

COMAL COUNTY
MENTAL HEALTH COURT
ACTION PLAN & HANDBOOK



Judge Deborah Linnartz Wigington
Comal County Court at Law 3

Eliminating The Stigma
Breaking The Silence

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WELCOME

Welcome to the Comal County Mental Health Court (MHC). This handbook is designed to answer questions, address concerns, and provide overall information about the Mental Health Court program. As a participant, you will be expected to follow the instructions given in Mental Health Court by the judge and comply with the treatment plan developed for you by the Mental Health Court team. This handbook will detail what is expected of you as a Mental Health Court participant and review general program information. All participants are encouraged to share this handbook with family and friends.

OVERVIEW

Mental Health Court (MHC) is a five-phase program for adults who have been charged with a misdemeanor offense and who are diagnosed with a mental illness. It is a voluntary program that requires a minimum 12-month commitment. The MHC takes a non-adversarial approach to promote public safety and to protect the due process rights of a participant. It is a joint effort of Comal County Court at Law 3, the Comal County District Attorney's Office, Community Supervision and Corrections Department, law enforcement and Local Mental Health Authority Treatment Providers. By working together, we assist participants in achieving stability in their life, we promote self-sufficiency and help them become a productive and responsible citizen.

Mental Health Court involves frequent court appearances, active participation in treatment for mental health and substance abuse, intensive supervision and random drug testing. The Judge, Community Supervision Officer, and Mental Health Court team and treatment providers are here to guide and assist participants, but the final responsibility rests with the participants. The court gives incentives when participants are doing well and sanctions when they are not. If participants do not follow the rules and requirements of the program, he/she may be admonished by the judge, have an increase in court appearances, or be discharged unsuccessfully from the program.

Mission

The mission of the Mental Health Court is to promote early identification of defendants with mental illness and provide access to treatment for mental health and substance use disorders in order to reduce involvement in the criminal justice system. The Mental Health Court combines treatment and judicial monitoring to achieve long-term stability, self-sufficiency by providing a continuum of care that holds participants of the court accountable, increase public safety, reduce recidivism, expand remedial mental health services and return you to the community as a productive and responsible citizen.

Purpose

The purpose of the Mental Health Court is to provide participants with an alternative to incarceration. The MHC provides a structured link between treatment, rehabilitation, social support services, and the criminal justice system in order to enhance the participant's quality of life, protect public safety and more effectively utilize public resources.

Program Objectives

- Divert mentally impaired offenders from the criminal justice system
- Assist mentally impaired offenders to achieve mood stability
- Reduce recidivism rate
- Reduce costs by using community agencies to address participants' needs.
- Reduce drug use.
- Increase public safety.
- Facilitate participation in an effective treatment environment for mental health and substance use disorders.
- Improve quality of life for people with mental illnesses charged with crimes.

ELIGIBILITY AND REFERRAL

Defendants may be eligible for the MHC if they have an active misdemeanor case and are diagnosed with a mental illness. Eligibility criteria is:

- Comal County Resident or other county with permission of the court
- 17 Years of Age or Older
- Misdemeanor Offense(s)
- Pre or Post-Adjudication
- Mental health illness preceded the offense
- Must engage in services provided by court approved treatment providers
- Agree to participate fully in mental health treatment, work toward treatment goals, refrain for illegal activity, meet conditions of community supervision (when applicable) and attend court sessions as scheduled.
- Legally competent
- Diagnosis of a Mental Illness
 - Schizophrenia/Schizoaffective Disorder
 - Bipolar Disorder
 - Major Depressive Disorder
 - May have a co-occurring substance abuse disorder

Ineligibility criteria is:

- Past or current charges of a sex offense
- The individual threatens or commits acts of violence creating a substantial risk to service providers, volunteers or other community partners in Mental Health Court
- Currently enrolled in another Comal County Specialty Court or any other jurisdiction's therapeutic docket unless referral is made by the other Court.
- The Judge of Mental Health Court deems the individual ineligible.

Reconsideration of Eligibility. Reconsideration may be requested in writing by the defense counsel on behalf of a potential participant. The MHC team will review the facts and decide on eligibility.

Mental Health Court accepts referrals from all sources, judges, defense attorneys, prosecutors, community supervision officers, law enforcement including persons in custody at the jail, treatment providers or family members. MHC requires an Attorney Permission form be submitted (see exhibit A). Once the document is submitted to MHC staff, a pre-screening of defendant's offense history will be completed. Defendant will be contacted to schedule a screening appointment with MHC Staff. If someone other than the defendant's attorney is referring to the MHC, staff will contact the defendant's attorney to request permission to schedule a screening and explain program requirements.

SCREENING AND ACCEPTANCE

Clinical screenings are conducted at the MHC office or with inmates at the jail. At the screening appointment, the requirements and expectations of the MHC are explained. If the defendant is eligible and agrees to participate in mental health and/or substance abuse treatment and agrees to comply with medications, the defendant will be assisted in accessing treatment, medications and other support services.

The defendant must agree to sign an Authorization for Disclosure to allow MHC staff to coordinate referrals and to request regular updates from treatment providers, if the defendant wants to be accepted into the MHC.

The case will be staffed with the team for placement into the MHC. If the case is accepted and in another court, MHC staff will request for the case to be transferred to Comal County Court at Law 3. If the defendant is not accepted, the case continues through the normal judicial process and the defendant will be provided with a list of community resources.

SENTENCING

Once accepted, the defendant's case will be set for hearing. A plea of "guilty" or "no contest" must be entered and a minimum 12-month term of community supervision assessed in order to participate. If the defendant is currently serving a term of community supervision or is being supervised via pretrial diversion by the Community Supervision and Corrections Department (CSCD) and transferring into MHC, the defendant may need to have his/her term of supervision extended in order to be able to complete the requirements of the program. The Participant Agreement (see exhibit B) must be reviewed and signed by the defendant, attorney, district attorney and the Judge.

Admission into the Mental Health Court begins when the Agreement has been signed by all parties and approved by the Court. The Agreement outlines program requirements, conditions, and expectations.

If a participant is discharged or voluntarily withdraws, it is a violation of community supervision or pretrial diversion conditions, and a motion to revoke is submitted to the court or in case of a pretrial diversion, the case will proceed towards resolution or trial. Another judge will preside over the case following discharge or withdrawal.

CONFIDENTIALITY

The Mental Health Court follows federal privacy laws (HIPAA and CFR 42) regarding protected health information. The participant must agree to sign an Authorization for Disclosure form that will include consent for disclosure of confidential treatment for a substance use disorder in order to participate in the court.

MHC may request copies of mental health, substance use disorder and physical health records to determine eligibility. The information collected and shared may include participants' evaluations and assessments with diagnosis, treatment plan, treatment attendance, treatment adherence, progress, and prognosis which are for the purposes of determining program eligibility and providing regular status reports to the Judge and MHC team, as well as, recommendations for treatment, sanctions, and incentives. All parties attending staffing that are not affiliated with the MHC must sign a pledge to maintain confidentiality of all client information and discussion around such information.

MHC hearings are open to the public. Some participant information may be discussed in open court but the MHC team makes every effort to avoid disclosure of confidential mental health diagnoses when possible. All protected health information is kept securely by MHC staff and is not part of the court file which is open to examination by members of the public.

If there is a question about how confidentiality applies in Mental Health Court, please contact MHC staff.

MENTAL HEALTH COURT TEAM

The Mental Health Court Judge makes the final decisions regarding participation in the Mental Health Court with support and recommendations from the Mental Health Court team. All team members work collaboratively to monitor and support a participant's adherence to the treatment plan and court conditions. All team members attend weekly or bi-weekly staffings and MHC hearings to provide input and recommendations to the court.

Mental Health Court team consists of the following members:

- **Judge** - presides at team staffings and MHC hearings. The primary responsibility is resolving criminal justice issues, to encourage and support participants' progress and achievements by providing incentives as well as to deter participants' non-compliance and violations by using graduated sanctions or clinical responses with recommendations from the MHC team.
- **Prosecutor** - represents the interests of the State and victims while collaborating with MHC team members to resolve problems and facilitate successful outcomes. The role of the Assistant District Attorney in the MHC differs from their role in a traditional adjudication process. In the MHC, all parties and counsel share the common goal of helping participants successfully comply with treatment in a community setting, and as such, the Assistant District Attorney assumes a non-adversarial approach. The Prosecutor reviews new cases concerning eligibility pursuant to the guidelines previously stated. The eligibility assessment includes a review

of the defendant's criminal history, consultation with the victims, legal eligibility, and appropriate dispositions upon the defendant's entry into the MHC. If a participant is re-arrested, the prosecutor investigates the new case and assesses the appropriateness of continued participation.

- **Defense Attorney** - defense counsel advocates for and advises the defendant in all mental health court proceedings and is mindful of the defendant's constitutional rights as a criminal defendant and the defendant's civil rights as a mental health consumer. Explains the provisions of the MHC Participation Agreement in addition to program requirements and benefits, the legal consequences of participation, and possible consequences of non-compliance. Provides input, pertinent case-specific information and recommendations as he/she deems appropriate or as requested by the team. The defense counsel uses a non-adversarial approach with a focus on protecting defendants' constitutional rights and their success in treatment to promote health and well-being. Defendants are entitled to independent counsel for any contested proceedings and at any time they choose unless waived.
- **Mental Health Court Coordinator** – prescreens referrals for eligibility. Is responsible for overall administrative coordination, management and supervision of MHC functions and processes. Maintains the docket and facilitates staffings. Facilitates collaborative partnerships with treatment providers and maintains data collection in CSS. The coordinator will develop and maintain written policies and procedures to guide the operations of the MHC in compliance with any statewide guidelines and generally accepted best practices. The MHC Coordinator provides guidance to involved agencies, to other stakeholders, and the public as to eligibility criteria for participation. The MHC Coordinator's overall role is to ensure the successful implementation of the MHC in Comal County.
- **Court Case Manager(s)** - screens potential participants to determine eligibility for the MHC Program. Collaborates with the community supervision and corrections department, coordinates services with treatment providers, reports on participants' compliance, progress and makes recommendations to the Judge. Gathers and distributes weekly progress reports to all MHC team members. The Court Case Manager is responsible for providing information and recommendations to the Judge relating to issues of accountability and treatment.
- **Community Supervision Officer (CSO)** – provides supervision of MHC participants in the community. Conducts field visits as needed to verify address and environment is safe and supportive. CSO monitors: (1) adherence with alcohol monitoring devices and reports violations (2) abstinence from illicit drugs and alcohol (3) compliance with victim contact restrictions (4) restitution paid when applicable and (5) adherence to the participant agreement and conditions of community supervision or pretrial diversion (6) take medication as prescribed. CSO reports on participants' progress, any violations of conditions, and makes recommendations for incentives and sanctions. Maintains communication with participants' support system, employer, case manager, and others to track progress.
- **Mental Health Officer (MHO)** - provides an assessment to determine if the person is mentally ill and an immediate danger to self and/or others, and facilitates the evaluation and observation at a designated mental health facility. Ability to interpret and apply the federal, state, and municipal laws regarding the aiding of individuals with mental illness. Assist individuals who are determined not to meet the criteria for being held at a designated mental facility under Texas Law. The MHO will maintain state certification requirements by law enforcement and perform duties and responsibilities of a Comal County Deputy Sheriff.
- **Treatment Providers** – The Local Mental Health Authority (LMHA). In Comal County, the provider is Hill Country MHDD. Participants may also have private mental health treatment providers, but the provider must agree to update the MHC team as needed. The providers are responsible for coordinating mental health and/or substance abuse assessments. They provide outpatient and/or inpatient services to include but not limited to medication management, case management, individual and group sessions, counseling, and rehabilitative services. With proper release and authorization, they report on treatment plan goals, symptoms, medications, appointment compliance, and provide recommendations for incentives and sanctions. With proper release and authorization, they submit progress reports to Mental Health Court staff.

For individuals in need of treatment not provided by LMHA, a referral will be submitted to help the defendant obtain any necessary medications, treatment, and entitlements.

PROGRAM PARTICIPATION

General Terms of Participation

The length of participation for Mental Health Court is a minimum of 12 months. The length of the program can differ for each participant and is directly related to the offense, individual progress toward treatment plan goals and compliance with MHC requirements and conditions.

Successful program completion includes:

- Sustained stabilized mental health condition with medication compliance
- Abstinence from drugs and alcohol
- Successful completion of mental health and substance use disorder treatment plan goals
- Compliance with court orders, conditions of community supervision, and program requirements

Mental Health Court requirements will be specified in the Participant Agreement and individualized treatment plan. If a participant successfully completes the Mental Health Court requirements, the participant may be eligible to get their case dismissed if on a term of deferred adjudication community supervision and an order of nondisclosure will be entered or if on pretrial diversion, the case will be expunged.

A Participant may be **discharged** from the MHC if:

- No community-based treatment is likely to restore person to stability
- Exhibiting serious physical harm to self or others which requires long-term hospitalization
- Repeatedly refuses to comply with treatment and program requirements
- Repeatedly refuses to adhere to taking prescribed medications
- Repeatedly failed to remain alcohol and drug free
- Treatment placement cannot be found
- A fugitive or charged with a new arrest
- Violence or threat of violence directed at MHC team members or other participants in the program
- Has reached maximum benefit of the program

A single relapse may not necessarily be grounds for termination, however, a continual inability to meet your treatment goals will result in expulsion.

Program Requirements

Participants will be required to follow the requirements outlined in the MHC Participant Agreement. Refer to Participant Agreement, exhibit B. Participants' are required to comply with all conditions of community supervision and/or pretrial diversion and the treatment plan goals developed with treatment providers.

Court Appearances

Mental Health Court docket is held every **Monday at 3:00 p.m** subject to court availability. Frequency of court appearances is determined by the phase a participant is in and the progress being made in treatment and with conditions of community supervision or pretrial diversion. Participants may be asked to appear for hearing earlier than scheduled if not in compliance with treatment goals or conditions of community supervision or pretrial diversion.

Prior to docket being called, the Judge and the Mental Health Court team meet to staff the participants' attendance, compliance with treatment and medications, and their progress toward completion of conditions of community supervision. During the court docket, the Judge will get a report from each team member. She will discuss with the participant their progress and any issues the participant or the team may need to address.

Failure to appear for court may result in a warrant being issued for the participant's arrest, a new offense for failure to appear or detention in jail until participant can appear before the court.

The Judge may award incentives for maintaining compliance with treatment and making progress. A sanction may be assessed to re-direct the negative behaviors interfering with compliance of treatment goals, conditions and program requirements.

Court Etiquette

All participants are **required to follow the rules** of the courtroom.

- Food, drinks, chewing gum are **NOT ALLOWED** in the courtroom
- **CELL PHONES** need to be **OFF** or they may be confiscated
- Address the Judge as "**JUDGE**", "**YOUR HONOR**", or "**Ma'am**"
- When responding to the Judge or any MHC team member, reply with respect.
- **MEN:** Wear clean and properly fitted pants/jeans and shirts tucked in
- **WOMEN:** Wear clean and properly fitted pants/jeans/knee length skirts and blouses must be appropriate and proper
- **NO shorts or tank tops allowed**
- **CHILDREN:** Prior arrangements should be made for your children so you may attend court. Children are only allowed in Court for graduation commencement ceremonies absent prior permission of the Court.

Drug/Alcohol Testing

Participants will be required to submit to random urinalysis (UA) testing. Frequency of drug/alcohol testing will be based on the participants' phase or the discretion of the MHC team. It is the responsibility of the participant to pay for their drug/alcohol tests including confirmations. An indigent funding form can be completed with MHC staff to determine eligibility for assistance with drug/alcohol testing fees. Assistance is based on the availability of funds.

- Participants are required to submit a drug/alcohol test on the day scheduled or requested.
- Submitting for a drug/alcohol test on a non-scheduled day without permission may result in a sanction.
- A missed drug test without a valid excuse will be considered a positive.
- A positive drug test may result in increased treatment supports, restrictions, a sanction, or possible unsuccessful discharge from the program. The participant agrees to pay for any lab fees associated with a positive screening.
- Any tampering of drug/alcohol tests will result in a jail sanction and possible unsuccessful discharge from the program.

Incentives

Incentives are provided to participants that are compliant with the MHC requirements, conditions of community supervision and making progress on their treatment plan goals. Incentives may include, but are not limited to the following:

- Verbal praise and encouragement
- Gift Card
- Recognition hearing
- Phase advancement
- Decrease in court appearances
- Free or excused pass
- Voucher for fee credit
- Star of the week
- Voucher for community service credit
- Rocket pass (seen by the Judge first and then allowed to leave immediately)
- Decrease in supervision requirements

Sanctions

The Mental Health Court practices graduated sanctions for non-compliance with MHC requirements, conditions of community supervision and treatment plan goals. Examples of non-compliance include: not taking medication as prescribed, arriving late or missing scheduled appointments, failure to submit for drug tests, using alcohol or illicit drugs, or committing a new offense. Sanctions for non-compliance may include, but are not limited to the following:

- Judicial reprimands
- Increase in court appearances
- Additional community service hours
- GPS monitoring
- Sitting in the jury box
- Increase in alcohol and drug testing
- Court ordered curfew
- Writing assignment
- Period of incarceration or bond revocation
- Last on the docket
- Electronic alcohol monitoring device
- Driving Restriction
- Increased supervision visits
- Phase demotion

Clinical Responses

The Judge may order treatment recommendations, included but not limited to the following:

- Intensive outpatient substance abuse treatment
- Detox
- Residential treatment
- Supportive residential treatment or sober living house
- Jail detox while awaiting treatment bed or placement
- Medical follow-up
- Mandatory mutual support group meetings
- Increase in medication monitoring
- Increase in case management visits
- Individual Counseling
- Mandatory group meetings – anger or stress management, parenting classes, cognitive behavioral intervention such as Moral Reconciliation Therapy

Phases

The Mental Health Court has a five-phase treatment process. Each phase has specific goals and requirements for promotion to the next phase.

The MHC team will review cases with the Judge prior to court appearances to discuss participants' eligibility for phase promotion. Participants may request consideration for phase promotion by contacting a MHC team member.

The 5 phases are (see exhibit C for details):

PHASE I – Acute Stabilization – (30 days)

PHASE II – Clinical Stabilization (90 days)

PHASE III – Pro-Social Habilitation (90 days)

PHASE IV – Adaptive Habilitation (90 days)

PHASE V – Continuum of Care (60 days)

Graduation

Upon successful completion of the phases, treatment requirements and satisfactory completion of conditions of community supervision or pretrial diversion, the participant will graduate from the Mental Health Court.

Graduation from the Mental Health Court is a significant and very important achievement. Participants' family and friends are invited to join the participant in court as the Mental Health Court Judge and Team applauds their success in completing the program and achieving their goal of establishing a healthier life using positive coping skills. A bi-annual commencement is held each year to recognize all graduates in a formal ceremony among family, peers and court staff.

**Attorney Permission
Authorizing Mental Health Court Staff
To Screen for Eligibility
Cause No. _____**

I, _____, Attorney for _____

DOB: _____ SID # _____

Hereby give permission and consent for the Comal County Mental Health Court (MHC) staff to meet with and screen my client for the purpose of determining eligibility and enrollment status for MHC program participation, provider services, as well as mental health treatment and support services needed by my client.

Mental health treatment and support services may include the following information and referrals to community based services or non-profit providers:

- Enrollment in Mental Health Court
- Case Management
- Access to Mental Health Treatment and Medications
- Substance Abuse Treatment
- Counseling/Support Groups
- Housing
- Transportation
- Food
- Clothing
- Utility Assistance
- Employment Assistance
- Advocacy

I understand that in order to provide these services, the Comal County Mental Health Court staff will have to secure an Authorization for Disclosure and Consent form from my client to participate. If an applicant is not accepted into the Mental Treatment Court, for any reason, the information provided in the application will not be used as evidence against the participant in the State's case in the event of trial or a hearing on these charges. If a participant is accepted into the Mental Health Court and is subsequently unsatisfactorily terminated from the Program, the Applicant's Statement of the Offense MAY be used for purposes of impeachment.

_____ I **will** participate in the meeting where my client will be presented with these forms.

_____ I **will not** participate in the meeting where my client will be presented with these forms; however, I give permission for the MHC staff to meet with my client without my being present.

_____ I **will not** participate in the meeting where my client will be present with these forms and do not give permission for the MHC staff to meet with my client without my being present.

Attorney at Law

Date

SBN: _____ Client Phone # _____

This form must be emailed to joneslew@co.comal.tx.us Attention: MHC Team



CAUSE NO. _____

The State of Texas

§
§
§
§
§

In the District Court

v.

of Comal County, Texas

Defendant

_____ Judicial District

**COMAL COUNTY MENTAL HEALTH COURT
PARTICIPANT CONTRACT**

Name: _____
Address: _____
Email: _____
Emergency Contact: _____

DOB: _____
Cell No.: _____
Phone: _____

Please read this carefully and initial each term, indicating you understand the Comal County Mental Health Court policies and procedures and agree to participate under these following terms and conditions of participation in the Comal County Mental Health Court. The Specialty Court reserves the right to modify this agreement with proper notice. By signing this document you are indicating that you voluntarily enter into this Contract and agree to be bound by its terms.

I have chosen to pursue treatment and services in the Mental Health Court (MHC). This agreement is a contract between me and the Judge. I understand that the purpose of the Mental Health Court is to help me stay engaged in treatment for my mental illness so that I can live a better life and remain law abiding. I acknowledge the opportunity to participate in this program is a privilege, not a right. I understand that accountability is an important part of the program. I acknowledge I have been accepted into the Mental Health Court, thus the following terms and conditions will apply to me and I am bound to comply with them) as long as I am a participant in the program: **(initial each term and condition)**

_____ 1. Entrance into the Mental Health Court **requires a plea of "guilty" or "no contest" and a minimum of a 12-month term of community supervision or pretrial diversion.** If I am granted in from a current term of supervision, I agree to have my term of community supervision or pretrial diversion extended as such to complete the Mental Health Court Program.

_____ 2. **I agree to pay the Mental Health Court fee, not to exceed \$250.00** to subsidize program costs. The fee is contingent upon each individual's ability to pay; and is collected at the County Clerk's Office

_____ 3. Upon entry into the Mental Health Court Program, a Defense Attorney assigned to the Mental Health

Docket will advocate for you for the duration of your program participation or you can hire a private attorney at any time during your participation in the Mental Health Court.

- _____ 4. Attorney-client privilege is maintained throughout your participation in the MHC. The MH Defense Attorney will not disclose confidential information to the MHC team without your consent. The Attorney will attend and advocate for you throughout all phases of the MHC program, to include at staffing, court reviews and admonishment hearings. You will be entitled to independent counsel at any contested proceeding or at anytime you choose to be represented by independent counsel unless waived.
- _____ 5. I will appear at all Mental Health Court Reviews as instructed by any member of the Mental Health Court team. The Mental Health Court team is comprised of representatives from Comal County Community Supervision and Corrections Department, Defense Attorneys, Court Case Managers, treatment providers, law enforcement, and the Judge. I understand that I will be required to appear in court for regularly MHC court reviews. I understand that MHC is an open court and that my case will be discussed in front of other participants and any members of the public who may be in attendance. I also understand that court reviews will not be recorded by a court reporter unless I or my attorney so request since reviews are informal and non-adversarial in nature.
- _____ 6. I understand that Community Supervision Officers will conduct supervisory contacts concerning me. These contacts may occur at my home, my work, the treatment center, the courthouse, or anywhere deemed necessary, consistent with the confidentiality of my treatment. I will report when and where as directed by the officers. Representatives from the LMHA may also conduct these supervisory contacts.
- _____ 7. I will reside in Comal County, Texas or a contiguous county if approved by the Court. Without first notifying and obtaining permission from the Court I will not: 1) change residences; 2) spend the night at any address other than the one that has been approved by the court; 3) travel out of county/state; or 4) change my telephone number; or 5) employment. I will immediately notify my Community Supervision Officer and the Court of any unforeseen changes in residence within 24 hours of a change.
- _____ 8. I agree to complete an individualized treatment plan related to my mental health and substance use disorder with my treatment provider and to participate in the success of achieving my goals and objectives. Failure to make progress may result in increased treatment or sanctions. Additional groups or individual counseling may be required by the Court. I will provide documentation of attendance to my treatment sessions or groups. I understand that I may be required to pay some or all expenses related to medication, out-patient or residential treatment.
- _____ 9. I agree to take medications as recommended by my prescriber. I agree to receive treatment and medications under the care of one prescriber only. I understand refusal or repeated failure to take my medications will result in sanctions being imposed by the Judge.
- _____ 10. I understand the MHC encourages the use of non-narcotic, non-addictive medications which my prescriber and medical care doctor will be informed about in writing. Before taking medication of any kind, I will check with the pharmacist to ensure that it is non-narcotic, non-addictive, and contains no alcohol. If I am prescribed a narcotic or addictive medication, I will notify the Defense attorney and Community Supervision Officer immediately.
- _____ 11. I will be responsible for what goes into my body that may affect my drug test results. I must report any and all medications, prescribed or over-the-counter, to my treatment provider and the MHC team prior to taking the medication.

- _____ 12. I understand that I will be required to attend all scheduled appointments given to me by my community supervision officer, case manager, counselor, prescriber or other treatment providers.
- _____ 13. I understand that if I should fail to appear for any MHC court reviews, prescriber appointments, case management or counseling sessions, or required groups or meetings without prior communication with a Mental Health Court Coordinator or Community Supervision Officer, I may be called to appear in court early or a bench warrant may be issued for my arrest.
- _____ 14. I understand that during the early phases of treatment and recovery, I may be limited or not allowed to work or gain employment. However, within time and as directed by the MHC team; I will seek employment, job training and/or further my education as approved by the MHC team. If I am already employed, I need to disclose my employment information and provide proof of employment. Participants are encouraged to work as allowed or consistent with their treatment needs.
- _____ 15. I agree not to change my educational or employment status without the approval of the MHC team. I agree to immediately notify my Community Supervision Officer immediately if my educational or employment status changes due to circumstances beyond my control.
- _____ 16. I understand and agree to the search of my person, property, place of residence, vehicle or personal effects at any time with or without a warrant and with or without reasonable cause. This search can be conducted by a Law Enforcement Officer or MHC staff. I specifically consent to the use of anything seized, as evidence in my MHC reviews.
- _____ 17. I understand that I may be required to provide urine or hair samples at any time during my participation in the program. Failure to provide a timely, valid sample may result in sanctions or possible unsuccessful discharge from the program. Payment of any drug testing fees are the responsibility of the participant to include confirmations on contested presumptive positive tests.
- _____ 18. I agree to immediately report any relapse of alcohol or illegal drug use to my Defense Attorney and Community Supervision Officer.
- _____ 19. I will not use alcohol, illegal drugs, synthetic drugs (K2, Spice, Bath Salts, etc.) or medications not prescribed to me. Also, I will not share any of my own legally prescribed medications with others.
- _____ 20. I will not use prescription drugs without a valid prescription and will disclose to the MHC team prior to taking the medications except in case of an emergency, disclosure can be the next day. I must disclose to the prescriber writing the prescription that I am a participant in the Mental Health Court.
- _____ 21. I will not enter an establishment whose primary purpose is to sell alcoholic beverages, nor will I remain at a location where alcohol is the main item for sale or consumption.
- _____ 22. I will not unlawfully use or possess a firearm or other weapon, and I will disclose the presence of any weapons possessed by anyone in my household. I understand that participation may include removal of any firearms or weapons from my household.
- _____ 23. I will not violate the law or associate with any person engaged in criminal activity or affiliate with gang members.
- _____ 24. I understand that statements made by me to any MHC team member regarding drug use will not be

used against me for further prosecution of a new offense, but may be used to assess the need for further treatment or appropriate sanction.

- _____ 25. I agree to promptly and truthfully answer all questions asked by any member of the MHC Team.
- _____ 26. I consent to allow information concerning me to be given to all Mental Health Court team members as needed to carry out official tasks for the program. Includes but not limited to: drug testing, group attendance, medical and psychiatric treatment, appointment compliance and overall program progress.
- _____ 27. I agree to fully participate in the program as outlined in the 5-phases of the MHC. Advancement to a higher phase will be conditional upon recommendation of the MHC team and final approval of the MHC Judge.
- _____ 28. I will not commit any criminal law violations. If/when contacted by law enforcement, I shall report such contact to my Defense Attorney and Community Supervision Officer within 24 hours regarding any potential charges and the receipt of any new citations. I understand that any new offenses may result in my discharge from the Mental Health Court.
- _____ 29. I can be recognized publicly by the Judge and the MHC team for progress and achievements. I will receive a certificate to acknowledge my accomplishments and advancement to the next phase.
- _____ 30. I understand that I can participate in the Mentor Program and Alumni Association. I will be trained to mentor incoming participants. Participate in the Mentor Program and Alumni Association may include meetings, fundraisers and social activities that support current and past participants.
- _____ 31. I am required to attend the Specialty Court Commencement Ceremony as an active participant in the MHC Program and upon successful completion of the MHC I will be required to participate in the commencement ceremony as a graduate.
- _____ 32. I understand if I fail to comply with treatment, program requirements or conditions of community supervision, I will be sanctioned. Sanctions may include: verbal admonishment, increased drug testing, additional community service hours, written assignments, increased supervision, incarceration, or unsuccessful termination from the program. Clinical responses may include entering a residential treatment facility, increased treatment sessions or groups. I understand that I will be required to comply and fulfill any sanctions imposed.
- _____ 33. I agree to follow all rules and requirements in the Mental Health Court as outlined in this agreement and the handbook. I understand that I will be required to follow the instructions given in court by the Judge and I must comply with the treatment plan developed for me and with the terms and conditions of my community supervision, pretrial diversion, or order on conditions of bond. I must complete all tasks as ordered by the MHC Judge. I understand the MHC Judge can add or change any condition of this agreement. I agree to follow all instructions given to me by any MHC team member.
- _____ 34. If it is claimed that I have failed to comply with the rules or requirements of the Mental Health Court, I give up the right to a hearing or an attorney and agree to proceed with imposition of any non-jail sanction except removal from Mental Health Court. Before I can be terminated from Mental Health Court, I am entitled to a full hearing with counsel. Jail sanctions will be decided with counsel present.
- _____ 35. If I complete my treatment, program requirements and conditions of my community supervision or

pretrial diversion, I will be successfully discharged from the Mental Health Court and terminated from community supervision. If I have unsatisfied conditions of community supervision, for example restitution, I may be transferred to traditional community supervision to complete my conditions.

36. If I fail to satisfactorily complete the Mental Health Court, the Court will unsuccessfully discharge me from the program and it will be at the Judge's discretion to revoke my term of supervision and sentence me in accordance with the provisions of the law or transfer my case to traditional community supervision.

I understand and accept the contents of this agreement which I have read or had read to me and agree to be bound by and follow all conditions.

Participant Date

Defense Attorney Date

District Attorney Date

Judge Deborah Wigington Date
Comal County Court of Law 3
Mental Health Court Judge

Mental Health Court Phases:

PHASE I – Acute Stabilization – (30 days)

Goals:

- Court appearance twice a month, and as directed by the Court
- Comply with treatment
- Comply with supervision
- Development of case plan by treatment and community supervision and corrections department
- Weekly office visits with Community Supervision Officer, or other team member as directed
- Home visits as directed
- Comply with weekly urinalysis or as directed
- Housing Plan
- Medical assessment, as directed
- Evaluation of peer associations (Change of people, places, and things)
- Alcohol monitoring device installation
- Curfew in residence between 10pm-6am

For Promotion:

- 30 days minimum in the Phase
- Take medication as prescribed with verification
- Regular attendance at treatment
- Regular attendance at supervision
- Clean time of at least 14 days with no dilutes or failures to provide
- Payment as determined by the court
- Being Honest

PHASE II – Clinical Stabilization (90 days)

Goals:

- Court appearance twice a month, and as directed by the Court
- Comply with treatment
- Comply with supervision
- Review case plan
- Weekly office visits with Community Supervision Officer, or other team member as directed
- Home visits as directed
- Comply with weekly urinalysis or as directed
- Attend mutual support groups, i.e.12 step group
- Maintain housing
- Addressing financial (budget assessment)
- Curfew in residence between 10pm-6am
- Create personal short term and long term goals

For Promotion:

- 90 days minimum in the phase
- Continue taking medications as prescribed with verification
- Compliance with treatment, no unexcused appointments
- Compliance with supervision, no unexcused appointments
- Clean time minimum of 30 consecutive days with no dilutes or failures to provide
- Payment as determined by the court
- Share personal goals with the MHC Team

PHASE III – Pro-Social Habilitation (90 days)

Goals:

- Monthly court appearances, and as directed by the Court
- Comply with treatment and supervision
- Obtain a Sponsor or a Recovery Coach, as directed by the court
- Review case plan
- Relapse prevention with treatment provider
- Bi-weekly office visits with Community Supervision Officer, or other team member as directed
- Home visits as directed
- Comply with urinalysis as directed
- Attend support groups
- Establish sober network
- Establish pro-social activity
- Join Mentor Program
- Curfew in residence between 11pm-6am

For Promotion:

- 90 days minimum in the Phase
- Continue taking medications as prescribed with verification
- Compliance with treatment, no unexcused appointments
- Compliance with supervision, no unexcused appointments
- Begin pro-social activities

- Begin sober support network
- Enroll in Court-Ordered classes
- Clean time minimum of 45 consecutive days with no dilutes or failures to provide
- Payment as determined by the court

PHASE IV – Adaptive Habilitation (90 days)

Goals:

- Court appearances every 4-6 weeks, and as directed by the Court
- Comply with treatment and supervision
- Review case plan
- Bi-weekly office visits with Probation Community Supervision Officer, or other team member as directed
- Home visits as directed
- Comply with urinalysis as directed
- Attend support groups
- Maintain sober network
- Maintain pro-social activities
- As needed based upon assessment:
- Job training
- Parent/Family support
- Vocational training/GED

For Promotion:

- 90 days minimum in the phase
- Continue taking medications as prescribed with verification
- Compliance with treatment, no unexcused appointments
- Compliance with supervision, no unexcused appointments
- Maintain sober network
- Maintain pro-social activities
- Begin/maintain employment, school, etc.
- Clean time minimum of 60 consecutive days with no dilutes or failures to provide
- No device violations for 60 days
- Court-ordered classes completed
- Payment as determined by the court

PHASE V – Continuum of Care (60 days)

Goals:

- Court appearances every 4-6 weeks, and as directed by the Court
- Comply with treatment and supervision
- Review case plan
- Monthly office visits with Community Supervision Officer, or other team member as directed
- Home visits as directed
- Comply with urinalysis as directed
- Development of continuing care plan
- Maintain sober network
- Maintain pro-social activities
- Maintain as needed based upon assessment:
- Job training
- Parent/Family support
- Vocational training/GED
- Join Alumni Association

For Commencement:

- 60 days minimum in the Phase
- Compliance with treatment
- Compliance with supervision
- Maintain sober network
- Maintain pro-social activities
- Active in Alumni Association
- Attend Commencement Ceremony
- Maintain employment, school, etc. as based upon assessment
- Clean time minimum of 90 consecutive days with no dilutes or failures to provide
- Payment as determined by the court

Conclusion The Mental Health Court Program is designed to promote self-sufficiency and to return you to the community as a productive and responsible member. The program is voluntary and is your personal choice. The judge, the court staff, and community service providers are present to guide and assist you, but the final responsibility is yours. You must be motivated to make this change and commit to a new life. We wish you the best of success. We hope this Handbook has been helpful to you and answered most of your questions. If you have any additional questions or concerns about your participation in the Mental Health Court program, please feel free to contact your case manager. Important Mental Health Court telephone numbers have been listed below for easy reference:

*****IMPORTANT PHONE NUMBERS*****

Comal County Mental Health Court (830) 221-1180
Mental Health Court Coordinator (830) 387-7239
Community Supervision Officer (830) 221-1160
Hill Country Mental Health Center (830) 620-6221
Mental Health Crisis Line (877) 466-0660
Comal County Sheriff (830) 620-3400
New Braunfels Police Department (830) 221-4100



**Comal County Mental Health Court
Judge Deborah Linnartz Wigington
199 Main Plaza, New Braunfels, Texas 78130
(830) 221-1180 (830) 620-3434 Fax
Lewis Jones, Court Coordinator
joneslew@co.comal.tx.us**