

Hon. Chad  
Schmucker

# Memo

To: All Attorney's and Prosecutors  
From: Judge Chad Schmucker and Judge Michael Klaeren  
Cc: Treatment Team and all Judges  
Date: 12/22/2008  
RE: Mental Health Court

---

I would like to explain the process for Admission to Mental Health Court. If you believe that you have a client who meets the basic eligibility requirements:

1. Must be a Jackson County Resident.
2. Must have Medicaid or be Medicaid eligible (recent state grant does allow us to take a limited number of non-Medicaid recipients.)
3. Must have axis one diagnosis. This includes but is not limited to Major Depression, Bipolar Disorder, Schizoaffective Disorder, and Schizophrenia.
4. Charge or ultimate conviction must be a misdemeanor or a maximum of a five-year felony.
5. Applicant must not be on parole.
6. Convictions excluded from consideration are Habitual Offender, Child Abuse-3<sup>rd</sup> Degree, and CSC 4<sup>th</sup>.
7. Pre-existing psychiatric diagnosis

If you believe that you have a client who potentially qualifies for Mental Health Court, you should then do the following:

1. Obtain application from either the 12<sup>th</sup> District or 4<sup>th</sup> Circuit Probation Department. Applications are also available from Judge Klaeren and can be downloaded from the D12 website, [www.d12.com](http://www.d12.com).

2. Fully complete the application and fax to Ms. Shannon Wagner at Professional Consulting Services. Her fax number 517 768 9209.
3. After the application is submitted, a mental assessment of the Defendant will be conducted by Psychologist Wagner. Subsequent thereto, she will issue an assessment report. The Treatment Team (which meets two times a month) consists of the following individuals Jerry Jarzynka Prosecutor, Chad Surque Chief Probation Officer District Court, Lisa Hendricks Circuit Court Probation Officer, Dan Fisher-Lifeways, Diane Cranston- Lifeways, Gayle Silvey- Allegiance Health Care, Shannon Wagner- Professional Consulting Services, Corey McCord- Defense Attorney, Aaron Kantor- City Police Department, and Michael Klaeren- District Court Judge. Admittance into the Court is based on a majority vote of the Treatment Team. Findings are confidential.

If your client's case is pending in Circuit Court when an application is submitted please notify Judge Klaeren immediately. He will prepare a transfer order to be signed by Chief Judge Schmucker sending the case to Mental Health Court. If the Defendant's case is ultimately not accepted, Judge Klaeren will then immediately issue a transfer order back to the originating Court. On the other hand, if the case is pending in District Court when application is made merely notify the District Judge involved and advise the Judge of the pending application so that a short adjournment can be obtained. If a plea is to be taken before a case is formally rejected/ accepted, Judge Klaeren is to take the plea. If the case is ultimately not accepted into Mental Health Court sentencing will be by the originating District Court Judge. If the case is accepted, a transfer order will be executed by Judge Mazur.

The Treatment Team meets biweekly. The time frame for purposes of acceptance/ rejection can be less than two weeks and should not be more than a maximum of four weeks. The greatest impediment to getting a Mental Health Court Treatment Team decision is the unavailability of the Defendant. Therefore, it is very important that contact information be very specific on the application.

If your client is accepted into the Court he/ she will attend bi-weekly court sessions on Thursdays at 3:30 p.m.

We encourage applicants to apply as soon as possible. However, this Court clearly is a work in process. In fact, recently we have accepted an individual who applied for admission post-sentencing.

The Mental Health Court is a pilot program. Initially, it was set at fifteen members. However, due to a perceived need, that figure was quickly changed to thirty.

Currently, rejection rate is in the area of 60-70%. Some of the reasons for rejection include:

1. Lack of Jackson County residency.
2. Individual is not on Medicaid or is not Medicaid eligible.
3. Substance abuse issues dwarf any mental health problems (the Treatment Team does note that a majority of applicants do have co-occurring conditions.)
4. Applicant has personality disorder (this type of condition is not amenable to treatment.)
5. Defendant is already receiving extensive mental health care and therefore, services offered through the Mental Health Court would be duplicative, at best.

If you have any questions please contact one of us.