

Memorandum of Understanding

YUMA REGIONAL MENTAL HEALTH COURT

This agreement is entered into among **Yuma Regional Mental Health Court, sometimes referred to as a problem-solving court**, and the Regional Behavioral Health Agency Representative, Treatment or Service Providers, Prosecuting Attorney, Defense Attorneys, Yuma Adult Probation Department, Peer Support Agencies, Yuma County Sheriff's Office and Adult Detention Facility, and the Yuma Police Department (collectively referred to as the Mental Health Court Advisory Committee) to document the roles and responsibilities of each agency in the ongoing planning and daily operations of the mental health court (MHC) program.

A. Program Description

The Yuma Regional MHC offers eligible participants the chance to enter an alternative treatment and sentencing program for justice involved mentally ill individuals with a serious mental illness (also referred to as "SMI") who are subject to criminal charges and/or have challenges managing their mental illness with traditional probation and treatment. The Mental Health Court Team—hereafter referred to as MHC Team—is a partnership of people interested in supervising and assisting the justice involved mentally ill willing to make changes in their life using best practice and evidenced-based approaches. To participate in the Yuma Regional Mental Health Court, the defendant must be found guilty and placed on probation or be eligible for the deferred prosecution program and agree to participate in the MHC program.

B. Mission Statement and Program Goals

Yuma Regional MHC is a program that provides court supervision and services to the justice involved mentally ill. The Court holds the participants accountable and assists them in achieving long term stability.

The mission of the Yuma Regional MHC is to promote public safety, reduce criminal activity associated with the justice involved mentally ill, and enable the participants to be productive and law-abiding members of our community.

MHC functions best with a judicial officer who has a dedicated assignment to the program for at least two years. As in other problem-solving courts, the judge plays a much larger role than a judge in a conventional criminal court. This expanded role may encompass program implementation, performance monitoring, outcomes reporting, and ongoing involvement in supervision of the participants, including case planning and intervention. The judge presides over regularly scheduled hearings, personally interacts with program participants during court, provides incentives, and explains consequences. The judge hears and considers input from other MHC Team members, the participant, the participant's family members, and the victim, if any. The judge relies on input from trained treatment professionals prior to imposing treatment-related conditions on MHC participants.

The goals for Mental Health Court are to:

1. Promote public safety.
2. Reduce criminal recidivism by providing assessment, education, treatment and provide assistance for SMI applications for the justice-involved mentally ill, including co-occurring disorders.
3. Monitor treatment compliance through frequent court contact and supervision.
4. Enroll and retain participants in appropriate treatment resources.
5. Require strict accountability from program participants and impose immediate sanctions for program violations and rewards for positive choices.
6. Allocate limited resources to provide an effective alternative to traditional prosecution.
7. Reduce incarceration costs by expediting, connecting and re-routing eligible program participants to local community resources in lieu of incarceration.

C. Guiding Principles

The MHC Team agrees to adhere to the following guiding principles:

1. Be respectful of the ideas and opinions of all team members.
2. Be responsive to assigned responsibilities.
3. Promote open communication.
4. Work for the common good of the community and the program participants.
5. Adopt a shared vision and mission, goals and objectives.
6. Be willing to adapt to a non-traditional setting that is collaborative and problem-solving rather than adversarial or punitive.

D. Responsibilities of Team Members

MHC Team members agree to participate by assuming the responsibilities and providing the services identified for each Team member.

Superior Court Presiding Judge

1. Designate a judge to preside over the MHC program and docket.

2. By administrative order, establish an Advisory Committee to review program policies, procedures, and proposed program changes, and to provide guidance to the established mental health treatment court. This ad hoc committee shall consist of the following members:
 - a. Yuma County Superior Court Presiding Judge
 - b. Yuma County Regional Mental Health Court Judge
 - c. Yuma County Chief Adult Probation Officer
 - d. Yuma County Limited Jurisdiction Court Representative
 - e. Yuma County Attorney
 - f. Yuma County Public Defender
 - g. Yuma County Legal Defender
 - h. Yuma County Sheriff's Office Representative, to include a Representative from the Yuma County Detention Center
 - i. Yuma Police Department Representative
 - j. Horizon Health and Wellness Representative
 - k. Community Bridges, Inc. Representative
 - l. Community Health Associates Representative
 - m. Community Partners Integrated Healthcare (CPIH) Representative
 - n. Regional Center for Behavioral Health Representative
 - o. Community Medical Services Representative
 - p. Representatives from Peer Support Agencies to include: The Crossroads Mission, Achieve Human Services, Transitional Living Center Recovery (TLCR), HOPE, Inc. and Telecare
 - q. Regional Behavioral Health Authority Representative
3. Establish procedures to be used to determine whether defendants have sufficient understanding to participate in the program.
4. Establish points of participant eligibility for MHC at post-arraignment or later.
5. Designate primary court personnel responsible for answering questions, serving as liaison to agency personnel, and participating in treatment team meetings and status review hearings.
6. Indicate processes by which court personnel will identify prospective program participants, initially screen for legal and clinical eligibility, and refer prospective program participants to a community mental health service program for further assessment.
7. Identify the clinical eligibility criteria for the designated target population.
8. Designate a MHC Coordinator.
9. List the procedures court personnel use to relay information regarding prospective participants to the treatment agency to enable them to conduct the psychiatric assessment to determine clinical eligibility.

10. Approve recommended methods, forms, and timetables for exchanging information between court staff and agency personnel regarding court-related progress and compliance of program participants, including filing of new criminal charges or technical probation violations and reporting results of drug and alcohol tests.
11. Compile and submit any mandated financial or program progress reports to the appropriate agencies.
12. Comply with all MHC policies and procedures that have been previously agreed upon by all parties.

Mental Health Court Judge

1. Chair meetings, preside over status review hearings, participate in the development of policies and procedures.
2. Assist in the development of legal and clinical eligibility criteria.
3. Use incentives, sanctions, and disciplines as deemed necessary for participant success.
4. Participate in training on how to screen for eligible participants.
5. Participate on the Advisory Committee.
6. Comply with all MHC policies and procedures that have been previously agreed upon by all parties.

Mental Health Court Coordinator

1. Coordinate and manage the day to day operations of MHC.
2. Calendar MHC cases as a group for review hearings and ceremonies.
3. Coordinate communications and serve as a liaison among MHC Team members, including the court.
4. Promote efficiency of court operations and support the program's sustainability.
5. Coordinate and participate in MHC Team meetings and status review hearings.
6. Develop processes by which court personnel identify prospective program participants.
7. Coordinate activities with assigned probation staff without duplicating supervision activities.

8. Evaluate referrals based on established legal and clinical eligibility criteria and refer prospective program participants to the MHC Judge for final decision.
9. Determine and submit recommendations to the Advisory Committee regarding preferred methods, forms, and timetables for exchanging information among court staff and agency personnel regarding court related progress and compliance of program participants, new criminal charges or technical violations, and reporting results of drug and alcohol tests.
10. Comply with all written MHC policies and procedures that have been previously agreed upon by all parties.

Prosecuting Attorneys

1. Represent the interests of the State and victims while collaborating with other MHC Team members to resolve problems and facilitate successful outcomes.
2. Assist in the development of legal and clinical eligibility criteria.
3. County Attorney, or an assigned designee, will participate on the Advisory Committee.
4. County Attorney/City Prosecutor will assign an attorney to attend and participate in MHC Team meetings and all scheduled court proceedings.
5. Interact with defense counsel in a non-adversarial manner to address pleas and the application of sanctions and incentives.
6. Decline applicants for referral to the diversion program during the initial screening, as deemed appropriate.
7. Determine when and if it is appropriate to file a motion to dismiss criminal charges against a participant in pre-adjudication cases.
8. Comply with all written MHC policies and procedures that have been previously agreed upon by all parties.

Defense Attorneys

1. Provide legal representation of MHC program participants during review hearings.
2. Defense attorneys who are members of the MHC Team:
 - a. Ensure participants make informed decisions about the program.

- b. Explain program requirements and benefits of the program, including legal ramifications of participation and possible consequences of noncompliance with court and treatment requirements.
 - c. Ensure each participant understands legal documents—i.e. waivers and consent forms—which they may be required to sign.
 - d. Assure that participant procedural and due process rights are protected.
3. Legal Defender and Public Defender, or their assigned designee(s) will participate on the Advisory Committee.
4. Legal Defender and Public Defender will each assign an attorney to attend and participate in MHC Team meetings and all scheduled court proceedings.
5. Interact with the prosecuting attorney in a non-adversarial manner to address pleas and the application of sanctions and incentives.
6. Participate in training on how to screen for eligible participants.
7. Comply with all written MHC policies and procedures that have been previously agreed upon by all parties.

Yuma County Sheriff's Office - Detention Center

1. Sheriff, or an assigned designee from the detention facility, will participate on the Advisory Committee.
2. Designate a qualified employee to provide information about in custody MHC participants and participants being screened for the MHC program.
3. Refer all in-custody mentally ill individuals who are prospective participants based upon established eligibility criteria.
4. Provide treatment, such as prescribed medications, to in-custody participants who are court-ordered to continue medication to stabilize their mental illness while they are incarcerated.
5. Comply with all written MHC policies and procedures that have been previously agreed upon by all parties.

Regional Behavioral Health Authority (RBHA)

1. A designated representative will participate on the Advisory Committee.
2. Confirms, if appropriate, whether participants have an SMI or General Mental Health (GMH) designation.

3. RBHA representatives may meet informally with other members of the MHC Team to build their support for, and familiarity with, the participant.
4. Assure that participants are linked to behavioral health treatment and other recommended support services, address gaps in services, respond to MHC needs grievances.
5. Comply with all written MHC policies and procedures that have been previously agreed upon by all parties.

Treatment and Service Providers

1. Provide an array of appropriate behavioral health, substance abuse, or general health treatment and services to Medicaid eligible or limited block grant funding eligible participants based on the identified needs—i.e. primarily outpatient treatment and support services; however, some disorders or co-occurring disorders may require inpatient or residential care.
2. Perform assessments, deliver treatment, and prescribe medication to MHC participants.
3. Arrange or coordinate with the substance abuse coordinating agency for substance use disorder treatment services for persons with co-occurring mental health and substance use disorders.
4. Provide a description of services including admissions and discharge criteria available to MHC program participants and notify the court via the MHC coordinator, in writing of any changes in program services offered.
5. Participate in MHC Team meetings and in staffing of cases.
6. Participate in MHC staffings and provide weekly updated compliance and/or non-compliance with treatment to the MHC Team for participants with signed release of information including any clinical recommendations.
7. Input treatment data into the Drug Court Case Management system for MHC clients with signed releases of information, which shall include treatment related monitoring notes, to include compliance and noncompliance to treatment appointments.
8. Assist in the development of legal and clinical eligibility criteria.
9. Participate on the Advisory Committee as assigned.

10. Identify primary agency personnel responsible for answering questions, serving as liaison to court personnel, and participating in Court Team meetings and status review hearings.
11. Comply with all written MHC policies and procedures that have been previously agreed upon by all parties.

Adult Probation

1. Chief Probation Officer, or an assigned designee, will participate on the Advisory Committee.
2. Identify and recommend referrals.
3. Participate in training on how to screen for eligible participants.
4. Designate probation officer(s) to handle all presentence and supervision duties for the MHC specialized caseload and to serve on the MHC Team and attend all MHC Team meetings and status review hearings.
5. Participate in MHC staffings and provide weekly updated compliance and/or non-compliance with conditions of probation to the MHC Team members, including information about accomplishments, violations of conditions of probation and recommendations for incentive and sanctions.
6. Input data into the Drug Court Case Management system for MHC clients with signed releases of information, which shall include all probation related monitoring notes.
7. Comply with all written MHC policies and procedures that have been previously agreed upon by all parties.

Peer Mentor Agencies

1. Provide peer support to participants and assists participants in navigating public behavioral health and medical services systems.
2. Participate in MHC staffings and provide weekly updated compliance and/or non-compliance with treatment to the MHC Team.
3. Input treatment data into the Drug Court Case Management system for MHC clients with signed releases of information, which shall include all treatment related monitoring notes.
4. Provide support to participants during hearings, meetings, and treatment as requested by the participants and the MHC Team.

5. Promote wellness by sharing appropriate personal experiences with participants and other staff members.
6. May provide a participant with transportation to court hearings and appointments for treatment.
7. Comply with all written MHC policies and procedures that have been previously agreed upon by all parties.

Local Law Enforcement Agencies

1. Assign a representative from a law enforcement agency to participate as the liaison between the law enforcement agency and the MHC Team.
2. Designate an officer(s) who will complete specialized training on identifying justice involved individuals with mental illness.
3. Participate in training on how to screen for eligible MHC participants.
4. Identify and screen in-custody justice involved individuals for referral to the MHC based upon eligibility criteria.
5. Notify the MHC Coordinator of any participants who have contact with law enforcement.
6. Comply with all written MHC policies and procedures that have been previously agreed upon by all parties.

Court Program Manager

1. Provide administrative/operational oversight to the MHC Program.
2. Compile, analyze and evaluate statistical data related to court program efficiency and effectiveness.
3. Attend all scheduled planning meetings and assist/guide the team in meeting program goals and objectives and program performance outcomes that are measurable and quantifiable.
4. Participate in MHC Team meetings and status review hearings.
5. Be familiar with Yuma County's MHC policy and procedures and the program process.
6. Ensure that evaluation procedures safeguard the confidentiality of participants.

7. Monitor statistics and other relevant data to help ensure that the program does not favor or inappropriately target any participants based on race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religious, or socioeconomic status.
8. Comply with all written MHC policies and procedures that have been previously agreed upon by all parties.

E. Methods for Exchanging and Maintaining Confidential Information

The court and team members must maintain the privacy of treatment information as required by law and as provided in Rule 123 of the Rules of the Supreme Court. The exchange of treatment information among team members must be limited to information that is necessary for the MHC Team to make decisions concerning participants' case plans. Written information must only be exchanged by methods that maintain confidentiality. The MHC Team's discussion of confidential information must occur in closed meetings. The MHC Team should avoid discussion of treatment information in open court.

The prosecutor must refrain from using in the underlying case, or in any subsequent case any clinical information concerning a participant's program-related treatment that the prosecutor acquired as a member of the MHC Team, without a court order or other authorized process established by law.

F. HIPAA

Every MHC must use a Release of Information form, developed in consultation with legal counsel, which adheres to federal and state laws. The court is not a covered entity under HIPAA. In order to comply with HIPAA and to permit disclosure of protected behavioral health information to other MHC Team members, as a condition of acceptance into the Mental Health Court, and absent a court order, participants shall be ordered to execute a release and authorization in compliance with HIPAA and 42 CFR part 2 (for substance use information).

Potential participants must be allowed to review the MHC Acknowledgment/Waiver of Rights form and Consent to Release Information/Waiver of Confidentiality form with defense counsel prior to acceptance into the MHC program. The court when necessary should inquire whether these forms have been interpreted for the participant.

G. Mutual Indemnification

The participating agencies agree to indemnify, defend, and hold harmless each other and their officers, agents, and employees from any and all claims, actions, or proceedings arising solely out of the acts or omissions of the indemnifying agency in the performance of this memorandum of understanding. The participating agencies agree that each is acting in an independent capacity and not as officers, employees, or agents of the other agencies.

H. Terms of Agreement

This agreement is effective upon signature from all members of the Advisory Committee and may be renewed each year upon mutual agreement of all parties.

I. Fiscal Terms

This memorandum of understanding does not involve an exchange of funds. Any exchange of funds for services rendered as part of the mental health treatment court will be described in a separate contract.

J. Terms and Conditions

All terms and conditions of this agreement are subject to the continuation of mental health treatment court funding.

K. Termination of Memorandum of Understanding

Upon mutual consent of all parties, this memorandum of understanding is subject to further negotiation and revision as required to support the needs of the mental health treatment court program. Any changes shall be in writing and signed by all parties herein or their duly appointed representatives authorized to act on their behalf. This memorandum of understanding may be terminated by any party for any reason by giving a 30-calendar-day written notice.

L. Review of the Memorandum of Understanding

This memorandum of understanding will be reviewed on a yearly basis by the MHC Team and revised as necessary upon mutual agreement of all parties. The effective dates of this MOU will be from April 21, 2025, through April 21, 2026.

Signatures of Authorized Representatives:

Yuma County Superior Court

David M. Haws, Presiding Judge

Date

Yuma Regional Mental Health Court

Darci D. Weede, Mental Health Court Judge

Date

Yuma County Adult Probation Department

Ryan M. Byrd, Chief Probation Officer

Date

Yuma County Office of the County Attorney

Karolyn Kaczorowski, County Attorney

Date

Yuma County Office of the Public Defender

Raymond Hanna, Public Defender

Date

Yuma County Office of the Legal Defender

William Fox, Legal Defender

Date

Yuma County Sheriff's Office/Detention Center

Leon Wilmot, Sheriff

Date

Community Health Associates

Alonda Brown, Chief Executive Officer

Date

Horizon Health and Wellness

Laura Larson-Huffaker, Chief Executive Officer

Date

Community Bridges, Inc.

John R. Abarca, Director of Program Operations

Date

Community Partners Integrated Healthcare (CPIH)

Rose Lopez, Chief Executive Officer

Date

The Crossroads Mission

Myra Garlit, Chief Executive Officer

Date

Transitional Living Center Recovery (TLCR)

Carlos Flores, Treatment Service Coordinator

Date

Achieve Human Services

Carol A. Carr, President/CEO

Date

Yuma Police Department

Thomas Garrity, Chief of Police

Date

Regional Center for Behavioral Health

Amanda Aguirre, President and CEO

Date

Community Medical Services

Haley Horton, Regional Director

Date

Regional Behavioral Health Authority

Johnnie Gasper, Senior Director for Justice,
Crisis, and Special Programs

Date

1
2 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
3 **IN AND FOR THE COUNTY OF YUMA**
4

5 In the Matter of:)
6 THE SHARING OF MENTAL HEALTH) Administrative Order
7 INFORMATION FOR COURT-INVOLVED) No. 2020-12
ADULTS) (Replacing Administrative
Order No. 2014-21)

8
9 WHEREAS; individuals with mental illness including those that have been diagnosed with
10 General Mental Health/Substance Abuse (GMSA) and serious mental illness (SMI) frequently enter
the criminal justice system, and are denied services which would otherwise be available to them if the
court was aware of their mental health history and diagnosis; and

11
12 WHEREAS, Yuma County Adult Probation (YCAP) makes recommendations for sentencing
purposes to the court for individuals with integrated health issues; and

13
14 WHEREAS, the YCAP supervises probationers who have integrated health issues and or are
diagnosed as SMI and these probationers are supervised under mental health regulations and or
participate in the Superior Court's Mental Health Court for continuity of care; and

15
16 WHEREAS, the Privacy Rule of the Federal Health Insurance Portability and Accountability
Act of 1996 ("HIPAA") and the Federal Code of Regulations in 45 CFR 164.512(e)(1) authorizes the
disclosure of protected information pursuant to a court order; and

17
18 WHEREAS, the Arizona Department of Health Services (ADHS) contracts with the Regional
Behavioral Health Authority (RBHA) and or Managed Care Organizations (MCO). Its contracted
19 providers need to share information with the Yuma County Superior Court including YCAP through
direct access database inquires for certain types of limited identifying information to the Court and
20 Probation for sentencing purposes; identification, assignment to specialized court calendars, continuity
of care, and referral to appropriate integrated health treatment agencies;

21
22 **IT IS ORDERED** that the Regional Behavioral Health Authority (RBHA) and or Managed Care
Organizations (MCO) shall provide direct, real-time access to its entire client database to the Yuma
County Superior Court, and YCAP, for individuals who have been arrested or detained, are involved
23 with the YCAP, or are the subject of court proceedings pursuant to Arizona Revised Statutes Title 8,
Title 36 and /or Title 14. Unless otherwise prohibited by federal law, the access shall consist of the
24 following information, if available, about the individual:

- 25 a. First, Middle and Last Name, and known aliases of the individual,
26 b. The last four digits of the individual's social security number,
27 c. Date of birth, gender, and ethnicity of the individual,
28 d. Whether the subject individual is, or has been previously, enrolled as a client of the RBHA
and or MCO, and or has been designated as SMI and is COT,
e. Provide the associated AHCCCS number to probation to assist member

- f. Whether the subject individual is enrolled or previously enrolled as a client of the RBHA/MCO as a youth involved in children's services, and
- g. Name of clinic or provider, name of case manager and telephone number.
- h. Assist in identifying members not receiving services, to better collaborate with the courts and to ensure services to members.

IT IS FURTHER ORDERED as follows:

1. The Yuma County Superior Court, and YCAP shall refer individuals who are identified through validated risks assessments to potentially have mental health and/or substance abuse issues, and do not have healthcare to the RBHA for enrollment, assessment, and engagement in treatment services to target identified needs. The RBHA shall determine whether the referred individuals qualify for enrollment and services.
2. The Yuma County Superior Court and YCAP shall provide the RBHA and or MCO or its contractors with copies of risk assessment and case plans on identified individuals when referring the individuals for treatment.
3. The Yuma County Superior Court, YCAP, the RBHA and or MCO its subcontractors, shall implement protocols for the release and exchange of information as required by this order, in a manner that will accommodate routine as well as emergency requests for information 24 hours a day – seven days a week.
4. The Yuma County Superior Court, and YCAP shall maintain the confidentiality of all information provided to or from the RBHA and or MCO and its contractors pursuant to this Administrative Order and shall not disseminate such information to any person or entity not under its supervision and control, except as provided by applicable law, rule, regulation or court order. No database inquiries into the RBHA and or MCO records shall be permitted by any designated county Superior Court or Adult Probation Department employee except for the limited purpose set forth in this Administrative Order.
5. The RBHA and or MCO and its subcontractors shall maintain the confidentiality of information provided by the Yuma County Superior Court, and YCAP pursuant to this Administrative Order, and shall not disseminate such information to any person or entity not under its supervision and control, except as provided by applicable law, rule, regulation, or court order. No database inquiries into the Yuma County Superior Court, or YCAP records and case management systems shall be permitted by any ADHS, RBHA, MCO or subcontractor except for the limited purpose set forth in this Administrative Order.