

1. UNDERSTAND THE CONCEPT

People with mental illness and intellectual and developmental disabilities (IDD) cycle repeatedly through the courts but often lack the tools to address their needs or access adequate treatment. Judges can use a *Mental Health Court (MHC)* program to connect people with appropriate treatment, community resources, and ongoing judicial monitoring to address these issues. MHC programs can be used in various court settings, including, but not limited to, criminal, civil, and family law. MHC programs can also have varying goals, target participants, program conditions, treatment options, and can address mental health challenges in criminal courts either pre- or post-adjudication.

Tex. Gov't Code § 125.001 defines a mental health court as a program that has the following essential characteristics:

1. The integration of mental illness treatment services and [intellectual disability] services in the processing of cases in the judicial system;
2. The use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;
3. Early identification and prompt placement of eligible participants in the program;
4. Access to mental illness treatment services and [intellectual disability] services;
5. Ongoing judicial interaction with program participants;
6. Diversion of potentially mentally ill or [intellectual disability] defendants to needed services as an alternative to subjecting those defendants to the criminal justice system;
7. Monitoring and evaluation of program goals and effectiveness;
8. Continuing interdisciplinary education to promote effective program planning, implementation, and operations; and
9. Development of partnerships with public agencies and community organizations, including local [mental health or intellectual disability] authorities.

Resources

A Guide to Mental Health Court Design and Implementation

<https://csgjusticecenter.org/wp-content/uploads/2020/01/Guide-MHC-Design.pdf>

Mental Health Courts: A Guide to Research-Informed Policy and Practice

https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/CSG_MHC_Research.pdf

2. COLLECT THE DATA

Data can be collected and analyzed to successfully launch the MHC program and to measure the program's success. Start with data that already exists in your county and consider what data could be collected in the future. Data can be used for advocating for funding, determining program improvements, and identifying what works for which participants and under what circumstances.

Develop a *data collection plan* for the program that identifies:

1. What data will be collected;
2. What is the source of the data;
3. Who is responsible for collecting the data; and
4. Where the data will be stored.

Resources

A Guide to Collecting Mental Health Court Outcome Data

<https://csgjusticecenter.org/wp-content/uploads/2020/01/MHC-Outcome-Data.pdf>

Developing a Mental Health Court: An Interdisciplinary Curriculum Handbook for Facilitators

<https://www.arcourts.gov/sites/default/files/Mental%20Health%20Courts%20-%20Planning%20Guide.pdf>

3. MAP COMMUNITY RESOURCES

Conduct a community mapping to convene local stakeholders, determine services available in the community or surrounding communities, survey opportunities and resources for diverting people to treatment options, and identify gaps in services. Mappings can range in depth of review and can be completed by the MHC team or by a third-party. Include a review of existing court and probation programs in the mapping to determine if there are options that already service individuals at different risk and need levels and identify which risk and need levels are not being assisted. Look to [local NAMI](#) chapters for additional resources.

Resources	JCMH Mapping Workshops http://texasjcmh.gov/technical-assistance/mapping-workshop/	Policy Research Associates (PRA) https://www.prainc.com/wp-content/uploads/2017/08/FFS-SIM-508.pdf
	Meadows https://mmhpi.org/work/systems-transformation/	HHSC's TA Center - email: forensicedirector@hhs.texas.gov

4. SELECT THE TEAM

At a minimum, the MHC program team for a criminal court should include a judge, defense attorney, prosecutor, supervision officer (pretrial/probation/parole officer), and a case manager or representative from the local mental health authority. While not critical to the team's success, consider including a representative from the sheriff's office or county jail medical, a social worker, a psychiatrist, a resource coordinator (check with your local [NAMI chapter](#)), a peer support specialist, and a person with lived experience to assist with the MHC program. For civil, family law, or other types of MHC program teams, the team should include similarly represented stakeholders.

To create the team, consider collaborating across departments and systems to get committed representatives or fund the necessary positions/roles within the court. Some treatment service providers employ staff members who may be able to fill some of the team roles needed to make the program a success. When creating the team, consider:

- Logistics of regular meetings/court settings;
- Willingness and ability to collaborate with other team members;
- Belief in the mission of the court program;
- Willingness and ability to complete training and take continuous steps to learn about the principles that support the MHC program; and
- Ability to conduct or review screenings and assessments.

Resources	<i>A Guide to Mental Health Court Design and Implementation</i> https://csgjusticecenter.org/wp-content/uploads/2020/01/Guide-MHC-Design.pdf	Developing a Mental Health Court: An Interdisciplinary Curriculum – Module 3 https://csgjusticecenter.org/wp-content/uploads/2020/08/Module_3_final.pdf
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5. COMPLETE TRAINING

Seek training, mentoring, and technical assistance when creating an MHC program. Read written resources, schedule time to watch webinars available online, and observe other established treatment courts. Judges should determine what initial training should be completed by the MHC team and what ongoing training will be necessary. Also, consider what training should be developed or implemented for local treatment professionals to ensure a successful MHC program.

Resources	Council of State Governments (CSG): Learning Modules https://csgjusticecenter.org/projects/mental-health-courts/learning/learning-modules/	NPC Research https://npcresearch.com/services-expertise/technical-assistance-and-consultation/	CSG: Center for Justice and Mental Health Partnerships https://csgjusticecenter.org/resources/justice-mh-partnerships-support-center/
	Specialty Courts Resource Center (SCRC) http://www.txspecialtycourts.org/tta_bureau.html	HHSC T.A. Center – email: forensicedirector@hhs.texas.gov	SCRC: List of Active Texas Specialty Courts http://www.txspecialtycourts.org/_documents/active_courts.pdf
	JCMH Technical Assistance http://texasjcmh.gov/technical-assistance/	Center for Court Innovation https://treatmentcourts.org/	

6. IDENTIFY ELIGIBLE PARTICIPANTS

Be judicious in determining the target participants likely to be best served by the MHC program. Use [risk assessment tools](#) to help create a prompt identification process of potential participants and quick determination of their eligibility for the court. The [Criminal Justice Division \(CJD\)](#) of the Office of the Governor mandates the use of the [Texas Risk Assessment Scale \(TRAS\)](#) for all arrested adult participants in CJD-funded specialty courts. National practices advise that participants with a moderate to high risk of recidivism have the most potential to benefit from MHC programs. Consider which screening and risk assessment tools used by your jurisdiction could be a good fit for the program.

To identify the ideal participant that the program will serve, consider:

- **Criminal Offense:** Key stakeholders may disagree on the types of charges eligible for the program and may require a correlation between the mental illness and the offense committed.
- **Screening and Risk Assessment Tools:** These tools can make identifying potential participants more efficient.
- **Mental Health Evaluation:** Evaluations should be done by a professional or clinician and can be done before or after final eligibility.
- **Mental Health Diagnosis:** Certain diagnoses may need to be excluded from the program due to a lack of resources, key stakeholder agreement, and ability to ensure community safety.
- **Referral Process:** Determine who can send the referral and who will screen the referral.
- **Final Eligibility:** Determine the process for accepting or rejecting based on criteria required for final eligibility.

Resources

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Developing a Mental Health Court: An Interdisciplinary Curriculum A Handbook for Facilitators

<https://www.arcourts.gov/sites/default/files/Mental%20Health%20Courts%20-%20Planning%20Guide.pdf>

7. PLAN THE PROGRAM

Establish a treatment plan and other conditions that are the least restrictive while still ensuring public safety. Combining less restrictive conditions and reliable partnerships with treatment providers will encourage participants to turn to these community resources in times of crisis.

[Tex. Gov't Code § 121.002\(d\)](#) requires the program to comply with the [Specialty Courts Advisory Council's](#) programmatic best practices in order to receive state or federal grant funds administered by a state agency. [Tex. Gov't Code § 125.001\(b\)](#) states that if the participant successfully completes the MHC program and the court determines a dismissal is in the best interest of justice, the court shall dismiss the case and may take the necessary steps for an expunction of the matter.

When developing a plan, consider:

- **Treatment Plans:** Ensure they are highly individualized and adaptable to change during the program period.
- **Adherence to the Program:** Determine the incentives and sanctions matrix.
- **Successful Program Completion:** Develop the criteria and procedure for a dismissal and expunction, or any alternative outcomes upon successful completion.
- **Unsuccessful Program Completion:** Determine the agreed upon plea arrangement or any other alternative outcome if a participant fails to complete the program.

Resources

A Guide to Mental Health Court Design and Implementation

<https://csgjusticecenter.org/wp-content/uploads/2020/01/Guide-MHC-Design.pdf>

Developing a Mental Health Court: An Interdisciplinary Curriculum – Module 5

https://csgjusticecenter.org/wp-content/uploads/2020/08/Module_5_final.pdf

Improving Responses to People with Mental Illnesses: The Essential Elements of a Mental Health Court

<https://csgjusticecenter.org/wp-content/uploads/2020/02/mhc-essential-elements.pdf>

Developing a Mental Health Court: An Interdisciplinary Curriculum Handbook for Facilitators

<https://www.arcourts.gov/sites/default/files/Mental%20Health%20Courts%20-%20Planning%20Guide.pdf>

8. DOCUMENT THE WORK

Establish written policies and procedures at the beginning of the program, and continuously examine them for potential revisions as the program evolves. Do not wait for the program to become well-established. Create documentation that clearly explains the parameters of the program and describes the issues related to creating the program. Clearly communicate the MHC program eligibility criteria and referral/intake process to local defense bar associations, public defender's offices, prosecutor's offices, local judges, and other key stakeholders. Documentation should include:

1. Policy and Procedures Manual
2. Participant Handbook
3. Referral and screening procedures (include HIPAA-compliant *Release of Information* by the participant)
4. Eligibility criteria
5. MOU between all team members and other key stakeholders (or other information sharing protocols that include confidentiality requirements and *Protected Personal Health Information*)
6. Incentives and sanctions matrix
7. Integrated case plan template
8. Program goals and measurable objectives
9. Program history and partners
10. Case staffing and status hearing procedures

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9. FIND FUNDING

Many judges have started a mental health court or docket with little or no funding. By starting small and gathering data, judges can seek funding from their local commissioners court or community organizations. There is also funding from national organizations and [funding specifically for specialty courts in Texas](#). Relevant funding sources may assist with training, technology, and court improvements.

[Tex. Gov't Code §§ 125.002 and 125.004](#) provide authority to county commissioners courts to establish an MHC program and permits an MHC program to require participants, if able to do so, to pay the cost of all treatment and services during the program.

There is a list of grant opportunities provided by Texas Association of Counties:

<https://www.county.org/Legislative/Grant-Opportunities>

Resources

Office of the Texas Governor (OOG)

<https://gov.texas.gov/organization/financial-services/grants>

Texas Judicial Commission on Mental Health (JCMH)

<http://texasjcmh.gov/grants/>

Texas Specialty Court Resource Center (SCRC)

<http://www.txspecialtycourts.org/training-grant.html>

Texas Indigent Defense Commission (TIDC)

<http://www.tidc.texas.gov/funding/>

Council of State Governments (CSG)

<https://csgjusticecenter.org/projects/justice-and-mental-health-collaboration-program-jmhcp/funding-resources/>

U.S. Dept of the Treasury/CARES Act

<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments>

Substance Abuse and Mental Health Services Administration (SAMHSA) <https://www.samhsa.gov/grants>

Policy Research Associates (PRA)

<https://www.prainc.com/gains-sim-solicitation-2022/>

10. REGISTER THE COURT

Mental Health Court programs should be registered with the Office of Court Administration:

<https://www.txcourts.gov/about-texas-courts/specialty-courts/>

NOTE: Your program must meet the statutory requirements of [Tex. Gov't Code 125.001](#) to register.