



Guide for Addressing the Needs of Persons with Mental Illness in the Court System

This resource guide contains information for Texas courts on addressing the needs of persons with mental illness in the court system. Resource descriptions comport with Texas Government Code § 392.002, but select source titles may not.

General Information

People First Language Guide

- People with mental illness entering the Texas Court system are, first and foremost, people. People First Language focuses on the person rather than the disability. This guide contains a brief explanation for the shift toward People First Language and offers examples of People First Language.
 - Available at: <http://www.tcdd.texas.gov/resources/people-first-language/>.

Guide to Protecting Constitutional Rights of Defendants with Mental Impairments

- Developed for Texas judges, this guide stresses the importance of accurate identification of defendants with mental illness so that judges can protect the constitutional rights of these individuals. Contains relevant legal references plus brief descriptions of common mental illnesses.
 - Available at: <https://www.texasappleseed.org/sites/default/files/12-MentalHealth-JudicialMonographs.pdf>.

Judicial Options: Personal Bond Statutes and Defendants with Mental Illness

- Developed for Texas judges, this guide unpacks Article 16.22 and Article 17.032 of the Texas Code of Criminal Procedure, which collectively address the screening of defendants for potential mental health issues and their conditional release for treatment.
 - Available at: <https://www.texasappleseed.org/sites/default/files/216-Monograph-JudicialOptions-PersonalBondStatutesandDefendantsMentalIllness.pdf>.

Navigating the Mental Health Maze

- A comprehensive introduction for court practitioners into mental illness and related symptoms and diagnoses, the mental health “system,” and court-based mental health treatment coordination.
 - Available at: <http://www.courts.ca.gov/documents/Navigating-MHC-Maze.pdf>.

[Addressing Mental Illness in Rural Jails](#)

- A guide designed to generate ideas and strategies for rural counties in addressing the challenges posed by detaining defendants with mental illness in the rural jail setting.
 - Available at: <http://www.naco.org/resources/reducing-mental-illness-rural-jails>.

[Sequential Intercept Model Brochure](#)

- A guide to the Sequential Intercept Model, which provides a conceptual framework for communities to organize targeted strategies for justice-involved individuals with behavioral health disorders.
 - Available at: <https://www.prainc.com/wp-content/uploads/2015/10/SIMBrochure.pdf>.

[Texas Criminal Procedure and the Offender with Mental Illness](#)

- This specialty guide covers diversion statutes, competency to stand trial statutory schemes, insanity defense statutes, and common post-conviction issues in Texas criminal courts.
 - Available at: <http://namitexas.org/wp-content/uploads/sites/12/2014/12/2016-NAMI-Texas-Shannon-book-with-cover.pdf>.

Recognizing Mental Illness in the Courtroom

[Addressing Litigant Mental Health Issues in the Courtroom](#)

- A bench book for judges covering challenges posed by self-represented litigants with mental illness, plus strategies for responding to these challenges and suggestions for building resources to work with these types of litigants.
 - Available at: <http://www.courts.ca.gov/partners/documents/Chapter11.pdf>.

[Essential Components of Trauma-Informed Judicial Practice](#)

- This guide provides information for judges and court staff on understanding and acknowledging trauma and its consequences in litigants with mental health disorders, with the aim of improving judicial outcomes for these litigants and minimizing case challenges associated with them.
 - Available at: https://www.nasmhpd.org/sites/default/files/JudgesEssential_5%201%202013finaldraft.pdf.

[Judges' Guide to Mental Illness in the Courtroom](#)

- This bench card contains useful tips for recognizing defendants with mental illness and suggestions on judicial interaction with defendants with mental illness.
 - Available at: <https://csgjusticecenter.org/wp-content/uploads/2016/09/judges-guide-to-mental-illnesses-in-the-courtroom.pdf>.

[Judges' Primer on Mental Illness, Addictive Disorders, Co-occurring Disorders, and Integrated Treatment](#)

- This brief primer for judges provides insight into mental illnesses, addictive disorders, co-occurring disorders, and how integrated treatment benefits defendants presenting impairment.
 - Available at: <http://www.pacenterofexcellence.pitt.edu/documents/judges-primer.pdf>.

[Practical Considerations Related to Release and Sentencing for Defendants Who Have Behavioral Health](#)

[Needs: A Judicial Bench Card](#)

- A bench card with a flowchart for determining the behavior health treatment needs of defendants, plus practical considerations and tips on interacting with defendants with mental illness and release and sentence decisionmaking.
 - Available at: https://csgjusticecenter.org/wp-content/uploads/2017/11/11.10.17_JC_BenchCard.pdf.

[Texas Justice Court Training Center Mental Health Resources](#)

- A collection of mental-health-related training materials for courts and court staff, including webinars, FAQs, and forms and flowcharts.
 - Available at: <http://www.tjctc.org/Mental-Health.html>.

[Texas Municipal Courts Education Center \(TMCEC\) Mental Health Resources](#)

- A collection of mental-health-related resources for use by courts and court staff, including recent Texas legislation, notable publications, links to relevant agencies and organizations, TMCEC webinars, mental-health-related forms, and recordings from the 2016 TMCEC Mental Health Summit.
 - Available at: <http://www.tmcec.com/mental-health/>.

Processes:

Screening — Identification — Assessment — Treatment — Referral

[Article 16.22 Mental Illness Assessment Magistrate Notification Form](#)

- The form prescribed for use in Article 16.22 mental health/intellectual disability assessments.
 - Available at: http://www.txcourts.gov/media/1438901/sb_1326-assessment-form.pdf.

[Brief Jail Mental Health Screen](#)

- Screening tool for corrections intake staff in early identification of defendants with mental health needs.
 - Available at: <https://www.prainc.com/wp-content/uploads/2015/10/bjmhsform.pdf>

Competency Restoration Process Flowchart

- This flowchart illustrates the competency restoration process for defendants found incompetent to stand trial under Article 46B, including pathways to jail-based and outpatient competency restoration programs.
 - Available at: <http://www.txcourts.gov/media/1438892/competency-restoration-process-sep2017.pdf>.

Data-Driven Justice Playbook: How to Develop a System of Diversion

- Designed to aid local jurisdictions in addressing “high utilizers” (individuals with behavioral, physical, or social needs who use social services and have contact with the court system), this diversion “playbook” contains strategies and recommendations on diverting individuals away from the criminal justice system.
 - Available at: http://www.naco.org/sites/default/files/documents/DDJ%20Playbook%20Discussion%20Draft%2012.8.16_1.pdf.

Judicial Guide to Release and Sentence of Defendants with Behavioral Health Needs

- A collection of information and strategies to help courts recognize mental illness in the courtroom, to screen, assess, and refer (for treatment) justice-involved individuals with mental illness, and to make release and sentencing decisions for these individuals.
 - Available at: https://csgjusticecenter.org/wp-content/uploads/2017/11/11.15.17_Practical-Considerations-Related-to-Release-and-Sentencing-for-Defendants-Who-Have-Behavioral-Health-Needs.pdf.

Reentry Resources for Individuals, Providers, Communities, and States

- This guide contains reentry resources on individuals returning from jails and prisons, including mental health support services, staff training materials, and topical toolkits.
 - Available at: https://www.samhsa.gov/sites/default/files/topics/criminal_juvenile_justice/reentry-resources-for-consumers-providers-communities-states.pdf.

Screening/Assessment for Arrested Defendant with Mental Illness/Intellectual Disability Flowchart

- This flowchart illustrates Article 16.22 screening and assessment of defendants with mental illness/intellectual disability and Article 17.032 mental health bond release.
 - Available at: <http://www.txcourts.gov/media/1438893/screeningassessment-sep2017.pdf>.

Screening and Assessment: Identifying Mental Health Needs for Youth in the Juvenile Justice System

- Presentation on screening and assessment of justice-involved youth with mental health needs, including steps for developing a juvenile mental health screening program.
 - Available at: <https://csgjusticecenter.org/wp-content/uploads/2013/04/Screening-and-Assessment-Ident-MH-Needs-in-JJ-Youth.022413.pdf>.

Screening and Assessment of Co-Occurring Disorders in the Justice System

- This expansive guide reviews evidence-based screening and assessment practices for co-occurring disorders (substance use/mental disorders) and contains recommendations for screening and assessment tools.
 - Available at: <https://store.samhsa.gov/shin/content/SMA15-4930/SMA15-4930.pdf>.

Screening and Assessment of Co-Occurring Disorders in the Justice System (Video)

- This video covers best practices for screening and assessment of co-occurring disorders in the justice system.
 - Available at: <https://www.youtube.com/watch?v=ZsHrXuNk2zs>.

Screening Form for Suicide and Medical/Mental/Developmental Impairments

- The Texas Commission on Jail Standards' suicide and medical/mental/developmental impairments screening form.
 - Available at: http://www.tcjs.state.tx.us/docs/ScreeningForm-SMMDI_Oct2015.pdf.

Texas Commission on Jail Standards (TCJS) Mental Health Resources

- A quick-reference page of TCJS mental health resources.
 - Available at: <http://www.tcjs.state.tx.us/index.php?linkID=239>.

Texas Community Centers Directory

- This directory provides contact information for local community mental health centers throughout Texas.
 - Available at: <http://txcouncil.com/wp-content/uploads/2017/03/20170306125134.pdf>.

Mental Health Court

Developing a Mental Health Court: An Interdisciplinary Curriculum

- A multi-lesson training and educational tool that contains information about the development and maintenance of a mental health court.
 - Available at: <https://csgjusticecenter.org/courts/mhc-curriculum/>.

Ethics Challenges for a Mental Health Court Judge

- This ABA *Judges' Journal* article offers suggestions on how judges should ethically approach the mental health court bench.
 - Available at: https://www.americanbar.org/groups/judicial/publications/judges_journal/2015/spring/ethics_challenges_for_a_mental_health_court_judge.html.

Mental Health Courts: A Guide to Research-Informed Policy and Practice

- A guide to assist policymakers in designing mental health courts. Also contains research on what outcomes might be expected for individuals who pass through a mental health court.
 - Available at: https://www.bja.gov/Publications/CSG_MHC_Research.pdf.

Mental Health Court Resource Guide

- This compendium of mental health court-oriented resources covers a wide range of topics, including mental health dockets, court performance measures, case studies, screening tools, and civil commitment.
 - Available at <http://www.ncsc.org/Topics/Alternative-Dockets/Problem-Solving-Courts/Mental-Health-Courts/Resource-Guide.aspx>.

Seven Common Characteristics of Juvenile Mental Health Courts

- This brief describes seven common characteristics of juvenile mental health courts, providing a "blueprint" for establishing or recalibrating a juvenile mental health court.
 - Available at: http://ndcrc.org/sites/default/files/common_characteristics_508_0.pdf.

