors are assigned for each Phase.

- **Phase 1**: Pink, Purple, Periwinkle
- **Phase 2**: Brown, Green, Silver
- **Phase 3**: Yellow, Orange, Magenta
- **Phase 4**: Coral, Turquoise

You are promoted to the next phase based on their overall performance in MHC. The amount of times you are drug tested is determined by their phase and performance. Frequency of randomized drug test may decrease as you advance and are promoted through the phases.

You are assigned a new color when you are promoted to the next phase. Randomized testing colors are chosen by 5:00 p.m. Central Standard Time (CST) the day prior to required testing.

You must call in daily or as directed to see if their color was chosen. The phone number to call is: **815 936-5964**.

If you fail to call in as instructed, this may result in sanctions and/or termination from the MHC Program.

MHC Probation Officer may request additional testing at any time. The above policy does not prohibit the MHC Probation Officer from requesting additional testing.

## **Mental Health Court Fee**

You are required to pay a \$50.00 per month MHC Fee. The fee is assessed upon acceptance to MHC, it is understood payments may not begin until Phase II. The focus of MHC is not on financial obligations, it is important you make an effort to meet your MHC payment plan obligations. Failure to pay court fines and costs will not prohibit Phase Promotion or Graduation.

## **Keys to Success**

The following actions/goals are key to your success in completing MHC.

- Stay drug and alcohol free
- Keep all your appointments
- Be on time for all appointments
- Maintain contact with MHC Team
- If remembering times, dates, appointments is a problem use a calendar or phone alarm
- Make a schedule (work, school, court, appointments)
- Keep all court papers and all treatment papers in a folder or binder
  - Do not throw paperwork away
- Carry a photo ID and a Driver's License or State ID at all times
- Bring meeting verification sheet to all appointments
- If you absolutely cannot make an appointment or court appearance
  - Call your MHC Probation Officer **PRIOR** to court **not after**
  - Calling does not excuse your absence, it may impact how the Judge views the absence
  - Failure to appear in court may result in a warrant for your arrest
- If transportation is a problem, have a back-up plan
  - Not having transportation is **NOT** an acceptable excuse for missing or being late to appointments and court
  - Failure to appear in court may result in a warrant for your arrest
- **Be honest no matter what the news—good, bad, or terrible! The MHC Team cannot help you if you are not honest with them or yourself.**

## Confidentiality

All information relating to you as a Mental Health Court (MHC) Participant is strictly confidential. Any information viewed by MHC personnel or providers shall not be shared with any outside party. MHC Participants shall be required to sign a *Consent for Release/Disclosure of Confidential Information*. If you refuse to sign the *Consent for Release/Disclosure of Confidential Information*, the MHC Referral is closed and a report sent to the referral source, Judge, prosecutor, and defense counsel explaining you are not eligible for MHC due to refusal to sign *Consent for Release/Disclosure of Confidential Information*.

KCMHC shall comply with applicable relevant Federal and State confidentiality statutes and regulations.

MHC Team shall maintain confidential files for confidential information. Confidential information includes treatment reports, assessment results, treatment and supervision needs, attainment of treatment plan goals, adherence to treatments, drug and alcohol testing results, and other confidential information disseminated to the MHC Team. Confidential information shall not be disseminated outside the MHC Team and treatment providers.

MHC Participant confidential information *shall* not be obtained from MHC to be *utilized* in other proceedings, civil or criminal, *involving* the MHC Participant or another person unless the MHC Participant gives voluntary and express written consent for the re-disclosure of the confidential information.

The Kankakee County State’s Attorney shall delete and/or destroy MHC Participant confidential information disseminated in conjunction with referral to or participation in MHC when the individual is determined ineligible for participation in MHC or when Participant is discharged unsuccessfully from MHC.

Upon request of Participant or their counsel, the Judge has discretion to issue a protective order pertaining to any or all of the confidential information.

All Pre-Trial Services/Probation files, pre-sentence investigations, computer notes, and case notes shall be confidential information and shall not to be released except by court order. All MHC material shall be protected by federal law, specifically section 543 of the Public Health Service Act, 42 U.S.C. 290dd-2, and its implementing regulation, 42 C.F.R Part 2 (confidentiality of substance abuse records) and the Illinois Mental Health and Development Disabilities Confidentiality Act, 740 ILCS 110/1 *et seq.* (confidentiality of mental health treatment records).

## Discharge

There are four 4 ways you may be discharged or terminated from MHC.

**Successful Discharge:** You complete all the program requirements.

To qualify for successful discharge from the MHC Program, you must:

1. Be in compliance with psychiatric treatment including taking medication as prescribed
2. Maintain a minimum 90 days of sobriety from drugs and alcohol
3. Be employed, be attending school, or be engaged in another approved plan by the MHC Team
4. Obtain a signed a payment order if applicable and be in substantial compliance with the payment order based on ability to pay. Inability to pay does not prevent Participant from successfully graduating the MHC Program.

Upon successful completion of the terms and conditions of the program, any State’s Attorney in the county of conviction, a participant, or a defense attorney may move to vacate any

convictions eligible for sealing under the Criminal Identification Act. A participant may immediately file a petition to expunge vacated convictions and the associated underlying records per the Criminal Identification Act. If the State's Attorney moves to vacate a conviction, the State's Attorney may not object to expungement of that conviction or the underlying record. The MHC Program may maintain and collaborate with a network of legal aid organizations that specialize in conviction relief to support Participants navigating the expungement and sealing process. 730 ILCS 168/35.

**Neutral Discharge:** You do not violate program requirements necessitating an unsuccessful discharge, but are unable to successfully complete program requirements to qualify for a successful discharge. For example, you have or develop a serious medical or mental health condition, disability, or any other factor preventing you from meeting the MHC completion requirements.

If you cannot complete the MHC Program due to circumstances beyond your control, you may be allowed to withdraw from the MHC program without penalty. The criminal case proceeds to sentencing. The case shall be referred back to the criminal judge for sentencing. The State's Attorney's shall make this decision once you receive a Neutral Discharge from MHC.

**Unsuccessful Discharge:** You are terminated from MHC due to violation of program requirements. Failure to complete the entire MHC Program resulting in an unsuccessful discharge may result in a sentence including but not limited to a fine, conditional discharge, probation, jail, prison, or any combination of these.

Prior to unsuccessful discharge from MHC, you shall be served with a Petition to Terminate Participation in MHC Program and/or a Petition to Revoke MHC Probation. Petitions shall state the claimed violations of the MHC Program and/or Probation Requirements and the relief sought. The MHC Judge shall advise and admonish Participant of their IL S. Ct. Rule 402A rights when Participant is subject to proceedings that may result in unsuccessful discharge from MHC. These rights include, but are not limited to the right to counsel and a hearing. In accord with IL S. Ct. Rule 402A(a), the MHC Judge shall not accept an admission to a violation or a stipulation evidence is sufficient to establish MHC Program or MHC Probation violation without first addressing Participant personally in open court and informing Participant of and determining Participant understands the following:

1. The specific allegations in the petition
2. You have the right to a hearing with defense counsel present and the right to appointed counsel if Participant is indigent
3. At hearing, you have the right to confront and cross-examine adverse witnesses and to present witnesses and evidence on their behalf
4. At hearing, the State must prove the alleged violation by a **preponderance of the evidence**
5. There is not a hearing on the Petition to Terminate/Revoke if you admit to a

violation or stipulate the evidence is sufficient to establish a MHC Program and/or MHC Probation violation. You waive the right to a hearing, the right to confront and cross-examine adverse witnesses, and the right to present witnesses and evidence on their behalf if you admit to a violation or stipulate the evidence is sufficient to establish a MHC Program and/or MHC Probation violation.

6. Sentencing range for the underlying offense. The case shall be referred back to the criminal judge for sentencing.

Pursuant to IL S. Ct. Rule 402A(b) and (c), the MHC Judge shall not accept any admission to a violation or any stipulation evidence is sufficient to establish a MHC Program and/or MHC Probation violation without first determining your admission or stipulation is voluntary and there is a factual basis for the admission or stipulation.

Pursuant to IL S. Ct. Rule 402A(d), the MHC Judge shall not participate in plea discussions with respect to a Petition to Terminate MHC Program Participation or a Petition to Revoke MHC Probation without first complying with IL S. Ct. Rule 402(d), (e) and (f).

Upon filing a Petition to Terminate MHC Program Participation and/or a Petition to Revoke MHC Probation, the MHC Judge may allow you, with the consent of both you (with advice of counsel) and the State, to remain in MHC by deferring hearing on the Petition. The State may dismiss the Petition if you make satisfactory improvement in compliance with MHC requirements. The State may set the Petition for hearing if you fail to make satisfactory improvement.

At a hearing on the Petition, the MHC Judge cannot consider any information learned through team staffings, status review hearings, or otherwise unless newly received in evidence at the Petition hearing.

You have the right to move for Substitution of the MHC Judge pursuant to the Code of Criminal Procedure 725 ILCS 5/114-5(d) for purposes of a hearing on a Petition to Terminate MHC Program Participation or a Petition to Revoke MHC Probation.

**Voluntary Withdrawal:** You are allowed in all circumstances to withdraw from MHC pursuant to MHC procedures. Voluntary Withdrawal from MHC may result in sentencing. The case shall be referred back to the criminal judge for sentencing.

1. You have the right to withdraw from MHC
2. Prior to allowing withdrawal, the MHC Judge shall
  - a. Ensure you are informed of the right to consult and counsel can be appointed if you are indigent
  - b. Determine in open court your withdrawal is voluntarily and knowingly made

- c. Admonish you in open court as to the consequences, actual or potential, which could result from withdrawal

**Graduation**

MHC Graduation dates are set by the Court with input from the MHC Team. Participants completing all requirements for successful discharge from MHC are eligible and encouraged to participate in graduation. Prior to graduation, you shall complete the pre-graduation questionnaire. Upon MHC Graduation, the conviction may be vacated. If you owe restitution or court costs at the time of graduation, you are discharged with a payment plan.

**Post Program Planning**

If you graduate or are neutrally discharged from MHC, you are assessed for post-program treatment or services. The MHC team links you to needed services indicated by assessment prior to discharge from MHC. This helps ensure supports are in place as needed prior to Graduation from the program.

**Exit Interview**

You will be requested to complete a MHC exit interview. This interview includes questions regarding your experience in MHC, what you liked or did not like, what MHC can do differently to make the program better. A copy of the interview is given to you after Graduation/Discharge.

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# KANKAKEE COUNTY MENTAL HEALTH COURT

## Participant Handbook Acknowledgement Receipt

I read and understand the contents of the Kankakee County Mental Health Court Participant Handbook including MHC Rules and possible incentives and sanctions. I hereby acknowledge receipt of the KCMHC Participant Handbook. I understand to be successful in Mental Health Court I must follow the rules of the MHC program and comply with treatment and medication recommendations.

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**Participant Signature**

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**Date**

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**MHC Probation Officer**

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**Date**

### Kankakee County Mental Health Court



**YOUR MIND MATTERS**



**A healthy mind is the greatest treasure you can find!**