



State of Florida
Department of Children and Families

Rick Scott
Governor

Mike Carroll
Secretary

DATE: September 9, 2016

TO: Region SAMH Directors and Managing Entity Contract Managers

THROUGH: John N. Bryant, Assistant Secretary
Substance Abuse and Mental Health

FROM: Wendy Scott, Director
Mental Health Treatment Facilities

SUBJECT: Ensuring Forensic Case Managers are Attending Court

The requirement for forensic case managers to attend court hearings is critical for resident success, especially in situations where individuals are released directly from the hearing, which can occur unexpectedly. Case manager presence and support in the court is paramount.

It has come to our attention that there may be inconsistencies with attendance at court hearings by forensic specialists or community forensic case managers. This is especially concerning regarding continuity of care for forensic residents from our mental health treatment facilities that do not have their case managers in court to offer assistance with treatment and services, should they be released to the community. This can leave individuals alone and vulnerable, and increase the possibility of recommitment. We are requesting your assistance in ensuring each Region's Managing Entity is monitoring case management attendance at court hearings.

The following are references to court attendance and continuity of care requirements

- **Children and Families Operating Procedure 155-18, Guidelines for Conditional Release Planning for Individuals Found Not Guilty By Reason of Insanity or Incompetent to Proceed Due to a Mental Illness:** Community provider responsibilities for forensic individuals are listed in the Forensic Services Model in Appendix A of the policy. Specifically, item 5 stipulates that the Managing Entities ensure their provider staff:
 - Attend all scheduled court hearings involving individuals with mental illnesses adjudicated or at risk of being adjudicated Incompetent to Proceed or Not Guilty by Reason of Insanity, including the determination of competency hearings;
 - Be prepared at the hearing to discuss alternative dispositions; and

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Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

- Notify the Forensic Coordinator, in a timely manner, when unable to attend a court hearing.
- **CFOP 155-22, Leave of Absence and Discharge of Residents Committed to a State Mental Health Treatment Facility Pursuant to Chapter 916, F.S:**
 - Section 5.f. requires that to ensure continuity of care, the forensic specialist or forensic case manager monitor individuals on Leave of Absence (LOA) status, attend any court hearings and report status changes to the forensic or civil mental health treatment facility recovery team and forensic coordinator. The forensic specialist or forensic case manager must ensure that residents released by order of the court while on LOA status are assigned to a case manager and linked to appropriate community-based services upon release from the jail.
 - Section 8.c.(2) states that the forensic specialist or forensic case manager must check the resident's status while in jail, arrange competency restoration services, if available, to assist the resident in maintaining competency, assist to assure needed psychiatric treatment (medication) is continued while in jail, attend court hearings, and follow the resident's case through to disposition. If the resident is released from jail to the community, the forensic specialist or forensic case manager must make sure the resident is assigned a community case manager, is linked to appropriate community-based services and recommended services are received after discharge.
- **Contract Exhibit C:** Section C-1.3.2 incorporates all guidance documents into contracts, including:
 - **Incorporated Document 7:** Forensic and Civil Treatment Facility Admission and Discharge Processes. This document stipulates that the ME shall require its Network Service Providers to abide by CFOP 155-22 and CFOP 155-18. The policies require the ME have sufficient and specific Network Service Providers designated as Forensic Specialists, assist with discharge planning, locate appropriate community placements in a timely manner and arrange for needed aftercare services, attend court hearings, monitor individuals on leave of absence from the facilities, etc.

We would appreciate your support in communicating this request to the Managing Entities, to ensure monitoring and compliance with the aforementioned requirements to have network provider staff attend the court hearings of forensic individuals.