

Polk County Behavioral Health Court

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Participant Handbook

Tenth Judicial Circuit of Florida

Polk County Courthouse

Bartow, Florida

Mission Statement

Polk County's Behavioral Health Court seeks to address the unique needs of participants with a mental health or a developmental disability in the criminal justice system.

Introduction

Polk County's Behavioral Health Court provides those participants access to the least restrictive treatment, training, and support services necessary. This handbook is designed to answer your questions, address your concerns, and provide you with an overview of Polk County Behavioral Health Court.

As a participant, you will be expected to follow the instructions given to you in Behavioral Health Court by the Judge and to follow the case management plan developed for you. You are encouraged to share this handbook with your family or friends, in order to help explain how the program works.

Screening, Evaluation & Orientation Process

If there is a question of a mental health or a developmental disorder, a referral will be made on your behalf to the Public Defender's office.

Once the diagnosis has been confirmed, you will be asked to attend orientation with a Behavioral Health Court Case Manager to go over the handbook, rules, requirements and expectations of you, the participant. **You must attend the screening, evaluation, and orientation** before a contract can be signed with the Behavioral Health Court. Once these tasks are complete you will be placed on Behavioral Health Court docket and attend a court hearing to sign the contract in front of the presiding Judge.

How Behavioral Health Court Works

Behavioral Health Court is a voluntary program – you cannot participate in this program unless you agree to it. Your attorney – whether an assistant public defender or private counsel – will discuss the Behavioral Health Court program with you, answer your questions, and advise you in making your choice.

Entry into the Behavioral Health Court is **voluntary** and your defense counsel will continue to represent you throughout your participation in Behavioral Health Court. If you have entered the program with a privately-retained attorney and can no longer afford this expense, you may request a court-appointed attorney to represent you.

An individualized Behavioral Health Court Plan will be developed with you to address your needs,

problems, and usage of available resources existing in our community. Each Behavioral Health Court Plan is developed to the individual needs of each participant. Thus, it is impossible for this handbook to describe exactly the terms of your Behavioral Health Court Plan.

Goals

Participants with a mental health or a developmental disorder spend unnecessary time in jail and lack access to behavioral health treatment services. This may lead to repeated offenses and recycling through the criminal justice system. Behavioral Health Court seeks to identify and address these unique needs of the defendant.

The goals of Behavioral Health Court are to:

- Provide referrals to behavioral health services to participants with a mental health disorder.
- Provide access services to participants with a developmental disorder.
- Stabilize participants so they can assist in the management of their own needs.
- Ensure legal advocacy.
- Create a more effective working relationship between the court, behavioral health providers, and support service providers.
- Reduce jail time by ensuring that participants with a mental health and/or developmental disorder do not languish in jail.
- Improve the monitoring of participants with a mental health disorder and/or developmental disability in the criminal justice system.
- Connection and relationships with effective treatment services to reduce repeated offenses.

Behavioral Health Court Supervision

As a participant in Behavioral Health Court, you will be required to appear at the Behavioral Health Court hearings on a regular basis. The purpose of this is to monitor your compliance with the Behavioral Health Court Plan developed to help you.

At each hearing the Judge will receive a progress report, prepared by the Behavioral Health Court Case Manager regarding your participation in the plan. The Judge will ask you questions about your progress and will discuss with you any concerns.

If you are doing well, you will be encouraged to continue with the program and to work with your treatment provider to successfully complete the terms of your individualized plan. If you are not doing well, you will attend a clinical staffing prior to your court hearing to address progress and determine recommendations which will be presented to the Judge in court.

Report all changes, conflicts, and requests to your case manager, so that he or she can present them to the Judge. It is your responsibility to notify your case manager if you missed any treatment.

If you are using any prescription or over-the-counter medications, you must bring them to staff for documentation. All medications must be current and prescribed by a mental health case professional or licensed physician. Failure to comply with proper procedure or a positive screen may result in sanctions by the BHC Judge.

Confidentiality

Your identity and privacy will be protected consistent with Florida and federal law 42 CFR Part 2. In response to these regulations, policies and procedures have been developed which guard your confidentiality. You will be asked to sign a release of information with any agencies providing you with services. An identification number will be assigned to you that will be used in all research and evaluation activities to safeguard your identity.

Please note, your attendance in all Behavioral Health Court proceedings are open to the public and conversations **are recorded within the court room.**

Rules

1. The dress code of the court is general business attire. Casual attire maybe acceptable, however, you are requested not to wear tank tops, shorts or flip-flops.
2. You are expected to comply with individualized plan recommendations to include: attendance at all scheduled counseling sessions, educational meetings, and court sessions unless you get prior approval to be excused. This includes all outside referrals, as well as, support group meetings (AA, NA, Gateway, etc.)
3. The following behaviors will not be tolerated:
 - violence or threats of any kind to staff or other participants
 - use and/or possession of drugs and/or alcohol
 - belligerent behavior, or acts of vandalism to property
 - possession of any type of weapon
 - inappropriate sexual behavior or harassment
4. All electronics are to be **turned off** during court or any treatment sessions.
5. Participants **must notify** Behavioral Health Case Manager of any new arrest or court obligations.

Transition between Phases

A participant has accomplished a phase and can be moved to the next phase once he or she has successfully completed the previous phase requirements. If lack of progress through phases is

identified the team will staff the case to determine recommendations. However, the timeframe within each phase is under the discretion of the attending Judge and clinical/case management team. Program phases are further defined on the last two pages of this handbook (10 – misdemeanor and 11- felony).

Outside Support System

Participation in the various support groups is vital to your long-term wellness. Some examples of support systems include but are not limited to: education/treatment groups, support groups, coping skills class, Narcotic Anonymous (NA), Alcoholic Anonymous (AA), etc. Attendance will be required and each session must be documented and turned into assigned case manager,

These groups can help you see how others with similar problems are coping with mental health and/or substance abuse disorder. This support system is very critical to your successful maintenance and lifelong commitment to a stable and judicial-free lifestyle.

To verify eligibility of a support system, contact your Behavioral Health Case Manager.

Treatment with Behavioral Health Court

Often, treatment is provided through referrals in the community. The Behavioral Health Court Case Manager will give referrals to you regarding identified needs on your plan that was developed according to your needs.

Referrals may be given to you throughout your participation with Behavioral Health Court and it is your responsibility to follow through with them. Referrals consist of but are not limited to mental health treatment, substance abuse evaluations and treatment, housing contacts, employment agencies, support groups, and/or other services offered by the community.

Although Behavioral Health Court does not require a fee to participate, you are responsible for paying for the services you receive in the community if required by that provider. You must be compliant with these referrals in order to move forward in the phases of Behavioral Health Court as outlined in your individualized plan.

Urine Drug/Alcohol Screens

Urine drug screens will play a ***significant role in your compliance***, keeping you accountable to the program, and are offered using a ***“color system”***. You may be assigned a color at your court date. If assigned a color, you will be responsible for calling in daily to see if your color is called for a urine screen. It is your responsibility to make sure that you understand and comply with the stated guidelines. If you do not feel that you fully understand, it is also your responsibility to ask for clarification from your Behavioral Health Court Case Manager. **Client must have a minimum of sixty (60) consecutive days of negative testable urinalysis; which includes no positive drugs screens, dilutions or invalid urine tests.**

If you are using any prescription or over-the-counter medications, you must bring them to staff for viewing and approval. All medications must be current and prescribed by a legal prescribing physician. Failure to comply with proper procedure or a positive screen may result in sanctions by the BHC Judge.

Termination

The Judge may terminate you from the program under the following circumstances:

- You petition the court for termination
- You have exhibited violent behavior or threats of violent behavior toward self or others, or displayed inappropriate, disruptive or non-compliant behavior
- You are not complying with program requirements
- You have violated programs rules
- You are arrested, with or without conviction (case by case basis)
- You abscond from the program
- You have repeated diluted drug screens

If you are unsuccessfully terminated from Behavioral Health Court you may have to endure the sanctions for your charge(s) that were placed upon you during your plea. This may include jail time, probation, or other consequences related to your charge.

Incentives and Awards

Incentives and awards will be given to participants who progress through the program, for example:

- Award Coins (by phase)
- Reduced Status Hearings
- Reduced call into Behavioral Health Court Case Manager
- Praise provided by staff and judge
- Other incentives as appropriate

Sanctions

Sanctions are consequences for non-compliant behaviors which include, but are not limited to, positive drug screens, missed drug screens, groups or meetings, inappropriate behavior and missed court dates. It is important to remember that there are no valid excuses for missing court appearances. Documentation must be provided to your Behavioral Health Court Case Manager.

Sanctions include, but are not limited to the following:

- increased frequency of urinalysis
- increase in referrals
- freeze in progression of phase(s)
- mandatory group or individual sessions
- increased supervision by the Court
- increase in community service hours
- increased length of time in the program
- incarceration
- expulsion from the program and reinstatement of regular court processing

The occurrence of sanctions is up to the discretion of Behavioral Health Court Clinical staff and presiding Judge. If an incident should happen that may result in a sanction, please notify your Behavioral Health Court Case Manager as soon as possible, as delay or omission may result in a more intense sanction.

Graduation

Graduation comes after successful completion of the program. In addition to meeting program requirements, you should be able to show how the program has positively influenced your life. Graduates will be honored at their graduation session.

Graduates are expected to continue with their established supports after graduation to maintain progress.

**INFORMATION SHEET
FOR NEW BEHAVIORAL HEALTH COURT PARTICIPANTS**

Welcome to the BHC Program. This program is designed to assist individuals with mental health or co-occurring issues charged with one or more specific misdemeanors. BHC hearings are held once (1) per week 10:00 AM in Courtroom 6A. **Participants are required to attend court without fail.** Court is held on the following days and times at the location listed below.

BHC HEARING DAYS AND TIMES

Every Wednesday @ 9:30 A.M. Polk County Courthouse Courtroom 8B	Hon. Susan L. Barber, Presiding Judge 255 North Broadway Bartow, FL 33830
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By the time you are given this instruction sheet you should have already been told when and where to report to start in the BHC Program. **Call your Behavioral Health Court Case Manager to confirm the details of your appointment.**

POLK COUNTY BEHAVIORAL HEALTH COURT

**Problem Solving Courts
Polk Co. Courthouse
255 North Broadway
Bartow, Fl. 33830**

James Clanton, MSW, CAP
Director, Problem Solving Courts
4th Floor, Red Side
#863-534-7796
Fax: #863-534-7703

Ashley Smith
Behavioral Health Program Specialist
4th Floor, Red Side
#863-534-7785
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Nancy Bush, BA
Behavioral Health Case Manager
6th Floor, Red Side
#863-534-4523

David Wiggins
Behavioral Health Case Manager
6th Floor, Red Side
#863-534-4357

Rafael Hernandez, BA
Behavioral Health Case Manager
4th Floor, Red Side
#863-534-4083

RANDOM URINALYSIS PROCEDURE:

1. Call the color line (863-534-5828) Sun.-Thur. to see if your color has been called. If your color is called for the day, you must report to the lab during regular hours of operation (Mon-Fri 7:30-4:30) sign in by 4:15 pm Mon-Fri. Failure to do so will result in a “No Test”. A “No Test” will be considered a “positive” test.
2. You must bring your Drug Court issued ID card with you when you come to test. If you do not have your card, you will not be allowed to test. If you lose your Drug Court ID, you may purchase a new one for \$20. If you are unable to purchase a new card, this will result in a “No Test”.
3. You must bring proof of any current prescriptions. This includes all refills you receive each time prescription is filled.
4. Arrive at the lab prepared to give a sample. If you make an attempt but are unable to produce a sample, you must wait one hour before making your second attempt. If you are unable to provide a sample after 2 attempts, it will be reported to your counselor as a “No Test”.
5. Any attempt to “cheat” or alter the sample will result in criminal prosecution.
6. You may be assigned a time to test for when your color is called or required to test as directed.

Diluted Samples

As a participant in the Problem Solving Court program, you are required to provide a testable sample whenever you are randomly selected. This means samples must not be diluted. A diluted sample occurs when someone consumes too much liquid prior to providing a urine sample. If you provide a diluted sample, it will be considered a presumptive positive and therapeutic adjustments will be made. Tips to ensure that you provide a testable sample:

1. Arrive at Drug Court as early in the day as possible.
2. Limit amount of liquids consumed, any liquids consumed in excess can potentially lead to a diluted sample.
3. If possible, eat a snack or small meal at least one hour prior to giving sample. Snack or meal should include a source of protein.
4. If you have any questions regarding testing, please contact lab personnel at 863-534-4620.

CONCLUSION

The Behavioral Health Court program has been developed to help you become a more productive and responsible member of the community. The program is voluntary. The judge, court staff, and treatment team are present to guide and assist you, but the final responsibility and accomplishment are yours.

We hope this handbook has been helpful to you and has answered some of your questions. If you have additional questions or concerns about Behavioral Health Court, please feel free to ask.

**POLK COUNTY PROBLEM SOLVING COURTS
BEHAVIORAL HEALTH/VETERAN TREATMENT COURTS**

Transition between Phases / Misdemeanor

A participant has accomplished a phase and can be moved to the next phase once he or she has successfully completed the previous phase requirement. However, the time frame within each phase is under the discretion of the attending Judge:

METHOD	DURATION, FREQUENCY, LENGTH	MINIMUMS	LEVEL PROMOTION REQUIREMENTS
PHASE 1 (Minimum 2 MONTHS)			
Court appearance	Once per week or as directed	At least 8 court appearances	<ul style="list-style-type: none"> ➤ Plea accepted ➤ Negative Screens ➤ Compliant with TX plan and court requirements ➤ Rewards/Coin ➤ Established apts. with providers and attend as scheduled ➤ Call color line as directed
Establish appointments with referred providers	Referral and Initial Screening Duration of Program	According to Provider Treatment plan	
Communication with Behavioral Health Case Manager	Duration of Program	2x week minimum; as directed (Total 16 minimum)	
Negative random urine screen/breathalyzer	Duration of Program	Based on assigned color or positive screen (1x week min) (Total 8 minimum)	
Communication with Veteran Mentor (Veteran Treatment Only)	Duration of Program or as directed	As Directed by Mentor	
PHASE 2 (Minimum 2 MONTHS)			
Court appearance	Twice per month or as directed	At least 4 consecutive biweekly court appearances	<ul style="list-style-type: none"> ➤ Continue program compliance as ➤ Compliant with TX plan/groups/therapy ➤ Negative Screens ➤ Rewards/Coin ➤ Maintained apts. with providers and attend as scheduled ➤ Compliant with TX plan and court ➤ Call as directed
Follow through with recommendations from TX provider	Continued Assessment and TX planning Monitoring	According to Provider Treatment plan	
Communication with Case Manager	Duration of Program	1x week minimum; as directed (Total 8 minimum)	
Negative random urine screen/breathalyzer	Duration of Program	Based on assigned color or positive screen (1x week min) (Total 8 minimum)	
Communication with Veteran Mentor (Veteran Treatment Only)	Duration of Program or as directed	As Directed by Mentor	