



# **22<sup>nd</sup> Judicial Circuit Mental Health Court Program**

# **PARTICIPANT MANUAL**

**McHenry County Mental Health Court 22<sup>nd</sup>  
Judicial Circuit  
2200 North Seminary Avenue  
Woodstock, Illinois 60098  
(815)334-4502**

# TABLE OF CONTENTS

Introduction .....	3
MHC Program Description .....	3
MHC Team Members .....	4
Confidentiality .....	6
Failure to Complete / Termination .....	7
Program Length .....	9
Phase One	
Phase Two	
Phase Three	
Phase Four	
MHC Program Rules .....	11
Incentives, Sanctions, Therapeutic Adjustments .....	12
Graduation.....	13
Summary .....	14
Important Phone Numbers .....	14
ORDER: Acceptance to McHenry County Mental Health Court Program	
Modification of Bond and Setting for Status.....	16

## INTRODUCTION

Welcome to the McHenry County Mental Health Court (MHC) program. This handbook is very important to your participation in the Mental Health Court program. ***You must follow the rules and expectations in this manual as well as the orders of the Judge and treatment providers to maintain compliance.*** If you do not follow these rules, you may be subject to sanctions including, but not limited to, dismissal from the program or incarceration in the McHenry County Jail.

The purpose of this handbook is to provide you with general program related information and outline your expectations while in the MHC program. If you have questions about this or any other part of the MHC program, please contact the MHC Coordinator. The Coordinator will do his/her best to answer your questions and to help eliminate anything in the way of your success in this program.

## MHC PROGRAM DESCRIPTION

The Mental Health Court (MHC) Program serves criminal participants who are suffering from a mental illness and are currently involved in the criminal justice system of McHenry County. In lieu of traditional punishment, the MHC diverts participants with diagnosed mental illness away from the criminal justice system by offering alternative court. As an alternative, participants are required to participate in treatment as well as judicial supervision. The program is divided into four (4) phases and participants who successfully complete the program may have their current charges reduced or dismissed. The MHC program is voluntary, and a participant can decide not to be involved at any time. However, if he/she chooses to withdraw (or obtains a sanctioned dismissal) the traditional court process will resume.

While in the program, the participant is required to receive ongoing mental health treatment along with regular supervision from the court and MHC team. The MHC holds participants accountable and assists participants to achieve long-term stability, become law-abiding citizens and become successful family/community members. Court Supervision will be conducted by way of scheduled and/or unscheduled visits to the participant's residence, treatment provider, workplace, etc. Supervision will be performed by the Probation Officer. Other visits will be conducted by the MHC Clinician and Nurse. Participants in the MHC program must abide by all the conditions and rules of the McHenry County Court. A private attorney or public defender will continue to represent the participant and his/her legal interests throughout participation in the MHC program.

The process begins when a defendant referred to the Coordinator by police, jail, probation, defendant's attorney, public defender, family members, mental health provider, hospital, crisis worker or any other interested party. Upon referral the Coordinator will conduct an evidence-based initial eligibility screening to decide if the case is eligible for the Specialty Court. If the case meets eligibility requirements, the required information shall be forwarded to the Probation Officer for further evaluation.

At this time, the Probation Officer will conduct a standardized Illinois Adult Risk Assessment – Community Supervision Tool (ARA) that measures the risk and need factors of late adolescent and adult offenders. The Specialty Court Clinicians will also complete a Biopsychosocial assessment which includes an updated psychiatric, psychological, and medical history with recommendations. Once the assessments are completed, a staffing is held with the Specialty Court Team to determine if the defendant is an appropriate candidate to participate in the Specialty Courts.

Upon acceptance into the program, the participant shall appear in court on a regular basis, meet with the Specialty Court team members as scheduled and follow the recommended treatment plan developed with the community treatment provider. Those recommendations are incorporated into a court order and pre-trial release conditions are imposed. The Specialty Court team members provide progress reports to the courts and monitor the participant's compliance with the treatment/service plan. The participant will progress through the court system by increasing duration between court appearances and meetings with the team. As the participant stabilizes in the community, the pretrial release conditions may be modified, and the participant's court appearance limited to once per month. Lack of progress in the program may result in increased appointments with the team, increased frequency in court appearances, and delay in graduation. In the event of complete non-compliance or the participant chooses to voluntarily withdraw from the Specialty Court program, the traditional court process will resume.

### **Discrimination Policy**

If the individual meets the written and clinical criteria for the program, the individual shall not be unfairly excluded from admission based upon gender, race, nationality, ethnicity, limited English proficiency, disability, socioeconomic status, or sexual orientation.

## **TRANSPORTATION TO AND FROM ALL OF YOUR APPOINTMENTS AND COURT DATES IS YOUR RESPONSIBILITY**

### **MHC IS HELD IN COURTROOM 203 ON FRIDAYS AT 2:00 PM**

#### **MHC TEAM MEMBERS**

**Judge-**The Judge is responsible for reviewing all Specialty Court participant cases on a weekly basis through court reports provided by the team; imposing sanctions; establishing the level of supervision within each phase with team input; and presides over court sessions. The Judge is the deciding factor for participants to be accepted into the program. The Judge shall administer incentives, sanctions, and therapeutic adjustments. The Judge will make a 2-year commitment to work within the Specialty Court program. He/she will not only assume the role of judge, but also as mentor and encourager to each Specialty Court participant. The Judge shall attend all staffing's and court hearings. The assigned PSC judge will have experience and/or training in the areas of (1) criminal law; (2) behavioral health; (3) confidentiality; (4) ethics; (5) evidence-based practices; (6) substance use disorder; (7) mental illness; and (8) co-occurring disorders.

**State's Attorney-**The State's Attorney is responsible for advising the Specialty Court team of relevant information regarding the participant, i.e. new police contact, violation of pretrial release conditions and or probation, and prescreening for legal eligibility candidates for program application on current and past criminal charges. The role of the State's Attorney is non-adversarial. The State's attorney advocates for incentives,

sanctions, and therapeutic adjustments while ensuring community safety. The State's Attorney will commit to working with the Specialty Court for a minimum of 1 year.

**Public Defender/Private Attorney**-The Public Defender/Private Attorney acts as an advocate for the participant's legal interests; and makes referrals for consideration as a Specialty Court participant. The Public Defender advocates for incentives, sanctions, and therapeutic adjustments while ensuring the participants legal rights are protected. The role of the Public Defender is non-adversarial. The Public Defender will commit to working with the Specialty Court for a minimum of 1 year.

**Coordinator**- Oversees the various functions of the Specialty Court Program and reports to the Assistant Trial Court Administrator and the Trial Court Administrator of the 22nd Judicial Circuit. The Coordinator is the central contact for any questions and is responsible for tracking all cases as well as statistical tracking. The role of the Coordinator is non-adversarial. The coordinator advocates for incentives, sanctions, and therapeutic adjustments. The Coordinator will commit to working with the Specialty Court for a minimum of 1 year.

**Clinician**- The Mental Health Clinician provides a full mental health screening and recommendations. The Clinician will also follow up on participants to ensure treatment compliance. The Clinician will complete a clinical treatment plan and shall provide a copy to all PSC participants and team members. The treatment plan shall be amended upon periodic reassessments. The role of the Clinician is non-adversarial. The Clinician will commit to working with the Specialty Court for a minimum of 1 year.

**Probation Officer (P.O.)**-The Court Services Representative (Probation Officer) is responsible for completing the Adult Risk Assessment, providing community supervision and monitoring compliance with court orders. The role of the Probation Officer is non-adversarial. The Probation officer will complete a case plan and shall provide a copy to all PSC participants and team members. The case plan shall be amended monthly. The Probation Officer advocates for incentives, sanctions, and therapeutic adjustments. The Probation Officer will make at least a 1-year commitment to work in a Problem-Solving Court.

**Mental Health Nurse**-The Mental Health Court Nurse provides a medical and mental health assessment with recommendations as well as follows up on the Individual Service Plan to ensure treatment compliance. The Mental Health Court Nurse will commit to working with the Specialty Court for a minimum of 1 year.

**Case Manager**- The Mental Health Court Case Manager is responsible for coordinating all mental health court referrals, including initial screening, completing intake, and coordinating assessment and staffing schedules. The Case Manager provides individualized case management to clients based on needs determined by the clinician such as resource linkage and life skills support. The role of the Case Manager is non-adversarial. The Case Manager will commit to working with the Specialty Court for a minimum of 1 year.

**Peer Recovery Specialist**- The Peer Specialist will provide non-clinical assistance to help peers in their recovery from mental health, alcohol, and drug use related problems. Peers offer emotional support, share knowledge, teach skills, provide practical assistance, and connect people with resources, opportunities, communities of support, and other people. The Peer Specialist works to help the clients find the path that works for them and help them build a long-term mental health and substance abuse recovery plan. The Peer Recovery Specialist will commit to working with the Specialty Court for a minimum of 1 year.

**Veteran's Justice Outreach Coordinator** – performs basic case management responsibilities for each veteran admitted to Mental Health Court who is eligible for Veterans Health Administration medical benefits or other social services. The Veteran's Justice Outreach Coordinator (VJO) is a member of the Mental Health Court team. The VJO will commit to working with the Specialty Court for a minimum of 1 year. He/she is responsible

for the initial assessment of persons referred to MHC to ensure that he/she has a behavioral health disorder diagnosis. The responsibilities of the VJO include, but are not limited to, the following:

1. Administering evidence-based screening and referencing assessment tools to determine a participant's clinical eligibility.
2. Provide a written report summarizing the findings of the assessment in a form approved by the MHC Judge.
3. Presenting the assessment report findings at staffing to determine a potential participant's eligibility for Mental Health Court.
4. Attending staffing's and court status hearings; and
5. Assisting eligible participants in accessing VA and community services and resources.

## **COURT MODEL**

Pre-plea/pre-adjudicatory [730 ILCS 168/10].

## **TARGET POPULATION**

Moderate to High Risk/High Need.

## **CONFIDENTIALITY**

A participant is required to sign the consent for release/disclosure of Confidential Information to be screened for Mental Health Court. Should a participant refuse to sign the consent they will be ruled ineligible for the program. After program entry, if a participant rescinds the consent, that participant may be terminated from the program.

- The Specialty Court Team adheres to HIPAA Privacy and Security Policies and Procedure.
- All parties involved in the agreement will abide by applicable confidentiality regulations, including, but not limited to, Federal Regulations governing the confidentiality of alcohol and drug abuse patient records, 42 CFR Part 2, 45 CFR Parts 160 and 164, the Illinois Supreme Court Problem-Solving Court Standards, and any applicable Illinois State Laws which relate to the confidentiality of mental health, alcohol, and substance use client records.
- A PSC Participant's confidential information shall not be obtained from a PSC to be utilized in other proceedings, civil or criminal, involving the PSC Participant or regarding another person, unless the PSC Participant has given voluntary and express written consent for the redisclosure of the confidential information. *Supreme Court PSC Standard 7.4(e)*.
- Known violations shall be reported to the Trial Court Administrator. Violations will not be tolerated.

## **FAILURE TO COMPLETE / DISCHARGE**

If a participant does not successfully complete the MHC program, the court case returns to regular adult court for continued prosecution of the underlying criminal charges. If convicted, the punishment could include jail time or commitment to the Illinois Department of Corrections. *Reasons for discharge can include continued failure to follow program rules and expectations, lack of treatment compliance and/or picking up new offenses while a part of the MHC.*

Participants can also receive a Neutral Discharge from the program in the event they cannot complete the requirements of the Specialty Court programs for reasons outside of their control.

If a participant does not comply with the rules of the program, he or she is subject to discharge from the program. A participant is entitled to voluntarily withdraw from the program. However, if a participant does not wish to withdraw, the State must file a motion for discharge and a discharge hearing must be held before a participant is discharged. A participant has the right to appear at his or her discharge hearing, be represented by counsel, and present a defense. If a participant chooses not to appear at a discharge hearing or absconds from the program, a hearing may be held in his or her absence.

## **GRADUATION**

To graduate from the Specialty Court program, a participant must complete all program phases, treatment recommendations and remain in continued compliance with Court Supervision. When a participant successfully completes all the requirements of the program, he or she will graduate at that time. Upon completion of the Specialty Court program, legal agreements made pending completion shall be reviewed and acted upon accordingly.

## **SUCCESSFUL AND NEUTRAL DISCHARGE**

The Specialty court team shall make successful and neutral discharge decisions collaboratively. Upon discharge the participant will be provided with a clinical and probation discharge plan. The presiding judge, with input from the Specialty Court team, shall make the final discharge decision.

Upon successful completion of the terms and conditions of the program, any State's Attorney in the county of conviction, participant, or defense attorney may move to vacate any convictions that are eligible for sealing under the Criminal Identification Act. A participant may immediately file a petition to expunge vacated convictions and the associated underlying records per the Criminal Identification Act. If the State's Attorney moves to vacate a conviction, the State's Attorney may not object to expungement of that conviction or the underlying record.

The drug court program may maintain or collaborate with a network of legal aid organizations that specialize in conviction relief to support participants navigating the expungement and sealing process.

## **VOLUNTARY WITHDRAWAL**

- A participant shall have the right to voluntarily withdraw from a Specialty Court Program.
- Prior to allowing the participant to withdraw, the Judge shall:
  - (a) Ensure that the participant has the right to consult with counsel.
  - (b) Determine in open court that the withdrawal is made voluntarily and knowingly; and
  - (c) Admonish the participant in open court as to the consequences, actual or potential, which will result from withdrawing from the MHC program.

## **UNSUCCESSFUL DISCHARGE**

Prior to unsuccessful discharge from a SPECIALTY COURT, a participant shall be served with a petition to terminate the participant from the SPECIALTY COURT. The petition shall set forth the claimed violations of the SPECIALTY COURT program requirements, together with the relief sought. The SPECIALTY COURT judge shall ensure that all participants who become subject to proceedings that could result in unsuccessful discharge from a specialty court are advised of and accorded the rights set forth in Supreme Court Rule 402A, including, but not limited to, the right to counsel and a hearing. In accordance with Supreme Court Rule 402A(a), a specialty court judge shall not accept an admission to a violation, or a stipulation that the evidence is sufficient to establish a program violation, without first addressing the participant personally in open court, and informing the participant of and determining that the participant understands the following:

- (1) The specific allegations in the petition;
- (2) That the participant has the right to a hearing with defense counsel present, and the right to appointed counsel if the participant is indigent.
- (3) That at the hearing, the participant has the right to confront and cross-examine adverse witnesses and to present witnesses and evidence in his or her behalf;
- (4) That at the hearing, the State must prove the alleged violation by a preponderance of the evidence;
- (5) That by admitting to a violation, or by stipulating that the evidence is sufficient to establish a program violation, there will not be a hearing on the petition, so that by admitting to a violation, or by stipulating that the evidence is sufficient, the participant waives the right to a hearing and the right to confront and cross-examine adverse witnesses, and the right to present witnesses and evidence in his or her behalf; and
- (6) The sentencing range for the underlying offense for which the participant is subject to prosecution or sentencing.

In accordance with Supreme Court Rules 402A(b) and (c), a Specialty Court judge shall not accept any admission to a violation, or any stipulation that the evidence is sufficient to establish a program violation without first determining that the participant's admission or stipulation is voluntary, and that there is a factual basis for the admission or stipulation.

In accordance with Supreme Court Rule 402A(d), a Specialty Court judge shall not participate in plea discussions with respect to a petition to terminate the participant from the Specialty Court without first complying with Supreme Court Rules 402(d), (e) and (f).

Once a petition to terminate a participant from the Specialty Court has been filed, the Specialty Court judge may allow the participant, with the consent of both the participant (with advice of his or her counsel) and the State, to remain in the Specialty Court with hearing on the petition deferred. The State may thereafter dismiss the petition if the participant makes satisfactory improvement in compliance with the Specialty Court program requirements. If the participant fails to make satisfactory improvement, the State may elect to set the petition for hearing.

At a hearing on a petition to terminate a participant from a Specialty Court, a Specialty Court judge cannot consider any information learned through team staffing's, status review hearings or otherwise, unless newly received in evidence at the hearing.

A Specialty Court judge should disqualify himself or herself in a proceeding on a petition to terminate a participant from a Specialty Court under the circumstances listed in Supreme Court Rule 2.11.



A participant has the right to move for substitution of the Specialty Court judge pursuant to section 114-5(d) of the Code of Criminal Procedure of 1963 (725 ILCS 5/114-5(d)) for purposes of a hearing on a petition to terminate a participant from a Specialty Court.

## PROGRAM LENGTH

The approximate length of the Mental Health Court program is approximately 12 – 24 months. It is possible for participants to be involved in the program for longer than 24 months as determined by the MHC team. The length of the program differs for each participant and is directly related to individual progress toward treatment goals and compliance with MHC rules and recommendations. ***Remember, the amount of time you are in the program is influenced by you!***

The MHCP is divided into four (4) phases. Each phase within the MHC program has its own treatment requirements and the treatment plan is specific to each participant's needs. The MHCP cannot be completed without progressing through each of the required phases. Based on information provided by you, your case manager, your mental health counselors, your probation officer, or spokesperson from any other services in which you are involved, the Judge and MHC team determine when requirements are met for phase advancement. A MHC service plan will be created with participant input within ten (10) business days of program acceptance. The service plan will address requirements for the appropriate phase and be updated, at a minimum, each time the participant advances in phase.

**Phase One - Treatment and Compliance (Minimum Time in Phase – 90 days):** While in Phase One, the participant will receive the most intensive judicial and community supervision. The focus of Phase One is mental health treatment and compliance with short-term goals. Phase One is designed to help the participant access and begin mental health treatment as well as become acquainted with the Mental Health Court Team and expectations. Below are the requirements of Phase One:

- Minimum of 1 Face to Face Probation contact per week
- Minimum of 1 MHC Clinician contact per week
- Minimum of 1 MHC Nurse contact per week
- Minimum of 2 court appearances per month
- Obtain or maintain a psychiatrist and take prescribed medications as directed
- Begin the recommended mental health treatment program
- Submit to random urinalysis screens as determined by the treatment/service plan or as requested by MHC team. Remain drug and alcohol free for a period of 30 consecutive days
- Secure stable housing (If Necessary)
- Apply for Public Benefits (If Necessary)
- Complete Phase 2 Plan of Care and Apply for Phase Change

**Phase Two – Life Skill Building (Minimum Time in Phase – 90 days):** Phase Two is designed to engage the participant in ongoing mental health treatment and work toward positive change by continuing life skill building. Below are the requirements of Phase Two:

- Minimum of 1 Probation contact per week
- Minimum of 1 MHC Clinician contact every 2 weeks
- Minimum of 1 MHC Nurse contact every 2 weeks
- Minimum of 2 court appearances per month

- Maintain a psychiatrist and take prescribed medications as directed
- Continue participation in the recommended mental health treatment program.
- Submit random urinalysis screens as determined by the treatment/service plan or as requested by MHC team. Remain drug and alcohol free
- Develop a Restitution Payment Plan (If Necessary)
- Complete Phase 3 Plan of Care and Apply for Phase Change

**Phase Three – Reintegration (Minimum Time in Phase – 90 days):** The participant will gain more independence during this phase but will be expected to begin planning for achievement of long-term goals. Phase Three is designed to incorporate stable housing, education, employment and/or volunteering into the service plan. Below are the requirements of Phase Three:

- Minimum of 1 Probation contact every 2 weeks
- Minimum of 1 MHC Clinician contact every 3 weeks
- Minimum of 1 MHC Nurse contact every 3 weeks
- Minimum of 1 court appearance per month (unless sanctioned to a higher number)
- Maintain a psychiatrist and take prescribed medications as directed
- Continue participation in the recommended mental health services
- Schedule and complete a physical and dental exam/Verify Primary Physician
- Obtain or maintain stable housing
- Provide proof of active employment search/maintenance of employment or regular positive social activities not related to treatment (school, church, clubs, ~~volunteer activities, community services,~~ scheduled community engagement, sports, etc.) 25 hours per week is the expectation, unless otherwise specified by your clinician or probation officer.
- Provide proof of compliance with the Restitution Payment Plan (If Necessary)
- Attend Workforce Budget Workshop, if deemed appropriate by clinician.
- Submit to random urinalysis screens as determined by the treatment/service plan or as requested by MHC team. Remain drug and alcohol free
- Complete Phase 4 Plan of Care and Apply for Phase Change

**Phase Four – Continuing Care and Independence (Minimum Time in Phase – 90 days):** Throughout phase four it is expected that the participant maintains a healthy lifestyle and make personal advancements with little supervision from the Mental Health Court. Below are the requirements of Phase Four:

- Minimum of 1 Probation contact per month
- Minimum of 1 MHC Clinician contact per month
- Minimum of 1 MHC Nurse contact per month
- Minimum of 1 court appearance every 2 months
- Maintain a psychiatrist and take prescribed medications as directed
- Continue participation in the recommended mental health services
- Obtain or maintain stable housing
- Provide valid proof of employment, volunteer positions or participation in regular positive social activity not related to treatment (church, clubs, volunteer activities, community services, sports, etc.)
- Submit to random urinalysis screens as determined by the treatment/service plan or as requested by MHC team. Remain drug and alcohol free

- Complete Restitution payments (If necessary)
- Complete Post Graduation Plan of Care – Apply for Graduation

**At all times you must check with the MHC Team before staying overnight anywhere other than your primary residence!**

### PROGRAM RULES

- You must appear in Court as scheduled or as directed by the MHC team.
- You must attend all appointments with the MHC team. If you are unable to attend a scheduled appointment for any reason you must CALL the MHC team ahead of time to reschedule.
- You must follow the treatment plan and actively participate in required treatment. The treatment plan may include some or all of the following:
  - ✓ Psychiatric services and Medications
  - ✓ Participation in mental health treatment services such as group or individual counseling, psychosocial rehabilitation, and self-help/ support groups
  - ✓ Substance abuse treatment
  - ✓ Case management services
  - ✓ Educational and employment programs

***It is important to keep in mind that successful completion of the MHC program is dependent upon compliance with the treatment plan.***

- You cannot use any illegal substances, drink any alcohol, or consume anything containing THC.
- You cannot take medication not prescribed for you by your doctor, including friends and family members' medications.
- You cannot abuse any over-the-counter medications. Before you take said medications, you must first consult with the team.
- **Mental Health Court participants may not serve as volunteers or in any other capacity that provide alcohol or substance abuse recovery services to non-profits, community providers, or agencies that includes transporting, arranging, organizing, or participating in placing a person into treatment facilities, without achieving Phase 4 and prior authorization of the Mental Health Court team. Violation of this rule may result in program sanction; multiple violations may result in discharge from the Mental Health Court program.**
- You will submit to random drug and/or alcohol screens when requested by your probation officer. Any refusal/failure to submit will be considered a positive drug screen.
- You must obey all local ordinances, state laws and federal laws.
- **You MUST CALL the MHC team immediately following any law enforcement contact, crisis assessment or hospitalization.**
- You will follow all the rules of the McHenry County Court Services Department. Violations of these rules may result in sanctions and/or termination from the MHC program.
- You will treat everyone with respect and always demonstrate appropriate behavior and in all places.
- You will cooperate with all home visits, treatment visits or employment visits. The MHC team members will conduct home, treatment facility or place of employment visits on a regular basis to monitor program progress. These visits may be unscheduled or unannounced.
- You cannot be in possession of a firearm or dangerous weapons of any type.

- You **MUST** take prescribed medications as directed. You **MUST** report any changes in prescribed or over-the-counter medications to the MHC Nurse for compliance and effectiveness. Refusal or repeated failure to take the medications prescribed by your psychiatrist may result in sanctions from the MHC judge. Again – **DO NOT** take anyone else’s medication.
- You will **CALL probation and immediately report any changes of address, contact information or employment status.**
- **If you will miss any form of treatment, you must notify McHenry County Court Services Department**
- You will pay all fees/restitution ordered by the MHC program.
- **You MUST be a McHenry County resident while participating in the MHC program.**
- You will fill out a travel request form if you are seeking permission to leave the state. Permission to leave McHenry County may also be restricted.

**Tampering with a Urine Screen may result in program sanctions and may include program discharge.**

**INCENTIVES, SANCTIONS AND THERAPEUTIC ADJUSTMENTS**

- All responses to a participant’s behavior shall be predictable, fair, consistent and without regard to a person’s gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation.
- Incentives, sanctions, and therapeutic adjustments may be administered to motivate a person to comply with the program requirements and to successfully complete the program. The entire Specialty Court team shall have input into the discussion of what constitutes an appropriate response to a participant’s behavior with the final decision to be made by the Judge.
- Prior to the administration of any sanction, incentive or therapeutic adjustment, the judge shall advise the participant in open court of the sanction, incentive or therapeutic adjustment and the reason for the administration. The participant shall be permitted to address the court about the sanction, incentive or therapeutic adjustment for the court to consider.

Throughout MHC, incentives and sanctions may be given out for certain behaviors. For those participants who choose not to comply with the MHC program, sanctions (punishments) may be imposed. These sanctions may begin with minor demands of the participant and move toward more severe sanctions such as jail time or termination from the program. Sanctions are determined on an individual basis. The participant is to be advised in open court of the sanction and be given the opportunity to respond. If a jail sanction might be imposed, the participant is entitled to counsel and a hearing.

**Incentives**

As you progress through MHC and begin to make positive choices, you will receive incentives from the MHC Team. Incentives may be received for a variety of behaviors and achievements such MHC attendance, treatment attendance, progress in treatment, negative drug screens, medication compliance, or gaining/sustaining employment. The MHC team may choose from incentives such as:

- Encouragement from the Judge
- Applause
- Adjustment in order of appearance in court
- Leave court immediately after cause called
- Decreased frequency of court appearance

- Decreased drug testing
- Decreased supervision contact
- Gift Cards
- Travel permit
- Phase promotion

### **Program Sanctions**

Just as positive behaviors are rewarded, negative behaviors will also be addressed. Poor attendance, lack of participation in treatment or tasks identified in the treatment plan and positive drug screens are some of the reasons a sanction may be given. As a participant you will be given an opportunity to address the Sanction with the court. Sanctions can consist of, but will not be limited to, the following:

- Verbal reprimand
- Essay assignment
- Court observation
- Increased drug testing
- Increased court appearances
- Curfew/Electronic Monitoring/Restriction
- Increased MHC team contact
- Increased treatment components
- Activity log assignment
- Online Assignment
- Community Service hours
- Delay in promotion
- Incarceration – **If a jail sanction is being considered, participants are given access to counsel and a hearing prior to the administration of the sanction.**

### **Therapeutic Adjustments**

If a participant is not responding to the treatment they're currently engaged in, a "therapeutic adjustment" may be required. Examples of Therapeutic Adjustments include:

- Increased intensity of treatment
- Additional treatment groups
- Additional counselling referrals
- Verification of community support meeting attendance
- Increased drug screens

## **GRADUATION**

To graduate from the MHC program, you must complete all program phases, complete your designed treatment plan and be in continued compliance with your Court Supervision. When you have successfully completed all of the requirements of the MHC program, there will be a graduation ceremony in your honor. At that time, you will have officially completed the MHC program and your involvement with the program will no longer be mandatory. Upon discharge, the participant will be provided, and have an opportunity to review with the clinician and probation officer, a clinical and probation discharge plan. Upon completion of the MHC program, legal agreements made pending your completion of the MHC program will be reviewed and acted upon accordingly.

**SUMMARY**

The MHC program is a comprehensive approach to meeting the needs of participants who have a mental illness. It requires communication and collaboration among the MHC Team and community treatment providers that work with the Adult Criminal Justice System. With input from the entire MHC team, it is our hope that we will increase each participant’s level of personal wellness, reduce psychiatric symptoms, and reduce future contacts with the criminal justice system.

**MCHENRY COUNTY MENTAL HEALTH COURT  
IMPORTANT PHONE NUMBERS**

- STATES ATTORNEY ..... 815-334-4159**
- PUBLIC DEFENDER ..... 815-334-4170**
- PROBATION OFFICER.....815-334-4400**
- CLINICIAN ..... 815-334-4502**
- CASE MANAGER... ..... 815-334-4478**
- PEER SUPPORT .....815-529-3386**
- COORDINATOR ..... 815-334-4458**
- NURSE..... 815-334-4890**

**THE MENTAL HEALTH COURT BUSINESS HOURS ARE FROM  
8:00 AM – 4:30 PM, MONDAY – FRIDAY (EXCLUDING HOLIDAYS)  
CALLS RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RESPONDED TO  
THE FOLLOWING BUSINESS DAY. IN CASE OF AFTER-HOURS EMERGENCIES  
CALL 911 OR FOR BEHAVIORAL HEALTH RELATED ISSUES CALL THE  
MCHENRY COUNTY CRISIS LINE AT 1-800 892-8900 OR 988.**

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**MENTAL HEALTH COURT HANDBOOK– SIGNATURE PAGE**

I have read and understand the contents of the Mental Health Court Participant Manual including the program rules, incentives, and sanctions. I have been given a copy of the participant manual in a binder and I will bring this binder with me to all my Mental Health Court appearances. I understand that to be successful in the Mental Health Court I must follow the rules of the program as well as all treatment recommendations.

\_\_\_\_\_  
Client Printed Name

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mental Health Court Representative Printed Name

\_\_\_\_\_  
Mental Health Court Representative Signature

\_\_\_\_\_  
Date





ADDENDUM TO ACCEPTANCE AND MODIFICATION OF PRETRIAL RELEASE

WHEREAS, the Defendant understands and acknowledges that the McHenry County Mental Health Court Program is a pre-disposition program.

WHEREAS, the Defendant, pursuant to the Mental Health Court Treatment Act in 730 ILCS 168, has been approved and assessed for acceptance into the McHenry County Mental Health Court Program.

WHEREAS, the Defendant has reviewed the Mental Health Court Handbook and, by agreeing to enter the McHenry County Mental Health Court Program, hereby agrees to abide by the terms of the Mental Health Court Handbook.

WHEREAS, the Defendant, having been fully advised by his or her attorney, understands that participation in the Mental Health Court Program requires modifications of Defendant's pretrial release in the above-captioned matter.

WHEREAS, the Defendant recognizes the necessity for a detailed enumeration of the modifications of the Defendant's Pretrial Release in the above-captioned matter.

WHEREFORE, the Defendant hereby agrees to the following additions and modifications of Pretrial Release for the above-captioned matter for the duration of the Defendant's participation in the Mental Health Court Program:

1. The terms and conditions of the Mental Health Court Handbook are hereby incorporated into this Order and Addendum in its entirety; however, in the event of any insurmountable conflict between this Order and Addendum and the Mental Health Court Handbook, this Addendum/Order shall control;
2. The Defendant hereby acknowledges that he or she has been admonished pursuant to Illinois Supreme Court Rule 402(d) and gives consent to the Court, to participate in discussions about the Defendant including, but not limited to, discussions regarding possible plea agreements, where applicable;
3. Defendant shall meet with the Mental Health Court Clinician, or his/her designee(s) where, when, and as directed and follow all recommendations of the Mental Health Court Clinician, or his/her their designee(s);

4. Defendant shall meet with the Mental Health Court Nurse, or his/her designee(s) where, when, and as directed and follow all recommendations of the Mental Health Court Nurse, or his/her their designee(s);
5. Defendant shall meet with the Mental Health Court Probation Officer, or his/her designee(s) where, when, and as directed and follow all recommendations of the Mental Health Court Probation Officer, or his/her their designee(s);
6. Defendant shall sign the Consent to Participate and any other releases as may be necessary to allow communication between the Defendant's psychological and psychiatric treater(s), counselor(s), pharmacist(s) and Mental Health Court Staff;
7. Defendant shall ingest prescribed medication, if applicable, as prescribed and/or directed by Mental Health Court Staff and/or medical personnel treating the Defendant.
8. Defendant shall not ingest any medication available for purchase without a prescription, i.e. "over the counter" medications, without first consulting Mental Health Court Staff. In the event of an emergency where the Defendant is required to take medication, "over the counter" or otherwise, Defendant shall notify Mental Health Court Staff as soon as practicable thereafter.
9. Defendant shall not possess and/or ingest any illegal substances.
10. Defendant shall not consume alcoholic beverages, or anything containing THC.
11. Defendant shall not possess firearms, ammunition, and/or unlawful weapons.
12. The Defendant may be required to attend a treatment facility, i.e. "inpatient treatment," "halfway house", etc. Should the Defendant leave the treatment facility without authorization or be discharged unsatisfactorily, a warrant shall be issued for the Defendant's arrest.
13. Should the warrant be served upon the Defendant, it shall be in the discretion of the Court as to whether the time in custody shall be assessed pursuant to 730 ILCS 168/25(e).
14. Should the defendant fail to comply with the terms of bond, this Order and Addendum, directives of the Mental Health Team, and/or directives from the Court, the People may file a Motion to Discharge Defendant from the Mental Health Court Program pursuant to 730 ILCS 168/35(a).
15. A Discharge Hearing date and time will be set by the Court unless otherwise agreed upon by the Defendant and the People.
16. Should a Motion to Discharge Defendant from the Mental Health Court program be filed, the Defendant hereby acknowledges the following:

- a. The Defendant shall appear at the Discharge Hearing date and time specified by the Court.
  - b. Should the Defendant fail to appear at the Discharge Hearing date and time specified by the Court, the Discharge Hearing may proceed in the Defendant's absence.
17. Should the defendant abscond from treatment and/or contact from the Mental Health Court Team, a warrant issues for the defendant's arrest, and said warrant remains active for thirty (30) consecutive days, the defendant shall waive his or her right to be present at any Discharge Hearing.
18. Should any provision of this Order and Addendum be deemed unconstitutional, the remaining portions of this Order and Addendum shall remain in full force and effect.
19. All other conditions of the Defendant's bond not inconsistent with this Order and Addendum shall remain in full force and effect unless otherwise modified by the Court.

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Client Printed Name

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Client Signature

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Date