

**MENTAL ILLNESS COURT
ALTERNATIVE PROGRAM (MICAP)**

**POLICY & PROCEDURE
MANUAL**



**DuPage County, Illinois
18th Judicial Circuit**

DUPAGE COUNTY

MENTAL ILLNESS COURT ALTERNATIVE PROGRAM (MICAP)

POLICY AND PROCEDURE MANUAL

MICAP is a court supervised program for participants who have been charged with a criminal offense and have been diagnosed with a mental illness or exhibit symptoms of an undiagnosed mental illness. The mission of the Mental Illness Court Alternative Program is to enhance the quality of life for participants by engaging in treatment and community-based support systems that uses a problem-solving court model to facilitate new skills which leads to a reduction in recidivism and the stigma associated with mental illness. MICAP is the first Mental Health Court to be established in the State of Illinois, was launched in 2004, in response to a clear need for community-based treatment alternatives for offenders with mental illness. MICAP emerged from the efforts of a coalition of stakeholders formed in 1999, consumer and family advocates, police departments, probation officers, mental health providers, and local government, to institute an effective diversion system offenders with a mental illness.

MICAP services are tailored to the individual needs of participants, including psychiatric consultations for medications, mental health services, crisis intervention services, and medical services. The program also provides a supportive employment program, referrals for co-occurring treatment, cognitive behavioral groups, trauma, and anger management groups.

MICAP combines the efforts of the Judiciary, the State's Attorney's Office, the Public Defender's Office, the Probation Department, and the Health Department. Additionally, many community agencies partner with MICAP to provide the services indicated above.

MICAP is a voluntary program that includes regular court appearances, treatment appointments with both a doctor and clinician, frequent appointments with a probation officer, and random drug testing.

MICAP GOALS

- Reduce the stigma of having a criminal record for persons with mental illness
- Reduce the number of new arrests and police contacts
- Reduce the number of days of psychiatric hospitalizations
- Increase the overall quality of a participant's life by teaching new skills and providing treatment and support as a means to self-sufficiency

TARGET POPULATION

MICAP is a post adjudicatory program that targets individuals diagnosed with or who exhibit symptoms of mental illness that have been charged with a criminal offense (felony and/or misdemeanor) and meet the eligibility criteria of the program. MICAP targets risk areas to reduce

the incidence of crimes committed where a participant's mental illness is a contributing factor. MICAP is a diversion program that is divided into two tracks based upon risk level.

DUPAGE COUNTY MICAP ELIGIBILITY CRITERIA

To be eligible for MICAP, the following criteria must be met:

- Applicants must be 18 years old or older
- Applicants must be citizens or legal residents of the United States
- Applicants must reside in DuPage County
- Applicants must be diagnosed with a mental illness, either prior to the application or through an assessment as part of the application process
- Applicants must be willing to participate in all recommended treatment, including psychiatric appointments and taking all prescribed medications
- Victim consent must be obtained when appropriate

Applicants will not be excluded from MICAP based upon their gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation. The 18th Judicial Circuit Court employs interpreters and language interpreter services. Any language needs or other need requirements should be directed to the Court Coordinator. The participant will be assessed a fee to participate with consideration based on ability to pay. A payment plan will be implemented which will not prohibit program entry, phase advancement or graduation.

EXCLUSIONARY FACTORS

- The applicant is unwilling to participate in treatment
- The applicant has committed a crime of violence in the past ten years, excluding periods of incarceration. A crime of violence pursuant to the Mental Health Court Treatment Act, (730 ILCS 168/20 et, seq.), defines a crime of violence as, including but not limited to, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm.

MICAP TEAM

The Judge heads the collaborative team made up of representatives of the State's Attorney's Office, the Public Defender's Office/defense attorney, the Coordinator/Program Manager, the Health Department, the Probation Department. The Judge reviews all screenings and clinical evaluations for new participants, and reviews case status reports that are provided for weekly court staffings. The Judge is the final decision maker. The decisions include, but are not limited to, new case admissions, administering graduated sanctions, and rewards. The Judge also interacts with each participant when he/she appears before the Court to increase the participant's accountability

and to enhance engagement in the program. The Judge is required to be present and to participate in a non-adversarial manner in all staffings. The Judge is a member of the team for a minimum of two years.

The Assistant State's Attorney represents the people of the State of Illinois. The Assistant State's Attorney writes the plea agreement and contract for eligible participants and is a member of the collaborative team. The Assistant State's Attorney monitors the participant's progress and may make recommendations regarding incentives and sanctions. The Assistant State's Attorney is required to be present and to participate in a non-adversarial manner in all staffings. The Assistant State's Attorney's role requires a time commitment of two years of serving on the team.

The Public Defender/defense attorney is a member of the collaborative team and represents and counsels the participant in all court proceedings. The Public Defender/defense attorney's primary role is to ensure that the participant's constitutional rights are not violated during this process. The Public Defender/defense attorney represents the participant's best interest in staffings and shares the common goal of supporting a participant's success in the program. The Public Defender/defense is required to be present and to participate in a non-adversarial manner in all staffings. The Public Defender role requires a time commitment of two years of serving on the team.

The Coordinator/Program Manager is a member of the collaborative team and seeks to find new resources for treatment and supportive services that benefit the participants. The Coordinator is the liaison to all the team members and their departments. The Coordinator approves the screening of new applicants based upon the statute, creation of program eligibility standards, operating procedures and program policies. In addition, the Coordinator prepares agreements with treatment providers and other community agencies which provide services to program participants. The Coordinator is required to be present and to participate in a non-adversarial manner in all staffings. The Coordinator/Program Manager role requires a time commitment of two years of serving on the team.

Probation officer's complete intake and clinical evaluations with the mental health clinician (unless the Probation Officer is also a clinician), administer a risk assessment, the Illinois Adult Risk Assessment (ARA), to determine the participant's level of risk to re-offend and develop case plans based on the risk areas identified by the ARA. Probation officers monitor participants' progress by communicating with psychiatrists, clinicians and other professional staff, recommend sanctions or rewards to the team, and provide the team with up-to-date status reports for staffings and court status hearings.

The Clinician may complete the initial clinical mental health assessment to diagnose, make treatment recommendations and develop treatment plans. The clinician is responsible for coordinating appointments with the psychiatrist and other staff of the Health Department. The clinician provides regular reports to the team about the status of each participant's level of

participation in Health Department services, including compliance with prescribed medications and recommendations for therapeutic adjustments.

TRAINING

The MICAP team attends seminars and conferences on a regular on-going basis.

THE MICAP APPLICATION PROCESS

The application process begins when the Public Defender/defense attorney meets with the applicant to explain MICAP expectations. The applicant must file a MICAP Application in court. This application prompts the creation of a criminal history report by the Probation Department. The criminal history report provides the MICAP team with information regarding all criminal offenses charged, including pending cases of the applicant. The case for which an application is made will be temporarily re-assigned to courtroom 4002 for the duration of the MICAP application process. The same day the MICAP application order is entered, the applicant and Public Defender/defense attorney must report to the Probation Department in the 18th Judicial Circuit and complete an application packet. The applicant, along with his/her attorney or family member, will meet with a staff member of the Probation Department to ensure all necessary releases of information are signed and all the paperwork is completed. The application packet includes, Request for Consideration in MICAP, Ongoing Release of Confidential Information Form, and a Preliminary Information Sheet. Copies are provided to the Assistant State's Attorney and defense attorney.

The Program Manager reviews application materials (police reports, criminal history and MICAP packet) to determine if each applicant statutorily meets the eligibility criteria. If the applicant meets eligibility criteria then on the initial court date, an appointment is set for intake, screening, and evaluation with a probation officer and mental health clinician. If an applicant is found to not be statutorily eligible for the program their case is either rejected or their application is withdrawn, and their case is returned to the original courtroom.

The screening process includes a clinical mental health assessment completed by the MICAP clinician and the probation officer. MICAP use the following clinical assessment tools: Life Events Checklist, Modified Mini Screen (MMS), Simple Screening Instrument for Alcohol and Other Drugs (SSI-AOD). The clinician will diagnose any identified mental illness and make treatment recommendations, which will be integrated into a treatment plan. The probation officer then completes a criminal risk assessment, the ARA, which identifies the applicant's risk to re-offend and the areas which place the applicant at risk for future criminal behavior. These risk areas are targeted for services in the probation case plan. Once the assessment is completed, a written report is sent to all members of the MICAP team. The content of the report is discussed at the staffing prior to the applicant's next court date. Treatment recommendations and case plans are determined and become a part of the MICAP Plea Agreement and Contract.

If, at the time of the screening, the applicant is being treated by a private psychiatrist, a probation officer, with a clinical license, will complete the assessment and verify information obtained during the screening with the treating doctor, and include the applicant's diagnosis, current prescribed medications and compliance with appointments and prescribed medications.

Prior to entry into the program, the Public Defender/defense attorney will review with the applicant the Consent to Participate in MICAP and the Plea Agreement and Contract. Once questions have been answered and both documents have been read and signed, the Judge will undertake appropriate plea proceedings, consistent with the law, Supreme Court Rule 402 and PSC Standard 7.2(e). Applicants are required to sign the receipt of handbook form and the Probation Officer shall maintain a copy in their file.

The Court shall provide an interpreter for any Limited English Proficient Person who is involved in a legal proceeding as a party or witness. Consistent with the Americans with Disabilities Act and Illinois state statute (735 ILCS 5/8-1402), the court shall provide a qualified sign language interpreter for deaf or hard of hearing persons who are involved in any legal proceeding as a litigant, witness, victim, juror or spectator. Consistent with the Illinois Criminal Proceeding Interpreter Act, the court shall provide an interpreter for Limited English Proficient defendants in criminal proceedings via a written order (725 ILCS 140/2).

WEEKLY STAFFING AND COURT

The Coordinator is responsible for tracking MICAP applicants and updating information regarding participants for the weekly court call. Each week a court call is generated with the pending and active participants scheduled to appear in court that week. The Coordinator/Program Manager emails the court call to all team members prior to the court date.

Probation officers are responsible for creating a Court Status Form for each applicant and participant. The form provides a summary of each applicant's and participant's progress in the application process and/or program and recommends possible sanctions, rewards and/or therapeutic adjustments. The forms are provided to team members one day prior to court, which allows all team members to prepare for those cases that may require more time and attention.

The MICAP team meets prior to the court date for staffings to discuss each participant on the call. During staffing, the team identifies appropriate responses to address both problematic behavior, rewarding positive behavior and possible therapeutic adjustments. During court, the participant's performance and progress is addressed by recognizing and encouraging positive behavior, addressing and sanctioning negative or unproductive behavior and making therapeutic adjustments through treatment recommendations.

Probation officers and all team members are required to be present in court for the entire court call, which provides an opportunity for them to answer questions from participants or attorneys and approach the bench.

If emergencies occur between weekly court dates, the MICAP team is notified and a collaborative discussion with all team members occurs. The Assistant State's Attorney and Public Defender/defense attorney may need to appear before the Judge on a non-MICAP day, if a court order needs to be entered prior to the next MICAP court call. The team recommendations are presented to the Judge, and the Judge makes the final decision on all court orders.

The MICAP program is divided into two tracks based upon risk level as identified by the ARA (Adult Risk Assessment). The participants who are identified as low risk have specified low risk court dates on a quarterly basis in which only low risk participants are scheduled. All other participants identified as medium or high risk are required to be in court more frequently which is determined by their current phase and level of compliance. In the event a low risk participant is reassessed at a higher risk level, that participant will be moved into the medium/high risk track. Subsequently, a participant identified as medium /high risk may also be reassessed and moved into the low risk track.

CASE SUPERVISION

Each participant is assigned to a Probation Officer. The assigned probation officer is responsible for case planning, monitoring accountability, and providing direct service. Probation officers complete the ARA, which is a risk and needs assessment that identifies criminal risk to re-offend and risk areas.

The Probation Officer refers to the social history report for psychosocial information and the results from the ARA to determine risks areas to address in the case plan.

The clinical evaluation gathers required information about the onset of the mental illness, symptoms, previous medications, current prescribed medications and family history of mental illness. The Clinician will diagnose and recommend treatment as specified by the treatment plan.

The foundation of supervision is individualized case management, which requires that a comprehensive, individualized case plan is developed with and signed by each participant. The case plan is regularly reviewed and modified as appropriate. The case plan is based on the ARA and includes the defendant's plans for education, employment and housing. Participants are asked to provide a restorative plan, which identifies how they intend to repair the damage caused by their actions to the victim and the community. They are required to provide a long-term plan identifying how they intend to engage, support, and maintain a healthy lifestyle. The Probation Officer is responsible for assisting participants to accomplish their goals and objectives, which may include obtaining necessary collateral services such as housing, referrals to employment skills training, and transportation.

Initially, the probation officer meets with the participant frequently to monitor the participant's compliance with conditions of the MICAP Plea and Contract, to monitor his/her level of compliance with psychiatric treatment, clinical services and medication. As the participant

progresses through the program or their risk level decreases, the frequency of contacts and the number of court appearances may decrease.

The Probation Officer provides information on each participant to the team and attends weekly staffings with the MICAP team. Probation officers are expected to be familiar with a wide range of resources available to the participants in the community and to assist participants in obtaining necessary services. The Probation Officer must be equipped to handle crisis situations and alert other members of the team when these occur. This may include arranging for the participant to enter a crisis unit, a hospital for stabilization.

TREATMENT

The MICAP clinician and probation officers assist participants in securing treatment, if a participant is not already linked with a psychiatrist and therapist. A participant may be referred to additional services and treatment as the case progresses, and if additional needs are identified. The clinician will complete a clinical treatment plan and shall provide a copy to all PSC participants and team members. The treatment plan shall be amended upon participant progress.

The Adult Probation Employment Program (APEP) is facilitated by an employment specialist who provides job skill testing, educational classes about different aspects of job interviewing, one-on-one support with applications and job interviews, and if necessary, provides on-the-job assistance.

Evidence-based practices in the criminal justice system refers to practices which have had demonstrable and positive outcomes in lowering recidivism, increasing victim satisfaction, and decreasing expenditures.

Motivational Interviewing (MI) is a goal-directed, client-centered counseling style for eliciting behavioral change by helping clients explore and resolve ambivalence. The operational assumption of MI is that ambivalent attitude or lack of resolve is the primary obstacle to behavioral change, so that the examination and resolution of ambivalence becomes a key goal.

Moral Reconciliation Therapy (MRT) is a systematic treatment strategy that seeks to decrease recidivism by increasing moral reasoning. It is a cognitive behavioral approach that combines elements from a variety of psychological models to progressively address ego, social, moral, and positive personal growth.

Moving On is a trauma-informed group with a curriculum specifically designed to address the unique factors encountered by women involved in the criminal justice system. This group addresses accepting personal responsibility, motivation to change, building healthy relationships, developing, enhancing and maintaining skills and using stress management.

There are additional cognitive-behavioral groups offered both at the DuPage County Health Department and the Probation Department, for a complete list and detailed information see probation.

The National Alliance on Mental Illness (NAMI) and the Community Center offer classes, support programs, educational programs and social and recreational programs for individuals and their families.

TESTING FOR SUBSTANCE USE

Testing for substance use is a vital component of the program and is necessary to maintain program integrity. Tests must be frequent, random and credible; accuracy is essential. MICAP uses a variety of tests to measure a participant's progress in the program and to hold that person accountable to the requirements of the program. Drug testing is done primarily through urine screens. Alcohol testing is done using Breathalyzers, urine screens and an electronic device called SCRAM (Secure Continuous Remote Alcohol Monitoring).

All MICAP participants are informed regarding substance use testing policies and procedures. Staff explain testing procedures to participants and apprise them that they will be submitting to random screens throughout the program. Participants sign an agreement to comply with testing requirements, which include direct observation of the sample submission and reporting of results to the MICAP team. Therapeutic responses and/or sanctions may be imposed for positive tests; a test that is diluted or abnormal is treated as a positive drug test. If a test result comes back as abnormal, the participant may be required to report to probation and provide a new test.

Participants may be assigned a color by their Probation Officer for random drug testing and are instructed to call the drug testing hotline number each morning. A recorded message indicates the colors that are being tested that day and the hours the lab is open. When a participant's color is called, he or she is required to report for a urine test that same day.

If the urine screen is positive and the participant denies use of drugs or alcohol and wants to contest the positive test result, the sample may be sent out for confirmation. The participant pays for the confirmation test. If the confirmation test comes back negative, the cost will be refunded to the participant. If the confirmation test comes back positive, the money is not reimbursed. Any drug test that comes back diluted or abnormal is reported to the team. If a test result comes back as abnormal, the participant may be required to report to probation and provide a new test.

Participants are permitted to test off-site with the approval of the Probation Department or the Court.

If a participant is caught tampering with a test, the State's Attorney's Office is contacted, and the participant may be charged with a class 4 felony for Tampering with a Drug Test.

Secure Continuous Remote Alcohol Monitoring (SCRAM) may be ordered on a case-by-case basis as a sanction for continued alcohol use. SCRAM testing equipment is monitored by the Probation Department.

Failing to submit to testing is considered non-compliant behavior which may result in a sanction.

SANCTIONS, INCENTIVES AND THERAPEUTIC ADJUSTMENTS

MICAP aims to encourage positive behavior and discourage negative behavior. The supervision policy supports the 'Responsivity' portion of a Risk-Needs-Responsivity model for rehabilitation.

The key concepts in this model include:

CERTAINTY: Participants know the sanctions that can be imposed for certain negative behavior, and the rewards earned for positive behavior.

SWIFTNESS: Sanctions and rewards are earned and given as quickly as possible after the team becomes aware of the behavior.

FAIRNESS: Evenhanded and impartial implementation of any sanction or reward occurs for all participants.

Sanctions will be graduated; they will increase or decrease in magnitude and frequency according to the significance or frequency of the participant's behavior. Prior to imposing any sanction, incentive or therapeutic adjustment, the judge advises the participant in open court of the nature of the proposed sanction, incentive or therapeutic adjustment and the reasons for its imposition. The participant shall be permitted to address the court about the sanction, incentive or therapeutic adjustment for the court to consider.

A variety of sanctions may be imposed for violations of MICAP, including, but not limited to the following:

- Admonishment from the team
- Reading/writing assignments
- Letter of apology
- Perform community service hours
- Increased frequency of status hearings
- Increased urinalysis testing
- Increased frequency of contacts with the MICAP team
- Extension of duration in MICAP
- GPS (Global Positioning System) monitoring
- SCRAM (Secure Continuous Remote Alcohol Monitoring)
- Serve a term of Periodic Imprisonment
- SWAP (Sheriff's Work Alternative Program)
- Jail sanction
- Program termination and sentencing

A variety of therapeutic adjustment may be imposed for violations of MICAP, including but not limited to the following:

- Adjustments to one's treatment plan (increase or decrease in the level of care)
- Increased number of weekly self-help group meetings
- Individual counseling

- Parenting classes
- Anger management
- Substance abuse treatment
- Psychiatrist appointment

The following is a partial list of events that may result in a sanction and/or therapeutic adjustment:

- New criminal offense
- Missed appointments with MICAP clinician and/or MICAP probation officer
- Missed court appearance without prior approval
- Failure/refusal to take medication
- Failure/refusal to provide a sample for substance use testing
- Violations of rules of a treatment provider or housing provider
- Use of alcohol and/or illegal drugs
- Failure to follow the directions of the MICAP judge and/or MICAP team

The following is a partial list of events that may lead to incentives:

- Attending all court status hearings
- Attending all probation and/or treatment groups
- Making progress in treatment
- Providing negative urine screens
- Gaining or maintaining employment
- An educational achievement

The following is a partial list of ways the judge and the team can acknowledge the participants' progress with incentives and rewards:

- Be an All Star, have the participant's case called first in court
- Reduce the frequency of appointments with the MICAP clinician and/or probation officer
- Reduce the frequency of appearances before the MICAP judge
- Approve a travel pass or furlough
- Reward with certificates

PHASES OF TREATMENT

There are four phases to the Mental Illness Court Alternative Program (MICAP) prior to graduation from the program. To move from one phase to another, certain requirements must be met. Once completed, participants submit written application with proof of completion to his or her probation officer explaining why the participant is ready to move to the next phase. This written request will be reviewed and approved or denied by the MICAP team. When a participant completes each phase, he/she receives a certificate of completion and recognition during court.

PHASE I

This phase includes stabilization, orientation, and assessment. Phase I focuses on educational learning resources and maintaining a drug/alcohol free lifestyle.

Phase 1 Requirements:

- Comply with mental health and/or substance abuse treatment
- Complete orientation
- Comply with psychiatric appointments and recommendations
- Meet with therapist as recommended by treatment plan
- Assess housing needs
- Meet with probation officer as required
- Attend all scheduled court dates
- Urine, drug/alcohol screens are negative
- Obtain a sponsor if applicable
- The participant demonstrates sufficient insight into his/her mental illness as evidenced by their explanation of insights and skills that they have acquired to cope with their mental illness
- Sign releases of information as directed
- Approval by the MICAP Team to advance to the next phase

A participant can advance to Phase II if compliant with Phase I requirements, he/she has been drug and alcohol free for at least 45 days, and the MICAP Team approves moving to Phase II.

PHASE II

During this phase, participants will focus on identifying an appropriate support system, continue with recommended therapy and concentrate on recovery education.

Phase II Requirements:

- Continue to meet all Phase I requirements
- Explore employment, education or volunteer opportunities (if applicable)
- Obtain stable housing if applicable
- Establish at least one primary support person (i.e., sponsor, friend, family, or pastor)
- Attend self-help meetings and/or groups
- Pay probation fees (\$25.00 a month)
- The participant demonstrates sufficient insight into his/her mental illness as evidenced by their explanation of insights and skills that they have acquired to cope with their mental illness
- Approval by the MICAP Team to advance to the next phase

A participant can advance to Phase III if compliant with all Phase I and Phase II requirements and he/she has been drug and alcohol free for a minimum of 90 days, and the MICAP Team approves moving to Phase III. The participant will be assessed a fee to participate with consideration based on ability to pay. A payment plan will be implemented which will not prohibit program entry, phase advancement or graduation.

PHASE III

During this phase, a participant will demonstrate their ability to maintain stability and recovery.

Phase III Requirements:

- Continue to meet all Phase I and Phase II requirements
- Maintain and utilize support system
- Maintain stable housing
- Establish employment, education or volunteer opportunities (if applicable)
- The participant demonstrates sufficient insight into his/her mental illness as evidenced by their explanation of insights and skills that they have acquired to cope with their mental illness
- Approval by the MICAP Team to advance to the next phase

A participant can advance to Phase IV if compliant with all Phase I, Phase II, and Phase III requirements and he/she has been drug and alcohol free for at least 180 days, and the MICAP Team approves moving to Phase IV.

PHASE IV

During this phase, a participant will maintain all previously achieved milestones from all prior phases and establish how he/she will continue their recovery beyond graduation

Phase IV Requirements:

- Continue to meet all Phase I, Phase II, and Phase III requirements
- Complete aftercare plan with therapist and any other treatment providers
- Complete a discharge plan with your probation officer
- Maintain employment, and/or continue attending school or volunteering (if applicable)
- Provide verification of your established primary support system (a letter or verbal)
- The participant demonstrates sufficient insight into his/her mental illness as evidenced by their explanation of insights and skills that they have acquired to cope with their mental illness
- Approval for graduation by the MICAP Team to advance to the next phase

GRADUATION REQUIREMENTS

To be considered for graduation, a participant must:

- Be in MICAP for a minimum of 12 months for a misdemeanor charge
- Be in MICAP for a minimum of 24 months for a felony charge (team discretion may be used to determine graduations outside of the 12-24-month time frame)
- Comply with all specific conditions, bond conditions and directives of the Court
- Cooperate with the treatment plan, including but not limited to attending scheduled treatment/therapy/counseling sessions and taking psychotropic medications as prescribed
- Achieve treatment goals which should be reasonable, achievable, and be based on an individual's abilities, needs and potential. Examples of treatment goals are managing

symptoms, obtaining a high school equivalency certificate, attending college, obtaining or maintaining employment, becoming a peer leader, creating and maintaining a support system

- Have no new criminal offenses
- If substance abuse or addiction is an identified risk factor and/or treatment concern, participants must have a minimum of 6 months of negative drug and/or alcohol tests
- Pay fines, costs, fees and restitution in full 60 days prior to graduation or develop a payment plan (a participant will not be prohibited from graduation for non-payment of fines, costs, fees and restitution)
- Demonstrate a willingness and motivation to continue in mental health treatment after graduation to the extent needed to avoid symptom relapse and further criminal activity
- Have developed a recovery maintenance plan, a written plan for relapse prevention and continued support in the community, including connection to NAMI/MICAP group, if appropriate. The plan will be developed by the participant, probation officer and clinician

Petitions for early graduation will be considered on a case-by-case basis if all the following have been completed. A participant must:

- Be sanction free for six months prior to the graduation meeting, which is held one month prior to each graduation
- Have paid all fines, costs, fees and restitution 60 days prior to graduation or develop a payment plan (a participant will not be prohibited from graduation for non-payment of fines, costs, fees and restitution)
- Be compliant with all required treatment
- Have a recovery maintenance plan for psychiatric and therapy appointments, continued support in the community, including connection groups offered by NAMI. The plan is developed collaboratively by the participant, the probation officer and the clinician
- Have negative substance screens for six months prior to the graduation meeting

MICAP graduations are held three times per year and are a way to share the participant's accomplishments with his/her family and friends. The graduations also allow the MICAP team to acknowledge each individual participant's achievements while in the program.

MICAP TERMINATION POLICIES

Termination can be triggered by a number of circumstances resulting in the Assistant State's Attorney filing a Petition to Terminate and Discharge the participant from MICAP.

UNSUCCESSFUL TERMINATION

A person may be terminated from MICAP for any of the following reasons, which are not all inclusive. If the participant:

- Is charged with a new offense
- Absconds from the program or fails to maintain contact with his/her probation officer
- Is habitually non-compliant
- Is habitually dishonest

- Continues to commit infractions despite prior graduated sanctions to address the infractions
- Has an active warrant for more than 45 days

A Petition to Terminate and Discharge a participant from MICAP shall be filed and the participant shall be served with the Petition to Terminate for any or a combination of the above circumstances. When a Petition to Terminate is filed for non-law violations, it is only after the participant has repeatedly failed to complete treatment or has failed to modify their behavior following repeated sanctions. The petition shall set forth the claimed violations of the MICAP program requirements or probation, together with the relief sought.

The State’s Attorney shall request, and the Court shall conduct a hearing on the allegations contained in the Petition. The participant can also enter an admission and agree to the allegations contained in the Petition to Terminate. If the allegations are proven or admitted, the Judge will then sentence the participant on the original offense. Before accepting any admission to a Petition to Terminate, the Judge informs the participant in open court of the rights set forth in Supreme Court Rule 402 (A) and determining that the participant understands the following:

- (1) The specific allegations in the petition;
- (2) That the participant has the right to a hearing with defense counsel present, and the right to appointed counsel if the participant is indigent;
- (3) That at the hearing, the participant has the right to confront and cross-examine adverse witnesses and to present witnesses and evidence in his or her behalf;
- (4) That at the hearing, the State must prove the alleged violation by a preponderance of the evidence;

Sentencing options are determined based on the original offense(s). In the event of an unsuccessful termination, the participant has the right to request a substitution of Judge.

NEUTRAL DISCHARGE

If a participant enters into a MICAP Plea and Contract and develops a significant medical issue or a medical issue has become more serious, or a life altering event occurs preventing that participant from fulfilling the obligations of MICAP, the team may discuss a neutral discharge. The team will review and discuss the participant’s unique circumstances and with the Judge’s approval the participant will receive a neutral discharge. Each of these circumstances is handled on a case by case basis.

VOLUNTARY WITHDRAWAL

After acceptance into the program, a MICAP participant may, at any time, file a Petition to Withdraw his/her participation from the MICAP program. Before granting the Petition to Withdraw, the judge admonishes the participant in open court of his right to consult with counsel and the consequences of withdrawal. The judge determines, on the record, that the withdrawal is knowing and voluntary. Upon review and granting of the petition, the judge will proceed with the

case in the same manner as any other criminal case. The MICAP team must continue to comply with applicable relevant federal and state confidentiality statutes and regulations. Once the judge has reviewed the petition and allows the participant to withdraw, the defendant will be sentenced on the charges to which he/she pleaded guilty. In the event of a voluntary withdrawal, the participant has the right to request a substitution of Judge.

CONFIDENTIALITY

The MICAP team must comply with applicable relevant federal and state confidentiality statutes and regulations. Alcohol, drug, and mental health treatment records are protected by Part 2 of Title 42 of the Code of Federal Regulations (C.F.R.), HIPAA, and Illinois Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110 *et. seq*; 45 C.F.R. Parts 160 and 164. The participant has the right to revoke any previous written consent to participate at any time, except to the extent that action has been taken in reliance on such consent. In any event, this Consent to Participate expires upon the termination of the probation the participant is serving in this case, or the termination of all proceedings with regard to this cause of action as named above.

MICAP CONTACT INFORMATION

MICAP is held every Friday at 9:20 a.m. in Court Room #4001, located at 505 North County Farm Road, 4th Floor, Wheaton, Il 60187

MICAP Office/Probation Department (630) 407-8794

503 North County Farm Road, Wheaton, Il 60187

DuPage County Health Department

111 North County Farm Road, 2nd floor, Wheaton, Il 60187

Judge:	The Honorable Paul A. Marchese	
Assistant State’s Attorney:	Jessica Sisler	(630) 407-8038
Assistant Public Defender:	Andrea Neumann	(630) 407-8340
Program Manager:	Bernadine McFarland	(630) 407-8448
Supervisor:	Geneva Perkinson	(630) 407-8412
MICAP Clinician:	Andy O’Brien	(630) 221-7528
<u>Probation Officers:</u>		
Sheryl Calderon	Sheryl.Calderon@dupageco.org	(630) 407-2555
Deena Kuranda	Deena.Kuranda@dupageco.org	(630) 407-8450
Joey Johanning	Vincent.Johanning@dupageco.org	(630) 407-8564