



TEXAS CENTER
FOR THE JUDICIARY

2018 Child Welfare Judges Conference

Judicial Commission on Mental Health
Hon. Camile DuBose, 38th Judicial District Court
Kristi Taylor, Executive Director, JCMH
November 14, 2018







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FOR THE JUDICIARY

JCMH

TEXAS JUDICIAL COMMISSION
ON MENTAL HEALTH
COLLABORATE. EDUCATE. LEAD.

The mission of the Judicial Commission on Mental Health is to engage and empower court systems through collaboration, education, and leadership, thereby improving the lives of individuals with mental health needs and persons with intellectual and developmental disabilities.

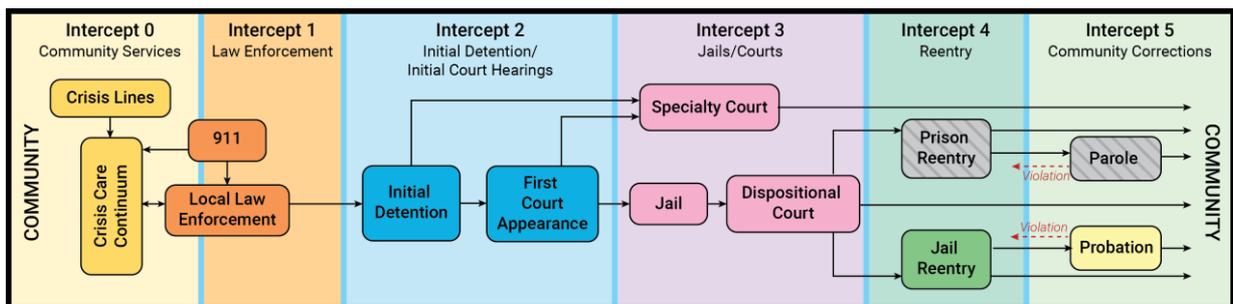


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Collaboration between the Judiciary, Health Care Professionals, Law Enforcement, and Attorneys



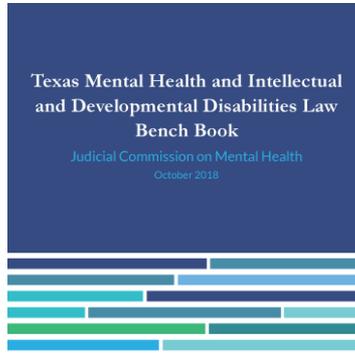
Sequential Intercept Model



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Bench Book



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JUDICIAL SUMMIT ON MENTAL HEALTH

WESTIN MEMORIAL CITY, HOUSTON, TX
OCTOBER 22–23, 2018



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Mental health and IDD services start in the community.

- 39 LMHA/LBHAs
- LMHA/LBHAs conduct crisis response for both MI and IDD
- A LIDDA's role is to serve as the single point of access to certain publicly funded services and supports for the residents within the LIDDA's local service area. Services are mainly provided through waiver programs.



Law enforcement must divert when appropriate.

- Every law enforcement agency must make a good-faith effort to divert a person (1) suffering a mental health crisis or (2) suffering from the effects of substance abuse, to a proper treatment center in the agency's jurisdiction. This provision applies if:
 - a treatment center is available;
 - diversion is reasonable;
 - the offense is a non-violent misdemeanor; and
 - the mental health or substance abuse issue is suspected to be the reason for the offense.

Tex. Code Crim. Proc. art. 16.23(a).



Information sharing is mandatory.

- **What an agency is required to do**
 - accept information relating to a special needs offender or a juvenile with a mental impairment who is sent to the agency, to serve the purposes of continuity of care and services regardless of whether other state law makes that information confidential; and
 - disclose information relating to a special needs offender or a juvenile with a mental impairment, including information about the offender's or juvenile's identity, needs, treatment, social, criminal, and vocational history, supervision status and compliance with conditions of supervision, and medical and mental health history, if the disclosure serves the purposes of continuity of care and services.

Tex. Health & Safety Code § 614.017(a).



Collaboration on Emergency Detention and Civil Commitment

- What authority/duty do hospitals have to detain?
- What happens if the patient is violent or aggressive toward staff?
- What happens when the 48-hour period expires?
- How can we use Advanced Directives?



Collaboration on Telemedicine

- The Texas Commission on Jail Standards is gathering resources to help guide the 242 county jails as they develop their telemedicine programs to comply with SB 1849 by the year 2020.
- JCMH helped connect the TCJS to the Texas e-health Alliance, Telehealth at the University of Texas Medical Branch, and the Office of eHealth Coordination.



Mental Health and IDD

- Mental Health: Emotional, psychological, & social well-being.
- Mental Illness: A health condition involving thinking, emotion, or behavior, involving distress or problems in functioning.
- Intellectual and Developmental Disorders (IDD): Usually present at birth (but not always), IDDs (1) negatively affect physical, intellectual, or emotional development and (2) impede major life activities (language, mobility, learning, independent living).



Some Important Terms

- The *Texas Statewide Behavioral Health Strategic Plan* defines:
 - Behavioral Health: Both mental illnesses and addictions.
 - Serious Mental Illness (SMI): The most severe disorders among adults
 - Severe Emotional Disorder (SED): The most severe disorders for children/youth
 - Co-occurring Disorders: Coexisting MH, addiction, and/or IDD.



Stigma Causes

- Reluctance to seek help or treatment
- Lack of understanding by the people who surround you
- Fewer opportunities for work, school, social activities, and housing
- Bullying, harassment, or physical violence
- The belief that things will never get better



Facts about Mental Illness

- Most people with mental illness are NOT violent.
- Most violent crimes are NOT committed by people with mental illness.
- Mental illness is treatable!



Difference between Intellectual Disabilities (ID) and IDD

- ID was formerly referred to as Mental Retardation.
- Have lower IQs and limitations to adaptive behavior.
- Developmental disabilities (DD) include Fetal Alcohol Syndrome, Autism, and Cerebral Palsy.
- The term “IDD” includes both ID and DD and is preferred, but be aware that some statutes only include ID.



Facts about IDD

- People with IDD are not always recognized as having a disability.
- Mental Illness and Intellectual and Developmental Disorders co-occur in about 1/3 of people with IDD.
- Sometimes this is called having a “dual diagnosis,” when you have more than one disorder at a time.
- People with IDD are victimized at higher rates.
 - They are 2x more likely to suffer from violent crimes.
 - They are 4x – 10x more likely to be abused and be a victim of other crimes



Facts about IDD, cont.

- People with IDD often are denied redress, denied due process and more likely to not be believed.
- Discrimination does occur in sentencing, confinement, and Rehabilitation.
- Less than 4% of the population has IDD, yet:
 - Up to 10% of the jail and prison populations have disabilities.
 - People with IDD are more likely to be arrested, convicted, incarcerated and often serve longer sentences.



Post-Harvey

- 1.4 million children live in Harvey-affected counties.
- For children and adolescents: we expect needs to peak at 18 months, then slowly reduce after 24 months as children age.
- In the worst affected areas, new cases will increase overall by 20%, and rates of severe need will double.
- For adults, the needs are even greater: we expect needs to continue to trend higher even after 24 months.
- Needs will continue to emerge four years post-disaster.



Adverse Childhood Experiences

- Research was conducted by Kaiser Permanente and the Centers for Disease Control.
- 10 questions were asked about life before the age of eighteen.
- The research showed that early life trauma correlated with poorer health status.



ACEs

- About 730,000 children and youth (1 in 10 overall) have experienced three or more ACEs.
- Nearly 90,000 have been exposed to 10 or more episodes of violence.
- In the Texas juvenile justice system, at least 5,900 have experienced four or more ACEs.
- In Texas foster care, at least 24,000 have experienced one or more ACEs.
- Among children and youth served by LMHAs, at least 7,700 (1 in 5) have experienced trauma.



Trauma can:

- Make people feel trapped.
- Make people feel hopeless or helpless.
- Often be triggered by sights, sounds or feelings that bring out symptoms of Post-Traumatic Stress Disorder.



Trauma-Informed Care

- Involves understanding, recognizing, and responding to the effects of all types of trauma.
- Emphasizes physical, psychological, and emotional safety for both consumers and providers.
- Helps survivors rebuild a sense of control and empowerment.



What Can We Do?

- Make sure we know what trauma looks like in those we serve.
- Do not ask “what is wrong with you?”
- Instead ask “what happened to you?”
- Be empathic and kind.



A Trauma-Informed Site

- “Realizes the widespread impact of trauma and understands potential paths for recovery;
- Recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system;
- Responds by fully integrating knowledge about trauma into policies, procedures, and practices; and
- Seeks to actively resist re-traumatization.”



Trauma-Informed Care Involves

- Safety
- Connection
- Empowerment



Things To Remember When Interacting with a Person with a Mental Illness

- Practice patience.
- Do not speak to individuals condescendingly.
- Be aware of your facial expressions.
- When someone raises their voice to you, do not raise your voice. It will escalate the situation.
- Be respectful to the person. When someone feels respected and heard, they are more likely to return respect and consider what you have to say.



Things To Remember When Interacting with a Person with a Mental Illness, cont.

- If a person is experiencing events like hallucinations, be aware that the hallucinations or the delusions they experience are their reality.
- Do not assume that they are not smart and will believe anything you tell them.
- Mental illness has nothing to do with the person's intelligence. Do not lie to them, as it will usually break any rapport you might want to establish.



Things To Remember When Interacting with a Person with a Mental Illness, cont.

- Listen to the person and try to understand what he/she is communicating.
- If needed, set limits with the person as you would others. For example, "I only have five minutes to talk to you" or "If you scream, I will not be able to talk to you."
- Realize that individuals may be sensitive to loud noises or enclosed places or crowds.
- It is important that our interactions are helpful. We do not want to make things worse.
- Keep in mind that this work is hard and we need to take care of ourselves also.



Specialty Courts and Dockets Can Change Lives

- **Mental Health Courts:** Mental health courts are specialized dockets for individuals with mental illness. These dockets embrace a non-adversarial, problem-solving approach to qualifying cases. Mental health courts provide a greater focus on treatment and individualized case plans than traditional criminal dockets.
- While mental health courts are seemingly the most appropriate fit for individuals with mental illness, other specialized dockets such as Veterans Court or co-occurring treatment courts (integrating substance use disorder and mental health treatment) might be appropriate.



We want to hear from you.

- What are your ideas for best practices?
- What would you like mental health professionals to know?
- How can we help?
- Website: TexasJCMH.gov



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