

DISTRICT COURT



STATE OF MICHIGAN

29th JUDICIAL DISTRICT of MICHIGAN

LAURA R. MACK

District Judge

LINDA GABLE

Court Administrator

- 29th District Court: Administrative Order 2019 - This order rescinds 2016-01J
- 16th District Court: Administrative Order 2019 - This order rescinds 2016-01J
- 17th District Court: Administrative Order 2019 - This order rescinds 2016-01J
- 18th District Court: Administrative Order 2019 - This order rescinds 2016-01J
- 20th District Court: Administrative Order 2019 - This order rescinds 2016-01J
- 21st District Court: Administrative Order 2019 - This order rescinds 2016-01J
- 22nd District Court: Administrative Order 2019 - This order rescinds 2016-01J
- 23rd District Court: Administrative Order 2019 - This order rescinds 2016-01J
- 24th District Court: Administrative Order 2019 - This order rescinds 2016-01J
- 34th District Court: Administrative Order 2019 - This order rescinds 2016-01J
- 35th District Court: Administrative Order 2019

ORDER FOR THE ESTABLISHMENT OF A REGIONAL 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 regional mental health court program (RBTC), in the 29th District Court to service 16th, 17th, 18th, 20th, 21st, 22nd, 23rd, 24th, 29th, 34th and 35th District Courts upon approval by the State Court Administrative Office (SCAO). This program will be called Western Wayne County Regional Behavioral Treatment Court (“RBTC”). 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 courts have entered into a memorandum of understanding with each participating prosecuting attorney in the 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 and is attached.

2. 29th District Court is the coordinating court for funding and program management and is responsible for program operations. The coordinating court shall submit all required financial documentation to the SCAO in accordance with MCL 600.1099a(2).
3. Policies and procedures of the RBTC shall be established by its planning committee and monitored and maintained by the coordinating court.
4. The RBTC contractual personnel shall be managed and monitored by the coordinating court. Court employees assigned to work in the RBTC shall be managed and monitored by the 29th District Court.
5. The RBTC 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.
6. 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.
7. 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.
8. The RBTC 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.
9. Cases transferred to the RBTC are transferred only for purposes of supervision; the transferring court retains jurisdiction over the individual until the final disposition of the case, but not longer than the probation period established under MCL 771.2.
10. The presiding judge of the RBTC, assigned as a judge of the transferring court, is authorized to make all decisions associated with the individual's participation in the program including, but not limited to, an award of incentives, jail and non-jail sanctions, phase changes, and participation fees. Jail sanctions shall be served in the Wayne County Jail.
11. The RBTC shall ensure participants are complying with the requirements of MCL 600.1097 by complying with all court orders, paying all fines, costs, restitution, and assessments to the transferring court as ordered in the judgment of sentence, order delaying sentence, or probation order deferring judgment, and paying any fee imposed by the mental health court program as allowed under MCL 600.1095(3).

12. The transferring court shall document any bench warrants issued by the RBTC judge during the individual's participation in the RBTC by entering the warrants into the transferring court's case management system.
13. The transferring court shall collect and retain payment on an order for fines, fees, restitution, and assessments associated with the case.
14. The coordinating court shall collect and retain payment of RBTC program fees and receipt payment using the court's case management/accounting system without opening a new case. The coordinating court shall utilize any program fees collected for operations of the program.
15. The transferring court shall amend the judgment of sentence, order delaying sentence, or order of probation as necessary.
16. The transferring court shall comply with the agreement made by the coordinating court with the individual for final disposition of the case upon successful completion of the RBTC program.
17. The transferring court shall send a copy of the transfer order (form MC 394) to the RBTC. Upon request by the RBTC, the transferring court shall send any other documents from either the case file maintained by the clerk of the court or from the probation file to the RBTC.
18. RBTC case files shall be housed in the coordinating court in compliance with the General Records Retention and Disposal Schedule #16 – Michigan Trial Courts, the Michigan Case File Management Standards, Part 2 of Title 42 of the Code of Federal Regulations, the Health Insurance Portability and Accountability Act (HIPAA), and all applicable Michigan state laws to assure confidentiality of RBTC program records.
19. 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 RBTC.
20. The coordinating court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO. The coordinating court shall not enter the case into the court's case management system as a new filing.
21. The coordinating court shall notify the transferring court when the RBTC judge issues a bench warrant or sanctions the participant by ordering the participant to jail.
22. If an individual fails to appear for any hearing scheduled with the RBTC, a bench warrant may be issued by the RBTC judge. If the RBTC judge issues a warrant, the judge shall hold a hearing on the failure to appear and, if the judge determines that the participant should be discharged from the program, then the RBTC judge shall enter an order discharging the defendant from the program and immediately notify the transferring court.

23. The coordinating court shall enter an order on SCAO-approved form MC 394a when the individual's participation in the RBTC is successfully completed or unsuccessfully terminated, and shall send a copy of the order to the transferring court.
24. After receiving form MC 394a from the RBTC, the transferring court shall file the order and enter the final disposition of the case in the court's case management system.

Effective Date: Upon Approval

Signatures of Authorized Representatives: - SEE FOLLOWING PAGES

29th District Court

By: Laura R. Mack
Laura R. Mack, Chief Judge

5-21-19
Date

16th District Court

By: _____
Kathleen J. McCann, Chief Judge

Date

17th District Court

By: Karen Khalil
Karen Khalil, Chief Judge

6/10/19
Date

18th District Court

By: _____
Sandra Cicirelli, Chief Judge

Date

20th District Court

By: _____
David Turfe, Chief Judge

Date

21th District Court

By: _____
Richard L. Hammer, Jr, Chief Judge

Date

22th District Court

By: _____
Sabrina L. Johnson, Chief Judge

Date

23rd District Court

By: _____
Geno Salomone, Chief Judge

Date

24th District Court

By: _____
John T. Courtright, Chief Judge

Date

34th District Court

By: _____
Tina Brooks Green, Chief Judge

Date

35th District Court

By: _____
James A. Plakas, Chief Judge

Date

ATTACHMENT A

The 10 Essential Element 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