

Fact Sheet on Mental Health Courts

What are mental health courts?

Mental health courts are specialized dockets that attempt to link defendants with mental illnesses to community-based services, monitored by the court, in lieu of traditional case processing.

What are the distinguishing characteristics of mental health courts?

There is no single type of mental health court. However, in general, most mental health courts have these characteristics

1. Defendants with mental illnesses meeting eligibility for the court have their cases handled in a specialized docket.
2. A team (usually including representatives from the public defender's office, the state attorney's office, a local mental health provider, and the judge) makes decisions regarding acceptance into the court, treatment and monitoring.
3. A decision to enter mental health court is voluntary.
4. Praise is offered for compliance and sanctions may result from non-compliance.
5. Monitoring occurs under court aegis with possible criminal sanctions for noncompliance, such as reinstating continued charges or sentences.

How many mental health courts are there?

There are approximately 150 courts calling themselves mental health courts in the United States today. There are a small but growing number of juvenile mental health courts as well.

What types of cases do mental health courts accept?

Some mental health courts (approximately 49%) are misdemeanor only. Some (approximately 12%) are felony only. The rest take both misdemeanors and felonies. Newer courts tend to take felony cases.

How many people who are accepted into mental health court do not agree to the court's jurisdiction?

It appears that approximately 5% of individuals referred and accepted in mental health court decide to go through traditional case processing instead.

Do mental health courts use punishment for non-compliance with treatment conditions?

In a national survey, approximately one-third of courts reported using jail as punishment in less than 5% of cases. Approximately 39% of courts reported using jail as a sanction between 5 and 20% of cases, while 18% of courts said they used jail between 20 and 50% of their cases. Another 8% of courts never used jail, while 2% used jail in more than one-half of their cases.

How is supervision done?

Supervision includes status hearings, conducted by the judge, as well as monitoring by probation officers, mental health staff, or a combination of both. Scheduling of status hearings varies among mental health courts, though many courts appear to hold more frequent status hearings in the early stages of a case.

What happens to the charge?

Some courts require the defendant to plead guilty as a condition of entering the court. Others place the charge in abeyance, pending the person's fulfilling the treatment requirements. The charge may be reinstated for non-adherence. If treatment is completed successfully, the charge may be expunged.

Are there other types of specialty courts to address the needs of defendants with mental illnesses?

Some jurisdictions use arraignment as the point of diversion. Individuals are assessed by mental health professionals prior to their first court appearance and may be diverted into treatment at the point of arraignment. Other jurisdictions are developing specialized dockets to handle all cases involving defendants who have been found incompetent to proceed to trial.

Where can I learn more?

The Consensus Project of the Council of State Governments has a significant amount of useful information about mental health courts at this page:

<http://consensusproject.org/mhcp/>.

In addition, the Bureau of Justice Assistance (BJA) has designated five courts as mental health court learning sites. Staff from these sites are available for consultation as well. The sites include

- Akron Municipal Mental Health Court (OH)
- Bonneville County Mental Health Court (ID)
- Bronx County Mental Health Court (NY)
- Dougherty Superior Court (GA)
- Washoe County Mental Health Court (NV)

More information on these sites can be obtained from the webpage noted above. In addition, there are a growing number of mental health courts in Florida. These include but are not limited to mental health courts in Broward County, Volusia County, Sarasota County, and Polk County.

Information may also be obtained from the Florida Mental Health Institute (contact John Petril, at petrila@fmhi.usf.edu).