

MENTAL HEALTH DIVERSION APPLICATION PROCESS



Getting Started and Going Forward

How Application Can Fail

Application in Alpha Court Hearing # 1 in Alpha


▲C Files at Earliest Opportunity:

1. Application and Waiver Form and
2. Request for Information Form (ROI)




If Not Summarily Denied by the Court
Alpha Court:

1. Refers the case to BH for Assessment Report and Treatment Plan (AR/TP) and
2. Sets a Hearing Date for AR/TP
3. Orders O/C ▲ to Call BH at 530-538-7950
4. I/C ▲ Will Be Seen by BH I/C
5. Clerk Faxes Minutes with Hearing Date and ▲ contact info to BH at 530-538-7949




AR/TP Hearing in Alpha Court: ▲C Files Hearing # 2 in Alpha

1. AR/TP from BH
2. Cover Sheet with: Clinician Name, DSM V, Crime Charged, Stage of Case
3. Statement of Factors: Facts of crime, Criminal History, Sources of Supervision, Housing, Prior MH Treatment




DA Given Time to File

1. Agreement or Opposition
2. Victim Impact or view
3. Danger to the Community Concerns
4. Response to anything filed by ▲C




Alpha Court Reviews All Pleadings Hearing # 3 in Alpha

1. Alpha Court either Accepts or Denies Application
2. If Accepted: Alpha Court sets a hearing date on the MHD calendar for Prima Facie and Suitability Hearing (1st Tuesday of each month)
3. If Denied: Case remains in Alpha Court



MHD Calendar

1. Court hears argument on Prima Facie and Suitability
2. If Accepted: Case remains in MHD
3. If violations: MHD calendar litigates the violations
4. If terminated: case back to Alpha Court
5. Alpha Court will do sentencing on any post plea MHD cases if terminated out of MHD



Alpha Court Can Deny Application Even if Eligible

Based on Either Crime Type or Defendant Not Suitable. Lack of Suitability Can Include: MH Treatment Failure Previously, Public Safety, Other Resources, Unwilling to Comply with Medication.

Certain Crimes Precluded by Statue Altogether


- (A) Murder or voluntary manslaughter
- (B) If convicted would require 290, except 314
- (C) Rape.
- (D) Lewd or lascivious on a child under 14
- (E) Assault with intent to commit rape, sodomy, or oral copulation (PC 220)
- (F) Commission of rape or sexual penetration in concert with another (PC 264.1)
- (G) Continuous sexual abuse of a child (PC 288.5)
- (H) PC 11418 (b) or (c), use of weapon of mass destruction

Certain Diagnoses Precluded by Statue Altogether

Antisocial personality disorder, borderline personality disorder, and pedophilia, or a diagnosis NOT in the DSM V.

Juveniles Are Precluded Altogether

Juveniles not charged as adults are not statutorily eligible for mental health program under PC 1001.35, 1001.36. In re J.M. (2019) 35 CA 5th 999



MHD Court Can Deny Application or Terminate Applicant from MHD and Return the Case to Alpha