

CORYELL COUNTY
MENTAL HEALTH DEFENSE CONTRACT (MHDC)
POLICY AND PLAN OF OPERATION

Introduction

The Coryell County Mental Health Defense Program is an initiative of Coryell County. On September, 2013, Coryell County received a FY2014 New Multi-year Discretionary Grant from the Texas Indigent Defense Commission in the amount of \$93,525 for the initiation of a new adult indigent defense program. After considering several implementation options, in consultation with the Indigent Defense Commission staff, the selected process to develop a mental health defender program will be to contract with a private law firm to provide legal representation for the mentally ill indigent of Coryell County charged with a misdemeanor and to provide mental health defender case worker support for both attorneys representing indigents in misdemeanor cases as well as court appointed attorneys representing indigents in felony cases. This will be referred to as the Mental Health Defense Contract (MHDC) and will be announced in a Notification of the Opportunity to Apply (NOA) for consideration by local private attorneys.

The MHDC Program provides an attorney to any adult that is certified as indigent by Coryell County and the individual has been identified as a person suffering from mental illness or mental defect. Additionally persons specified with clinically diagnosed bipolar, schizophrenic or suffering from major depression, will also be assigned a caseworker to provide assistance to the MHDC attorney representing indigent adults charged with a misdemeanor as well as to a court appointed attorney representing indigent adults charged with a felony. Caseworkers may be provided to others based on workload and the priority population listed below.

It is currently planned that on January 1, 2014, the MHDC Program will begin providing services as specified in a contract between Coryell County and one or more attorneys to be selected by the appointing authority; designated as the judges who have authority to establish an indigent defense plan and approve attorneys to represent indigent defendants in criminal cases under Article 26.04, Code of Criminal Procedures. Funding for the MHDC Program is from a combination of grant money from the Texas Indigent Defense Commission and Coryell County with the county contribution increasing incrementally starting in the second year. The Coryell County contract is for a one year term and is renewable annually for up to five years.

Intake

This mental health defender program will enhance the ability within Coryell County to ensure that indigents with mental health issues receive adequate and appropriate legal defense. The MHDC program will enhance the coordination with existing mental health systems and help identify and incorporate available mental health screening, assessment, treatment, and community services available to indigent defendants but will in no way, however, duplicate the work of existing mental health systems or the procedures by which law enforcement and judicial processes are required to work to support those with mental health issues. As required by the Code of Criminal Procedure section 16.22, jail staff will continue to assess the mental health of all inmates during the formal jail intake process as described in TCJS admin rule – 37 TAC section 273.5 and notify a magistrate when mental health illness or mental retardation is identified. In addition, when the situation requires law enforcement personnel to act on observed mental health illness and transport possible offenders to local mental health facilities or medical emergency rooms, law enforcement personnel will ensure that appropriate documentation for

that screening is provided to officials including for magistration. An approved screening form is being used to ensure that assessment is properly provided to the magistrate. As appropriate, the magistrate will continue to notify the Local Mental Health Authorities. If the defendant also requests a court appointed attorney, once the Indigent Defense Coordinator (IDC) or court making an indigent determination has taken action within the required time mandate, the contract mental health attorney for misdemeanor cases will be notified or the IDC will act to assign a felony defense attorney from the automated FIDO (FAIR Indigent Defense on-line) mental health felony court appointed attorney wheel. Documentation from all relevant mental health screening processes, to include assessments by Mental Health Authorities and emergency rooms will be provided to the appointed mental health defense attorney once a determination is made that a mental health issue exists and those charged are determined to be indigent. A mental health case worker will then be assigned as appropriate to help perform those assigned duties when needed. These actions include the mental health case worker further assessing the defendant based on the initial screening documentation and an assessment of the client needs to assist the attorney and to further triage the case to determine what actions are needed to adequately support the defense and over all well-being of the client.

Program Priorities

All attempts will be made to ensure that all defendants identified as indigent with mental health issues receive sufficient legal representation under this MHDC program in conjunction with the on-going indigent defense legal representation provided to those indigents with mental health issues charge with felonies and assigned court appointed attorneys from the FIDO automated mental health wheel. If there is any question of priority of work or need, those

receiving the highest priority of support under this MHDC program will be 1) combat veterans currently under Veterans Administration or Central Counties MHMR Services treatment with TBI or PTSD, 2) combat veterans with other mental health diagnosis, 3) non-combat veterans with mental health diagnosis, and 4) other indigent defendants with mental health diagnosis.

Contracted Job Descriptions

The MHDC Program will include the positions:

- Mental Health Attorney – Responsible for day-to-day management of the program:
 - Represent indigents charged with misdemeanors and/or felonies
 - Work with other attorneys on the specialized mental health wheel to select one or more case workers to provide case management to assist in legal defense services.
 - Provide for the payment of one or more contract case workers.
 - Provide consultation regarding the workload of the mental health case worker(s) in a manner consistent with the Texas Disciplinary Rules of Professional Conduct section 1.06-1.09.
 - Coordinate with court and jail officials to expedite disposal of MH cases.
 - Fulfill TIDC reporting requirements
- Mental Health Case Worker
 - Develop and maintain a list of all assessment, social, rehabilitative, and basic needs services available to indigent defendants, attorneys and the courts in and around Coryell County

- Assist contract or assigned attorney by providing timely and accurate advice and documents regarding cases
- Communicate and work with client's community service providers
- Determine availability and refer to social services, placement options, and the defendant's eligibility for services and placement options
- Maintain confidentiality for each client unless directed by an attorney to provide information
- Perform other duties as assigned by MH Attorney
- Assist with transition to probation where appropriate
- Fulfill TIDC reporting requirements

Conduct/Ethical Guidelines

1. As agents of court appointed attorneys, contractors serving clients are bound by the same ethical standards as attorneys. First and foremost, this includes the attorney-client privilege. Anything we learn from a client is confidential and will not be shared with anyone outside this office without the client's permission or as directed by the client's attorney. This includes friends and family of the client, except to the extent the client has given permission to discuss their medical history and social case with family member(s).

2. All members of the MH representation team should be respectful of the witnesses and other parties that we come across during the course of our representation of a client. While there will be individuals who will make it difficult, always go into the situation as respectfully as possible. You should also show respect to the victims and/or law enforcement personnel who agree to speak with us. Finally, you should obtain a parent or guardian's permission before speaking to a juvenile witness or victim.

Caseload

Attorneys have an ethical obligation to provide zealous representation to their clients. Attorneys shall monitor their own private and appointed caseloads to ensure that they can meet their obligations to every client appointed by the courts. The maximum caseload per attorney is 150 felonies or 400 misdemeanors or equivalent combination of both. Attorneys will notify the judge of record if they need to be removed from appointments until they can meet the obligation required for each client.