

Mental Health Court – Superior Court Pre-Plea Screening and Opt-In Instructions for Defense Attorneys

Mental Health Court (MHC) is a Clark County Therapeutic Specialty Court that services both misdemeanor and felony cases on a combined docket. Mental Health Court offers eligible participants the chance to enter an alternative treatment program for persons with serious and persistent mental illness. This intensive collaborative team approach is a partnership of professionals who assist and supervise clients who are willing to be committed to their mental health treatment and make changes in their lives using best practice and evidence-based approaches.

As of January 1, 2018, Mental Health Court now includes a “pre plea” program that accepts both misdemeanor and felony offenses. The Court still accepts post-plea cases as well for District Court only. To participate on a pre-plea basis, the defendant must voluntarily agree to waive his or her rights to a speedy and jury trial. The participant will also agree to a stipulated facts trial in the event of termination or opting out of the program. Finally, the defendant agrees to enter and abide by the conditions set forth in the program contract. If a participant successfully completes the program (graduates), the pending charges will be dismissed, with prejudice.

The mission of MHC is to promote public safety, reduce criminal activity associated with offenders with a mental illness, and enable the participants to live productive and law-abiding lifestyles in our community.

Step 1 – Defense Screening

- Discuss the program with your client to see if he/she is interested in MHC. To qualify, participants must reside in Clark County and have a DSM-IV, Axis I primary diagnosis or a DSM-V primary diagnosis. If your client has an outdated evaluation or has not been engaged in services, there are ways to have him/her evaluated in custody.
- The alleged criminal behavior in the pending offense must be related to or caused by the individual’s mental illness as supported by the mental health suitability screen and/or evaluation (RCW 2.30.030).

Step 2 – Referral to MHC (Superior Court Pre-Plea program)

- Any request for participation in MHC must be made to the assigned Deputy Prosecuting Attorney (“DPA”). The DPA has the discretion to approve or deny a request for MHC screening/participation. Upon initial approval for screening, the DPA will refer the defendant to the MHC program. Approved referrals will be sent and processed through the Therapeutic Specialty Courts (“TSC”) Court Program Associate (“CPA”):
 - The TSC CPA will notify all MHC team members of a potential referral
 - The Prosecuting Attorney’s Office will run a full NCIC III criminal history and gather any pertinent police reports as part of the suitability screening process.
 - The MHC Probation Officer will gather any treatment and pertinent diagnostic information that will assist in the suitability screening process.
 - The TSC Coordinator or Probation Officer will gather any background or current case information that will be pertinent for suitability for the program.
- At time of referral, Defendant signs a consent and release of confidential information for eligibility determination. Defendants, when necessary, must also sign a speedy trial waiver to allow time to undergo mental health screening and for the MHC team to staff the case. Referral and consent forms are maintained by the TSC Coordinator and will be placed in a confidential file separate from the criminal file subject to public disclosure.
- The MHC Probation Officer will conduct an initial screening and risk assessment with the defendant to help determine eligibility criteria. The defendant must have a mental health evaluation with a certified mental health treatment agency of his/her choosing using the DSM-V diagnostic criteria. The evaluation will be provided to the MHC Probation Officer. The MHC Probation Officer, with additional informed

consent, provides a copy of the screening and risk assessment, along with the mental health evaluation, to the MHC team which includes but not limited to the Vancouver City Attorney and County Prosecutor's Office. The assessment will at a minimum include (a summary of) the available mental health records from previous treatment and/or clinical history of the defendant, the diagnostic formulation/diagnosis, an assessment of dangerousness, indicator of client needs and any co-occurring issues.

Step 3 – MHC Team Screening

- Every Wednesday prior to the MHC docket, the MHC team screens potential MHC participants. This screening includes input from the Clark County Corrections MHC probation officer and other collateral contact information. Each referral will be staffed and voted upon by the MHC team for eligibility and suitability for the MHC program.
- No participant will be approved for MHC without input from the mental health professional(s) on the team, regarding the suitability of the client based on mental health diagnosis and nexus between the diagnosis and criminal behavior.
- Once a defendant has been approved for MHC, the Prosecuting Attorney's Office will cite the case onto the next Wednesday 3pm docket before Judge Osler.

Step 4 – Opting Defendant into MHC

- MHC opt-in packets for Superior Court pre-plea cases are available on the District Court Therapeutic Specialty Courts' website: <https://www.clark.wa.gov/district-court/specialized-courts>. The packet contains all the necessary paperwork to enter a client into MHC.
- Defense attorneys **must be present** in MHC with their client, along with the completed opt-in documents.
- Defendant opt-in date is: Wednesday at 3pm, Judge Osler, Department 5
- The Prosecuting Attorney's Office will cite the case on the docket.

Step 5 – Documents Needed to Opt In to MHC on New Felony Charges

- MHC contract (Agreement and Waiver of Rights for Entry into Mental Health Court)
 - Note – Item A-2: Length of program is minimum of 12 months
 - Note – Item A-25: There is a \$150 non-refundable MHC fee, if found to be financially able to pay.

Once your client has opted into MHC, the MHC defense attorney will be appointed to the case. The MHC defense attorney will work with the defendant until he/she has completed and/or been terminated from MHC.

Mental Health Court – Fee Information

The MHC fee is \$150. You will need to have a MHC Contract for each case that your client brings in to MHC. There is only one fee, no matter how many separate cases your client has. If your client is coming into MHC on multiple cases with different cause numbers, the MHC fee should be included only on the contract that has the most recent cause number. Cross off the fee on all the other MHC contracts so your client is not charged more than once. If your client is terminated from the program, he/she will still be required to pay any of the unpaid balance of the \$150 fee, if found to be financially able to pay.

QUESTIONS? Contact:

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