



THE SUPREME COURT OF TEXAS

THE TEXAS COURT OF CRIMINAL APPEALS

Judicial Commission on Mental Health

April 5, 2019

Meeting Notebook

The State Bar of Texas – Texas Law Center

1414 Colorado Street

Austin, Texas 78701

Judicial Commission on Mental Health

April 5, 2019
Meeting Notebook

TABLE OF CONTENTS

Agenda1

Commissioners and Collaborative Council2

Minutes: January 25, 20193

Financial Report.....4

Presentations5

Upcoming Events6

Judicial Commission on Mental Health

State Bar of Texas, Texas Law Center

Austin, Texas

April 5, 2019

9:30 a.m. to 2:30 p.m.

AGENDA

- | | |
|---|--|
| 9:30 Welcome and Announcements | Justice Jeff Brown
Judge Barbara Hervey |
| 9:40 Commissioner Updates | JCMH Commissioners |
| 11:00 Break | |
| 11:10 Presentations on Competency Restoration
Collin County Competency Restoration
Tarrant County Competency Restoration
SAMHSA Learning Collaborative | Alyse Ferguson
Judge Nelda Cacciotti
Dr. Courtney Harvey |
| 12:00 Jurist in Residence Report | Judge John Specia (Ret.) |
| 12:10 Working Lunch | |
| 12:30 Executive Director Report <ul style="list-style-type: none">• Summit• Bench Book• Critical Points Round Table• Scholarships<ul style="list-style-type: none">○ MH Courts○ NAMI Annual Convention | Kristi Taylor
Judge Brent Carr
Judge Camile DuBose
Adrienne Kennedy |
| 12:45 Spotlight on Youth
Overview of Fitness to Proceed and other Challenges
Innovative Practices from Williamson County
Trauma-Informed Care in Juvenile Justice
TEA Resources | Judge Cynthia Wheless
Judge Stacey Mathews
Matt Smith
Julie Wayman |
| 1:45 Office of Court Administration Report | David Slayton |
| 2:15 Additional Legislative Discussion | Bill Boyce, Former Justice |
| 2:30 Adjourn | |

JUDICIAL COMMISSION ON MENTAL HEALTH COMMISSIONERS

Hon. Jeff Brown, Co-Chair

Justice
Supreme Court of Texas

Hon. Barbara Hervey, Co-Chair

Judge
Texas Court of Criminal Appeals

Bill Boyce, Vice-Chair

Former Justice
Fourteenth Court of Appeals
Alexander, Dubose & Jefferson, LLP

Camille Cain

Executive Director
Texas Juvenile Justice Department

Hon. Brent Carr

Judge
Tarrant County, Criminal Court No. 9

Terry Crocker

Chief Executive Officer
Tropical Texas Behavioral Health

Gerald Davis

President and CEO
Goodwill Industries of Central Texas

Hon. Francisco Dominguez

Judge
El Paso County, 205th Judicial District Court

Hon. Camile DuBose

Judge
Medina County, 38th Judicial District

Dr. Tony Fabelo

Senior Fellow for Justice Policy
Meadows Mental Health Policy Institute

Sonja Gaines

Deputy Executive Commissioner for Intellectual and Developmental Disability and
Behavioral Health Services
Texas Health and Human Services Commission

JUDICIAL COMMISSION ON MENTAL HEALTH COMMISSIONERS

Hon. Ernie Glenn

Drug Court Magistrate
Bexar County

Hon. Sid Harle

District Court Judge
Bexar County, 226th Criminal District Court

Courtney Hjaltman

Policy Advisor
Office of the Governor

Hon. Joan Huffman

Senator, District 17
Texas Senate

Dr. Andrew Keller

President and CEO
Meadows Mental Health Policy Institute

Adrienne Kennedy

President
National Alliance on Mental Illness

Hon. M. Sue Kurita

Judge
El Paso County Court at Law No. 6

Beth Lawson

Chief Executive Officer
StarCare Specialty Health System

Major Mike Lee

Mental Health & Jail Diversion Bureau
Harris County Sheriff's Office

Mike Maples

Deputy Executive Commissioner for Health and Specialty Care System
Texas Health and Human Services Commission

Dr. Octavio Martinez

Executive Director
Hogg Foundation for Mental Health

Hon. Stacey Mathews

Judge
Williamson County, 277th District Court

JUDICIAL COMMISSION ON MENTAL HEALTH COMMISSIONERS

Chief James McLaughlin

Executive Director
Texas Police Chiefs Association

Beth Mitchell

Supervising Attorney
Disability Rights Texas

Tom Mitchell

Director of Jail Diversion Services
The Harris Center for Mental Health and IDD

Hon. Joe Moody

Representative, District 78
Texas House of Representatives

Hon. Roxanne Nelson

Justice of the Peace
Burnet County Precinct 1

Hon. Robert Newsom

Judge
Hopkins County

Denise Oncken

Bureau Chief
Harris County District Attorney, Mental Health Bureau

Hon. Harriet O'Neill

Justice (Ret.)
Harriet O'Neill Law Office

Dr. William Schnapp

Mental Health Policy Advisor
Harris County

Prof. Brian Shannon

Paul Whitfield Horn Professor
Texas Tech University School of Law

Reginald Smith

Policy Analyst
Texas Criminal Justice Coalition

Hon. Polly Jackson Spencer

Judge

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Hon. Mark Allen

Judge
Jasper County

Trey Apffel

Executive Director
State Bar of Texas

David Aronofsky

Professor
American Law Institute

Hon. Mark Atkinson

Chief Executive Officer
Texas Center for the Judiciary

Hon. Daphne Previti Austin

Former Judge

Lauren Bledsoe

Trauma-Informed Care Program Specialist
Department of Family Protective Services

Dr. Virginia Brown

Assistant Professor, Dept. of Population Health
Dell Medical School, The University of Texas at Austin

Geoff Burkhart

Executive Director
Texas Indigent Defense Commission

Hon. Nelda Cacciotti

Judicial Staff Counsel/Mental Health Magistrate
Tarrant County

Angel Carroll

Emerging Adult Policy Associate
Lone Star Justice Alliance

Seth Christensen

Director of Stakeholder Relations
Texas Juvenile Justice Department

Hon. Rex Davis

Justice
Tenth Court of Appeals

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Leah Davies

Project Manager, Strategic Health Alliance
Texas Center for Disability Studies
University of Texas at Austin

Alyse Ferguson

Chief Attorney
Collin County Mental Health Managed Counsel

Lesli Fitzpatrick

Attorney
The Law Office of Lesli R. Fitzpatrick

Gilbert Gonzales

Director
Department of Behavioral and Mental Health
Bexar County

Greg Hansch

Public Policy Director
NAMI Texas

Dr. Courtney Harvey

Forensic Director
Texas Health and Human Services Commission

Elizabeth Henneke

Executive Director
Lone Star Justice Alliance

Colleen Horton

Policy Program Officer
Hogg Foundation for Mental Health

Angelita Hunter

Municipal Court Supervisor
City of McKinney Municipal Court

Trina K. Ita

Associate Commissioner
Medical & Social Services (MSS) Division, Behavioral Health Services
Texas Health and Human Services Commission

Hon. David Jahn

Associate Judge
Denton County Probate Court

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Lee Johnson

Deputy Director
Texas Council of Community Centers, Inc.

Windy Johnson

Program Manager, IGR
Texas Conference of Urban Counties

Louise Joy

Attorney
Joy & Young, LLP

Hon. Evelyn Keyes

Justice
First Court of Appeals

Chris Lopez

Assistant General Counsel
HHSC State Hospital

Mike Lozito

Judicial Services Director
Bexar County

Trish McAllister

Executive Director
Texas Access to Justice Commission

Jennifer Yip Marshall

Survivors of Trafficking Empowerment
Program (STEP) Supervisor
Refugee Services of Texas

Hon. Lela Mays

Magistrate Judge
Successful Treatment of Addiction through Collaboration (STAC)
Criminal District Court

Joanna Mendez

Community Wellness Counselor
Refugee Services of Texas

Hon. Rita Noel

Justice of the Peace, Pct. 4
Grayson County

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Allen Place

Head Lobbyist
Texas Criminal Defense Lawyers Association

Shea Place

Lobbyist
Texas Criminal Defense Lawyers Association

Terry Qualls

Crisis Intervention Coordinator
McKinney Police Department

Janis Reinken

Chief Clerk
House Committee on Corrections

Michelle Romero

Associate Director
Texas Medical Association

Melissa Schank

Executive Director
Texas Criminal Defense Lawyers Association

Jonas Schwartz

Program Manager
Texas Workforce Commission

Brigid Sheridan

Associate General Counsel
University Health System

Matt Smith

Assistant Executive Director/
Director of Mental Health Services
Williamson County Juvenile Services

Lt. Scott Soland

Fort Bend County Sheriff's Office

Jeanne Stamp

Director
Texas Homeless Education Office

Hon. Charles Stephens

Judge
Comal County Court at Law #2

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Gloria Terry

Chief Executive Officer
Texas Council on Family Violence

Rick Thompson

Senior Legislative Manager
Texas Association of Counties

Hon. Ryan Kellus Turner

General Counsel and Director of Education
Texas Municipal Court Education Center

Keona Ugwuh

Community Supervision Officer
Dallas County

Sally Uncapher

Attorney
Bexar County District Attorney's Office

Julie Wayman

Mental and Behavioral Health Manager, Interagency Liaison
Texas Education Agency

Thea Whalen

Executive Director
Texas Justice Courts Training Center

Dee Wilson

Texas Correctional Office on Offenders with
Medical or Mental Impairments

Sheriff Dennis Wilson

Limestone County
Sheriff's Association of Texas

Steve Wohleb

Senior Vice President/General Counsel
Texas Hospital Association

Brandon Wood

Executive Director
Texas Commission on Jail Standards

Christine Yanas

Director of Governmental Affairs
Methodist Healthcare Ministries

**JUDICIAL COMMISSION ON MENTAL HEALTH
COLLABORATIVE COUNCIL**

April Zamora

Director, Reentry and Integration Division/
Texas Correctional Office on Offenders with Medical or Mental Impairments
Texas Department of Criminal Justice

**JUDICIAL COMMISSION ON MENTAL HEALTH
MINUTES OF MEETING
January 25, 2019
9:30 a.m. – 2:30 PM
State Bar of Texas – Texas Law Center
Austin, Texas**

Commissioners	Attended	Did Not Attend
Hon. Jeff Brown, Co-Chair, Supreme Court of Texas	✓	
Hon. Barbara Hervey, Co-Chair, Texas Court of Criminal Appeals	✓	
Hon. Bill Boyce, Vice Chair, Justice, Fourteenth Court of Appeals	✓	
Camille Cain, Executive Director, Texas Juvenile Justice Department		✓
Hon. Brent Carr, Judge, Tarrant County, Criminal Court No. 9	✓	
Terry Crocker, Chief Executive Officer, Tropical Texas Behavioral Health	✓	
Gerald Davis, President and CEO, Goodwill Industries of Central Texas		✓
Hon. Francisco Dominguez, Judge, El Paso County, 205th Judicial District Court	✓	
Hon. Camile DuBose, Judge, Medina County, 38th Judicial District	✓	
Dr. Tony Fabelo, Senior Fellow for Justice Policy, Meadows Mental Health Policy Institute	✓	
Sonja Gaines, Deputy Executive Commissioner for Intellectual and Developmental Disabilities	✓	
Hon. Ernie Glenn, Drug Court Magistrate, Bexar County	✓	
Hon. Sid Harle, District Court Judge, Bexar County, 226th Criminal District Court	✓	
Courtney Hjaltman, Policy Advisor, Office of the Governor		✓
Hon. Joan Huffman, Senator, District 17, Texas Senate	✓	
Dr. Andrew Keller, President and CEO, Meadows Mental Health Policy Institute	✓	
Adrienne Kennedy, President, National Alliance on Mental Illness	✓	
Hon. M. Sue Kurita, Judge, El Paso County Court at Law No. 6	✓	
Beth Lawson, Chief Executive Officer, StarCare Specialty Health System	✓	
Major Mike Lee, Mental Health & Jail Diversion Bureau, Harris County Sheriff's Office	✓	
Mike Maples, Deputy Executive Commissioner for Health and Specialty Care System	✓	
Dr. Octavio Martinez, Executive Director, Hogg Foundation for Mental Health	✓	
Hon. Stacey Mathews, Judge, Williamson County, 277th District Court	✓	
Chief James McLaughlin, Executive Director, Texas Police Chiefs Association		✓
Beth Mitchell, Supervising Attorney, Disability Rights Texas	✓	
Tom Mitchell, Director of Jail Diversion Services, The Harris Center for Mental Health/IDD	✓	
Hon. Joe Moody, Representative, District 78, Texas House of Representatives		✓
Hon. Roxanne Nelson, Justice of the Peace, Burnet County Precinct 1	✓	
Hon. Robert Newsom, Judge, Hopkins County	✓	
Denise Oncken, Bureau Chief, Harris County District Attorney, Mental Health Bureau	✓	
Hon. Harriet O'Neill, Justice (Ret.), Harriet O'Neill Law Office		✓
Dr. William Schnapp, Mental Health Policy Advisor, Harris County	✓	
Prof. Brian Shannon, Paul Whitfield Horn Professor, Texas Tech University School of Law	✓	
Reginald Smith, Policy Analyst, Texas Criminal Justice Coalition	✓	
Hon. Polly Jackson Spencer, Judge (Ret.), Bexar County Probate Court	✓	
Hon. Cynthia Wheless, Judge, Collin County, 417th Judicial District Court	✓	

	Attended	Did Not Attend
Collaborative Council		
Hon. Mark Allen		✓
Trey Apffel		✓
David Aronofsky	✓	
Hon. Mark Atkinson		✓
Hon. Daphne Previti Austin		✓
Lauren Bledsoe	✓	
Jay Brandon		✓
Dr. Virginia Brown	✓	
Geoff Burkhart		✓
Hon. Nelda Cacciotti	✓	
Angel Carroll		✓
Seth Christensen		✓
Hon. Rex Davis		✓
Leah Davies	✓	
Alyse Ferguson	✓	
Lesli Fitzpatrick	✓	
Gilbert Gonzales	✓	
Greg Hansch	✓	
Dr. Courtney Harvey	✓	
Elizabeth Henneke		✓
Colleen Horton	✓	
Angelita Hunter	✓	
Trina K. Ita		✓
Hon. Dave Jahn	✓	
Lee Johnson	✓	
Windy Johnson	✓	
Louise Joy		✓
Hon. Evelyn Keyes	✓	
Veronica Longoria		
Chris Lopez	✓	
Mike Lozito		✓
Trish McAllister		✓
Jennifer Marshall		✓
Lela Mays		✓
Joanna Mendez	✓	
Allen Place		✓
Shea Place		✓
Terry Qualls	✓	
Janis Reinken	✓	
Michelle Romero		✓
Melissa Schank		✓
Jonas Schwartz	✓	

	Attended	Did Not Attend
Dr. Brigid Sheridan		✓
Matt Smith		✓
Lt. Scott Soland	✓	
Jeanne Stamp		✓
Hon. Charles Stephens	✓	
Gloria Terry		✓
Rick Thompson		✓
Haley Turner		
Hon. Ryan Turner		✓
Sally Uncapher		
Keona Ugwuh		✓
Dee Wilson		✓
Dennis D. Wilson		✓
Steve Wohleb	✓	
Julie Wayman		✓
Thea Whalen		✓
Brandon Wood		✓
Chris Yanas		✓
April Zamora	✓	

Attending Committee Members and Guests

Lupe Armijo
 Amy Befeld
 Kelsey Bernstein
 Isabel Casas
 Diana Claitor
 Marti Cockrell
 Mary Cunningham
 Julia Egler
 Leon Evans
 Hon. Drue Farmer
 Dr. Lynda Frost
 Kevin Garrett
 Steven Gonzales
 Aaryce Hays
 Ramey Heddins
 Kelsey Lammons
 Richard Morrison
 Nicholas Mosser
 Hon. Rita Noel
 Amy Page
 John Petrila

Phil Ritter
Sandra Talton
William Turner
Justin Wood

Attending JCMH Staff

Kristi Taylor, Executive Director
Belinda Swan, Executive Assistant

Attending OCA Staff

David Slayton

Attending Children's Commission Staff

Tina Amberboy
Tiffany Edwards
Monica Mahoney

Welcome and Announcements

Judge Barbara Hervey opened the meeting and welcomed all in attendance. She provided an overview of the agenda and notebook materials and recognized Sen. Joan Huffman, Hon. Drue Farmer, and the newest members to the Collaborative Council.

Judge Hervey also reminded all in attendance of an upcoming mental health conference in Georgetown on February 26th and 27th, hosted by the Texas Center for the Judiciary. She encouraged judges to consider attending.

Executive Director Report

Kristi Taylor presented an overview of the Commission's strategic plan. She stated that the plan was created by executive leadership, reviewed by Commissioners, and is in line with the Commission's goals to collaborate, educate, and lead. Kristi shared that she hopes everyone will review the document and refer to it as the Commission decides which projects to undertake.

Hon. Brent Carr presented an overview of the Commission's summit report. He highlighted the event as a success and pointed everyone to review the ten chief takeaways listed in the provided materials.

Kristi Taylor added that the Commission is in the early planning stages of this year's summit. She welcomed everyone's input and asked everyone to note that travel funds may not be available this year as they were last year, except for Commissioners and Collaborative Council members. She stated that the Commission would like to retain the summit's multi-disciplinary approach based on positive feedback.

Hon. Camille Dubose recognized everyone who worked on the Commission's Bench Book and highlighted its success. She noted that approximately 1,000 books have been printed thus far, and that more books will be printed soon. The Executive Committee recently approved amending the Commission's budget from \$15,000 to \$25,000 to accommodate the demand. She also noted that there will be an update to the Bench Book regarding emergency detentions following a recent round

table on the topic. She invited everyone to provide feedback, especially regarding the area of commitments, which will be one of the next topics in the Bench Book.

Kristi Taylor then discussed ideas for providing grant funds for mental health courts. She stated that the Commission believes it can set aside \$200,000 to offer smaller grants that would be available to communities that are trying to start mental health courts. She stressed that creativity and collaboration would ensure that these limited funds could have the most impact. She invited anyone with interest to contact the Commission; the JCMH website will also provide updated information on the topic.

Kristi then discussed an upcoming Round Table that will focus on elevating the concerns of people with lived experience. The Round Table will be an all-day meeting that will include a facilitator and families and individuals with lived experience. They will have an opportunity to walk through the sequential intercept model and identify critical points along the path, where they see from their experience, that things could have gone differently or where things went well. Input will ideally be included along the sequential intercept model. She stated that Adrienne Kennedy, President of NAMI and JCMH Commissioner, will lead this project.

Adrienne Kennedy added that she firmly believes the sequential intercept model serves as an excellent roadmap. She added that it can be elevated to serve as a great auditing tool as well, with input from those with lived experience, allowing it to better indicate areas for improvement and areas that deliver success. Kristi invited anyone interested to participate in the round table.

Dr. Octavio Martinez commended the Commission, specifically Adrienne Kennedy, for bringing the issue to the table, and for incorporating lived experiences. He added that the Hogg Foundation for Mental Health would be happy to partner with Ms. Kennedy moving forward with this initiative.

Kristi Taylor then recognized Nick Mosser of the Texas Young Lawyers Association in Collin County. She noted that they are interested in making the work of the Commission a focus of their organization's work.

Judge Hervey introduced Professor Brian Shannon.

Prof. Shannon provided an overview of December's Round Table regarding emergency detentions. He pointed everyone to the provided materials and discussed a few highlights.

He discussed concerns about how to proceed after the 48-hour period if an OPC has not been obtained, and whether or not authority exists for sequential emergency detentions. He stated that the Committee's conclusion is that the legislative intent is that no, you can not have a second emergency detention arising out of the same set of facts. He also stated that the statute wouldn't preclude perhaps a second ED, if after the person is released there's some new threat to herself or himself or others, that had not been, perhaps, part of the original review.

He pointed to the "Bright Ideas" section of the report and highlighted increased collaboration and communication to address this issue.

Terry Crocker added that it is an issue that is being addressed in the Rio Grande Valley. He observed that there appears to be a significant disconnect between clinicians and the belief that they have to appear in the OPC hearing process, perhaps resulting in a lack of willingness to become involved at all.

Prof. Shannon reiterated that local collaboration, especially between magistrate judges and members of the mental health community discussing these issues can help to alleviate confusion.

Judge Hervey introduced Colleen Horton with the Hogg Foundation for Mental Health to discuss intellectual and developmental disabilities.

Colleen Horton pointed everyone to a copy of her presentation in the materials provided. She added that she also has lived experience, as the mother of an adult child with intellectual disabilities.

She provided information regarding the differences between intellectual and developmental disabilities. She also shared that people with IDD experience trauma at higher rates than the general population; they experience physical, sexual and emotional abuse, exploitation, isolation, institutionalization, and bullying and often don't have the protective factors to heal from trauma. She discussed some of the issues people with IDD encounter in the justice system and stated that many people with IDD do not receive the type of help they require. She added that we must continue to evaluate data to determine why so many people with IDD end up in alternative education programs and/or the criminal justice system. She also added that we must develop some strategies on how the systems can coordinate to support these people once they are in the system, as well as review competency standards for people with IDD.

Judge Hervey introduced Dr. William Schnapp from the Harris County Judges Office.

Dr. Schnapp provided a historical overview of both state and federal studies related to the prevalence of IDD and mentioned that traditionally, persons with IDD have been undercounted or overlooked all together. He highlighted an area of success in Harris County where the county juvenile probation office has worked closely with Disability Rights Texas to improve opportunities for both diversion and access to care.

Judge Hervey introduced Dr. Virginia A. Brown of the University of Texas at Austin Dell Medical School, Department of Population Health.

Dr. Brown highlighted a study that the University of Texas undertook concerning the prevalence of mental health disorders of inmates located at the Travis County Jail. She discussed the processes involved, including the difficulties navigating the various laws and processes related to accessing such data. She added that including members or former members of the community in analysis and discussion moving forward will only help to better understand and apply any findings.

Judge Hervey introduced Haley Turner, Associate Commissioner of Intellectual and Developmental Disability Services with the Health and Human Services Commission.

Haley Turner provided a presentation regarding the services HHSC provides to people with IDD, or co-occurring mental health needs, or psychiatric support needs. She also provided an overview of the differences between developmental disabilities and intellectual disabilities. Her presentation can be found here: <https://hhs.texas.gov/services/disability/intellectual-or-developmental-disabilities-idd-long-term-care>

She also pointed to Exceptional Item 22, "Expand the IDD Crisis Continuum of Care," which would continue funding for transitional support teams, expand crisis intervention and respite care, and establish IDD community outpatient mental health services to serve individuals with complex needs.

Sonja Gaines, Deputy Executive Commissioner, Intellectual and Developmental Disability and Behavioral Health Services, HHSC, added that Tarrant County has seen success addressing the IDD population by recognizing their specific needs, especially when clients have both mental health and IDD co-occurrence. However, this is not necessarily the case throughout the state. She stated that Exceptional Item 22 would also allow for each LIDDA to add this type of service delivery component to their respective organizations. She added that she hopes to put together learning communities so

that service providers can become better educated about how to recognize, intervene, and treat individuals with IDD and mental health conditions.

Lesli Fitzpatrick, Court Coordinator, Williamson County, shared a professional experience illustrating the lack of services for clients in mental health crises in her county. She also pointed to the need to explore services for people with IDD who are already in jail.

Sonja Gaines added that funding via SB 292 may help to reduce recidivism, create diversion opportunities, and provide wraparound care that could potentially address issues such as the scenario Ms. Fitzpatrick referenced.

Beth Mitchell, Disability Rights Texas, added that it is important to explore service delivery options for people with IDD who are already in jail, in addition to diversion and recidivism programs.

Mike Maples, Deputy Executive Commissioner, Health and Human Services Commission, added that there are things that can be done while people are in jail because there is a significant amount of time, roughly 200 days, before a commitment order is executed. He stated that this presents an intervention opportunity worth reviewing that could potentially help avoid waiting lists and hospital stays all together for some individuals.

Sonja Gaines continued with her report. She stated that HHSC expects to have an updated strategic plan on its website in the coming weeks. It will include foundational information that will eventually lead to a strategic plan regarding the IDD population. The report will also include prevalence data as well as financial data, strategies, and gap areas. She encouraged everyone to review the report once it is published.

Ms. Gaines also shared that the agency is actively implementing pieces of legislation that were passed last legislative session including HB 13 and SB 291, matching grant programs authored by Rep. Price and Sen. Huffman, respectively. The bills focus on reducing recidivism and jail diversion. She then pointed to some of the successes that funding via SB 292 has produced.

Beth Lawson, CEO, StarCare Specialty Healthcare, shared a brief overview of Lubbock's successes utilizing SB 292 funds, Lubbock StarCare has partnered with Lubbock County to fund a jail-based competency restoration program that helps people to navigate the criminal justice system, particularly when they are found incompetent. They have completed some renovations, and since the beginning of the fiscal year, have enrolled one new participant every month. In the coming weeks, they will graduate their first class of successful candidates. Out of the nine people served since September, only one person has needed to go beyond the 60-day limit afforded by the jail-based competency restoration statute but was stabilized after the 60 days. In all, Ms. Lawson shared that they are very pleased with their progress and work toward easing some of the strain on the system.

Sonja Gaines mentioned a pre-booking diversion program in Houston. This program has already diverted 550 individuals and provides clinical care and help with obtaining benefits.

Denise Oncken, Bureau Chief, Harris County District Attorney, Mental Health Bureau, added that individuals at the Houston diversion center are pre-charge, diverted, and allowed to participate in programming voluntarily. Entities across the state and the country are looking at this program as a model.

Gilbert Gonzales, Bexar County, also added that funds from SB 292 have allowed Bexar County to fund a crisis-stabilization unit. Last year, the unit had 477 diversions directly into treatment, for an average of 39 per month. It serves as a step-down facility for many individuals that would otherwise see long wait times and hospital stays; the program has already seen great success.

Sonja Gaines concluded her presentation by highlighting the implementation of HB 1486, which adds peer services as a Medicaid benefit. She also provided an overview of the creation and expansion of a variety of programs as a result of significant federal funding. Exceptional items/program areas include focus on the opioid crisis, first episode psychosis, substance use services, and the addition of community beds. Sonja invited everyone to contact her to discuss ideas for future projects.

Mike Maples provided an overview of some of the current issues related to state hospitals. He pointed to the capacity issue and stated that the legislature has approved funding to add about 350 beds to the system. HHSC has also asked for funding to rebuild three of its facilities. However, Mr. Maples stated that the focus must be on how best to utilize these beds, regardless of how many are available. Future efforts must address how to help people back out of the hospital by focusing on integration and support. He also added that taking a scientific approach when evaluating how long we must attempt to restore to competency and developing intermediate screening tools will help these efforts as well.

Justice Bill Boyce provided a few announcements. He shared that funding for the JCMH through the 2020/2021 biennium was approved and included in the Supreme Court's budget. He thanked Chief Justice Hecht and the Supreme Court for their continued support. He also mentioned that Commissioner Dr. Tony Fabelo has released a report titled, "The Challenge of Identifying, Diverting, and Treating Justice Involved People with Mental Illness." He pointed everyone to both the JCMH website and the Meadow's Mental Health Policy Institute's website for a full copy. Finally, he pointed everyone to the JCMH website for travel reimbursement forms and other related information.

Jurist in Residence Judge John Specia reiterated that the JCMH has committed \$200,000 toward efforts to create or supplement mental health courts throughout the state. More information is forthcoming. He also announced that the Children's Commission will be releasing a Blueprint in the coming weeks, which will be available on their website. He also recommended that everyone review the JCMH's strategic plan to understand its role as a resource for developing policy, legislation, and practice considerations and recommendations for the Texas Judicial Council. He then introduced David Slayton.

David Slayton, Director of the Office of Court Administration and Executive Director, Texas Judicial Council, provided an overview of the role of the Texas Judicial Council (TJC). He then provided an overview of the legislative recommendations made by the Texas Judicial Council's Guardianship, Mental Health, IDD Committee. He also provided an update on legislative bills of interest.

Mr. Slayton stated that the Committee has submitted recommendations that address remaining issues regarding SB 1326 (85th Legislature). Specifically, the recommendations clarify confusion about the meaning of "assessment," and clarify the promulgation of the associated form.

Regarding new proposals, the TJC also made recommendations that require mental health information to go from local jails to state prisons with the individual, specifically their assessments completed under CCP 16.22 (often referred to as a pen packet).

A second recommendation was made in response to training the Court of Criminal Appeals hosted with the Texas Center for the Judiciary, which provided training for magistrates on mental health issues. There was a realization that the statute that provides the Court of Criminal Appeals the ability to fund training does not clarify whether magistrates, in particular part-time magistrates, are eligible to actually use that funding. The recommendation ensures that this is made clear in the statute.

Another recommendation is that the legislature should create and fund a network of guardianship specialty courts similar to that of child protection and child support courts that exist across the state.

The next recommendation is that the legislature should expand the guardianship compliance project to provide resources to judges across the state that are monitoring these cases in an effort to reduce exploitation and fraud.

Finally, Mr. Slayton stated that a working group was organized to look at Chapter 574 of the Health and Safety Code, which is the civil commitment portion of the Health and Safety Code. Concerns were expressed to the Council that some statutes either lacked clarity or have not been working in practice as well as they could. Several recommendations came from that working group and will be discussed in the following discussion of legislative bills.

Next, Mr. Slayton provided an overview of filed mental health bills that have a direct impact on the judicial system; these are bills the TJC is actively tracking.

HB 598 (Rep. Price): This bill ensures that we can train magistrates, both part-time and full-time, at the county level, as well as associate judges who are appointed under Chapter 54A of the Government Code. Essentially, this bill would give the Court of Criminal Appeals the ability to use its funding as it sees fit to train part-time and full-time magistrates.

HB 599 (Rep. Price): This bill implements the recommendation from the Council that pen packet information includes mental health records when a defendant is transferred from a local jail to TDCJ.

HB 600 (Rep. Price)/SB 432 (Sen. Zaffirini): Referenced as “clean-up” bills for SB 1326 from last session, these bills intend to clarify what the statute means when it says assessment. There was some controversy after SB 1326 passed because “assessment” means something different to mental health clinical providers than what it might mean to those in the judiciary. The goal is to try to clarify that information in the statute. The bill also clarifies who is required to report the number of assessments to the Office of Court Administration.

Another issue that arose last session regarding SB 1326 is whether the mental health assessment is a confidential document. This bill makes the written assessment confidential for purposes of public disclosure. The last thing is it does clarify that TCOOMMI is responsible for promulgating the assessment form.

HB 601 (Rep. Price): Simply stated, this bill combines HB 599 and 600 and puts them into one bill.

SB 105 (Sen. Mendez): This bill is not a Judicial Council recommendation, but Mr. Slayton stated that he wanted to draw everyone’s attention to it, especially those in Bexar County. This is a bill that would create a mental health jail diversion and crisis stabilization unit pilot program. It is specific to Bexar County.

SB 324 (Sen. Huffman): This bill is also not a Judicial Council recommendation. However, it deals with how individuals who have been a part of the emergency detention and order for protective custody process get their firearms back after they've been seized. There was a bill passed several sessions ago that said if someone goes through the emergency detention process and they're found not to have a mental health issue that continues, that they can apply to get their firearm back if it's been seized. That statute did not take into account cases where there was an order of protective custody hearing and then the case was found not to have merit to continue. This bill provides a mechanism for that to occur as well.

SB 362 (Sen. Huffman): The working group for this bill included Disability Rights Texas, NAMI, StarCare, Texas Advocacy Center, HHSC, Justice Boyce, Kristi Taylor, and members of the Judicial Council. One of the recommendations in this bill is to clarify the standard for court ordered temporary outpatient mental health services. The second recommendation is that the Legislature should create a new provision in Title VII, Subchapter B of the Health and Safety Code that would allow for a

transfer of a person who has been civilly committed to inpatient care to be allowed to be transferred to outpatient civil commitment treatment where appropriate. This follows the provisions of SB 1326.

Prof. Brian Shannon added, regarding changes to SB 362, there is no specific reference to modification hearings if there needs to be a transition from jail; that presents a gap that should be considered.

David Slayton stated that Prof. Shannon raised a good point and that the Council will take a look at the issue.

He continued with SB 362's third recommendation. There is a current provision in the Health and Safety Code that allows for a status hearing to occur if there's noncompliance with someone who is on an outpatient civil commitment. The working group thought it was located in the incorrect location in the statute and so the recommendation's goal is to move it to the right location.

The fourth recommendation states that the Legislature should amend Chapter 574 to require that any publicly-funded facilities, including any private psychiatric facilities receiving payment with public funding to treat an individual under 574, coordinate the admission, treatment plan, and discharge plan with local mental health authorities. This was an issue that was raised by local mental health authorities; many times, people are being discharged from publicly-funded facilities with no coordination with the local mental health authorities.

Additionally, if those facilities are publicly funded, some facilities would pay for medication upon discharge up until the point where the individual is able to get to see a doctor. Local mental health facilities are doing this now; this makes sure that this also applies to private facilities that are publicly-funded.

Beth Mitchell added that state hospitals have been providing medication in this manner for years.

David Slayton added that the fifth recommendation described in SB 362 modifies Article 46B of the Code of Criminal Procedure and Chapter 574 of the Health and Safety Code to create a new civil commitment option for class B misdemeanor defendants.

Prof. Brian Shannon added that the problem is that it's not in the Code of Criminal Procedure, rather, it's in the Health and Safety Code, and not in direct language. At one time, there was language that said you couldn't have any civil commitments if criminal charges were pending. After 1995 amendments for any other charge that does not involve active threats of serious bodily injury, civil commitment is an option. However, the option is not well known and is not used often.

David Slayton added that Senator Huffman's office is happy to hold meetings to make sure the best language possible is added to the bill.

Mr. Slayton proceeded to the Council's final recommendations. The bill also recommends that judges should receive additional education on the standards and procedures for court ordered outpatient mental health services. It's directed to the Court of Criminal Appeals to ensure that judges get this type of training. The last recommendation from the working group is that the legislature should ensure or provide additional funding for community mental health services including outpatient mental health services.

David Slayton then referred to two more bills that he stated should be filed in the coming weeks. The first bill permissively allows judges to have a dangerousness review board decision made earlier in the process so that individuals can be immediately sent to the most appropriate bed.

The last bill addresses guardianship specialty courts. The bill will set up a framework similar to the child protection courts and the child support courts in the state. The statute will allow them to exist and will establish their powers, how they're appointed, etc. The remaining unresolved issue is funding to establish any of these courts.

In closing, Mr. Slayton invited everyone to contact him with any concerns regarding the recommendations and bills he outlined. He also stated that he will share his list with the JCMH.

Kristi Taylor asked about Sen. Nelson's bill, SB 63, which would create a mental health consortium.

David Slayton stated that the Council is tracking the bill - SB 63. He pointed out that the JCMH is not included in this consortium.

Dr. Andrew Keller, President and CEO, Meadows Mental Health Policy Institute, added that essentially the goal of the bill is expressly to get the medical schools to work together; not necessarily to get everyone to work with the medical schools. The strategic plan of this consortium has a research plan and a workforce element specific to physicians that this bill will allow them to fulfill. It also includes significant funding for telehealth for underserved areas.

Dr. Brown added that some Dell Medical Center grants and research opportunities include mandated collaborations.

Dr. Keller recommended that everyone read the bill. He also stated that there is a strategic framework that focuses on practical research and community-level interventions.

Colleen Horton added that one observation with respect to SB 63 is that it currently does not include family or consumer representation. She added that one recommendation from this Commission could be that we ensure that these elements are included.

Major Mike Lee added that the Commission did a great job including language related to CCP 16.22 notifications in the Bench Book.

Related to SB 63, the question was asked if there are any bills contemplating putting the JCMH into statute.

Mr. Slayton added that the Commission is included in the budget bill, recognizing its existence and providing funding. Other judicially created commissions and task forces are not in statute.

He also added that the OCA is creating a video highlighting programs funded by 292. It should be completed by the end of February and available on the OCA website. It will serve as a learning tool about the jail-based competency restoration program and it's working in Harris County and other places.

With no further announcements or questions, Justice Brown reminded everyone that the next Commission meeting will take place on April 5, 2019. He then called the meeting to a close.



**Judicial Commission on Mental Health
April 2019 Meeting Financial Report**

FY 2019 BUDGET

FY2019 State General Revenue	\$ 1,000,000
FY2019 Available Funds	\$ 1,000,000

FY 2019 OBLIGATIONS

	Budget	Expenses To-date	Outstanding Obligations
Indirect	\$ 420,880	\$ (114,559)	\$ 306,321
Projects	\$ 349,000	\$ (21,404)	\$ 327,596
Scholarships	\$ 12,500	\$ -	\$ 12,500
	<u>\$ 782,380</u>	<u>\$ (135,963)</u>	<u>\$ 646,417</u>

CURRENT FINANCIAL STATUS

State General Revenue Balance April 2019	\$ 864,037
FY 2019 Outstanding Obligations	<u>\$ 646,417</u>
FY2019 Projected End Balance	\$ 217,620



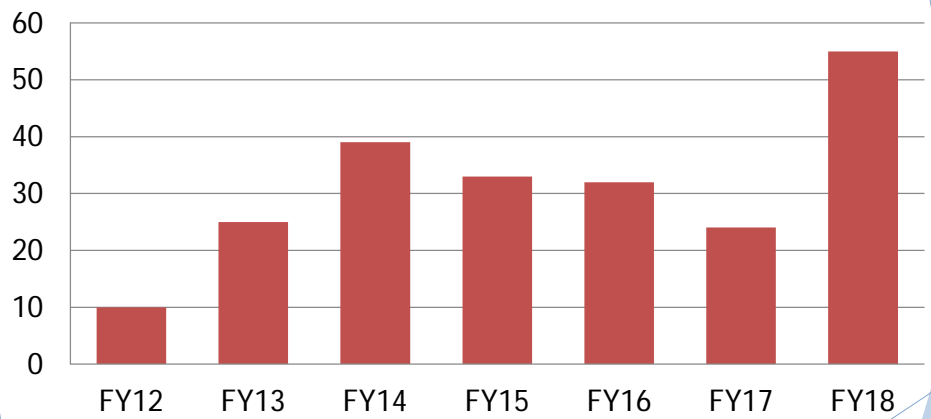
Mental Health Managed Counsel Program



Available Competency Restoration Options in Collin County

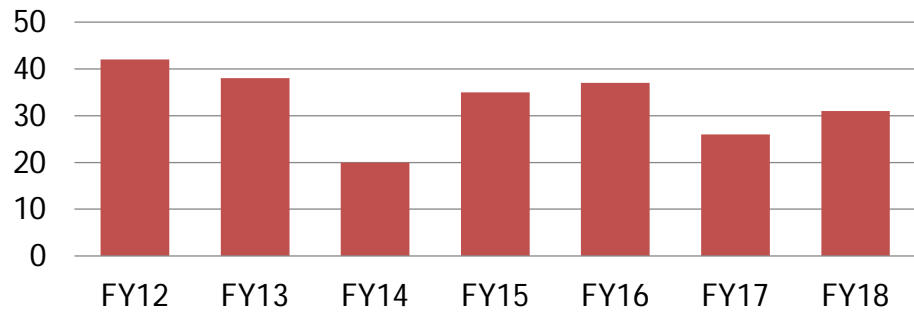
1. Outpatient
2. Inpatient

Number of Inmates Transferred to State Hospital

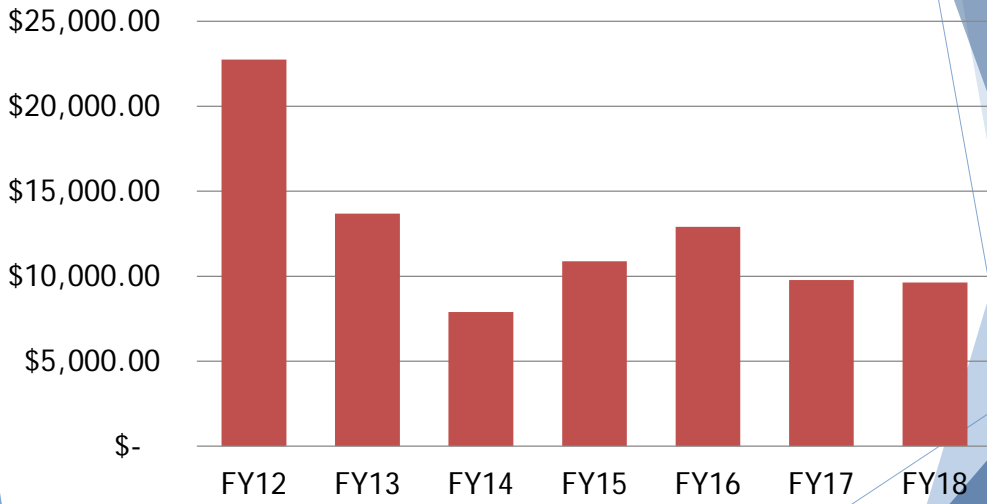


The number of inmates transferred to the State hospital has continued to rise annually.

Average Jail Days - Mental Commitment to Transport to State Hospital



Average Jail Cost Per Inmate

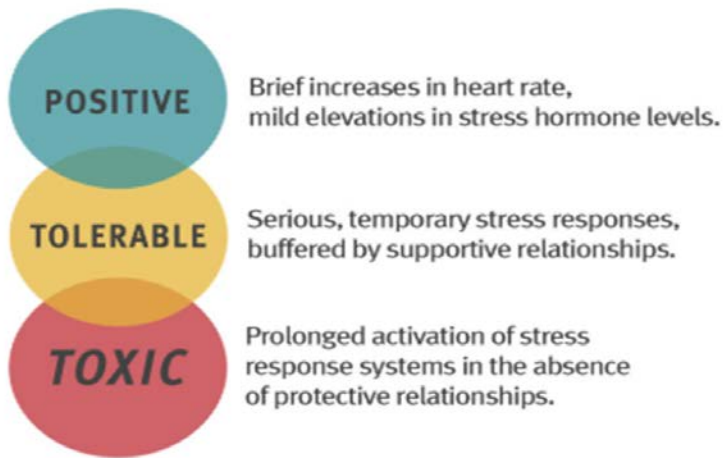


As a result, overall costs to the county are decreased.

Cost Savings

- Where Can the Cost be Saved
 - Recognition of Competency Issues
 - Prompt Filings for Exams
 - Prompt Dissemination of Information
 - Prompt Hearing on Receipt of Report
 - Prompt Distribution of Orders
 - Prompt Return of Inmates/Hearing after Restoration
 - Ongoing Investigation/Preparation of the Case
 - No Deterioration and Return to Incompetent State Due to Delay
 - Restoration Prior to Transport

How Stress Effects the Body



Trauma Can Effect Developmental Age



Chronological Age



Developmental Age



Street Smarts

Judicial Commission on Mental Health Summit 2019

November 18-19, 2019

Embassy Suites San Marcos

Monday, November 18, 2019	Tuesday, November 19, 2019	
<p>7:30 AM – 8:30 AM Registration Plenary Session 8:45-9:45 Legislative Update Break 10:00-11:00 Competency Restoration: Where Criminal and Civil Courts Meet 11:00-12:00 Critical Points Presentation</p>	<p>Urban Track 8:30 AM – 10:00 AM</p>	<p>Rural Track 8:30 AM – 10:00 AM</p>
<p>12:00 PM – 1:00 PM Lunch Presentation</p>	<p>12:00 PM – Summit Ends</p>	
<p>1:15 PM – 3:15 PM Specialty Courts Data Presentation Bench Book Mental Health/IDD Resources</p>	<p>TIDC Public Defenders Workshop 12:30 PM – 4:30 PM</p>	
<p>Breakout by County 3:30 PM – 5:00 PM</p>		
<p>Reception 5:00 PM – 6:00 PM</p>		



BE PART OF THE DISCUSSION

Critical Points Round Table: A Look at the Sequential Intercept Model with Lived Experience Experts

Friday, July 19, 2019
9:00 AM–4:00 PM
Asian-American Resource Center
Ballroom
8401 Cameron Rd, Austin, TX 78754

Co-facilitated by:
Adrienne Kennedy, President, NAMI
John Petрила, VP, Adult Policy,
The Meadows Mental Health Policy
Institute

Lived experience experts can provide vital guidance on gaps and opportunities in the sequential intercept model. This round table will provide individuals and families with lived experience an opportunity to share insights and recommendations to help develop tools and resources for courts and mental health system stakeholders.

Please email jcmh@txcourts.gov to receive more information. Lunch and travel expenses will be provided, but space is limited.



www.texasjcmh.gov





**JCMH Scholarship Application
2019 NAMI National Convention
June 19–22, 2019 · Seattle, WA
www.nami.org/convention**

The Texas Judicial Commission on Mental Health (JCMH) will provide scholarships to JCMH Commissioners and Collaborative Council members for the 2019 NAMI National Convention. Scholarships will reimburse participants for conference registration fees and conference-related travel. We hope you'll consider attending the convention which will include a special session on June 21st to highlight recent work in Texas.

Celebrating Advancements: When the Judiciary Joins the Conversation

As thought leaders in their states and nationally, judges and court administrators are challenging communities to address persistent mental health challenges, leading to important changes in criminal justice and mental health systems. Presenters will highlight the results of judges, law enforcement officials, and system leaders engaging with policy researchers, mental health providers, people with lived experience, and legislators to forge new paths and to advance legislation, funding, and accountability across systems. This special session will highlight the Texas Judicial Commission on Mental Health as a significant model for judicial leadership and community action.

Presenters and honorees include several JCMH Commissioners:

Andy Keller, PhD, President and CEO, Meadows Mental Health Policy Institute, Dallas, TX

David Slayton, MPA, Executive Director, Texas Judicial Council, and Administrative Director, Texas Office of Court Administration, Austin, TX

William J. "Bill" Boyce, Chair, Mental Health Advisory, Texas Judicial Council; Vice-Chair and Commissioner, Texas Judicial Commission on Mental Health, former Justice on the 14th Court of Appeals (2007–2018), Houston, TX. Justice Boyce is recipient of NAMI's Sam Cochran Criminal Justice Award 2019

Moderator: **Adrienne Kennedy**, MA, President, NAMI Board of Directors, Austin, TX

To apply for a scholarship, review the guidelines and requirements on the next page and submit the application by completing the form by hand or by accessing it digitally through SurveyMonkey (a link will be sent by email to JCMH Commissioners and Collaborative Council members).

Please note the following guidelines and requirements for scholarship awardees:

1. You must be a JCMH Commissioner or Collaborative Council Member to apply for scholarship funding.
2. You must acknowledge your understanding of both JCMH's travel guidelines and State of Texas GSA rates:

JCMH Website: www.texasjcmh.gov

State of Texas GSA rates: www.gsa.gov/travel

3. You must finalize your registration via NAMI's Convention website by May 24, 2019:

NAMI's Convention website: www.nami.org/convention

Please provide the following information to complete your scholarship application:

First Name	
Last Name	
E-mail Address	

1. If I receive a scholarship from JCMH to attend the 2019 NAMI National Convention, I understand that I am responsible for reviewing both JCMH travel guidelines and State of Texas GSA rates as outlined above.

Yes

No

2. If I receive a scholarship from JCMH to attend the 2019 NAMI National Convention, I understand that I am responsible for submitting all necessary travel documentation within 45 days of attending the convention.

Yes

No

3. I understand that failing to submit required travel documentation, as outlined in JCMH travel guidelines, may result in me not being reimbursed for my travel expenses.

Yes

No

2019 NAMI National Convention



Our Movement, Our Moment
2019 NAMI National Convention
June 19 – 22, 2019 - Hyatt Regency Seattle (<https://www.hyatt.com/en-US/hotel/washington/hyatt-regency-seattle/sears>)

REGISTER TODAY ([HTTPS://WWW.EISEVERYWHERE.COM/EREG/NEWREG.PHP?EVENTID=378773&](https://www.eiseverywhere.com/ereg/newreg.php?eventid=378773&))

Join the nation's largest gathering of mental health advocates as we share, learn and network around important mental health issues.

Launching at this year's convention – NAMI's new strategic plan! The convention's theme, *Our Movement, Our Moment* captures the power and excitement of this moment as we mobilize the NAMI movement!

The 2019 NAMI National Convention offers engaging presenters, thought-provoking topics and the latest updates on important research.