

**FAYETTE COUNTY MENTAL HEALTH TREATMENT COURT
GUIDE FOR ATTORNEYS AND STAFF**

REFERRAL CRITERIA

- FAYETTE COUNTY RESIDENT (At time of offense & throughout program)
- NON VIOLENT OFFENSE
- 18 OR OLDER
- HISTORY OF MENTAL ILLNESS
- LIMITED PRIOR RECORD

DISQUALIFICATION

- Those who have committed the following crimes:

Murder	Aggravated Indecent Assault
Voluntary Manslaughter	Theft by Extortion w/ Threats of Violence
Assault by Life Prisoner	Involuntary Deviant Sexual Intercourse
Drug Trafficking	Drug Trafficking to Minors
Assault by Prisoner	Escape
DUI	Kidnapping
Rape	Aggravated Assault
Adam Walsh Act	
- Those who have an out of county or State Detainer

***Please Note: The District Attorney at his/her discretion may waive charges for those who have committed a crime that is ineligible and make the defendant eligible to participate.**

IMPORTANT NUMBERS

Problem-Solving Court Manager (Kate Vozar, LPC)	(724) 430-4845
Fayette County Behavioral Health Administration	(724) 430-1370
Fayette County Adult Probation (Margaret Epley)	(724) 430-1251
District Attorney (Jack R. Heneks, Jr.)	(724) 430-1245
Fayette County Prison (Brian Miller)	(724) 430-1222
District Court Administrator (Karen M. Kuhn)	(724) 430-1230
Public Defender (Jeffrey W. Whiteko)	(724) 430-1220
Crime Victims' Center (Linda O'Keefe)	(724) 438-1470

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STEP 1 – REFERRAL/ROUTING

- **Defense Council must consult with the District Attorney to determine consideration for participation.**

***Please Note:** The referral form, routing slip, service plan, and authorizations will be referred to as the **Initial Referral Packet**.

- Defense counsel/defendant must obtain and complete the initial referral packet which is available from the **Problem-Solving Courts Office**, the **Administrative Office of Fayette County Courts** or the website of the Administrative Office at **www.co.fayette.pa.us**. (All forms must be signed and dated by the defendant and defense counsel). Please note that the initial referral packet must be accompanied by a psychological assessment that includes a psychological diagnosis.
- The defendant must contact a licensed mental health outpatient facility and/or licensed mental health professional (list of providers is attached) to obtain verification of a mental health diagnosis in the form of a psychological assessment. At the psychological evaluation, the defendant is required to sign the release to authorize release of information to Clinton Anderson at Fayette County Behavioral Health Administration and to Kate Vozar, Fayette County Problem-Solving Courts Manager. Other consent forms may also be necessary. It is the defendant's responsibility to provide a copy of the completed assessment/diagnosis to be attached to the initial referral packet. Assistance in obtaining a psychological assessment can be provided by the Problem-Solving Courts.
- Defense counsel/defendant forwards the initial referral packet which includes the referral form, the routing slip, the service plan, the authorizations and the psychological assessment (if obtained) to the Problem-Solving Courts Program.
- Upon receiving the initial referral packet, Problem-Solving Court must ensure that the forms are correctly filled out and the information given on forms is accurate.

STEP 2 – CONFIRMATION OF MENTAL HEALTH DIAGNOSIS

- If no mental health diagnosis can be established, the District Attorney and defense counsel are notified that the defendant is ineligible by the Problem-Solving Court.
- Upon confirmation of evidence of a mental illness/mental health diagnosis, the Problem-Solving Court Coordinator forwards the initial referral packet to the District Attorney.

STEP 3 – PROSECUTOR'S REVIEW

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- The District Attorney reviews current offense(s).
- If approved, District Attorney enters the treatment court charge(s) and plea offer(s) on the routing slip.
- The District Attorney signs and dates the referral and routing slip and forwards the initial referral packet to the Problem-Solving Court.
- If the District Attorney does not approve Problem-Solving Court, the Problem-Solving Court forwards a copy of declined referral back to defense counsel.

STEP 4 - DEFENDANT'S REVIEW

- If the District Attorney approves Problem-Solving Court, the Problem-Solving Court Coordinator forwards the initial referral packet to defense counsel for review of plea offer.
- The defense counsel/defendant review plea offer and signs only the routing slip.
- The defense counsel forwards signed original initial referral packet to the Problem-Solving Court Program.

STEP 5 - INTAKE IS SCHEDULED

- The Problem-Solving Court Coordinator forwards the initial referral packet to the Mental Health Program Manager at Fayette County Behavioral Health Administration.
- An intake appointment, if necessary, is scheduled by Fayette County Behavioral Health Administration to meet with the defendant.
- At the intake appointment arrangements to begin treatment are made (if not already scheduled by counsel, defendant, or coordinator) and any questions/concerns are addressed. Any linking to resources can also be done at this time.

STEP 6 – NOTIFICATION OF VICTIM'S ADVOCATE

- The Problem-Solving Courts Coordinator sends the referral form/routing slip to Victim's Advocate.
- The Victim's Advocate signature is obtained on the referral.

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STEP 7 - TREATMENT TEAM REVIEW

- The Treatment Team meets to review the charges, previous record, psychiatric diagnosis/history to determine eligibility into Treatment Court and makes recommendation for the defendant's Treatment Plan.
- The Treatment Team signs and dates the routing slip and forwards to the Problem-Solving Court Program.

STEP 8 – TREATMENT COURT PLEA IS SCHEDULED

- The Problem-Solving Courts Coordinator compiles a list of defendants ready for plea along with case numbers and defense counsel and forwards to all parties.
- The Court, by court order, schedules the plea dates.
- The Problem-Solving Courts Coordinator notifies all parties of the scheduled plea date.
- The Defendant enters a plea before the Presiding Judge.

STEP 9 – TREATMENT COURT SENTENCING DATE IS SCHEDULED

- The judge, by court order, schedules a sentencing date.
- The Problem-Solving Courts Coordinator notifies all parties of the scheduled sentencing date.

(The Court will hear comments from the victim(s) at the time of the defendant's sentencing.)

- After all signatures are obtained, the original Service Plan is presented to the Presiding Judge at the time of sentencing for his/her signature.
- The Service Plan must be signed by the defendant, Presiding Judge, and Mental Health Program Manager.
- The defendant is sentenced to Problem-Solving Court.
- The Service Plan now becomes a binding document for the defendant to follow.

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STEP 10 – REINFORCEMENTS HEARINGS

- Reinforcement hearings are scheduled on a bi-monthly basis (both positive and negative hearings are held) and all parties are notified of the date of the reinforcement hearings by the Problem-Solving Court Program.
- Reinforcement hearing paperwork is sent to Presiding Judge, District Attorney, defense counsel and Adult Probation Office approximately two – three days prior to the hearing date by the Problem-Solving Court Coordinator.
- The Problem-Solving Court Treatment Team meets monthly to discuss upcoming reinforcement hearings, defendants up for review, Service Plans for new referrals and address any problems/issues.