

IN THE MATTER OF THE  
IMPLEMENTATION OF A  
MENTAL HEALTH COURT  
IN THE CIRCUIT COURT FOR  
BALTIMORE CITY

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IN THE  
COURT OF APPEALS  
OF MARYLAND

ORDER

WHEREAS, the County Administrative Judge for the Circuit Court for Baltimore City submitted a detailed plan for the establishment of a Mental Health Court to the Judicial Council's Committee on Specialty Courts and Dockets for its review and recommendation in compliance with Maryland Rule 16-207 and the Administrative Order on the Approval of Problem-Solving Court Programs in the Circuit and District Courts; and

WHEREAS, upon the recommendation of the Judicial Council's Committee on Specialty Courts and Dockets, the State Court Administrator reviewed the plan and recommends its establishment to the Court; and

NOW, THEREFORE, It is this 10th day of May, 2017, ORDERED, by the Court of Appeals of Maryland, pursuant to the Authority Conferred by Article IV, §18 of the Maryland Constitution and Maryland Rule 16-207, that the establishment of a Mental Health Court in the Circuit Court for Baltimore City be, and hereby is, approved.

/s/ Mary Ellen Barbera  
Honorable Mary Ellen Barbera

/s/ Clayton Greene, Jr.  
Honorable Clayton Greene, Jr.

/s/ Sally D. Adkins  
Honorable Sally D. Adkins

IN THE MATTER OF THE IMPLEMENTATION OF A MENTAL HEALTH COURT IN THE  
CIRCUIT COURT FOR BALTIMORE CITY

Page Two

/s/ Robert N. McDonald  
Honorable Robert N. McDonald

/s/ Shirley M. Watts  
Honorable Shirley M. Watts

/s/ Michele D. Hotten  
Honorable Michele D. Hotten

/s/ Joseph M. Getty  
Honorable Joseph M. Getty

Filed: May 10, 2017

/s/ Bessie M. Decker  
Bessie M. Decker, Clerk  
Clerk, Court of Appeals of Maryland

# MARYLAND JUDICIARY

## JUDICIAL COUNCIL'S SPECIALTY COURTS AND DOCKETS COMMITTEE

# Application & Plan for Proposed Problem-Solving Court Program

## Informational Materials and Application

**Office of Problem-Solving Courts**  
2001-E/F Commerce Park Drive  
Annapolis, Maryland 21401  
[opsc.info@mdcourts.gov](mailto:opsc.info@mdcourts.gov)  
**(410) 260-3615**

# Application & Plan for Proposed Problem-Solving Court Program

## Section I – Court Information

Court Jurisdiction **Baltimore City Circuit Court**

Address **100 North Calvert Street**

City **Baltimore** State: **Maryland** Zip Code **21202**

Phone Number **410-396-5132** Email [Gale.Rasin@mdcourts.gov](mailto:Gale.Rasin@mdcourts.gov)

Administrative Judge **W. Michel Pierson**

Problem-Solving Court Judge (if different) **Hon. Gale Rasin, Senior Judge**

Program Contact Name and Information **Denise Hesselton LCSW-C, Clinical Coordinator**

Address **111 North Calvert Street, Room 100**

City **Baltimore** State **MD** Zip Code **21202**

Phone Number **410-396-5013** Email **Denise.Hesselton@mdcourts.gov**

## Section II – Problem Solving Court Description

### Type of Problem Solving Court

- Adult Drug Court                       DUI/Drug Court                       Family Recovery Court
- Juvenile Drug Court                      **XX Mental Health Court**                       Re-Entry Court
- Truancy Court                       Other \_\_\_\_\_

## **Program Summary:**

**In 2011 a consolidation docket was created in the Baltimore City Circuit Court under the leadership of the Honorable Gale Rasin and with the support of then Administrative Judge, Marcella Holland to address all cases in which an evaluation to assess competency to stand trial or criminal responsibility was ordered by the court. Additionally, a pilot project was created to attempt to consolidate and provide services for those offenders who suffer from serious and persistent mental illness who were eligible for probation in the Baltimore City Circuit Court. The pilot project began with a maximum cap of twenty (20) defendants, deemed appropriate for probation supervision. Those defendant's cases were consolidated in one docket with the goal of developing a program that would provide a more effective criminal justice response to the mentally ill offender. This consolidation allows for case processing by a team of individuals trained in mental health law who follow the cases throughout the court process. All involved agencies identified the need to design and commit to a coordinated effort based on collaboration, with recognition of the individual responsibility of each agency. This consolidation docket and pilot project have been referred to as the Baltimore City Circuit Court Mental Health Case Management Docket (MHCMD).**

**As the docket has developed and expanded it has become clear that there is a need for continued growth and additional resources to sustain the vital services that are provided by the program. To that end, the MHCMD team respectfully submits this application requesting the status of a Maryland Problem Solving Court. If this application is approved the MHCMD will be renamed the Baltimore City Circuit Mental Health Court.**

**The Baltimore City Circuit Mental Health Court will strive to humanely and effectively address the needs of individuals with mental disorders who enter Baltimore's circuit court criminal justice system . This court will be committed to focusing resources, training and expertise on the unique needs of these individuals. All participating agencies have agreed to collaborate for the purpose of improving outcomes for this population while increasing public safety. Most importantly, the court and partner agencies will make every effort to encourage the involvement of the individual in all aspects of the process.**

What is the proposed length of the Program?

**Typically the length of probation or court supervision will be three (3) years but may be up to five (5) years. It is possible that probation in satisfactory status may be terminated early based upon exemplary compliance or other circumstances particular to an individual defendant. The term of probation may be modified to extend the original probationary period in the event of substantial non-compliance or violation of the terms of probation, but only after notice and a hearing, with due regard to the maximum period of probation statutorily permitted.**

Estimated projected program capacity: **40 (as currently staffed)**

Projected number of participants to be admitted to the program,

During the first fiscal year: 20

During the second fiscal year: 25

Who is allowed to participate in the problem-solving court program? (Check all that apply):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> <b>XX Adults Males</b>   | <input checked="" type="checkbox"/> <b>XX Offenders with a Mental Illness or Mental disability</b> |
| <input checked="" type="checkbox"/> <b>XX Adult Females</b>  | <input type="checkbox"/> Juveniles   |
| <input checked="" type="checkbox"/> <b>XX Repeat Offenders</b>   | <input checked="" type="checkbox"/> <b>XX Non-Violent Offenders</b>                                |
| <input checked="" type="checkbox"/> <b>XX Probation Violators</b>  | <input checked="" type="checkbox"/> <b>XX First-Time Offenders</b>                                 |
| <input checked="" type="checkbox"/> <b>XX Offenders with a Substance Addiction (Controlled or Otherwise)</b> | <input type="checkbox"/> Parole Violators  |
|  | <input type="checkbox"/> Other   |

If other, please explain:

Please describe any criteria for eligibility or ineligibility for a prospective participant, including whether self-represented participants will be accepted and if so, how any right to the assistance of counsel will be protected:

- **Baltimore City resident**
- **At least 18 years old**
- **Diagnosed with serious mental illness and/or trauma related disorder**
- **Eligible for public mental health services**
- **Agrees to comply with program requirements**
- **No detainers or pending cases, unless it is determined that the pending cases will not interfere with treatment**
- **Psychiatrically stable**
- **Amenable to treatment**
- **Agrees to participation in Mental Health Case Management Docket**
- **Represented by counsel (Private or OPD)**
- **Participation agreed to by Presiding Judge, SAO & Defense**
- **Criminal case pending in the Circuit Court for Baltimore City**

Please explain how participants are identified and referred to the problem-solving court program.

**After receiving notice of a referral from any source, the Office of the State's Attorney will review the case for legal eligibility and to determine if the defendant is a potential candidate for probation. The Defense attorney and SAO attorneys will then complete a joint referral form to be electronically submitted to the presiding MHC Judge for approval. If approved, it is forwarded to the Clinical Coordinator as soon as possible. The referral form process is the same regardless of the referral source.**

**If the State, the Defense and the Court have agreed to the referral, the Clinical Coordinator will screen for clinical eligibility and prepare a report. The Clinical Coordinator will prepare a proposed treatment plan that will include a diagnosis, an assessment of risk and amenability, eligibility for the public mental health system with named providers and available dates to access treatment. After the assessment is prepared by the Clinical Coordinator, the presiding MHC judge will discuss it with the State, the Defense and the Clinical Coordinator. If after discussion the State and Defense agree to the terms of the treatment plan, the Court may accept the defendant for the probation docket.**

**Once the Court has agreed to accept a defendant for the probation docket, a binding plea agreement is reached among the State, the Defense and the Court pursuant to Maryland Rule 4-243 as to what count or counts to which the defendant will plead guilty and what the sentence will be, including the length and conditions of probation. Compliance with the treatment plan shall be one of the conditions of probation.**

Will a prospective participant be expected to sign a written agreement upon entry into the program?

No  **XX YES (please see below)**

**FORM**  
**MENTAL HEALTH CASEMANAGEMENT PARTICIPATION**

**IN THE CIRCUIT COURT OF MARYLAND  
FOR BALTIMORE CITY**

**STATE OF MARYLAND**

**CASE #:**

**VS.**

**SID #:**

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**CIRCUIT COURT MENTAL HEALTH DOCKET AGREEMENT**

**What is the Baltimore City Circuit Court Mental Health Case Management Docket?**

The Baltimore City Circuit Court Mental Health Case Management Docket is a special part of the Baltimore City Circuit Court. It is a court-supervised program for Baltimore City Circuit Court defendants who have serious mental health issues, who need treatment and other services, and who choose to participate in the Court program instead of having their case proceed in the regular court process.

**What do I have to do?**

A treatment plan will be prepared for you based on an assessment of your needs for mental health treatment, substance abuse treatment, developmental disability services, case management, housing and other needs. Read the treatment plan with your lawyer and with anyone else you wish to consult. In order to participate in the Court, you need to comply



with the treatment plan and with all terms and conditions of your probation or pre-trial release.

How long will I be involved in the Circuit Court Mental Health Case Management Docket?

The length of time is dependent on various factors including your charges and your compliance with the treatment plan. The amount of time you will spend in the MHCMD is also determined by your plea agreement and your progress in treatment. While you are participating in MHCMD, the judge, the MHCMD Team, or a probation agent will monitor your participation and progress in treatment.

This agreement between [Defendant's Name], the State's Attorney, and the Court is intended to secure the participation of the Defendant in the MHCMD program. In consideration for the opportunity to participate in the MHCMD program, I agree to the following conditions.

- 1) I agree to:
  - i) Waive the right to a jury trial
  - ii) Waive the right to a speedy trial
  - iii) Comply with the terms and conditions of the treatment plan and/or the conditions of the Order of Probation or the Order of Pretrial Release, if I am placed on probation or pretrial release supervision.
- 2) I understand that in order to participate in MHCMD I must be found to have committed the offense charged; to be in violation of probation; or I must agree to the facts that would establish my guilt.
- 3) I agree to sign all authorizations for release of information as requested. I understand that this condition is necessary to coordinate treatment and any other needed services and monitor compliance. I also understand that if I withdraw from the program, my consent to release information is also withdrawn.
- 4) I understand that a meeting is held with the judge, the State's Attorney, my court monitor and other MHCMD staff before the afternoon docket of the Circuit Court Mental Health Docket. At the meeting, my progress with the services and compliance with the court order may be discussed. I understand that my attorney will be present to represent my interests.
- 5) I agree that if I am required to live in a particular type of housing or in a particular housing facility, I must do so, and I must follow all my housing provider's rules.
- 6) I agree to take all medications as prescribed and to submit to periodic blood tests, if necessary, to determine the presence and levels of the medication. If I have complaints

about my medication I must tell my psychiatrist. If I continue to have complaints about my medications, and feel that my psychiatrist is not responding to my concerns, I will contact my court monitor and/or my attorney.

- 7) I understand that I may be asked by my treatment providers to participate in evaluations to assess my treatment needs, and I agree to participate in all evaluations requested.
- 8) I agree to comply with MHCMD requirements and the conditions of probation or pretrial release. If I do not comply or if my treatment needs change, the clinician or agent may make adjustments including:
  - i) Increase drug/alcohol testing
  - ii) Refer to another treatment or service provider
  - iii) Increase reporting for supervision.
- 9) I agree that if I fail to comply with the conditions of probation or pretrial release, the Court may impose, but is not limited to the following sanctions: increased drug/alcohol testing; curfew; community service; house arrest; increased progress hearings; incarceration; and termination from the MHCMD program.
- 10) I understand that I am entitled to notice and opportunity for hearing prior to imposition of sanctions by the Court.
- 11) I understand that the MHCMD program, is voluntary, and I may opt out or withdraw at any time, unless I entered into a plea agreement incorporating my consent to enter and complete the MHCMD program. If I withdraw from the program, I understand that my case will be handled in the traditional criminal process.
- 12) I have read this entire Agreement and discussed it with my lawyer. I understand what is expected of me, what will happen if I do not follow the rules and what I must do to stay in MHCMD. I freely and voluntarily agree to follow the provisions in this Agreement. I request to be accepted in the Baltimore City Circuit Court Mental Health Case Management Docket and I promise to follow all the rules, terms and conditions of the program.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assistant State's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date

Please explain how participants are assessed and referred to the appropriate level of treatment and/or other essential services. Identify any screening and assessment tools that will be used and why.

**All cases will be screened for competency to stand trial. Other types of screenings/evaluations are:**

- **Assessment by MHCMD Clinical Coordinator regarding existence of qualifying psychiatric diagnosis**
- **Baltimore City Circuit Court Medical Office evaluation for competency and criminal responsibility as ordered by the Court and referral to appropriate Mental Health and Substance Abuse Treatment upon completion of evaluation**
- **Department of Health and Mental Hygiene evaluation of competency and criminal responsibility as ordered by the Court. Provide treatment and restoration services as directed by statute and court order. Coordinate continuing care for participant upon release as statutorily required**
- **Baltimore City Core Service Agency (Behavioral Health Systems Baltimore) assessment and placement in appropriate substance abuse treatment using ASAM criteria**

Provide a description of your target population and what local data is being used to support that decision.

**Since the creation of the MHCMD in 2011 the referrals to the docket have consistently increased and it has become apparent that there are a significant number of offenders who could benefit from the structure and services provided by an OPSC sanctioned Mental Health Court/Problem Solving Court. The current MHCMD criminal justice partners recognize the need for multi-agency collaboration to address the complex needs of this population.**

**The target population would be specific to those offenders with active criminal cases in the Baltimore City Circuit Court who suffer from serious and persistent mental illness. Historically, these offenders have often cycled through both the criminal justice system and the public mental health system and hospitals due to a lack of linkage to appropriate services and aftercare planning. This Court would assist in reducing the legal and clinical recidivism by providing stability through aftercare plan development and monitoring, as well as careful judicial oversight to maintain the offenders safely in the community and to increase their ability to maintain their treatment plans long-term, which will assist in reducing both the jail and hospital populations.**

**Does the problem-solving court have phases? XX No  Yes (describe below)**

Describe the frequency and nature of judicial involvement and interaction with the participants:

**The docket convenes every Wednesday at Clarence Mitchell Courthouse in Baltimore City. The judge interacts with team members in a pre-docket conference, and holds a court hearing that same day. During those court hearings, the Judge interacts directly with the participant to encourage or redirect behaviors.**

Describe the methods of supervision and monitoring that will be utilized:

**Supervision and monitoring will be done by a Mental Health Probation Agent through Department of Public Safety and Correctional Services & Parole and Probation, Community Forensic Aftercare Program, or Pre-Trial Release Agent. The monitoring agency and level of supervision will be determined by the participant's legal status.**

**Mental Health Court Management Docket offers multiple levels of supervision. MHCMD monitors coordinate with service providers, family members, and other contacts to monitor the participants' compliance and provide status reports to the court. As a condition of release, clients are required to report with their assigned monitor by telephone or in person as directed. Clients report on attendance to treatment, drug testing, and other aspects of their case plan, as well as general status updates.**

Please explain how program participants may exit the problem-solving court program, including criteria for graduation.

**Participants will be discharged from the program under one of these specific dispositions:**

- **Administrative Closure**
- **Failure/Termination**
- **Successful Completion**
- **Terminated/Did not complete**
- **Transfer**
- **Voluntary Withdrawal (participant compliance)**

### Section III - Available Services

What services are available to problem-solving court participants? (Check all that apply):

- XX AA/NA/CA**
  - XX Academic/GED/Vocational**
  - XX Assisted Living**
  - XX Case Management**
  - Childcare
  - XX Cognitive Behavioral/Restructuring**
  - XX Co-occurring Treatment**
  - XX Day Reporting**
  - XX Day Treatment**
  - XX Detoxification**
  - XX Developmental Disabilities Support Services**
  - Early Recovery
  - XX Family Therapy**
  - XX Group Counseling**
  - XX Half-way House**
  - XX Housing**
  - XX Individual Counseling**
  - XX In-patient Treatment (up to 28 days)**
  
  - XX Intensive Outpatient**
  - XX Job Training**
  - XX Life Skills**
  - XX Mental Health**
  - XX Methadone Treatment (Medically Supervised)**
  - XX Other Support Groups**
  - XX Outpatient Treatment**
  - XX Parenting Class**
  - Primary Health/Dental Care
  - Probation Residential Services
  - XX Relapse Prevention**
  - XX Substance Abuse Residential**
  - Three-quarter House
  - Other (List)
- 
-

Please list all TREATMENT or SERVICE Providers associated with your problem-solving court program:

Company/Agency                      Type of Treatment                      Point of Contact                      Phone

**The services that will be needed to support the target population of this PSC will include;**

- 1. Supported or assisted housing**
- 2. Vocational support services**
- 3. Medication management**
- 4. Case management**
- 5. Therapy and other mental health treatment**
- 6. Substance abuse treatment, to include residential treatment as needed**

**As these treatments will be arranged for the participants on an individual need basis, providers will be identified from the existing community providers. These services are accessed on a fee for service basis; the court will utilize any appropriate community provider that is available to the participant.**

Provide information on what partnerships are being established. Please attach documents and Memorandums of Understanding as appropriate.

**There are no MOU's or formalized partnerships established at this time. They will be formulated and prepared as needed, and can be made available once they have been created and secured.**

**Section IV – Funding**

Describe the total amount of funding the program has received, or anticipates receiving this fiscal year. (Fill ALL that apply, explain as needed and enter the total annual funding amount):

<u>Funding Source</u>	<u>Funding Amount</u>
<b>A. Federal Government</b>	
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>B. State Government</b>	
<b>Clinical Coordinator (currently funded)</b>	\$ <u>62,096</u>
_____	

**Court Coordinator (not clinical);  
funding to be requested through OPSC  
Discretionary Grant for FY 2018**

\$ 69,718

**C. Local Government**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

**D. Private Sources (i.e. Grants, donations from businesses or foundations, and other charitable organizations)**

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\_\_\_\_\_  
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\_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
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\$ \_\_\_\_\_

**E. Other**

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\$ \_\_\_\_\_

Describe your plan and/or goals to financially sustain the program as a valuable and cost effective service to the community:

**The anticipated staffing need to facilitate and operate Mental Health Court in the Circuit Court is a court coordinator.**

**This program currently has grant funds through the Office of Forensic Services, DHMH to employ a social worker as its Clinical Coordinator, performing the functions of assessment and treatment planning for new referrals and ongoing problem solving as issues arise with existing participants.**

**The Baltimore City State's Attorney's Office and the Office of the Public Defender currently staff the MHCMD with a senior attorneys and support staff. The cost of this staffing is estimated at approximately \$250,000 annually. The Maryland Division of Parole and Probation has provided a dedicated agent for the monitoring of Mental Health Court participants on probation.**

**In addition to the judicial economy of consolidating the staff and resources needed to address the needs of this complex population, as the MHCMD grows over time, it is possible that it could lead to a sufficient reduction in inmates at the Baltimore City Detention Center to allow for the closing of a housing unit or to obviate the need to open additional housing units, which by itself would save hundreds of thousands of dollars a year. The supports and services that will be available through the MHCMD will likely reduce the cost of future arrests, detention, prosecution and hospitalization of the target population by reducing legal and clinical recidivism.**

## **Section V - Statistical Data and Evaluation**

How is data to be collected and compiled?

**XX Automated**                       Manually                       Both

Describe the method in which the problem-solving court plans to collect and then use the data and statistics to effectively determine whether the program is meeting its goals and objectives.

**This court will utilize SMART as the main data collection point, however if some forms of data are required, but not currently kept in SMART, Excel or Access work sheets may be used.**



## **Section VI - Problem-Solving Court Personnel**

Please list all personnel associated with your problem-solving court program (i.e. judge, coordinator, prosecutor, defense counsel, probation, etc.)

<u>Name</u>	<u>Role</u>	<u>Phone</u>	<u>E-Mail Address</u>
-------------	-------------	--------------	-----------------------

### **MENTAL HEALTH CASE MANAGEMENT DOCKET CONTACTS**

#### **Clinical Court Coordinator**

**Denise Hesselton, LCSW-C**  
**Circuit Court Medical Office**  
**Phone: (410) 396-5013**  
**Fax: (410) 625-2766**  
**Denise.Hesselton@mdcourts.gov**

#### **Public Defender's Office**

**Sharon Bogins**  
**Assistant Public Defender**  
**Phone: (410) 878-8405**  
**Cell: (443) 690-6346**  
**Fax: (410) 878-8401**  
**sbogins@opd.state.md.us**

#### **Office of the State's Attorney**

**Tracy Varda, ASA**  
**MHCMD**  
**120 East Baltimore Street, 11<sup>th</sup> Floor**  
**Baltimore, MD 20102**  
**Phone: (443) 984-6247**  
**Fax: (443) 984-6259**  
**tvarda@stattorney.org**

**Phyllis McCann, ASA**  
**Director of Forensic Prosecution Services**  
**700 East Patapsco Avenue**  
**Baltimore, MD 21225**  
**Phone: (410) 878-8462**  
**Fax: (410) 878-8441**  
**pmccann@stattorney.org**

#### **Division of Parole and Probation**

**Agent Connie Simms**  
**Department of Public Safety & Correctional Services**  
**401 Severn Street, Suite 103a**  
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**Cell: (410) 608-9425**  
**Fax: (410) 637-4780**  
**csimms@maryland.gov**

**Clerks' Office/Judges' Chambers**

**Honorable Gale Rasin  
100 N. Calvert Street**

**Room 132 Mitchell  
Baltimore, MD 21201  
Phone: (410) 396-5132/5133  
Fax: (410) 545-7325  
Gale.Rasin@mdcourts.gov**

**Michelle Chavis  
Administrative Assistant to  
Judge Rubin  
Phone: (410) 396-5132/5133  
Fax: (410) 545-7325  
michelle.chavis@mdcourts.gov**

Has this problem-solving court judge received formal training in establishing a problem-solving court? If the answer is Yes, please list who provided the training and when it was provided.

No     Yes

By Whom & When **OPSC Annual Symposium 2015**

By Whom & When **OPSC Annual Symposium 2014**

**Signing Authority**

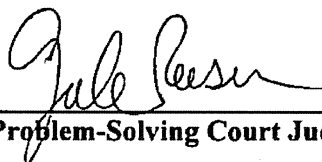
**This Application & Plan for Proposed Problem-Solving Court Program has been authorized for submission by:**



3-28-17

\_\_\_\_\_  
**Signature of Administrative Judge**

\_\_\_\_\_  
**Date**



3-28-17

\_\_\_\_\_  
**Signature of Problem-Solving Court Judge (If Different)**

\_\_\_\_\_  
**Date**