

Mental Health Court Shows Promise

By Mike Eidelbes

A program designed to ensure that felons with mental health issues get the help they need is showing early signs of promise, according to a judge who oversees the effort.

The 8th Circuit Court, which serves Ionia and Montcalm counties, established its mental health court last fall. Similar in nature to the drug and alcohol courts that are common in jurisdictions across Michigan, the mental health court, which meets every Friday, is the first of its kind in the state.

“What we’ve tried to do is take some things from the drug and alcohol courts and things from the mental health diversion programs and create sort of a hybrid,” 8th Circuit Court Judge David Hoort said.

Unlike drug and alcohol courts, the mental health court—a collaborative effort between the 8th Circuit Court, community mental health services, probation officers, and the counties’ sheriff’s departments—is not a true diversion program. In most cases, the mental health court won’t be offered as an option until the defendant is convicted

of a criminal offense in a trial or enters a guilty plea. Still, that hasn’t stopped attorneys from trying to use the program as a plea bargaining chip.

“We’re trying to avoid that,” Hoort said. “We don’t get involved until they’ve been convicted or plead guilty.”

The goals of the mental health court are many. Primary among them are maximizing one-on-one supervision for felony criminal defendants and providing them with the services necessary to deal with their mental health issues, ensuring the safety of residents in the communities it serves, and minimizing the use of jail and prison space.

“Jail is a stop-gap measure,” Hoort explains. “Many of the people who come before us have some degree of mental health issue. We don’t have the resources for everyone, so we try to deal with the people who’ve been classified as mentally ill.”

Convicted felons can be channeled into the mental health court in one of two ways. They’re either placed in the program by forensic referral, or the court can request community mental health services to evaluate the person in question based on signs—“red flags,” Hoort called them—during courtroom proceedings.

When felony defendants are referred to the program, they are typically given special probationary considerations as a way to maximize supervision, monitor medication, and prevent the use of alcohol or other controlled substances. In most cases, the mental health court attempts to first place participants in a residential treatment facility—or, in instances in which the defendant also has a substance abuse problem, a dual-treatment facility—or adult foster care. Probation officers are required to pre-approve the residence, and the defendant may be required to wear an electronic monitoring device to ensure compliance

with the terms of probation and the safety of the community.

“In the past, these people always ended up in jail,” Hoort said. “But our jails are happy because mentally ill inmates can cause problems that have an effect on the rest of the population. [The sheriff’s departments] even volunteer to transport them from treatment facilities to doctor appointments or other places they may need to go.”

The mental health court is still in its infancy, but the newfound cooperation between the circuit court, the sheriff’s departments, community mental health services, and probation officers has been one particularly satisfying result of the program.

“We used to have an adversarial relationship with the community mental health representatives,” Hoort explains. “When we sit down and talk through some of these issues, we’ve found that we’re actually on the same page.”

To date, other Michigan counties haven’t inquired about the success of the mental health court; Hoort believes other jurisdictions are in a wait-and-see mode. Besides, obstacles remain in the quest to sustain the program’s long-term viability. Primary among them is funding. The mental health court was created with the goal of operating by using funding already available through mental health services, the Michigan Department of Corrections, and the circuit court.

“There’s talk in the state legislature of legislation for mental health courts,” Hoort says. “The hope is that the Department of Corrections or the state legislature will approve funding...to keep people who don’t belong in jail, out of jail.” ■

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