

**Ada County Mental Health Court**  
**PROGRAM GUIDE**

Revised January 2014

## **MISSION STATEMENT**

The Ada County Mental Health Court strives to reduce recidivism of offenders with mental illness in the criminal justice system. MHC provides community protection with a cost-effective, integrated continuum of care through the development and utilization of community resources. Mental Health Court holds participants accountable and supports them in achieving long-term stability with mental health issues, gaining recovery tools, becoming law-abiding citizens and being successful community members.

## **INTRODUCTION**

Welcome to the Ada County Mental Health Court. This handbook is designed to answer questions and provide information about the MHC program. As a participant, you will be expected to follow the instructions given to you by the Judge, Probation Officer and other MHC Team members including the Forensic Assertive Community Treatment (“FACT”) Team and the Mental Health Court Coordinator and staff. You will also be expected to follow the treatment plan developed with your help to be successful in recovering from your mental illness, gaining recovery tools if you have a substance abuse problem, and developing skills to live successfully in the community. This handbook is intended to be a standard guide for MHC participants. All participants are encouraged to share this handbook with family and friends.

**PLEASE NOTE THAT ALL ITEMS IN THIS GUIDE ARE SUBJECT TO CHANGE WITHOUT NOTICE.**

**Please contact the Ada County Mental Health Court at (208) 287-7507  
for additional information.**

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## **I. ABOUT MENTAL HEALTH COURTS**

Mental Health courts are an innovative alternative to *incarceration* with emphasis on accountability and intensive monitoring for individuals charged with *felonies*. The Ada County Mental Health Court removes defendants from the crowded courtrooms of the traditional criminal justice system and places them in a new type of courtroom environment. Participants receive mental health treatment and services, substance abuse treatment and learn how to think and act in ways that will prevent them from continued involvement in the criminal justice system. Participants make regular appearances before the judge and are monitored closely for program compliance. While Mental Health Courts vary statewide in scope, organization and points of intervention, all share an underlying premise that a crime committed by a person with a mental illness is not simply a law enforcement or criminal justice problem but a public health problem. Mental Health Court programs see the court, specifically the judge, as filling a role that goes beyond that of adjudication.

## **II. ABOUT THE ADA COUNTY MENTAL HEALTH COURT**

The Ada County Mental Health Court, which opened in 2005, is a diversion opportunity for *some* felony offenders who have been diagnosed with a serious and persistent mental illness and have not been successful in their compliance with treatment in the community. The four-phase program includes treatment by and support from mental health professionals, frequent appearances before the MHC judge, mandatory mental health programming, regular visits with the Probation Officer, substance abuse treatment for participants with co-occurring substance use disorders and random drug testing. Other types of interventions, like specialized treatment groups or classes, may also be used. The first three phases last a minimum of four months each. Participants apply for promotion to each phase. When they can demonstrate to the Mental Health Court Team and the Judge that they have accomplished specific tasks and achieved specific goals, they earn promotion to the next phase. Each promotion brings with it additional responsibility.

As suggested by the Idaho Supreme Court, the Ada County Mental Health Court usually lasts no fewer than 18 months.

All participants in MHC are supervised by a felony Probation and Parole Agent and will be required to comply with the rules and requirements of felony probation.

The MHC program is for mentally ill offenders. In particular, there are individuals with serious mental illness who either do not volunteer for treatment or they are not compliant with the treatment they do receive. These individuals may be homeless, abuse drugs and/or alcohol, and engage in minor criminal behavior. They often have a history of recurring hospitalization. Increasingly, those treatment-resistant clients find themselves incarcerated in local jails and state prisons.

One of the goals of MHC is to assist you in achieving total abstinence from alcohol, inappropriate use of prescription and/or over the counter medication and illicit drugs. A positive breath or urine test will not automatically disqualify you from the program. The Judge

will review your overall performance along with the MHC team to determine an appropriate fair response.

### **III. ELIGIBILITY CRITERIA**

**To be eligible to participate in the MHC program, you must:**

***Have the capacity to manage the structure of MHC.*** You must be able to read, write and understand information given to you. You must have a current mental health diagnosis of a severe and persistent mental illness such as Bipolar Disorder, Schizophrenia, Schizoaffective Disorder, Major Depression, Severe, Recurrent or other psychotic disorders. Other diagnosed mental illnesses may also be considered on a case-by-case basis.

***Have a criminal history and be identified as having a mental illness in which treatment attempts have been unsuccessful.***

You may be excluded from participating in the Ada County Mental Health Court if you are a violent offender. A “violent offender” is a person who is currently charged with or has been convicted of an offense during the course of which offense or conduct:

- A. The person carried, possessed or used a firearm or dangerous weapon;
- B. There occurred the death of, or serious bodily injury to any person;
- C. There occurred the use of force against the person of another, without regard to whether any of the circumstances described in sub-paragraph A or B is an element of the offense or conduct of which or for which the person is charged or convicted; or
- D. The offender has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

If an applicant has a history of incarceration for violent crime, the facts will be reviewed closely by the Mental Health Court Team and Judge before eligibility is determined.

***You will be excluded from applying for the MHC program if:*** You are currently charged with, have pled guilty to or been found guilty of a felony in which you committed, attempted to commit, conspired to commit, or intended to commit a sex offense.

#### **How are offenders referred to the Ada County Mental Health Court?**

Referral to MHC can be made only by the District Court Judge in your felony case. Following legal, clinical and probation screening, your application for Mental Health Court will be submitted to the Mental Health Court Team, including the Judge, to determine eligibility. Ultimately, the Mental Health Court Judge determines the eligibility of each applicant. If accepted into MHC, your attorney may continue to represent you during your participation in the program.

## Guilty Plea and Sentencing

If you have been charged with a new crime, you will be required to enter a guilty plea and be sentenced before participating in MHC. You will not be allowed to withdraw your guilty plea if you are terminated or voluntarily withdraw from the MHC program. If you were already on probation prior to participating in MHC, successful completion of MHC is a requirement of your probation. A minimum of six additional months of probation is required after graduation from MHC program.

## IV. MENTAL HEALTH COURT PROGRAM RULES

As a MHC participant, you are required to abide by the following rules:

1. Be honest. Honesty is the key to your success in Mental Health Court. You will at all times be honest with the Judge, the Coordinator, and all team members. Lying is a direct violation of Mental Health Court rules.
2. Disclose immediately to a team member any and all use of alcohol, controlled substances and/or prescription medication, if you have used it in a way not prescribed by a qualified health care professional.
3. Cooperate with IDHW Region IV Mental Health and the Forensic Assertive Community Treatment (FACT) team to determine a treatment plan. Remain or become compliant with ALL mental health treatment directives. This can include daily medication monitoring throughout Phase 2.
4. Remain free of all illegal drugs and all alcohol. Do not enter any establishment where the sale of alcohol is a major source of income. Alcohol must not be present in your home. Do not take any over-the-counter medication except aspirin, ibuprofen, naproxen (Aleve) and acetaminophen (Tylenol) without a doctor's prescription. Provide the FACT Team and your Probation Officer with copies of all prescribed medications. *It is possible that you will be suspended for time spent on a prescribed narcotic or other controlled or potentially addictive substances. This time may not count as time toward graduation.*
5. You MUST contact your Probation Officer and the FACT Team immediately if a health care provider outside of Mental Health Court gives you a prescription for any medication. You MAY NOT fill any such prescription without the prior consent of Dr. Estess, through the FACT Team, except in a medical emergency. "Medical Emergency" means a life-threatening situation.
6. Attend a minimum of four 12-step support groups per week if directed by the Mental Health Court Team. The four meetings will take place from Sunday through Saturday, and must be on different days unless you get permission from your Probation Officer ahead of time. ***This will help you establish strong ties in the recovery community and will help you focus on your sobriety beyond graduation.*** You will carry a Green Card at all times and have it signed as proof of attendance at each meeting. *Verification of 12-step attendance may be required at any time, by any Mental Health Court Team member.*
7. Refrain from all use of "Spice," "bath salts," poppy seeds, herbal teas, remedies or substances, incenses, or other food-like or non-food substances unless they have been approved in advance by my Probation Officer or the MHC Coordinator.
8. Submit to all drug tests requested by any Mental Health Court team member, including but not limited to urinalysis, oral fluid, and/or BAC drug screens.

9. Attend and participate in treatment sessions and classes as directed by the Mental Health Court team and according to the **Ada County Mental Health Court Class and Group Rules**.
10. Provide the Mental Health Court team with documentation, within 24 hours, of all medical visits, emergency or non-emergency.
11. Comply with the **Ada County Mental Health Court Dress Code** at all times, including Mental Health Court appearances, classes, or other activities.
12. Maintain confidentiality of other MHC participants. Treatment cannot succeed unless all participants maintain the confidentiality of other participants and of information disclosed in treatment.
13. Refrain from applying for title loans and/or payday loans while in Mental Health Court.
14. Refrain from romantic and/or physical relationships between members of Mental Health Court. These types of relationships are STRICTLY prohibited.
15. Pay Mental Health Court fees of no more than \$35.00 per month.
16. Follow housing guidelines at your residence, including safe and sober housing, group homes, and any other residential setting.
17. Make call-ins to the Mental Health Court office every morning between 6:00 a.m. and 9:00 a.m. Listen for your color and take a drug test if your color is called.
18. Comply with curfew nightly, as directed by the Team, unless you get permission from your Probation Officer in advance.
19. Meet with the MHC Probation Officer on the same weeks as court appearances.
20. Attend Mental Health Court once per week or less often, as directed.

## **V. MENTAL HEALTH COURT CONDITIONS OF PROBATION**

All Mental Health Court participants are supervised by the Idaho Dept. of Corrections, District 4 Probation & Parole. Participants must comply with all requirements of felony probation including any special conditions set forth at sentencing. These conditions include, but are not limited to, the following:

- *Supervision Level:* The defendant's level of supervision, including caseload type and electronic monitoring shall be determined by the Idaho Dept of Correction.
- *Laws and Conduct:* The defendant shall obey all laws, municipal, county, state and federal. The defendant shall comply with all lawful requests of any agent of the Idaho Dept of Correction. The defendant shall be completely truthful at all times with any agent of the Idaho Dept of Correction. During any contact with law enforcement personnel the defendant shall provide their identity, notify the law enforcement officer(s) that they are under supervision and provide the name of their supervising officer. The defendant shall notify their supervising officer of the contact within 24 hrs.
- *Residence:* The defendant shall not change residence without first obtaining permission from an authorized agent of the Idaho Dept of Correction.
- *Reporting:* The defendant shall report to his/her supervising officer as directed. The defendant shall provide truthful and accurate information or documentation whenever requested by the Idaho Dept of Correction.
- *Travel:* The defendant shall not leave the State of Idaho or the assigned district without first obtaining permission from his/her supervising officer.

- *Extradition:* If the defendant does leave the State of Idaho, with or without permission, the defendant does hereby waive extradition to the State of Idaho and will not contest any effort to return the defendant to the State of Idaho.
- *Employment/Alternative Plan:* The defendant shall seek and maintain gainful, verifiable, full-time employment. The defendant shall not accept, cause to be terminated from, or change employment without first obtaining written permission from his/her supervising officer. In lieu of full-time employment, the defendant may participate in full-time education, a combination of employment and education, vocational program or other alternative plan based on the offender's specific situation and as approved by his/her supervising officer.
- *Alcohol:* The defendant shall not purchase, possess, or consume alcoholic beverages in any form and will not enter any establishment where alcohol is a primary source of income.
- *Controlled Substances:* The defendant shall not use or possess any illegal drug. The defendant shall not use or possess any paraphernalia for the purpose of ingesting any illegal drug. The defendant shall not use or possess any controlled substances unless lawfully prescribed for him/her by a licensed physician or dentist. The defendant shall use medications only in the manner prescribed by their physician or dentist.
- *Firearms/Weapons:* The defendant shall not purchase, carry, possess or have control of any firearms, chemical weapons, electronic weapons, explosives or other dangerous weapons. Other dangerous weapons may include, but are not limited to: knives with blades over two and one half inches in length, switch-blade knives, brass knuckles, swords, throwing stars and other martial arts weapons. Any weapons or firearms seized will be forfeited to IDOC for disposal. The defendant shall not reside in any location that contains firearms unless the firearms are secured and this portion of the rule is exempted in writing by the District Manager.
- *Search:* The defendant shall consent to the search of his/her person, residence, vehicle, personal property, and other real property or structures owned or leased by the defendant or for which the defendant is the controlling authority conducted by any agent of the Idaho Dept of Correction or law enforcement officer. The defendant waives his/her Fourth Amendment Rights concerning searches.
- *Cost of Supervision:* The defendant shall comply with Idaho Code 20-225, which authorizes the Idaho Dept of Correction to collect a cost of supervision fee. The defendant shall make payments as prescribed in his/her monthly cost of supervision bill.
- *Associations:* The defendant shall not associate with any person(s) designated by any agent of the Idaho Dept of Correction.
- *Substance Abuse Testing:* The defendant shall submit to any test for alcohol or controlled substances as requested and directed by any agent of the Idaho Dept of Correction or law enforcement officer. The defendant may be required to obtain tests at their own expense. If the results of the test indicate an adulterant has been used to interfere with the results, that test will be deemed to have been positive.
- *Evaluation and Program Plan:* The defendant shall obtain any treatment evaluation deemed necessary and as ordered by the Court or any agent of the Idaho Dept of Correction. The defendant shall meaningfully participate in and successfully complete any treatment, counseling or other programs deemed beneficial and as directed by the Court or any agent of the Idaho Dept of Correction. The defendant may be required to attend treatment, counseling or other programs at their own expense.
- *Cooperation with Supervision:* When home, the defendant shall answer the door for the Probation Officer. The defendant shall allow the Probation Officer to enter their residence,

other real property, place of employment and vehicle for the purpose of visitation, inspections and other supervision functions, The defendant shall not possess, install or use any monitoring instrument, camera, or other surveillance device to observe or alert them to the approach of his/her Probation Officer. The defendant shall not keep any vicious or dangerous dog or other animal on or in their property that the Probation Officer perceives as an impediment to accessing the defendant or their property.

- *Absconding Supervision:* The defendant will not leave or attempt to leave the state or the assigned district in an effort to abscond or flee supervision. The defendant will make himself/herself available for supervision and program participation as instructed by the Probation Officer and will not actively avoid supervision.
- *Court Ordered Financial Obligations:* The defendant shall pay all costs, fees, fines and restitution in the amount and manner ordered by the Court. The defendant shall make payments as ordered by the Court or as designated in a Payment Agreement and Promissory Note to be completed with an agent of the Idaho Dept of Correction and signed by the defendant.
- *Confidential Informant:* The defendant shall not act as a confidential informant for law enforcement except as allowed per Idaho Dept of Correction policy.
- *Intrastate/Interstate Violations:* If allowed to transfer supervision to another district or state, the defendant agrees to accept any violation allegation documents purportedly submitted by the agency/officer supervising the defendant in the receiving district or state as admissible into evidence as credible and reliable. The defendant waives any right to confront the author of such documents.
- *Additional Rules:* The defendant agrees that other supervision rules may be imposed depending on the district or specific field office that provides his/her supervision. At all times, these additional rules will be imposed only after considering the successful supervision of the defendant and the secure operation of the district or specific field office. All additional rules will be explained to the defendant and provided to him/her, in writing, by an agent of the Idaho Dept of Correction.
- Upon entry into the program, you will review each of these conditions with your Probation Officer and initial each one.

## **VI. RULES & RESPONSIBILITIES**

### **Phases**

Mental Health Court treatment and participation is phase-based. At the beginning of the program, treatment is very intensive and accountability and compliance are monitored with very close supervision. As participants progress through phases, they take more personal accountability but are still held to high standards of performance.

#### Phase 1: Four Months (minimum)

- Cooperate with the FACT team to determine a mental health treatment plan. Remain or become compliant with ALL treatment directives. This could include daily medication monitoring throughout Phase I.
- Report to your Probation Officer in person weekly.
- Attend Mental Health Court 101, Moral Reconciliation Therapy (“MRT”) and Wellness 101 classes as directed.

- If you have a substance use disorder, participate in Balanced Living group, weekly.
- If you have a substance use disorder, participate in a minimum of four self-help meetings each week. Keep a green card at all times and record all of your meetings as directed by your Probation Officer. You can be asked to show your green card at any time and you must have it with you.
- Obtain a self-help sponsor within 30 days. Meet with your sponsor at least once a week and provide written verification as directed by your Probation Officer.
- Submit to random drug tests including but not limited to urinalysis, oral fluid, and/or BAC tests as directed by any Mental Health Court team member. Call the drug testing line daily to learn if you are required to test that day and to pledge that you will remain sober.
- Leave call-in messages daily between 6:00 a.m. and 9:00 a.m. to report on your calendared activities and make a sobriety pledge. Leave call-in messages nightly between 8:30 p.m. and 9:00 p.m. to report on what your day was like and whether or not you remained sober.
- Attend MHC weekly.
- Follow curfew of 9:00 p.m. nightly.

#### Phase 2: Four Months (minimum)

- Remain or become compliant with ALL treatment directives.
- Report to your Probation Officer in person at least three times monthly, on the weeks you attend Mental Health Court, or as directed by your Probation Officer.
- Attend MRT, Balanced Living and Skills Development classes as directed.
- If you have a substance use disorder, participate in a minimum of four self-help meetings each week. Keep a green card at all times and record all of your meetings as directed by your Probation Officer. You can be asked to show your green card at any time and you must have it with you.
- Meet with your sponsor at least once a week and provide written verification as directed by your Probation Officer.
- Submit to random drug tests, as in earlier phases.
- Leave call-in messages daily between 6:00 a.m. and 9:00 a.m. to report on your calendared activities and make a sobriety pledge. Attend MHC at least three (3) times a month or more often, as directed.
- Apply to Vocational Rehabilitation for services and begin job search or other activities as directed.
- Follow curfew of 10:00 p.m. nightly.

#### Phase 3: Four Months (minimum)

- Remain or become compliant with ALL treatment directives.
- Report to your Probation Officer in person at least two (2) times per month on the weeks you attend Mental Health Court, or as directed by the Probation Officer.
- Participate in Skills Development and Cognitive Self Change (CSC) classes as directed by the MHC Team.
- If you have a substance use disorder, participate in a minimum of four self-help meetings each week. Keep a green card at all times and record all of your meetings as directed by your

Probation Officer. You can be asked to show your green card at any time and you must have it with you.

- Meet with your sponsor at least once a week and provide written verification as directed by your Probation Officer.
- Submit to random drug tests as in earlier phases.
- Attend MHC two (2) times a month or more often, as directed.
- Follow curfew of 11:00 p.m.

#### Phase 4: Six Months (minimum)

- Remain or become compliant with ALL treatment directives.
- Report to your Probation Officer in person at least two (2) times a month on the weeks you have Mental Health Court, or as directed.
- Attend CSC and Community Transitions group as instructed by the MHC Team.
- If you have a substance use disorder, participate in a minimum of four self-help meetings each week. Keep a green card at all times and record all of your meetings as directed by your Probation Officer. You can be asked to show your green card at any time and you must have it with you.
- Meet with your sponsor at least once a week and provide written verification as directed by your Probation Officer.
- Submit to random drug tests as in earlier phases.
- Attend MHC two (2) times a month or more often, as directed.
- Follow curfew of midnight.
- Maintain employment or scheduled volunteer work as directed.
- You may be required to enroll in CSC II and complete it before the end of your post-graduation probation period.
- Complete a Community Service Project in consultation with the Coordinator and MHC Team members.
- Prepare a statement of goals to present to the Judge in advance of graduation.
- Prepare a detailed Relapse Prevention Plan with the assistance of a substance abuse counselor from MHC.
- Prepare a before and after statement to be read at graduation.
- Be current on all fines, court costs, and MHC fees. Have all court-ordered community service completed.

## **VII. RULES FOR PARTICIPANTS IN ALL PHASES**

### **Dress Code**

There is a specific Dress Code for all participants in the MHC program at all court sessions, class sessions, meeting with any team members at any location including but not limited to the courthouse, probation, IDHW, the participant's home, and at all drug testing facilities.

The dress code is as follows:

- No clothing with any alcohol or drug symbol, advertisement or message.

- No sexually explicit clothing is allowed (for example, Big Johnson t-shirts).
- No pajamas. This includes during FACT home visits. You should be out of bed, awake, and dressed at the start time of your FACT home visit.
- Pants must fit properly—they should be belted or fit at the waist. No undergarments, including bras, should be showing anywhere on your body, whether you are male or female.
- Tops of pants or skirts must meet bottoms of shirts (no bare skin).
- Shirts and shoes must be worn at all times.
- No sleeveless shirts/ tank tops or backless shirts will be allowed.
- Skirts must be no higher than two inches above your knee.
- Shorts must be no higher than two inches above your knee, for both women and men.
- No dew/doo rags may be worn at any time.
- Swimsuits are not allowed unless they are fully covered and worn under appropriate clothing.
- Earrings are acceptable, however *any additional piercings are to be removed prior to court.*

There are additional rules for all Mental Health Court and other court appearances. When you appear before any court, you should be dressed in respectable attire. If you are coming to court directly from work and you are wearing old or battered clothing, you should bring a change of clothes with you and change before you arrive in court.

- NO jeans that have holes in them or cut off jeans
- NO short shorts
- NO tank tops
- NO “flip flops”
- NO hats
- NO sunglasses

*Why does it matter how you dress?* Part of Mental Health Court is learning how to present yourself at your best in all environments so that you can be successful.

*If you are dressed inappropriately you will be required to leave and your absence at that activity will be unexcused.*

### **Confidentiality**

You will be required to sign a release of information which allows your treatment provider(s) to give information to the MHC Team which includes the Judge, Mental Health Court Coordinator, Prosecuting Attorney, Public Defender, Treatment Providers and Probation Officer. Your privacy is respected and the MHC Team will make every effort to protect your identity.

Confidentiality is also essential to maintain the integrity of group therapy sessions. Nothing that is discussed within the confines of those meetings will leave those meetings. No information pertaining to another client should be discussed outside of group. This confidentiality applies to things said in the courtroom as well. Rule violations, however, should be reported immediately.

Please note that Mental Health Court is an OPEN proceeding and members of the public are permitted to attend at any time. Observers are welcome, but they are encouraged to recognize

the extremely personal nature of matters that are discussed in Mental Health Court and to use discretion when talking about the proceedings.

## **Financial Obligations**

### Fees

A MHC participant fee in the amount of \$35.00 per month is assessed to each participant. The terms and conditions of this fee are determined by the Judge in consultation with the MHC Team.

### Cost of Supervision

The Department of Correction assesses a monthly supervision fee of no more than \$10.00 per month, payable to IDOC. This must be paid in the form of money order and given to your Probation Officer during regular office visits.

### Restitution

If restitution has been ordered in your case, you must make monthly payments to the clerk of the court. Your Probation Officer will assist you in establishing a payment plan.

You will not be permitted to graduate until your court costs and fees, Cost of Supervision and Mental Health Court fees are paid in full.

## **Courtroom Behavior**

You are expected to maintain appropriate behavior at all times in the courtroom and courthouse. This includes:

- No talking in the courtroom;
- No sleeping in the courtroom;
- No eating or drinking in the courtroom;
- No gum chewing;
- No smoking in the courthouse;
- Be on time and do not leave during the hearing except to use the restroom (emergencies only). You are expected to have used the restroom prior to the court session starting;
- **Beepers and cell phones must be turned off or they will be confiscated.** As your phone must be turned off, absolutely no texting is allowed during court.
- Appropriate dress is necessary—see the Dress Code, above.

## **VIII. GRADUATION REQUIREMENTS**

Upon successful completion of the MHC program you will graduate. In order to graduate, you must accomplish the following:

- Six months of sobriety from prescription drug abuse, illicit drugs and/or alcohol.
- Six months of employment or scheduled community service as directed by the MHC Team.
- Successful completion of all court-ordered treatment.

- Maintain sponsor contact as directed.
- Regular self-help meeting attendance as directed.
- Completion of all specialized probation terms.
- Completion of high school diploma or GED, unless an exception is determined by the MHC team.
- Payment of fines, restitution and treatment fees.

At graduation, your family, friends, employers, counselors, sponsors and others you would like to invite are welcome to share in this joyous and life affirming occasion.

## **IX. AFTER GRADUATION**

Idaho Code 19-2604 states that the Court may “terminate the sentence or set aside the plea of guilty or conviction of the defendant, and finally dismiss the case and discharge the defendant” for graduates of specialty courts. **It is critical to work with your attorney before you enter Mental Health Court to understand the possible outcome of the program in your specific case.**

Some MHC graduates are placed on unsupervised probation for a period of six (6) months. While on unsupervised probation, graduates do not have to report to a Probation Officer, nor pay the cost of supervision. They are, however, required to comply with all terms and conditions of probation, including allowing search of their person, residence, vehicle, personal property, and other real property or structures owned or leased by the defendant. At the end of six months of unsupervised probation, application can be made to the Court for a discharge of the felony or amendment of the judgment to a misdemeanor. If this request is granted, probation can be terminated, and a charge(s) could be either dismissed or reduced to a misdemeanor and civil rights could be restored, with the exception of the right to purchase, possess or carry on your person firearms or weapons.

The right to keep and bear arms is a federal right that is governed by federal law. You may wish to ask your attorney about further steps that could be taken to restore that right to you.

A discharge or reduction of your case to a misdemeanor can be delayed for many reasons, including *but not limited to*:

- Failure to pay restitution.
- Relapse with alcohol or other drug(s).
- Contact with law enforcement or other violations of probation.

There are some crimes, including but not limited to Driving Under the Influence of Intoxicants, that may be reduced to a misdemeanor but not dismissed entirely. This Court has determined that it is not compatible with the public interest to completely dismiss a DUI for these reasons. Other crimes or charges that fall into this category and ALL cases are considered individually.

## **X. FAQ'S (FREQUENTLY ASKED QUESTIONS)**

### **What if I have a serious medical condition?**

In general, if you have a serious medical condition you will not be excluded from MHC. You must be willing to fully disclose your condition and medical care to the treatment providers and team. If you are taking a prescribed medication for your condition, you must continue to do so. Although we can be flexible and work around your condition, you must be able to engage in and complete treatment.

### **Can I use prescription medication?**

As a general rule, MHC participants are expected to be drug free, including the unauthorized use of prescription medication.

If your doctor prescribes medication, you must bring the prescription to the FACT Team for review by the psychiatrist. You also must notify your Probation Officer when you get a prescription from a certified medical or dental professional. You are required to sign a release so that the Mental Health Court Team can verify your treatment and the prescription. While in MHC, you must use ONE doctor or ONE dentist and ONE pharmacy. We also require that you notify the medical professional of your addiction and that you request non-narcotic, non-addictive medications be considered in your treatment.

### **What happens once I am in the program?**

You will be required to participate fully in the program to graduate from MHC. This will include but is not limited to random drug testing, court appearances, paying fees and fines, verifying self-help meetings, participating in group education, mental health treatment and ongoing contact with your Probation Officer.

### **What if I want to travel outside of Ada County?**

If you want to travel outside Ada County, you must submit a travel form two weeks before the date you would like to leave. You must get permission from your Probation Officer, the FACT Team and the Coordinator *before you leave the county*. As a condition of travel, your Probation Officer may require you to submit to a drug test prior to leaving and immediately upon return. You may be required to find a lab at your destination, have it approved by the MHC and pay for the cost of your testing while out of town. Another condition may be that a treatment group not be missed. You may be required to attend self-help meetings while you are out of Ada County and to show proof that you attended.

### **What happens if I don't follow Mental Health Court rules?**

If you do not comply with Mental Health Court rules, including treatment, probation conditions, or attendance at mandatory meetings, the Court may have a variety of responses. These responses are intended to support you and help you learn new skills and gain new tools to help avoid making decisions that have negative consequences in the community. Possible responses include but are not limited to:

- Additional treatment contact
- Additional self-help meetings
- Writing assignments
- Additional court appearances
- Demotion to a prior phase
- Delayed promotion to the next phase
- Participation, at your expense, in the Sheriff's Labor Detail ("SLD") program
- Community service hours
- Restricted curfew
- Jail time
- Termination from the program

### **How do drug tests work?**

You will be required to participate in random drug testing to monitor your abstinence from substances of abuse, like alcohol, marijuana, opiates, and more. When urinalysis is used, a same-sex employee at the testing facility will collect a specimen from you. All drug test results are reported to the Mental Health Court Judge and Team. Positive drug tests, evidence that urine samples have been tampered with, dilute specimens that cannot be assessed, refusal to provide a sample or missed drug tests can be grounds for sanctions from the judge.

Poppy seeds are a concentrated form of opium and should not be eaten. Some "power drinks" contain pseudoephedrine & are not to be taken. Your recovery is important. Staying away from these items will not only give you clean tests, it will keep substances out of your system which may trigger old addictions.

You must be very careful not to ingest:

- Alcohol
- Poppy seeds in any form (muffins, bread, bagels, etc.)
- Flushing agents
- "Natural" or herbal remedies
- "Power" or "energy" drinks (Red Bull and others)
- All over-the-counter medications (such as Nyquil and including nasal sprays) without **prior** approval from your Probation Officer
- "Metabolife" or other over the counter diet aids
- "Spice" or similar substances
- Controlled substances, including those that can be prescribed by a certified health care professional

The best rule to follow regarding what you can and cannot take or use is simple: **Take no medications or herbal supplements, prescribed or over-the-counter, without first obtaining permission** from your Probation Officer or the Coordinator. If you aren't sure whether or not you should use or consume something, DON'T.

### **What if I relapse?**

You may relapse during this program, but that just means you have more work to do. It does not necessarily mean, however, that you will be terminated from the program. The MHC Team understands that addiction is a devastating disease. All we ask is that you are honest and tell us if you use. That way the Team can help support you in your journey toward sobriety.

### **What if I know that another MHC client is breaking the program rules?**

Participants of the MHC should maintain group accountability by reporting any rule violations. If one participant knows that another participant is breaking the rules and doesn't report it, both clients could be in trouble. Letting the Team know if your friends are struggling will help your friends get support. When a friend is struggling and you keep it to yourself, you take away opportunities for your friend to receive important help and support from others.

### **What benefits are there if I graduate from MHC?**

After graduation and a minimum six month probationary period, which can be extended if restitution is still owed or any violations occur, the defendant can petition the Court to dismiss the felony charge or reduce the case to a misdemeanor and to be released from probation. Additionally, Participants gain many new skills to support their recovery from mental illness and help maintain their sobriety. Participants and their friends and families can benefit from Mental Health Court for many years—even a lifetime!

### **What are grounds for termination from Mental Health Court?**

You can choose to leave the program at any time. Choosing to quit Mental Health Court, which is a term and condition of your probation, can have severe consequences. In most cases the original sentence will be imposed. The Mental Health Court Judge can remove you from the program for things like not following Mental Health Court or Probation rules, getting new criminal charges or ongoing drug testing problems, among other things. A relapse is not necessarily grounds for termination, but lack of progress over time is a serious problem. If you cannot make progress to meet your treatment goals, you could be removed from Mental Health Court. There are several grounds for possible termination. These include:

- Corrupting, threatening, bullying or negatively influencing another MHC participant.
- Tampering with a UA sample, using the urine of someone else for your own, or allowing someone else to use your urine for their sample.
- Possession of alcohol, drugs, or paraphernalia at your residence, in your car, or on your person.
- Attending a treatment group under the influence.
- Possession of a weapon in your residence, car or on your person.
- New charges, in particular violent or sexual crimes.

### **What happens if I'm terminated from MHC?**

If you're terminated from MHC you will appear before the assigned District Judge for possible imposition of sentence and service of the remainder of your sentence in the state penitentiary.

## **XI. STATUTE GOVERNING POST-GRADUATION SENTENCING OPTIONS**

### **TITLE 19, CHAPTER 26 SUSPENSION OF JUDGMENT AND SENTENCE AND PAROLE OFFENDERS**

Idaho Code Section 19-2604 governs the terms of amending a judgment:

19-2604. Discharge of defendant -- Amendment of judgment. (1) If sentence has been imposed but suspended, or if sentence has been withheld, upon application of the defendant and upon satisfactory showing that the defendant has at all times complied with the terms and conditions upon which he was placed on probation, or has successfully completed and graduated from an authorized drug court program or mental health court program and has at all times complied with the terms and conditions of probation during any period of probation that may have been served following such graduation, the court may, if convinced by the showing made that there is no longer cause for continuing the period of probation, and if it be compatible with the public interest, terminate the sentence or set aside the plea of guilty or conviction of the defendant, and finally dismiss the case and discharge the defendant; and this shall apply to the cases in which defendants have been convicted and granted probation by the court before this law goes into effect, as well as to cases which arise thereafter. The final dismissal of the case as herein provided shall have the effect of restoring the defendant to his civil rights(2) If sentence has been imposed but suspended during the first one hundred eighty (180) days of a sentence to the custody of the state board of correction, and the defendant placed upon probation as provided in subsection 4. of section 19-2601, Idaho Code, upon application of the defendant, the prosecuting attorney, or upon the court's own motion, and upon satisfactory showing that the defendant has at all times complied with the terms and conditions of his probation, or has successfully completed and graduated from an authorized drug court program or mental health court program and has at all times complied with the terms and conditions of probation during any period of probation that may have been served following such graduation, the court may amend the judgment of conviction from a term in the custody of the state board of correction to "confinement in a penal facility" for the number of days served prior to suspension, and the amended judgment may be deemed to be a misdemeanor conviction.

(3) Subsection (2) of this section shall not apply to any judgment of conviction for a violation of any offense requiring sex offender registration as set forth in section 18-8304, Idaho Code. A judgment of conviction for a violation of any offense requiring sex offender registration as set forth in section 18-8304, Idaho Code, shall not be subject to dismissal or reduction under this section. A conviction for the purposes of this chapter means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

## **XII. CONCLUSION**

Mental Health Court is designed to promote your success, self-sufficiency and participation in the community as a productive and responsible citizen. The Judge, Probation Office and all MHC Team members are here to support you, but the hardest working person in Mental Health Court must be you. The rewards and responsibilities for your success belong to YOU alone!

We hope this handbook has been helpful and answered most of your questions. If you have additional questions or concerns about the MHC program, please feel free to contact the MHC Probation Officer, the MHC coordinator, or your defense attorney.

**XIII. MHC TEAM MEMBERS**

**Mental Health Court Judge: Honorable Steven Hippler**

**Ada County Mental Health Court**

Coordinator: Kelly Jennings, (208) 287-7507  
Assistant Coordinator: Adele Nyqvist, (208) 287-7538  
200 W. Front St., Room 4105, Boise ID 83702  
(208) 287-7507 Fax (208) 287-7549

**Drug Testing and Call-in Message Line:** (208) 287-7508

**Dept. of Correction/District 4 Probation & Parole**

Probation Officer Gabriel Hofkins: (208) 327-7008, x283  
8752 Fairview Ave., Boise, ID 83704

**FACT (Forensic Assertive Community Treatment) Team,  
Health & Welfare Region IV Mental Health**

1720 Westgate Dr., Suite B, Boise, Idaho 83704  
(208) 334-0979

**Mobile Crisis Unit: (208) 334-0808**

**Idaho Division of Vocational Rehabilitation**

Debbie Barker  
1720 Westgate Dr., Boise, ID 83704  
(208) 334-0802

Mental Health Court Outpatient Substance Use Disorder Treatment Provider:

**Recovery 4 Life**

8950 W. Emerald, Ste. 178, Boise, Idaho 83704, (208) 376-7083

Your attorney:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Address: \_\_\_\_\_

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