

# Supreme Court of Kentucky

## ORDER

**IN RE: ORDER APPROVING LOCAL RULES FOR THE NORTHERN  
KENTUCKY REGIONAL MENTAL HEALTH COURT PILOT PROJECT  
FOR BOONE, CAMPBELL, AND KENTON COUNTIES**

Upon recommendation of the Judges in Boone, Campbell, and Kenton counties,  
and being otherwise sufficiently advised,

The Local Rules for the Northern Kentucky Regional Mental Health Court Pilot  
Project are hereby approved. This order shall be effective as of the date of this Order,  
and shall remain in effect until further orders of this court.

Entered this the 27th day of January 2010.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

# LOCAL RULES FOR THE NORTHERN KENTUCKY REGIONAL MENTAL HEALTH COURT PILOT PROJECT

## PART I: DEFINITIONS

As used in these sections, unless the context otherwise requires:

- (1) "Administrative discharge" means the discharge of a participant from Mental Health Court due to the participant's inability to complete Mental Health Court through no fault of his/her own.
- (2) "Agreement of Participation" means the written agreement required to be signed by all potential mental health court participants prior to the determination of eligibility for Mental Health Court.
- (3) "Approved local diversion procedures" means pretrial diversion procedures authorized by the Kentucky Supreme Court within each judicial circuit.
- (4) "Assessment" means a tool used by Mental Health Court staff to evaluate mental health history and status for purposes of determining whether a defendant will be considered for admission into Mental Health Court.
- (5) "COJ" means the Court of Justice.
- (6) "Eligible offenses" are offenses deemed to be caused by, arising out of, or a result of untreated or improperly treated mental health condition(s), including Axis I and Axis II disorders, but excluding violent offenses and sexual offenses. An exception can be made on a case by case basis to include otherwise excluded offenders.
- (7) "Grant Manager" means the agency authorized by the grantor to support Mental Health Court and administer and oversee its funding.
- (8) "Home visit" means the on-site appearance of Mental Health Court staff at the participant's home for the purpose of verifying stable, crime-free housing, compliance with curfews, and verification of living conditions appropriate for Mental Health Court participants.
- (9) "Incentives" means tangible or intangible rewards earned by participants for positive steps taken toward attaining a crime-free lifestyle, and may include, but are not limited to, promotion to the next phase, certificates and tokens, decreased supervision, increased privileges and responsibilities, praise from the mental health court judge and team, extended curfews, and other individual incentives approved by the Mental Health Court team.
- (10) "Involuntary termination" means the termination by the Mental Health Court judge of a participant from Mental Health Court due to the participant's non-compliance with Mental Health Court's requirements, rules, or conditions.
- (11) "Justice system case processing" means the manner in which a case is processed within the Kentucky COJ, as reflected in KyCourts II or the current COJ case management system.
- (12) "Mental Health Court" means the Northern Kentucky Regional Mental Health Court, which is an alternative sentencing court pilot program authorized by the Kentucky Supreme Court. Mental Health Court combines case management, judicial oversight, treatment, mental health assessments, and

- drug testing and includes, but is not limited to, the implementation of curfews, sanctions, and incentives.
- (13) "Mental Health Court Administrator" means the employee appointed by the Northern Kentucky Regional Mental Health Court to support Mental Health Court, and administer and oversee its funding.
  - (14) "Mental Health Court Community Corrections Board" means a group of stakeholders that assist the court with ongoing operations. The board shall consist of a representative from each of the Boone, Campbell and Kenton County Fiscal Courts, and County and Commonwealth Attorney's offices; representatives from treatment providers; case managers; the Mental Health Court judge; the Mental Health Court Administrator; and the Public Advocate.
  - (15) "Mental Health Court graduation" means the public ceremony acknowledging the successful completion of Phases I, II and III of Mental Health Court.
  - (16) "Mental Health Court Judge" means a judge who, in addition to his/her regular judicial duties, conducts Mental Health Court sessions and staffing, monitors and reviews the participant's progress in Mental Health Court, imposes sanctions and incentives, and facilitates other components of Mental Health Court as identified and required by the Mental Health Court, consistent with these rules.
  - (17) "Mental Health Court Judge with jurisdiction" means the Mental Health Court judge to whom the entire case is transferred for both Mental Health Court proceedings and all further criminal proceedings.
  - (18) "Mental Health Court staff" means personnel hired and employed by the Mental Health Court who perform the daily operations of Mental Health Court, including, but not limited to, providing case management for participants, attending Mental Health Court staffing and sessions, and coordinating mental health assessments and drug testing as needed.
  - (19) "Mental Health Court team" means the non-adversarial group that promotes public safety while acting in the best interest of the public and the participant, and determines the appropriate responses for a participant's compliance or non-compliance with Mental Health Court requirements. While the Mental Health Court team determines appropriate responses for participant compliance or non-compliance, the Mental Health Court judge has the ultimate decision making authority. The Mental Health Court team is comprised of the Mental Health Court judge, Mental Health Court staff, law enforcement, prosecutor(s), defense counsel, and treatment provider(s). Optional members on each Mental Health Court team may include representatives from the office of probation and parole, the circuit court clerk's office, the community, and other ancillary agencies.
  - (20) "Mental Health Court support personnel" means interns and volunteers, including but not limited to, other staff supplied by a city or county office or official not employed by the Mental Health Court who work with the Mental Health Court.
  - (21) "Notice of eligibility" means the document provided to the sentencing judge following the defendant's assessment where a determination of eligibility or ineligibility for admission to Mental Health Court has been made.

- (22) "Phase" means a set of minimum and distinct criteria required of a Mental Health Court participant.
- (23) "Receiving judge" means the judge conducting a Mental Health Court docket.
- (24) "Referring judge" means the judge who refers a defendant to Mental Health Court.
- (25) "Sanctions" means the range of consequences imposed for the participant's failure to comply with the requirements or other conditions of Mental Health Court, which are appropriate, consistent and immediately applied. Sanctions may include, but are not limited to, admonishments from the judge, residential treatment, community service, phase demotion, increased therapy sessions, home incarceration, imprisonment in a detention facility, or termination from Mental Health Court.
- (26) "Sentencing judge" means the judge who sentences the defendant in the underlying criminal case; he/she may also be the referring judge.
- (27) "Session" means the scheduled appearance of the participant before the Mental Health Court judge, during which the progress of the participant is reviewed and discussed, and assignments, verifications, or other requested information is provided to the Mental Health Court judge by the participant.
- (28) "Staffing" means meetings held by the Mental Health Court team, including the Mental Health Court judge prior to a Mental Health Court session, for the purpose of discussing the participants' progress.
- (29) "Transfer for all further proceedings" means a transfer of the underlying criminal case to the Mental Health Court judge for both Mental Health Court proceedings and all further criminal proceedings.
- (30) "Transfer for Mental Health Court proceedings only" means a transfer of only the Mental Health Court component of a case to the Mental Health Court judge; upon successful completion or termination from Mental Health Court, the case does not remain with the Mental Health Court judge, but returns to the referring judge.
- (31) "Treatment program" means a residential program for a participant which provides a setting for mental health treatment.
- (32) "Treatment provider" means an individual or agency licensed and/or certified to provide the treatment and counseling to Mental Health Court participants as specified by the Mental Health Court.
- (33) "Voluntary termination" means the termination by the Mental Health Court judge of a participant from Mental Health Court, at the participant's request, but only after a determination has been made that the request was knowingly and voluntarily made.

## **PART II. ADULT CRIMINAL MENTAL HEALTH COURT**

### **Section 1. Key Components of a Mental Health Court**

All mental health court programs shall include the following key components:

- (1) Mental health courts shall integrate mental health treatment services with justice system case processing;
- (2) Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights;
- (3) Eligible participants are identified early and promptly placed in the mental health court program;
- (4) Mental health courts provide a continuum of mental health treatment services;
- (5) Compliance is monitored by frequent testing, compliance with treatment providers, testing and case management;
- (6) A coordinated strategy governs mental health court responses to participants' compliance;
- (7) Ongoing judicial interaction with each mental health court participant is essential;
- (8) Monitoring and evaluation measure the achievement of program goals and gauge effectiveness;
- (9) Continuing interdisciplinary education promotes effective mental health court planning, implementation, and operations;
- (10) Forging partnerships among mental health courts, public agencies, and community-based organizations generates local support and enhances mental health court program effectiveness and;
- (11) Mental Health Court Community Corrections Board shall meet on a quarterly basis to discuss issues and problems related to the operation of the court.

### **Section 2. Mission Statement**

The mission of the Mental Health Court is to protect public safety and reduce the recidivism rate of mentally ill offenders. Using an integrated approach involving court supervision, mental health treatment services, education, employment and personal accountability, the Mental Health Court seeks positive and long lasting life changes.

### **Section 3. Fiscal Courts to Oversee Mental Health Court**

The fiscal courts of Boone, Campbell and Kenton Counties shall support the Northern Kentucky Regional Mental Health Court, and administer and oversee funding after the initial implementation grant has been exhausted. The Mental Health Court Council and the Northern Kentucky Fiscal Courts shall also be authorized to establish further policies and procedures relating to Mental Health Court.

#### **Section 4. Mental Health Court Referral Process**

A defendant shall be referred to Mental Health Court through one of the following procedures:

- (1) An order of probation: a referral to Mental Health Court may be made at any time during probation, including a referral in lieu of revocation. A defendant who is referred to Mental Health Court by an order of probation shall have entered a guilty plea or been found guilty of an eligible offense(s). The sentencing judge, sua sponte or upon request of the attorney for the defendant or another interested party, may order a defendant to be referred to Mental Health Court for a determination of the defendant's eligibility.
- (2) An order of diversion: a referral to Mental Health Court may be made utilizing approved local diversion procedures but only after an order of diversion has been entered.
- (3) An order of contempt of court: any judge may refer a person charged with contempt of court to Mental Health Court in lieu of being incarcerated on the contempt charge, but only after an order of contempt has been entered.

#### **Section 5. Eligibility and Assessment**

- (1) Upon receipt of a written order of referral from a judge, Mental Health Court staff shall determine whether a person is eligible for assessment utilizing the following criteria. The person:
  - (a) Shall be eligible for diversion or probation; or, shall have been found in contempt of court; and,
  - (b) Shall not have previously graduated or been terminated from a Kentucky adult mental health court; and
  - (c) Shall not be a "sex offender" as defined by KRS 17.550; and,
  - (d) Shall not be a "violent offender" as defined by federal regulation, 28 C.F.R. 93.3, as an offender who either:
    - i. Is currently charged with or convicted of an offense during the course of which:
      - a. The person carried, possessed, or used a firearm or other dangerous weapon; or
      - b. There occurred the use of force against the person of another; or,
      - c. There occurred the death of or serious bodily injury to any person; without regard to whether proof of any of the elements described herein is required to convict; or,
    - ii. Has previously been convicted of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

iii. Any person who would not otherwise qualify for participation in the court can be admitted to the Mental Health Court by agreement of the court.

- (2) If a defendant is determined to be ineligible for assessment, Mental Health Court staff shall inform the referring judge in writing utilizing the form prescribed by the Mental Health Court.
- (3) A determination of competence to stand trial and enter a guilty plea shall be made by the referring court.
- (4) If a defendant is determined to be eligible for assessment, Mental Health Court staff shall thoroughly explain the Mental Health Court process and the Agreement of Participation to the defendant and request that the defendant sign the Agreement of Participation on a form prescribed by the Mental Health Court, with or without the presence of the defendant's attorney. If a defendant refuses to sign the Agreement of Participation, Mental Health Court staff shall notify the referring judge by utilizing the Notice of Eligibility form prescribed by the Mental Health Court. Refusal by the defendant to sign the Agreement of Participation shall render him or her ineligible for participation in Mental Health Court.
- (5) Upon execution of the Agreement of Participation by the defendant, Mental Health Court staff shall complete an assessment on a form prescribed by the Mental Health Court. After completing the assessment, Mental Health Court staff shall complete a Notice of Eligibility form on a form prescribed by the Mental Health Court. The assessment, the Notice of Eligibility and any other pertinent information regarding the defendant shall be completed and submitted to the Mental Health Court team prior to the defendant's next scheduled court appearance.

## **Section 6. Admissibility into Mental Health Court**

Upon receipt of the assessment, Notice of Eligibility and other pertinent information regarding the defendant, the Mental Health Court judge and team shall determine whether the person may be admitted into Mental Health Court. To determine admissibility, the Mental Health Court judge and team shall evaluate the following:

- (1) Current criminal charge(s)/conviction(s);
- (2) Past criminal conviction(s), if any;
- (3) Results of the assessment;
- (4) Information regarding the victim(s), if any;
- (5) Defendant's willingness to participate; and,
- (6) Other relevant information as identified by the Mental Health Court judge and team members.

## **Section 7. Transfer of Case to Mental Health Court**

Upon a determination of admission to Mental Health Court, and upon the defendant's acceptance of the offer to enter Mental Health Court, the referring judge shall complete an order transferring the case to Mental Health Court. The order shall indicate whether the case shall be transferred for all further proceedings or for proceedings relating to Mental Health Court only. Cases may be transferred for all further proceedings only when transferred within Boone, Campbell or Kenton Circuit or District Courts.

## **Section 8. Mental Health Court Participant Requirements**

- (1) A Mental Health Court shall consist of three phases as follows:
  - (a) Phase I - stabilization phase to last approximately 3 months;
  - (b) Phase II – education and treatment phase to last approximately 3-6 months;
  - (c) Phase III - self-motivation phase to last approximately 3 months.

The three phases shall take a minimum of twelve months to complete.

- (2) Mental health court participants shall adhere to the following minimum requirements during each phase as follows:
  - (a) For Phase I, the participant shall:
    - i. Provide urine and/or blood drug/alcohol screens as directed by the Mental Health Court judge or staff;
    - ii. Attend counseling as indicated in the Mental Health Court treatment plan;
    - iii. Attend one court session every other week;
    - iv. Obtain and/or maintain court-approved employment, appropriate benefits and entitlements, training, community service, or education.
    - v. Obtain and/or maintain court-approved housing;
    - vi. Make arrangements for payments of court obligations;
    - vii. Make at least one (1) weekly individual contact with Mental Health Court staff;
    - viii. Indicate an initial understanding of psychiatric diagnosis and mental health treatment goals;
    - ix. If required by the Mental Health Court judge, enroll in and attend a self help program, such as a 12 step recovery program;
    - x. Participate in treatment as required by the participant's case plan;
    - xi. Demonstrate mental health stability and reduction in symptoms;
    - xii. Other phase requirements as determined by the Mental Health Court judge or staff.



- (b) For Phase II, the participant shall:
- i. Provide urine and/or blood drug/alcohol screens as directed by the Mental Health Court judge or staff;
  - ii. Attend counseling as indicated in the Mental Health Court treatment plan;
  - iii. Attend one (1) court session every four weeks;
  - iv. Maintain court-approved employment, appropriate benefits and entitlements, training, community service, or education;
  - v. Maintain court-approved housing;
  - vi. Continue paying court obligations;
  - vii. Make at least one individual contact with Mental Health Court staff per week;
  - viii. Indicate an appropriate understanding of mental health treatment and management principles;
  - ix. If required by the Mental Health Court judge, continue to attend a self help program, such as a 12 step recovery program;
  - x. Continue to participate in treatment as required by the case plan.
  - xi. Demonstrate mental health stability and reduction in symptoms;
  - xii. Other phase requirements as determined by the Mental Health Court judge or staff.

- (c) For Phase III, the participant shall:
- i. Provide urine and/or blood drug/alcohol screens as directed by the Mental Health Court judge or staff
  - ii. Attend counseling as indicated in the Mental Health Court treatment plan;
  - iii. Attend one (1) court session every six weeks;
  - iv. Maintain court-approved employment, appropriate benefits and entitlements, training, community service, or education;
  - v. Maintain court-approved housing;
  - vi. Continue paying court obligations;
  - vii. Make at least one (1) individual contact with Mental Health Court staff per week;
  - viii. Indicate an appropriate understanding of mental health needs and treatment;
  - ix. If required by the Mental Health Court judge, continue to attend a self help program, such as a 12 step recovery program;
  - x. Participate in treatment as required by the participant's case plan;
  - xi. Demonstrate mental health stability and reduction in symptoms;
  - xii. Other phase requirements as determined by the Mental Health Court judge or staff.

- (3) Mental Health Court participants may be ordered to comply with additional requirements, which include, but are not limited to, the following:
  - (a) Employment, school, and/or home visits by Mental Health Court staff;
  - (b) Curfews as established by Mental Health Court; and,
  - (c) Medical and/or mental health referrals and subsequent treatment recommendations, including treatment programs.
  
- (4) Random urine and/or blood/drug screens: A copy of the urine and/or blood/drug test results shall be *prima facie* evidence of their validity and content. Any chain of custody shall be waived and the results of the urine and/or blood/drug tests shall be admissible as evidence in Mental Health Court.

### **Section 9. Incentives**

Incentives may be provided during Mental Health Court sessions and may include, but are not limited to, promotion to the next phase, certificates and tokens, decreased supervision, increased privileges and responsibilities, praise from the Mental Health Court judge and team, extended curfews, and other individual incentives approved by the Mental Health Court team.

### **Section 10. Sanctions for Non-compliance with Mental Health Court Requirements**

Each participant shall comply with the requirements and other conditions established by Mental Health Court. Failure to comply may result in the imposition of sanctions upon the participant by the Mental Health Court judge. Sanctions may include, but are not limited to, admonishments from the Mental Health Court judge, residential mental health treatment, community service, phase demotion, increased group treatment, home incarceration, imprisonment in a detention facility, and termination from Mental Health Court. Graduated sanctions may be utilized for continuous noncompliance.

### **Section 11. Involuntary Termination from Mental Health Court**

- (1) The Mental Health Court staff or team may make a recommendation to the Mental Health Court judge that a participant be terminated from Mental Health Court due to the participant's non-compliance with Mental Health Court requirements or conditions. If the Mental Health Court judge agrees with the recommendation of termination, Mental Health Court staff shall file a written Affidavit of Violations on a form prescribed by the Mental Health Court requesting the judge to terminate the participant from Mental Health Court. The participant shall be notified of the termination in the Mental Health Court session unless the participant has absconded. A Notice of Termination shall be signed by the Mental Health Court judge on a form prescribed by the

- Mental Health Court, and a copy of the Affidavit of Violations shall be attached. Upon signature of the Notice of Termination by the Mental Health Court judge, the case shall be referred back to the appropriate circuit or district for further proceedings. The Notice of Termination shall be filed in the official record by the circuit court clerk in the receiving court.
- (2) In the case of a participant who has absconded for a minimum of ten working days up to a maximum of 20 working days, Mental Health Court staff shall complete an Affidavit of Violations on a form prescribed by the Mental Health Court. A Notice of Termination shall be signed by the Mental Health Court judge on a form prescribed by the Mental Health Court, and a copy of the Affidavit of Violations shall be attached. Upon signature of the Notice of Termination by the Mental Health Court judge, the case shall be referred back to the appropriate circuit or district for further proceedings. The Notice of Termination shall be filed in the official record by the circuit court clerk in the receiving court.
  - (3) The receiving judge shall schedule the case for a hearing on a criminal motion docket for further proceedings. The Notice of Termination and Affidavit of Violations shall be filed in the official record by the circuit court clerk in the receiving court, who shall serve notice of the Notice of Termination on the parties, their attorneys, and probation and parole.
  - (4) Upon involuntary termination, a participant shall be ineligible for further participation in any Kentucky mental health court.

## **Section 12. Voluntary Termination**

Participants may petition the Mental Health Court judge for termination from Mental Health Court. If the Mental Health Court judge determines that the request is knowingly and voluntarily made, the Mental Health Court judge may terminate the participant from Mental Health Court on a form prescribed by the Mental Health Court and refer the case back to the appropriate circuit or district. The Notice of Termination shall be filed in the official record by the circuit court clerk in the receiving court, who shall serve notice of the Notice of Termination on the parties, their attorneys, and probation and parole. The receiving circuit or district shall schedule a hearing on the criminal motion docket for further proceedings. Upon voluntary termination, the participant shall be ineligible for further participation in any Kentucky mental health court.

## **Section 13. Administrative Discharge**

If a Mental Health Court participant cannot complete Mental Health Court, through no fault of his/her own, he/she may be administratively discharged. If the Mental Health Court team determines that administrative discharge is appropriate, the Mental Health Court staff shall complete an affidavit of administrative discharge to provide to the Mental Health Court judge and the Mental Health Court judge shall complete a Notice of Termination by administrative discharge on a form prescribed by the Court and refer the case back to the appropriate circuit or district. The Notice of Termination shall be filed in the official record by the circuit court clerk in the receiving court, who shall serve notice

of the Notice of Termination on the parties, their attorneys, and probation and parole. The receiving circuit or district shall schedule a hearing on the criminal motion docket for further proceedings. An administrative discharge does not make the participant ineligible to return to Mental Health Court at a later date.

#### **Section 14. Successful Completion of Mental Health Court**

- (1) A participant shall be determined to have successfully completed Mental Health Court after having:
  - (a) Completed all three Mental Health Court phases;
  - (b) If feasible, paid all restitution owed. If the total restitution amount is too great to be paid in full while in Mental Health Court, then a reasonable amount as determined by the Mental Health Court team shall be paid prior to being determined to have successfully completed Mental Health Court; and,
  - (c) Paid all costs, fines or fees.

Further, there shall be no criminal charges pending against the participant.

- (2) Upon successful completion of Mental Health Court, the sentencing judge or Mental Health Court judge with jurisdiction may:
  - (a) Dismiss the underlying charge(s), if the participant was on diversion, but only when restitution, if any, has been paid in full; or,
  - (b) Modify probation to be conditionally discharged if the participant was on probation or found in contempt of court, but only when restitution, if any, has been paid in full.
- (3) A Mental health Court graduation should be held for an eligible participant within 90 days of successful completion of Phase III of Mental Health Court as outlined above, but in no event shall a Mental Health Court graduation be held later than 210 days after successful completion of Phase III.

#### **Section 15. Mental Health Court Staffing**

- (1) The Mental Health Court judge and Mental Health Court staff shall attend staffing prior to a Mental Health Court session. The prosecutor, defense attorney, and other Mental Health Court team members are encouraged to attend these staffings. Mental Health Court staffing shall be confidential and non-team members shall not attend absent extraordinary circumstances. If there is an extraordinary need for a non-team member to attend, upon approval by the Mental Health Court judge, the non-team member shall be allowed to attend the staffing, but only after signing a confidentiality agreement.

- (2) At Mental Health Court staffing, the Mental Health Court team shall discuss the following:
  - (a) Whether to admit potential participants into Mental Health Court;
  - (b) Appropriate sanctions for violations by current participants;
  - (c) Achievements and phase advancement of participants who will appear at the Mental Health Court session; and,
  - (d) Other pertinent issues relating to Mental Health Court.

### **Section 16. Mental Health Court Sessions**

Mental Health Court judges shall conduct at least two Mental Health Court sessions per month. If non-weekly Mental Health Court sessions are held, then in any week in which a Mental Health Court session is not held, Mental Health Court staff shall meet with participants on the same day and time of the week that Mental Health Court meets when it is in session.

### **Section 17. Confidentiality**

- (1) Mental Health Court proceedings shall be confidential and all proceedings shall be closed unless otherwise authorized by the Mental Health Court judge.
- (2) Documents contained in a participant's Mental Health Court case file shall be confidential and shall not be released other than those documents specified in Section 18 of these rules.
- (3) Due to the treatment component of Mental Health Court, team members shall sign a confidentiality agreement.
- (4) Mental Health Court team members shall comply with state and federal confidentiality laws regarding treatment information.

### **Section 18. Filing of Mental Health Court Documents**

Upon utilization of any of the following documents, a copy of such document(s) shall be filed by the Mental Health Court staff with the appropriate court clerk for entry into the court record of the underlying criminal offense:

- (a) Order referring to Mental Health Court;
- (b) Notice of Eligibility;
- (c) Order transferring to Mental Health Court;
- (d) Affidavit of violations; and,
- (e) Orders of Termination, graduation, or administrative discharge.

### **Section 19. Collection of Fees**

- (1) A reimbursement fee may be imposed by Mental Health Court for treatment services, the cost of a laboratory confirmation of compliance with medication protocols, a positive drug test, or other required services. The standards and

policies relating to the payment of a reimbursement fee shall be established by the Court.

- (2) Reimbursement fees shall be in the form of certified checks, cashier's checks or money orders, each of which shall be made payable to the Kentucky State Treasurer. At no time shall Mental Health Court staff accept cash from a participant.
- (3) No judge or Mental Health Court staff shall collect monies for use for Mental Health Court through forfeiture, plea agreements, sanctions, fees, fines or other costs, other than those referred to herein.

## **Section 20. Student Interns**

The Court shall maintain a Mental Health Court Student Intern Program. The Court shall establish policies relating to the program and shall have the authority to approve the acceptance of any student intern working in the Northern Kentucky Regional Mental Health Court.

## **Section 21. Volunteers**

Volunteers may be permitted to serve in a limited capacity with the Mental Health Court. Volunteers shall not have responsibility for any aspect of the participants' supervision, treatment, or one-on-one interactions. All volunteers shall be required to sign a confidentiality agreement. The Mental Health Court shall establish policies relating to the use of volunteers.

## **Section 22. Drug Testing**

- (1) Drug testing may be administered to any Mental Health Court participant on a frequent and random basis. Phase I participants may be tested up to three times per week; Phase II participants may be tested up to two times per week; and, Phase III participants may be tested one time per week.
- (2) The Court shall utilize the most cost efficient drug-testing services for Mental Health Court, utilizing policies and specifications as authorized by the Mental Health Court.
- (3) All Mental Health Court participants shall be required to make themselves available for specimen collections as required by the case manager.
- (4) Instant, laboratory, and other drug tests supplied by Mental Health Court shall be utilized for Mental Health Court participants only. Due to the cost of drug testing supplies, inventory of supplies shall be audited on a random basis.
- (5) An adulterated drug test shall be considered a positive drug test.
- (6) Medically supervised detoxification or treatment that will affect drug-testing by Mental Health Court staff on a temporary basis may be authorized by the Mental Health Court judge. However, medically supervised detoxification or treatment that will affect drug-testing by Mental Health Court staff beyond a 6-month period shall not be authorized and shall preclude a participant from initiating or continuing participation in Mental Health Court.

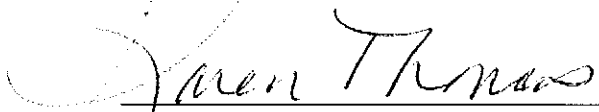
- (7) The Mental Health Court shall be authorized to establish further policies and procedures relating to drug-testing.

### **Section 23. Treatment Provider**

- (1) State personnel or state agencies shall be utilized to the maximum extent practicable for treatment or other needed services.
- (2) If state personnel or a state agency is unable to provide said treatment or other services, or it is not feasible for it to do so, an agency with which a Memorandum of Agreement may be executed shall be utilized for treatment or other needed services.
- (3) If an agency with which a Memorandum of Agreement may be executed is unable to provide said treatment or other services, or it is not feasible for it to do so, a personal service contract shall be utilized for obtaining treatment or other needed services.
- (4) The Mental Health Court shall maintain a list of authorized state providers for said treatment or other services.
- (5) All contracts for treatment or other services shall be negotiated by and through the Mental Health Court utilizing the approved administrative policies and procedures established for same.

### **Section 24. Mental Health Court Staff**

- (1) Individuals employed by the Northern Kentucky Regional Mental Health Court are not employees of the Administrative Office of the Courts, the Kentucky Court of Justice, or the Commonwealth of Kentucky.
- (2) All Mental Health Court staff work for the benefit of the Mental Health Court and shall report to the Mental Health Court Administrator or his or her designee. Unpaid Mental Health Court interns and volunteers shall be coordinated with the Mental Health Court Administrator and shall be subject to policies and procedures relating to Mental Health Court operations as established by the Mental Health Court.
- (3) All Mental Health Court staff and unpaid Mental Health Court interns and volunteers shall sign a confidentiality agreement and shall comply with state and federal confidentiality laws regarding treatment information.
- (4) Any participation in local court proceedings or activities outside of Mental Health Court sessions by Mental Health Court staff, in their capacity as Mental Health Court staff, shall first be authorized by the Mental Health Court.



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Judge Karen A. Thomas  
Campbell District Court  
Special Judicial Administrator and Judge for the Northern Kentucky Regional Mental Health  
Court  
Chief Regional Judge, Northern Region  
President, District Judges Association

Submitted for approval by the Supreme Court of Kentucky the 26 day of January, 2010.

Said protocol also is hereby incorporated by reference into the local rules of the 17<sup>th</sup> Judicial  
Circuit.