

## Mental Health Court Planning Document

Mental Health Court (MHC) is a therapeutic court designed for adult offenders whose crimes are linked to ongoing mental health, FASD, or cognitive issues. Using a therapeutic and collaborative approach the MHC seeks to connect the participant to health care and other community resources in order to improve the health of the offenders, stabilize them in the community and to eliminate or reduce reoffending.

An accused who wants to become a participant in MHC must enter a guilty plea to some or all of their charges. Sentencing is delayed. Participants typically spend one year in mental health court before they are sentenced by a judge. MHC attempts to stabilize participants and connect them with services in the community. MHC teams meet prior to Court to discuss the needs and progress of participants and assess potential participants that have been referred to the Court. An individualized Participant Plan is created for each participant; the MHC assists with getting participants connected with appropriate services in the community to help reduce or eliminate criminal offending and maintain a healthier lifestyle. The Crown and the Court will take into consideration the participant's success with their Participant Plan at sentencing, which may result in a reduced sentence.

This document is intended to be used as a starting point or guide for those who are interested in creating a MHC in their community. While there are minimum standards and guidelines that all mental health courts in Saskatchewan should meet, there will likely be variation at the local level depending on the partners involved and available resources. This planning document provides an overview of the various steps in the process in starting a MHC and is intended to guide the working of the planning team in developing their new MHC proposal.

### Steps in the Process and Things to Consider:

→ Create the **MHC planning team**:

- ✓ Ensure all of the right partners are included in the planning and that team members are in regular communication with the decision-makers in their organization.

The following individuals from the local community should be included in the planning meetings:

- Provincial Court Judge
- Provincial Prosecutions
- Legal Aid
- Community Corrections (Probation Services)
- Victim Services
- Saskatchewan Health Authority – Mental Health and Addictions
- Psychologist/psychiatrist
- Nurse with mental health expertise
- FASD Network
- Community-based service providers
- Municipal police and/or R.C.M.P.
- Social Services (Income Assistance, housing)

The planning meetings should also include Dawn Anderson, Director of Therapeutic Courts, Court Services, Ministry of Justice. She can be reached by email at [dawn.anderson@gov.sk.ca](mailto:dawn.anderson@gov.sk.ca) or by phone: (306) 787-8864.

→ **Gather data:**

- ✓ What is the nature of the problem you are trying to solve? What role mental health, FASD, or cognitive issues play in offending? Why types of offences are being committed?
- ✓ What is the extent of the problem? Sources of data: police data, crime statistics, courts data, probations data, Crown file review, agency referrals.
- ✓ What resources are available in the community, and what is needed.

→ **Program design:**

- ✓ Identify the various program components, what will be required of participants?
- ✓ Document your plan, outline the entire process. This will include determining your target group, program eligibility criteria (consider type of charge, seriousness of charge, criminal history, current situation, etc.), court schedule, appearance requirements and reports, information sharing, and partner roles and responsibilities. Determine what program capacity will be.
- ✓ Develop the partner protocols.
- ✓ Gather / create necessary forms and documents.
- ✓ Visit one of the existing mental health courts in Saskatchewan.
- ✓ What challenges do you expect and how will you mitigate for them?
- ✓ What will be the oversight roles and responsibilities – how will decisions be made?

→ **Gathering resources:**

- ✓ What resources are already in place, what else is needed and how will you get them?
- ✓ What are the staffing needs? For example, you will need a coordinator.
- ✓ Are budget submissions for additional resources required?

→ **Training:**

- ✓ What are the training needs?
- ✓ Develop a training plan. This information can also be used for program partner orientation manuals.

→ **Data monitoring and evaluation plans:**

- ✓ How will you know that you are meeting your objectives?
- ✓ How will you measure and demonstrate program success? Develop performance measures.
- ✓ What information do you need to collect and how will you collect it? Who will be responsible for gathering this information?
- ✓ What technology do you need?

Please refer to the *Mental Health Court – Overview and Standards* document for more information on target groups, eligibility and the referral process, and program design. Examples of forms and documents from other mental health courts are also available on request.

While this document is intended to assist you with developing a new MHC in the most efficient and effective way possible, developing and starting a new therapeutic court is still a lengthy process. It is not unusual for it to take 2-3 years, from initial planning to implementation, depending on community readiness and availability of resources. Detailed planning is necessary to ensure proper program design and implementation. Program evaluation is also important to ensure the program was designed and implemented as intended and that the MHC is meeting its intended outcomes.

Therapeutic courts are resource-intensive; throughout the planning process, members of each group or organization should be in regular contact with their head offices so that they are aware of any funding or HR considerations.

All requests for a new mental health court will be presented to and reviewed by the provincial Therapeutic Courts Oversight Committee which includes representatives from: the judiciary, Ministry of Justice (Court Services, Prosecutions), Ministry of Corrections, Policing and Public Safety (Community Corrections), Ministry of Integrated Justice Services (Victim Services), Legal Aid, Police / RCMP, Ministry of Social Services (Income Assistance), Ministry of Health (Mental Health and Addictions), Saskatchewan Health Authority (Mental Health and Addictions), Public Prosecution Service of Canada, and First Nations Inuit Health (Mental Wellness Programs).