

# State of Michigan

JENNIFER L. WHITTEN  
PRESIDING JUDGE



KRISTYN BRENDL  
FAMILY COURT ADMINISTRATOR

## Thirteenth Judicial Circuit Court Grand Traverse County Family Division

Administrative Order 2022-05

Rescinds previous Administrative Order 2011-1

### **ORDER FOR THE ESTABLISHMENT OF A JUVENILE MENTAL HEALTH COURT PROGRAM**

#### **IT IS ORDERED:**

This administrative order is issued in accordance with MCL 600.1090, *et seq.* The purpose of this order is to establish a mental health court program (MHC) in the 13<sup>th</sup> Circuit Court Family Division to service Grand Traverse County upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the *10 Essential Elements of a Mental Health Court* promulgated by the Bureau of Justice Assistance (see attachment A).

1. The court has entered into a memorandum of understanding with each participating county prosecuting attorney in the circuit or district court, a representative or representatives of the community mental health services program(s), a representative of the criminal defense bar, and a representative or representatives of community treatment providers and other key parties pursuant to MCL 600.1091. The memorandum of understanding describes the role of each party and is attached (Attachment B).
2. A multidisciplinary group of stakeholders participated in the planning and program design of the mental health court.
3. Team members have familiarized themselves with the operations of an existing mental health court(s) and cross-trained between mental health and judicial systems.
4. The MHC has established eligibility criteria that are consistent with MCL 600.1093 through MCL 600.1095. Criteria, both legal and clinical, are clearly defined for admission.
5. In compliance with MCL 600.1093(3), no participant will be admitted until a complete preadmission screening and an evaluation assessment are completed. Policies that facilitate timely participant identification, referral, and admission into the mental health court have been developed.

**ROBERT P. GRIFFIN HALL OF JUSTICE**  
280 WASHINGTON STREET, TRAVERSE CITY, MI 49684

**ADMINISTRATION**  
SUITE 202  
231-922-4640

**JUVENILE PROBATION**  
SUITE B106  
231-922-4650

**VOLUNTEER SERVICES**  
SUITE B150  
231-922-4827

6. All participants will sign a written agreement to participate in the program in conformance with MCL 600.1094(1)(c). Policies and procedures describing the program length, level of supervision, treatment plan development, requirements for successful completion, expulsion criteria, case disposition whether successful or unsuccessful completion of the program, sanctions, incentives, and other key program components are developed and will be explained to eligible participants as part of the terms of participation.
7. The MHC will provide consistent and close monitoring of the participant as required by MCL 600.1096. Policies and procedures on the methods and frequency in which the responsible individuals will monitor participant compliance with the program requirements have been developed.
8. The court will maintain case files in compliance with Retention and Disposal Schedule General Schedule #15 Circuit Court, the Michigan Trial Court Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of mental health court records.
9. Pursuant to MCL 600.1099, the coordinating court will provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the mental health court.
10. The court will use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO.

#### ELIGIBLE PARTICIPANTS:

A representative from the court, with permission from the appropriate prosecuting authority, shall refer qualified individuals for participation in the program. The criteria for entrance into the program shall be:

- a. A mental health diagnosis or a pending assessment for mental health diagnosis;
- b. At least 10 and not more than 17 years of age;
- c. Resident of Grand Traverse County;
- d. Juvenile's parent(s) or guardian(s) must agree in writing to participate and cooperate with the program;
- e. Juvenile must acknowledge in writing a willingness to take medication;
- f. Juvenile and juvenile's parent(s) or guardian(s) must have the capacity to understand the requirements of the Juvenile Mental Health Court program;
- g. The juvenile must cooperate with and complete a preadmission screening and evaluation assessment and shall submit to any future evaluation assessment as directed by the Juvenile Mental Health Court;
- h. Juvenile must not post an unacceptable risk of harm to the Juvenile Mental Health Court staff and team members, participants, themselves, or the community.

- i. The appropriate prosecuting authority must approve the request for entry into the program.

#### ELIGIBLE OFFENSES:

The offenses eligible for selection to the program shall include felonies and misdemeanors (both pre and post adjudication with the approval of the appropriate prosecuting authority). In no case shall a violent offender be admitted into the program. All specified juvenile violations listed in MCL 712A2d shall be excluded from the program.

#### PROCEDURE:

- a. The Program Coordinator for the Court will partner with local mental health service agencies/providers, probation staff, legal counsel and the prosecuting attorney's office to identify eligible participants for the program.
- b. If eligible, upon acceptance of a responsible plea, the case will be referred to the Juvenile Mental Health Court Program. If the participant successfully completes the program, the case will be dismissed pursuant to the protocol as set forth in this order. If the juvenile does not successfully complete the program, the case shall be referred back to the formal probation docket for further review.
- c. Prior to disposition, the Court shall determine if the juvenile and his/her parent(s) or guardian(s) are willing to participate in mental health treatment. If the individual and his/her parent(s) or guardian(s) are willing to participate in the program, the program coordinator will contact the appropriate prosecuting authority to request entry into the program. The appropriate prosecuting authority shall review all referred cases and agree to the individuals' participation in the program. In addition, the juvenile probation officer shall signify his/her approval by signing the contract. No cases shall be accepted into the Juvenile Mental Health Court program without the agreement of both the prosecuting attorney's office and the juvenile probation officer.
- d. If a juvenile and his/her parent(s) or guardian(s) are willing to participate in the Juvenile Mental Health Court program they will sign an agreement with the Court that defines the program requirements, enter a plea of responsible to the allegations, and consent to an order for mental health treatment. If the juvenile and the juvenile's parent(s) or guardian(s) are not willing to participate in the program, the case shall continue in the normal fashion in the Family Division of the 13<sup>th</sup> Circuit Court. The program coordinator shall notify the Court in writing of non-compliance on the part of the juvenile. If the juvenile and his/her parent(s) or guardian(s) do not comply with treatment after signing the agreement and entering a plea, the case will be referred back to the formal probation docket within 14-21 days of the notice of non-compliance being filed with the Court.
- e. The juvenile must acknowledge in writing a willingness to take medication; the juvenile and the juvenile's parent(s) or guardian(s) should not have a serious emotional or

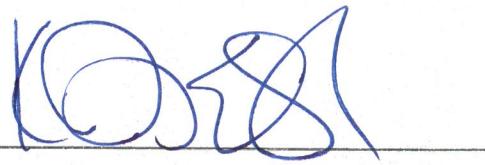
cognitive impairment that would interfere with the ability to successfully participate and comply with Juvenile Mental Health Court programming and expectations.

- f. The Court shall require the following as a condition of probation: the juvenile and his/her parent(s) or guardian(s) shall attend all treatment services and appear in court as ordered on a regular basis. The juvenile and his/her parent(s) or guardian(s) shall comply with any additional conditions of probation the Court may require.
- g. The juvenile's case will be monitored for compliance for a period of at least 9 months. If the juvenile successfully completes the program, the charges shall be dismissed.
- h. The Court will report the conviction and final outcome of the case as required by statute and court rule. The Court will restrict access to treatment records and communications as set forth in the State Court Administrative Office Non-Public and Limited Access to Court Records Chart.
- i. The Court has established procedures to ensure substantial compliance with Part 2 of Title 42 of the Code of Federal Regulations, and the Health Insurance Portability and Accountability Act (HIPAA) to safeguard the confidentiality of participants' medical records.
- j. Each team member and their roles are described in the Memorandum of Understanding.
- k. Funding sources and local treatment service resources have been identified as part of the plan for sustaining the Juvenile Mental Health Court. The plan also includes the collection of data for SCAO to use in conducting a process and outcome evaluation that may be used to demonstrate the effectiveness of the program and thereby secure future funding.

Date:

6/6/2022

Chief Judge Signature:



## ATTACHMENT A

### **The 10 Essential Elements of a Mental Health Court**

#### **Essential Element #1 – Planning and Administration**

A broad-based group of stakeholders representing the criminal justice, mental health, substance abuse treatment, and related systems and the community guides the planning and administration of the court.

#### **Essential Element #2 – Target Population**

Eligibility criteria address public safety and consider a community's treatment capacity, in addition to the availability of alternatives to pretrial detention for defendants with mental illnesses. Eligibility criteria also take into account the relationship between mental illness and a defendant's offenses, while allowing the individual circumstances of each case to be considered.

#### **Essential Element #3 – Timely Participant Identification and Linkage to Services**

Participants are identified, referred, and accepted into mental health courts, and then linked to community-based service providers as quickly as possible.

#### **Essential Element #4 – Terms of Participation**

Terms of participation are clear, promote public safety, facilitate the defendant's engagement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community, and provide for positive legal outcomes for those individuals who successfully complete the program.

#### **Essential Element #5 – Informed Choice**

Defendants fully understand the program requirements before agreeing to participate in a mental health court. They are provided legal counsel to inform this decision and subsequent decisions about program involvement. Procedures exist in the mental health court to address, in a timely fashion, concerns about a defendant's competency whenever they arise.

#### **Essential Element #6 – Treatment Supports and Services**

Mental health courts connect participants to comprehensive and individualized treatment supports and services in the community. They strive to use—and increase the availability of—treatment and services that are evidence-based.

#### **Essential Element #7 – Confidentiality**

Health and legal information should be shared in a way that protects potential participants' confidentiality rights as mental health consumers and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services should be safeguarded in the event that participants are returned to traditional court processing.

#### **Essential Element #8 – Court Team**

A team of criminal justice and mental health staff and service and treatment providers receives special, ongoing training and helps mental health court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process.

**Essential Element #9 – Monitoring Participant Progress**

Criminal justice and mental health staff collaboratively monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery.

**Essential Element #10 – Sustainability**

Data are collected and analyzed to demonstrate the impact of the mental health court, its performance is assessed periodically (and procedures are modified accordingly), court processes are institutionalized, and support for the court in the community is cultivated and expanded.

## ATTACHMENT B

### Memorandum of Understanding

This is an understanding between the Grand Traverse County Prosecuting Attorney; 13<sup>th</sup> Circuit Court-Family Division and their probation department; [name of defense counsel representative], defense counsel representative; CMH and private treatment providers; and the juvenile mental health court judge and program coordinator.

#### Purpose

The purpose of this Memorandum of Understanding (MOU) is to describe duties and allocate responsibilities for members of the juvenile mental health court team. The MOU also establishes team member responsibilities and requirements for maintaining compliance with the federal law of confidentiality (42 CFR, Part 2), the Health Insurance Portability and Accountability Act (HIPAA, 45 CFR, Parts 160 and subparts A and E of Part 164), and the Michigan Juvenile Mental Health Court Statute (MCL 600.1099b600.1099m).

#### Terms/Definitions

1. **Participant:** Any person referred to the juvenile mental health court, currently being screened as a candidate for juvenile mental health court (including those who are ultimately denied entry to the program), currently participating in juvenile mental health court, or someone who has been discharged from the juvenile mental health court.
2. **Policies and Procedures Manual:** A policy and procedure manual documents program policies and procedures designed to influence and determine all major decisions and actions, and all activities that take place within the boundaries set by them. Procedures are the specific methods employed to express policies in action in day-to-day operations of the organization.
3. **Redisclosure:** The act of sharing or releasing health information that was received from another source (e.g., external facility or provider) and made part of a patient's health record or the organization's designated record set.
4. **Stakeholders:** A person, group or organization that has interest or concern in an organization.
5. **Treatment services:** Any services provided by a licensed clinician or by an employee of an agency providing therapeutic services for substance use disorder, mental health, or developmental disabilities.
6. **Waiver:** The "voluntary relinquishment of a known right." (Kelly v Allegan Circuit Judge, 1969)

### **Goals and Mission of the Juvenile Mental Health Court**

1. The above parties agree to share the following vision for the juvenile mental health court:
  - A. Enhance the quality of life throughout Grand Traverse County.
  - B. Provide leadership through innovative services.
  - C. Continuously improve services.
  - D. Achieve program goals through teamwork.
  - E. Reduce criminal behavior and decrease incarceration of the mentally ill.
  - F. Ensure each component of the juvenile mental health court is met and in compliance with federal confidentiality law requirements.
2. We endorse the goals and mission of the juvenile mental health court in order for participants to eliminate future criminal behavior and improve the quality of their lives. For this program to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission, challenge, and vision of the juvenile mental health court.
3. We agree that the mission of the juvenile mental health court shall be to successfully link those with a serious mental illness, serious emotional disturbance, or a developmental disorder to the appropriate treatment services while maintaining public safety and reducing recidivism.
4. We agree to the following challenge of the juvenile mental health court: Engage those with a serious mental illness, serious emotional disturbance, or a developmental disability involved in the criminal justice system in a continuum of treatment services and provide them with appropriate intervention through treatment, rehabilitative programming, reinforcement, and monitoring.

### **Guiding Principles of the Juvenile Mental Health Court**

1. The program shall adhere to the 10 essential elements of a mental health court:
  - A. Develop a broad-based group of stakeholders to guide the administration of the program.
  - B. Develop eligibility criteria that addresses public safety and the community's treatment capacity, and target individuals whose mental illness is related to their crime and meet both clinical and legal criteria for admission.

- C. Identify and link participants in a timely manner to the appropriate treatment services.
- D. Promote positive legal outcomes by well-defined terms of participation that facilitate engagement in treatment that corresponds to the level of risk to the community.
- E. Address competency issues in a timely fashion when they arise and provide legal counsel to assist with admission and program requirements.
- F. Provide comprehensive and individualized treatment while striving to utilize evidence-based services.
- G. Protect participants' health and legal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA) and Part 2 of 42 CFR while making information available to the court team.
- H. Maintain a court team that is comprised of court, criminal justice, and mental health staff, along with treatment and service providers who maintain ongoing specialized training. The team is responsible for assisting a participant to achieve their goals.
- I. Collaboratively monitor program requirements while offering graduated incentives and sanctions to modify behavior.
- J. Periodically evaluate the program's functioning and effectiveness to ascertain local support by reviewing data that is collected.

2. The program shall comply with the 7 common characteristics of a juvenile mental health court published by Policy Research Associates, including all of the following:

- A. Regularly scheduled special docket.
- B. Less formal style of interaction among court officials and participants.
- C. Age-appropriate screening and assessment for trauma, substance use, and mental disorder.
- D. Team management of a participant's treatment and supervision.
- E. System-wide accountability enforced by the juvenile mental health court.
- F. Use of graduated incentives and sanctions.
- G. Defined criteria for program success.

#### **Roles of the Parties of the Juvenile Mental Health Court**

The roles of the parties are as follows:

1. Juvenile mental health court judge:
  - A. Serve as the leader of the team.
  - B. Attend staffing meetings and preside over status review hearings.
  - C. Engage the community to generate local support for the juvenile mental health court.
  - D. Communicate with the participants in a positive manner and make final decisions regarding incentives and sanctions, and program continuation.
  - E. Consider the perspective of all team members before making final decisions that affect participants' welfare or liberty interests, and explain the rationale for such decisions to team members and participants.
  - F. Rely on the expert input of duly trained treatment professionals when imposing treatment related conditions on the participants.
  - G. Provide program oversight and ensure communication and partnership with treatment.
  - H. On an annual basis, attend current training events on legal and constitutional issues in mental health courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and/or community supervision.
2. Prosecuting attorney:
  - A. Provide legal screening of eligible participants.
  - B. Attend staffing meetings and review hearings and provide input on incentives and sanctions for participants.
  - C. Represent the interests of the prosecutor and law enforcement.
  - D. Provide feedback, suggestions, and ideas on the operation of the juvenile mental health court.
  - E. Advocate for public safety.
  - F. Advocate for victim interest.
  - G. Hold participants accountable for meeting their obligations.
  - H. If a plea agreement is made based on completion of the program, complete appropriate court documents for resultant modification(s) upon participant's successful completion of the program (reduced charge, nolle prosequi, etc.).

- I. May help resolve other pending legal cases that impact participants' legal status or eligibility.

3. Probation officers:

- A. Attend staffing meetings and review hearings and provide input on incentives and sanctions for participants.
- B. Share information as necessary, and in compliance with 42 CFR and HIPAA, to appraise participants' progress in, and compliance with, the conditions of juvenile mental health court.
- C. Provide probation oversight for all program participants.
- D. Work with the program coordinator in supervising and monitoring the individuals in the program.
- E. Prepare presentence reports and perform drug and alcohol tests as needed.
- F. Schedule probation violations or show cause hearings for participants who have violated the program rules.
- G. On an annual basis, attend current training events on legal and constitutional issues in mental health courts, evidence-based substance abuse and mental health treatment, behavior modification, and/or community supervision.
- H. Provide feedback, suggestions, and ideas on the operation of the juvenile mental health court.

4. Defense counsel representative:

- A. Attend staffing meetings and review hearings and provide input on incentives and sanctions for participants.
- B. Ensure that defendants' procedural and due process rights are followed.
- C. Ensure that the participant is treated fairly and that the juvenile mental health court team follows its own rules.
- D. Provide feedback, suggestions, and ideas on the operation of the juvenile mental health court.

5. Project coordinator:

- A. Attend staffing meetings and provide input on incentives and sanctions for participants.

- B. Share information as necessary, and in compliance with 42 CFR and HIPAA, to appraise participants' progress in, and compliance with, the conditions of juvenile mental health court.
- C. Arrange for additional screenings of persons aside from the prosecutor's legal screening.
- D. Answer inquiries from defense attorneys on possible eligibility.
- E. Enter data into the DCCMIS system.
- F. Liaison with treatment providers, probation, and residential treatment facilities.
- G. On an annual basis, attend current training events on legal and constitutional issues in mental health courts, evidence-based substance abuse and mental health treatment, behavior modification, and/or community supervision.
- H. Ensure that new team members are provided with a formal training within three months of joining the team on the topics of confidentiality, and his or her role on the team. Ensure that the new team member is also provided with copies of all program policy and procedure manuals, the participant handbook, and a copy of all current memoranda of understanding.

6. Mental health services providers:

- A. Attend staffing meetings and review hearings and provide input on incentives and sanctions for participants.
- B. Share information as necessary, and in compliance with 42 CFR and HIPAA, to appraise participants' progress in treatment and compliance with the conditions of juvenile mental health court.
- C. Conduct assessments to determine program eligibility, appropriate treatment services, and progress in treatment.
- D. Report on attendance and progress of participants in treatment services.
- E. Manage delivery of treatment services.
- F. Administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes.
- G. Provide clinical case management.
- H. Offer insights and suggestions on the treatment plans of individuals in the program.

- I. On an annual basis, attend current training events on legal and constitutional issues in mental health courts, evidence-based substance abuse and mental health treatment, behavior modification, and/or community supervision.
- J. Enter data into the DCCMIS system, as required.
- K. Provide feedback, suggestions, and ideas on the operation of the juvenile mental health court.

#### **Deferrals, Delays, and Deviation from Sentencing Guidelines**

The prosecutor must approve an individual's admission into the juvenile mental health court if the individual will be eligible for discharge and dismissal of an offense, and must agree to each discharge and dismissal.

#### **Confidentiality**

1. A juvenile mental health court's performance of, or request for, an assessment of chemical dependency of a juvenile mental health court participant, or a referral to treatment, places the juvenile mental health court within the parameters of 42 CFR, Part 2. Additionally, treatment agencies partnering with the juvenile mental health court must comply with the Health Insurance Portability and Accountability Act (HIPAA) that protects confidentiality and the security of protected health information, therefore, all parties agree to abide by the following:
  - A. Confidential treatment court information and records, including information obtained as a result of participating in a preadmission screening and evaluation assessment, is confidential and is exempt from disclosure under the Freedom of Information Act (FOIA), and may not be used to initiate or to substantiate any criminal charges against a participant or to conduct any investigation of a participant, unless it reveals criminal acts other than, or inconsistent with, personal drug use. (42 CFR, Part 2)
  - B. State law may neither authorize nor compel any disclosure prohibited by the federal regulations, but where state law prohibits disclosure that would be permissible under the federal regulations, the stricter standard applies.
  - C. Treatment courts may receive or release information or records of participants only with the specific knowing, voluntary, and written consent of the participant, or under certain very limited exceptions. (42 CFR, Sections 2.14 through 2.35)
  - D. The participant must be advised, orally and in writing, that federal law protects the confidentiality of treatment records. The notice must cite Section 290dd-2 and the implementing regulations (Sections 2.1 through 24 of Title 42 of the code of Federal Regulations).
  - E. Any documented treatment information distributed on the basis of the treatment

participant's consent must be accompanied by a Notice of Prohibition Against Rediscovery. The prohibition on rediscovery only applies to information that would identify, directly or indirectly, an individual as having been diagnosed, treated, or referred for treatment for a substance use disorder, such as indicated through standard medical codes, descriptive language, or both, and allows other health-related information shared by the part 2 program to be rediscovered, if permissible under other applicable laws. (42 CFR, Section 2.32)

- F. Confidential records must be kept in a secure room and locked container. Access to confidential records must be limited to authorized individuals. (42 CFR, Section 2.16)
2. Juvenile mental health court team members shall be familiar with relevant federal and state laws and regulations in order to develop or modify appropriate policies and procedures regarding confidentiality.
3. All file storage systems shall include procedures for limiting access to records after the participant's consent expires or is revoked. Thus, paper records that can be accessed by all juvenile mental health court personnel during the duration of the participant's consent are transferred to a more restricted storage facility as soon as the consent is terminated. Records on computers are sealed by changing the password or other access.
4. All team members shall abide by the attached juvenile mental health court policy and procedures regarding sharing or distribution of confidential information which regulates and controls access to and use of written and electronic confidential records. Written procedures include requests for access to confidential information by the public, attorneys, or any interested party outside the treatment court team, and formal policies and procedures addressing security, including sanitization of associated media, for both paper and electronic records. (42 CFR section 2.16)
5. Electronic data that is subject to confidentiality standards shall be protected by security walls and is password-protected. Access shall be limited, and disclosure/rediscovery is subject to approval by the treatment court judge and team.
6. The juvenile mental health court team shall decide if precourt staffing meetings will be closed to participants and the public and describe its policy in the participant agreement. If the staffing is open to visitors the participant must be provided the name of the visitor(s) and must consent in writing to have his or her confidential information released to the visitor. All visitors shall be required to sign an agreement that they adhere to the confidentiality provisions of the law (and particularly as to the rule against rediscovery) and the other requirements of the juvenile mental health court MOU.
7. The parties, including each party's employees and other agents, shall maintain the confidentiality of all records generated during the term of this MOU in accordance with all applicable state and federal laws and regulations, including, but not limited to, 42 CFR Part 2.

### **Term of Agreement**

This agreement is effective for one year upon the date of the final signature and shall renew automatically for subsequent one-year terms unless otherwise modified. Any signatory to this agreement may terminate participation upon thirty days' notice to all other signatories.

### **Agency Representatives**

This MOU will be administered by the juvenile mental health court local team, which consists of the following stakeholder agency representation: Grand Traverse County Prosecuting Attorney; 13th Circuit Court-Family Division and their probation department; defense counsel representative; community mental health and private treatment providers; and the mental health court judge and project coordinator.

### **Modification of Agreement**

Modification of this agreement shall be made by formal consent of all parties, pursuant to the issuance of a written amendment, signed and dated by the parties, prior to any changes.

### **Other Interagency Agreements**

This agreement does not preclude or preempt each of the agencies individually entering into an agreement with one or more parties to this agreement, nor does it supplant any existing agreement between such parties.

### **Signatures of Parties to this Agreement**

The parties have entered into this agreement as evidenced by their signatures below. A copy of the agreement shall be provided to each signatory to the agreement.

Honorable Kevin A. Elsenheimer, Chief Judge, 13<sup>th</sup> Circuit Court

Signature

6/6/2022

Date

Honorable Jennifer L. Whitten, Juvenile Mental Health Court Judge, 13<sup>th</sup> Circuit Court Family Division

Signature

Date

Kristyn Brendel, Family Court Administrator, 13<sup>th</sup> Circuit Court Family Division

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Signature

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Date

Jennifer Weber, Project Coordinator, Juvenile Mental Health Court

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Signature

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Date

Cheryl Goodwin, Probation Department, 13<sup>th</sup> Circuit Court Family Division

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Signature

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Date

Noelle Moeggenberg, Prosecutor, Grand Traverse County

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Signature

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Date

Nicole Westfall, Defense Attorney, Law Offices of Nicole Westfall, PC.

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Signature

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Date

Marv Nordeen, School Psychologist, Retired

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Signature

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Date

Ivy Hutchison, Clinical Therapist, Community Mental Health

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Signature

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Date

Pamela Blue, Operations Manager Crisis/Juvenile Diversion, Community Mental Health

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Signature

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Date

Matthew Zerilli, MSW Intern, CAADC, Community Mental Health

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Signature

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Date

**ATTACHMENT C**

**Juvenile and Parent HIPAA Notification Form**

**Confidentiality of Behavioral Treatment Court Participant Records**

The confidentiality of Behavioral Treatment Court participant records maintained by the Program is protected by Federal law and regulations. Generally, the Program may not say to a person outside the Program that a juvenile participant attends the Program, or disclose any information unless:

- (1) The participant consents in writing;
- (2) The disclosure is allowed by a court order; or
- (3) The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.

Violation of the Federal law and regulations by a Program is a crime. Suspected violations may be reported to appropriate authorities in accordance with Federal regulations.

Federal law and regulations do not protect any information about a crime committed by a juvenile participant either at the Program or against any person who works for the Program or about any threat to commit such a crime.

Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under State law to appropriate State or local authorities.

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The undersigned hereby affirm that they have read the above Notification Form and understand that provisions contained therein.

Juvenile Participant's Signature

\_\_\_\_\_  
Date

Parent's Signature

\_\_\_\_\_  
Date