

Section Number	Mental Health Court Element	Key Questions
1	Goals	<p>What are the specific goals for the mental health court: increased public safety, increased treatment engagement, improved quality of life, and/or more effective use of resources?</p> <p>How will progress towards these goals be measured?</p>
2	Target Population	<p>Will the court accept defendants charged with misdemeanors, felonies, or both?</p> <p>Must a relationship between defendants' mental illnesses and their charges be demonstrated? If so, how will that relationship be established?</p> <p>Will those accused of violent crimes or with a history of violence be eligible for the program?</p> <p>Will the court establish eligibility criteria related to defendants' criminal histories?</p> <p>What kind of diagnostic criteria will the court establish?</p> <p>How will the court coordinate with other programs (such as the drug court)?</p>
3	Confidentiality	<p>How will prospective participants be asked to consent to the release of information, and to whom will it be released?</p> <p>How will clinical information be handled in open court?</p> <p>How will federal regulations related to the sharing of mental health and substance abuse treatment information affect program design?</p>
4	Terms of Participation	<p>What kind of plea arrangement will the court establish for program participants? Will a guilty plea be required?</p> <p>How will cases be disposed when participants successfully complete the program? What about when participants are unsuccessful?</p> <p>How often will participants report to the court for status hearings?</p> <p>How long will the court program last? Will it vary for each individual? If so, what will be the basis?</p>
5	Informed and Voluntary Choice	<p>How will the court ensure prompt assessment of legal competency?</p> <p>How will the court ensure that defendants are fully informed about the program before opting into the court?</p> <p>How will the court encourage participant input into treatment plans and other conditions?</p>

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6	Participant Identification	<p>From which agencies or individuals will the court accept referrals?</p> <p>How will high rates of inappropriate referrals be avoided?</p> <p>Who will screen referrals for legal and clinical eligibility?</p> <p>How will information required for treatment planning be gathered?</p> <p>How will the final determination of eligibility be made? Who will have ultimate authority to accept participants?</p> <p>What speed of processing targets will the court set?</p>
7	Integration of Treatment and Community Supports	<p>How will the court determine what kinds of mental health treatment are available in the community? How will the court respond to gaps in treatment?</p> <p>How will the court address the treatment needs of participants with co-occurring psychiatric and substance abuse disorders?</p> <p>How will the court ensure that treatment for court participants does not reduce treatment availability for non-court participants?</p> <p>How will the court make use of peer support services?</p> <p>How will the court account for the specific treatment needs of women and minorities?</p> <p>How will the court transition participants from court supervision to unsupervised treatment?</p>
8	The Court Team	<p>Who will compose the court team?</p> <p>How will team members be selected?</p> <p>What kind of training, both initial and ongoing, will be provided to team members?</p> <p>How long will staff be assigned to the mental health court program?</p>
9	Monitoring Adherence to Court Conditions	<p>Who will monitor or supervise participants in the community? Will these staff have a mental health background (e.g., case managers), a criminal justice background (e.g., probation officers), or will a team approach be used?</p> <p>Who will manage information about participants' adherence to court conditions?</p> <p>Who will attend case staffing meetings during which participants' progress is discussed?</p> <p>What kind of rewards and incentives will be provided to encourage compliance?</p>

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<i>continued</i> 9	Monitoring Adherence to Court Conditions	<p>How will the court determine when to adjust treatment plans and when to apply sanctions in response to non-adherence?</p> <p>What kinds of sanctions will be applied? When, if at all, will jail be used as a sanction?</p> <p>How will the court resolve differences of opinion about how to best respond to violations of court conditions?</p>
10	Sustainability	<p>From what sources will the court obtain long-term funding or resources to operate?</p> <p>When will the court develop written policies and procedures?</p> <p>Which outcome data will be collected and who will collect them?</p> <p>How will the court respond to program failures, such as well-publicized new crimes committed by program participants?</p> <p>How will the court educate other agencies and community members about the goals and processes of the court?</p>

With the aid of this guide, readers will better understand how mental health courts across the country have negotiated the questions above, and will be better prepared to develop answers in their own jurisdictions. As with the decision of whether to establish a mental health court, answers to these questions should be based on the input of stakeholders throughout the criminal justice, mental health, substance abuse, and related systems. Without a strong collaborative base, no mental health court, or any program to address the involvement of people with mental illnesses in the criminal justice system, can be successful. But by working together, practitioners and policymakers from across these systems have the opportunity to improve the lives of individuals with mental illnesses, the functioning of the criminal justice and mental health systems, and the health and safety of communities across the country.