

**MISDEMEANOR MENTAL HEALTH DIVERSION (TIER 2)
ELIGIBILITY REQUIREMENTS**

- 1) Participant must be age 18 or older.
- 2) Participant must have Medicaid Insurance (*if funding available, Private Pay and no insurance individuals may be allowed*)
- 3) Misdemeanor charges only (no Domestic Violence or Drinking/ Driving offenses)
- 4) Assessed/ approved for program by Therapist prior to initial arraignment.
- 5) Pleads guilty at arraignment or continued arraignment. Sentencing will be on a delayed basis with probation either compliance or formal.
- 6) Prior history of mental illness (verification provided per LifeWays data base)

**ADDITIONAL TERMS GOVERNING PARTICIPANT SELECTION/
PLACEMENT**

- 1) Those initially charged with felonies not eligible.
- 2) Program does not preclude Court from awarding participants deferred sentences such as HYTA and 7411.
- 3) Maximum number of participants in Diversion Program is twenty.
- 4) Court can reject individuals for the program who have been approved by both the Evaluator and the Prosecutor. Rejected participants will have their cases referred to their original Judge.
- 5) Any Participant who does not complete the program (unsuccessful discharge from probation) will be re-sentenced by the Mental Health Judge.

PROGRAM REQUIREMENTS

- 1) Delayed sentence with 6-12 months probation (may be compliance or formal probation)
- 2) Monthly meeting in Court with Evaluator, Case Manager, Judge and Coordinator (1:00 p.m. on Mental Health Court days- tier 1)
- 3) Case Manager provides Coordinator with monthly written updates based on contact with treating Physicians and Providers.
- 4) Dismissal of claim if probation successfully completed.
- 5) Nothing in this program will be construed to abridge the rights of injured parties under the Victims Rights Act.

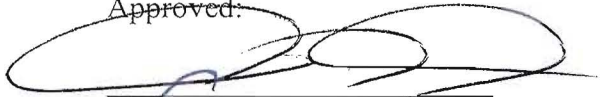
ANTICIPATED DIVERSION PROCEDURE

- 1) Defendant arrested and taken to jail. On a daily basis Monday through Friday by 8:00a.m. jail faxes list of new prisoners to Evaluator who then matches with LifeWays data base. Jail will also identify which are misdemeanants.
- 2) Evaluator is present at Wesley Jail on a daily basis Monday – Friday. The Evaluator explains the Misdemeanor Diversion Program and the Mental Health Court (tier 1- original program) to all individuals who have been found to be

within the LifeWays system. For individuals applying for the Diversion Program (tier 2) immediate evaluation will take place. Meanwhile, to those deemed potentially eligible for the Mental Health Court (tier 1) an application will be provided.

- 3) Evaluator forwards report (prepared on-site at jail) to Mental Health Coordinator and Prosecutor. Court generates diversion file (deemed probation file for privacy purposes) and at the same time, the District Court assigns the new file to the Mental Health Court Judge. Meanwhile, Prosecutor approves/ rejects within ten days. Prosecutor provides Court with completed acceptance/ rejection form signed by both Evaluator and Prosecutor.
- 4) The above steps will occur prior to the initial arraignment. If not, arraignment shall be continued for approximately two weeks.
- 5) At arraignment or continued arraignment participant pleads guilty and is placed on probation with a delayed sentence. Referral to probation for PSI may occur. Generally, probation will be in a compliance format.
- 6) Monthly meetings with the Court to occur immediately prior to tier 1 Mental Health Court meetings. Ten tier 2 participants will be seen at 1:00 p.m. every other Friday.
- 7) Prior to monthly review, Case Manager contacts Treating Physician and/or Treatment Provider for purposes of obtaining written update to be provided to the Mental Health Coordinator in advance of hearing.

Approved:



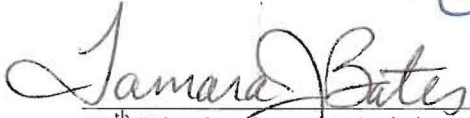
4th Circuit Court Chief Judge

8/12/09
Date



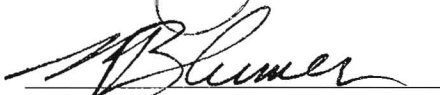
12th District Court Chief Judge

8/13/09
Date



12th District Court Administrator

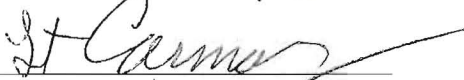
8/13/09
Date



Jackson County Prosecutor

Chief Dist. Prot.

8/14/09
Date



Jackson County Sheriff

8-17-09
Date

LifeWays Representative

Date

SIGNATURE ADDENDUM TO ORIGINAL

Approved:



Michael Falahee Prosecutor for:
Blackman, Spring Arbor,
Springport, Leoni, Columbia,
Napoleon, Summit, Waterloo,
Concord Village/ Townships

8-19-09

Date



Gilbert Carlson Julius Giglio
City of Jackson Prosecutor

Date



Phil Navarre Prosecutor for:
Parna/ Sandstone Townships

8/19/09

Date