

Mental Health Courts

Resource Guide

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Court-based problem-solving initiatives seek to address the growing number of mentally ill defendants that have entered the criminal justice system by focusing on the immediate pressures that have led to the development of the mental health court strategy, as well as the challenging applications for this therapeutically oriented judicial approach.

Links to related online resources are listed below. Non-digitized publications may be borrowed from the NCSC Library; call numbers are provided.

Our experts recommend

[Mental Health Courts Performance Measures](#)

Featured Links

[Adult Mental Health Treatment Courts Database.](#)

The GAINS Center has developed a comprehensive database to identify the existing mental health courts in the United States. As a living document, the information included in the database will be updated as needed. It includes: the location of each mental health court, the year established, target participants (e.g. felony, misdemeanor, violent/non), approximate annual enrollments (or total enrollments), and necessary contact information.

[Mental Health Court Performance Measures \(MHCPM\).](#) MHCPM is a set of 14 performance measures that offers court managers and administrators a tool to monitor the performance of mental health courts.

[Developing a Mental Health Court: An Interdisciplinary Curriculum.](#) The National Center for State Courts partnered with Council of State Governments to develop this *free* curriculum for courts wishing to develop a mental health court.

Waters, Nicole L. [State Standards: Building Better Mental Health Courts.](#) (2015). As formal mental health courts (MHCs) enter their third decade in existence, policymakers are increasingly looking to distill the best of research and practice into state standards that foster high-quality programming and accountability for MHCs in their states. This resource describes states' approaches to conveying these MHC standards.

Leifman, Hon. Steven. [Eleventh Judicial Circuit Criminal Mental Health Project.](#) (2009). *Future Trends in State Courts*. This article discusses the Criminal Mental Health Project (CMHP) of the 11th

Judicial Circuit, which diverts individuals with serious mental health or substance abuse disorders into community-based treatment and support services.

Lederman, Judge Cindy. [Miami's Infant and Young Children's Mental Health Program: A Case Study](#). (2009). *Future Trends in State Courts*. An update to the 2003 article titled "Miami's Infant and Young Children's Mental Health Program: A Place Where the Healing Begins," this article focuses on the case of Brianna, a 12 year old girl who became impregnated by a 19 year old. Brianna's mother was an alcoholic and a cocaine addict. This study follows Brianna and her son through the judiciary.

Waters, Nicole L. [Responding to the Need for Accountability in Mental Health Courts](#).

(2011). *Future Trends in State Courts*. Mental Health Courts (MHCs) are a growing part of the problem-solving court movement. MHCs must provide performance data to track just how well they are performing their function.

Mental Health Dockets

[The Essential Elements of Mental Health Dockets in Virginia](#). (2016).

The Virginia Department of Behavioral Health & Human Developmental Services reviewed and evaluated existing mental health dockets used by courts in Virginia and developed this guide for creating mental health dockets in Virginia.

Mental Health Courts

Rossman, Shelli B. et al . [Criminal Justice Interventions for Offenders With Mental Illness: Evaluation of Mental Health Courts in Bronx and Brooklyn, New York](#). Urban Institute. (February 2012). This process and impact evaluation report compares two Mental Health Courts in Brooklyn and the Bronx with offenders in a Department of Health and Mental Hygiene discharge planning database.

Waters, Nicole L., Fred L Cheesman, II and Sarah A. Gibson. [Mental Health Courts Performance Measures](#). (June 2010).

During an advisory council meeting on September 14 and 15, 2009, a select group of approximately a dozen mental health court experts and project staff from the National Center for State Courts worked together to produce a set of performance measures designed specifically for Mental Health Courts (MHCs).

Representing the Mentally Ill Offender. (April 2010). *Texas Task Force on Indigent Defense* This report describes a two year evaluation of the two most common models through which specialized attorneys advocate for mentally ill defendants in Texas: mental health public defenders and mental health courts.

Waters, Nicole, Shauna Strickland, and Sarah Gibson. [Mental Health Court Culture: Leaving Your Hat at the Door](#). (November 2009). *National Center for State Courts*.

This report presents a context for models of communication, discusses the culture and decision making, and recommends best practices for mental health courts. An [executive summary](#) is also available.

[Focus: Mental Health Courts.](#) (April 2009). *Gavel to Gavel*.

A review of state legislation dealing with mental health courts.

Aron, L., R. Honberg, K. Duckworth et al. [Grading the States 2009.](#) (2009). *Arlington, VA: National Alliance on Mental Illness* This report on America's health care system for adults with serious mental illness uses the prevalence of mental health courts as one of the items used in grading each states mental health system. 204 pages.

Monahan, PhD, John [Mandated Community Treatment: Applying Leverage to Achieve Adherence.](#) (2008). *Journal of the American Academy of Psychiatry Law* This editorial discusses how the social welfare system and the courts use outpatient commitment as a tool to achieve adherence to mental health treatment in the community.

[Mental Health Courts: A Primer for Policymakers and Practitioners.](#) (2008). *New York: Council of State Governments Justice Center* This primer, supported by a Bureau of Justice Assistance grant, provides a comprehensive look at mental health courts. Included is an overview and history of mental health courts, goals and processes of mental health courts, research findings regarding their effectiveness, and resources and information for jurisdictions interested in starting their own mental health court.

[Behavioral Health Court Policies and Procedures Manual.](#) (July 2008). *Superior Court of California, County of San Francisco* The San Francisco Behavioral Health Court (BHC) was established in 2002 to address the increasing number of mentally ill criminal defendants. This Manual establishes the policies and procedures for this Court, such as eligibility criteria, a BHC case flowchart, forms, case management information, and treatment plan information.

Thompson, Michael, et al. [Improving Responses to People with Mental Illnesses: The Essential Elements of a Mental Health Court.](#) (2008). *Criminal Justice/Mental Health Consensus Project, Council of State Governments* This report identifies ten essential elements of mental health court design and implementation. Each element includes a description of the criteria courts should meet, as well as an explanation as to why the element is important and how mental health courts can successfully incorporate the element.

[Mental Health Courts Position Statement.](#) (July 2008). *National Mental Health Association* Position paper supports the development of mental health courts but also critically explores the effects of entrance into the criminal justice system on mentally ill patients. Also makes suggestions for the most productive approach for handling mentally ill persons within the criminal justice system.

Ridgely, M. Susan, et al. [Justice, Treatment, and Cost: The Evaluation of the Fiscal Impact of Allegheny County Mental Health Court.](#) (2007). *The Rand Corporation* This Report presents an analysis of the fiscal impact of the mental health court program in Allegheny County, PA. The results of the study found that after the first year of the program, the mental health court achieved a savings in adjudication, jail, and prison costs.

Cocozza, Joseph J., and Jennie L. Shufelt. [Juvenile Mental Health Courts: An Emerging Strategy](#). (June 2006). *National Center for Mental Health and Juvenile Justice* This research brief outlines results of a study that provides information on structure, organization, and capacity eleven juvenile mental health courts.

Bazelon Center for Mental Health Law. [The Role of Mental Health Courts in System Reform](#). (2004). This article questions the role of mental health courts within the context of the mental health industry and examines the intersection between the medical and legal aspects of dealing with mentally ill individuals.

Trupin, Eric et al. [Seattle Municipal Court Mental Health Court: Evaluation Report](#). (September 2001). *Seattle: Seattle Municipal Court, Seattle Mental Health Court* This evaluation was conducted at the request of the Mental Health Court to help assess whether the court's new approach to handling cases involving mentally ill persons creates a positive impact in the lives of those charged, crime victims and the larger community, and whether it effectively uses taxpayer dollars.

Clarke, Jennifer. [Seattle Mental Health Courts](#). (October 2001). *City of Vancouver* This report to the city of Vancouver explains in detail the workings of the Seattle Mental Health Courts and gives supporting data regarding patient success rates and cost.

Denckla, Derek, and Greg Berman. [Rethinking the Revolving Door: A Look at Mental Illness in the Courts](#). (2001). *Center for Court Innovation* Report provides an overview of mental health courts, a description of model projects, and an outline of some of the concerns raised by stakeholders.

Goldkamp, John S., and Cheryl Irons-Guynn. [Emerging Judicial Strategies for the Mentally Ill in the Criminal Caseload: Mental Health Courts in Fort Lauderdale, Seattle, San Bernardino and Anchorage](#). (April 2000). *Bureau of Justice Assistance, Office of Justice Programs* An in-depth examination of the trend of Mental Health courts, this report by the Bureau of Justice Assistance traces the roots of such courts in earlier trends in therapeutic jurisprudence and features extensive profiles of three mental health courts across the country.

Rottman, David, and Pamela Casey. [Therapeutic Jurisprudence and the Emergence of Problem-Solving Courts](#). (July 1999). *National Institute of Justice Journal 240* Outlines the concept of therapeutic jurisprudence, suggests strengths of such an approach, and notes possible applications.

[Position Paper on Problem Solving Courts](#). (1999). *Conference of State Court Administrators* Outlines advantages and disadvantages of therapeutic courts as discussed by the Conference of State Court Administrators. Appended to the document are discussion points and the committee's adopted motions.

[Criminal Justice/Mental Health Consensus Project](#). Provides a host of information on the mental health court project, including a survey of mental health courts and [program descriptions](#).

[Judges' Criminal Justice/Mental Health Leadership Initiative](#). *Criminal Justice/Mental Health Consensus Project, Council of State Governments* The Judges' Leadership Initiative (JLI) provides resources, a quarterly newsletter, semi-annual meetings, an email listserv, and a Web site to assist Judges improve their courts' response to people with mental illness.

[Mental Health Courts.](#) *Bureau of Justice Assistance* Outlines the Bureau of Justice Assistance Mental Health Courts Program. Includes outline of proposed projects as well as many links to pertinent resources.

Screening Tools

[National Institute of Justice Mental Health Screens for Corrections.](#)

While intended for the assessment of incoming inmates, this screening tool provides gender-specific screening tools in its Appendix.

[California's Juvenile Justice Screening.](#)

California's Administrative Office of the Courts published this 2011 Screenings and Assessments Used in the Juvenile Justice System that gives a detailed overview of the various assessment tools available for the screening of juveniles and their risks and needs for mental health.

[Michigan's Guide to Mental Health Courts.](#)

Michigan's Guide to Developing and Implementing a Mental Health Court provides screening tool recommendations in Appendix C.

Civil Commitment Insanity Defense and Competency

Rottman, David et al. [Table 35: ``The Defense of Insanity: Standards and Procedure``](#). (August 2006). *Bureau of Justice Statistics, State Court Organization, 2004* State-by-state standards and procedures in dealing with the insanity defense.

Ridgely, Susan M. et al. [The Effectiveness of Involuntary Outpatient Treatment: Empirical Evidence and the Experience of Eight States.](#) (2001). *RAND Monograph Report* See also their Research Brief, [Does Involuntary Outpatient Treatment Work?](#)

[ABA Commission on Mental and Physical Disability Law.](#) *American Bar Association* The commission's mission is "to promote the ABA's commitment to justice and the rule of law for persons with mental, physical, and sensory disabilities and to promote their full and equal participation in the legal profession."

[Mental Health Law -- An Overview.](#) *Institute for Law and Justice Web site, Cornell University* Provides an overview of mental health law and pertinent issues. Also features links to resources regarding historic decisions on the federal and state levels.

Mental Illness and Criminal Justice

[Building Safer Communities: Improving Police Response to Persons with Mental Illness.](#) (June 2010). This national symposium report highlights the recurring problem of officer interaction with mentally ill individuals and provides recommendations to law enforcement agencies to address the problem.

[Asking Why: Reasserting the Role of Community Mental Health.](#) (September 2011). *Bazelon Center for Mental Health* This report examines five community mental health systems and their efforts to

reduce criminal justice involvement for individuals with mental health issues through the Performance Improvement Project (PIP).

[Mental Health Problems of Prison and Jail Inmates.](#) (September 2006). *Bureau of Justice Statistics* Study states that more than half of all prison and jail inmates, including 56 percent of state prisoners, 45 percent of federal prisoners, and 64 percent of local jail inmates, were found to have a mental health problem.

Scott, Charles L., ed. Handbook of Correctional Mental Health. (2005). *American Psychiatric Publishing, Inc.* Provides a compilation of several articles written by various experts in the field.

[III Equipped: U.S. Prisons and Offenders with Mental Illness.](#) (September 2003). *Human Rights Watch* Examines the insufficient and often counter productive situation created by the United States penal system for persons with mental illness. Includes interviews with inmates, correctional staff, and attorneys, as well as lengthy recommendations for the improvement of this situation.

Teplin, Linda A. [Keeping the Peace: Police Discretion and Mentally Ill Persons.](#) (July 2000). *National Institute of Justice Journal: 8* Examines the patterns of police officers who first encounter mentally ill offenders and points out flaws in protocols for dealing with such persons, and makes recommendations for training.

Lurigio, Arthur J., and James A. Swartz. [Changing the Contours of the Justice System to Meet the Needs of Persons with Serious Mental Illness.](#) (2000). *Criminal Justice 3* Explores the intersection of the mental health and criminal justice systems, and discusses the prevalence of drug addiction among the mentally ill and the ways in which the increased numbers of mentally ill individuals entering the criminal justice system have precipitated the development mental health courts. Concludes with general recommendations.

Arthur J. Lurigio and Jessica Snowden. [Putting Therapeutic Jurisprudence into Practice: The Growth, Operations, and Effectiveness of Mental Health Court.](#) (2009). (Vol. 30, No. 2).

This article analyzes the historical and legal ground work of the mental health courts (therapeutic justice and drug treatment courts) as well as addresses the challenges of working with the mentally disabled before and after court proceedings. The article also "reviews studies of MHC operations and effectiveness and suggests future directions for MHCs."

[Representing the Mentally Ill Offender.](#) (2010). An Evaluation of Advocacy Alternatives. Texas Task Force on Indigent Defense with NCSC, Public Policy Research Institute, and Council of State Governments.

[Mentally Ill Persons in Corrections Settings.](#) *U.S. Department of Justice, National Institute of Corrections Web site* Provides links to reports, grants, and related web sites. Statistical data about how many incarcerated individuals suffer from mental illness and links to articles on a variety of related topics.

Mental Illness and Juveniles

[See Juvenile Justice Reform Center - Mental Health Needs.](#)

Skowyra, Kathleen, and Joseph J. Cocozza. [A Blueprint for Change: Improving the System Response to Youth with Mental Health Needs in the Juvenile Justice System.](#) (June 2006). *National Center for Mental Health and Juvenile Justice, Research and Program Brief* This brief describes key features of a model to improve the justice system's response to youth with mental illness in the juvenile justice system. Critical intervention points are identified along with several examples of promising programs.

Wasserman, Gail A. et al. [Assessing the Mental Health Status of Youth in Juvenile Justice Settings.](#) (August 2004). *Juvenile Justice Bulletin* Authors recommend best practices in assessing the mental health of juvenile offenders. This Bulletin provides guidance to juvenile justice professionals seeking to establish guidelines for mental health assessment in juvenile justice facilities.

[Child and Adolescent Mental Health.](#) *National Institute of Mental Health*

[Systems of Care.](#) *Center for Effective Collaboration and Practices* Promising Practices in Children's Mental Health. Information on what's working for children with serious emotional disturbance in systems of care.



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