

IN THE COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA
CRIMINAL

IN RE:)
)
ADOPTION OF MENTAL HEALTH) No. MD-129-2017
DIVERSION PROGRAM POLICY)

AMENDED ORDER

AND NOW, this 21st day of June, 2017, IT IS HEREBY ORDERED that the Court
adopts the attached Mental Health Diversion Program Policy.

BY THE COURT:



P.J.

cc: Office of District Attorney
President Judge Craig P. Miller
Judge Michael F. Salisbury
Senior Judge J. Michael Williamson
Magisterial District Judge Joseph L. Sanders, III
Magisterial District Judge John W. Maggs
Magisterial District Judge Frank P. Mills
Members of the Clinton County Bar Association
Clinton County Sheriff
Clinton County Adult Probation Services
Clinton County Correctional Facility
Court Administrator

2017 JUN 21 AM 11:34
MARIE J. VIELLO
CLINTON COUNTY, PA
PROTHONOTARY & CLERK

FILED

MENTAL HEALTH DIVERSION PROGRAM POLICY

1. Eligibility

Defendants who have a history of mental illness and have committed a criminal offense or when the commission of the offense is directly related to mental illnesses. Exceptions may be granted upon approval of a Judge of the Court of Common Pleas.

2. Purpose

The program is designed to place Defendants who are accused of criminal charges and are suffering from a mental illness into treatment quickly. This will hopefully end any ongoing criminal behavior and treat the applicable issues while still fresh from the incident.

3. Criminal Proceedings

Defendants charged with a criminal offense as a result of a mental illness shall make application to the Office of District Attorney to be accepted into the program on or before the first appearance in Central Court. The Office of District Attorney, Victim/Witness Coordinator and Magisterial District Judge must approve the placement of Defendant into the program. Upon approval, if charged with a misdemeanor or felony, Defendant must waive Defendant's right to Defendant's preliminary hearing and sign conditions for diversion program. Upon approval, if charged with a summary offense, Defendant must request the proceeding be continued at the Office of the appropriate Magisterial District Judge.

The approved application and signed conditions must be forwarded by the Office of District Attorney to a Judge of the Court of Common Pleas who shall issue an Order

indicating Defendant has been accepted into the Program. A copy of the Order shall be forwarded by the Clerk of Courts to the Office of Adult Probation which shall be responsible to move forward with the needed treatment and evaluations for Defendant.

4. Terms and Conditions

Upon application and acceptance into the program, Defendant will be subject to the following terms and conditions:

- (a) Report as instructed and remain in contact with the Forensic Case Manager and Adult Probation Officer;
- (b) Obey the law;
- (c) Submit to a mental health evaluation and/or drug and alcohol evaluation as deemed necessary by the Forensic Case Manager or other designated representative of the Clinton-Lycoming Mental Health/Intellectual Disabilities Office; **570-748-2262**
- (d) Attend all appointments for any outpatient mental health and/or drug and alcohol treatment as recommended by the Forensic Case Manager or other designated representative of the Clinton-Lycoming Mental Health/Intellectual Disabilities Program;
- (e) Take all medication currently prescribed by a psychiatrist and any medication prescribed by a psychiatrist in the future during the term of this program;
- (f) Obey the directions of any Adult Probation Officer;
- (g) Submit to drug and alcohol testing at the request of any service provider and/or the Office of Adult Probation;
- (h) Pay all costs associated with the above services, no court costs will be assessed against Defendant;

- (i) Special conditions imposed by the Court, the Magisterial District Judge and/or the Office of Adult Probation;
- (j) Appear at all court appearances; and
- (k) Pay any restitution directed by the Office of Adult Probation department.

5. If Defendant successfully completes all requirements of the program, upon application to the Court of Common Pleas, the criminal charge(s) will be dismissed, court costs will be remitted, and Defendant shall have the right to have the record expunged.

The District Attorney may maintain a record of those placed into this program to utilize in determining a Defendant's future eligibility for this program.

6. If Defendant has not completed the program within six (6) months of the date of the Order placing Defendant into said program or violates any condition of the program, the Office of Adult Probation shall notify the Court and a status hearing shall be scheduled.

**APPLICATION FOR MENTAL HEALTH
DIVERSION PROGRAM**

MDJ Docket #: _____ Criminal Docket #: _____ OTN: _____

Criminal Charge(s): _____

ANSWER ALL QUESTIONS

Name: _____ Age: _____ Date of Birth: _____

Address: _____

Phone (home): _____ Phone (cell): _____ S.S. #: _____

Place of Employment: _____ Medical Insurance: Yes or No

Are you currently on Probation/Parole? _____ State or County: _____ In Jail? _____

Attorney name: _____ Phone: _____

Mental Health Issues/Diagnosis: _____

Physician: _____ Medications: _____

Caseworker: _____ Who referred you to this program? _____

Drug User: Yes or No Drug Choice: _____ Length of Use: _____

Alcohol User: Yes or No Frequency: _____ Length of Use: _____

Are you currently attending counseling (MH or D&A) or involved in any programs? Yes or No

If Yes, list agency: _____

VERIFICATION

I hereby verify that all answers contained herein are true and correct to the best of my information, knowledge and belief, and that false statements contained herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Signature of Applicant

Date

DISTRICT ATTORNEY RECOMMENDATION

Recommended: Yes or No

Not Recommended (Why?):

Comments:

District Attorney

Date

VICTIM RECOMMENDATION

Recommended: Yes or No

Not Recommended (Why?):

Comments:

Victim/Witness Coordinator

Date

JUDICIAL ACTION

Approved or Denied

COMMENTS:

Judge

Date

MENTAL HEALTH DIVERSION PROGRAM

Upon agreement of the District Attorney, Victim/Witness Coordinator, Defendant, and approval of the Court, the Defendant must abide by the following conditions:

1. Report as instructed and remain in contact with the Forensic Case Manager and Clinton County Probation Officer.
2. Obey the law.
3. Submit to a mental health evaluation and/or drug and alcohol evaluation as deemed necessary by the Forensic Case Manager or other designated representative of the Clinton County Mental Health/Intellectual Disabilities Office. 570-748-2262
4. Attend all appointments for any outpatient mental health and/or drug and alcohol treatment as recommended by the Forensic Case Manager or other designated representative of the Clinton-Lycoming Mental Health/Intellectual Disabilities Program.
5. Take all medication currently prescribed by a psychiatrist and any medication prescribed by a psychiatrist in the future during the term of this program.
6. Obey the directions of any Adult Probation Officer.
7. Submit to drug and alcohol testing at the request of any service provider and/or the Adult Probation Office.
8. Pay all costs associated with the above services.
9. Pay any restitution directed by the Office of Adult Probation department.
10. Special conditions imposed by the Court, the Magisterial District Judge and/or the Adult Probation Office:

11. Appear at all court appearances.

Upon satisfactory completion of the above conditions and any required treatment, Defendant and/or Defendant's attorney must submit appropriate documentation to the Court, along with a Petition to Dismiss the Criminal Charge(s), to Remit all Costs and Expunge the Record.

District Attorney

Date

Victim / Witness Coordinator

Date

Defendant

Date

Defense Attorney

Date

Magisterial District Judge

Date