



Superior Court of Cobb County

Mental Health Court

APPLICATION INSTRUCTIONS

- 1) Review with the defendant the program eligibility requirements (please see Judicial Council of Georgia's "Standard for Accountability Courts §2.3" concerning defense counsel). In order to participate in this program, the defendant must:
 - a. Have been diagnosed with a mental illness prior to his or her arrest or during his or her incarceration for the present charge.
 - b. Be competent to enter a plea of guilty.
 - c. Have, or be able to obtain, stable housing and transportation in Cobb County.
- 2) Complete and sign all documents included in this packet. If the case has been indicted or accused, ***you must include the Indictment/Accusation number on each applicable document.*** If the case has not been indicted or accused, ***you must include the warrant number.*** Do not include any other identifying numbers, such as the police complaint number.
- 3) File the "PETITION TO PARTICIPATE IN MENTAL HEALTH COURT" form with the Clerk of Superior Court, if the case has been indicted or accused. If there is no indictment or accusation, the petition may remain with this packet.
- 4) Return all remaining documents to the District Attorney's Prosecutor for Accountability Courts
- 5) Upon notification of defendant's acceptance into the program, arrange to schedule defendant's plea submission.
 - a. Those defendants eligible to participate on a pre-adjudication basis (who have no prior felony convictions) will plead guilty but sentence will be withheld. Upon successful completion the plea will be withdrawn and a Nolle Prosequi order entered.
 - b. Those defendants with prior felony convictions will plead guilty and be sentenced, with participation in this program made a special condition.

*After thoroughly reading these instructions, if you have any questions please call the District Attorney's Prosecutor for Accountability Courts at 770-528-3080. The enclosed documents may be amended or supplemented at any time in the discretion of the Mental Health Court team, therefore a new packet must be obtained by visiting www.cobbda.com for each defendant. **Copies should not be kept for future use.***

IN THE SUPERIOR COURT OF COBB COUNTY
MENTAL HEALTH COURT
STATE OF GEORGIA

THE STATE OF GEORGIA

§

CASE NO.

V.

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PETITION TO PARTICIPATE IN MENTAL HEALTH COURT

Comes now, _____, Defendant charged in the above styled case and shows the court the following:

The Defendant is charged with the offense of: _____

_____.

Prior to or contemporaneous with this charge, the defendant has been diagnosed with a specific mental illness, and states that this illness is a significant and relevant part of the above-styled case.

The Defendant has been advised of the requirements of the Cobb County Superior Court's Mental Health Court Program and is able and willing to meet all criteria necessary to enter said program.

The Defendant has been advised of his/her Constitutional Rights by the undersigned attorney, and understands the requirement to waive certain of these rights in order to enter the program. The Defendant further understands that, should he/she not be accepted in the Mental Health Court Program for any reason, the case will be returned to the normal criminal justice system.

Wherefore, Defendant prays that the Court allow this defendant's participation in said Mental Health Court Program.

Attorney for Defendant

Print name

Address:

Telephone No. (____) _____

Fax No. (____) _____

Email _____

IN THE SUPERIOR COURT OF COBB COUNTY
MENTAL HEALTH COURT
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MENTAL HEALTH COURT CONTRACT

I, _____, understand that the validity of this agreement is conditioned upon my eligibility for the Mental Health Court Program. If at any time after the execution of this agreement it is discovered that I am ineligible to participate in the program, I may be immediately terminated from the program. In consideration of the agreement by the State to allow participation in this program in lieu of traditional prosecution of my charged offense(s), I hereby agree to the following (*please initial each*):

1. _____ I will complete each and every aspect of the Mental Health Program, which I understand involves a time commitment of eighteen (18) to twenty-four (24) months and which may be extended indefinitely due to treatment compliance or other factors.
2. _____ I understand that I must complete mental health treatment based on my particular needs and diagnosis. I will cooperate in an assessment/evaluation for planning an individualized treatment program. I understand that my treatment plan may be modified by the treatment providers or the Mental Health Court team as circumstances arise, and I agree to comply with the requirements of any such modifications.
3. _____ I will attend court sessions and treatment sessions, submit to random drug testing, and remain clean/sober and law-abiding during the entire course of this program. I agree to abide by the rules and regulations imposed by the Mental Health Court team and/or explained in the program handbook.
4. _____ I will attend the court ordered number of community based self- help meetings (such as, but not limited to, Alcoholics Anonymous, Narcotics Anonymous, or an approved alternative) each week and will submit proof of attendance as required.
5. _____ I will find and maintain a community-based self-help sponsor during all phases of Mental Health Court and will request my sponsor to contact the MHC on a regular basis. I understand that failure on the part of my sponsor to make such contact may result in increased attendance at self-help meetings or possible sanctions.
6. _____ I will comply with the policies, procedures, and instructions of staff members of Mental Health Court and the Community Services Board, including treatment providers at any assigned mental health treatment facility.

7. _____ I will take any and all medication as prescribed by a physician or psychiatrist. I will report any difficulties taking medication (side effects, etc.) to treatment staff immediately.
8. _____ I will keep the Mental Health Court team advised of all medications I am prescribed, and will immediately report any change in status. I will execute any release necessary to allow said team to gain information about my medications from my physician, psychiatrist, or pharmacist.
9. _____ I will inform any physician, psychiatrist, or pharmacist from who I seek any advice or treatment that I am a participant in Mental Health Court.
10. _____ I will be financially responsible for the program fee associated with participation in the Mental Health Court as defined in my individual Participant Fee Contract, and will submit financial disclosures required by the Mental Health Court team.
11. _____ I will be responsible for my own transportation, when not provided, and will appear on time for all Mental Health Court sessions, counseling sessions and meetings as required. I understand that lack of transportation is not an acceptable excuse to miss or be late for any Mental Health Court activity.
12. _____ I will truthfully reveal any past or present affiliation with any criminal street gang to Mental Health Court during the assessment. I understand that I may not participate in Mental Health Court if I am currently an affiliated gang member.
13. _____ I will maintain employment, volunteering, and/or schooling to the best of my ability while in Mental Health Court. If I am not involved in one of the above activities, I will use the MHC resources provided until such time as I meet this requirement.
14. _____ I will not possess, use, or ingest any drug, alcohol, or any substance which is designed to alter perception or mood, unless lawfully prescribed and approved by Mental Health Court staff, regardless of whether it is legal to possess or use such substance. I will not associate with people who use or possess such substances, nor will I knowingly be present while drugs, alcohol, or other such substances are being used by others.
15. _____ I will not possess or use any drug or alcohol paraphernalia, advertising, device, or media designed to facilitate, promote, encourage, or glamorize the use of drugs, alcohol, or perception or mood altering substances. I will not enter a place of business where the primary nature of the business is the sale or service of alcohol, even if I am of legal age to do so.
16. _____ I will submit to testing for the presence of illegal or non-prescribed drugs, alcohol, and perception or mood altering substances in my system on a random basis according to procedures established by the Mental Health Court team and/or treatment provider. I understand that I will be given a location and time to report for my drug test. I understand that it is my responsibility to report to the assigned location at the time given.
17. _____ I will not substitute, alter or try in any way to change my body fluids for purposes of testing. Attempts to alter UDS is grounds for termination.

18. _____ I understand that I will be held responsible for ingesting any substance which may affect drug tests. Before taking medication of any kind, I will take appropriate steps to ensure that it is non-addictive and contains no alcohol. I will seek permission for any and all medications, prescribed or over the counter, with Mental Health Court staff.
19. _____ I will submit to a drug or alcohol test at any time, by any police officer, treatment provider, Mental Health Court staff member, or at the request of the Court or any agency designated by the Court.
20. _____ I will avoid persons and places of disreputable or harmful character or knowingly associating with persons who violate the law.
21. _____ I will not violate the laws of any governmental unit during my participation in this program.
22. _____ I will inform any law enforcement officer with whom I come in contact that I am a participant in Mental Health Court, and will immediately report to Mental Health Court if I am arrested or issued a citation for any criminal offense by any law enforcement agency.
23. _____ I will not possess any weapons while I am in Mental Health Court. I will dispose of any and all weapons in my possession, and disclose the presence of any weapons possessed by anyone else in my household.
24. _____ I will maintain a stable residence within Cobb County at all times during my participation in this program. I will seek permission from the Mental Health Court team to change my residence. I will provide the MHC team my current address, telephone number, and employment or school status, and will immediately report any change in status.
25. _____ I will not leave the State of Georgia at any time, or stay overnight at a location other than my approved residence, during the course of the program without the prior permission of the Mental Health Court staff.
26. _____ I agree that if, in the reasonable opinion of a member of the Mental Health Court team or a treatment provider, I exhibit behaviors indicating a risk of harm to myself or others, the proper authorities and my next of kin may be notified of such behavior. I hereby waive any right of confidentiality I may have in such information under such circumstances.
27. _____ I understand that any right I may have to request that my criminal history record be restricted (what is commonly known as “expungement”) will be governed solely by O.C.G.A. §35-3-37, and that any request for such restriction must be filed in a separate proceeding. Nothing in this agreement shall guarantee any restriction on my criminal record, or limit my right to seek such restriction as allowed by law.
28. _____ I understand that this agreement is subject to future revisions, additions, and/or amendments, and that should my consent to such revision, addition, or amendment be required during my participation in this program, I will have the right to seek the advice of counsel.

I have read the above contract, or had it read to me, and I acknowledge that I understand all of its terms and conditions. **I understand that failure to comply with any of the conditions herein may result in a sanction up to and including termination from the program.** I have been given the opportunity to ask any questions which I may have. I hereby voluntarily enter into this agreement with the Cobb County Superior Court Mental Health Court Program.

Defendant's Signature

Date

Attorney for Defendant

Date

Assistant District Attorney

Date

Mental Health Court Judge

Date

TO BE COMPLETED BY DEFENSE COUNSEL *(please initial each):*

_____ I have explained the above information, along with the other application materials, to the defendant. I have explained the constitutional rights which the defendant hereby waives by submitting these materials.

_____ I believe that the defendant understands his/her constitutional rights and the consequences of entering this agreement.

_____ I believe (to the best of my professional knowledge and without rendering a medical opinion) that the defendant is competent to enter this agreement and does so freely and voluntarily.

Superior Court of Cobb County Mental Health Court

PROGRAM PARTICIPANT INFORMATION

Personal Information

Case Number: _____ Date: _____

Name _____ D.O.B. _____
First Middle Last

Name you go by: _____ County of Residence _____

Address _____
Street Apt# City State ZIP

Social Security # _____ - _____ - _____ Cell number: (____) _____ - _____

Marital Status _____ Home number: (____) _____ - _____

Children (number and ages) _____

Contact in case of Emergency _____
Name Relationship

Telephone: (Home): (____) _____ - _____ (Other): (____) _____ - _____

Employment

Employer _____

Address _____
Street Apt# City State ZIP

Telephone: (____) _____ - _____ Immediate Supervisor _____

How long at employer: _____ Rate of pay: _____ # of hours per week: _____

Insurance Information

Medicare Medicaid medication assistance (provide detail below)

Private provider: _____

Other: _____

Superior Court of Cobb County Mental Health Court

PROGRAM PARTICIPANT INFORMATION

References

Defendant Name: _____ Case No.: _____

Provide the requested information for at least 2 people who Mental Health Court staff may contact to verify the information contained in this application or to seek additional information. If Defendant will live with another person during participation in this program, that person must be included here.

Reference #1 _____
Name Relationship

Address _____
Street Apt# City State ZIP

Telephone: (____)_____-_____ If defendant lives with this person check here

Reference #2 _____
Name Relationship

Address _____
Street Apt# City State ZIP

Telephone: (____)_____-_____ If defendant lives with this person check here

Reference #3 _____
Name Relationship

Address _____
Street Apt# City State ZIP

Telephone: (____)_____-_____ If defendant lives with this person check here

I hereby give permission for Mental Health Court or Community Service Board staff members to contact the above individuals. I waive any right of confidentiality which may exist and I consent to these individuals discussing my living arrangements, mental health status, criminal charges, and any other information which may aid in assessing my eligibility for this program.

Defendant's Signature

Date



Superior Court of Cobb County

Mental Health Court

MEMORANDUM OF UNDERSTANDING CONCERNING ATTORNEY-CLIENT RELATIONSHIP IN MENTAL HEALTH COURT

I, _____, having requested to participate in the Cobb County Mental Health Court Program, understand that decisions concerning the administration of this program are made by a multi-disciplinary team which may include program administrators, treatment providers, probation officers, and attorneys representing both prosecution and defense, under the direction of the Mental Health Court judge. While attorneys, including prosecutors, take part in this process, the program does not operate under the traditional adversarial model of other court proceedings. Because of this, I understand and agree to the following:

- 1) Prior to my acceptance into the Mental Health Court Program, I have the right to be represented by an attorney, either one chosen and retained by me or one appointed by the Cobb County Circuit Defender's Office. This attorney can advise me, among other things, as to whether the Mental Health Court Program is an appropriate and beneficial alternative to the traditional criminal litigation process in my particular case.
- 2) After my acceptance into the Mental Health Court Program, the administrator of the Cobb County Circuit Defender's Office, or his designee, will act as the defense representative on the Mental Health Court Team. I will no longer have the right to have my previous attorney advise me regarding the decisions made by this team, including the imposition of sanctions where appropriate.
- 3) During my participation in this Program, the defense representative will act not as my attorney in the traditional sense, but as a member of the Mental Health Court team. As such, he or she will join in discussions and decisions regarding my participation in the program including, but not limited to, my advancement or non-advancement through the phases of the program and the imposition of sanctions for violations of the program's rules or contract.
- 4) The duties of the defense representative as a member of the Mental Health Court team may not be in my best interest if I have violated any provision of the Mental Health Court Program's rules or contract.

- 5) I will not have the right to have an attorney represent me individually at court appearances during my participation in the Mental Health Court Program or before the Mental Health Court team, even if the Court is considering whether to impose a sanction. Mental Health Court proceedings are not “critical stages of litigation” and therefore I do not have a right to be represented by an attorney during these proceedings. I understand that my case may be discussed, and sanctions (including incarceration) may be imposed, without my attorney or the prosecutor present.

- 6) Should the Mental Health Court team decide to recommend that the Court terminate my participation in the program due to a violation or violations of the program’s rules or contract, I will be entitled to be represented by an attorney, either one chosen and retained by me or one appointed by the Cobb County Circuit Defender’s Office. This attorney may then represent me individually in termination proceedings and in any subsequent litigation involving the disposition of my case outside the Mental Health Court Program.

I have read this document or had it read to me and have been given the opportunity to ask any questions I may have. I have been given the opportunity to discuss this document with my attorney and have sought his or her advice as to whether Mental Health Court would be beneficial for me, and I wish to be considered for participation in this program.

This the _____ day of _____, 20__.

Defendant

Print name

Attorney for Defendant

Print name



Superior Court of Cobb County Mental Health Court

CRIMINAL HISTORY CONSENT FORM

I hereby authorize the Cobb County Mental Health Court and/or Cobb County Sheriff's Office to receive any criminal history record information pertaining to me which may be in the files of any criminal justice agency of any state, or any local criminal justice agency in the state of Georgia. This authorization shall be effective at any time during my participation in the Mental Health Court program as well as at intervals of one, two, and five years after my completion of the program. I further give consent to the Mental Health Court team to view my juvenile criminal history for the purpose of assessment only. I understand that these records can not be used against me as an adult.

Full name printed

Address

City

State

Zip Code

Sex

Race

DOB

Social Security Number

Drivers' License Number

State

Participant's Signature

IN THE SUPERIOR COURT OF COBB COUNTY
MENTAL HEALTH COURT
STATE OF GEORGIA

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WAIVER OF FOURTH AMENDMENT RIGHTS

I, _____, having requested to participate in the Cobb County Mental Health Court Program, and in consideration of the agreement by the State to allow such participation in lieu of traditional prosecution of my charged offense(s), hereby state the following:

I understand that I have rights that protect me from unreasonable search and seizure.

I understand that these rights are guaranteed by the Fourth Amendment to the United States Constitution, as well as the Constitution of the State of Georgia.

I also understand that I can voluntarily give up these rights as part of an agreement to provide an alternative to traditional prosecution or incarceration.

As a condition of my participation in the Mental Health Court Program, I agree to the search of my person, property, place of residence, vehicle or personal effects at any time with or without a warrant, and with or without reasonable cause, when required by a probation officer, treatment staff, Mental Health Court staff, and/or any law enforcement officer at any time during my participation in this program. I hereby give permission for such individuals to remove, forcibly if necessary, any locks or other hindrances which may prevent access to such places and property for the purpose of any such search. I consent to the use of any evidence seized during such a search in any prosecution that may arise from said search.

This the _____ day of _____, 20____.

Defendant

Attorney for Defendant

IN THE SUPERIOR COURT OF COBB COUNTY
MENTAL HEALTH COURT
STATE OF GEORGIA

THE STATE OF GEORGIA

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WAIVER OF RIGHTS

I, _____, understand that I am guaranteed by the United States and Georgia Constitutions the following rights:

1. A speedy trial;
2. A trial by jury;
3. The right to confront the witnesses against me;
4. The right not to incriminate myself or give any information which could be used against me,
5. The right to call witnesses and present evidence on my own behalf, and to use the power and process of the court to compel the attendance of such witnesses and evidence,
6. The right to have an attorney represent me at all stages of criminal process,

and that as a condition of acceptance into, and participation in, the Mental Health Court Program, I expressly waive (that is, give up) those rights.

I also understand that if I am not accepted in the program, my waiver of the rights listed above will also be withdrawn and I may petition the court for a speedy trial. Any statements given by me as part of the Mental Health Court assessment process will not be used against me.

This the _____ day of _____, 20____.

Defendant

Attorney for Defendant



Superior Court of Cobb County

Mental Health Court

DRUG SCREEN POLICY

I understand that if I test positive for drugs or alcohol at the time of my assessment, it will not be held against me because this screen is used to help determine eligibility for the Mental Health Court Program. However, I understand and agree that if I use drugs and/or alcohol at any time after the assessment, even prior to my acceptance or orientation into the program, I will receive a sanction which may include jail or termination from the program. I agree to read and abide by the drug screening procedures explained in these materials or by any member of the Mental Health Court team.

I understand that if my urine drug screen indicates a positive result for any illegal or non-prescribed drug or alcohol, based on any testing method approved by the Court, at any time while in the program, I will receive a sanction. I understand that the Court will not conduct any evidentiary hearing to allow me to contest such a result and that I will not be allowed to submit any separate results from any other laboratory or testing process. I understand that I will be given the opportunity to request a confirmatory test at my own expense; however I also understand that *should such testing confirm the positive result my sanction will be increased.*

I understand that if I test positive on any alcohol and/or drug test, and the result is obtained while I am present at any court or treatment facility, then I will not be allowed to operate a motor vehicle. I will immediately surrender my automobile keys to staff and call someone for a ride home.

I understand that if I miss, or arrive more than 30 minutes late for, any scheduled drug screen, the test will be presumed to be positive. I understand that any sample which does not contain a sufficient volume of liquid for testing, or which is dilute (that is, which contains a concentration of creatinine less than 20 mg/dl), will be deemed inadequate for testing, and the test will be presumed to be positive. I further understand that, for any such presumed positive test, I will receive a sanction which may include incarceration or termination from the program.

Participant's Signature

Date

Print name



Superior Court of Cobb County

Mental Health Court

CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION

I, _____, hereby consent to communication, within or outside my presence, regarding my medical, psychological, or substance abuse history among any of the following individuals: any physician, psychiatrist, or psychologist designated by the Mental Health Court treatment providers, the Mental Health Court judge, any prosecutor designated by the District Attorney, any attorney designated by me or by the Cobb County Circuit Defender's Office, any member of the Mental Health Court team, and any evaluator or counselor designated by the Mental Health Court treatment providers. I understand and agree that the purpose and need for this disclosure is to assist the Court in evaluating and determining my eligibility to participate in the Mental Health Court program as well as my prognosis, compliance and progress in accordance with Mental Health Court criteria. I hereby agree to hold such individuals harmless and relieve and release such individuals from any and all liability regarding any such communication.

This consent extends only to that communication which is necessary for and pertinent to hearings and/or reports concerning my specific Mental Health Court case. Recipients of this information may not re-disclose it except in connection with my Mental Health Court treatment and then only with my written consent, except as permitted by federal law and rules, including but not limited to bona fide medical emergencies, valid court orders, and when there is a suspicion of a danger to others (including suspicion of child abuse or neglect).

Any information obtained through this release is for the exclusive use of the individuals described above. All documents generated by this release shall be kept separate and apart from my court file.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Mental Health Court, and/or a formal discontinuation of court proceedings regarding my case.

Participant's Signature

Date

Print name



Superior Court of Cobb County

Mental Health Court

FRATERNIZATION RULES

The following rules apply to participants in any of the Cobb County Accountability Court programs (Drug Treatment Court, Intermediate Drug Treatment Court, Mental Health Court, and Veterans Accountability and Treatment Court). “Participant,” as used below, shall apply to any participant in any of said programs.

I, _____, having requested to participate in the Cobb County Mental Health Court Program (“MHC”), understand and agree to the following:

1. Any sexual involvement with any participant, current or former member of Accountability Court staff or drug lab is prohibited under any circumstances. In addition to physical contact, this includes any communication of a sexual nature by phone, internet, social media, or otherwise. Participants shall not exchange or display sexually explicit photographs amongst themselves or with current or former members of any Accountability Court staff or the drug lab.
2. Romantic relationships with another participant, or current or former member of any Accountability Court staff is prohibited. Contact between participants and current or former staff of a romantic nature, or that is intended to encourage a romantic or “dating” relationship, is not allowed. This includes physical contact as well as any communication by phone, internet, social media, or otherwise.
3. Social contact between participants of a non-romantic, non-sexual nature may, in some cases, be a beneficial part of the recovery process, and is therefore not prohibited. However, any social contact between participants outside of a treatment or court setting must be disclosed to treatment staff at the earliest opportunity. Relationships of any sort that are shown to be harmful to a participant’s recovery process may not be compatible with the participant’s treatment plan, and will be addressed by the treatment staff and, if necessary, the court.
4. Participants must avoid persons and places of disreputable or harmful character. This includes, but is not limited to, avoiding romantic relationships with convicted felons.
5. Participants may not be employed by the same employer or work together, whether paid or unpaid, without prior approval of the court.
6. Participants may not provide transportation for one another, give or loan each other money or items of value, or perform services for one another without prior approval of the court.

I have read this document or had it read to me and have been given the opportunity to ask any questions I may have. I hereby agree to abide by the above rules as a condition of my participation in the Mental Health Court Program. I understand that any violation of these rules may result in a sanction up to and including termination from the program.

Participant’s Signature

Date

Print name



Superior Court of Cobb County Mental Health Court

DISCHARGE POLICY

I understand that, once I have been accepted into this program, I will remain a participant in this program and be subject to all rules and requirements until I am discharged by the entry of a written order of the Mental Health Court judge, my completion of certain phase requirements or participation in exit interviews or completion ceremonies notwithstanding. I understand that a discharge order will only be entered in the event of: 1) successful completion of the program, 2) termination from the program by order of the Court, or 3) withdrawal by permission of the Mental Health Court judge. I understand that I will not at any time have the option to unilaterally withdraw from the program, even if I am facing a sanction.

I further understand that my graduation from this program will be contingent upon the results of a final urine drug screen which will be administered on the day of my scheduled completion. I understand that a positive result on this test may lead to a sanction, including termination, or to my return to active treatment.

Participant's Signature

Date

Print name

