



Mental Health Diversion (MHD) Referral Process

The Court seeks to leverage resources from the *Collaborative Justice System* program to case manage mental health diversion clients in order to connect them with appropriate level of care and monitor fidelity with court ordered treatment plans

Eligibility Criteria

Track 1 (T1) Collaborative Court (PACT Court)

Clients must:

- Have a recent mental health diagnosis from a “qualified mental health provider”
- Mental health was a significant factor in charged offense
- Not pose “an unreasonable risk of danger to public safety” as defined in Section 1170.18, if treated in the community
- Be able to respond to treatment that is in the treatment plan
- Waive their right to a speedy trial
- Agree to comply with treatment
- Agree with treatment plan developed by the treating provider

Track 2 (T2) County Behavioral Health

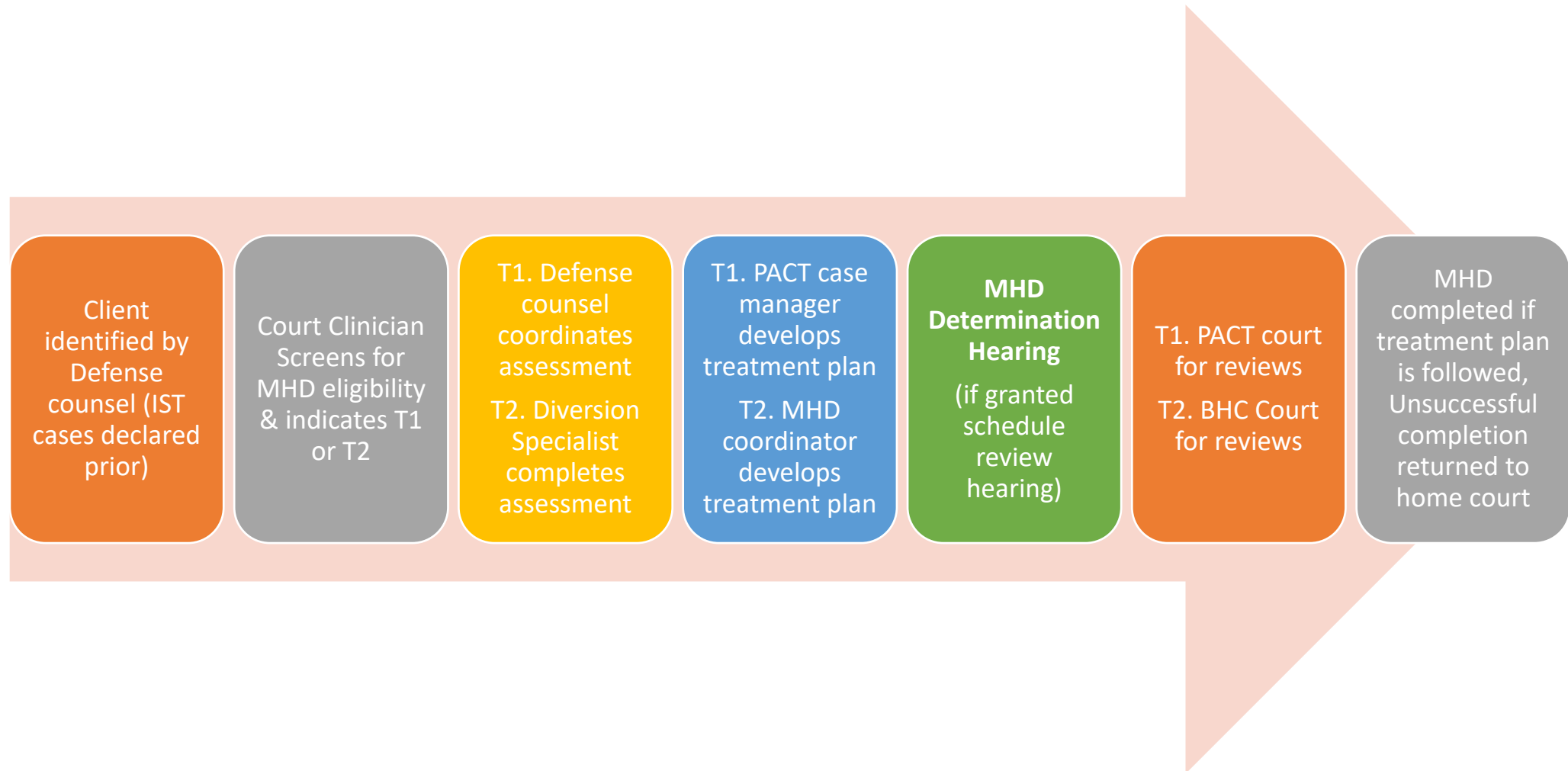
All the above with following adjustments:

- Declared IST
- Only diagnosis of schizophrenia, schizoaffective, or bipolar
- Only felonies

Exclusionary Factors

- Offence of murder or voluntary manslaughter
- Any 290 offense except PC 314
- Offence of PC 11418, weapon of mass destruction
- Diagnosis of Antisocial Personality Disorder, Borderline Personality Disorder, and Pedophilia

Proposed Mental Health Diversion Workflow



Step 1: Attorney Identifies Potential MHD Defendant and completes MHD Packet

Referral Packets are found in the courtroom and need to be submitted to the Collaborative Court team. These include releases of information to expedite the process.

MHD Referral Packet found in the courtroom



SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CRUZ
701 OCEAN STEET
COLLABORATIVE COURTS OFFICE
(831) 420-2498
www.santacruzcourt.org

Mental Health Diversion (MHDA) Referral Packet

Mental Health Diversion is based on AB 1810 (PC 1001.35 & PC 1001.36). This legislation gives discretionary diversion of qualified persons who have committed a crime because of mental health disorder. Diversion may be granted at any time after the filing of an accusatory plead; pretrial. The following criteria is considered for eligibility.

Eligibility Criteria

Clients must:

- ❖ Be pretrial- no post-plea or verdict
- ❖ Have a recent mental health diagnosis from a "qualified mental health provider"
- ❖ Mental health was a significant factor in charged offense
- ❖ Not pose "an unreasonable risk of danger to public safety" as defined in Section 1170.1, if treated in the community
- ❖ Be able to respond to treatment that is in the treatment plan
- ❖ Waive their right to a speedy trial
- ❖ Agree to comply with treatment
- ❖ Agree with treatment plan developed by the treating provider

Exclusionary Factors

- ❖ Offense of murder or voluntary manslaughter
- ❖ Any 290 offence except PC 314
- ❖ Offense of PC 11418, weapon of mass destruction
- ❖ Diagnosis of Antisocial Personality Disorder, Borderline Personality Disorder, and Pedophilia

Mental Health Diversion Process

- ❖ Have client fill out and sign all Releases of Information (ROI) in the attached referral packet
- ❖ Request that the court conduct a Collaborative Court Clinician Assessment (CCCA)
- ❖ Fill out contact information form (attached)
- ❖ If client has any additional mental health records including out of Santa Cruz County records, please include supportive documentation with referral packet.

Return referral packet to the collaborative courts box located in the Judge's Chambers Office or email to Hadley Owen at Hadley.Owen@santacruzcourt.org

Please allow up to one to three weeks to complete the screening.

If you have any questions please contact Hadley Owen at (831) 420-2491 or Hadley.Owen@santacruzcourt.org



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Mental Health Diversion Contact Information Form

Client Name: _____ Date of Referral: _____

DOB: _____ Sex: _____ Phone Number: _____

Referral Source Name: _____ Referral Source Phone Number: _____

Case Number(s): _____

Offense(s) _____

Charge Level: Felony Misdemeanor Violation of Supervision Other

In Custody: Main Jail Rountree Blaine St. Women's Facility R&R Out of Custody

Military Service: Yes No Unknown

Has been declared PC 1368: Current Past No Unknown

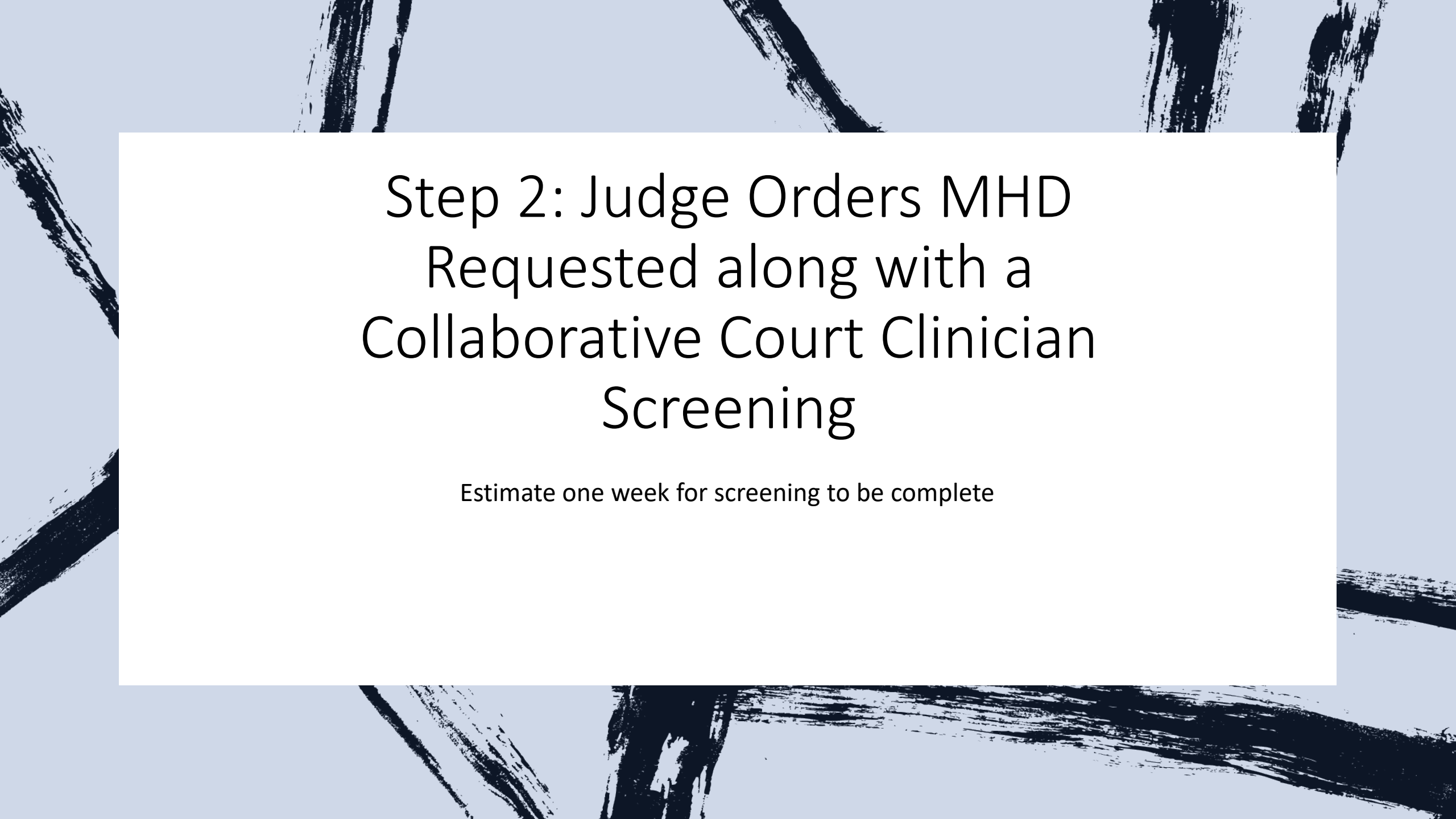
Healthcare insurance: Yes No Insurance Provider: _____ County: _____

Mental Health Diagnosis:
1) _____ 2) _____
 Current Past Documented Self-Report Current Past Documented Self-Report

Psychiatric Medications:
1) _____ 2) _____
 Current Past Documented Self-Report Current Past Documented Self-Report

By signing below, you acknowledge that you have received information about mental health diversion, you are open to being assessed, and you are interested in receiving mental health services. This includes participating in mental health programming as recommended, taking all medication as prescribed, sustaining from all substances, submit to testing and follow directives of mental health provider.

Participant Signature _____ Date _____



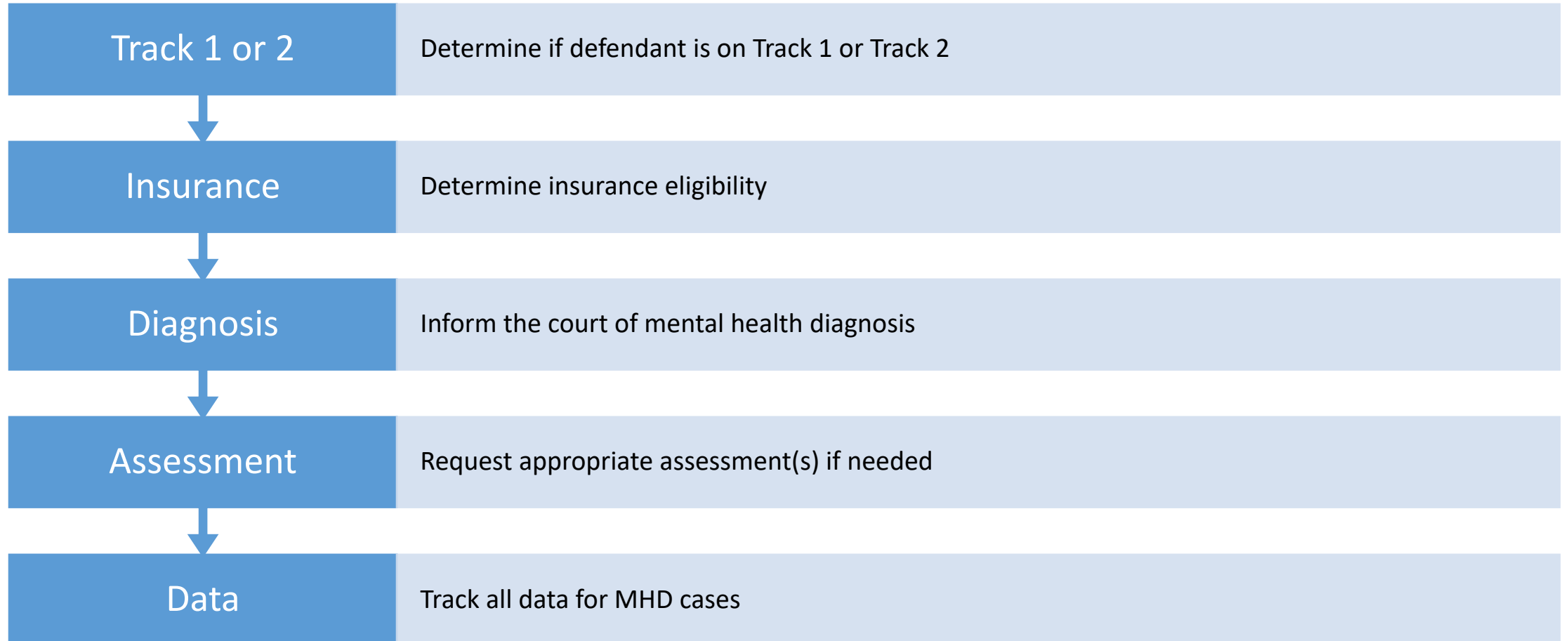
Step 2: Judge Orders MHD Requested along with a Collaborative Court Clinician Screening

Estimate one week for screening to be complete

Step 3: Clinician Completes the MHD Screening

Results of the screening will be updated to Odyssey. Steps are being taken to clarify the results of a screening to specifically give information relevant to the court process.

Collaborative Court Clinician will provide



Step 4: MHD Assessment

The assessment is coordinated with a physician by:

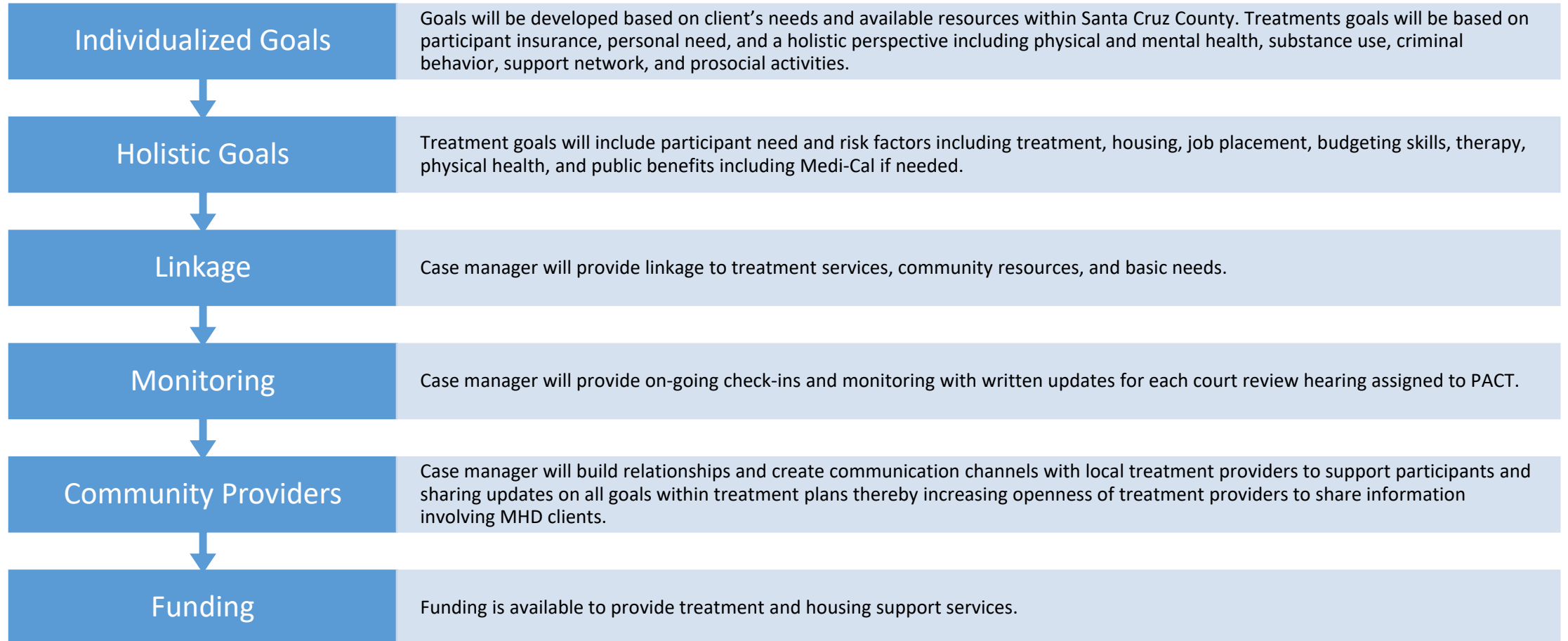
- Track 1: Defense Counsel
 - Track 2: County
- Estimate four to six weeks (IST cases will take longer to complete)

Step 5: MHD Treatment Goals are developed

Treatment Goals will be developed by:

- Track 1: Collaborative Court team (only if reviews are in PACT Court)
 - Track 2: County MHD Specialist
 - Estimate two weeks to complete

Benefits to Using Collaborative Courts for Treatment Goals (Track 1)



Step 6: MHD Determination Hearing

Case Manger will be in court to answer questions about the treatment plan.

If granted, schedule court reviews at the next open court hearing:

- Track 1: PACT Court
 - Track 2: BHC

Additional Details

- Designated PACT Court Days – Every other Tuesday
- PACT Case Manager – Hadley Owen
- Overall Program Manager – Katie Mayeda
- Court Clinician – Beloved Bolton
- Cases involving defendants who are deemed Incompetent to Stand Trial (IST) and who are deemed eligible for MHD would be coordinated through County Behavioral Health and can be assigned to Behavioral Health Court (BHC) for Review Hearings. These cases are referred to locally as “Track 2 MHD.”
- Track 2 cases should follow the normal 1368 and 1370 process and criminal proceedings should remain suspended as long as defendant is still IST.