

IN THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 4.09

MENTAL HEALTH COURT

In order to provide for the requirements of Mental Health Court within the Eighth Judicial Circuit and the needs of persons with mental illness or developmental disability who are arrested for nonviolent criminal offenses; and,

WHEREAS, there is a recognized need for the Court to expeditiously and efficiently divert persons with mental illness or developmental disability, who are qualified to participate in Mental Health Court, and to allow them to receive appropriate treatment without compromising the safety of the public;

ITS IS ORDERED:

Mental Health Court shall be operational within the Alachua County, Bradford County, and Levy County Court Criminal Divisions as a program for cases involving defendants who are diagnosed with mental illness or a developmental disability and who are arrested for misdemeanors, criminal traffic offenses, and certain approved third-degree felonies. A County Court Judge appointed by the Chief Judge shall preside over Mental Health Court. Mental Health Court is a pre-trial diversion program (for purposes of data collection and reporting, defendants accepted into Mental Health Court are not declared mentally incompetent to proceed). Mental Health Court shall follow a pretrial diversion model. § 948.08, Fla. Stat.

I. TREATMENT TEAM MEMBERS

All treatment team members shall be present at each court event. In addition to the attorneys assigned to Mental Health Court by the State Attorney and Public Defender's Offices, the treatment team shall include the following:

ALACHUA COUNTY

Alachua County Specialty Courts Manager (Court), Chair of the Treatment Team. The Specialty Courts Manager is responsible for: leading treatment team meetings and staffing; preparing the Mental Health Court docket; and, gathering data and statistics as necessary and appropriate.

Mental Health Court Officer (Alachua County Court Services) or Treatment Court Supervisor. The Mental Health Court Officer/Treatment Court Supervisor is responsible for screening all individuals in Alachua County who have been referred to Mental Health Court for eligibility; and, to forward the names of those persons who potentially meet criteria to the State Attorney for program approval. Upon an individual's approval of referral or formal acceptance into Mental Health Court, the Mental Health Court Officer/Treatment Court Supervisor shall assist in the development of all treatment plans, Mental Health Court conditions, Mental Health Court completion plan, and Mental Health Court after-care/discharge plan for each Mental Health Court participant. Once an individual is formally accepted into the program, the Mental Health Court Officer/Treatment Court Supervisor shall also supervise, monitor, and provide updates to the Court on each participant's compliance with court-imposed conditions.

Forensic Specialty Coordinator/Forensic Specialist (Meridian) or Court-Approved Provider. Upon approval of a referral to Mental Health court by the State Attorney's Office, the Forensic Specialty Coordinator, or designated treatment provider approved by the Court, shall submit a written mental health evaluation, or report, to the Court and the Treatment Team members. The evaluation shall indicate: (a) whether the defendant has a mental illness and/or developmental disability; and, (b) whether the defendant is willing to participate in Mental Health Court. Prior to or upon an individual's acceptance into Mental Health Court, the Forensic Specialty Coordinator or Court-Approved Provider shall assist in the development of all treatment plans, Mental Health Court conditions, Mental Health Court completion plan, and Mental Health Court after-care/discharge plan for each participant's compliance with court-imposed treatment conditions. Further, the Forensic Specialty Coordinator (Meridian) or Court-Approved Provider shall obtain all necessary releases of information from each participant which shall be filed in the court file and

shall provide copies of all transfer and discharge treatment summaries to the Court and Treatment Team members.

BRADFORD AND LEVY COUNTIES

Bradford County and Levy County Court Administration Designee. The Bradford County and Levy County Court Administration Designee is responsible for attending the treatment team meetings and staffing; performing case management tasks, as directed by the Court; and, serving as a liaison between team members.

Forensic Specialty Coordinator/Forensic Specialist (Meridian) or Court-Approved Provider. Upon approval of a referral to Mental Health court by the State Attorney's Office, the Forensic Specialty Coordinator, or designated treatment provider approved by the Court, shall submit a written mental health evaluation, or report, to the Court and the Treatment Team members. The evaluation shall indicate: (a) whether the defendant has a mental illness and/or developmental disability; and, (b) whether the defendant is willing to participate in Mental Health Court. Prior to or upon an individual's acceptance into Mental Health Court, the Forensic Specialty Coordinator (Meridian) or Court-Approved Provider shall assist in the development of all treatment plans, Mental Health Court conditions, Mental Health Court completion plan, and Mental Health Court after-care/discharge plan for each participant's compliance with court-imposed treatment conditions. Further, the Forensic Specialty Coordinator or Court-Approved Provider shall obtain all necessary releases of information from each participant which shall be filed in the court file and shall provide copies of all transfer and discharge treatment summaries to the Court and Treatment Team members.

II. ELIGIBILITY

A. Referrals to Mental Health Court may be made by: the Court; the State Attorney's Office; defense counsel; Court Services; law enforcement; mental health providers; the Forensic Program Director at the jail; or, any other interested person. Participants for Mental Health Court program are selected from defendants diagnosed by a mental health expert with: (1) a mental illness, including but not limited to: Schizophrenia; Bi-Polar Disorder; Recurrent Major Depressive

Disorder; Post-Traumatic Stress Disorder; or, other psychotic disorders of an unspecified nature; or, (2) a developmental disability as defined in section 393.063(12), Florida Statutes.

B. If the defendant is determined to be ineligible for Mental Health Court, the Court will be notified and will enter an order to that effect. Defendants involved in the criminal justice system and charged with qualifying misdemeanors, criminal traffic offenses, and third-degree felonies may be considered.

C. Upon approval by the Mental Health Court Judge, third-degree felony cases involving property crimes, status offenses, and drug possession that are not otherwise eligible for Drug Court because of the defendant's diagnosis may be accepted into Mental Health Court.

D. Defendants who are charged with domestic violence or battery involving biological relatives as victims may be admitted to Mental Health Court with the approval of the State Attorney's Office and the victim(s).

E. Defendants who are charged with domestic violence involving intimate partners; driving while under the influence; or, sex offenses shall not be accepted into Mental Health Court.

F. Violation of probation cases are ineligible for Mental Health Court. Defendants shall not be on state probation or in violation of probation status for any felony offense while in Mental Health Court.

III. MENTAL HEALTH COURT ADMISSION/TRANSFER/PARTICIPATION/REMOVAL PROCEDURES

A. Before a case is transferred to Mental Health Court: (1) an Information must be filed by the State Attorney's Office; (2) Mental Health Court screening and eligibility must be determined; (3) the defendant must voluntarily consent to participate in Mental Health Court by signing the Mental Health Court Covenant and Agreement (also known as the Mental Health Court Contract/Deferred Prosecution Agreement) and must provide all appropriate waivers of confidentiality and releases of information deemed necessary to allow their mental health professionals, physicians, forensic specialists, the mental health court officer, treatment court supervisor, or other treatment staff to share written, verbal, and electronic updates with the Court

and Treatment Team members; (4) the defendant must waive the right to a speedy trial in writing; and, (5) the defendant must review and consent to the Mental Health Court protocol of sanctions. Upon completion of these conditions, the Mental Health Court Judge will enter an order transferring the case(s) to Mental Health Court.

B. Mental Health Court consists of three phases. Activities in each phase may include, but are not limited to: mental health evaluations; treatment assessments; random urinalysis; case management; group sessions; individual sessions; and, residential treatment. Participants will engage in continued assessment and court-imposed treatment as directed.

C. Each participant is required to attend scheduled court hearings. As the participant progresses, the frequency of required court appearances may decrease. Successful participation in Mental Health Court includes providing voluntary and truthful information to the Mental Health Court Treatment Team, and to all collaborating entities providing treatment or support services of any type.

D. The Mental Health Court Judge will monitor the case while the defendant is enrolled in the Mental Health Court program. If the defendant fails to comply with the Mental Health Court program requirements, the Mental Health Court Judge may order the defendant to continue in education and court-imposed treatment and/or impose sanctions pursuant to the Mental Health Court protocol of sanctions.


E. In determining whether the defendant has successfully completed the Mental Health Court program, the Mental Health Court Judge shall consider the recommendations of the Mental Health Court Treatment Team, the State Attorney's Office, and the attorney for the defendant. After the Mental Health Court Judge finds that the defendant has successfully completed the Mental Health Court programs, the State Attorney's Office shall file a Mental Health Court Notice of Program Completion and dismiss the case.

F. If a defendant fails to successfully complete the Mental Health Court program, the case(s) shall be transferred back to the original criminal division for prosecution. The State Attorney's Office shall file a Notice of Reinstatement of Prosecution; and, the defendant's right to a

speedy trial and formal discovery may be reinstated. The Mental Health Court Judge shall enter an order discharging the defendant from Mental Health Court program and transferring the case back to the original criminal division. If a defendant is discharged from the Mental Health Court program, the Mental Health Court Judge shall evaluate and establish bail amounts and/or release status.

This order replaces and supersedes prior Administrative Order No. 4.09(v2) entitled "Mental Health Court," entered on July 12, 2018.

ORDERED ON this 15th day of December 2021.



Mark W. Moseley, Chief Judge