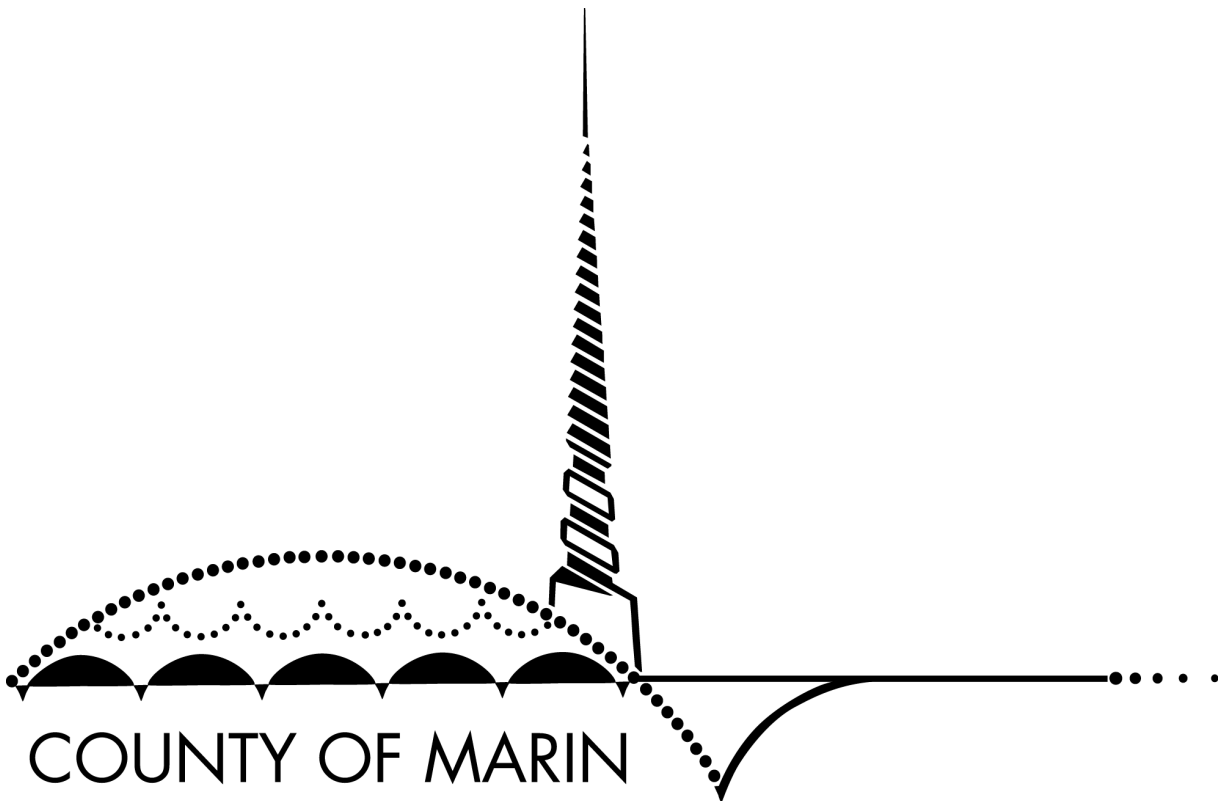
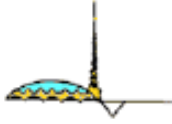

2012/2013 MARIN COUNTY CIVIL GRAND JURY

STAR Court: A Restorative Justice Success Story

Report Date - May 1, 2013
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STAR Court: A Restorative Justice Success Story

SUMMARY

The Support and Treatment After Release (STAR) Court is one of a group of special courts within Marin County's Superior Court system. Its purpose is to provide an alternative to incarceration and traditional supervised probation for participants who have been diagnosed with specific kinds of mental illnesses that can be managed through medication and therapy. The crimes these individuals have committed are most often minor in nature, and generally relate to behaviors associated with their symptoms of mental illness. In order to participate in the STAR Court, participants must be on probation or have committed an offense that would make them eligible for probation. They are also required to accept treatment through the STAR Program, the Marin County agency that provides mental health treatment.

The goal of the STAR Court, a little known supervised diversion program, is to benefit both the individual offender and the community as a whole. By addressing the underlying mental illness and helping the participants deal with it appropriately, the expectation is that participants will be more apt to develop a sense of personal and social responsibility and move gradually toward self-sufficiency and integration into the community. It is anticipated that the skills learned during the 18-24 month program will decrease or eliminate the revolving door cycle of arrest and incarceration, and lead to a safer Marin County and a more productive life for the STAR Court participants. With strict adherence to the STAR Court's rules, the guidance of its staff and access to its resources, participants discover the benefits of making better life choices and acquiring necessary life skills.

Although admired for its humanistic approach, the STAR Court also has its detractors who, while recognizing that mental illness can be a factor in crime, still feel this approach is too "soft" on criminals. Others say this is the kind of model program counties should be embracing, saving taxpayers money and reducing recidivism. The Grand Jury finds the STAR Court to be a distinct asset to Marin County, providing a compassionate and effective means of addressing the social issues of crime and mental illness in a way that benefits all.

The Grand Jury identified four improvements that could be made to the Court.

- Increase outreach to family members of Court participants
- Develop ways to reach and engage with minority population

- Provide more extensive preparation for graduation from the Court
- Decrease the turnover of courtroom personnel

BACKGROUND

The first mental health court in the country was established in Broward County, Florida in 1997, recognizing that standard methods of punishing mentally ill defendants with incarceration were ineffective and frustrating. As their Public Defender put it: “When a person with a mental illness is found raging against a garbage can, it makes no more sense to arrest the person than it does to arrest the garbage can.”¹

The goal was to move defendants from jail into treatment and to find long-term solutions instead of short-term answers. Mental health courts expanded nationwide during the next 14 years, and by 2011, there were an estimated 250 such courts across the country.

All of these mental health courts, including the Marin County STAR Court, are designed to move those with serious mental illnesses into treatment without sacrificing public safety. While they share some common features, these courts vary widely by jurisdiction, across time and even by judge. Therefore, single-site evaluations of how well any of these courts – including the STAR Court – have accomplished their primary objective are limited by the idiosyncrasies of that specific court. There have been no case studies, no pre / post enrollment studies of the STAR Court and no treatment-as-usual comparison studies. We did not see in the literature any research that includes treatment and comparison samples from various locales.

One study reported in the Journal of the American Medical Association in February 2011, included four mental health courts, two of which were in San Francisco County and Santa Clara County. In this study, two principal outcomes determined the public policy criterion standard of whether mental health courts work without compromising public safety: arrests and jail days. In both areas, the study results were consistent. Those who had gone through the mental health court process were significantly less likely to be arrested in the eighteen months following graduation and to spend fewer days incarcerated, particularly in those courts where housing and other social service needs were addressed.

A study by the RAND Corporation in 2007 assessed a Pennsylvania mental health court and found that the program did not result in substantial increased costs, at least in the short term, over traditional court processing for individuals with serious mental illness. The findings also suggested that over the long term, the mental health court might actually result in net savings for the government.

In 1998, Marin County’s behavioral health, law enforcement and corrections community formed the Marin County Forensic Multi-Disciplinary Team. Utilizing a grant from the Mentally Ill Offender Crime Reduction Program, (part of a federal law designed to ensure

¹ Excerpt from a proposal made to Marin Community Foundation for funding in 2004.

the effective use of resources within the criminal justice system), the Team's goal was to create a set of intensive, focused services for mentally ill offenders through the new Support and Treatment After Release, or STAR Program. These wraparound services include case management, psychosocial assessments and individualized treatment plans, as well as assistance with housing, employment and substance abuse.

It is important to distinguish between the STAR Program and the STAR Court, which held its first session in April 2004. As a first step, defendants who are eligible for probation, or on probation, and meet Axis I² criteria are referred to the STAR Program (henceforward, the Program). The Program provides direct, ongoing assistance to mentally ill defendants who end up incarcerated and are at risk of re-incarceration. Once in the Program, participants are evaluated by mental health professionals and representatives from law enforcement to determine whether they would be good candidates for the STAR Court (the Court). On average, the Program reviews 30 cases for the court annually. Only some participants are referred to the Court - those individuals who are most likely to benefit from the structure and supervision, to participate in their own recovery, and are able and willing to follow the rigorous requirements imposed by the Court.

Those who do not become part of the Court remain in the Program where they can continue to receive treatment, case management and other services. In the past nine years, 84 defendants have entered the STAR Court, with 59 completing the Court and graduating.

APPROACH

Interviews:

- Representatives from the Public Defender's Office
- Representatives from the District Attorney's Office
- The Judicial Officer appointed to the Court
- The clinical director of the Program
- A case manager in the Program
- A peer aide in the Program
- Other Mental Health team members
- A graduate of the STAR Court
- A number of parents of program participants

Jurors from the Marin Grand Jury:

- Attended a session of the Court and a support group for families with mentally ill relatives facilitated by NAMI

² An Axis I diagnosis is the first of five "axes" in the classification system developed in the Diagnostic and Statistical Manual of Mental Disorders. Axis I includes all diagnoses except personality disorders and mental retardation

- Reviewed the Participant's Handbook
- Reviewed the Policies and Procedures Manual
- Reviewed a Defendant's Status Report (name removed), with Team findings and recommendations
- Reviewed the program outcomes for 2010-2011

DISCUSSION

Structure of the STAR Court

The present Court structure was adopted in 2011 and consists of three phases, which may be completed in 18-24 months, but are sometimes accomplished in a few months if the participants make swift progress:

- **Phase I: *Establishing Stability*.** In this phase, the participants report to court on a weekly basis. They must demonstrate compliance with medication and avoid arrest or violation of their probation. They are required to meet with their case manager and probation officer and cooperate with drug testing. They will also receive assistance with stable housing, Supplemental Security Income (SSI), Social Security Disability Benefits (SDI), and achieving sobriety.
- **Phase II: *Growth*.** In this phase, participants are expected to work actively at finding employment or an educational program while continuing to maintain sobriety and psychiatric stability. They must demonstrate improved personal hygiene and consistent attendance in recommended treatment programs. Depending on their progress, they may transition from required weekly court appearances to required appearances every other week.
- **Phase III: *Independence*.** Participants continue to report to court every other week, and begin their transition to life beyond the Court. They must have maintained psychiatric stability, obtained and maintained housing and be engaged in vocational, educational or volunteer activities. As in the first two phases, they must be medication - compliant and have no arrests or probation violations.
- **Graduation:** Upon graduation, the participants will no longer have to report to STAR Court or a probation officer, but may remain in the STAR Program for ongoing treatment. Misdemeanor charges may be dismissed, and a felony conviction may be reduced to a misdemeanor. On a case-by-case basis, felony probation may be shortened or terminated only at the discretion of the District Attorney.

Participant Requirements

The average caseload in the Court is twenty offenders. It serves both genders, and participants range in age from 16-56. They are often homeless or recently released from jail. Only defendants diagnosed with an Axis I diagnosis are eligible. Frequently, they have a co-existing substance abuse diagnosis.

The participants must be on probation or have committed an offense that would make them eligible for probation. Participants who have committed violent or sexual crimes are not eligible for this Court.

Participation in the STAR Court is voluntary. The participants must not only consent to be part of the program, but must agree to comply with the treatment plan and sign a contract, written specifically for them, with the judge (Appendix A). Once enrolled, the participants have two weeks to reconsider and opt out.

Participants are required to return to court on a weekly or biweekly basis to appear before the presiding judge and report on their progress. Adherence to rigorous rules is required, and honesty is emphasized, even when it can mean repercussions for the participants. Sanctions include being remanded to jail for a night or two, loss of privileges or being required to perform additional hours of community service. Participants are given several chances if they stumble or fail to follow rules, but may be dismissed from the STAR Court if they show a pattern of non-compliance.

This is a challenging population to work with, and in the past, such individuals were often in and out of jails, rehab and hospitals, at considerable cost to the community and their own wellbeing. It can be difficult to engage those just leaving jail and persuade them that it is in their best interest to commit to a lengthy court supervised treatment program during which they will be closely monitored, held accountable, and sanctioned if they fail. Clearly, the likelihood of having charges reduced or dropped altogether is a significant motivator, at least initially.

One graduate of the program told us that he regarded the STAR Court as rigid and punitive at first, but as his life began to stabilize, came to see that the “Tough Love” approach was teaching him to be responsible and accountable for his own behavior. The STAR Court treatment team staff report that over time, other factors become equally compelling, including improved self esteem, a better life and the support and encouragement that people receive through the program.

Minority populations are under-represented in the STAR Court. Although there have been a few African American and Latino participants, 75% percent of the participants are White and there have been no Asian participants. Staff explained that this disparity is widespread in the Behavioral Health field, and suggested that cultural influences, distrust of the System and the stigma of being labeled mentally ill all play a part.

STAR Court Treatment Team

The multi-disciplinary partnership between the Criminal Justice Team and the County Mental Health Team is another praise-worthy feature of the STAR Court, with both groups working together to promote clients’ recovery, and improve their ability to live independently and become contributing members of the community. The roles of the Team are as follows:

- **Judicial Officer:** A judge or a commissioner is the primary spokesperson and the final arbitrator of all decisions affecting the participants. The judge/commissioner interacts personally with defendants over time, encouraging their progress but also holding them accountable. Sanctions such as community service, jail time or loss of privileges are imposed by the Judicial Officer if rules are violated. Rewards are given to acknowledge effort. These may include reduced frequency of appearances before the court or advancement to the next Phase of the program.
- **Probation Department:** The Marin County Probation Department has been instrumental in making the Court a success. Its staff members are often the initial point of contact between a potential Court participant and the Court. Their knowledge of the Court and the probationer is the link between the two. Those they assess as the best potential candidates for inclusion in the Court move on in the selection process, and a probation officer is present in court each week.
- **District Attorney:** Eligibility for the STAR Court is determined by the District Attorney's office. Their primary concerns are public safety and legal issues. An attorney from the District Attorney's office is present in Court each week. Over the years, attorney support has at times been rotational, which was problematic, according to those we interviewed. Currently, a single attorney has been given that assignment, and the District Attorney plans to continue providing that support.
- **Public Defender:** The Public Defender's office refers eligible candidates to the District Attorney, provides legal counsel for the participants, and advocates for the defendant. Counsel appears in court with the defendant each week.
- **STAR Treatment Team:** The treatment team consists of two mental health clinicians, a nurse practitioner who furnishes psychiatric medication to participants, two case managers, and two peer specialists. A part time employment specialist is part of the team. A volunteer from National Association for the Mentally Ill (NAMI)³ also attends court weekly. Prior to each court session, the STAR Court team meets to discuss cases that will be heard that morning, to hear from the case managers whether the defendant is in compliance, and to arrive at recommendations and an action plan.

Although modest in size, the Court serves a beneficial purpose to Marin County residents and offers its participants a means to connect in a responsible way with the larger community, including law enforcement. The Grand Jury found very little to be critical of and much to praise. Everyone we interviewed connected with this Court takes obvious pride in what the Court accomplishes and their own role in the STAR Court.

For some in law enforcement, it was their first experience interacting with mentally ill people, and seemed to stir interest in, and curiosity about, mental illness. One Judicial Officer observed that it would be helpful to take a course in psychopharmacology to better understand the effects of the powerful medications prescribed for participants. One graduate proudly reported three years of sobriety, a return to college and a new career filming documentaries. For him, the STAR Court was "life changing." One parent of an adult child going through the Court characterized the positive changes as "miraculous."

³ NAMI is the nation's largest nonprofit, grassroots mental health education, advocacy and support organization for the mentally ill.

In interviews with family members of participants, we learned, however, that many feel excluded from the Court process. Some were unaware that they could attend court sessions. Others had never seen the contract the participants must sign, and had misconceptions about how the Court works.

We were a bit surprised given that the STAR Program has hosted a Family Support Group led by a health professional for the past 20 years. In addition, the Family Partnership Policy, published by the Marin County Department of Health and Human Services (Appendix B) underlines the importance of family involvement: “Family strength can buffer the impact of illness on clients, and thus lessen the need for services.”⁴ The Grand Jury believes that family involvement and education about mental illness could only improve the lives of participants.

Family members, participants and Program staff acknowledge that some participants are not prepared for life after graduation from the Court. The structure that has been in place to support them – weekly STAR Court sessions, case management, the peer support group, etc. – diminishes when they complete the STAR Court and graduate. These changes are potentially detrimental, increasing the risk of relapse. Although they are offered ongoing services through the STAR Program, according to staff, many choose not to remain in treatment and some participants resume previous dysfunctional behaviors.

FINDINGS

- F1. The STAR Court is not doing enough to include family members in the legal and treatment process.
- F2. The STAR Court needs to increase minority participation.
- F3. Graduates from the STAR Court need more preparation on how to maintain progress and avoid relapse after graduation.
- F4. Assigning a dedicated attorney from the District Attorney’s office to STAR Court is more effective than a rotational approach

RECOMMENDATIONS

Increasing Outreach to Family

- R1. It is the stated policy of Community Mental Health Services (CMHS) to include family participation in Marin’s public mental health services where permitted by law and the client. We recommend that the STAR Court work with participants’ families to put into practice the policy of the CMHS.
- R2. We recommend that STAR Court provide, with the consent of participants, a session of orientation for family members to educate the family about how the

⁴ The original text came from the Blueprint for Mental Health Services in New Zealand, Mental Health Commission, 1998, p. 10.

STAR Court operates and what its goals are. This need not in any way breach client confidentiality.

- R3. Prior to graduation, the participant's family should be advised by the STAR Treatment Team of community resources available to the participants and family members, such as ongoing support groups.

Engaging Minority Populations

- R4. Minorities are underserved in STAR Court. This may be due to cultural factors, distrust of the system, issues of language or reluctance to be labeled mentally ill. We recommend that the Handbook provided to participants be translated into Spanish, and that there be increased outreach and engagement with minority populations by the STAR Treatment Team to broaden the referral base.

Preparation for Graduation from the STAR Court

- R5. The STAR Court Team should place more emphasis on the problems that newly-graduated participants are likely to encounter post-graduation, beginning in the second or third phase of the program. Participants should be encouraged to access team members even after graduation to reduce the risk of relapse.
- R6. We recommend that graduates be invited and encouraged to continue participating in the peer-counseling group, which meets after court each week. The inclusion of successful program graduates as speakers, role models and sources of information could provide ongoing structure and peer support after the graduate has moved on.

Decreasing Turnover and Maintaining Continuity

- R7. We recommend that legal and law enforcement personnel assigned to the STAR Court be kept in place for as much as two years, if feasible, so there is continuity in the STAR Court process for the wellbeing of the participants.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Adult Mental Health Services Chief, R1, R2, R3, R5, R6
- STAR Program, R1, R2, R3, R5, R6

From the following governing bodies:

- Probation Department, R2, R4, R7
- District Attorney's Office, R2, R4, R7
- Public Defenders Office, R2, R4, R7

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Ralph M. Brown Act.

BIBLIOGRAPHY

- County of Marin Department of Health and Human Services, Division of Community Mental Health Services, Policy/Procedure, 2010
- Marin County STAR Court Program, Policies and Procedures, 1/31/2012
- Participants Handbook, Marin County Mental Health Court
- Journal of the American Medical Association, (JAMA) Feb.7, 2011, Effect of Mental Health Courts on Arrest and Jail Days: A Multisite Study
- Mental Health Courts, a primer for Policymakers and Practitioners. A report prepared by The Council of State Governments Justice Center, Criminal Justice/Mental Health Consensus Project, New York, N.Y. Office of Justice Programs, U.S. Department of Justice, 2008
- M. Susan Ridgely et al, Justice, Treatment and Cost: An Evaluation of the Fiscal Impact of Allegheny County Mental Health Court, RAND Corporation, 2007.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

APPENDIX A

STAR / MENTAL HEALTH COURT

Status Report for 1/27/2012

The Honorable James R. Ritchie, Presiding

Client's Name:	Next Court Date:	2/10/2012
Case Manager: TF	Current Phase:	2 of 3
	Date to Review Current Phase:	6/1/2012

	Yes	No
Are you in compliance with all of your STAR Court requirements?		
Have you had any contact with Law Enforcement since your last Court appearance?		
Have you consumed any alcohol or taken any illegal substances?		
Are you taking all of your medication as prescribed?		
Have you maintained contact with your case manager, as required (i.e., each week, on Wednesday)?		

Thursday's Clinical Team Discussion/Recommendations/Action Items

Not in compliance.
 Missing from voyager/carmel 3 days (Sunday-Tuesday) and used marijuana and alcohol; during that time missed MTC group and groups at housing. Luckily did NOT lose housing but director is requesting more structure.
 Report from salvation army is that he is doing well (!)
 Team feels that this is sanctionable.
 (3 months ago spent weekend in jail after a weekend)

Friday's Jury Room Notes, Notes from court and Court Orders

CONFIDENTIAL – DO NOT DISTRIBUTE

[The following is a sample STAR Court Agreement which will be negotiated by the STAR Court team and approved by the Judicial Officer for a typical STAR Court client. Individual terms will be tailored to the situation of the individual client.]

Obligations and Terms for STAR Court Clients:

1. STAR Court will help you get treatment, case management, vocational/educational and/or housing services as described in your treatment plan.
2. A STAR Court case manager will meet with you regularly to discuss your participation and progress in treatment.
3. STAR Court will hold you accountable for your actions. Successful compliance with your treatment mandate will be rewarded and acknowledged through your four phases of treatment. Sanctions, including loss of credit for time in the program, and jail or prison time, may be imposed for failure to comply with your treatment plan or with the court's rules and directions as outlined in STAR Court Program Participation Guidelines.
4. The court will impose a jail/prison sentence if you fail to complete your treatment mandate.
5. If you successfully graduate, STAR Court will:
 - If your case is a misdemeanor, the charges against you will be dismissed
 - If your case is a felony, upon graduation, we will consider reducing your case to a misdemeanor (if it is a case that can be so reduced under California Law), and shortening or terminating your probation, on a case-by-case basis.
 - _____
 - _____
 - _____
 - _____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

Defendant: _____

Case Number: _____

STAR COURT
AGREEMENT

Defendant: By agreeing to participate in the Marin County STAR Court program, I understand and agree to the following:

1. I have reviewed the treatment plan prepared for me by STAR Court and agree to comply with that plan.
2. I have reviewed the STAR Court Program Participation Guidelines and agree to comply with the rules and procedures set forth therein.
3. I will lead a law-abiding life until the successful completion of my STAR Court Agreement.
4. I understand that failure to comply with orders of this court, the terms of my treatment program or directives of my housing provider may result in sanctions being imposed by the court, which may include jail/prison and/or a change in my treatment plan.
5. Any new arrest may result in immediate termination from my housing program, my treatment program and participation in STAR Court, with the imposition of up to the maximum jail/prison sentence specified by law.
6. I understand that the charge(s) of which I have been convicted will be dismissed (if misdemeanors) and, if they are "wobbler" felonies, that serious consideration will be given to reduction of those charges to misdemeanors, to shortening or terminating probation, or to other result stated below if I successfully graduate from the STAR Court program.
7. _____

Date _____

Defendant/STAR Court Client

Judicial Officer: By accepting your promise to comply with the treatment plan, the Marin County Superior Court agrees to the following:

- STAR Court will help you get treatment, case management, vocational/educational and/or housing services as described in your treatment plan.

- A STAR Court case manager will meet with you regularly to discuss your participation and progress in treatment.
- STAR Court will hold you accountable for your actions. Successful compliance with your treatment mandate will be rewarded and acknowledged through the different phases of treatment. Sanctions, including jail time, will be imposed for failure to comply with your treatment plan or with the court's rules and directions as outlined in the STAR Court Program Participation Guidelines.
- The court will impose an appropriate jail or prison sentence if you fail to complete your treatment requirements.
- If you successfully complete your treatment requirements, STAR Court will dismiss the charge(s) of which you have been convicted (if misdemeanors) and, if they are "wobbler" felonies, serious consideration will be given to reduction of those charges to misdemeanors, or other result stated in paragraph 6, above.

Date: _____
_____ Judicial Officer

INTERPRETOR'S CERTIFICATION

I hereby certify that the information contained on this form has been translated by me for the defendant from English into Spanish/_____.

Date ____ / ____ / ____

Interpreter's Signature

ACKNOWLEDGMENT BY COUNSEL

I am the lawyer for the defendant and have advised him/her in this matter. I consent to the STAR Court Agreement entered by the defendant.

Date ____ / ____ / ____

Attorney for Defendant

Program Participation Guidelines

Welcome to the Marin County STAR Court.

This handout is designed to:

- Answer questions
- Address concerns
- Provide information about STAR Court

As a participant in STAR Court, you will be required to follow the instructions given in court by the Judicial Officer and comply with the treatment plan developed for you by STAR Court staff. This handout will explain what is expected of you. It will also provide general program information. Ask your STAR Court case manager or your defense attorney to explain anything in this handbook that you do not understand.

What is STAR Court?

STAR Court is a special part of the Marin County Superior Court. It is a court-supervised program for those arrested and convicted in Marin who have a serious mental illness, who need treatment and other services, and who choose to participate in STAR Court instead of having their cases proceed in the regular court process. If you agree to participate in the STAR Court process you will have a two-week trial period, after which you can choose to not continue with STAR Court.

What do I have to do?

The Marin STAR Court team prepares a treatment plan for you based on an assessment of your needs for mental health treatment, substance abuse or alcohol treatment, case management services, and housing. In order to participate in STAR Court, you must agree to comply with your treatment plan and to sign an agreement in court, which is between you and the Judicial Officer. This agreement explains what is expected of you and what will happen if you do not follow the rules. Before you sign the agreement, you will have an opportunity to review it with your attorney and have your questions answered.

How long will I be involved in STAR Court?

STAR Court is a four-phase program that lasts at least 12 months; however, it may take longer for some clients. The amount of time you spend in STAR Court is determined by your participation and by your progress. While you are participating in STAR Court, the Judicial Officer and the STAR Court team will monitor your participation and progress in treatment.

What's in it for me?

Opportunity. STAR Court offers you a chance to avoid jail or prison on your current charges and to move forward in your life. Remember that there are many people who make up STAR Court team, and they all want to see you succeed. If you take advantage of the assistance offered, you can discover many ways to make a better life for yourself.

Services. The staff of STAR Court will help you get case management services, mental health treatment, and, if your treatment plan calls for it, substance abuse or alcohol treatment and supported housing.

Recognition of progress. As you progress through the phases of your treatment plan, STAR Court Judicial Officer will recognize your achievements and you will receive certificates or awards to acknowledge your accomplishments.

Outcome of Case. When you graduate, STAR Court will:

- If your case is a misdemeanor, dismiss the charges against you;
- If your case is a felony, consider reducing your case to a misdemeanor (if it is a case that can be so reduced under California law) and shortening or terminating your probation, on a case-by-case basis.

What are the rules of STAR Court?

To remain in STAR Court, you must follow these rules:

1. Appear in court as scheduled

You will be required to appear in STAR Court on a regular basis. The Judicial Officer will be given progress reports regarding your attendance and participation in your treatment program and the other components of your treatment plan. The Judicial Officer will ask you about your progress and discuss any problems you may be having. You will be required to meet with your STAR Court case manager before each court appearance, and you may also be required to attend additional appointments on days when you do not have a court appearance.

You must attend all scheduled court appearances and all scheduled appointments. At first your must come to court every week. As you make progress, the frequency of your court appearance and appointments will be reduced.

2. Follow your treatment plan

Your treatment plan will include some or all of the following components:

- Lead a law abiding life
- Medications
- Appointments with a psychiatrist, as directed
- Participation in a mental health treatment program, such as a day treatment program
- Abstain from alcohol and from all non-prescribed or illegal drugs; submit to regular drug and alcohol testing
- Participation in substance abuse or alcohol treatment
- Intensive or supported case management services
- Assistance from treatment team to obtain stable and supportive housing for you.
- Comply with STAR Team's directions

3. Be Honest

STAR Court Team is here to help you in your recovery process. We recognize that recovery is not a straight line and we want to help you continue your progress around any obstacles that you may encounter. If you are not honest with the team we will be unable appropriately to help you.

4. Waiver of Confidentiality

By agreeing to participate in STAR Court you must consent to a waiver of confidentiality among STAR team members. This means that your doctor, social workers and other team members are free to share appropriate information about your treatment program and progress.

* * *

Your treatment plan may include additional components as well, such as participation in educational or vocational programs or in self-help or support groups. Specific rules about some treatment plan components are discussed below.

Medications.

It is extremely important that you take the medications that your treating psychiatrist or nurse practitioner prescribes for you.

The Judicial Officer and staff of STAR Court recognize that many medications have unpleasant side effects, that many medications do not work equally well for all patients, and that it can be very difficult for a doctor and a client to find the best combination of medications for that patient. But for most participants in STAR Court, medications will be essential for managing symptoms of illness and living successfully in the community. If you have complaints about the medications your treating psychiatrist has prescribed for you, you must tell your psychiatrist or nurse practitioner, who may be able to prescribe a different medication or additional medications. If you continue to have complaints about your medications and feel that your psychiatrist or nurse practitioner is not responding to your concerns, you should tell your STAR Court case manager, who will discuss your concerns with your psychiatrist or nurse practitioner. Refusal or repeated failure to take medications may result in sanctions being imposed by STAR Court Judicial Officer.

Substance abuse or alcohol treatment.

As a candidate for STAR Court, you will be asked about your history of substance or alcohol abuse. All participants in STAR Court will be required to give urine samples when they first enter the STAR Court program, and on a regular basis thereafter. You may be required to enter a residential treatment program.

Housing.

As a participant in STAR Court, you may be required to live in a particular type of housing or in a particular housing facility, which may offer an array of services for residents. Your housing provider will give information to STAR Court about your progress with your treatment plan. You are required to follow all of your housing provider's rules.

Phases. Your treatment plan is divided into four phases. You will receive a certificate upon completion of each phase.

Violations, rewards, and sanctions

There are consequences—both good and bad—for your conduct while you are a participant in STAR Court. If you comply with your treatment plan and live a crime-free life in the community, you will be acknowledged and rewarded in a number of different ways. On the other hand, if you fail to comply with your treatment plan or commit any new offenses, you will be sanctioned. Ultimately, good participation and compliance with treatment may be rewarded by having your criminal charges dismissed or reduced, and failure in the program may result in serving the jail or prison sentence specified in your court contract.

Violations.

The following events will be treated as violations of STAR Court program:

- Missed treatment appointments
- Missed appointments with STAR Court case management staff
- Missed court appearances
- Failure or refusal to take medications
- Refusal to give urine sample
- Violations of rules of treatment or rules of the housing provider
- Any verbal threats or acts of violence
- Noncompliance with treatment plan or with staff directives
- Abuse of drugs and/or alcohol
- Absconding from treatment program or supervised housing
- New criminal offenses

Clinical responses and sanctions.

STAR Court Judicial Officer will respond to all violations by imposing a sanction or requiring that you participate in a treatment-related activity. The Judicial Officer may also mandate a change in your treatment plan. Examples of clinical responses and sanctions include the following:

- Reprimand
- Increased frequency of appointments with your STAR Court case manager
- Increased frequency of appearances before STAR Court Judicial Officer
- Mandatory NA/AA or Dual Diagnosis Treatment
- Mandatory group attendance (i.e., money management, anger management, family relations)
- Loss of privilege at your treatment or housing program
- Community service
- Unannounced visits by STAR Court staff
- Imposition or increase in frequency of urine testing
- Detox/drug rehab

- Transfer to a more restrictive housing or treatment program
- Hospitalization—voluntary
- Hospitalization—involuntary

Rewards

In addition to advancing to the next phase, demonstration of effort and progress in treatment will be acknowledged. Potential rewards include:

- Reduced frequency of required appointments with your STAR Court case manager
- Reduced frequency of required appearances before STAR Court Judicial Officer
- Transfer to a less restrictive housing or treatment program
- Suspension of urine testing requirements
- Certificates or other mementos of progress
- Phase advancement
- Participation in a court-sponsored social or cultural event
- Chance to tell your story and help others if you desire to do so

I have had this information explained to me by my attorney and I agree to participate in STAR Court.

Client Signature, Date

Attorney Signature, Date

APPENDIX B

**COUNTY OF MARIN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF COMMUNITY MENTAL HEALTH SERVICES**

POLICY/PROCEDURE

NUMBER: 210-04

APPROVAL: _____

DATE FIRST ISSUED: October 9, 2006

EFFECTIVE DATE OF CURRENT REVISION: February 17, 2010

SUPERSEDES: 209-06 & 206-07

TITLE: FAMILY PARTNERSHIP POLICY

Background:

“People with serious mental illnesses are not ill in isolation. Their families and significant others, whatever they think about the illness, cannot escape being affected by it. The lives of people with serious mental illness are inextricably involved with the lives of those they love and care for, and the lives of those who love and care about them. Beyond the immediate family are other relatives, friends, neighbors, and work-mates who may have a role in the life of the person and need, therefore, to be a part of the healing and maintenance programs” (Blueprint for Mental Health Services in New Zealand, Mental Health Commission, 1998, p. 9).

“Family strength can buffer the impact of illness on clients, and thus lessen the need for services” (Blueprint for Mental Health Services in New Zealand, Mental Health Commission, 1998, p. 10).

“Extensive research demonstrates that implementing family psycho-education in routine mental health settings dramatically improves the lives of people with severe mental illness” (Family Psycho education Evidence-Based Practices Implementation Resource Toolkit, Center for Mental Health Services, 2003).

Recovery happens when people with mental illness take an active role in improving their lives, when communities include people with mental illness, and

when mental health services can enable people with mental illness and their communities and families to interact with each other.

Time spent as a user of mental health services is only a portion of a person's life and relates to the current need for treatment. In most cases, the majority of care and support for clients comes from those people in the community with whom they have close and lasting ties.

The mental health of clients and that of their family may be interdependent, in that the family is integral to the wellness of each family member and the health of the family depends on the wellness of its members.

Family may contribute a wealth of knowledge and experience for the clinical team to consider and utilize. Without this family input, staff may have limited resources for their decision-making processes and recovery could be less than optimal. Staff will discuss with clients the benefits of including family members in a client's care. The goal of these discussions should be the appropriate and, when possible, full involvement of family members in the client's mental health care.

The extent to which family members are involved in adult client treatment and support is ultimately the decision of each client and subject to client authorization and consent. Staff must respect those wishes and otherwise comply with the relevant state and federal confidentiality statutes. However, should an adult client deny consent for release of information, family members, friends and community members are still encouraged to provide input to staff at any time.

Policy:

It is the policy of Marin County Community Mental Health Services (CMHS) to include family member participation in the design, operations and governance of Marin's public mental health services and in the development and implementation of their family members' treatment services where permitted by law and the client or the client's legal representative (parent/legal guardian/conservator.)

Purpose:

The purpose of this policy is to:

- Encourage mental health staff to work inclusively with families in the care and treatment of their family member who is recovering from a mental illness
- Promote active partnership with the family, the client and the clinical staff
- Acknowledge that family includes support people, friends, partners and significant others

- Enable family inclusion and active partnership at all levels of mental health services, including design, operations and governance

Family Partnership Standards

- Staff and family will endeavor to develop and maintain a positive, respectful and professional relationship with each other, based on open and honest communication.
- Staff will endeavor to value each family's specific cultural, emotional, physical, social and spiritual experience and needs.
- Staff will be available to listen to the concerns and issues which family have about their family member

Procedures:

1. Client Privacy and Confidentiality

- Staff will adhere to all state, federal and local confidentiality and privilege mandates that relate to individual client health care information and consent.
- Staff will respect and comply with clients'/client representatives' rights to withhold consent for staff to provide information about them to their family.
- Staff will encourage clients to involve family in their treatment.
- During each intake contact, staff will routinely ask clients/client representatives for written authorization/consent to include family in their treatment and notification in case of emergency
- Staff will document the contact information of family members identified and approved by the client/client representative for contact.
- Staff will provide involved family members with information regarding the rules and regulations regarding HIPAA, client confidentiality and its impact on family involvement.
- If a client is adamant that no information is to be shared with family, this situation is revisited often. Staff will approach the client to reconsider whenever a family makes contact with the service and document those efforts in the client's medical record. If there are strong clinical considerations, which make it inappropriate for staff to approach clients to reconsider, staff will document those reasons.

- Staff will continue to provide family with support and general information about mental illness, its treatment and available resources even when clients refuse permission to disclose their protected health information.

2. Family Privacy and Confidentiality

- Staff will respect family privacy and confidentiality.
- Family may volunteer information to staff at any time without client consent. Such information should be clearly, respectfully and accurately recorded in the client's clinical record.
- Information expressly provided by family "in confidence" or of a nature that could pose a potential health or safety danger to either family or the client if disclosed to the client is to be highlighted and labeled **CONFIDENTIAL**. As provided by law, such information will be withheld if the client requests access to the record.

3. Family Support and Education

- Staff will explain the CMHS partnership approach to family members.
- Staff will provide family with information about:
 - o Mental health, illness and recovery,
 - o Treatment of mental illness, including available treatment resources and the role of medication,
 - o The role family can play in the path to recovery,
 - o Family support and education services available from CMHS and other community providers.
- Staff will refer adult client family members to a Family Partner when indicated.

4. Family Involvement in Treatment and Recovery

- With the consent of the client/client representative, staff will:
 - o Orient family to the services their family member is using.
 - o Consult family as appropriate and no less than four times per year throughout the treatment and recovery process, preferably on a face-to-face basis and wherever possible in planned meetings designed for this purpose.

- Where the client is a minor without consent capacity, parents/legal guardians of minor children shall be full participants in all aspects of their child's service planning and delivery.

5. Family Involvement in Program Development and Governance

- Family perspectives will be considered during mental health staff interview processes and, whenever possible, recruitment interview panels for staff will include a family member and/or family representative.
- Family representation will be obtained in any mental health project teams, advisory boards and committees, which generally relate to service delivery or program development/governance.

6. Training

- Every CMHS new employee orientation will include an overview of the family partnership philosophy.
- All CMHS clinical staff will be required to participate on an annual basis in trainings in the philosophy and techniques of family partnership available from CMHS and other community providers.
- All adult team clinical staff will be required to attend the Thursday Night Family Support Meeting a minimum of two times/year.
- Youth and Family clinical co-located in offices with Family Partners. Family Partners regularly attend staff meetings and case conferences and work together daily. Additionally, YFS staff will be required to attend one formal presentation by Family Partners once a year.
- CMHS welcomes and encourages family representatives to:
 - o Present information about their experience as a family impacted by a member with a mental disorder
 - o Provide constructive feedback on CMHS services and family partnership practices.

7. Oversight and Accountability

- The CMHS Quality Improvement Committee (QIC) is responsible for monitoring implementation of the Family Partnership policy

and procedures and will biannually report findings to the Mental Health Director.

- Family partnership practices are considered essential and necessary skills of CMHS clinical staff.

Adapted from: *Blueprint for Mental Health Services in New Zealand, Mental Health Commission, 1998*