

What Is a Mental Health Court?



By Judge Elinore Marsh Stormer, Summit County Court of Common Pleas Probate Division, *Law You Can Use*, November 16, 2020

In the 1950s, Ohio began a process required by state law to close many of its psychiatric hospitals. For most people with a mental illness, deinstitutionalization has been successful. New medicines and extensive community outreach allow even the seriously mentally ill to live rich and fulfilling lives.

However, one feature of untreated mental illness is the strong belief that the person is not sick and does not need medication. But research shows that a person with an untreated mental illness has an increased chance of involvement with the justice system or engagement in illegal drug/alcohol abuse. As a result, in almost every jail or prison, a disproportionate number of inmates have a mental illness or disability. Generally, mental health courts (or dockets) seek to stem the flow of the mentally ill to incarceration and instead, mandate treatment to allow defendants to get better and lessen the risk of future arrest.

The Role of a Mental Health Court

The criminal justice system has recognized that for the untreated mentally ill offender, incarceration alone does not reduce crime and promote public safety. Traditional jail settings are not usually adequately equipped to handle the needs of the mentally ill. To address the problem, courts have established special “dockets” which are schedules within a court designed specifically for mentally ill offenders, people with addiction and drug-related offenses, human trafficking victims and others. Each specialty docket must meet specific requirements and is evaluated and certified by the Ohio Supreme Court.

<https://www.ohioabar.org/public-resources/commonly-asked-law-questions-results/courts-and-lawyers/what-is-a-mental-health-court/>

The mental health specialty docket's first goal is to get an offender on or back on medication. The mental health court judge typically offers the offender a chance to voluntarily comply with a psychiatrist's orders. If the offender refuses medicine or other doctor-recommended treatment, then he or she is hospitalized to ensure medical compliance. Because one judge oversees the process, the offender is likely to get appropriate treatment much more quickly than if in jail or prison.

Moving from incarceration to a treatment-based setting frees up needed and expensive jail beds and lets a person progress towards a healthy re-entry to the community. Mental health courts also connect offenders to treatment much faster than traditional paths through the justice system. While forced treatment has its naysayers, mental health courts have been proven to reduce continued criminal activity.

How a Mental Health Specialty Docket Works

Specialized dockets place qualified individuals in a court-monitored program in lieu of incarceration. Judges refer defendants to a specialized docket if they believe that the defendant meets the requirements and would be a good candidate for the program. Defendants may have to go through an evaluation to determine if they would benefit from participation in mental health court. This could include a psychiatric evaluation and a look at criminal history.

Once an offender has been medically stabilized, that person comes back to court with a lawyer. The offender pleads guilty to the charges and officially enters the mental health court program, typically a treatment-based probation. This type of probation is intensive and more restrictive than regular probation. Offenders work with case managers to address their issues with a goal toward preventing recidivism - the commission of new crimes.

The first requirement is always compliance with treatment. The case manager and the court work together to ensure that the person stays on their doctor-prescribed medication.

A case manager also helps defendants take responsibility for and control over his or her life and for managing their mental illness. This may require treatment for alcohol or drug addiction, in which case offenders must prove ongoing sobriety. It could also include assistance like help finding reliable housing and employment when appropriate.

Mental health docket participants must appear regularly in court to discuss their progress. The judge takes an active role in encouraging the participants and their role is crucial to success. Those in the

<https://www.ohioabar.org/public-resources/commonly-asked-law-questions-results/courts-and-lawyers/what-is-a-mental-health-court/>

program may receive rewards for accomplishing goals or sanctions – such as community service, house arrest or jail – for failing to meet program requirements. For example, a sanction can be imposed if the offender stops taking their prescribed medicine or uses illegal drugs.

In order to successfully complete the program, the offender must meet the goals of stabilization at every level: medication compliance, housing, employment and sobriety.

At the end of the program, which is typically around two years, the successful “graduate” should have learned the skills necessary to remain a healthy, law-abiding member of the community.

Ohio Mental Health Dockets

Ohio has been recognized nationally for its leadership in establishing mental health courts and currently has about 244 specialty courts around the state. Akron is a teaching site for a federal program that helps other courts begin a specialty program for the mentally ill.

You can see a map of specialized dockets around the state on the [Ohio Supreme Court's website](#) and learn more about the [standards](#) that these courts must meet.



About the Author

Judge Elinore Marsh Stormer has been a judge since 1991 and now serves as the Summit County Probate Judge. She began her judicial career in the Akron Municipal Court where she created the first municipal drug court and first mental health specialty court in Ohio. In 2004, she was elected to the Court of Common Pleas, where she began the county's first re-entry court and served as administrative judge for several years. In her current position, Judge Stormer created the *New Day*

<https://www.ohioabar.org/public-resources/commonly-asked-law-questions-results/courts-and-lawyers/what-is-a-mental-health-court/>

Court – a first-of-its-kind program that provides a path to recovery for the severely mentally ill who are not in the criminal system.

Learn more about Judge Stormer in her OSBA member spotlight.

Articles appearing in this column are intended to provide broad, general information about the law.

This article is not intended to be legal advice. Before applying this information to a specific legal problem, readers are urged to seek advice from a licensed attorney.