Mental Health Court

7122 West Okanogan Place, Ste. A110, Kennewick, WA 99336

509-735-8476 ext. 3353

Participant Handbook

Updated August 2026

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Introduction to Mental Health Court

By choosing to participate in Mental Health Court (MHC), you are taking advantage of a tremendous opportunity with the potential to improve your life for years to come! Mental Health Court is not a get out jail free card. Mental Health Court exists to provide treatment, accountability, access to resources, and rehabilitation for individuals who are mentally ill.

The philosophy of Benton County Therapeutic Courts is "**SHOW UP, DO THE WORK, AND TELL THE TRUTH**." This program is meant to help you establish the necessary foundation so you can gain control of your life. By making the choice to participate, you have the opportunity to achieve and maintain stability, sobriety, and employment which helps ensure you avoid future involvement in the criminal justice system. Additionally, if you successfully complete the program, your charge(s) may be dismissed or amended to a lesser charge.

This handbook is designed to answer your questions, provide information about the program, introduce you to the MHC Team and explain what will be expected of you as a participant in MHC. As a participant in MHC, you will be expected to follow the conditions set forth by the MHC Team, comply with instructions given to you by the Judge, and follow the recommendations of your treatment plan.

Please read this handbook carefully. It is your responsibility to be familiar with its contents. We encourage you to share this information with your support system. The information in this handbook is subject to change, without prior notice. It is your responsibility to keep yourself informed.

Mission Statement

The mission of the Benton County Mental Health Court is to address the unique needs of individuals with mental illness which impacts their criminal behavior. The court uses a strengths-based perspective to monitor, hold accountable, and provide support to participants as they engage in community-based mental health services essential to living lives free of the criminal justice system.

Program Overview

Mental Health Court (MHC) is a voluntary, specialized, treatment-oriented court that reframes the traditional legal process with an emphasis on accountability and intensive monitoring for defendants charged with misdemeanors, gross misdemeanors, or felony criminal charges in Benton County who are diagnosed with a severe and persistent mental illness.

To enter Mental Health Court, you must sign a Stipulated Order of Continuance (SOC) which means that the case is held in a pre-trial status for up to 24 months while you participate in Mental Health Court. If you successfully complete the program, your charge may be dismissed or amended to a lesser charge. Your attorney will discuss this with you in more detail.

Participants are required to participate in mental health treatment as well as substance use disorder treatment if there is an SUD history, perform community service, make regular court appearances, abstain from the use of drugs and alcohol, and are monitored closely for program compliance.

Mental Health Court Requirements:

- Regular court appearances and regular appointments with your MHC Probation Officer
- Compliance with your treatment plan including
    - Mental Health Counseling

    - Medication management
    - Any other treatment recommendations
    - Substance abuse treatment if a history of substance abuse is indicated
- Random drug testing
- Completion of community service hours

Goals of Mental Health Court:

- Eliminate participant contacts with the criminal justice system.
- Reduce the costs associated with criminal case processing, incarceration and hospitalizations.
- Improve access to community mental health services.
- Build a stable support system to help with continued sobriety and mental wellness beyond Mental Health Court.
- Engage participants in the life-long process of recovery designed to help them achieve and maintain stability, sobriety, and employment.
- Maximize the communication and cooperation between the mental health providers and the criminal justice system.
- Ensure that accountability for non-compliance with the treatment plan is swift and tailored to fit the circumstances.
- Incorporate community-based educational, vocational, counseling and self-help courses and programs into a comprehensive treatment plan for self-improvement.
- Through acts of service, provide an opportunity for participants to contribute to the community while enhancing self-esteem and sense of community.
- Allow family members and other social supports to become involved in the treatment and recovery process, as appropriate.

Mental Health Court Team

The Therapeutic Court team oversees the operations of Mental Health Court. The team works together to encourage the success of program participants by providing close monitoring and support.

Title	Name	Contact information
Judge	Hon. James Bell	c/o Ryan Washburn
Therapeutic Courts Coordinator	Ryan Washburn, MSW	(509) 735-8476 ext. 3417 Ryan.Washburn@co.benton.wa.us
Assistant Coordinator	Jennifer Testerman	(509) 735-8476 ext. 2608 Jennifer.Testerman@co.benton.wa.us
Therapeutic Court Clerk	Katie Davies	(509) 735-8476 ext. 3353 Katie.Davies@co.benton.wa.us
Probation Officer	Jaime Flores	(509) 735-8476 ext. 3361 Jaime.Flores@co.benton.wa.us
Probation Officer	Jennifer Webb	(509) 735-8476 ext. 3242 Jennifer.Webb@co.benton.wa.us
Defense Attorney	Dawn Hickman	(509) 551-8937 Dhickman302@yahoo.com
Deputy Prosecuting Attorney	Annie Chau	(509) 735-3591 Annie.Chau@co.benton.wa.us
Law Enforcement Liaison	Officer Jesus Contreras Kennewick Police Department	Jesus.Contreras@ci.kennwick.wa.us
Treatment Representative	Jessica Bueno, SUDP Merit Resources	(509) 792-1041 jbueno@meritresources.org
Treatment Representative	Janie Snow, SUDP Lourdes Behavioral Health	(509) 943-9104 ext. 7260 Janie.Snow@lourdesonline.org

Benton County District Court
7122 W. Okanogan Place, Ste. A110
Kennewick, WA 99336
Phone: (509) 735-8476, ext. 3353
Fax: (509) 222-3758
www.bentoncountywa.gov (Judicial Services → Mental Health Court)

Eligibility Requirements

Mental Health Court is a voluntary program. In order to participate, the applicant must:

- ☒ have pending criminal misdemeanor, gross misdemeanor, or felony matter(s) in Benton County
- ☒ be 18 years of age or older
- ☒ be legally competent
- ☒ be insured (privately, Medicare, Medicaid) or Medicaid-eligible and complete Medicaid application within three days of being accepted into Mental Health Court
- ☒ be free of active warrants or able to resolve them quickly
- ☒ agree to comply with treatment and their recommendations (including medications)
- ☒ agree to be compliant with any court orders
- ☒ agree to waive certain legal rights.

Legal Eligibility

RCW 02.30.030 authorizes and establishes the determination of persons not eligible for Therapeutic Courts. ***Applicants are not eligible to participate in Therapeutic Courts if they are currently charged with or have been previously convicted of:***

- ⊗ A serious violent offense as defined in RCW 9.94A.030(46) or sex offense as defined in RCW 9.94A.030(47)
- ⊗ Vehicular homicide or an equivalent out-of-state offense
- ⊗ An offense alleging substantial bodily harm or great bodily harm as defined in RCW 9A.04.110, or death of another person.

The following offenses are also ineligible for Therapeutic Courts:

- ⊗ Offenses alleging intentional discharge, threat to discharge, or attempt to discharge a firearm
- ⊗ Felony DUI (regardless of the prong it was charged under)

A defendant charged with Assault in the Second degree is not automatically ineligible per RCW 2.30.030. The referral will be reviewed for eligibility on a case-by-case basis and may be transferred following special findings. Victim approval is required, firearms may not be involved or used in furtherance of the crime, and the State will take into consideration, including but not limited to, the severity of the harm as well prior history.

Additionally, a defendant who has a prior conviction of Assault in the Second Degree regardless of the prong may be eligible. This will be reviewed for eligibility on a case-by-case basis.

Defendants with active warrants are ineligible for VTC until they can be resolved. If a defendant is referred with an active warrant, the VTC team will send a rejection notification to the defense attorney informing them that their defendant may be referred again once the warrant(s) are resolved.

The Deputy Prosecuting Attorney will screen each case to determine legal eligibility based upon the referred case, criminal history, victim input, and law enforcement input.

Clinical Eligibility

Participants must have a severe and persistent mental illness.

Participants must agree to be in treatment, take all prescribed medication in the manner prescribed, and follow all treatment recommendations made by their treatment provider.

Other Disqualifying Factors

Mental illness or disorder with particularly violent manifestations which creates unreasonable risk to Therapeutic Court staff or participants.

Dementia, delirium, developmental disabilities, or severe brain injuries are the primary diagnosis.

Acceptance into Mental Health Court

You must be referred to Mental Health Court. Anyone can make a referral to Mental Health Court, including a prosecutor, defense attorney, law enforcement, judge, probation, jail staff, or member of the community. Defendants may even refer themselves. Referral packets can be obtained from the Therapeutic Court office. There is also an electronic referral that can be submitted on our website.

Being accepted to MHC requires various steps and communication between all parties to expedite the process. While your referral is being reviewed, you must continue to attend all scheduled court dates on your case. Being referred to MHC does not mean you will be accepted. You will be notified if you are accepted into MHC.

Path to acceptance:

If you are accepted to MHC you will work with your assigned Probation Officer to develop an action plan for your participation in MHC. This action plan will give you direction as you progress through the program. Your action plan may include referrals to mental health treatment, chemical dependency treatment, housing assistance programs, DSHS services or other resources, as well as goals you would like to achieve while you are in the program.

Compliance with treatment will be closely monitored by the MHC team. You are required to authorize all treatment providers (including doctors and counselors) to disclose information about you to the Therapeutic Court team, including any noncompliance with your treatment plan, such as missed appointments, substance use or failure to take medications as prescribed. The purpose of these disclosures is to provide support for you in your program as well as quickly detect any noncompliance and address the situation promptly and effectively so that negative events are avoided.

Requirements of Participation

First and foremost, Mental Health Court is a treatment court, and participants must adhere to their personalized treatment plans, including taking mental health medication if prescribed, attending mental health counseling, group and individual counseling, and attending classes.

All Mental Health Court participants are supervised by an Active Probation Officer from the Mental Health Court Team. Participants must abide by any and all conditions in their SOC.

After entering a Stipulated Order of Continuance participants must:

1. Immediately report to the Therapeutic Court office to meet with their assigned Probation Officer.
2. Reside in clean and sober housing within Benton or Franklin County which has been approved by Mental Health Court. Participants must report any change of address to the Therapeutic Court office within 24 hours.
3. Not socialize with individuals who use drugs and/or alcohol.
4. Not go to dispensaries, head shops, bars, or establishments where the sale of alcohol is the primary enterprise.
5. Attend all court hearings and other appointments as scheduled or required by treatment or probation.
6. Commit no criminal law violations and report any law enforcement contact to the Probation Officer within 48 hours.
7. Take all mental health medications as prescribed. Any changes in prescribed medications (dosage adjustments, additions, or discontinuations) must be reported to Mental Health Court within 48 hours.
8. Attend all counseling, therapy, and support groups as ordered.
9. Submit to random drug and alcohol testing as ordered by the Mental Health Court Team.
10. Comply with all other assigned treatment program requirements.
11. Sign releases of information for Mental Health Court with any treatment provider or hospital that the participant is treated by during their participation in Mental Health Court.
12. Show up. Do the work. Always tell the truth.

Court Information

The Therapeutic Court office is located on the first floor of the Justice Center. **Weekly Court hearings are held every *Wednesday at 9:00am in Courtroom 4***. All participants are expected to arrive and be seated in the Courtroom no later than 8:50am and remain until excused by the court.

Court Attendance

Attendance at court is mandatory on any date you are given notice to appear. You are expected to be on time and remain until the end of the docket.

Learning from other participants is an important dynamic of Mental Health Court. Participants are expected to listen and learn from everyone on the docket.

Participants arriving after the docket has begun are subject to two (2) additional hours community service due by their next court date.

Be prepared to share your successes and setbacks with the Court during your hearing. Remember – HONESTY IS ALWAYS THE BEST PRACTICE and allows the Team to celebrate and support you.

Court sessions are not the appropriate time to have lengthy conversations with any of the Team

members unless you have made arrangements to do so prior to court. You must call or set up an appointment.

Missed Court Appearances

If you miss a court appearance it is your responsibility to contact your Probation Officer and defense attorney. If you have been issued a bench warrant it is your responsibility to turn yourself in or ask for a warrant review hearing.

Courtroom Behavior

Weekly court status hearings are an integral part of Mental Health Court. While the "court" aspect of Mental Health Court is more relaxed and informal than regular court, it is still a formal court proceeding and a level of decorum is expected. As such, there are rules and protocols that must be followed:

- Cell phones and all other electronic devices must be turned off or they will be confiscated.
- Talking and side conversations are not allowed during court proceedings.
- Eating and drinking is not allowed in the Courtroom.
- No sleeping in the courtroom.

Violent, threatening, or inappropriate behavior will not be tolerated. Inappropriate behavior will result in responses and could result in termination from the program. Threats towards other participants, staff, or Team members may result in new criminal charges.

Dress appropriately

When coming to court, you must dress accordingly. It is also expected that proper hygiene will be maintained. The following are a few guidelines to determine if something is appropriate to wear to court. If you have questions, or need help with clothing, please speak with a member of the Mental Health Court Team.

- No torn jeans
- No tank-tops
- No skirts shorter than 3 inches above the knee
- No clothing that promotes drugs or alcohol
- Clothing should fit appropriately. This mean that the chest, back and stomach area should not be exposed. Pants should not ride so low that undergarments or lack of undergarments is visible
- No gang related and/or violence promoting clothing.

You are expected to maintain appropriate grooming. **Attention to personal hygiene is important and is required**. If you are attending Court straight from work, make sure that you have a clean change of clothes with you. If you need help with hygiene items, please speak with a member of the Team.

Community Service

Community service is a very fulfilling part of Mental Health Court. You are expected to have a plan to complete your community service hours before you enter phase 2. Each participant must complete a minimum of 20 hours of volunteer service in each phase (P2-P5) for a total of 80 hours.

Community Service imposed as a response due to non-compliance does not count towards regular community service hours.

Community service must be completed at pre-approved locations. All community service must be completed through registered non-profit organizations in good standing with the Secretary of State. If a participant would like to volunteer at a location that is not on the approved list, it must first be approved by the Coordinator. The participant must provide the name of the organization and a point of contact. The Coordinator will verify the location, the work to be completed, and explain the expectations. Community service hours submitted from an unapproved location will not be accepted.

Case Management/Supervision

Case management is centered around the needs of the participant and follows the strengths-based model which involves assisting participants to examine and identify their own strengths and assets to shape a sustainable recovery plan. It is also the community supervision component to the Therapeutic Court program.

Case management and supervision functions:

(1) help the participant define existing strengths and establish specific goals;
(2) connect participant to treatment and other community-based services to assist in employment, housing, education, social services, etc. while assuring continuity as the participant progresses through treatment and program completion;
(3) monitor and report participant progress in treatment;
(4) support the participant by identifying problems, and advocating for the participant with legal, treatment, social service, and medical and mental health systems;
(5) monitor urinalysis, breath analysis or other chemical testing;
(6) monitor phase progress.

Treatment Protocol

All Mental Health Court participants are required to participate and engage in mental health counseling and substance use disorder treatment if a history of substance use is indicated. Participants will receive treatment from licensed providers approved by the court that adhere to the best practice standards of the National Association of Drug Court Professionals.

Participants with a substance use disorder will be referred to Merit Resource Services or Lourdes Counseling for treatment.

All participants are required to complete either Moral Reconation Therapy (MRT) or Seeking Safety in addition to any other treatment recommendations.

Treatment providers will facilitate scheduling of inpatient treatment as required for Therapeutic Court participants and engage in care coordination with other service providers such as Medication Assisted Treatment (MAT) or Medication for Opioid Use Disorder (MOUD) as necessary. Some participants may be required to complete more than one inpatient treatment program if deemed clinically appropriate by the treatment provider.

Participants must sign a release of information allowing the exchange of information between the provider and the court regarding the participant's progress.

Self-Help Meetings

Participants are required to attend and participate in self-help meetings and **obtain a sponsor**. **Participants must also bring proof of sober support meeting attendance to case management**

meetings and to the SUD treatment provider upon request. Failure to provide verification of meeting attendance may result in a response from the court. Online meetings will not count toward your weekly meeting requirements, but participants are not prohibited from attending.

Drug Testing

Mental Health Court participants are required to be drug and alcohol free. Drug and alcohol testing is a key component to the Mental Health Court program. All participants are required to submit to regular, random drug and alcohol testing regardless of substance use history. This includes, but is not limited to urine, breath, saliva, and sweat patch.

Testing is completed on a random basis and every collected sample is fully observed. If the results from the rapid test are positive for one or more substances, it is considered presumptive positive and sent to a certified laboratory for confirmation testing. Responses will not be imposed until the Court receives either confirmation from the lab that the sample was positive for substance(s) or the participant admits to using substances. Dishonesty may result in more severe consequences.

Test results are used to determine whether the participant is complying with program requirements and will not, under any circumstances, be used as evidence of a new crime. However, **test results may be provided to other probation or parole officers if the participant is under community supervision with another jurisdiction**.

All drug testing for Therapeutic Courts is facilitated through Merit Resource Services at their Pasco office located at 1906 North 20th Ave. Each participant will be assigned a unique identification number. It is the participant's responsibility to check the drug test notification system seven days a week, including holidays and weekends, unless instructed otherwise by the Coordinator, Probation Officer, or Judge, to determine if they are required to provide a drug test that day. The Drug Test Notification System is updated each morning at 5:00am.

Merit's Weekday drug testing hours are 8:00am to 6:00pm. Females cannot test between 11:30-12:30 and males cannot test between 2:00-3:00 for lunch breaks. Weekend and holiday drug testing hours are 8:00am to 1:00pm (does not close for lunch). Drug Test Notification System phone number is (509)402-4595 and the website is https://meritresources.reliatrax.net/pub/testingtimes.

Participants may also be required to submit to a portable breath test, saliva test, and/or urine analysis testing upon request of any Therapeutic Court Staff at their discretion. Participants are required to submit to drug testing by their treatment provider at any time at their discretion as well.

Participants who refuse to provide a drug test sample, miss a drug test, tamper, alter or dilute a drug test are reported to the Mental Health Court Team. Refused, missed, altered, and dilute drug tests are considered a positive test, and a violation of the SOC. Violations will be addressed by the Mental Health Court Team. Positive, missed, refused, dilute, or tampered drug tests will also result in the loss of a participant's court clean time.

Participants who provide a presumptive positive drug test, refuse a drug test, or miss a drug test are required to appear on the next Mental Health Court docket to address potential issues regardless of what phase they are in.

Alcohol Monitoring

Participants with DUI or Physical Control charges will be placed on portable or continuous alcohol

monitoring upon entering their SOC. This will be in addition to regular drug testing and statutorily required alcohol monitoring such as an ignition interlock device. Any participant may be placed on alcohol monitoring if additional accountability is deemed necessary.

Therapeutic Courts will cover the cost of court ordered alcohol monitoring as long as funding allows.

Prescription Medication Policy

1. Mood Altering Medications

   As a general rule, participants in Benton County Therapeutic Courts are expected to be drug and alcohol free, including the use of mood-altering prescription medications.

   Therapeutic Court participants with chronic pain or other conditions requiring ongoing use of prescription opioid, amphetamine, or benzodiazepine medications may not be able to participate in the Therapeutic Court program. In order to participate in Therapeutic Courts, participants may need to speak to their prescriber regarding alternatives to current medications. This will be discussed with your Probation Officer.

   If participants opt into Therapeutic Courts and then experience an episode of acute pain or other condition requiring a prescription medication, the prescriber must complete a Prescription Medication form and fax it directly to the Therapeutic Court office. The medical provider will be asked to indicate on the form that they are aware that participant is in Benton County Therapeutic Courts and that participants are expected to remain drug-free except in extreme instances.

   The use of all cannabis, THC, or CBD related substances is **strictly prohibited** while participating in Benton County Therapeutic Courts even with a medical prescription or authorization.

2. Medications for Opioid Use Disorder (MOUD)

   Benton County Therapeutic Courts supports Medications for Opioid Use Disorder (MOUD) in the form of Methadone, Buprenorphine or Naltrexone prescribed by a doctor and used as prescribed as a part of a participant's SUD treatment plan.

3. Non-Mental Health Prescription Medication

   Participants may take non-mental health medication while participating in Therapeutic Courts. However, there may be some medications that are not appropriate for the program. Participants may be asked to discuss other treatment options with their physician or may be prohibited from continued participation in the program.

   Non-mental health prescription medication must be taken as prescribed (dose and period of time).

   Participants must inform the Therapeutic Court Team of any non-mental health medications or prescriptions received.

   Participants will request non-narcotic medications when medically appropriate.

   All new medications and prescriptions may be subject to review by the Therapeutic Court Team. Participants must inform their Probation Officer of any new prescriptions within 24 hours.

   Depending upon each individual participant's treatment plan, the medications or prescriptions may not be approved for continued use. If the participant insists on taking non-approved medications, the participant may be subject to responses or removal from the Therapeutic Court Program.

4. Release of Information

   Participants are required to sign a Release on Information for all medical, dental, and mental health care providers.

Prohibited Substance Policy

All Therapeutic Court Participants are required to remain drug and alcohol free and are not allowed to use any form of mood-altering chemicals.

- Participants will not possess, use, distribute, sell, or have under their control any illegal drugs or drug paraphernalia.
- Participants will not possess and/or consume alcohol or marijuana in any form. This includes non-alcoholic beer, wine, or spirits, and any ingestible or topical products containing THC or CBD.
- Participants will not possess and/or consume any substance intended to replace an otherwise illegal/prohibited substance. All synthetic/designer drugs marketed and sold under false pretenses as "supplements" or with the warning "not for human consumption" are strictly prohibited.
- Participants will not use or possess canned air such as, but not limited to, air duster, carbon dioxide (CO2) canisters, nitrous oxide, or any other canister that could be used for inhalant or huffing purposes.
- Participants will not possess and/or consume any products intended to substitute or alter the results of a urine drug test such as creatine, nitrites (Klear, Whizzies), UrinAid, Urine Luck, Certo, Sure Jell, diuretics, etc.

Consuming and/or possessing any substance referenced above or in the list below is a violation of the terms and agreement and is grounds for an immediate notice of termination being filed and may result in termination from the program.

PROHIBITED SUBSTANCES

Alcohol (Ethanol)	• Beer, wine, or spirits • Non-alcoholic beer, wine, or spirits • Foods containing alcohol • Mouthwash • Kombucha	• Solvents • Cough syrup or liquid medications containing alcohol such as Nyquil, Robitussin DM, TheraFlu-D, etc.
Amphetamines, Stimulants & Pseudoephedrine	• Methamphetamine • Adderall • Vyvanse • Ritalin • Concerta • Quillivant • Methylphenidate • Dexedrine • Dextroamphetamine	• MDMA (Ecstasy/Molly) • Phentermine (Adipex, Lomaira) • Allergy and cold medications containing **pseudoephedrine** such as Alka-Seltzer Cold, Claritin-D, Mucinex-D, Allegra-D, Advil Cold and Sinus, Sudafed, Tylenol Cold, Tylenol Severe

	• Modafinil	Cold & Flu, TheraFlu-D, Robitussin Cold Cough & Flu.
Benzodiazepines	• Alprazolam (Xanax) • Clonazepam (Klonopin) • Chlordiazepoxide (Librium)	• Diazepam (Valium) • Lorazepam (Ativan)
THC, CBD, & Synthetic Cannabinoids	• Any product containing THC or CBD (edible, drink, flower, dab wax, vapes, topical) • Delta-8 • Delta-9	• Delta-10 • Spice/K2 • THC-A • THC-O • THC-P
Opioids, Opioid Derivatives, Synthetic Opioids	• Codeine • Fentanyl • Heroin • Hydrocodone (Lortab, Loracet, Norco,Vicodin) • Hydromorphone (Dilaudid) • Morphine (Arymo ER, MorphaBond ER, Duramorph, MS Contin, Infumorph P/F, and Astramorph-PF)	• Medetomidine (Dex) • Nitazenes • Oxycodone (Oxycontin, Percodan, Percocet) • Poppy Seeds and/or foods or drinks containing poppy seeds • Tramadol • Xylazine (Tranq)
Miscellaneous Substances	• All Appetite Suppressants • All Inhalants • All Synthetic substances • Anything labeled “Not for Human Consumption” • Bath Salts • Caffeine Pills • Creatine • Flakka • Kava • Ketamine • Khat • Kratom • 7-hydroxymitragyne (7-OH, 7-Hydroxy)	• Mitragynine Pseudoindoxyl • Krokodil • Mephedrone • Mescaline • Phenibut (Anvifen, Bifren, Noofen, PhGaba, β-phenyl-GABA) • Poppy Seeds (food or drinks containing poppy seeds) • Spice/KS • Steroids • Tianeptine (Tia, Tianna, Zaza) • Xyrem (GHB) • Xylazine (Tranq)
Hallucinogens	• Dimethyltryptamine (DMT) • Ecstasy “Molly” • Ketamine • LSD • Methoxetamine	• MDPV (Monkey Dust) • Mushrooms (Psilocybin) • PCP • Tryptamine • Inhalants

APPROVED SUBSTANCES

PAIN	ANTACIDS	JOINT PAIN
Acetaminophen	Zantac	Tylenol Arthritis

Ibuprofen
Aspirin
Aleve

Pepcid
Prilosec
Tums/Rolaids

Ben Gay
Icy Hot

STOMACH
Mylanta
Pepto Bismol
Milk of Magnesia

ALLERGIES
Claritin (Not Claritin-D)
Allegra (Not Allegra-D)
Benadryl

VITAMINS
Multivitamins
Prenatal Vitamins

COLD/COUGH
Delsym (non-alcoholic)
Mucinex

Clean and Sober Housing

All Therapeutic Court participants are required to reside in drug and alcohol-free housing. This means that no alcohol, illegal drugs or substances, or mind-altering substances are allowed in the residence or by any person residing there. Therapeutic Court staff will make unannounced visits to the residence for the purpose of ensuring compliance with this policy. If a participant does not have access to drug and alcohol-free housing, they will be required to secure placement in recovery housing such as Oxford House or Seasons Housing. Any other transitional housing must be preapproved by the Coordinator before the participant is allowed to live there.

Home Visits

Therapeutic Court participants are required to submit themselves, their vehicle, or place of residence to search and seizure of narcotics, drugs or other contraband at any time without a search warrant, without prior notice and without probable cause by Therapeutic Court Probation Officers.

Probation Officers are authorized to visit participants in the home, at work, and in the community. Although home visits are preferred, if a visit to a place of employment is necessary, court representatives will do their best to be discreet and courteous.

Random monitoring of participants using home visits is an integral component to the Therapeutic Court program and its ability to evaluate the participants' living environment, ensure program compliance beyond the courtroom, and maintain contact, develop rapport, and gather relevant information from family members, significant others, housemates, or other involved parties. It is also an opportunity to catch participants doing something good that can be recognized and rewarded in court.

It is the responsibility of the Probation Officer to facilitate, coordinate, and document that home visits are performed and reported to the Team. Participant home visits will be unannounced and never conducted alone. All home visits will be conducted with another staff member or law enforcement.

Participant home visits may include the following:

- An examination of the participant's living area (i.e., apartment, house or efficiency room) for any contraband. Examinations may include all areas in the participant's living space. This means if the participant lives in an apartment with roommates, all common areas are examined and not just the participant's individual room;

- A full interaction with the participant and any other persons present at the residence/living space. This is done to ensure that there are no prohibited persons present;
- A monitored alcohol or other drug test if there is suspected drug or alcohol use; and
- A full documentation of the home visit to include a listing of any contraband or interaction valuable to the court.
- If contraband is discovered in the residence, Probation Officers will document and remove the contraband from the residence and dispose of it accordingly.

The frequency of home visits is determined by a participant's phase and any other considerations deemed sufficient by the Court.

Participant Relationships

While a participant in Mental Health Court, business relationships, dating relationships, sexual relationships and financial relationships with other Therapeutic Court or Drug Court participants is strictly prohibited. These relationships pose a high risk of diverting focus from individual sobriety, may foster co-dependency, and often lead to additional stress and emotional pain. The Court may also require pre-existing relationships with other participants prior to entering the program be terminated or suspended while both parties are participating. Platonic, supportive relationships are highly encouraged!

Travel Policy

Any travel outside of Benton or Franklin Counties must be approved by the Mental Health Court Team. Travel request forms are available in the office. An electronic form is also available on the Mental Health Court website. Travel requests must be submitted at least 72 hours in advance for it to be reviewed. Travel outside of Benton and Franklin Counties is not authorized until the participant has been notified by their Probation Officer that the travel request has been approved.

The 72-hour requirement may be waived on a case-by-case basis if the requested travel is emergent in nature, or extenuating circumstances exist.

Standard approved travel procedure is that a participant must provide a negative drug test on the day of departure and must also provide a drug test the day of return. If the approved travel is longer than three days, the participant will be provided with either oral fluid devices and alcohol breath strips to be coordinated by the Probation Officer and conducted over zoom or have a sweat patch put in place prior to travel.

The Mental Health Court Team may make exceptions to the travel policy when a participant's verified place of employment is in a neighboring county or if their employment regularly takes them out of the county for the workday.

Law Enforcement Contact

Upon any contact with a law enforcement officer, participants are required to promptly advise them that they are a participant in Mental Health Court. **Participants must also report any police contact to their Probation Officer within 4 hours of contact**. Law enforcement contact includes any situation in which a law enforcement officer asks a participant for their name including, new arrests, citations, or being a witness to an accident or a crime. If contact with law enforcement occurs after hours or on a

weekend, the participant is still expected to leave a voicemail with their Probation Officer within four hours. Failure to report law enforcement contact may result in responses for not being forthcoming.

If a participant learns they have a warrant for their arrest or are the subject of an investigation, they must immediately report it to their Probation Officer and take action to resolve the issue.

New Offenses & Charges

If a participant commits a new offense while in Mental Health Court, continued participation in the program will be reassessed. The Team may decide to allow the participant to continue in Mental Health Court after considering the new case and assessing the appropriateness of continued participation.

If the Team determines that the participant is no longer appropriate for Mental Health Court based upon new charges, the participant may be subject to termination.

If a current participant's new case is accepted into Mental Health Court, the participant may be subject to responses, new probationary conditions, and an increased term of probation in Mental Health Court.

Termination Protocol

Termination from Mental Health Court is typically a last resort. A participant may be terminated from Mental Health Court as a consequence of serious violations of Therapeutic Court policies, if they cannot be managed safely in the community, or if they repeatedly fail to comply with treatment or supervision requirements.

Termination may occur as a result of new criminal charges. If the alleged offense(s) would otherwise be eligible for Mental Health Court participation, the Mental Health Court Team may consider the circumstances on a case-by-case basis and determine if continued participation is appropriate. The Mental Health Court Team may also consider on a case-by-case basis accepting a referral on a new charge. A referral on a new offense must go through the formal referral process.

Serious violations that may result in termination include, but are not limited to:

- Violence or threats of violence directed at court staff, treatment staff, other participants in the program, or other clients of the treatment providers
- Absconding from Mental Health Court
- New criminal charges or convictions
- Tampering with or adulterating a drug test
- Persistent failure to comply with the requirements of the court program or demonstrating a consistent lack of progress

If it is determined a participant is being considered for termination from Mental Health Court, the participant will be provided a Notice of Termination in Court which advises the participant and their attorney of the allegation(s) that is the basis for termination being considered. At the next Mental Health Court proceeding, the participant will be given the opportunity to admit or deny the allegation(s). If requested by the participant, the consideration of termination will be scheduled for a revocation hearing where the prosecution and defense will present evidence in support of and against termination.

After the evidentiary hearing on termination, the Court will determine if the State has proved by a preponderance of the evidence that the participant has violated the Mental Health Court participation agreement and termination is warranted. If the participant is terminated from the program, the judge

will review the police reports at a stipulated bench trial, enter findings of innocence or guilt if proven, and then move to sentencing. If a participant is terminated from Mental Health Court on charges that originated in Superior Court, the District Court case will be dismissed without prejudice, and the State will recommence prosecution in Superior Court.

Re-entry into Therapeutic Courts

The fundamental mission of Therapeutic Courts is to eliminate participant contact with law enforcement and the justice system by engaging in a process of sustained recovery and connection with the appropriate resources to maintain a clean and sober life free of crime. Because of that, re-entry into therapeutic courts is very limited.

Graduates of a therapeutic court who incur new charges after graduation will not be considered for re-entry unless the court Team agrees that there are exceptional circumstances that warrant consideration.

Participants who have been previously terminated from a therapeutic court program for serious violations, repeated non-compliance or the filing of new, ineligible charges, will not be considered eligible for re-entry unless the court Team agrees unanimously that there are exceptional circumstances that warrant consideration.

Incentives, Responses, and Service Adjustments

Participants are carefully monitored for compliance with program expectations and rules and may receive incentives for accomplishments, responses for violations, and therapeutic adjustments to address continued or resumed substance use. Responses to participants' behavior are predictable, fair, consistent, and administered following evidence-based principles of effective behavior modification.

Incentives

Participants receive incentives for engaging in beneficial activities that take the place of harmful behaviors and contribute to long-term recovery and adaptive functioning, such as participating in treatment, recovery support activities, healthy recreation, or employment. Incentives may include:

- Recognition by the judge
- Phase advancement
- Gift Cards
- Certificates of achievement
- Candy/Snacks
- Movie tickets
- Waived court fees
- Skip-a-court-date pass
- Other token gift items

Responses

Responses are meant to correct a behavior. In the event of a violation, the Mental Health Court Team will consider the specific circumstances and most effective way to handle it. The Therapeutic Court programs use a matrix which represents the increasing expectations of participants as they progress through the program phases. Participants will receive more severe responses for violations in the latter phases of the program because they have had time to become accustomed to the requirements and sufficient time has lapsed where they should be living and behaving in a way that is structured and stable. Responses may include, but are not limited to:

- Jail
- Community Service
- Observe Superior Court
- Work Crew
- Notice of Revocation

Treatment Adjustments

Participants' progress in treatment and their recovery is closely monitored by the Mental Health Court Team. If a participant is not making progress in their substance use disorder or mental health treatment or the participant is continuing to or has resumed use, a treatment adjustment will likely be made. Treatment adjustments are predicated on recommendations from treatment professionals and may include:

- Increased or decreased frequency, intensity, or modality of treatment, including inpatient treatment.
- Initiating Medication for Addiction Treatment (MAT).
- Delivering specialized services such as co-occurring treatment, trauma services, bilingual services, or culturally proficient treatment.
- Incorporating or adjusting medications.

Supervision Responses

Supervision responses are carried out based on recommendations from Probation Officers predicated on the participants response to services. Supervision is increased or decreased when necessary to provide needed support, ensure that participants remain safe, monitor obstacles in their recovery, and help them develop effective coping skills. Supervision responses may include but are not limited to:

- Increased/decreased case management
- Increased/decreased court hearings
- Daily check-ins to Therapeutic Court office
- Increased/decreased drug testing
- Workbooks
- Reflective Essays
- SCRAM, Portable Alcohol Monitoring Device, GPS device

Participant Responsibilities

The entire time you are participating in Mental Health Court, you are required to:

- Be honest with the Therapeutic Court Team. This includes immediately reporting any rule violations. Responses to dishonesty or failing to notify the Team of rule violations will be more severe than honestly admitted violations;
- Commit to 12 months to 24 months of participation (Exact program length depends on your progress);
- Attend all scheduled Court appearances and dress appropriately;
- Attend all appointments with your Probation Officer;
    - Bring your signed appointment log to every court date and case management appointment
    - Bring your medications to case management appointments upon request
- Remain law abiding;
- Obtain and maintain clean and sober housing;
- Abstain from the use of any mood-altering substances;

- Call the Color-Line every day and submit to random substance testing as instructed;
- Notify your Probation Officer and treatment provider if you feel you are at risk of relapse;
- Maintain treatment with the agency or provider approved by the Therapeutic Court Team;
- Take all medications prescribed to you as directed;
- Do not engage in business relationships, dating relationships, or sexual relationships with other Therapeutic Court participants;
- Complete at least 20 hours of community service at a preapproved location;
- Comply fully with substance use disorder treatment recommendations;
- Remain informed and in compliance with all program rules, policies, procedures and requirements;
- Attend mental health counseling as required;
- Pursue education and/or employment if able;
- Keep your Probation Officer, treatment provider(s), attorney, prosecutor, probation and the court clerk informed of your current address and phone number at all times. Therapeutic Court staff must be able to locate you *at all times*. It is your responsibility to keep Therapeutic Court staff informed of your living situation;
- You must have a working phone number and voicemail;
- Advise any police officer you have contact with that you are involved in Mental Health Court. You must immediately notify your Probation Officer and/or Therapeutic Court staff of law enforcement contact within 4 hours;
- Complete and submit a travel request form for any travel outside Benton and Franklin Counties **at least 72 hours prior to any planned travel**. Travel outside of Benton and Franklin Counties must be approved in advance.

Program Phases

Phase 1: Orientation and Stabilization

- **Attend weekly Mental Health Court hearings and case management appointments.**
- Sign all necessary releases so that the MHC team can verify participation in required treatment and obtain record as needed.
- Comply with getting all necessary evaluations and treatment/counseling services in the community in order to comply with court mandated requirements.
- Work with the MHC Probation Officer to obtain/maintain services which may include: housing, healthcare, benefits, mental health care, chemical dependency treatment, employment, education, etc.
- Provide a list of all medications to your Probation Officer.
- Attend self-help meetings as determined by your treatment plan and Probation Officer.
- Formulate an action plan to accomplish your identified goals while you are in MHC.
- Develop a plan for completing community service and have it approved by your Probation Officer.
- Complete Phase 1 writing assignment and review with your Probation Officer prior to your phase-up date.

Phase up criteria:

- **No missed UAs for 14 consecutive days prior to phase-up**
- **No sanctions for 14 consecutive days prior to phase-up**
- **Living in supportive sober housing**
- **Plan of action for community service hours**

Phase 2: Action

- **Attend Mental Health Court hearings and case management appointments every two weeks.**
- Work with the MHC Probation Officer to obtain/maintain services which may include: housing, healthcare, benefits, mental health care, chemical dependency treatment, employment, education, etc.
- Be actively involved in a job, volunteer work, education, vocational training and/or positive pro-social activities.
- Attend self-help meetings as determined by your treatment plan and Probation Officer.
- Obtain a sponsor.
- Begin to develop a support system for personal, mental health and chemical dependency needs.
- Complete Phase 2 writing assignment and review with your Probation Officer prior to your phase-up date.

Phase up criteria:

- **No positive UAs for 45 consecutive days prior to phase-up**
- **Sanction free for 30 days prior to phase-up**
- **Accomplished personal goals outlined for Phase Two**
- **Completed 20 hours community service**
- **Begin developing a support system**
- **Obtain sponsor**
- **Employed, enrolled in school, or actively pursuing either unless disabled**
- **Living in supportive sober housing**

Phase 3: Prosocial Habitation

- **Attend Mental Health Court hearings and case management appointments every three weeks.**
- Continue to progress in chemical dependency treatment and mental health counseling.
- Be actively involved in a job, volunteer work, education, and/or vocational training.
- Build and strengthen your support system.
- Develop a positive prosocial routine.
- Attend self-help meetings as determined by your treatment plan and Probation Officer.
- Complete Phase 3 writing assignment and review with your Probation Officer prior to your phase-up date.

Phase up criteria:

- **No positive UAs for 60 consecutive days prior to phase-up**

- **Sanction free for 45 days prior to phase-up**
- **Completed 20 hours community service**
- **Accomplished personal goals outlined for Phase Three**
- **Continued development of support system**
- **Engaged in prosocial activities**
- **Verified sponsor**
- **Living in supportive sober housing**
- **Employed, enrolled in school, or actively pursuing either**
- **Compliant with supervision**
- **Making payments towards restitution (if applicable)**

Phase 4: Life Skills

- **Attend Mental Health Court hearings and case management appointments every four weeks.**
- Attend all appointments with treatment providers and Probation Officers as scheduled.
- Maintain treatment and/or counseling services including medication management.
- Develop a plan that includes a daily routine and skills to identify and overcome challenges in your daily life. Demonstrate problem solving and budgeting skills.
- Continue engaging in positive prosocial activities.
- Be actively involved in a job, volunteer work, education, and/or vocational training.
- Have a robust support system.

Phase up criteria:

- **No positive UAs for 90 consecutive days**
- **No sanctions for 60 consecutive days**
- **Completed 20 hours community service**
- **Accomplished personal goals outlined for Phase Four**
- **Has a defined support system**
- **Engaging in prosocial activities**
- **Living in supportive sober housing**
- **Employed, enrolled in school, or actively pursuing either**
- **Compliant with supervision**
- **Making payments towards restitution (if applicable)**

Phase 5: Recovery Management

- **Attend Mental Health Court hearings and case management appointments every four weeks**
- Attend all appointments with treatment providers and Probation Officers as scheduled.
- Actively involved in a job, volunteer work, education, and/or vocational training.
- Robust support system and sponsor.
- Maintained treatment and counseling services including medication management.
- Attend self-help meetings as determined by your treatment plan and Probation Officer.

- Create a post-graduation plan that includes developing new coping skills, stress management, symptom management and relapse awareness. Share this with the Recovery Court Team prior to graduation.

Graduation criteria:

- **No positive UAs for 120 consecutive days**
- **No sanctions for 90 consecutive days**
- **All 80 hours of community service is completed.**
- **Accomplished personal goals outlined for Phase Five**
- **Has a well-established support system to help maintain sobriety and mental wellness**
- **Engaging in prosocial activities**
- **Living in supportive sober housing**
- **Employed, enrolled in school, or actively pursuing either**
- **Compliant with supervision**
- **Restitution is paid** (if applicable)

Graduation

When you have met all requirements of Mental Health Court you will graduate with a sense of pride and accomplishment. You should feel proud knowing that you have completed a rigorous program intended to help you regain stability in your life and gain the skills you need to avoid future contact with the criminal justice system.

At your graduation, you will be recognized by the Mental Health Court team for achieving this impressive milestone. You will be given an opportunity to speak to the other participants about your journey and what you have gained through your participation in MHC. The Judge will sign the appropriate orders during graduation, and if applicable, your case will be dismissed or amended. You are encouraged to maintain contact with the Therapeutic Court team after graduation and remain active with the Therapeutic Court Alumni Group.

Conclusion

The Benton County Mental Health Court was developed to help you achieve stability in your life. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible citizen. The Therapeutic Court team is present to guide and assist you through the program. Successful completion is your responsibility.

We hope this handbook has been helpful and answered your questions. If you have additional questions or concerns about the MHC program, please feel free to contact any member of the Therapeutic Court team.