



JUDGES' CHAMBERS
COURT OF COMMON PLEAS
MERCER COUNTY
MERCER, PENNSYLVANIA 16137

MERCER COUNTY MENTAL HEALTH COURT

PARTICIPANT GUIDE

*This guide should be used as a general guide for participants in the Mercer County Mental Health Court. It is not intended to answer specific questions regarding your case, your conditions of supervision, or your treatment obligations. Please contact the Mental Health Court Coordinator if you have any specific questions.

I. **What is Mental Health Court?**

Mental Health Court is a Specialty Treatment Court or Problem-Solving Court for individuals involved in the criminal justice system who have been diagnosed with a Serious Mental Illness, and who would benefit from long-term, highly structured mental health treatment and supervision.

Participation in Mental Health Court is voluntary. A participant can decide to withdraw from Mental Health Court at any time. However, if a participant decides to withdraw from the program, or is terminated from the program, the traditional criminal court process will resume.

II. **The Mental Health Court Team**

The Mental Health Court Team is comprised of the following:

- The Judge
- The Mental Health Court Co-Coordinator
- The Community Integration Project Coordinator from the Mercer County Behavioral Health Commission
- A member of the District Attorney's Office
- A member of the Public Defender's Office
- The Mental Health Agent from the Pennsylvania Board of Parole
- Other treatment providers

III. **Eligibility Requirements**

An individual must meet the following criteria to participate in Mental Health Court:

- Be 18 years of age or older. (Juveniles are not allowed in MHC.)
- Be eligible for the Community Integration Program (CIP).
- Be a resident of Mercer County for the duration of the program.
- Have no unresolved criminal charges in another jurisdiction.
- Criminal record and current charges must meet all eligibility guidelines.

- The individual must be sentenced to a term of probation or parole that is a minimum of 36 months. The sentence may be for new criminal offenses and/or revocation of parole or probation.
- The individual must be diagnosed with a “Serious Mental Illness” as that term is defined below.
- The District Attorney’s Office has final discretion as to whether an individual is recommended for Mental Health Court.
- The Mental Health Court Team has sole discretion as to whether an individual has met the eligibility requirements for entry into Mental Health Court.

A. **Disqualifying Criminal Offenses**

The following offenses will result in automatic exclusion from Mental Health Court, whether they are the current offense or found in the individual’s criminal record:

- Murder
- Homicide
- Any SORNA offense (sex crime) for which the individual continues to have Sexual Offender Registration requirements pursuant to 42 Pa.C.S. § 9799.16
- Any individual who used or possessed a firearm during the commission of an offense.

B. **Definition of a “Serious Mental Illness”**

A Serious Mental Illness requires a current (within the last 2 years) primary diagnosis of at least one of the following Major Mental Health Diagnoses as defined by the DSM V-TR:

- 1) Schizophrenia
- 2) Bipolar Disorder
- 3) Major Depressive Disorder
- 4) Major Anxiety Disorder
- 5) Psychotic Disorder due to a Mental Illness (Schizoaffective Disorder)
- 6) Or any other diagnosed mental illness that the treatment team deems appropriate for Mental Health Court

If an individual does not have a current diagnosis, the individual must be evaluated by a psychiatrist, psychologist, or other qualified professional to determine if the individual has a Serious Mental Illness.

A diagnosis of a co-occurring substance use disorder is not a disqualifying factor for Mental Health Court.

IV. Program Length and Phases

The minimum length of Mental Health Court is 24 months. The program consists of four (4) phases during the first year, and an Aftercare Phase during the second year.

The length of time in each phase depends on the Participant's ability to achieve program goals and comply with all directives. Upon the successful completion of Phase 4, a Participant will "graduate" into the Aftercare Phase.

The MHC Team has sole discretion as to whether a Participant advances to the next phase or graduates into Aftercare.

V. Courtroom Behavior and Conduct

During the court sessions, Participants will:

- (1) Be on time. Reporting late for court sessions may result in a sanction.
- (2) Dress appropriately for court. No shorts, sleeveless t-shirts, or crop-tops. No t-shirts with profanity or inappropriate images.
- (3) Observe proper court decorum.
- (4) Maintain a respectful attitude toward everyone.
- (5) Refrain from disruptive behavior.
- (6) Refrain from sleeping.
- (7) No food, beverages, chewing gum, or tobacco products are allowed in the courtroom during Mental Health Court.

VI. Attendance and Transportation

Participants are required to be on time and attend all scheduled appointments, treatment and counseling sessions, court sessions, and any other requirements as directed.

The Participant is responsible for arranging transportation to all these appointments, sessions, and other requirements.

VII. Probation and Parole Supervision

Participants are required to abide by all rules, conditions, and protocols of the State Board of Parole and the Mental Health Court Team. Participants will review and familiarize themselves with these rules, conditions, and protocols prior to entering into the program.

VIII. Random Drug/Alcohol Testing

Participants will be tested randomly every week while in Phases 1- 4, and once monthly during the Aftercare Phase. Each Participant will be assigned a color that will be drawn at random and, if drawn, each Participant will be required to report for testing that same day. Failure to report may result in a sanction.

Each Participant will be required to call the Color Code Line every day to find out when and where they are to report for testing that week. Failure to advise the MHC Coordinator of unavailability prior to testing may result in a sanction.

If a Participant tests positive, but denies the use of drugs or alcohol, the MHC Coordinator will send the sample to a certified contracted laboratory

for confirmation. If the laboratory confirms the sample is positive, the Participant will be responsible for payment of the confirmation testing. There are no appeals of a positive confirmation from the laboratory.

Any positive drug or alcohol test result may result in a sanction.

IX. Sanctions

A violation of any of the program's requirements may result in the MHC Judge imposing a sanction. Sanctions may include: (a) a warning, (b) a Phase freeze for a set time, (c) a Phase demotion, (d) house arrest, (e) incarceration, (f) a combination of any of the above, and (g) expulsion from the program.

If expelled from the program, the Participant may be subject to a probation or parole violation hearing in front of the Judge who originally sentenced the Participant. Such a violation hearing may result in the Judge revoking the Participant's probation or parole sentence and resentencing the Participant to a period of incarceration.

X. Prescription Drugs and Medical Marijuana Cards

To be receive a new prescription for a mind altering or controlled substance or a Medical Marijuana Card, or remain on an existing one, a Participant must provide to the MHC Coordinator a written notification from a qualified physician that the prescription medication or medical marijuana is medically necessary.

A Participant must notify the MHC Coordinator within 72 hours of receiving a new prescription. A Participant must also provide a copy of that new prescription to the MHC Coordinator by the next scheduled court date.

A Participant must always keep the medication in its original prescription container.

A Participant must fill all prescriptions for mind altering or controlled substances at one pharmacy and provide reports from the pharmacy when requested.

A Participant must obtain all medical marijuana from one dispensary and obey all other regulations involving medical marijuana.