

Understanding Your Mental Health Court Order and the Emergency Services Program

Emergency Services Program (ESP)

The Emergency Services Program is a state certified program that adheres to specific regulations and requirements set forth by Wisconsin state statutes. The Human Service Center (HSC) is certified to provide crisis intervention services through ESP to individuals who are voluntary or involuntary. HSC is the county appointed monitoring agency for involuntary court ordered treatment, therefore you will be assigned a case manager through the Emergency Services Program to assist you through this process. When you are involuntarily placed on a psychiatric unit, the court often orders mental health or substances abuse treatment, which is enforced through a court order. There are three different types of court orders that you could potentially be placed on, which will be discussed in detail later in this document. In addition to referring you to services, or linking you with supports, our ESP case manager will be monitoring your compliance with your court order.

The Human Service Center recognizes that everyone has a different experience that brought them into the Emergency Services Program, therefore your care is handled in a way that best meets your needs while remaining in compliance with the court system, the state statutes, and the expectations of The Human Service Center. Your case manager will consult with the agency's Clinical Supervisors, Medical Director, and/or the Executive Director when deemed necessary, to ensure that the services provided are the least restrictive services to keep you stable and safe.

Court Orders

What is a Settlement Agreement?

It is a 90-day agreement you make with the court stating you will follow specific treatment recommendations set for you by the court in conjunction with the HSC treatment team. The treatment conditions are outlined below. While on a Settlement Agreement you may be court ordered for further inpatient hospitalization with a plan to step down to possible AODA treatment, temporary group home placement, or outpatient services.

What is a Commitment Order?

It is initially a 6-month court order with treatment recommendations set for you by the court in conjunction with the HSC treatment team. The treatment conditions are outlined below. The court order may enforce further treatment in an inpatient hospital with a plan to step down to a group home, a residential care facility, or outpatient services.

What is an Alcohol/Drug Commitment Order?

It is a 90-day court order to follow treatment recommendations set for you by the court in conjunction with the HSC treatment team. The treatment conditions are outlined below. Your court order may require further inpatient stabilization with a plan to step down to residential AODA services or outpatient counseling, AA involvement, or other treatment recommendations specific to your individual needs.

Treatment Conditions

“Keep all appointments with court appointed examiners.”

- When Corporation Counsel or The Human Service Center (HSC) arranges a court ordered evaluation (typically 1 month before a Commitment Order is set to expire) you are expected to attend the evaluation. If you do not attend the appointment, the evaluator may use your records to make an informed decision to extend your court order.

- HSC staff may coordinate with you and Corporation Counsel to schedule these evaluations, depending on the reason for the evaluation.

“Take all doses of psychotropic medication prescribed to me.”

- Take all doses of psychotropic medications on time, as prescribed by your provider.
- Do not adjust your medications on your own. You must consult and get approval from your doctor to discontinue or change any medications.
- HSC staff will collaborate with you, your family, and the prescriber to ensure medication compliance. If the prescriber is not through HSC, a release of information needs to be signed.
- You should not have multiple prescribers, use multiple pharmacies, or order medications on-line, unless it is recommended/approved by your primary doctor or psychiatric prescriber.

“Cooperate with psychological and/or psychiatric testing or therapy.”

- If the treatment team or discharging hospital recommends psychiatric or psychological testing, you must follow through with this testing.
 - You will need to sign a release of information so that HSC staff can receive the results from the facility completing the testing. This information is used in your treatment planning.
- If the treatment team or discharging hospital recommends mental health or AODA therapy, you must follow through and consistently attend these appointments. If you have scheduling, transportation, or financial issues, please consult your therapist or case manager.
 - You will need to sign a release of information so that HSC staff can contact your provider to ensure you are attending your appointments.
 - If your provider feels that you have successfully completed therapeutic services, you are no longer expected to attend, but this must be in writing from your provider and provided to HSC staff.

“Keep case management or treatment staff advised of current residential address or location.”

- You and/or your family are responsible for notifying HSC staff of your whereabouts, if you move, go on an extended vacation, or travel outside the area for an extended period of time.
 - If a youth stays at multiple family member’s homes, a release of information needs to be signed for each household.
 - If a youth is placed out of home (in a group home, secure detention, residential facility, inpatient hospital, or any other facility) the youth and his/her parent or guardian must sign a release of information to give HSC staff the ability to communicate with the facility for treatment and discharge planning purposes as well as any safety planning or monitoring of a court order.
 - If you move, you must notify HSC of your new address and/or phone number within 7 days of moving.

“Refrain from any acts, attempts, or threats to harm myself or others.”

- You should not do anything to inflict harm on yourself or others.
- You should not threaten to harm or kill yourself or others.

“Refrain from ingesting any controlled substance not prescribed to me.”

- You should not take any medications that are not prescribed to you.
- If you feel that you should be prescribed a specific medication, you should contact your prescriber to discuss this.
- You should follow the dosing recommendations on each package for all over the counter medications. Over the counter medications should not be misused.

“Refrain from consuming alcoholic beverages.”

- You should not consume any alcoholic beverages.
- If you are involved in AODA counseling, have a sponsor, or participate in any kind of AODA services, you will need to sign a release of information to allow HSC staff to communicate with them regarding safety planning, compliance, and ongoing support.

“Other”

- This box is not always checked, however if your order has additional treatment conditions listed under this section, you are obligated, by the court, to follow through with the specified court ordered conditions.
- You can discuss these conditions with your attorney if you are given the opportunity to stipulate (agree) to a court order.

What happens when my court order ends?

If you are on a **Settlement Agreement** and you remain compliant with your court conditions, your order will expire. You will not have to return to court and you may choose to discontinue participation in the Emergency Services Program. You may choose to remain in services or be setup with additional services to help you remain stable and safe, but that is on a voluntary basis.

If you are on a **Commitment Order** your case manager will notify the court (approximately 30 days before your order is set to expire) as to whether or not you remained compliant with the conditions of your court order, whether you are safe, whether or not your mental health has stabilized, and whether or not you are able to manage your mental health needs voluntarily and/or independently. Based on that information, your case manager will either request that your court order be allowed to expire or that it be extended.

If it is allowed to expire, you will not have to return to court. At the end of your order you will no longer be required to participate in the Emergency Services Program; however, you may choose to remain in services or be set up with additional services to help you remain stable and safe, but that is on a voluntary basis.

If it is ***not*** allowed to expire, your case manager will set up two court ordered evaluators (doctors) who will meet with you (either at HSC or another designated place). They will complete evaluations to determine whether or not they believe you need to be on a court order and then you will have a court hearing at which time they will present that information to the Judge. You have a right to attend that hearing and will be assigned an attorney if you don't have one. The Judge will then decide if you need to be on a court order and for how long that order will last. This process may reoccur yearly if symptoms, behaviors, or needs warrant the support of a court order.

If you are on an **Alcohol/Drug Commitment Order** your case manager will notify the court (approximately 30 days before your order is set to expire) as to whether you remained compliant with the conditions of your court order, specifically whether or not your substance abuse has continued or stopped. In addition, your case manager may make a recommendation as to whether you are an appropriate subject for continued treatment or not. Based on that information, your case manager will either request that your alcohol/drug court order be allowed to expire or that it be extended.

If the order is allowed to expire, you will not have to return to court. At the end of your order you will no longer be required to participate in the Emergency Services Program; however, you may choose to

remain in services or be setup with additional services to help you remain stable and safe, but that is on a voluntary basis.

If the court order is extended, your case manager will set up one court ordered evaluator (a doctor) who will meet with you (either at HSC or another designated place). They will complete an evaluation to determine whether they believe you need to be on an alcohol/drug court order or not. You will have a court hearing at which time they will present their information to the Judge. You have a right to attend that hearing and will be assigned an attorney if you don't have one. The Judge will then decide if you need to be on an alcohol/drug court order. The order can only be extended one time for up to 90 days. At the end of those additional 90 days the order expires.

What happens if I violate the conditions of my Settlement Agreement?

Your case manager will assess the violation for dangerousness and, if appropriate, help you come up with a plan of correction. There are several outcomes that could occur:

- You work with your case manager to remedy the violations you are making and assist you creating a plan to adhere to your treatment conditions for the remaining portion of your Settlement Agreement.
- Your case manager notifies the court of your violation, which would result in the Judge signing a pickup order allowing for a transfer to a higher level of care. This means police would transfer you back to an inpatient psychiatric hospital for further evaluation and stabilization.
- The court may decide that due to breaking your agreement, you need a more aggressive court order, which would then result in you going through the court process of being placed on a Commitment Order.

What happens if I violate my Commitment Order?

Your case manager will assess the violation(s) for dangerousness and, if appropriate, help you come up with a plan of correction. There are several outcomes that could occur:

- You work with your case manager to remedy the violations you are making and assist you creating a plan to adhere to your treatment conditions for the remaining portion of your Commitment Order.
- Your case manager notifies the court of your violation, which would result in the Judge signing a pickup order allowing for a transfer to a higher level of care. This means police would transfer you back to an inpatient psychiatric hospital for further evaluation and stabilization.
- The court may decide that you are not safe to remain in the community and suggest inpatient or residential placement until stable.
- Violations of your court order may support the need for your case manager to request that your Commitment Order be extended for an additional 12 months.

What happens if I violate my Alcohol/Drug Commitment Order?

Your case manager will assess the violation(s) for dangerousness and, if appropriate, help you come up with a plan of correction. There are several outcomes that could occur:

- You work with your case manager to remedy the violations you are making and assist you creating a plan to adhere to your treatment conditions for the remaining portion of your Alcohol/Drug Commitment Order.
- Your case manager notifies the court of your violation, which would result in the Judge signing a pickup order allowing for a transfer to a higher level of care. This means police would transfer you back to an inpatient psychiatric hospital for further evaluation and stabilization.
- The court may decide that you are not safe to remain in the community and may suggest inpatient or residential treatment or placement for further recovery.

- Violations of your court order may support the need for your case manager to request that your Alcohol/Drug Commitment Order be extended for an additional 90 days.

What happens if I am compliant with my Commitment Order or Alcohol/Drug Commitment Order, but I become psychiatrically unstable or show signs that I could possibly become psychiatrically unstable?

Your case manager will assess your situation for dangerousness and work with you, your supports, and your providers on a safety plan. If you are unable to remain safe or stabilize in the community your case manager is mandated to take the following steps:

- Your case manager must notify the court that you are not stable or are likely to significantly decompensate based on historical data. Your case manager will request a pickup order be issued based on clinical judgement.
- The Judge will sign a pickup order allowing for a transfer to a higher level of care. This means police would transfer you back to an inpatient psychiatric hospital for further evaluation and stabilization.
- The court may decide that you need further inpatient stabilization or treatment in a residential placement, such as a group home.
- This circumstance is not considered a violation of your Commitment Order but may be taken into consideration when deciding if your order needs to be extended or not.

What if I don't think I should be on a court order?

You have the right to petition the court to request that your order be allowed to expire before the court ordered expiration date. You would need to contact your attorney to discuss this matter and how to proceed with this process. Your crisis case manager will not be able to do this for you.

****Important information to know if you are on a court order****

→ ESP Intake Appointment

There will be a required intake appointment schedule at the time of your discharge. If one is not scheduled at the time of your discharge, one will be scheduled within the first week of your discharge home. You are expected to attend. There are several different forms that will be reviewed at the intake appointment, we will review your court order expectations, and discuss any additional supports you may need. The Human Service Center's staff is expected to follow necessary criteria outlined in Wisconsin DHS 34 for the Emergency Mental Health Services Program as well as other agency specific forms. This includes:

- Creating a crisis plan, this document is updated every 6 months or as changes occur. This requires your signature. If you are a minor, your parent/guardian must consent to the crisis plan as well by signing the document.
- Collaboration with the court, treating facility, and all mental health or AODA providers.
- Intake paperwork such as Client Rights, Privacy Practice, Grievance Procedure, and Financial Responsibility.

→ Release of Information

Individuals on a court order are expected to sign releases of information so that HSC Staff can collaborate with providers, family, schools, and at least one emergency contact.

Legal age requirements:

- *13 years old and under:** Parents/guardians are responsible for signing all releases. A minor's signature is encouraged to help them understand them.
- *14-17 years old:** Parent/guardian and client are required to sign the release of information. The case manager will explain the documents to the youth.
- *18 years old with a guardian:** The guardian is responsible for signing releases.

***18 years or older without a guardian:** The individual is responsible for signing their releases of information.

→ Linkage and Follow Up

Your crisis case manager will remain in contact with you and your providers throughout the duration of your court order. You will be referred or connected to services and resources that best support your needs. Our goal is to assist you in identifying resources that will support your recovery and help you maintain your health and wellness. Once your court order ends, you can decide if you want to continue receiving voluntary services or if you feel that case management services are no longer necessary.

→ Gun Rights

If you are on a Commitment Order or Alcohol/Drug Commitment Order you likely received documentation from the court stating that you lost your right to bear firearms. You are not allowed to use a firearm or be in a home with a firearm. This is not only for the duration of your court order, but it continues beyond your order expiring. You must petition the court to have your right reinstated. You can discuss this process further with your attorney or contact the court. Your case manager will not be able to reinstate your rights for you or give you any legal advice on this matter.

→ Medication Orders

If you are on a Commitment Order, you are required to take all prescribed medication. If the Judge determines that you are not likely to do this, you may also be put on a medication order. This order means that you lose your right to refuse medication and that it can be administered against your will.

→ Out of County or Out of State Placements

If you are placed out of the county/state by The Human Service Center as part of your mental health court order, HSC staff will be actively involved in your treatment and discharge planning throughout your care. If you are placed out of county/state by another entity unrelated to the mental health court order, The Human Service Center will request updates on progress and prepare for any discharge and crisis planning needs prior to your return to the state or community. This requires you to sign a release of information to allow HSC staff the ability to communicate with the placement and/or the entity that initiated the placement.

→ Communication and Collaboration

The Human Service Center values collaboration, especially when supporting you in your recovery. During a crisis assessment, crisis staff do not need to obtain a release of information to communicate with spouses, parents of adult children, family, providers, schools, or anybody necessary to help deescalate your crisis. Once the immediate crisis is over, crisis staff need to obtain a release of information to share information about your care, hospitalization, treatment, or discharge planning. If you are not willing to sign a release of information this prohibits HSC staff from being able to collaborate on behalf of your care. This can be exceptionally frustrating for spouses, parents, and/or family members that want to be active in your care. If you refuse to sign releases for pertinent providers that are essential in your care and recovery, HSC has the right to request that the court grant HSC permission to communicate with specific people or providers. We hope to not involve the court in this process, so your case manager will work with you to explain why we are requesting specific collaboration and we hope you share with us why you are hesitating to allow the collaboration to take place. We value your right to privacy and want to help keep you safe, so if communication would cause a safety concern, please let your case manager know immediately.

You hold the key to your success! We are here to help you.