

I will abide by the rules of the treatment agencies. Within 24 hours of discharge from treatment, I will report to my case manager/probation officer and abide by all conditions and requirements of MHC. I will report to the MHC the first time it holds court following my release from treatment. Further, I understand if I fail to return to court as directed, a warrant may be issued and/or new criminal charges may be filed against me.

_____ **6. OBEY LAWS:** I will obey all laws and report and police contact and/or new arrest or criminal proceedings to the court, MHC coordinator, probation officer and/or attorney within 24 hours.

NOTICE: I understand that being under criminal investigation, having charges pending, and/or any new criminal conviction may be a basis for termination and/or sanctions.

_____ **7. OBEY COURT ORDERS:** I agree to obey by all court orders including but not limited to Sanction Orders, Order to Enter and Complete Treatment and/or No Contact Orders.

_____ **8. DRUGS / ALCOHOL:** I will not possess, buy, sell, or consume alcohol, marijuana, or non-prescribed drugs. I will not abuse any over-the-counter medications or mind/mood altering substances for the purpose of avoiding detection through UA, BA, or other alcohol/drug testing means. Doing so may be a basis for termination and/or sanction.

_____ **9. PRESCRIPTION MEDICATION USE:** I agree to take any and all medications prescribed to me by a licensed prescriber and will provide copies of the prescription, supporting documentation and prescriber letter to the MHC team. In addition, I will request, whenever possible, that any medication be non-narcotic and/or non-addictive and must be medically necessary and approved by the MHC team.

_____ **10. RESIDENCE:** I will reside in a court approved Clark County residence that cannot contain illegal drugs, alcohol, or firearms (unless approved by the court). I will ask permission from the court prior to a change in residence and will inform the court of any changes in my address and phone number at the next scheduled MHC hearing or within 24 hours. I will not spend the night at any address other than the address approved by the Court. Upon request, I will provide my probation officer with the full names of all people with whom I live.

_____ **11. RELEASE OF INFORMATION:** I will sign all *Releases of Information* as deemed necessary by MHC; I also waive confidentiality of my medical records and authorize all agencies to discuss my case with the MHC team and the court. I understand that the failure to sign a release of information may result in my termination from the MHC program. Further, if at any time I revoke or withdraw a release, this too may be a basis for termination.

_____ **12. VICTIMS:** I understand that any victims in this case may be contacted and informed of my participation in this program.

_____ **13. HONESTY:** I must be truthful in all my dealings with MHC.

_____ **14. DRUG TESTING:** I agree to submit to observed urine, breath or other drug and alcohol screening/test whenever requested to do so by the treatment program staff, MHC coordinator, probation officer or the judge. I agree to call the UA testing color line daily, if

ordered to do so. Upon notice of any positive, missed, or diluted drug test, regardless of my schedule, I will appear at the next MHC court hearing. I have the right to contest any positive UA drug test and have it sent to the laboratory for additional testing. I must pay up front before the UA sample will be sent for additional testing. This money will be refunded to me if the additional testing on the UA sample is negative. I understand that any UA sample that produces a creatinine level of 20 mg/dl or less will be considered dilute and will be addressed by the court. Dilute UA samples are not valid samples, cannot be challenged, and will result in a sanction

_____ **15. ASSOCIATIONS:** I will not associate with any people who are under the influence of, possessing, or using alcohol, marijuana or any illegal drugs. I will not associate with anyone participating in any criminal activity.

_____ **16. DISCUSSIONS BY MHC TEAM:** I understand and agree that there will be discussions about my case, my treatment program, and my condition which may take place out of my presence or the presence of my attorney.

_____ **17. HOME VISITS:** Upon request, I agree to submit to a search of my person, residence, vehicle or other personal property when asked by my probation officer or any law enforcement officer with MHC Court without notice, and without probable cause or warrant.

_____ **18. EMPLOYMENT:** I must tell my probation officer within 48 hours if I become employed, unemployed, or change employment. I understand employment where alcohol, marijuana, and/or drugs is consumed or sold needs to be approved by the MHC team prior to accepting the position. MHC obligations take priority over employment obligations.

_____ **19. TRAVEL:** My travel is restricted to Clark County, WA; Cowlitz County, WA; Skamania County, WA; Multnomah County, OR; Clackamas County, OR; and Washington County, OR unless I get prior permission from the MHC team to travel outside these areas. If I am arrested in another jurisdiction I agree to waive any challenges to my extradition.

_____ **20. SANCTIONS:** I understand and agree that the MHC Judge may sanction me for non-compliance with any program obligation or rule, any missed program session or MHC hearing, any new law violation, or any failure to abide by any other term or condition of participation in MHC. Sanctions will be imposed at the discretion of the MHC Judge and during MHC court sessions. The court may impose, but is not limited to, the following sanctions:

- Admonishment or reprimand from the Judge
- Community service work/work crew
- Assignments/written essays
- Additional meeting with my service providers and/or other collaborative community partners

- Increased frequency of court appearances
- Drug testing
- Electronic home monitoring/house arrest
- No phase advancement or return to prior phase
- Confinement in jail
- Termination from MHC and return to regular criminal court for adjudication and sentencing as originally charged

 21. WITHDRAWAL WITHIN FIRST 14 DAYS: I understand that during the first 14 days after acceptance into the MHC that I may voluntarily withdraw from the program. I further understand that during the same time, the MHC Judge may on his/her own initiative, or on recommendation of any other MHC team member or agency, may withdraw me from MHC. In either event this contract for entry into MHC will be null and void, all my constitutional rights will be restored (speedy trial waiver is still effective), and I will be prosecuted for the pending charges(s) in the normal fashion. I understand and agree that my option to voluntarily withdraw from MHC stops after 14 days and after that time I am expected to remain in the MHC until I either graduate or am terminated from the program by the court. I can opt out of the program at any time. However, if more than 14 days has elapsed since entering the program, it will be treated as a termination.

 22. TERMINATION FROM MHC FOR NON-COMPLIANCE: I understand that I may be terminated from further participation in MHC for non-compliances. The MHC Judge, treatment provider or any other MHC team member or agency may request termination for non-compliance. If termination is suggested or recommended, it will be staffed by the MHC team, including the MHC Judge. The MHC Judge will make the final decision in open court after opportunity for me and my attorney, only, to present argument as to why termination should not occur. The MHC Judge will include his/her reasons on the record. The decision of the MHC judge is final and is not subject to direct review or appeal.

 23. TERMINATION FROM MHC FOR ABSCONDING: I understand that if two (2) months elapse after any warrants have issued because of my non-appearance in MHC that I may be terminated from the program and that I hereby waive my right to have any hearings on the issue of termination from MHC.

 24. DISMISSAL OF CHARGES ON GRADUATION: I understand that upon compliance and successful completion of the MHC, the prosecutor will move to dismiss the pending charge(s) in this matter with prejudice and the court will dismiss the charge(s). I understand that it is the MHC Judge's decision to determine that I have successfully completed and earned the ability to graduate. If restitution is outstanding, the charge will not be dismissed. If the court finds that there is an inability to pay restitution, and all other conditions for graduation have been met, I will enter a guilty plea to a misdemeanor and a deferred sentence may be imposed (the State will ask that restitution be the sole condition and no additional sanction.)

 25. MHC FEE/COURT COSTS: I agree to pay a \$ _____ non-refundable MHC fee in addition to the ordered fees, costs, restitution and assessments below.

_____ **26. RESTITUTION:** I agree to pay restitution in the amount of \$_____ and understand a payment plan may be established while I am in the MHC program.

Total Amount Due: \$ _____ , on or before _____ , 20_____

I agree and understand that by entering the Clark County Mental Health Court I am bound by the conditions outlined above.

X _____
Defendant Date

I have read and discussed this MHC Contract with the defendant and believe the defendant is competent and fully understand the MHC requirements and the contract terms.

Defense Attorney WSBA # _____ Date

Agreed to by:

Assistant City Attorney/Deputy Prosecuting Attorney Date
WSBA # _____

So Ordered this _____ day of _____, 20_____.

JUDGE

B. STIPULATION, AGREEMENT, AND WAIVER OF RIGHTS (DISTRICT COURT): the defendant understands and agrees that he/she is entering the following stipulation, agreement, and waiver of rights in order to participate in Mental Health Court:

(initial below)

_____ 1. **CURRENT CHARGES:** I understand that I am charged with the crime(s) of:

The maximum penalty is _____ days in confinement and a \$_____ fine. It could also carry up to _____ months of probation.

_____ 2. **RIGHTS:** I understand I have the following important rights that I will be giving up if accepted into Mental Health Court (MHC):

(a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;

(b) The right to contest the legality of my arrest, the legality of any search and seizure of evidence, and the voluntariness and legality of any admissions or statements I made to the police regarding the crimes charged;

(c) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(d) The right at trial to hear and question the witnesses who testify against me;

(e) The right at trial to testify myself and the right to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(f) The right to appeal a finding of guilt after a trial.

(g) The right to contest the restitution amount.

_____ 3. **WAIVER OF RIGHTS:** I am agreeing to waive (give up) the rights listed above as a condition of my entry into the Clark County Mental Health Court. I stipulate and agree the following conditions of a stipulated bench trial will instead apply if I withdraw or am terminated from MHC for non-compliance or failure to successfully complete the MHC program:

(a) I waive (give up) my right to a speedy trial and agree that any trial necessary may occur within 60 days from the date of withdrawal or termination from MHC (or 90 days if I am not incarcerated).

(b) A judge acting alone without jury will determine my guilt or innocence.

(c) I agree and stipulate that the facts contained in the police reports and/or other supporting documents are true and correct and I stipulate to their admissibility. I stipulate to the accuracy

and admissibility of any field test results, laboratory reports, and other expert testing or examination reports. All of these reports will be entered and used by the judge to determine a finding of guilt.

(d) I waive the right to present other evidence or witnesses or testimony. I further waive the right to contest the sufficiency of the stipulated police and other evidence reports to prove the offense charged. As a result I understand it is very likely the Judge will find me guilty since the only evidence the Judge will consider are the reports and other materials submitted by the prosecutor.

_____ 4. **RESERVATION OF RIGHTS:** the following constitutional rights are reserved and can be used if this case results in a stipulated bench trial after termination from MHC:

(a) The right to be represented by an attorney and if I cannot afford one the right to have one appointed at public expense.

(b) The right to remain silent, before and during trial, and the right to refuse to testify against oneself without any presumption of guilt or prejudicial inference;

(c) To be presumed innocent unless each and every element of the offense charged is proved beyond a reasonable doubt at trial.

_____ 5. **SENTENCING:** I understand and agree that if I am found guilty following a stipulated bench trial, the judge will then sentence me. My sentence could be up to the maximum sentence, as shown above.

_____ 6. **OTHER CONSEQUENCES:** I understand that there are other consequences of being found guilty, including (but not limited to) the following:

(a) **Financial:** The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.

(b) **Crime Related Restrictions:** The judge may impose crime related restrictions on my activities, including a restriction that I have no contact with the victim(s) of the crime. Any violation of a condition of my sentence is punishable by additional confinement or other sanctions.

(c) **Probation:** The judge may place me on probation for up to five years if I am sentenced for a domestic violence offense or under RCW 46.62.5055 or up to two years for all other offenses and impose conditions of probation. If the court orders me to appear at a hearing regarding my compliance with probation and I fail to attend the hearing, the term of probation will be tolled until I appear before the court on the record. If I am already on probation, parole or any type of similar supervision for any crime, a finding of guilty could be a violation of that case/those cases.

(d) **Immigration Consequences:** If I am not a citizen of the United States, a finding of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(e) **Suspension of Public Assistance:** Government assistance may be suspended during any period of confinement and during any time I am a fugitive or not in compliance with the terms of supervision

I have read or had read to me this Petition, Agreement, and Waiver of Rights for Entry into the Clark County Mental Health Court. My attorney has fully explained and discussed all of the above paragraphs with me. I understand them all and agree to them to enter into MHC. I have made this decision freely and voluntarily. No one has threatened me or promised me anything other than what is contained in this document. I have no further questions to ask my attorney or the judge.

Defendant

The above provisions have been [] read in full by the defendant [] read in full to him by myself or the interpreter. I have reviewed and discussed this Petition, Agreement, and Waiver of Rights with the defendant and believe that the defendant is competent and understands it.

Dated: _____

Counsel for Defendant, WSBA # _____

Approved and Agreed:

Deputy Prosecuting Attorney/Assistant City Attorney, WSBA# _____

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name