



THE SUPREME COURT OF TEXAS

THE TEXAS COURT OF CRIMINAL APPEALS

Judicial Commission on Mental Health

August 7, 2020

Meeting Notebook

Judicial Commission on Mental Health

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TAB 1
Agenda

Judicial Commission on Mental Health
Virtual Meeting, Zoom Conference
August 7, 2020

AGENDA

9:00	Welcome and Announcements	Hon. Jane Bland Hon. Barbara Hervey
9:10	Commissioner Updates	JCMH Commissioners
10:30	Break	
10:45	Executive Director Report Report to the Courts Projects by the Strategic Plan	Kristi Taylor
	Collaborate	
10:55	Legislative Research Committee	Hon. Bill Boyce
11:15	Supreme Court SB 362 Task Force	Hon. Brent Carr
	Educate	
11:35	Bench Book / Code Book	Hon. Camile DuBose
11:40	Juvenile Bench Book	Hon. Cynthia Wheless
11:45	Summit	Hon. Brent Carr
	Lead	
11:50	Jurist in Residence	Hon. John Specia (Ret.)
11:55	Financial Report	Patrick Passmore
12:00	Adjourn	Hon. Jane Bland Hon. Barbara Hervey

TAB 2

Commissioners and Collaborative Council

JUDICIAL COMMISSION ON MENTAL HEALTH COMMISSIONERS

Hon. Jane Bland, 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

Former President and CEO
Goodwill Industries of Central Texas.
Current Partner at Mission Squared

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

Hon. Ernie Glenn

Drug Court Magistrate
Bexar County

Hon. Sid Harle

Judge
4th Administrative Judicial Region

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

JUDICIAL COMMISSION ON MENTAL HEALTH COMMISSIONERS

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

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

County Judge
Hopkins County

Denise Oncken

Bureau Chief
Harris County District Attorney's
Office
Mental Health Bureau

Hon. Harriet O'Neill

*Justice of the Supreme Court of Texas
(Ret.)*
Harriet O'Neill Law Office

Dr. William Schnapp

Mental Health Policy Advisor
Meadows Mental Health Policy
Institute

Prof. Brian Shannon

Paul Whitfield Horn Professor
Texas Tech University School of Law

Reginald Smith

*Team Lead, Peer Services Programs,
Planning & Policy*
Texas Health and Human Services
Commission

Hon. Polly Jackson Spencer

Judge (Ret.)
Bexar County, Probate Court No. 1

Hon. Cynthia Wheless

Judge
Collin County, 417th Judicial District
Court

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Hon. Jane Bland, Co-Chair

Justice
Supreme Court of Texas

Hon. Barbara Hervey, Co-Chair

Judge
Texas Court of Criminal Appeals

Hon. Mark Allen

Judge
Jasper County

Dr. M. Connie Almeida

Licensed Psychologist
Director of Behavioral Health Services
Fort Bend County

Trey Apffel

Executive Director
State Bar of Texas

Hon. Mark Atkinson

Chief Executive Officer
Texas Center for the Judiciary

Hon. Daphne Previti Austin

Judge (Former), 289th District Court
The Law Office of Shawn C. Brown, P.C.

Dr. Virginia Brown

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

Geoff Burkhardt

Executive Director
Texas Indigent Defense Commission

Hon. Nelda Cacciotti

Judicial Staff Counsel
Tarrant County

Angel Carroll

Emerging Adult Policy Associate
Lone Star Justice Alliance

Leah Davies

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

Hon. Rex Davis

Justice
Tenth Court of Appeals

Scott Ehlers

Special Counsel
Texas Indigent Defense Commission

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

Executive Director
NAMI Texas

Dr. Courtney Harvey

State Mental Health Coordinator & Associate
Commissioner
Office of Mental Health Coordination
Texas Health and Human Services Commission

Hon. Bonnie Hellums

Judge (Ret.)
247th Family District Court, Harris County

Elizabeth Henneke

Executive Director
Lone Star Justice Alliance

Colleen Horton

Policy Program Officer
Hogg Foundation for Mental Health

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Angelita Hunter

Municipal Court Supervisor
City of McKinney Municipal Court

Trina K. Ita

Associate Commissioner
Medical & Social Services Division
Behavioral Health Services
Texas Health and Human Services Commission

Hon. David Jahn

Associate Judge
Denton County Probate Court

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

District Judge
283rd District Court, Dallas County

Joanna Mendez

Community Wellness Counselor
Refugee Services of Texas

Hon. Kirk D. Noaker, Sr.

Magistrate Judge
Burnet County

Hon. Rita Noel

Justice of the Peace, Pct. 4
Grayson County

Terry Qualls

Crisis Intervention Coordinator
McKinney Police Department

Janis Reinken

Former 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

Matt Smith

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

Lt. Scott Soland

President
Texas CIT Association

**JUDICIAL COMMISSION ON MENTAL HEALTH
COLLABORATIVE COUNCIL**

Jeanne Stamp

Director
Texas Homeless Education Office

Hon. Charles Stephens

Judge
Comal County Court at Law No. 2

Gloria Terry

Chief Executive Officer
Texas Council on Family Violence

Rick Thompson

Senior Legislative Manager
Texas Association of Counties

Hon. Ryan Kellus Turner

Executive Director
Texas Municipal Courts Education Center

Sally Uncapher

Attorney
Bexar County District Attorney's Office

Julie Wayman

*Mental and Behavioral Health Manager,
Interagency Liaison*
Texas Education Agency

Nicole Weaver

Child Protective Services Mental
Texas Department of Family and Protective
Services

Thea Whalen

Executive Director
Texas Justice Courts Training Center

Sheriff Dennis Wilson

Sherriff, Limestone County
Sheriff's Association of Texas

Sgt. Robyn Wilson

Sergeant, Law Enforcement Division
Texas Attorney General's Office

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

April Zamora

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

TAB 3

Minutes: January 31, 2020

**JUDICIAL COMMISSION ON MENTAL HEALTH
MINUTES OF MEETING
January 31, 2020
9:30 AM – 2:30 PM
State Bar of Texas – Texas Law Center
Austin, Texas**

Welcome and Announcements

Justice Jane Bland opened the meeting and welcomed all in attendance.

Judge Barbara Hervey welcomed all in attendance and thanked all who attended the Judicial Summit in November. Judge Hervey noted that the [Texas Mental Health Resource Guide](#) was distributed at the Summit and reminded everyone to email new resources to JCMH staff for inclusion.

Email address to contribute resources: mentalhealthresource@txcourts.gov

Justice Bland introduced Judge Kirk Noaker and Sgt. Robyn Wilson as new members of the Collaborative Council, and then asked Commissioners to introduce themselves and give updates.

Commissioner Updates

Tina Amberboy introduced herself.

Beth Mitchell introduced herself.

Judge Ernie Glenn introduced himself.

Judge Cynthia Wheless stated that she wants to create a juvenile mental health specialty court in Collin County, and emphasized that intervention at the juvenile level can prevent further issues at the adult level.

Denise Oncken reported that the Harris County DA's Office will train 5,300 Houston Police Department Officers on mental health diversion. Additionally, District Attorney Kim Ogg and the CEO of the LMHA were honored by NAMI for innovations in mental health diversion.

Tom Mitchell stated that SMU, UCLA, and Harvard are all studying Harris County Jail Diversion Services. HCJDS is also receiving inquiries from other states that hope to use HCJDS as a model. Mr. Mitchell mentioned that approximately 40% of the HCJDS clients now live in permanent housing and several are employed.

Judge Robert Newsom commented that discussion of mental health topics has increased among rural and urban judges alike and credited the Commission for the change.

Judge Francisco Dominguez noted that in the El Paso region, the urban LMHA is strong, but that there are challenges in the rural areas. Judge Dominguez is proud of the Commission's work and notes there is still progress to be made.

Judge Polly Jackson Spencer reported that in the San Antonio area, the acute care beds lost from the closure of the Nix Hospital may reopen in a different location, and that the Clarity Child Guidance Center lost some funding. Finally, she advised that Morgan's Wonderland is expanding with a multidisciplinary center to serve people with IDD.

Terry Crocker advised that Tropical Texas Behavioral Health had a record number of civil admissions. Additionally, HHSC is starting a First Episode Psychosis Program in Cameron County for people with emerging symptoms of mental health issues.

Adrienne Kennedy stated that NAMI sees new interest in mental health issues due to judicial leadership. There is potential for collaboration and partnership with corporations, high-impact philanthropy, and organizations such as the APA.

Prof. Brian Shannon announced that the sixth edition of [Texas Criminal Procedure and the Offender with Mental Illness](#) is now available. He stated the Office of Dispute Resolution for Lubbock County recently hosted a continuing education workshop that discussed how mental health issues affect mediation. Prof. Shannon also discussed his involvement in a collaborative effort to create model legislation that is facilitated by the Equitas Project.

Judge Spencer added that The Meadows Foundation was holding a mental health fair in San Antonio on February 1, from 3:30 to 5:15 pm.

Kevin Garrett explained that his work at the Texas Jail Project involved early identification of individuals who may have MI and the procedure under CCP 16.22. Mr. Garrett thanked the Commission for including his point of view.

Announcements from Collaborative Council

Justice Bland invited the Collaborative Council and guests to introduce themselves and make announcements.

Judge Bonnie Hellums announced that NRG Stadium in Houston declared itself a “No Trafficking Zone,” and began educating staff on fighting sex trafficking.

Lt. Scott Soland announced that the Texas CIT Annual Conference is in April, in Amarillo. It will train police officers on crisis intervention.

Leslie Fitzpatrick announced that the Texas Association of Specialty Courts will hold their annual training in April, in Dallas. This year’s training will focus on behavioral health and features a veterans’ track.

Dr. Virginia Brown stated that the Austin Blockchain Collective is hosting a meeting on interoperability. Dr. Brown will be presenting on the topic of information sharing and advanced psychiatric directives. Dell Medical School received funding to host four focus groups with community stakeholders to explore the sharing of confidential information. Finally, Dr. Brown was awarded funding from PCORI to conduct a mental health-focused community engagement project.

Judge Daphne Previti Austin reported that she attended a JCMH training on sequential intercept mapping to help start new specialty courts.

Gilbert Gonzales advised that the National Council for Behavioral Health will hold its annual conference in April, in Austin.

Judge Dave Jahn will teach a course at the criminal judges’ conference on transferring criminal cases into involuntary civil commitment cases.

HHSC Update

Sonja Gaines, Associate Commissioner, Behavioral Health Services, Texas Health and Human Services Commission (HHSC), provided an HHSC program update:

- The Outpatient Competency Restoration program served 310 people in 13 locations. Nearly 75% of the outcomes were competency restoration, charges dropped, or abscond status.
- The Jail-Based Competency Restoration program served 114 people in 4 locations.
- Jail Diversion was expanded statewide in 2019, and Ms. Gaines praised Harris County's Jail Diversion Services. HCJDS is "... almost like a full-service delivery system," and in 2019, served and diverted close to 500 people from jail.
- HHSC's Home and Community Based Services is an intensive program that serves people with high rates of hospitalization, incarceration, and emergency room visits. In 2019, HCBS dramatically reduced this population's average days of hospitalization. Additionally, 130 people were transitioned back to the community, from long term stays at state hospitals.
- 11 LMHA sites are certified as Certified Community Behavioral Health Clinics, which follow the SAMHSA standardized model to integrate physical health, mental health, and substance abuse treatment. CCBHCs offer crisis services and peer services. HHSC hopes to certify all LMHAs in the next few years.
- Less than 300 adults are currently on a waiting list for outpatient services at LMHAs, a dramatic decrease from over 3000 in 2017.
- Over 1000 lives were saved due to distribution of opioid overdose reversal kits. Additionally, the number of individuals who are receiving medically assisted treatment for opioid addiction increased from 14% to 50%. HHSC has partnered with TDCJ and TEA to deliver education.

Mike Maples, Deputy Executive Commissioner for Health and Specialty Care System, HHSC, added that \$750 million was appropriated by the legislature for rebuilding and expanding facilities. 350 beds are currently in development. Mr. Maples asked everyone to consider whether the best use for acute inpatient care is restoring misdemeanants to competency and suggested that the expansion of outpatient competency restoration offers a different option for this population.

There was discussion that people remain in jail because prosecutors do not want to dismiss their cases, and there is no other place for them to go; and that judges do not want to order a person into inpatient facilities that lack capacity.

Prof. Shannon advised that the LRC subcommittee is studying a concept that would permit judges to transition a person from jail-based services to outpatient services.

Mike Maples reported that HHSC has used the clinical discretion granted by SB 562 in 15% of their cases, which has helped move people along. Transportation to and from facilities is a need. Step-Down Care to less-intensive care is a priority, and HHSC is looking at resources.

There was discussion about the need to educate more judges on the breadth of resources available.

Judge Hervey commented that defense lawyers, prosecutors, and the judiciary all undergo mental health training, and are doing a good job.

Judge Wheless thanked Sonja Gaines for speaking about YES Waiver at a JCMH meeting, as she now has many children and adolescents using that resource. Judge Wheless shared that doctors in her area are also frustrated when there is not a bed available for an acute mental health crisis patient,

and suggested the OPC statute be amended to allow for medical personnel to transport the patient to another location.

Presentation

Dr. Tony Fabelo, Senior Fellow for Justice Policy, Meadows Mental Health Policy Institute, presented *Why Numbers are Critical to Improve Implementation of Policies*. Dr. Fabelo began by noting that jails are meeting standards for performing screenings for mental illness, and that magistrates are receiving notification of flagged screenings. However, the number of screenings conducted statewide, the number of inmates with mental illness, and the number of people released on a mental health PR bond are unknown. Dr. Fabelo attributes this gap to the limited capacity jails have to conduct timely assessments, to the variety of magistration practices across the state, and to unreliable reporting to OCA.

As a solution, Dr. Fabelo suggested that jurisdictions participate in the National Stepping Up Initiative to reduce the prevalence of people with mental illness in jail. Under the initiative, counties commit to collecting accurate data across several key metrics in order to establish a benchmark, and then to measure progress against the benchmark. 13 Texas counties have joined the national initiative so far. Dr. Fabelo suggested that a key judge in each jurisdiction take the lead and start the discussion locally.

Justice Bland commented that the efforts to measure how people with MI move through the criminal justice system are worthwhile even if the measurements are imperfect. With more training and education, compliance with these directives will improve over time.

Judge Hervey recognized Hon. Sharon Keller, Presiding Judge of the Court of Criminal Appeals, for her attendance.

David Slayton advised that one challenge in collecting the data is that magistrates receive the assessments, but they often work alone, without a clerk. Mr. Slayton stated the law requires reporting by the county clerk or district clerk, and that closing the information gap would improve reporting.

Mr. Slayton advised that magistrates have not been required to attend statewide training. Mr. Slayton recognized Magistrate Nelda Cacciotti's efforts to plan a specific training for magistrates, focusing on mental health reporting and other topics. Mr. Slayton also mentioned that there has been an improvement in reported assessments over the last 3 years.

Justice Bland opened the floor for questions and discussion regarding Dr. Fabelo's presentation.

Brandon Wood, Executive Director, Texas Commission on Jail Standards, explained that every inmate booked into a county jail is initially screened, usually by a jailer, using a standardized, statewide form that asks yes/no questions. The form contains instructions for notifying the proper contact when "yes" responses are received, which removes discretion from the person administering the screening.

Denise Oncken thanked Mr. Wood for the screening form. She advised that in Harris County, affirmative answers to critical questions are immediately forwarded to magistrates and prosecutors in a special needs response form. Prosecutors then turn the information over to defense counsel. Ms. Oncken noted that Harris County has difficulty completing 16.22 assessments on inmates who quickly bond out of jail on low level offenses.

John Petrila commented that the Commission should be willing to revisit policies that may not achieve their intended goals. He stated that a tremendous amount of resources is dedicated to assessing all inmates, when only a small group of them would benefit from screening and follow-up activity.

Dr. Fabelo drew attention to his policy recommendations: alter screenings to quickly identify the people most in need and eliminate the requirement for out-of-custody assessments within 30 days. He next introduced Mike Wharton, who is the policy director for Senator Whitmire, and Andrew Barbee, who is the Director of Research and Development for the Texas Department of Criminal Justice.

Kevin Garrett recognized the TCJS for their work on 16.22 screenings. Mr. Garrett noted the decrease in jail facilities that are found noncompliant in conducting screenings and performing notifications. Mr. Garrett thanked Judge Carr and Judge Cacciotti for the innovative training and education they have undertaken, particularly with law students. Finally, Mr. Garrett remarked that he sees lost opportunity for early diversion when magistration is conducted without the benefit of 16.22 assessments.

Beth Mitchell remarked that although the TCOOMMI form has been updated over time, it does not contain questions designed to identify persons with IDD. Ms. Mitchell would like the Commission to consider a revision of the form to better identify persons with IDD.

Dr. Fabelo acknowledged that he was familiar with all of the issues that commenters had mentioned and stated that his current focus was establishing routine processes that will yield reliable numbers.

Executive Director Report

Kristi Taylor introduced Patrick Passmore, who gave a broad overview of the JCMH budget. He advised that the Commission planned to spend \$678,000, an amount that included 10 grants. JCMH plans to carry forward approximately \$180,000 to the next budget year.

Ms. Taylor drew attention to the Report to the Commission, which summarizes the goals and progress of the various subgroups of the Commission. Next, Ms. Taylor highlighted the Commission's Strategic Plan. The Plan provides a map of the Commission's projects and how they fit with the Commission's major strategies. Ms. Taylor commented that the Commission's Strategic Plan was similar to one proposed by the National Center for State Courts, and was evidence that Texas is a leader in this area.

Ms. Taylor noted that Texas Supreme Court Chief Justice Hecht joined the advisory committee on the NCSC's effort to educate the Conference of Chief Justices. The committee will hold a meeting in Austin in May 2020 for southern regional Chief Justices to learn more about mental health initiatives, encourage states to write an action plan, hold state Summits, and form mental health commissions.

There was discussion regarding how the Commission will measure progress and success. It was noted that some goals will be easily measured, and that any data gathered will steer the future strategy of the Commission.

JCMH Projects by the Strategic Plan

Justice Boyce provided an update on the Legislative Research Committee. The LRC met in December 2019, and is currently focusing on three areas:

- competency restoration and related issues, via a workgroup led by Professor Shannon;
- diversion for individuals with MI or IDD, and possible application of Texas Penal Code § 8.08 in cases involving adults who have MI or IDD, in a workgroup led by Judge Carr; and
- identification of service gaps for persons with MI or IDD, and the judiciary's role in addressing mental health challenges in the court system.

Judge Brent Carr updated the Commission on the Senate Bill 362 Task Force. The Task Force met in December 2019 and explored the option of using an electronic application to pursue emergency detentions, such as LEADRS. Judge Carr mentioned some concerns regarding privacy that still need to be worked out and suggested that a formal body would need to approve the use of such a system. Judge Jahn is leading a subcommittee to review mental health detention forms in hopes of creating standard forms. Judge Carr also advised that more training on and understanding of mental health issues is needed for judges, defense attorneys, and prosecutors. Both Judge Carr and Judge Jahn were scheduled to teach on the topic at upcoming trainings.

Next, Judge Carr discussed the 2019 Summit, which drew approximately 500 attendees. He praised both the opening night's screening of the movie "Ernie and Joe," as well as the keynote address by Ms. Tonier Cain.

The top comments included:

- requests to cover IDD topics separately from MI topics;
- requests for resources on creating mental health courts;
- divided opinions regarding time used for breakout sessions; and
- positive response to the large number of attendees and opportunity for networking.

Kristi Taylor complimented Emily Miller's hard work in organizing the Summit and noted that the Summit Report contains a list of ten top learning points. Next, Ms. Taylor drew attention to the *Texas Mental Health and Intellectual and Developmental Disabilities Law: Selected Statutes and Rules*, originally authored by Chris Lopez of HHSC and augmented by JCMH, as well as the JCMH Bench Book, both of which are now available for order.

Jurist in Residence

Hon. John Specia reported that he has released three JIR letters since the last Commission meeting. Judge Specia received tremendous interest from judges who are interested in starting mental health courts and plans to assist by holding a round table discussion including experienced and newer mental health court judges. Judge Specia reminded all that the Specialty Judges Conference is scheduled for April 8th through 10th, and he plans to send that notice out to interested judges. Finally, Judge Specia remarked that he intends to examine the issue of capacity in both mediations and pleas.

Mental Health Court Support and Mental Health Court Grants

Kristi Taylor added JCMH hopes to offer technical assistance to courts with the Sequential Intercept Model. She stated that 18 judicial educators, as well as Judge Daphne Previti Austin and Lee Johnson, recently participated in a SIM training. JCMH will be investing in judicial mentoring to connect experienced judges with newer judges. An update regarding the mental health court grants is forthcoming, as the grants are currently in the initial six-month period.

Judge Hervey stated that the legislature will receive all data, as well as all publications, that are generated by the Commission as evidence of money well-spent.

Texas Forensic Implementation Team Update

Dr. Courtney Harvey, State Mental Health Coordinator & Associate Commissioner, Office of Mental Health Coordination, HHSC, informed the group that HHSC and stakeholders are developing a first-of-its-kind Strategic Plan on IDD. It will be similar to the framework of the Texas Statewide Behavioral Health Strategic Plan. Dr. Harvey credited the idea to Sonja Gaines, who recognized the need for individuals with IDD to have support and interventions separate from those provided to individuals with MI. The Strategic Plan is a high priority for the HHSC Executive Commissioner and should be produced by September 2020. In preparation, HHSC has hosted regional summits to elicit feedback from communities regarding IDD services, and service gaps.

Dr. Harvey reported that the Statewide Behavioral Health Coordinating Council produced a report titled "The Coordinated Expenditure Proposal," which is available on the HHSC website and concerns the Council's \$3.9 billion budget.

The Third Edition of the Texas Statewide Behavioral Health Strategic Plan will include subplans regarding substance abuse disorders.

Texas, by way of the Texas Forensic Implementation Team, was one of six states selected by SAMHSA to participate in a competency restoration learning collaborative. Through participation in the collaborative, TFIT was then invited by the Council of State Governments Justice Center to participate in a national project to identify best practices for reducing the number of people waiting for competency restoration services, in October 2019. Dr. Harvey reported that Texas has made great strides in policy and in developing diversion programs, to the extent that other states are looking to Texas as a model for legislation, appropriations, and operations. A policy paper will be released in spring 2020.

Collaborative Council Highlight

Judge Rita Noel, Justice of the Peace, Grayson County, credited Alyse Ferguson with involving her in the Commission. She reported that Grayson County formed a jail diversion committee, which both provides services to persons with MI and operates a crisis team, which consists of 16 law enforcement officers who are certified in how to interact with a person who is having a mental health crisis. Judge Noel makes herself available to law enforcement for questions and meetings 24 hours a day.

On February 14, the LMHA will open a new service center that will provide 8 residential beds for qualifying individuals with MI who are at risk of homelessness.

Judge Noel praised the Summit and the Bench Book, which she shared with other judges. Judge Noel advised that Grayson County has a Drug Court, a Teen Drug Court, and a Veterans Court. Judge Noel closed by thanking the Commission.

Judge Hervey announced upcoming Commission meetings on April 3 and August 7 and thanked everyone for attending.

Meeting adjourned.

TAB 4
Strategic Plan



*Strategic Plan for 2018-2020
With Supporting Projects*

JCMH Strategic Plan with Supporting Projects

Developed by JCMH Staff 7/20/20

As gatekeepers for families and individuals in crisis, courts must make life-altering decisions that require knowledge of multiple complex issues. However, too often, courts lack the training and resources needed to make well-informed decisions.

Recognizing that improving the lives of Texans who are affected by mental health issues and are involved in the justice system requires judicial leadership at the highest level, the Supreme Court of Texas and the Texas Court of Criminal Appeals sat as one court for a historic hearing on January 11, 2018. Together, they heard from people with lived experience, judges, psychiatrists, psychologists, attorneys and law enforcement. Following the historic joint hearing, the two highest courts in Texas established the Judicial Commission on Mental Health (JCMH) and appointed 33 commissioners from across the state in April 2018.

The mission of the Judicial Commission on Mental Health is to engage and empower court systems through collaboration, education, and leadership, thereby improving the lives of individuals with mental health needs, substance use disorders, or intellectual and developmental disabilities (IDD).

On June 18, 2018, the JCMH Executive Committee developed 23 specific strategies to accomplish this mission. The strategies are divided into the overarching goals of collaboration, education, and judicial leadership.

- **Collaboration**

Collaboration among court systems—including the legal community, mental health professionals, law enforcement, state agencies, and court participants—is essential for achieving the best possible outcomes for Texans.

- **Education**

Education—including specialized training, resources, and tools—for judges, attorneys, and court personnel is essential to fair and efficient resolution of cases involving individuals with mental health needs, substance use disorders, or IDD.

- **Leadership**

Judicial leadership is essential to serving individuals with mental health needs, substance use disorders, and IDD in Texas courts.

Collaborate

The Commission will:

1. **Collaborate with stakeholders to collect and analyze data, practices, law, and policy with the goal of improving court functioning for people with mental health needs, substance use disorders, or IDD (*Order and Planning Committee Report*);**
 - **Executive Committee**
 - **Commission Meetings**
 - **Collaborative Council Monthly Calls**
 - **Round Table Series**
 - **Critical Points Round Table**
 - **Emergency Detention Round Table**
 - **Committees and Workgroups**
 - **Legislative Research Committee**
 - **SB 362 Task Force**
2. **Identify and assess current and future needs of the judiciary to improve courts' ability to serve people with mental health needs, substance use disorders, or IDD (*Order*);**
 - **Legislative Research Committee**
 - **SB 362 Task Force**
3. **Improve collaboration and communication among courts, agencies, and community partners (*Order*);**
 - **Jurist-in-Residence Resource Letters**
 - **Judicial Summit on Mental Health**
 - **Commission Meetings**
4. **Encourage sharing of appropriate information to enhance judicial efficiency (*Priorities Survey*);**
 - **HIPAA Education at the Summit and in the Bench Book**

- **Commission Meetings**
 - **Technology Resources for Courts**
5. **Explore potential partnerships to promote early awareness and education about mental health, substance use disorders, and IDD in the court system (*Priorities Survey, JCMH Exec. Comm.*);**
 - **Critical Points Round Table was a partnership with NAMI and Meadows Mental Health Policy Institute**
 - **Cross-collaboration Work**
 - **JCMH Website**
 6. **Examine the prevalence and impact of racial disparities for people with mental health needs, substance use disorders, and IDD in the court system (*National Center for State Courts*);**
 - **Critical Points Round Table**
 - **Judicial Summit on Mental Health**
 7. **Assess data collection, reporting, and sharing for projects receiving Commission support (*Admin. of Children, Youth and Families Continuous Quality Improvement*);**
 - **The Grants Manager implements measures for pass-through grants.**
 8. **Identify funding and resource options available to facilitate the Commission’s efforts to serve the state (*Order*); and**
 - **The Grants Manger will identify new funding opportunities and assess the potential effectiveness of projects related to increased funding.**
 9. **Endeavor to increase resources and funding and maximize the effective and efficient use of available judicial system resources (*Order*).**
 - **The Grants Manager will identify new funding opportunities and assess the potential effectiveness of projects related to increased funding.**

Educate

To further the goal of education, the Commission will:

1. **Develop high-quality, multi-disciplinary education in coordination with state and national training experts and raise awareness of best practices and areas requiring improvement (*similar language to Order*);**
 - **Bench Books**
 - **Judicial Summit on Mental Health**
 - **Legislative Summaries**
 - **Bench Cards**
 - **Educational Presentations**

2. **Create and provide tools and resources on key concepts and court procedures related to mental health, substance use, and IDD (*Planning Committee Report, similar language to Order*);**
 - **Juvenile Mental Health Bench Book**
 - **JCMH Original Adult Bench Book**
 - **Texas Mental Health and Intellectual and Developmental Disabilities Law: Selected Statutes and Rules**
 - **Legislative Summaries**
 - **JCMH Website**

3. **Promote best practices that are data-driven, evidence-based, and outcome-focused (*Order*); and**
 - **Bench Books**
 - **Scholarships**
 - **Technology Resources for Courts**

4. **Educate the judiciary and stakeholders on the importance of collecting and sharing data (*Exec. Comm.*).**
 - **Judicial Summit on Mental Health**
 - **Technology Resources for Courts**

Lead

To promote leadership in the judiciary, the Commission will:

1. **Promote innovative projects, as well as policy and procedural changes that improve court functioning (*Exec. Comm.*);**
 - **Mental Health Court Grants**
 - **Technology Resources for Courts**
2. **Serve as a resource in the development of policy, legislation, and practice recommendations, including policy recommendations for consideration by the Texas Judicial Council (*Exec. Comm.*);**
 - **Legislative Research Committee**
 - **SB 362 Task Force**
 - **Round Table Series**
 - **Technology Resources for Courts**
3. **Explore technological solutions to assist the courts, including the statewide implementation of a computerized case-management system and expanded data-sharing between stakeholders (*Order*);**
 - **SB 362 Workgroup**
 - **Technology Resources for Courts**
4. **Promote improved court performance and accountability (*Planning Committee*);**
 - **Technology Resources for Courts**
5. **Assist judges in leading local and regional initiatives to improve mental health, substance use disorders, and IDD service delivery and capacity (*Priorities Survey*);**
 - **Technology Resources for Courts**

6. **Promote appropriate consideration of mental health, substance use disorders, and IDD needs expressed by children, youth, and families in the judicial process (*Order*);**
 - [Judicial Summit on Mental Health](#)
 - [Bench Books](#)
 - [JCMH Website](#)

7. **Elevate awareness of mental health, substance use, and IDD as an important area of expertise within the legal and judicial community (*Priorities Survey and Exec. Comm.*);**
 - [Bench Books](#)
 - [Legislative Summaries](#)
 - [JCMH Website](#)

8. **Strive to serve as both a statewide and national leader in mental health, substance use, and IDD law and practice (*Exec. Comm.*);**
 - [Technology Resources for Courts](#)

9. **Oversee the administration of funds appropriated and granted to the Commission (*Order*); and**
 - [Executive Committee](#)
 - [Commission Meetings](#)

10. **Provide progress reports to the Supreme Court of Texas and the Texas Court of Criminal Appeals (*Order*).**
 - [Report to the Courts](#)

TAB 5
Financial Report

Judicial Commission on Mental Health FY2021 Budget Proposal
September 2020 - August 2021

Revenue	
FY2020 Strategy B.1.2 (Encumbered)	231,005
FY2021 Strategy B.1.2	1,000,000
FY2020 Strategy A.1.1 (UB)	250,000
FY2021 Strategy A.1.1	250,000
Total Revenue	1,731,005

FY2021 Proposed Budget

Operating	
Personnel - Judicial Commission on Mental Health	603,250
Administrative Fee	15,717
Continuing Education	2,800
Event Management Tools (Subscriptions, Services)	3,500
Furniture/Equipment/Software	2,200
Meeting Supplies/Services	2,300
Membership dues	900
Office Supplies	2,200
Printing	5,500
Publications/Books/Subscriptions	1,000
Shipping	3,000
Travel	18,000
Website	400
Total Operating	660,367

Grants

Office of Court Administration - Technology Resources for Courts	200,000
HHSC - Community Forensic Coordinator Pilot	300,000
FY2020 NCE - Caldwell County - SIM Training	8,350
FY2020 NCE - PRA SIM training Denton County	15,900
FY2020 NCE - Comal County Data Sharing Project	60,000
FY2020 NCE - Tarrant County Mental Health Diversion Program	6,955
FY2020 NCE - The University of Texas Rio Grande Valley	25,000
<i>FY2021 Grant Funds Available</i>	<i>242,933</i>
Total Grants	859,138

Scholarships

Judicial Education Scholarships	10,000
Attorney and Stakeholder Scholarships	5,000
Total Scholarships	15,000

Staff Directed Projects

Mental Health Bench book (Law Box, meeting & printing)	40,000
Juvenile Justice Bench book (Law Box, meeting & printing)	45,000
JCMH Summit 2021 (Encumbered)	110,000
Legislative Research Committee	500
SB362 Task Force	1,000
Total Staff Directed Projects	196,500
Total Proposed Expenditures	1,731,004

JCMH FY2021 Revenue	1,731,005
JCMH FY2021 Budget	1,731,004
Unobligated Funds	0

END OF NOTEBOOK