

HON. JACK VITALE  
CHIEF JUDGE & MENTAL HEALTH COURT  
HON. MICHAEL C. BROWN  
VETERANS COURT & DISTRICT JUDGE  
HON. WILLIAM PAUL NICHOLS  
DISTRICT JUDGE



MICHELLE M. MARCERO  
COURT ADMINISTRATOR  
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STATE OF MICHIGAN  
**DISTRICT COURT • FIRST JUDICIAL DISTRICT**  
106 EAST FIRST STREET • MONROE, MICHIGAN 48161-2186  
MONROE COUNTY

Administrative Order 2019-01J, 38<sup>th</sup> Circuit Court

Administrative Order 2019-02J, 1<sup>st</sup> District Court (Rescinds previous Administrative Order 2016-01)

**ORDER FOR THE ESTABLISHMENT OF A MENTAL HEALTH COURT PROGRAM**

**IT IS ORDERED:**

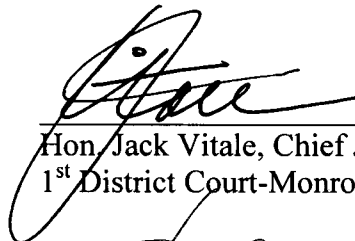
This administrative order is issued in accordance with MCL 600.1090, *et seq.* The purpose of this order is to establish a mental health court program (MHC) in the 1<sup>st</sup> District Court to service Monroe County upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the *10 Essential Elements of a Mental Health Court* promulgated by the Bureau of Justice Assistance (see Attachment A).

1. The court has entered into a memorandum of understanding with each participating county prosecuting attorney in the circuit or district court, a representative or representatives of the community mental health services programs, a representative of the criminal defense bar, and a representative or representatives of community treatment providers and other key parties pursuant to MCL 600.1091. The memorandum of understanding describes the role of each party (see Attachment B).
2. A multidisciplinary group of stakeholders participated in the planning and program design of the mental health treatment court.
3. Team members have familiarized themselves with the operations of an existing mental health court(s) and cross-trained between mental health and judicial systems.
4. The MHC has established eligibility criteria that are consistent with MCL 600.1093 through MCL 600.1095. Criteria, both legal and clinical, are clearly defined for admission.
5. In compliance with MCL 600.1093(3), no participant shall be admitted until a complete preadmission screening and an evaluation assessment are completed. Policies that facilitate timely participant identification, referral, and admission into the mental health court have been developed.
6. All participants shall sign a written agreement to participate in the program in conformance with MCL 600.1094(1)(c). Policies and procedures describing the program length, level of supervision, treatment plan development, requirements for successful completion, expulsion criteria, case disposition whether successful or unsuccessful completion of the program, sanctions, incentives, and other key program components are developed and will be explained to eligible participants as part of the terms of participation.

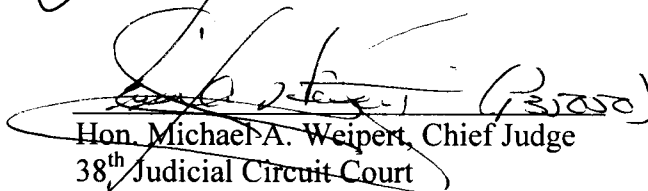
7. The MHC shall provide consistent and close monitoring of the participant as required by MCL 600.1096. Policies and procedures on the methods and frequency in which the responsible individuals will monitor participant compliance with the program requirements have been developed.
8. The court shall maintain case files in compliance with the Retention and Disposal Schedule General Schedule #13–District Court, Retention and Disposal Schedule General Schedule # 15-Circuit Court, the Michigan Trial Courts Case File Management Standards and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of mental health court records.
9. Pursuant to MCL 600.1099, the coordinating court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the mental health court.
10. The court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO.

Effective upon acceptance by the State Court Administrative Office.

Date: Feb 6, 2018

  
\_\_\_\_\_  
Hon. Jack Vitale, Chief Judge  
1<sup>st</sup> District Court-Monroe County

Date: February 16, 2019

  
\_\_\_\_\_  
Hon. Michael A. Weipert, Chief Judge  
38<sup>th</sup> Judicial Circuit Court

## **ATTACHMENT A**

### **The 10 Essential Elements of a Mental Health Court**

**Essential Element #1** – Planning and Administration

**Essential Element #2** – Target Population

**Essential Element #3** – Timely Participant Identification and Linkage to Services

**Essential Element #4** – Terms of Participation

**Essential Element #5** – Informed Choice

**Essential Element #6** – Treatment Supports and Services

**Essential Element #7** – Confidentiality

**Essential Element #8** – Court Team

**Essential Element #9** – Monitoring Participant Progress

**Essential Element #10** – Sustainability

## ATTACHMENT B

### MEMORANDUM of UNDERSTANDING

#### 1<sup>st</sup> DISTRICT COURT - MONROE COUNTY MENTAL HEALTH RECOVERY COURT (MCMHRC ) PROGRAM

Effective immediately, this is an understanding among the 1<sup>st</sup> District Court and participating groups including the 38<sup>th</sup> Judicial Circuit Court, the Monroe County/City Prosecutor's Office, the Monroe County Sheriff Office, 1<sup>st</sup> District Court Probation Department, MDOC Monroe County Probation Office, Monroe County Defense counsel representative, Monroe County Community Mental Health Authority, Monroe County Salvation Army and the Monroe County Mental Health Recovery Court coordinator.

1. The above parties agree to share the following vision for the 1<sup>st</sup> District Court – Monroe County Mental Health Recovery (MCMHRC) program:
  - (a) Provide leadership through innovative services.
  - (b) Continuously improve services.
  - (c) Achieve program goals through teamwork.
  - (d) Enhance quality of life for participants throughout Monroe County.
  - (e) Reduce criminal behavior and decrease incarceration of the mentally ill.
2. We endorse the goals and mission of the 1<sup>st</sup> District Court - Monroe County Mental Health Recovery (MCMHRC) program in order for participants to reduce future criminal behavior and improve the quality of their lives. For these programs to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission and vision of the MCMHRC program.
3. We agree that the mission of the MCMHRC program is to successfully link serious mentally ill individuals to the appropriate treatment services while maintaining public safety and reducing recidivism.
4. There are ten elements under which the parties work cooperatively:
  - (a) Develop a broad based group of stakeholders to guide the administration of the program
  - (b) Target individuals whose mental illness is related to their crime and meet both clinical and legal criteria for admission
  - (c) Identify and link participants within a timely manner to the appropriate treatment services
  - (d) Promote positive legal outcomes by well-defined terms of participation that facilitate engagement in treatment that corresponds to the level of risk to the community
  - (e) Address competency issues in a timely fashion when they arise and provide legal counsel to assist with admission and program requirements
  - (f) Provide comprehensive and individualized treatment while striving to utilize evidence based services
  - (g) Protect participants' health and legal information in compliance with the Health Insurance Portability and Accountability Acts (HIPPA) and Part 2 of 42 CFR while making information available to the court team
  - (h) Maintain a court team that is comprised of court and mental health staff, along with treatment and service providers who maintain ongoing specialized training. The team is responsible for assisting a participant to achieve their goals
  - (i) Collaboratively monitor program requirements while offering graduated incentives and


sanctions to modify behavior

- (j) Periodically evaluate the program's functioning and effectiveness to ascertain local support reviewing data that is collected

5. **The roles of the participating agencies are as follows:**

- (a) **Community Mental Health Authority.** Attend team meetings and court sessions; conduct assessments; provide mental health treatment services to participants; assist with substance use disorder assessment and referral; assist in monitoring compliance per program requirements; report on progress of participants; and offer insights and suggestions on those participants who have mental health issues.
- (b) **Prosecutor/City Attorney Office.** Provide initial screening of eligible participants; participate in team meetings and court sessions; provide feedback, ideas and suggestions as needed; represent the interests of the prosecutor/city attorney office.
- (c) **County Sheriff Office.** Attend team meetings; supervise participants and provide advice and suggestions on community corrections sanctions, when appropriate; and provide feedback to the court on the MCMHRC participants' follow-up on all ordered sanctions.
- (d) **Probation Departments.** Attend team meetings and court sessions; provide probation oversight for appropriate MCMHRC participants; work with the county CMHA caseworker in supervising and monitoring the individuals in the program; prepare presentence reports and perform drug tests as needed; and schedule show cause hearings for participants who have violated the program rules.
- (e) **Monroe County Mental Health Recovery Court Judge.** Chair meetings; preside in court; and coordinate team activities, evaluations and planning.
- (f) **Defense Counsel Representative.** Attend team meetings and court sessions; ensure that defendants' procedural and due process rights are followed; and provide feedback, suggestions and ideas on the operation of the court.
- (g) **Salvation Army.** Attend team meetings and/or court sessions, provide weekend drug testing as needed; provide separate peer support for both male and female participants; and provide feedback, suggestions and ideas on the operation of the court.
- (h) **Community Mental Health Recovery Court Coordinator.** Schedule and attend meetings; arrange for additional screenings of persons referred by the prosecutor/city attorney office, answer inquiries from defense attorneys on probable eligibility; oversee data entry in the DCCMIS system; establish community resource connections for services; and act as a liaison with treatment providers, drug testing contractor and probation.

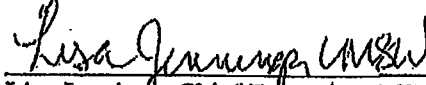
SIGNATURE AND DATE OF ALL PARTIES

  
\_\_\_\_\_  
Jack Vitale, Chief Judge  
1<sup>st</sup> Judicial District Court/MCMHRC Program

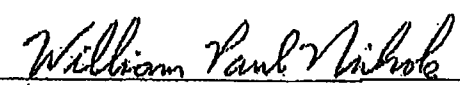
February 5, 2019  
Date

  
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Michael A. Weiper, Chief Judge  
38<sup>th</sup> Judicial Circuit Court

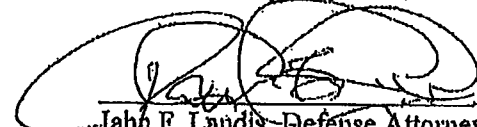
December 10, 2018  
Date

  
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Lisa Jennings, Chief Executive Officer  
Monroe Community Mental Health Authority

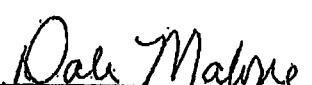
1/8/19  
Date

  
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William Paul Nichols, Prosecuting Attorney  
Monroe County/City Office of Prosecuting Attorney


11/29/2018  
Date

  
\_\_\_\_\_  
John F. Landis, Defense Attorney  
Lennard, Graham & Goldsmith, P.L.C.

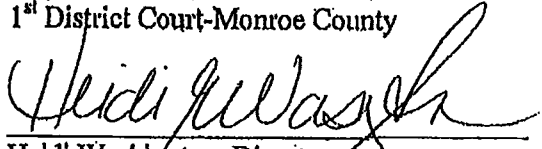
12/6/18  
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Dale Malone, Sheriff  
Monroe County Sheriff Office

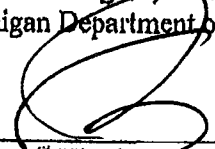
12/5/18  
Date

  
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Stephanie Pride, Director of Probation Services  
1<sup>st</sup> District Court-Monroe County

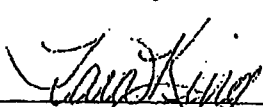
11/29/18  
Date

  
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Heidi Washington, Director  
Michigan Department of Corrections (MDOC)

1-15-19  
Date

  
\_\_\_\_\_  
Bramwell Higgins, Secretary  
Salvation Army

1-1-2019  
Date

  
\_\_\_\_\_  
Tara King, Coordinator  
Monroe County Mental Health Recovery Court

1/29/18  
Date



Michelle Marcero <michelle\_marcero@monroemi.org>

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## Order for the Establishment of a Mental Health Court Program - Approved

1 message

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Region2 Info <Region2-Info@courts.mi.gov>

Fri, Feb 8, 2019 at 2:48 PM

To: "Honorable Jack Vitale (jack\_vitale@monroemi.org)" <jack\_vitale@monroemi.org>, "Honorable Michael Weipert (Michael\_weipert@monroemi.org) (Michael\_weipert@monroemi.org)" <Michael\_weipert@monroemi.org>

Cc: Region2 Info <Region2-Info@courts.mi.gov>, "Michelle Marcero (michelle\_marcero@monroemi.org)" <michelle\_marcero@monroemi.org>

Order for the Establishment of a Mental Health Court Program - Approved

C38 2019-01J

D01 2019-02J; rescinds 2016-01

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed.

Jodi M. Latuszek, JD  
Region II Administrator  
P.O. Box 30048  
Lansing, MI 48909  
517-373-9353

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