

Referring Defendants to Fayette Mental Health Court (FMHC):

Initial Questions

- Has defendant presented with or is currently presenting with bizarre/aberrant/abnormal behavior or has made and/or is making statements that would lead one to suspect mental illness?
- Admission criteria for FMHC includes required substantiation of an existing diagnosis of serious mental illness in most cases.
- Does defendant endorse having been given a diagnosis of one of the following serious mental illnesses? (Please refer to Kentucky Determination Criteria Checklist for Serious Mental Illness for more detail)
 - Delusional disorder, schizophrenia spectrum disorders, bipolar I or II disorder, cyclothymic disorder, major depressive disorder, dysthymia, PTSD
 - If yes, then a referral to FMHC may be indicated.
- There are some cases in which an individual may suffer from a serious mental illness but has not received a diagnosis, e.g., a young individual who is in the early stages of mental illness or an older individual who for some reason or other has not had past engagement with mental health professionals.
 - In this eventuality, a first step would be to request an order for a full mental health evaluation through New Vista, Eastern State Hospital, KCPC, or YesCare at the Fayette County Detention Center. An assessment by FMHC staff, by itself, CANNOT qualify a defendant for admission to the program (conflict of interest), but when combined with an independent one-time evaluation may result in enough evidence of serious mental illness to make a determination.
- Substance use and abuse can often lead to behaviors that can present similarly to signs of mental illness. Does defendant have a history of substance abuse or substance related charges, and/or do they endorse the possibility that they have a substance abuse problem?
 - If yes, and the defendant also has a diagnosis of a serious mental illness, then a referral to FMHC may be indicated.
 - If yes, and the defendant has never been diagnosed with a serious mental illness, then a referral to Drug Court may be indicated.
- Is the defendant a veteran?
 - If yes, then an additional referral to Veterans Treatment Court may be indicated.

- Does defendant have a criminal history that includes current charges or previous convictions that would qualify them as a “violent offender” as defined by KRS 439.3401 or a “sex offender” as defined by KRS 17.550?
 - If yes, then a referral to FMHC is likely NOT indicated. However, if they do not have a history of violent or sexual charges, and if their current serious charge could be amended down, a referral may be indicated.

Steps for Referring

- Discuss rigorous nature and timeframe of FMHC program with defendant, i.e., weekly in-person court sessions and mental health group sessions, regular therapy and medication management appointments, medication compliance, abstinence from alcohol, CBD, and illegal drugs, including marijuana and other THC sources. The minimum time it takes to complete the program is 12 months.
 - Is defendant willing to participate in the FMHC program vs. letting their case play out in criminal court?
- If the defendant is willing, then the possibility of referral needs to be discussed with the prosecutor.
- If the prosecutor is amenable, a referral order needs to be prepared and signed by the judge.
- After the referral order is entered, **it is the responsibility of the defendant and their attorney to contact FMHC Program Coordinator to schedule an assessment.** Contact info can be found on the referral orders. It is crucial that the defendant and their attorney notify FMHC that a referral has been made, **DO NOT** just count on it being delivered by the system. Documents can be lost, mistakes made, there are numerous ways a referral can “fall through the cracks.”
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 - 859-489-4497 (office)
 - 859-797-3731 (direct)
- If the defendant is in custody, FMHC staff will endeavor to conduct an assessment interview at FCDC within two business days of receiving the referral. If they are in community, once FMHC staff is contacted by the defendant they will endeavor to schedule an assessment interview to be held at the FMHC office within two days of receiving the referral, or as soon as it is possible for the defendant.
- During the assessment interview, FMHC staff will collect signed ROIs and then submit records requests to necessary agencies. Agencies are given 30 days to return records, although most are returned in a week or less. Upon receipt of records, FMHC clinicians must review them and discuss the case in full-team

staffing, which is held once a week. Although every effort is made to expedite determinations, the process can take as long as 30 days.

- The defendant, the defendant's attorney, or any other involved parties (such as the defendant's family) may have speedy access to mental health records. Any records that they can provide to the FMHC team may help to expedite the assessment process.
- FMHC staff will monitor referred defendants' pending court dates, and will provide status updates and final determinations, when applicable, to judges, prosecutors, and defense attorneys prior to scheduled appearances.