

# NEW YORK STATE UNIFIED COURT SYSTEM



## MENTAL HEALTH COURT

### MISSION STATEMENT & KEY PRINCIPLES

Office of Court Administration  
25 Beaver Street, Suite 1128  
New York, NY 10004

Hon. Judy Harris Kluger  
Chief of Policy and Planning  
New York State Courts

# **MENTAL HEALTH COURTS**

## **INTRODUCTION**

Mental health courts are specialized court parts that seek to craft a meaningful response to the problems posed by defendants with mental illness in the criminal justice system. Addressing both the treatment needs of defendants with mental illness and the public safety concerns of communities, mental health courts link defendants with mental illness to long-term treatment as an alternative to incarceration.

Mental health courts are one of the newest types of “problem-solving courts”: courts that work in collaboration with others to create solutions to problems like addiction, domestic violence, child neglect and quality-of-life crime and that seek to improve outcomes for victims, communities and defendants. Since 2002, 26 mental health courts have begun operations in New York State. These courts vary in the types of cases they hear and the way they link offenders to treatment and related services in the community, but they are all grounded in a set of common principles.<sup>1</sup>

## **MISSION STATEMENT**

The following is a mission statement setting forth the goals of the New York State mental health courts:

*New York State’s mental health courts seek to improve public safety, court operations, and the well-being of people with mental illness by linking to court-supervised, community-based treatment defendants whose mental illness is related to their current criminal justice involvement and whose participation in the mental health court will not create an increased risk to public safety.*

The impetus behind each mental health court reflects local needs and priorities. Some mental health courts originated where drug courts were faced with challenges presented by drug court participants with co-occurring mental illness and substance abuse disorders. Others were designed to help alleviate overcrowding in the local jail. Virtually all mental health courts, however, have identified some combination of the following goals:

---

<sup>1</sup> The Council of State Governments Justice Center, which coordinates the Criminal Justice/Mental Health Consensus Project and serves as technical assistance provider for the Bureau of Justice Assistance’s Justice and Mental Health Collaboration Program, has developed a document that identifies and explains important elements of mental health courts, which was a useful reference in developing these key principles. See Thompson, M., Osher, F., Tomasini-Joshi, D., *Improving Responses to People with mental Illnesses: Essential Elements of a Mental Health Court*, New York, NY: Council of State Governments Justice Center, 2008, <http://consensusproject.org/mhcp/essential.elements/pdf>.

Improve public safety: Many people with mental illness cycle repeatedly through the criminal justice system. Linking these offenders to community-based services is intended to reduce recidivism.

Reduce length of time in jail or prison for offenders with mental illness: Mental health courts seek to reduce both the frequency of arrests and the duration of incarceration of offenders with mental illness for whom community-based treatment is an appropriate alternative to incarceration.

Use overtaxed criminal justice resources more efficiently: Mental health courts are a means of reducing the frequency of contacts between law enforcement and people with mental illness, improving court operations in cases involving offenders with mental illness, and minimizing the strains on correctional facilities caused by incarcerating people with mental illness.

Improve court's ability to identify, assess and monitor offenders with mental illness: By equipping courts with the tools necessary to perform meaningful assessments, identify appropriate treatment options and make connections to the mental health system, mental health courts provide judges with the means to make more informed decisions about cases involving offenders with mental illness.

Improve quality of life for people with mental illness: Mental health courts seek to reverse the trend in recent decades toward "criminalization" of mental illness, a term that describes society's use of the criminal justice system to respond to behaviors associated with or caused by mental illness. Instead of incarcerating mentally ill offenders, mental health courts can help to connect them to community-based treatment and support services that encourage recovery.

Improve coordination between the mental health and criminal justice systems: In bringing together criminal justice and mental health stakeholders and involving many parties in the planning and implementation process, mental health courts are catalysts for cross-training and systems improvement programs.

## **KEY PRINCIPLES**

The following elements of mental health courts are a synthesis of principles that have emerged based on an examination of mental health courts around the country as well as an analysis of New York State's mental health courts.

### **Coordinated Planning and Administration**

- Mental health courts require collaboration among a broad-based group of stakeholders: judges; court administrators; prosecutors; defense attorneys; public mental health and substance abuse agencies; community-based providers of mental health treatment, substance abuse treatment and related services; law enforcement, corrections and probation agencies; people with mental illness, their family members, and mental health advocates; crime victims; and other community members. Involvement of these stakeholders in the planning and operations of a mental health court will help ensure that the resources and activities of the court are coordinated with those of other criminal justice and mental health agencies working with offenders with mental illness. The planning process for mental health courts should include creating a local working group of stakeholders who will assist in the creation of program guidelines and the development of cross-training programs. A team of court personnel develops a "planning document" that serves as a guide to the implementation and operations of the court.

### **Target Population**

- Eligibility criteria for mental health courts are based on the specific nature of the criminal offense and the nature and severity of a person's mental illness. Mental health courts should target individuals whose mental illness is related to their current criminal justice involvement and whose participation in the court will not create an increased risk to public safety.

### **Referral, Screening and Assessment**

- Offenders with mental illness cannot be identified on the basis of their criminal charges, and their symptoms and/or psychiatric history may not be readily apparent to lawyers and judges. In order to identify potential mental health court participants, mental health courts should ascertain all possible referral sources and develop tools and procedures for identifying, referring, and screening such individuals. Mental health courts should also have resources available for thorough psychosocial and/or psychiatric assessments of potential participants so that the court can determine whether an individual is eligible for participation and understand what community-based services will be required to meet the individual's treatment goals and the community's public safety goals.

## **Individualized Treatment Plans**

- Individualized treatment plans that balance individual treatment goals and public safety goals are one of the cornerstones of mental health courts. These plans set forth treatment-related objectives and court mandates that must be achieved by the mental health court participant prior to successful completion and graduation from the program. Courts and the community-based service providers working with mental health court participants may need to adjust individualized treatment plans as clinical needs change during an individual's participation in a mental health court.

## **Informed Choice and Voluntary Participation**

- A person's decision to participate in a mental health court must be voluntary and based on informed choice. Mental health courts establish procedures for ensuring that each participant fully understands the terms of participation, including the impact on his/her criminal case and the proposed treatment alternatives. In particular, mental health courts must address issues of competency prior to a defendant's enrollment in the program.

## **Terms of Participation**

- Terms of participation in a mental health court are based on both criminal justice criteria and mental health considerations. Mental health courts develop program guidelines regarding whether participation takes place before or after a plea and/or sentencing, the length of the court's treatment mandate, requirements for graduation from the courts, rewards for successful completion of all court mandates, and consequences for failing to comply with or complete court mandates.

## **Linking to Community-Based Services**

- Participants in mental health courts need to be connected to a wide array of individualized, adequate, and appropriate treatments and services, including mental health treatment, substance abuse treatment, case management services, supported housing, educational and vocational services, and assistance with public benefits. Mental health courts must work closely with service providers to ensure that individuals obtain appropriate services throughout their participation in a mental health court.

## **Information Sharing and Confidentiality**

- Mental health courts can best meet both their individual treatment goals and their public safety goals when court staff, lawyers and community based service providers regularly share appropriate information about participants. As mental health courts develop procedures for regular sharing of information, they must also create protocols to protect participants' confidential medical, mental health and substance abuse treatment information.

## **Judicial Monitoring and Motivating Compliance**

- Judicial monitoring and the coordination of judicial and clinical actions to motivate compliance with treatment provide another cornerstone of mental health courts. Mental health courts consider information received from service providers when implementing graduated rewards and sanctions to motivate compliance with court mandates.

## **Evaluation**

- Mental health courts will establish case tracking and data collection procedures. These procedures enable court personnel and key stakeholders to ensure that relevant information flows continuously, quickly and reliably to and from the judge and to allow for an evaluation of the court.