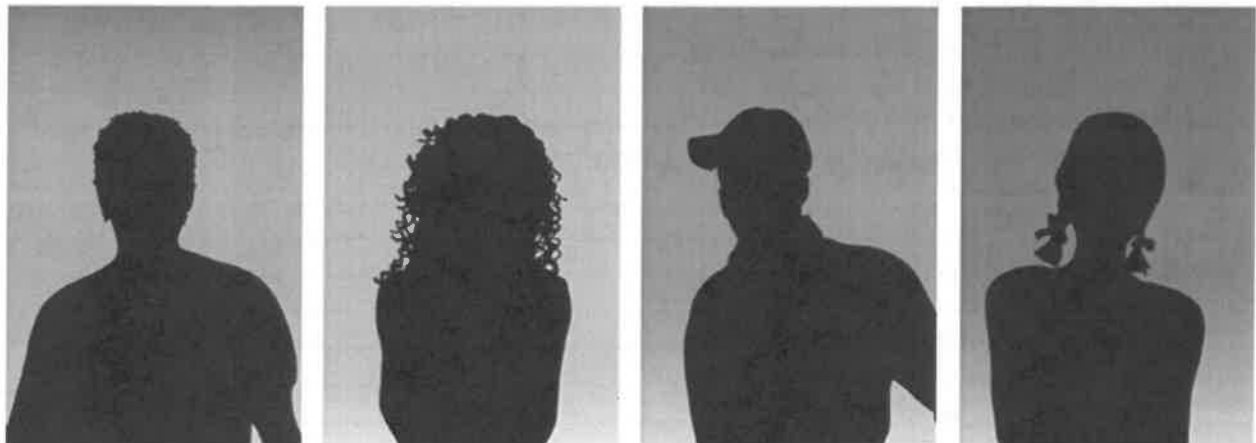
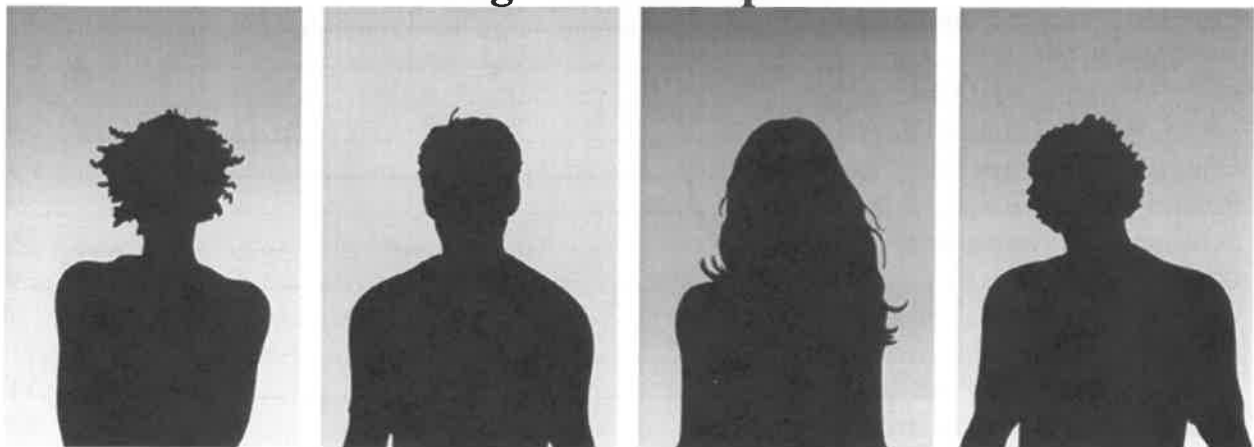


The Phoenix Court Behavioral Health Participant Justice Program



Program Description



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PARTICIPANT DIVISION
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CHAPTER 1 — POLICIES & PROCEDURES

Advisory Committee — Standard 1(B)

Partnerships are an essential component of the specialized docket court model as they enhance credibility, bolster support, and broaden available resources. Because the specialized docket model is built on and dependent upon a strong team approach, both within the Court and beyond, the Court solicited the cooperation of other agencies, as well as community organizations, to form a partnership in support of the Mental Health docket known as the PHOENIX COURT. The Advisory Committee had input into the policies and procedures described in this document.

Role of the Advisory Committee — Standard 1 Recommended Practice (A)(1)

In order to have a comprehensive and collaborative planning process, the Jurist formed an Advisory Committee. The Advisory Committee provided input into PHOENIX COURT policies and operations. Members of the committee also maintained regular communication with local officials. The Advisory Committee remains comprised of key community stakeholders who are representatives of local agencies or persons and whose participation in the effort is essential. The Advisory Committee also serves as the policy making authority for PHOENIX COURT.

Responsibilities

Initially, the Advisory Committee provided input on the planning and implementation of PHOENIX COURT. The planning process occurred in 2007 over a period of approximately one year. This time allowed for a cohesive team to effectively and collaboratively reach consensus on the variety of issues inherent in the implementation of PHOENIX COURT. *Standard 1 Recommended Practice (A)(2)*. The Advisory Committee was comprised of relevant parties who developed the policies set forth in this document. *Standard 1(A)* These key stakeholders came to an agreement setting forth the terms of the specialized docket operations. *Standard 1(A)*.

During the planning and implementation process, the Advisory Committee:

1. Developed policies and procedures that defined the goals and objectives, identified the target population, detailed program entry as well as case flow for PHOENIX COURT, and provided the written roles and responsibilities of each treatment team member (collectively these policies and procedures are known as the program description) [*Standard 1C*];
2. Created a written participant agreement detailing the rights and responsibilities of the participants in PHOENIX COURT [*Standard 1(D)*];
3. Collaboratively developed, reviewed, and agreed upon written legal and clinical eligibility, completion and termination [*Standard 3(A)*].

After implementation in 2012, the Advisory Committee assisted, and continues to assist, the treatment team with the following:

1. Develops and regularly reviews a community outreach and education plan [*Standard 1 Recommended Practice (D)*];
2. Assesses treatment team functionality, reviews policies and procedures, and assesses the

overall functionality of PHOENIX COURT at a minimum of every two (2) years
[*Standard 11 Recommended Practice (B)*];

3. Reviews the target population;
4. Reviews the use of graduated sanctions;
5. Reviews treatment resources;
6. Reviews quarterly reports; and
7. Reviews financial expenditures.

Membership — Standard 1(A)

The Advisory Committee consists of:

- the PHOENIX COURT Jurist – who chairs and attends the Advisory Committee;
- defense counsel;
- licensed treatment providers;
- the probation department;
- The Guardian Ad Litem project
- ADAMHS board representatives;

Meetings will be held annually.

Participant Agreement

The Advisory Committee created a written Participant Agreement detailing the rights and responsibilities of the participants in PHOENIX COURT. *Standard 1(D)* The participant has a right to this detailed, written Participation Agreement outlining the requirements and processes of PHOENIX COURT. *Standard 2 (D)* The Participant Agreement includes the participant's right to be represented by defense counsel during staffing and court hearings. *Standard 2(C)* The Participation Agreement is attached to this document.

Mission Statement

The mission of PHOENIX COURT is to enhance public safety by preventing recidivism, while assisting participants to take responsibility for their behavioral health issues, using effective, evidence based interventions and treatments in a holistic, accountability based, and community supported program.

Goals and Objectives Standard 1(C)

Goal: Reduce recidivism among individuals with severe and persistent behavioral health issues in the participant justice system

Objective: 50% of youth will not pick up new criminal charges within one year of successfully completing the program.

Goal: Reduce out of home placements or need for residential treatment.

Objective: 75% of youth involved will reside in a community-based setting at the time of discharge from the program.

Goal: Increase/maintain the number of youth successfully graduating from PHOENIX COURT.

Objective: 66% of enrolled youth will successfully complete PHOENIX COURT.

Goal: Improve living circumstances of participants who successfully complete the program.

Objective: 75% of youth will achieve educational stability as evidence by actively attending school and/or making progress toward graduating from high school at the time of successful discharge.

Objective: 80% of youth will be linked to appropriate supportive services at the time of successful discharge.

Objective: 75% of youth and family members will self-report satisfaction with the program and their outcomes on a satisfaction survey administered at the time of successful discharge.

CHAPTER 2 - TARGET POPULATION *Standard 1(C) and Standard 3(A)*

Capacity

The PHOENIX COURT-BHJJ Program goal is to serve up to thirty (30) participants per year.

Target Population — Standard 1 (C)

Phoenix Court-BHJJ serves participants between the ages of 12-18 years old who reside in Cuyahoga County and are charged with misdemeanors and felonies and are those who would not be court involved if it were not for their behaviors associated with mental health, substance abuse or co-occurring disorders that require treatment, intensive supervision and care coordination as a result of ineffective management of their behavioral health needs. The docket is comprised of participant who have multiple court involvements and are at risk of going deeper into the system.

Legal Criteria — Standard 3(A)

Written legal eligibility criteria was collaboratively developed, reviewed, and agreed upon by the relevant stakeholders.

Children are *eligible* to be in Phoenix Court-BHJJ if the following legal criteria are met:

- They are between the ages of 12 and 17 when entering the program, and
- They have been found delinquent, and
- Are willing to participate in the program, and
- And have parents, custodians or guardians who are willing to participate in the court hearings and the treatment plan.

Children are **ineligible** to participate in Phoenix Court-BHJJ if:

- Participant who have a diagnosis of Pervasive Developmental Disorder, IQ 70 or below, Sexual offending history, Currently AWOL or Extended periods of AWOL.
- Appropriateness of participant who meet criteria for active behavioral health symptoms that require immediate attention (i.e., suicidal or homicidal intent, psychotic behavior, AOD intoxication or withdrawal) or participant who have severe psychiatric problems must be determined on a case-by-case basis prior to referral
- They have been charged with, found delinquent of or are otherwise indicated to have committed a sex offense.

Clinical Criteria — Standard 3(A)

Written clinical criteria for eligibility were collaboratively developed, reviewed, and agreed upon by the relevant stakeholders and the Jurist shall have final approval regarding admission and termination:

Children are *eligible* to be in *Phoenix Court-BHJJ* if the following clinical criteria are met:

- They must have a DSM-V diagnosis.
Diagnoses may include, but are not limited to, those which are encompassed the following diagnostic categories:
 - * Schizophrenia or other psychotic disorders,
 - * Bipolar and related disorders
 - * Depressive disorders
 - * Anxiety disorders
 - * Trauma and stressor related disorders
 - * Obsessive-Compulsive and related disorders
 - * Disruptive, Impulse-Control, and Conduct disorders
 - * Substance-Related and Addictive disorders
- They must be intellectually capable of comprehending, processing, and executing program participant tasks/responsibilities (generally indicated by an IQ of 70 or above);
- They are emotionally stable enough to understand, comply with and benefit from the program,
- They must not pose an unacceptable flight risk or safety risk to program staff, family, or the community.
- They must be willing to follow treatment recommendations including taking prescribed medications.

Individuals with a Personality Disorder may also be considered for inclusion, if they also have a principle diagnosis of another mental disorder as described above, AND it is determined by the clinical screening staff that the symptoms of the personality disorders are unlikely to interfere with the individual's ability to participate meaningfully in PHOENIX COURT.

The participant and his or her parents must be willing to enter the program as entrance into PHOENIX COURT is voluntary. The criteria, both clinical and legal, may be reviewed periodically based upon program experience and available resources. If it is determined that participants charged with certain offenses are routinely being rejected or are not successful in the program, or if available clinical resources become overburdened, offenses may be excluded as deemed appropriate. If grant or other program funding becomes available but require the exclusion of certain types of crimes as a condition of receiving funds, the criteria may be modified provided the modification does not unreasonably alter the impact of the program.

CHAPTER 3 - PROGRAM ENTRY AND CASE FLOW *Standard 1(C)*

Referral Process into the Docket

Identification of potential candidates for PHOENIX COURT is the initial phase after the child has been found delinquent as this is a post-dispositional program. The procedure is informal and may be employed at any stage of the proceedings. Referrals may come from various sources, including; Jurist, court staff, probation officers, prosecutors, defense counsel, case managers, representatives from the mental health community, and the Jurist.

Screening and Assessment — Standards 3(B) & (C)

The specialized docket's eligibility screening is based on established written criteria as discussed in Chapter Two. *Standard 3 Recommended Practice (A)*

Legal Assessment — Standard 3 Recommended Practice (A)

- Once a referral is made, The (BHJJ) Behavioral Health Juvenile Justice, Probation Manager is notified of all possible referrals.
- The referring IPO/PO will complete a referral cover sheet with updated copy of the family record. All required documents must be submitted prior to the review committee meeting. The BHJJ team will schedule a time to meet with and interview the family. BHJJ team will ask for additional documents (Shot record, birth certificate, social security card, medical card, etc.) if they are still missing.
- If the participant is accepted, the case will be transferred pending judicial approval and journal entry.
- BHJJ should not be a Court order prior to approval by the BHJJ team.

The Behavioral Health Juvenile Justice Review Committee is comprised of the Jurist, defense counsel, Manager, Mental Health Coordinators, and Treatment Providers that will review the case to determine whether the child qualifies for admission into PHOENIX COURT.

The review of legal criteria shall include, but not be limited to criminal history, current charges, and pending charges or probation in other cases. Repeat offenders are considered for inclusion in PHOENIX COURT. *Standard 3 Recommended Practice (B)(1)*. The review also considers mitigating and aggravating circumstances of current or prior court involvement. *Standard 3 Recommended Practice (B)(2)*. If intellectual ability is an issue, then a forensic assessment will be completed through the court diagnostic clinic to determine if the child is intellectually able to participate in PHOENIX COURT. *Standard 3 Recommended Practice (B)(5)*

Clinical Assessment

The presence of a mental disorder may be determined by documents (i.e., previous mental/behavioral/chemical dependency assessments, psychological/psychiatric evaluations, etc.) that are part of the existing family record of the probation officer. If the presence of a mental disorder is suspected but not verified, an assessment will be done by either the court diagnostic clinic or a community treatment provider to determine whether the child meets criteria for a DSM-V diagnosis, thereby providing integral evidence for the determination of program eligibility. *Standard 4 Recommended Practice (A)*

This assessment will be done as soon as possible, ideally within ten business days of after the referral. All chemical dependency, mental health, and other programming assessments shall include available collateral information to ensure accuracy of the assessment. *Standard 4(A)* The participant or the participant's guardian shall complete a release of information form to provide for communication about confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 300gg-42, as amended, and section 2151.421 and 2152.99 of the Revised Code. *Standard 4(B)* The evaluation or recommendation shall confirm that child meets the clinical criteria and that child is appropriate for inclusion into the PHOENIX COURT. The evaluation or recommendation from a current provider must assess the candidate's risk to program staff and to the community together with including preliminary recommendations as to the type of services that should be considered for child. The Review Committee will consider, but is not obligated to follow these recommendations. *Standard 4 Recommended Practice (B)*

Once the written evaluation is received, the Jurist, defense counsel, probation officer and treatment provider will decide if the child is appropriate for inclusion in the program. If the case is deemed inappropriate, the case will proceed on the standard court docket. If the case is accepted into PHOENIX COURT, the participant shall be placed as soon as possible in appropriate treatment services and programs and shall be placed under reporting supervision to monitor compliance with court requirements. *Standard 4(C)* All screenings and assessments for treatment determinations shall be provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of the profession. *Standard 4 (D)*

The appropriate clinical providers, parent(s)/guardian and the child will develop a comprehensive treatment plan. Each type of service is delineated, including the specific provider, the frequency of service, and the responsibilities of the provider and the child and his/her family. The types of services will include, as needed, psychiatric, medication, counseling, substance abuse programs, and transportation, educational and vocational. Child and parent(s)/guardian will review the treatment plan with counsel.

Defense counsel shall explain to the child and his/her parent(s)/guardian the responses required for compliance and the consequences for noncompliance, including criteria for termination.

Standard 6(E) The clinical providers will manage the treatment planning and submit the final plan to the BHJJ Mental Health Coordinator.

Discretion of Jurist

The Jurist shall have the ultimate discretion to decide the admission into a specialized docket in accordance with the written criteria. *Standard 3 (B)* These written criteria do not create a right to enter the PHOENIX COURT. *Standard 3(C)* The legal and clinical criteria set forth in this Program Description do not create a **right** by the child to enter PHOENIX COURT. *Standard 3(C)* Admission shall be at the sole discretion of the Jurist presiding over PHOENIX COURT.

Non-Discriminatory Practices

If a participant meets the written clinical and legal eligibility criteria for PHOENIX COURT, then the participant is not to be denied admission to PHOENIX COURT based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability.

Acceptance Into PHOENIX COURT

Participant is required to appear for the initial PHOENIX COURT review as scheduled.

Standard 4 (C) Every family will be assigned a BHJJ Mental Health Coordinator, and will be assigned to an Evidenced Based Program (EBP) at the initial PHOENIX COURT review.

If the child does not meet the written legal criteria, the case will remain with the assigned Jurist and will proceed on that Jurist's docket in the traditional manner.

Case Flow

The following is a summary of the admission process into PHOENIX COURT:

1. Contact Melanie Miller (Manager) 216-443-3142, with possible referrals.
2. The referring Investigative Probation Officer/Probation Officer will complete a referral cover sheet with updated copy of the family record. All required documents must be submitted prior to the review committee meeting. The (BHJJ) Behavioral Health Juvenile

Justice team will schedule a time to meet with and interview the family. BHJJ team will ask for additional documents (Shot record, birth certificate, social security card, medical card, etc.) if they are still missing.

3. If the participant is accepted, the case will be transferred pending judicial approval and journal entry.
4. The BHJJ Review Committee comprised of the Jurist, defense counsel, GAL and BHJJ Mental Health Coordinators and EBP representative will examine the legal and clinical criteria to determine whether the child qualifies for admission into PHOENIX COURT.
5. The child's parent will be required to sign a release of information form to provide confidential communication about participation and progress in treatment and compliance with program requirements. *Standard 4(B)*
6. If the child meets the legal and clinical criteria and the BHJJ Review Committee are in favor, then the Jurist makes the decision to admit or deny Child's participation in PHOENIX COURT. Once approved by the Jurist, the child is offered admission into PHOENIX COURT. If not approved, case is returned to traditional docket.
7. If criteria are met, defense counsel meets the child and his/her parent(s) or guardian to review program requirements, the child's rights, and a discussion of the rewards and sanctions structure used in the program. This discussion also includes an explanation of completion and discharge criteria. *Standard 6(E)* The child and his/her parent or guardian indicates an intention to voluntarily enter the program by signing the participation agreement.
8. Prior to entering PHOENIX COURT, the Jurist reviews PHOENIX COURT terms and conditions with the child and family. The child and the parent acknowledge an understanding of the responses to compliance and noncompliance, including the criteria for termination, in open court.
9. After entering PHOENIX COURT, participant/family meets the Mental Health Coordinator to develop a probation case plan and initiate any evidenced based treatment referral. *Standard 4*
10. The child is scheduled for the first review hearing.

Specialized Docket File Maintenance

The BHJJ Mental Health Coordinators and Manager will maintain the PHOENIX COURT files. The PHOENIX COURT files are kept by the probation department and team members will have access to the documents as necessary or as requested. Files may contain the signed Release of Information, the Participation Agreement, weekly reports, drug-testing results, and orders and journal entries issued by the court. *Standard 9B*

All treatment team members are required to comply with Part 2 of Title 42 of the Code of Federal Regulations governing confidentiality of alcohol and drug abuse patient records. Recipients of any disclosures may only disclose within the scope of the signed Release of Information. The Release of Information authorizes disclosure of protected health information pursuant to the Health Insurance Portability and Accountability Act, 42 U.S.C. 300 gg 42, as amended, and sections 2151.421 and 2152.99 of the Ohio Revised Code.

CHAPTER 4 - TREATMENT TEAM STANDARD 1(B)

Duties of Treatment Team Members

The treatment team is created and members are invited by the PHOENIX COURT Jurist. The duties of the treatment team include:

1. The treatment team is responsible for the daily operations of PHOENIX COURT. *Standard 1 Recommended Practice (B)*
2. Treatment team members agree to serve on the treatment team for a minimum of one year. *Standard 1 Recommended Practice (C)*.
3. Treatment team members agree to work with local community leaders to ensure the best interests of the community are considered. *Standard 1 Recommended Practice (D)*
4. Treatment team members should engage in community outreach activities to build partnerships that will improve outcomes and support PHOENIX COURT sustainability. *Standard 1 Recommended Practice (D)*
5. PHOENIX COURT incorporates a non-adversarial approach while recognizing the role of prosecutor and defense counsel. *Standard 2(A) and (B)*
6. Treatment team members engage in ongoing communication including frequent exchanges of timely and accurate information about participant's overall performance. *Standard 6(C)* PHOENIX COURT maintains ongoing communication with treatment team members through email, phone calls, weekly progress reports, and weekly team meetings.
7. Mechanisms for decision making and resolving conflicts among treatment team members have been established and are utilized. *Standard 6 Recommended Practice (B)*The Jurist serves as the final decision maker and resolves all conflicts.
8. Treatment team members maintain professional integrity, confidentiality, and accountability. *Standard 6 Recommended Practice (B)*
9. Treatment team members should make reasonable efforts to observe required PHOENIX COURT service provider programs in order to have confidence in services provided and to better understand the treatment and programming process. *Standard 9 Recommended Practice (A)*.
10. The treatment team works with the advisory committee to assess the team functionality, review all policies and procedures, and assess the overall functionality of PHOENIX COURT. *Standard 11 Recommended Practice (B)*

Specific Roles and Responsibilities of Treatment Members Standard 1(B)

The treatment team consists of the PHOENIX COURT Jurist, BHJJ Probation Manager, Mental Health Coordinators, Treatment Providers, Defense Counsel and Guardian Ad Litem for the child. *Standard 1 Recommended Practice (B) (1)(12)*

Below is a list of treatment team members and their responsibilities. *Standard 1(C)*

Jurist

- * Discretion to decide the admission into or termination from PHOENIX COURT in accordance with the written legal and clinical criteria for PHOENIX COURT. *Standard 3(B)*
- * Knowledgeable about treatment and programming methods and limitations
Standard 7 Recommended Practice (B)
- * Chair of the treatment team;
- * Decision maker, especially concerning incentives, sanctions, phase advancement, and successful completion or termination;
- * Final decision maker and resolves conflicts among treatment team members;
- * Attends all treatment team meetings, monitors treatment progress, enters court orders at status review hearings, issues incentives and sanctions, grants phase advancement, and approves participant's successful completion or unsuccessful termination from PHOENIX COURT; and
- * Discusses progress with the participant at status review hearings. These ongoing discussions are an essential component of the program. *Standard 7(A)*

BHJJ Probation Manager

- * Collects and maintains statistical information and other confidential records concerning participants, collects data from service providers, and creates reports for review and submission to funding sources;
- * Attends treatment team meetings and status review hearings;
 - Conducts the legal eligibility screening

BHJJ Mental Health Coordinator

- Gathers progress reports from treatment and service providers to present to the treatment team;
- * Ensures that treatment team members follow program policies and procedures;
- * Monitors service provider agreements and contracts and monitors the services to participants;
- * Attends treatment team meetings and status review hearings;
- * Manages the treatment planning, and monitors compliance with treatment plan;
- * Conducts or coordinates random alcohol and drug tests, and reports the results of tests to the treatment team;
- * Monitors sanctions;
- * Advises of any PHOENIX COURT/Probation violations;
- * Informs the treatment team whether treatment plan and court orders are followed;
- * During treatment team meetings, provides progress reports and recommendations to the treatment team; and
- * Participates in discussions about incentives, sanctions, phase advancement, successful completion, and termination.

Licensed Treatment Providers

- * Anyone providing treatment for PHOENIX COURT must be appropriately licensed and trained to deliver services. [Standard 9(C)]
- * Treatment providers, whenever possible, will maintain separate tracks for PHOENIX COURT participants, if adhering to the Recommended Practices. [Standard 9 Recommended Practice (B)]
- * Conducts diagnostic assessments, provides the clinical diagnosis, and develops the treatment plan;
- * Provides documentation on a participant's progress in treatment and compliance with treatment plans, including treatment attendance and results of alcohol and drug tests;
- * Attends treatment team meetings and status review hearings;
- * During treatment team meetings, gives treatment updates and makes recommendations regarding treatment needs; and
- * Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination.

Defense Counsel

PHOENIX COURT incorporates a non-adversarial approach while recognizing the distinct role of defense counsel in preserving the constitutional rights of the PHOENIX COURT participant. *Standard 2(B)* Defense counsel plays an active role in identifying eligible participants for PHOENIX COURT in accordance with the PHOENIX COURT written criteria. *Standard 2(C)* The defense counsel role is provided by an assistant public defender (herein after APD) assigned to the Mental Health Court Docket. The APD remains on the team and participates in the staffings to assist in developing the court treatment program for the participant and to assist the team in selecting possible participant for the Mental Health Court docket. The APD serves to advise and protect the rights of the participant while in the treatment court. As the Cuyahoga County Mental Health Court is a post dispositional court, the APD represents the participant when and if new charges occur or if violations of court orders are filed.

Defense counsel's role includes:

- * Assists with decision making regarding participation in PHOENIX COURT;
- * Explains to the participant what rights are waived by entering the program;
- * Explains the possible sanctions that may be imposed;
- * Explains the circumstances that may lead to termination; and
- * Explains the effect that termination from PHOENIX COURT may have on the participant's case. *Standard 2(B) and Standard 2(C)*

Guardian Ad Litem for the child

The Guardian Ad Litem (“GAL”) may be appointed in the discretion of the Jurist for participant in the program ages 17 or younger to investigate the family situation and make recommendations to the court and the treatment team. A very high percentage of cases in PHOENIX COURT involve allegations of domestic violence or extreme conflict between family members. The GAL

helps mediate these conflicts and gives the court information about the family dynamic. The GAL is able and expected to see the family and child outside of the courtroom setting and to make a report as to what is in the child's best interest.

Prosecutor

PHOENIX COURT incorporates a non-adversarial approach while recognizing the distinct role of the prosecutor in pursuing justice and protecting public safety and victim's rights. The prosecutor may identify eligible participants for PHOENIX COURT in accordance with the PHOENIX COURT written criteria. The prosecutor also has the option of recommending to the Jurist that a child not be eligible for participation in the program. Once a participant is accepted into PHOENIX COURT, the prosecutor's active role ceases. The prosecutor does not play a role on the PHOENIX COURT treatment team on a regular basis. *Standard 2(A)*

CHAPTER 5 PARTICIPANT MONITORING - STANDARD 6

Treatment Team Meetings and Court Schedule Standard 6(A)

Treatment team meetings will take place every other week or as deemed necessary on Monday starting at 1:00 PM, Court Hearings will take place at 3:00 PM at a minimum twice a month, or as deemed necessary per the participants progress at the Participant Justice Center, 9300 Quincy Avenue, 5TH fl. Cleveland Ohio 44106. *Standard 6(A)*

Required attendees include: PHOENIX COURT Jurist, BHJJ Manager, Mental Health Coordinator, treatment representative(s) and defense counsel. *Standard 1 Recommended Practice (B)*

The Jurist's clerk prepares and distributes the weekly treatment team schedule. The BHJJ Mental Health Coordinator provides copies of the status report and alcohol and drug screen results to the treatment team members. The Mental Health Coordinator and treatment providers present copies of Care Progress Report to the treatment team members.

Status Review Hearing Standard 6(B)

PHOENIX COURT incorporates ongoing judicial interaction with each participant. *Standard 7(A)*. All PHOENIX COURT participants are expected to appear at status review hearings so the participant is educated as to the benefits of complying with PHOENIX COURT and consequences for noncompliance. *Standard 6 Recommended Practice (A)* In addition, having a significant number of participants appear at a single court session gives the opportunity to educate all the participants as to the benefits of court compliance and consequences of noncompliance. *Standard 6 Recommended Practice (A)* Frequent status review hearings establish and reinforce PHOENIX COURT policies and ensure effective and efficient supervision of the participant. *Standard 7 Recommended Practice (A)* Not all participants are required to appear at each status review hearing, depending on their progress in PHOENIX COURT.

Status review hearings will take place twice a month, once a month, every six weeks or as needed before Magistrate Jeffrey Ehrbar on Mondays at 3:00 PM until completed at the Juvenile Justice Center, 9300 Quincy Avenue, 5th fl., Cleveland Ohio 44106.

Required attendees may include: PHOENIX COURT, Jurist, BHJJ Manager, BHJJ Mental Health Coordinator, treatment representative(s), the child, parent or guardian, GAL for the child and defense counsel.

Summary of Treatment

PHOENIX COURT participants will receive a treatment plan based on their individual needs. All provided services would incorporate evidence based strategies. *Standard 5* Participants shall have prompt access to a continuum of approved treatment and rehabilitation services upon admission into PHOENIX COURT. *Standard 9(A)*. The PHOENIX COURT docket maintains a current treatment plan and a record of activities. *Standard 9(B)* Treatment plans continue to develop throughout PHOENIX COURT to reflect the participants' changing needs based on program progress. Appropriately licensed and trained persons will deliver services according to the standards of their profession and will provide all treatment and programming. *Standard 9(C)*. The PHOENIX COURT treatment plans take into consideration services that are gender responsive, culturally appropriate, and effectively address co-occurring disorders. *Standard 5* All provided services including case plans are appropriate and clinically necessary to the degree that available resources allow. *Standard 5 Recommended Practice (A)* PHOENIX COURT- has partnered with the following agencies to provide evidenced-based services to participants: Bellefaire; who will provide: mental health assessment, baseline, development of treatment plans, case management, individual treatment sessions, aftercare plans, family therapy, medication when necessary, and medication monitoring. MST: provides intensive parent focused intensive family therapy along contingency management for substance abusing clients *Standard 5 Recommended Practice (B)*

Phases

Phases are the steps in which a participant's performance and progress through PHOENIX COURT are monitored. *Standard 6(D)* These phases are used as guidelines that can be modified to meet a participant's specific needs. Participants are required to frequently report to the PHOENIX COURT Jurist and other treatment team members for compliance monitoring, assistance and compliance with treatment plans, random alcohol and drug testing, and required reporting.

Utilizing risk assessments participants will appear at status review hearings every other week in the initial welcome phase. *Standard 7 Recommended Practice (A)* At a minimum, the participant shall appear before the PHOENIX COURT Jurist twice a month, or more if needed in the initial welcome phase. *Standard 7(B)(1)* In subsequent phases the participant shall continue to appear once a month, every six weeks or more if deemed necessary by the treatment team, but in no

event less than once a month. *Standard 7 (B) (2) and Recommended Practice (A)* Participants can move in and out of phases from the most restrictive to the least restrictive. Phase advancement is based on individual performance, on a case-by-case basis, and as recommended by the treatment team. Progression through PHOENIX COURT is based on the participant's performance in the treatment plan and compliance with PHOENIX COURT phases. *Standard 6(D)* Phase advancement is not solely based on preset time lines. *Standard 6(D)* Time between status review hearings is increased or decreased based upon compliance with treatment protocols and observed progress. *Standard 10 Recommended Practice (B)*

General criteria for phase advancement may include a participant's sobriety, mental health, progress in treatment, compliance with court orders, payment of court fees, and team recommendation. The primary focus will be successful completion of ISP goals and aftercare planning stability

Orientation Hearing

The goal of the orientation hearing is to instill a thorough understanding of the aspects of PHOENIX COURT requirements to assure the highest level of function and success within the program.

Tasks to consider for the orientation hearing include the following:

- * Meet with participant to review and complete the participation agreement and Release and Exchange of Confidential information forms;
- * Review the participant handbook;
- * Attend initial PHOENIX COURT status review hearing and welcome the participant and family in court;
- * Introduce the participant to members of the treatment team: Referring probation officer, BHJJ Mental Health Coordinator, clinician(s), and any other team members;
- * Familiarize the participant with the location of service providers and address any issues of transportation—ensure the participant has the physical ability to access services.

Phase I — (Welcome)

This phase stabilizes the participant, assures participant compliance with PHOENIX COURT requirements, and is also the most intense phase for the participant's BHJJ Mental Health Coordinator. During the welcome phase, the participant is required to attend status review hearings at a minimum twice a month or as needed. The time frame for the welcome Phase is typically 6 weeks or, per the participant's progress.

Task to be considered for the compliance phase include the following:

- * Ensure court obligations are met; such as developing payment schedules for court and victim restitution;
- * Determine regularity of random alcohol and drug testing at a frequency determined by the treatment team; and

- * Complete other assessments and inventories determined necessary by the treatment team.

Participant requirements for the compliance phase include:

- * Attend required status review hearings at a minimum of twice a month or as needed; If the treatment team determines that the child needs to be seen on a weekly basis in order to ensure compliance with the treatment plan, as a sanction, or because of a safety concern, the court may order the participant to attend on a week to week basis.;
- * Continue to cooperate with random home visits by BHJJ Mental Health Coordinator, and others;
- * Continue to attend treatment or programming sessions and activities with providers;
- * Submit to random alcohol and drug testing at a minimum of twice a week, or more if needed;
- * Engage in a sober support community, if dual diagnosis;
- * Abide by rules of PHOENIX COURT, probation, and the laws; and
- * Commit no new criminal offenses.

Phase II Continued Care (Fast track w/ MST)update

After the participant obtains stability in the compliance phase, the participant will begin to address the issues that brought the participant into PHOENIX COURT. During this period, the participant will begin to develop skills, improve family relationships, and set employment, vocational, or educational goals. Participants are required to attend status review hearings at minimum once a month, or as needed. The time frame for Phase II is typically 3-4 months or, per the participant's progress.

For clients receiving MST services and successfully complete, successful termination is recommended to jurist due to MST being time limited, this allows the court to maintain fidelity to the model.

Tasks to be considered for the program engagement phase include the following:

- * Ensure probation requirements are met;
- * Continue random alcohol and drug testing;
- * Identify long term goals;
- * Begin to develop plans for employment or educational opportunities;
- * Continue linking the participant with supportive services; and
- * Make referrals for other ancillary services not yet addressed.

Participant requirements for the program engagement phase include:

- * Attend required status review hearings at least once a month, or as needed; If the treatment team determines that the child needs to be seen on a weekly basis in order to ensure compliance with the treatment plan, as a sanction, or because of a safety concern, the court may order the participant to attend on a week to week basis.;
- * Continue to cooperate with random home visits by BHJJ Mental Health Coordinator, and

- others;
- * Continue to attend treatment or programming sessions and activities with providers;
 - * Continue to submit to random alcohol and drug testing, and provide negative results;
 - * Participate in a sober support community, if dual diagnosis;
 - * Continue to abide by rules of PHOENIX COURT, probation, and the laws;
 - * Continue to commit no new criminal offenses; and

Phase III Transition To After Care

Participants are required to attend status review hearings at minimum every six weeks, or more if needed. This phase is focused on developing self-sufficiency and the participant will begin to utilize skills learned in treatment and programming, continue to improve family relationships, and begin to learn to manage his/her illness. The primary focus will be successful completion of ISP goals and aftercare planning stability, which will result in successful completion of probation and a graduation ceremony. The time frame for Phase III is typically 3 months or, per the participant's progress.

If there are no outstanding court cost or restitution owed, termination from probation will be granted and confirmed by a mailed journal entry notation termination.

Tasks to be considered for the growth and development phase include the following:

- * Complete all probation obligations;
- * Successful completion of ISP goals and aftercare planning stability;
- * Obtain education by satisfactorily completing high school requirements, or if old enough, obtaining a diploma or GED;
- * Identify long term goals with implementation strategy; and
- * Continue to improve family relationships.

Participant requirements for the growth and development phase include:

- * Attend required status review hearings at least once a month, or more if needed;
- * Continue to attend treatment or programming sessions and activities with providers;
- * Continue to cooperate with random home visits by BHJJ Mental Health Coordinator, and others;
- * Continue to submit to random alcohol and drug testing, and provide negative results;
- * Continue to participate in a sober support community, if dual diagnosis;
- * Consistent school attendance or adherence to the requirements of alternative education;
- * Continue to abide by rules of PHOENIX COURT, probation, and the laws.

This phase is focused on the participant maintaining the stability obtained in the earlier phases. By the time the participant graduates to this phase, he/she has successfully and faithfully adhered to treatment or programming requirements. The participant may have also integrated structure into his/her life by avoiding additional involvement with the criminal justice system. The amount of court involvement and case management will lessen as the participant demonstrates ongoing stability using the tools acquired in the earlier phases. Appearances at PHOENIX COURT status review hearings may be reduced even further but in no event less than

every six weeks. *Standard 7 Recommended Practice (A)* The treatment team will act in a support role, monitoring the participant's maintenance. With any regression, the treatment team will act swiftly to put participant back on track. The length of this phase varies, depending on the participant's needs.

Incentives/Rewards

Immediate, graduated, and individualized incentives govern the responses of PHOENIX COURT to the participant's compliance. *Standard 10*

Incentives are individualized according to the specific treatment plan and directly related to the participant's achievements as certain milestones of the PHOENIX COURT treatment plan are attained. Incentives are also tracked to ensure that the participant is rewarded on a progressive basis.

The following are types of behaviors appropriate for incentives:

- * Attending required court appearances;
- * Attending required treatment appointments;
- * Maintaining close and productive contact with the, and treatment provider;
- * Reaching individual treatment goals;
- * Abstaining from alcohol and drugs, as evidenced by negative results;
- * Engaging in vocational or educational activities;
- * Advancing in PHOENIX COURT phases; and
- * Accomplishing any other milestone identified by the treatment team.

The following are types of incentives:

- * Encouragement and praise from the Jurist;
- * Ceremonies and tokens of progress, including advancement in PHOENIX COURT phases;
- * Reducing supervision contacts;
- * Decreasing frequency of court appearances;
- * Reducing fines;
- * Increasing or expanding privileges;
- * Encouragement to increase participation in positive activities the participant finds pleasurable, such as writing, art work, or other hobbies;
- * Gifts of inspirational items, including books, pictures, and framed quotes;
- * Gift cards for restaurants, movie theaters, recreational activities, or personal care services;
- * Gifts of small personal care items, hobby or pet supplies, plants or small household items;
- * Graduating from PHOENIX COURT.

Standard 10 Recommended Practice (C)(1)(14)

Sanctions

Immediate, graduated, and individualized sanctions govern PHOENIX COURT responses to the

participant's noncompliance. *Standard 10* Graduated sanctions are used to help the participant conform behavior to program requirements. Sanctions are crafted in an individualized and creative manner, as well as in a progressive manner based on the infraction. Sanctions are issued when there is noncompliance with both program protocol and the treatment plan. Sanctions are a deterrent to negative behavior, as well as to encourage future compliance. An adjustment in treatment services, as well as participation in community based mutual support meetings are based solely on the clinically informed interests of the participant. *Standard 10 Recommended Practice (A)* Incremental adjustments to the treatment plan made at the discretion of the Jurist and the treatment team are not to be considered sanctions. Failure to comply with treatment plan adjustments will subject the participant to sanctions.

At the time of a positive test, during intake or if a participant relapses, the treatment team may consider an adjustment in treatment and/or the possibility of sanctions. Any change in the treatment plan and/or sanction are enforced and reinforced by the Jurist. *Standard 8 (C)*

A level of sanction is applied to each type of possible infraction. This type of planning ensures lesser infractions will be met with lesser, more commensurate sanctions. Infractions are also tracked, along with resulting sanctions, so that additional sanctions can be applied in a graduated manner.

The following are common types of infractions:

- * Failure to attend court appearances and treatment appointments;
- * Failure to follow PHOENIX COURT rules;
- * Failure to keep scheduled appointments with the Mental Health Coordinator or any other team member;
- * Noncompliance with other requirements of the treatment plan;
- * Noncompliance with random alcohol and drug screens or testing positive for alcohol and/or drugs;
- * Failure to improve troublesome behavior;
- * Failure to meet employment or vocational goals as determined by the treatment team; and
- * Failure to keep other appointments as scheduled.

The following are types of sanctions:

- * Warnings and admonishment from the Jurist;
- * Demotion to an earlier PHOENIX COURT phase;
- * Increasing frequency of alcohol and drug testing;
- * Increasing court appearances;
- * Refusing specific requests, such as permission to travel;
- * Denying additional or expanded privileges or rescinding privileges previously granted;
- * Increasing supervision contacts and monitoring;
- * Individualized sanctions such as writing essays, reading books, or performing other activities to reflect upon unacceptable behavior;
- * Imposition of suspended fines;
- * Requiring community service;

- * Escalating periods of detention/jail;
 - * Filing of probation violation; and
 - * Termination from PHOENIX COURT.
- Standard 10 Recommended Practice (D)(1)(12)*

CHAPTER 6 PROGRAM COMPLETION

Criteria for Successful Completion — Standard 3(A)

Successful completion criteria are the guidelines used to identify how participants can successfully complete PHOENIX COURT. In order to successfully complete PHOENIX COURT, participant must demonstrate the compliant behavior and accomplishments listed below.

Compliant behavior may include:

- * Completed community service hours;
- * Demonstrated period of abstinence from alcohol and drugs
- * Displayed a change in thinking, attitude, and beliefs;
- * Successfully completed treatment or programming;
- * Demonstrated ability to identify and eliminate criminal thinking patterns;
- * Paid in full restitution (if applicable) and court costs (if able), and
- * Accomplish all goals as listed on the case plan.

Accomplishments may include:

- * Demonstrated abstinence from alcohol and drugs, as evidenced by negative screens;
- * Completion of treatment;
- * Relapse prevention plan established;
- * Regular sober support attendance;
- * Completed PHOENIX COURT requirements, including community service;
- * Completed vocational or educational plan;
- * Paid in full restitution and court costs;
- * Displayed responsibility for his or her behavior;
- * Demonstrated stability in the community.

The Jurist has discretion to determine when the participant will successfully complete PHOENIX COURT. Upon successful completion of PHOENIX COURT, the participant shall participate in a graduation ceremony hosted by the Court and shall receive a certificate of completion.

Termination Classifications Standard 3(A)

There are two types of termination criteria: unsuccessful and neutral discharge. The advisory committee developed the termination criteria. The PHOENIX COURT Jurist has discretion in determining termination from the specialized docket. *Standard 3(B)*

Unsuccessful termination Standard 3(A)

Termination criteria for unsuccessful completion of PHOENIX COURT include:

- * Ongoing noncompliance with treatment or resistance to treatment;
- * New serious criminal convictions;
- * A serious PHOENIX COURT infraction or series of infractions; and
- * A serious probation violation or series of probation violations.

The unsuccessful termination policies and procedures include:

- * Loss of future eligibility for the specialized docket; and
- * Further legal action including revocation of probation. *Standard 3 Recommended Practice (C).*

Upon an unsuccessful discharge from PHOENIX COURT, the case is placed on the regular docket of the mental health court Jurist with other sanctions to be determined by the Jurist with recommendations from the treatment team.

Neutral Discharge Standard 3(A)

A participant may be neutrally discharged if the participant is no longer capable of completing PHOENIX COURT as a result of:

- * A serious medical condition;
- * Serious mental health condition;
- * Death;
- * Participant/family move; or
- * Other factors that may keep the participant from meeting the requirements for successful completion; particularly where it is the parent rather than the participant who is not cooperating with the treatment providers or the court. [*Standard 3 Recommended Practice (C)*]

Upon neutral discharge from PHOENIX COURT, the case is placed on the regular docket of the Phoenix Court Jurist or probation is terminated and the case is closed.

CHAPTER 7 SUBSTANCE MONITORING Standard 8

PHOENIX COURT monitors a participant's substance use by random, frequent, and observed alcohol and drug testing protocols. *Standard 8* Substance monitoring will be part of the treatment plan. Participants will submit to frequent, random, and observed alcohol and drug screens. A Participant providing an observed urine sample will always have the restroom area searched be asked to empty pockets, remove jackets, purses, backpacks etc. *Standard 8(B)*

Testing positive will result in a sanction. Failure to submit to testing, submitting an adulterated sample or the sample of another individual, or diluting the sample is treated as a positive test and immediately sanctioned. *Standard 8 (D)*

Testing may include instant urinalysis drug screens, use of scientifically validated technology that are deemed reliable. Urine screens test for many common substances including the participant's substance of choice. *Standard 8(E)* All testing shall be recorded and maintained for each participant for the duration the participant is in PHOENIX COURT. Testing will be conducted based on the participant's needs. PHOENIX COURT uses individualized drug and alcohol testing based on those needs. *Standard 8(B)*

Drug and alcohol screening is an effective tool to identify and deter drug use. Drug and alcohol testing plans will be designed and implemented according to the specific needs of the individual youth; however, participants should expect testing to be random, frequent and observed. A participant providing an observed urine sample will always have the restroom area searched be asked to empty pockets, remove jackets, purses, backpacks etc... Any youth testing positive when entering the program will have his/her chemical dependency issues evaluated and address as part of the treatment plan.

Testing will include urinalysis drug screens, or other types of screening that are reliable. Urine screens will test for illegal substances such as marijuana, alcohol, cocaine, opiates and other drugs as needed. The results of the screens will be shared with the treatment team members. The treatment plan may incorporate or be modified to address the youth's use of illegal substances if they test positive.

PHOENIX COURT uses screens that allow for laboratory confirmation testing. Upon a positive result, the youth may request a lab test, and pay for the cost at the time of the request. While waiting for the results, sanctions are not imposed. However, if the test results are positive, then a more severe sanction may be issued for the deception and the use of substances. If the test returns negative, then the Jurist may allow the laboratory fee to be applied to the participant's fines and costs, or held for future laboratory tests.

At each treatment team meeting, the results of substance monitoring tests will be provided to all present treatment team members. The Jurist is immediately notified when a participant fails to submit to a test, test positive, submits an adulterated sample or sample of another individual, or dilutes the sample. Immediate sanctions will be issued. Sanctions may be enforced for participants who tests positive at the time of intake, and have not had the benefit of treatment when it is deemed appropriate by the Jurist. When participants relapse a review of their treatment plan takes place and the team determines appropriate responses and adjustments are made.

All Participants are responsible for submitting to random testing.

Samples are subjected to a five-panel screen, which provides negative, positive or diluted results, as well as information relative to the level of particular substance.

A youth who tests positive for substances will be subject to sanctions and appropriately assessed for treatment. A youth determined to be in need of substance abuse treatment will be expected to cooperate with that part of the treatment plan. These expectations will be enforced, and reinforced, by the Jurist and treatment team.

At each treatment team meeting, the results of substance monitoring tests that have been done will be provided to all present treatment team members. The Jurist is notified when a participant fails to submit to a test, submits an adulterated sample or sample of another individual, or dilutes the sample, and sanctions are issued.

The following acts will be treated as positive tests and immediately sanctioned: *Standard 8(D)*

- * Failing to submit to testing;
- * Submitting an adulterated sample;
- * Submitting the sample of another individual; and
- * Diluting the sample.

Testing by Outside Agency

Testing for the PHOENIX COURT is done by a variety of agencies contracted with the court. The providing agencies agree to follow the PHOENIX COURT alcohol and drug testing protocol. The treatment team member from the agency will immediately notify the BHJJ Mental Health Coordinator, of the outcome of any and all tests, as they are conducted. The Jurist will be notified when a participant fails to submit to a test, submits an adulterated sample or sample of another individual, or dilutes the sample. *Standard 8(D)*

CHAPTER 8 PROFESSIONAL EDUCATION *Standard 11*

The specialized docket assures continuing interdisciplinary education of treatment team members to promote effective specialized docket planning, implementation, and operations. *Standard 11*

Training opportunities will be provided annually through the Supreme Court of Ohio Specialized Dockets Practitioner Network, Cuyahoga County Juvenile Court, Cuyahoga County ADAMHS Board and Bellefaire can provide additional trainings that will be made available to all PHOENIX COURT team members. *Standard 11 Recommended Practice A*

An interdisciplinary continuing education plan includes training on a variety of topics such as:

- * The specialized docket model;
- * Specialized docket processes;
- * Best practices in substance abuse and mental health services;
- * Drug trends and alcohol and drug testing;
- * The non-adversarial approach of the specialized docket model for counsel [*Standard 2 (A) & (B)*]; and
- * Training on community resources.

The Supreme Court of Ohio Specialized Dockets Practitioner Network — *Standard 11 Recommended Practice (F)*

All treatment team members should try to attend the Supreme Court of Ohio's Specialized Dockets Practitioner Network Annual Conference. The Jurist and probation officer should try to participate in the Supreme Court of Ohio Specialized Dockets Practitioner Network and try to attend at least one sub-network meeting held at the Supreme Court of Ohio during the calendar year related to their discipline. All treatment team members will receive the Specialized Dockets Newsletter and agree to keep all contact information provided to the Supreme Court of Ohio Specialized Dockets Section current. In addition to the Specialized Dockets Practitioner Network Annual Conference, the Specialized Dockets Section offers several training opportunities throughout the year that include free continuing education accreditation in several disciplines. Specialized docket treatment team members should utilize and attend as many of these training events as possible throughout the year.

New Treatment Team Members — *Standard 11 Recommended Practice (C)*

The Behavioral Health Juvenile Justice Manager and/or Mental Health Coordinator will meet with each new treatment team member and provide a brief overview of PHOENIX COURT. In addition, new treatment team members will receive a copy of the program description and participant handbook. New treatment team members will also receive training from the agency they serve regarding the role of that agency in PHOENIX COURT. Whenever possible, new treatment team members will have an opportunity to observe the weekly treatment team meeting and status review hearing with the person they are replacing. The Behavioral Health Juvenile Justice Manager and/or Mental Health Coordinator will arrange any additional training that is deemed necessary for a new treatment team member. In addition, the new treatment team member may also be offered the opportunity to shadow his/her counterpart at the mentor

specialized docket as his /her schedule would allow.

Program Operations Review

The Advisory Committee will review the overall functionality of PHOENIX COURT every two (2) years. During the review, the Advisory Committee along with the treatment team will review all policies and procedures and the functionality of PHOENIX COURT. *Standard 11 Recommended Practice (B)* The probation officer will provide the Advisory Committee with the data necessary to conduct their review.

CHAPTER 9 EFFECTIVENESS EVALUATION STANDARD 12

Ongoing Data Collection — Standard 12(B)

PHOENIX COURT shall engage in ongoing data collection in order to evaluate whether or not PHOENIX COURT is meeting its goals and objectives.

Data collection is an ongoing process. The BHJJ Mental Health Coordinator, BHJJ Manager, and the Juvenile Court's Program Planner will collect and maintain data as directed by the Jurist from time to time including, but not limited to, detention/jail bed days used by PHOENIX COURT participants, number of participants not qualifying for entry into PHOENIX COURT, number of participants terminated and/or successfully completing PHOENIX COURT, and recidivism rate of defendants denied entry/terminated/successfully completing PHOENIX COURT. The data will be collected as events occur with annual statistics compiled. The providing agencies will maintain data as required by funding sources.

PHOENIX COURT may utilize participant satisfaction surveys.

As data is collected, all identities will remain anonymous and will not be included in the data collection. The Advisory Committee as part of the functionality review will utilize the data collected. *Standard 11 Recommended Practice (B)*

TREATMENT TEAM

Magistrate Jeffrey Ehrbar

The Jurist presides over the treatment team and hears the cases. The Jurist makes all final decisions regarding admission into and termination from the program, what rewards and sanctions will be used, and phase advancement.

Melanie Miller
Behavioral Health Juvenile Justice, Program Manager
216-443-3142

Contact with possible referrals

BHJJ Mental Health Coordinator

BHJJ Mental Health Coordinator meets regularly with participants to discuss individualized program goals and progress; attends staffing's, treatment team meetings and status review hearings; monitors compliance with the treatment plan and court orders; conducts or coordinates random alcohol and drug tests, and reports the results of tests to the treatment team; and makes reports and recommendations to the court and treatment team on how the participants are doing in the program.

Public Defender
216 443-3099

The defense attorney attends all staffing's and court hearings, represents the participant at those hearings, and advises the participant and protects the rights of the participant while she/he is in the program. The child has the right not to proceed in any court hearing in which they are not represented by defense counsel.

Guardian Ad litem

The GAL is an attorney who is appointed by the court to look after the participant's best interest. The GAL investigates family functioning and dynamics and makes reports and recommendations to the treatment team and the court about appropriate planning and court orders. The GAL will meet with the child and family at his/her discretion or at the request of the Jurist. These meetings may be in the courthouse, family home, or in the community.

