

Supreme Court of Kentucky

2022-42

ORDER

RE: ESTABLISHMENT OF THE KENTUCKY JUDICIAL COMMISSION ON MENTAL HEALTH

Section 1. Purpose. The Kentucky Judicial Commission on Mental Health (the Commission) is created to develop, implement, and coordinate initiatives designed to improve the courts' interaction with and the administration of justice for individuals with mental illness, substance use disorders, and intellectual disabilities. The Commission also seeks to educate the general public about accessing available court services and programs.

The Commission recognizes that improving the lives of Kentuckians who are affected by mental illness, substance use disorder, and intellectual disabilities and who are involved in the justice system requires complex, interdisciplinary education and solutions in addition to judicial leadership at the highest level. The judicial system has a profound impact on services provided to children, adults, and families of this Commonwealth, and the stakes are exceptionally high. As gatekeepers for families and individuals in crisis, courts must make life-altering decisions that require knowledge of numerous highly complex issues including, but not limited to, childhood and adult trauma, abuse, neglect, intellectual and developmental disabilities, substance use, family violence, poverty, racism, and military combat. Our courts need to be equipped with the technology, education, training, and resources to make well-informed decisions.

Many entities and individuals throughout the Commonwealth share a desire for, and commitment to, improving the services available to Kentuckians. The Commission will seek to coordinate and implement a comprehensive, interdisciplinary effort aimed at improving the administration of justice. Current impediments to this goal which the Commission seeks to overcome include, but are not limited to:

1. Overcrowded dockets that strip courts of sufficient time to thoughtfully consider the multiple issues that persons with mental illness, substance use disorders, and/or intellectual disabilities present;
2. A lack of adequate education and training in identifying and addressing the unique needs of individuals with mental illness, substance use disorders, and/or intellectual disabilities present;
3. A lack of communication, coordination, and collaboration between and among the courts, the state, and local mental health providers, law enforcement, attorneys, and mental health advocates;

4. A need for specialized, multidisciplinary, legal training, and the means to develop and share best practices;
5. A lack of technology to efficiently manage dockets and to track and analyze cases and caseloads involving mental health, substance use disorder, and/or intellectual disability challenges; and
6. A lack of community resources to provide adequate services to minors, adults, and families.

Section 2. Authority. Section 109 of the Kentucky Constitution establishes the Court of Justice, and Section 110(5)(b) vests the Chief Justice with the duty and responsibility to perform all necessary administrative functions relating to the Courts of this Commonwealth. Section 14 of the Kentucky Constitution further ensures open and speedy access to our court system.

Section 3. Membership. The Commission will consist of a minimum of twenty-five (25) members appointed by the Chief Justice and, as necessary for the work of the Commission. Said members shall serve for two year terms, subject to re-appointment. Members shall be residents of the Commonwealth of Kentucky. The composition of the Commission shall be diverse and inclusive. The Chief Justice will designate a Justice of the Supreme Court to serve on the Commission and that Justice will serve as the Chairperson of the Commission. The Chief Justice will appoint a Judge of the Court of Appeals as the Vice-Chairperson of the Commission.

The members shall include members of the judiciary, members of the juvenile, criminal, and child protection systems, legislative members, representatives of the business and legal communities, representatives of foundations or organizations with a substantial interest in mental health matters, and other state and local leaders who have demonstrated a commitment to mental health matters affecting Kentuckians.

The Chief Justice recognizes that participation by a broad spectrum of persons involved with the mental health, juvenile, criminal, and child welfare systems is critical to the Commission's success. Accordingly, the Commission is authorized to appoint non-voting, advisory members as necessary to ensure the Commission is informed by experts in multiple disciplines. Advisory members may attend Commission meetings and may serve on committees as determined by the Commission.

Section 4. Responsibilities. The Commission is charged with the following goals, purposes, and responsibilities:

1. Develop a strategic plan for strengthening courts and the administration of justice in relation to Kentucky's courts;
2. Identify and assess current and future needs for the courts to be more effective in achieving positive outcomes for Kentuckians with mental illness, substance use disorders, and intellectual disabilities;

3. Promote best practices and programs that are data-driven, evidence-based, and outcome-focused;
4. Improve collaboration and communication among courts and the mental health system stakeholders;
5. Endeavor to increase resources and funding and maximize the effective and efficient use of available judicial system resources;
6. Promote appropriate judicial training regarding mental health, substance use disorder and intellectual disabilities, systems, and services;
7. Educate the general public about accessing available court services and programs;
8. Establish a collaborative model that will continue systemic improvement within the judiciary beyond the tenure of individual Commission members;
9. Provide regular progress reports to the Supreme Court of Kentucky;

Section 5. Bylaws. The Commission shall propose bylaws and other internal regulations for approval by the Chief Justice as necessary for the performance of the Commission's duties and may form committees to assist in its work.

Section 6. Review. The Commission will submit an annual written report to the Supreme Court, subject to more frequent reporting as required by the Supreme Court or the Commission's bylaws. The Supreme Court will review and evaluate the work of the Commission on an annual basis.

This Order shall be effective upon entry and until further Order of this Court.

Entered this 11th day of August 2022.

All sitting; all concur.


CHIEF JUSTICE