

LASALLE COUNTY
TREATMENT ALTERNATIVE COURT
(TAC)

PARTICIPANT HANDBOOK

LASALLE COUNTY TREATMENT ALTERNATIVE COURT (TAC)
707 E. ETNA ROAD
OTTAWA, IL 61350

February 2020

Introduction

The LaSalle County Treatment Alternative Court (TAC) is a problem-solving court for non-violent offenders with a serious mental illness involved in the criminal justice system. This mental health court provides for increased judicial interaction and participant accountability while providing expedited access to treatment and increased services. TAC is a voluntary program, subject to meeting eligibility criteria and obtaining approval and acceptance of the TAC team. LaSalle County TAC is targeting individuals charged with a non-violent, probationable felony offense that is not excluded by state statute.

The LaSalle County Circuit Court is the lead entity for this program and has partnered with the LaSalle County State's Attorney's Office, the LaSalle County Public Defender's Office, the LaSalle County Probation Department, the LaSalle County Sheriff's Office, and North Central Behavioral Health Systems.

This Manual and Participant Handbook specifies the manner in which TAC operates. The nature of the issues which this court seeks to address and the uniqueness of the individual participants demand that a recovery and punitive based program embody principles of consistency and flexibility. This manual contains the mandatory rules, the necessary framework and the guiding principles of our programs. It is the duty of TAC to address issues as they arise with this manual as the guideline, while mindful of the goal to craft a treatment and behavior shaping program fitting to the individual.

TAC Policies and Procedures

I. Eligibility Criteria

In order to be considered by the TAC team for participation in the TAC program, a defendant must be at least 18 years of age, and have a serious mental illness.

A defendant who is charged with a crime precluded from participation in mental health court by state statute, 730 ILCS 168/20, will be ineligible. Eligible offenses include non-violent felony offenses that are subject to a sentence of probation. A felony offense not subject to a sentence of probation is an ineligible offense.

Certain offenders are ineligible for participation in TAC. Those defendants ineligible for TAC are offenders who have (1) been convicted of an offense involving the discharge of a firearm, (2) been charged with a non-probationable offense, (3) not demonstrated a willingness to participate in a treatment program, or (4) been convicted, within the past 10 years, of a violent crime including first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, stalking, or aggravated stalking, that time not to include any years the defendant spent incarcerated.

It is the policy and practice of TAC to conduct all aspects of the program without discrimination on the basis of gender, race, nationality, ethnicity, limited English proficiency, disability, socioeconomic status or sexual orientation. Provisions will be made for any non-English speaking participants.

Even if an offense or defendant is eligible, the TAC team will review all eligible offenses and defendants individually. The TAC team determines eligibility and admission by looking at a variety of factors, described in more detail below. Admission to the program is subject to the discretion of the TAC team. The Judge is the final decision maker.

II. Referral and Admission Procedure

A. Referral

Referrals for the LaSalle County TAC will be made through a referral form to the TAC Coordinator. Referrals can be made by any person but most will come from law enforcement, defense counsel and the State's Attorney. The TAC Coordinator will forward the referral form to the Probation Officer within one business day of receipt of the form.

Risk assessments are used to determine whether the defendant is highly unlikely to succeed on standard Probation and will continue to engage in the pattern of behavior that led to the filing of the criminal charge. TAC is designed for individuals who fall within the high-risk and high needs category. The risk assessment shall also provide direction in the crafting of interventions to promote positive changes in behavior.

The Probation Officer will conduct an initial screening within five business days of receipt of the referral. In the screening process, the Probation Officer will assess the defendant's eligibility by reviewing the offense(s) and other statutory considerations and the defendant's risks, assets and needs. The Probation Officer will complete the Adult Risk Assessment. If the assessment indicates the applicant is high risk/high need, the referral and screening will be forwarded to North Central Behavioral Health Systems for clinical assessment. The screening tools to be used include, but are not limited to, the Modified Mini Screen (MMS), the Texas Christian University (TCU) Criminal Thinking Scales, and the Risk and Need Triage (R.A.N.T.). Once completed, the referral and screening will be forwarded to North Central Behavioral Health Systems. The TAC Coordinator will also be given a copy of the screening at this time.

The North Central Behavioral Assessor/Therapist will complete an assessment within 10 to 14 business days. After the screening and the assessment are completed, the TAC Coordinator will docket the case for staffing and team discussion which must occur no more than seven business days after completion of the assessment. The case will then be discussed by the TAC team and a decision as to whether or not the defendant will be accepted will be made.

B. Admission

If the defendant is accepted into LaSalle County TAC, the case will be placed on the court call for the defendant's initial court appearance. The court date must be within seven business days from the TAC team staffing. At the court appearance, the defendant will be accepted into the TAC program and become a TAC Participant.

During the seven business days, defense counsel will confer with the defendant. The LaSalle County TAC will be implementing post-adjudicatory dispositions taking into consideration the facts and circumstances of the case, prior criminal history, the defendant's diagnoses, the assessment and other relevant information. Defendants accepted into TAC will be required to review, understand and sign a written agreement called the TAC Consent to Participate that will detail the requirements of the program and what is expected of the Participant. The participant will be given a Participant Handbook, in which the Public Defender will review the Handbook with the participant.

III. Treatment Plan and Providers

After meeting with the Participant, North Central Behavioral Health Systems Assessor/Therapist will develop an individualized treatment plan. As part of the treatment plan, the Participant will undergo individual and group therapy for mental health and substance abuse treatment. Service goals for Participants will focus on maintaining a stable life on an outpatient basis, improving daily functioning and enhancing individual satisfaction in order to contribute socially and economically to the community. Services will be provided by a team of licensed clinical professionals trained in empirically reviewed and evidence-based treatment modalities. Psychiatric medical care will be provided through North Central Behavioral Health Systems by a psychiatrist and registered nurse. Medication monitoring will be part of the program and will be conducted by the Probation Officer when necessary. Psycho-education on the importance and necessity of medication compliance will be provided by the Probation Officer.

It is the policy of the LaSalle County TAC to test a participant for drugs and/or alcohol randomly, but no less than 3 times per week. Tests will be administered by the TAC Probation Officer, or the by a licensed medical facility.

IV. TAC Team

The TAC team shall meet once each week during a specific designated mental health court call. Prior to the court call, the TAC team will meet for a staffing to discuss each Participant's case. At the weekly staffing sessions, each partner of the collaborative team is required to have a representative present. Members of the TAC collaborative team include the LaSalle County Circuit Court, the LaSalle County State's Attorney's Office, the LaSalle County Public Defender's Office, the LaSalle County Probation Department, the LaSalle County Sheriff's Department, and North Central Behavioral Health Systems. These key partners play an integral role in the assessment and progress of TAC Participants.

The Probation Officer will prepare a report to be distributed to each TAC team member the day before staffing and court. The report is a detailed form which contains baseline information about each Participant's offense, diagnoses, assessments and treatment plan. The report will also include progress updates for the Participant's treatment plan, including any significant, relevant events. This information will be compiled by the Probation Officer from all TAC team members. The team will discuss each case with the goal of agreement on any actions to be taken during court, including incentives, sanctions and therapeutic adjustments or issues to be addressed with the Participant in open court.

Case management will be provided through a team approach utilizing the Probation Officer and North Central Behavioral Systems Therapists. These team members will directly assist Participants with day-to-day functioning and provide referrals to necessary and identified social services, such as ensuring safe and secure housing, providing child care, transportation, access to education, assistance with utilities, food, hygiene and life skills coaching and job searches and placements. These team members will also assist Participants with securing Federal and State assistance for these services. These team members may also assist with home visits, the interviews of collateral contacts and other designated tasks. These team members shall maintain frequent and consistent contact with each Participant and report all pertinent information to the TAC team concerning the Participant's compliance. These team members will advocate for effective sanctions, incentives and therapeutic adjustments based upon information gleaned from in-person contact with the Participant.

The TAC team duties broken down by key partners and their roles follow:

LaSalle County Circuit Court TAC Judge: The LaSalle County Circuit Court is the lead entity for the TAC program. LaSalle County Associate Circuit Judge Michael Jansz will be the assigned TAC Judge and shall preside over court proceedings, attend all staffings and maintain the integrity of the court. During court sessions, Judge Jansz will identify deficiencies in participant's behaviors, reinforce positive behaviors and administer sanctions and rewards deemed appropriate by the TAC team.

State's Attorney: The State's Attorney's Office will assign one attorney to participate in the TAC program and court. The State's Attorney or a designated representative shall actively participate in all TAC hearings and staffings, interact in a non-adversarial manner and address the application of sanctions and incentives in a fair and productive manner.

Public Defender: The Public Defender's Office will assign the Public Defender to defendants eligible for participation in TAC. The Public Defender will review cases, meet with clients, make recommendations for screening into the TAC program, advise accepted TAC Participants through the mental health court process, attend staffing and represent TAC Participants in court. The Public Defender will coordinate necessary services for clients with other TAC team members and generally advocate for his/her clients' interests and facilitate the successful completion of the TAC program by each Participant.

Probation Department: The TAC Probation Officer shall oversee all Participants and will utilize Motivational Interviewing and Thinking for a Change classes. The TAC Probation Officer shall maintain frequent and consistent contact with each Participant to ensure the appropriate supervision for the Participant's designated phase and that social activities and home environments are appropriately monitored. The TAC Probation Officer shall report all pertinent information to the TAC team concerning the Participant's treatment, employment status and compliance with TAC rules. The TAC Probation Officer shall attend all staffings and advocate for effective sanctions, incentives and therapeutic adjustments based upon information gleaned from in-person contact with the Participant and his/her knowledge of addiction, mental illness and criminogenic factors. The Probation Officer shall maintain appropriate progress notes on each Participant.

North Central Behavioral Health Systems: The Therapists/Counselors shall counsel the Participant in individual and group sessions, develop individualized treatment plans and report said recommendations and opinions to the TAC team during each staffing. Services will be provided by a team of licensed clinical professionals trained in empirically reviewed and evidence-based treatment modalities. Psychiatric medical care will be provided through the Health Department by a psychiatrist and registered nurse. Medication monitoring and psycho-education on the importance and necessity of medication compliance will be part of the treatment for each Participant where relevant. Assessment tools utilized by the Therapists/Counselors are formatted to adhere to Rule 132 standards and include salient fact gathering pertinent to each individual's needs for treatment. Therapists/Counselors shall be familiar with each Participant and his/her progress through treatment and advocate for effective incentives, sanctions and therapeutic adjustments based upon information gleaned from in-person contact with the Participant and expertise in addiction and mental illness. NCBHS will allocate to the TAC Program a dedicated therapist for 12 per hours week, a psychiatric nurse for three hours per week, and a psychiatrist for one hour a week. TAC Therapists/Counselors shall maintain appropriate progress notes.

TAC Coordinator: The TAC Coordinator functions as a liaison between TAC team members and oversees the activity of the TAC collaborative team to ensure the team is functioning in a meaningful and productive way. All duties of the Coordinator are performed in a manner that is most therapeutic to the Participant. The TAC Coordinator will also act in a public relations capacity with community members and service providers to provide information, advocate for clients and families and expand provider base and resources for clients and families. The TAC Coordinator prepares grant-required reports and maintains necessary TAC program data with an access data base.

V. Four Phases of TAC Program Requirements

TAC Participants will move through the program in four phases. The TAC team will make the decision to promote the Participant to the next phase based on compliance with the treatment plan and actual progress in managing the mental illness including medication compliance, treatment compliance and overall stability of Participant's mental health.

The restrictions, supervision and monitoring requirements become less intensive as the Participant moves to each higher phase of the program. Each phase will be explained to the Participant clearly and thoroughly to ensure that the Participant understands each new phase and complies. The fourth phase is a "maintenance" phase which focuses on the Participant's ability to manage his/her mental health on an independent basis or with appropriate community or family supports upon successful completion. The TAC team will develop an individualized list of appropriate incentives, sanctions and therapeutic adjustments for each Participant during staffings.

1. Phase One-STABILIZATION

TAC Participants are most closely monitored during Phase One of the program. Phase One of the program is designed to address your most important needs at the time. During Phase One, the Participant must:

- Attend Treatment Alternative Court every week
- Attend office meetings as requested by the TAC team
- Cooperate with unscheduled visits or contact with the TAC team
- Engage in mental health treatment as determined by your treatment plan
- Engage in substance abuse treatment as determined by your treatment plan
- Submit to random urinalysis screens as determined by your treatment plan or as requested by the TAC team
- Take prescribed medications as directed
- Attend self-help support groups as determined by your treatment plan
- Attend all appointments made for case management, counseling, or psychiatric evaluation
- Remain drug and alcohol free

2. Phase Two-BUILDING LIFE SKILLS

As the Participant advances through the phases, they will be given more freedom and responsibility. Phase Two is designed to engage the Participant in necessary mental health treatment and maintain positive change by continuing life skill building. During Phase Two, the Participant must:

- Attend Treatment Alternative Court weekly
- Attend office meetings as requested by the TAC team
- Cooperate with unscheduled visits or additional contact with the TAC team
- Engage in mental health treatment as determined by your treatment plan
- Engage in substance abuse treatment as determined by your treatment plan
- Submit to random urinalysis screens as determined by your treatment plan or as requested by the TAC team
- Take prescribed medications as directed
- Attend self-help support groups as determined by your treatment plan
- Attend all appointments made for case management, counseling, or psychiatric evaluation
- Refrain from the use of alcohol or illegal drugs

3. Phase Three-REINTEGRATION

The Participant will gain more independence during Phase Three but will be expected to report to the TAC team on your activities and choices. Phase Three is designed to incorporate education and employment into the Participant's treatment. The Participant will be encouraged to begin exploring educational and vocational interests and abilities during Phase Three. During Phase Three, the Participant must:

- Attend Treatment Alternative Court monthly
- Attend office visits as requested by the TAC team
- Cooperate with unscheduled visits or additional contact with the TAC team
- Engage in mental health treatment as determined by your treatment plan
- Engage in substance abuse treatment as determined by your treatment plan
- Submit to random urinalysis screens as determined by your treatment plan or as requested by the TAC team
- Take prescribed medications as directed
- Attend self-help support groups as determined by your treatment plan
- Attend all appointments made for case management, counseling, or psychiatric evaluation
- Remain drug and alcohol free
- Obtain employment or volunteer position, enroll in educational courses (GED classes, higher education, vocational training etc.), or engage in regular positive social activity not related to treatment (clubs, volunteer activities, community services, church, sports, etc.)

4. Phase Four-MAINTENANCE

The Participant will function at a high degree of independence during this phase but will still have contact with the TAC team. Phase Four is designed as aftercare. During Phase Four, the Participant must:

- Take medications as prescribed
- Attend self-help support groups as determined by your treatment plan
- Attend all appointments made for case management, counseling, or psychiatric evaluation, including monthly meetings with Probation Officer
- Refrain from the use of alcohol or illegal drugs

VI. TAC Program Rules to be followed by Participant

1. Obey all laws.
2. Refrain from owning/possessing any firearms or dangerous weapons.
3. Remain within the State of Illinois unless permission is otherwise granted by the court.
4. Report to my Probation Officer any criminal charges filed against me, including driving violations or minor offenses.

5. Notify the TAC team of any changes in my address, phone number, treatment, medication or any other important information.
6. Attend all court hearings, appointments, meetings and court dates as part of the TAC treatment plan, including those with a Probation Officer, any treatment or medical staff.
7. Abstain from using alcohol or illicit drugs.
8. Cooperate with and satisfactorily complete any psychological or substance abuse assessment and/or treatment as directed by TAC.

VII. TAC Program Incentives and Sanctions and Therapeutic Adjustments

Throughout TAC, rewards and punishments will be given for certain behaviors. Incentives (rewards) are matched with the strengths and interests of the Participant. Incentives are provided for positive behaviors or successfully completing various parts of the program. For those Participants who choose not to comply with the TAC Program, sanctions (punishments) are imposed. These sanctions may begin with minor demands of the Participant and move toward more severe sanctions, such as incarceration or termination from the program. Sanctions are determined on an individual basis after the TAC Team considers all factors of participation (supervision, treatment, medication, etc.) and the Participant's compliance with these program requirements.

A. Incentives

As you progress through TAC and begin to make positive choices, you will receive incentives from the TAC team. Incentives may be received for a variety of behaviors and achievements including TAC Court attendance, treatment attendance, progress in treatment, negative drug screen results, medication compliance, gaining employment or volunteer work, or sustaining employment or volunteer activities. The TAC team may choose from incentives such as:

- Verbal praise
- Reduced supervision requirements
- Supervised day trips
- Small tangible rewards
- Reduced community restrictions
- Travel privileges
- Recognition in court
- Enhanced social status
- Large tangible rewards
- Symbolic rewards
- Moderate tangible rewards
- Point systems
- Posted accomplishments
- Fishbowl drawings
- Ambassadorships

- Written commendations
- Self-Improvement services
- Commencement ceremony
- Supervised social gatherings

B. Sanctions

Just as positive changes will be rewarded, negative behaviors will also be addressed.

Poor attendance at appointments or group meetings, missed court dates or probation or treatment appointments, a new criminal offense, noncompliance with the treatment or medication plan and positive drug screens or refusal to take a drug test will all result in court sanctions. The following sanctions may be used when TAC rules are not followed:

- Verbal admonishments
- Increased supervision requirements
- Day reporting
- Letters of apology
- Electronic surveillance
- Essay assignments
- Useful community service
- Home detention
- Daily activity logs
- Short term jail sanctions
- Journaling
- Holding cell
- Termination
- Life skills assignments
- "Jury Box" observation
- Increased community restrictions
- Team round-tables

C. Therapeutic Adjustments

Participants may be required to attend additional self-help support groups, attend additional treatment groups, or engage in additional hours of psychosocial rehabilitation programming to address unmet clinical or social service needs. These therapeutic adjustments are not intended to be an incentive or sanction, but are alterations to participant's treatment requirements. The TAC team may choose from therapeutic adjustments such as:

- Increased self-help meetings
- Increased therapeutic sessions
- Increased treatment

VIII. Program Graduation

A graduation ceremony for the Participant will recognize the achievement and successful completion of all phases of the program. In order to graduate from the TAC program, Participants must complete all program phases, designed treatment plans and be in continued compliance with TAC requirements. At that time, the TAC program will conclude and the case will be dismissed.

IX. Program Outcomes

There are four ways you may be discharged or terminated from the LaSalle County Mental Health Court program which include the following:

1. Successful: You complete all the program requirements.
2. Neutral: You do not violate program requirements necessitating an unsuccessful discharge, but you are unable to successfully complete program requirements to qualify for a successful discharge. For example, you develop a serious medical or mental health condition, disability, or other factor that may prevent you from meeting the requirements.
3. Unsuccessful: You are terminated from the LaSalle County Mental Health Court program due to a violation of program requirements.
4. Voluntary Withdrawal: You are permitted to withdraw in accordance with LaSalle County Mental Health Court procedures.

Successful Discharge

Successful discharges shall be made by the LaSalle County Mental Health Court Team collaboratively.

When participants meet the requirements of each of the three phases of drug court, they graduate from the program and the charges will be dismissed. When participants successfully complete the LaSalle County Mental Health Court program, he/she is celebrated for their success with a graduation ceremony. Family members of the participant graduating are invited to attend the ceremony. Current participants in the Mental Health Court program are also expected to attend the ceremony to show their support. The graduation ceremonies are held in the courtroom or another room deemed appropriate. The LaSalle County Mental Health Court judge will preside over the graduation. The graduating participant will be given the opportunity to describe the impact of the Mental Health Court program on his/her life. Each graduate will receive a certificate stating he/she successfully completed the program.

Neutral Discharge

A neutral discharge shall be made by the LaSalle County Mental Health Court Team collaboratively.

A participant may be neutrally discharged from the LaSalle County Mental Health Court Program if he/she has been substantially compliant with the drug court program rules but the LaSalle County Mental Health Court Team has determined that the participant's progress toward successful completion is improbable after the participant and the Mental Health Court team have exhausted reasonable efforts to help them successfully complete the program.

Unsuccessful Discharge

Prior to unsuccessful discharge from a Specialty Court, a participant shall be served with a petition to terminate the participant from the Mental Health Court Program. The petition shall set forth the claimed violations of the Mental Health Court Program requirements or probation, together with the relief sought.

The LaSalle County Mental Health Court Judge shall ensure that all participants who become subject to proceedings that could result in unsuccessful discharge from the Program are advised of and accorded the rights set forth in Supreme Court Rule 402(a), including, but not limited to, the right to counsel and a hearing.

In accordance with Supreme Court Rule 402A(a), a PSC judge shall not accept an admission to a violation, or a stipulation that the evidence is sufficient to establish a program or probation violation, without first addressing the participant personally in open court, and informing the participant of and determining that the participant understands the following:

- (1) The specific allegations in the petition;
- (2) That the participant has the right to a hearing with defense counsel present, and the right to appointed counsel if the participant is indigent;
- (3) That at the hearing, the participant has the right to confront and cross-examine adverse witnesses and to present witnesses and evidence in his or her behalf;
- (4) That at the hearing, the State must prove the alleged violation by a preponderance of the evidence;
- (5) That by admitting to a violation, or by stipulating that the evidence is sufficient to establish a program or probation violation, there will not be a hearing on the petition, so that by admitting to a violation, or by stipulating that the evidence is sufficient, the participant waives the right to a hearing and the right to confront and cross-examine adverse witnesses, and the right to present witnesses and evidence on his or her behalf; and

- (6) The sentencing range for the underlying offense for which the participant is subject to prosecution or sentencing.

In accordance with Supreme Court Rule 402(b) and (c), a PSC judge shall not accept any admission to a violation, or any stipulation that the evidence is sufficient to establish a program or probation violation, without first determining that the participant's admission or stipulation is voluntary, and that there is a factual basis for the admission or stipulation.

In accordance with Supreme Court Rule 402(d), a PSC judge shall not participate in plea discussions with respect to a petition to terminate the participant from the PSC or to revoke probation without first complying with Supreme Court Rules 402(d), (e) and (f).

(a) Once a petition to terminate a participant from the PSC or to revoke probation has been filed, the PSC judge may allow the participant, with the consent of both the participant (with advice of his or her counsel) and the State, to remain in the PSC with hearing on the petition deferred. The State may thereafter dismiss the petition if the participant makes satisfactory improvement in compliance with the PSC program requirements. If the participant fails to make satisfactory improvement, the State may elect to set the petition for hearing.

(b) At a hearing on a petition to terminate a participant from a PSC or to revoke probation, a PSC judge cannot consider any information learned through team staffing's, status review hearings or otherwise, unless newly received in evidence at the hearing.

(c) A PSC judge should disqualify himself or herself in a proceeding on a petition to terminate a participant from a PSC or to revoke probation under the circumstances listed in Supreme Court Rule 63C.

(d) A participant has the right to move for substitution of the PSC judge pursuant to section 115-5(d) of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-5(d)) for purposes of a hearing on a petition to terminate a participant from a PSC or to revoke probation.

A participant being considered for unsuccessful termination from a PSC shall be afforded the same due process rights that are afforded to probationers and parolees in revocation hearings. The requirements of due process will be satisfied by providing a participant with written notice of claimed program or probation violations and by complying with Supreme Court Rule 402A. For limited English proficient participants, any petition to terminate the participant from the PSC or to revoke the participant's probation will need to be translated, either in written form by a translator or in spoken form by a live interpreter.

Due process in the context of a PSC also requires that the judge presiding over a hearing on a petition to terminate a participant from a PSC or to revoke probation be neutral and detached. Through participation in team staffing and status review hearings, a PSC judge may have become aware of information that forms the basis, in whole or in part, for a petition to terminate a participant from a PSC. This alone does not require recusal of the PSC judge.

However, consistent with Supreme Court Rule 63C, if the PSC judge's impartiality might reasonably be questioned, the PSC judge should disqualify himself or herself and refer the matter to another judge pursuant to section 115-5(d) of the Code of Criminal Procedure for purposes of a hearing on a petition to terminate a participant from a PSC or to revoke probation.

Voluntary Withdrawal

1. Participant shall in all circumstances be permitted to withdraw in accordance with Mental Health Court procedures. Prior to allowing the participant to withdraw, the Judge shall:
 - (a) Ensure that participant has the right to consult with counsel
 - (b) Determine in open court that the withdrawal is made voluntarily and knowingly
 - (c) Admonish the participant that voluntary withdrawal from the Mental Health Court Program will result in a sentencing hearing being held

If a participant voluntarily withdraws from the program, he/she will return to the status of having pled guilty and with entry of judgment of conviction and setting of a sentencing hearing. The LaSalle Mental Health Court Judge will assure that any voluntary withdrawal is made knowingly and voluntarily, with particular attention given to determining that the participant's decision is not negatively influenced by mental illness or course of treatment for mental illness or substance abuse.

X. Termination

The Participant may be terminated from the TAC program for violating program rules. If the Participant violates their treatment plan, does not take prescribed medication, cannot provide negative drug screen results over an extended period, fails to comply with program requirements or is charged with a new offense, it may be the recommendation of the TAC team to terminate program eligibility. If this happens, Participant will be subject to the unsuccessful discharge proceedings as outlined above.

XI. Confidentiality

The TAC team respects the confidentiality of all Participants and adheres to all state and federal laws. In order for the TAC team to assess and advise Participants, it is necessary for the TAC team to have a complete understanding of the mental, emotional, medical, and criminal and substance abuse histories of all Participants. A waiver of confidentiality (authorization for release of pertinent medical records and information) and consent for participation is required for participation in the TAC program. Withdrawal of the waiver of confidentiality prior to completion of the program will result in termination from the program. TAC participants are required to complete all additional requested authorizations for release of information.

Failure to do so may result in termination from the TAC program. All such waivers/authorizations shall remain effective only through completion or termination of the TAC program.

Conclusion

The LaSalle County Treatment Alternative Court (TAC) is a viable option for eligible defendants who are in the criminal court and diagnosed with a serious mental illness. The TAC team offers a collaborative approach in order to provide Participants the necessary structure, treatment, services and support. Thank you for considering utilizing the TAC program.

TAC Team

LaSalle County Circuit Court: Judge Michael Jansz

LaSalle County State's Attorney's Office: Ms. Leila Siena

LaSalle County Public Defender's Office: Mr. Timothy Cappellini

LaSalle County Probation Department: Ms. Miranda Petterson

North Central Behavioral Health Systems: Ms. Libby Grzybowski

TAC Coordinator: Ms. Selenia Arteaga

LaSalle County Sheriff's Department: Dep. Felecia Rasmussen

IN THE CIRCUIT COURT OF LASALLE COUNTY, ILLINOIS
PROBLEM SOLVING COURT PARTICIPANT
CONSENT FOR RELEASE/DISCLOSURE OF CONFIDENTIAL INFORMATION

I, _____, Case No. _____, authorize:
(Name of Defendant)

- ☐ The Presiding Judge _____ and team members of the
Mental Health Court Program.
(Name of Court)
- ☐ _____ and representatives of the LaSalle County
Adult Probation Department.
- ☐ _____ and representatives of the LaSalle County
State's Attorney's Office.
- ☐ _____ and representatives of the LaSalle County
Public Defender's Office.
- ☐ _____ and representatives of Probation Department
- ☐ _____ and representatives of Substance Use Disorder
Treatment Provider.
- ☐ _____ and representatives of any Veterans Health
Administration (VHA) hospital or treatment facility or other service provider I am referred to
during my participation in the above-named program.
- ☐ _____ and representatives of the LaSalle County
Sheriff or any other law enforcement team member.
- ☐ _____ and representatives of the Chief Judge's Office
and any other person permitted by the presiding judge to attend team staffing(s) for
training and educational purposes.
- ☐ _____ as Problem Solving Court Coordinator
- ☐ _____ as _____.

to communicate with and disclose to one another information concerning the following:

Any evaluation, diagnosis, prognosis, hospitalization, treatment, urinalysis result (including disclosure or test results in open court) or other information concerning my attendance, progress and compliance with treatment, substance abuse disorders, or otherwise related to my health or treatment. The purpose of the disclosure is to inform the court and other named person(s) listed above of my eligibility for treatment and my compliance and progress in treatment pursuant to the conditions of my court ordered participation in treatment.

I understand that my health and Substance Use Disorder (SUD) records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR part 2, and the Health Insurance Portability and Accountability Act of 1996 (HIPPA), 45 CFR Parts 160 & 164, and that my mental health records are protected under the Illinois Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA), 740 ILCS 110/1. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically when there has been a formal and effective termination or revocation of my release from confinement, probation, or parole, or other proceeding under which I was mandated into treatment, or

_____.

I understand that I may request a specific list of exactly which records have been disclosed.

I understand that I might be denied services if I refuse to consent to a disclosure for purposes of treatment, payment, or health care operations, if permitted by state law. I will not be denied services if I refuse to consent to a disclosure for other purposes.

I recognize that my review hearings are held in an open and public courtroom and it is possible that an observer could connect my identity with the fact that I am in treatment as a condition of participation in a LaSalle County Problem Solving Court. I specifically consent to this potential disclosure to third persons.

I understand that if I refuse to consent to disclosure or attempt to revoke my consent prior to the expiration of this consent, that such action is grounds for immediate termination from the LaSalle County Problem Solving Court in which I am enrolled.

I acknowledge that I have 1) been provided a copy of this consent form, and 2) been advised of my rights, have received a copy of the advisement, and have had the benefit of legal counsel or have voluntarily waived the right to an attorney. I am not under the influence of drugs or alcohol. I fully understand my rights and I am signing this Consent voluntarily.

Dated: _____

(Signature of Problem Solving Court Participant)

Witness: _____

(Position)

PROHIBITION ON REDISCLOSURE OF CONFIDENTIAL INFORMATION

This notice accompanies a disclosure of information concerning a client in alcohol/drug or mental health treatment, made to you with the consent of such client. This information has been disclosed to you from records protected by federal (42 CFR Part 2) and Illinois (740 ILCS 110/1) confidentiality rules/law. Those federal and state rules/law prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2 or 740 ILCS 110/1. A general authorization for the release of medical and other information is NOT sufficient for this purpose. The federal and state rules also restrict any use of this information to criminally investigate or prosecute any alcohol or drug abuse or mental health patient.

You may report any violations of your privacy rights to the Department of Health and Human Services. Information and procedures on reporting a violation may be found at www.hhs.gov. Written complaints may be submitted to:

Centralized Case Management Operations
U. S. Department of Health and Human Services
200 Independence Ave., S.W.
Room 509F HHH Building
Washington D. C., 20201

A complaint may be emailed to: ocrcomplaint@hhs.gov.

You may also contact the Illinois Department of Human Services at 1-800-843-6154.