

CHARLESTON PROBATE COURT PROCEDURAL GUIDELINES

Subject: PROBATE COURT, THERAPEUTIC DETERMINATION DIVISION (TDD)

Goals:

1. To provide appropriate therapeutic services to involuntary clients.
2. To cooperate and communicate with the Probate Court in an efficient manner.

Philosophy: Clients court-ordered to Center treatment through the Probate Court have been legally determined as lacking sufficient capacity to obtain needed psychiatric treatment on a voluntary basis. The Center is charged with the responsibility for (1) provision of outpatient treatment services to these patients, and (2) establishment and implementation of procedures to keep the Court informed about patients' compliance with the court-ordered treatment.

Policy: The Charleston/Dorchester Community Mental Health Center will maintain a Probate Court Program which will include:

1. A liaison system.
2. Designated Examiners.
3. Procedural guidelines for case managers in respect to court orders.
4. Orientation programs for both Center and Court employees.
5. Designated Examiners training.

Procedures: A. **Liaison System**

1. A designated Mental Health Center staff person shall serve as the Center's Coordinator of Court Activities and shall be responsible for addressing relevant policy and procedure issues. This Coordinator shall designate one or more "court liaison" persons who shall manage Center/Court activities on a day-to-day basis.

A liaison will be assigned by the Probate Court to work with the Center liaison on day-to-day activities. The Chief Clerk of Court will supervise court policy and procedural issues, meet with the Center Coordinator, and

arrange conferences with the Judge of Probate, T.T.D., as needed.

2. All court orders (to outpatient services at the Center), dismissals and other correspondence sent by the Court will be screened by the Mental Health Center liaison and then distributed to the appropriate programs.
3. The Center liaison will send notification to the Probate Court of persons who are court-ordered to outpatient services but with whom there has been no contact. The Center shall schedule or attempt to schedule at least two appointments for the court-ordered client (including any appointment made at the time of the last Probate Court hearing). After a minimum of two written noncompliance notices to the Court for failure to show for the scheduled appointments, the liaison will notify the Court in writing that there has been no contact by the client and that there will be no further notices. Such information regarding "no further notices" may be included in the second notice of noncompliance noted above.
4. The liaison will provide concurrent DE availability schedules and assign DEs as requested by the Court.
5. Center employees appropriately credentialed as Designated Examiners (DEs) and scheduled to be available as a DE shall comply with Probate Court orders regarding appearances in court. In the event any DE is unable to serve as DE in a specific case and on a specific date and time, it is the service area supervisor's responsibility to ensure another Center clinician serves in his/her stead and obtains the Court's prior consent to this change.
6. The liaison will train new Center staff in matters of designated examinations and other court-related procedures.
7. The Center shall maintain an updated alphabetical list of all persons currently court-ordered to outpatient treatment.

B. Case Management and Court Orders:

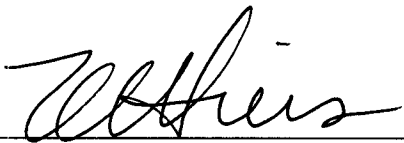
1. Case managers will notify the Court of noncompliance of persons court-ordered to the Center for outpatient treatment.
2. Case managers will request amendments or dismissals of court orders as appropriate. For any court-ordered client who has a case opened at the Center and who fails to show for an appointment, the Center shall

schedule at least one additional appointment for that client and shall inform the Court of failure to show.

3. Case managers will notify the Court of noncompliance when closing records of court-ordered clients and will note in the record, "Court committed for outpatient treatment but is noncompliant" on discharge summaries. Cases may be closed on noncompliant clients only when there have been at least two consecutive failures-to-show and thus two notices of such failures-to-show to the Court. The notice to the Court regarding the closing of the case may be included in the second court notice of failure to show. Such information regarding "no further notices" may be included in the second notice of noncompliance noted above.
4. Case managers will send copies of all court notifications (i.e., failures-to-show, amendment requests, dismissal requests) to the Probate Court liaison at Adult Intake Services.

C. **Monitoring:**

1. The Center's Coordinator of Court Activities and the Probate Court liaison supervisor shall meet together at least annually to review the functioning of the liaison system, to identify problems, and modify procedures to address such problems.
2. The Center shall have periodic chart audits to assure that the above-noted procedures regarding noncompliance notification to the Court have been appropriately and consistently implemented. At least twice a year, forty (40) charts randomly chosen from the list noted in item A.7 shall be examined for compliance with the procedures cited herein. Corrective action shall be taken where noncompliance is observed. Supervisors and the Director shall be provided a copy of a summary of the findings of the audit.



Thomas G. Hiers, Ph.D.
Executive Director

July 25, 1998
Date

PCOURT