

**KERN COUNTY STAR COURT
CONFIDENTIALITY REQUIREMENTS
ACKNOWLEDGEMENT AND AGREEMENT**

INTRODUCTION

All persons working with the Kern County Sustained Treatment and Recovery "STAR" Court ("STAR") will observe and receive private and confidential information regarding mental health consumers. This information may include, but is not limited to, medical, mental health, social, financial, and educational information.

All persons working with STAR Court are required, either by law or by the terms of their employment, to protect the confidentiality of consumer information. For purposes of this Agreement, a person is working with STAR Court if he or she is an employee, a volunteer, a student, or observer is assigned to a STAR Court program through an educational program requiring contact with client/consumer information. Such persons will be referred to as STAR Court personnel.

All STAR Court personnel must read and sign this Acknowledgment and Agreement and agree to protect the confidentiality of STAR Court client/consumer information.

LAWS PERTAINING TO CONFIDENTIALITY

STAR Court recognizes that each consumer has a right to privacy under State and Federal laws. That means each consumer has a right to have his or her private, confidential information protected from unauthorized disclosure. A violation of these laws can result in criminal prosecution, civil liability, and termination of employment.

STAR COURT POLICY REGARDING CONFIDENTIALITY

As a matter of policy and in compliance with Federal and State Laws, all STAR Court personnel must know the STAR Court policies and procedures regarding confidential information, including Protected Health Information ("PHI") as defined by Health Insurance Portability and Accountability Act ("HIPAA"), that are necessary and appropriate to carry out his or her function for STAR Court. STAR Court personnel must also exercise extreme care in the use of confidential information obtained from consumers, case records, fellow workers, records and employees of other agencies, and from any other source. STAR Court personnel are to refrain from seeking confidential information on consumers, if that information is not necessary to carry out his or her work. Discussion regarding consumers as recorded in case records shall be limited to formal discussions that are pertinent to the provision of services to consumers and/or to the formal training of workers. All STAR Court personnel shall make reasonable efforts to limit requests for and disclosures of PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request. Handling case records or other documents which contain consumer information in such a way that the document is open to view by others is also contrary to STAR Court policy and the law.

No unauthorized person is permitted to accompany any STAR Court personnel in interviews with consumers, whether these interviews take place on our work site, in a consumer's home, or elsewhere.

ACKNOWLEDGEMENT AND AGREEMENT

I hereby acknowledge that I have read and/or have had read to me, the above information regarding confidentiality. I understand and accept my responsibilities under this Agreement, and will use all information pertaining to STAR Court consumers in a professional and confidential manner. I further understand that failure to protect consumer information from unauthorized disclosure constitutes a breach of ethics, a violation of STAR Court policy, and a violation of State and Federal laws. I further understand that violation of this policy can result in disciplinary action, up to and including termination of my employment.

Name: _____

Signature: _____

Title: _____ Date: _____

Witness: _____

Witness Title: _____ Date: _____

KERN COUNTY STAR COURT AGREEMENT

NAME: _____

CASE #: _____

By signing below, I am asking to participate in the Kern County Sustained Treatment and Recovery "STAR" Court, and I acknowledge that I understand the following:

1. I am requesting that I be considered for participation in the Kern County STAR Court, and I agree to follow all the rules and requirements of the program if I am accepted as a participant.
2. I will follow the law while I am involved in the Kern County STAR Court and understand the commission of any new crime, repeated willful violations or repeated non-compliance with my case plan may result in my dismissal from the program or the reinstatement of the maximum possible sentence as specified in the Change of Plea Form.
3. I understand that if I fail to comply with the rules of the Kern County STAR Court, the orders of the court, requirements of Probation or Kern County Mental Health, or my treatment plan, there may be sanctions imposed by the Court, up to and including time in custody.
4. I understand the length of this program is 12 months to 36 months.
5. During this time I will comply with the terms of my probation and work with my Probation Officer as required.
6. I understand I will participate in mental health treatment, including individual and group therapy as outlined in my treatment plan. The Mental Health System of Care will also assist me in obtaining housing and benefits as necessary
7. I agree to an evaluation for medication and will take my medications consistently as prescribed.
8. I will abstain from the use of alcohol or illegal drugs and understand I will be alcohol and drug tested at any time.
9. I understand and will authorize the release and exchange of my protected health information among members of the Kern County STAR Court Team.

Dated: _____

Signature

(Printed Name)

I have reviewed this Agreement with my client.

Dated: _____

Attorney's signature

(Attorney's printed name)

KCDA proposed graduation outcomes and considerations
(Case-by-case determination)

Potential outcomes:

- Dismissal of case
- Dismissal of some charges and continuation of probation
- Dismissal of some charges and termination of probation
- Reduction of charges and continuation of probation
- Reduction of charges and termination of probation
- Credit Time Served (CTS) and continuation of probation
- CTS and termination of probation
- Action options – dismissal, reduction, CTS, probation

Considerations:

- CA Rules of Court Rule 4.421 Circumstances in aggravation
- CA Rules of Court Rule 4.423 Circumstances in mitigation
- Emphasis:

- Criminal Record
- Seriousness of offense
- Victim impact, restitution
- Level of relationship of mental illness and crime
- Responsiveness to treatment
- Likelihood of reoffending

KERN COUNTY BEHAVIORAL HEALTH COLLABORATIVE COURT
SUSTAINED TREATMENT AND RECOVERY – “STAR” COURT
CONFIDENTIALITY REQUIREMENTS
ACKNOWLEDGEMENT AND AGREEMENT

INTRODUCTION

All persons working with the Kern County Behavioral Health Collaborative Court – Sustained Treatment and Recovery (“STAR”) Court – will observe and receive private and confidential information regarding mental health consumers. This information may include, but is not limited to, medical, mental health, social, financial, and educational information.

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necessary to accomplish the intended purpose of the use, disclosure, or request. Participation in "gossip sessions" at any time with anyone regarding consumers and/or records is contrary to STAR Court policy and to the law. Handling case records or other documents which contain consumer information in such a way that the document is open to view by others is also contrary to STAR Court policy and the law. No unauthorized person is permitted to accompany any STAR Court personnel in interviews with consumers, whether these interviews take place on our work site, in a consumer's home, or elsewhere.

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Name: _____

Signature: _____

Title: _____ Date: _____

Witness: _____

Witness Title: _____ Date: _____

1 STAR Court Eligibility and
2 Static Risk Assessment Report

3 FILE #: 15-01-21 DEFENDANT: Trammel James Tyler
4 SET FOR: September 3, 2015 @ 1:30 P.M. CASE #: BF161119A
5 COURT: Division MH
6 JUDGE: Susan M. Gill
7 ATTORNEY: Public Defender
8 DPO: RLO

9 Presumptive Exclusionary Criteria

10 PENDING OR PRIOR STRIKE CONVICTIONS:

11 None

12 PENDING OR PRIOR CONVICTIONS INVOLVING SEXUAL MISCONDUCT:

13 None

14 PENDING CASE OR HISTORY WITH SIGNIFICANT VIOLENCE:

15 None

16 PENDING OR PRIOR GANG CONVICTIONS OR TIES:

17 None

18 PENDING OR PRIOR SALES OR POSSESSION FOR SALES OF ILLEGAL DRUGS:

19 None

20 STATIC RISK ASSESSMENT CLASSIFICATION:

21 Low
22
23
24
25
26

STAR Court Eligibility and
Static Risk Assessment Report

FILE #: 15-01-18 DEFENDANT: Michael Martinez
SET FOR: September 3, 2015 @ 1:30 P.M. CASE #: BF161093A
COURT: Division MH
JUDGE: Susan M. Gill
ATTORNEY: Public Defender
DPO: RLO

Presumptive Exclusionary Criteria

PENDING OR PRIOR STRIKE CONVICTIONS:

None

PENDING OR PRIOR CONVICTIONS INVOLVING SEXUAL MISCONDUCT:

None

PENDING CASE OR HISTORY WITH SIGNIFICANT VIOLENCE:

None

PENDING OR PRIOR GANG CONVICTIONS OR TIES:

None

PENDING OR PRIOR SALES OR POSSESSION FOR SALES OF ILLEGAL DRUGS:

None

STATIC RISK ASSESSMENT CLASSIFICATION:

Moderate

STAR COURT REFERRAL FORM

SUPERIOR COURT OF CALIFORNIA
COUNTY OF KERN

Return completed Referral to: Kern County Superior Court, 1215 Truxtun Ave., 3rd Floor, Room 301, Bakersfield CA 93301, Attention: Diana Seibert, STAR Court Coordinator, Fax (661) 868-7903.

1. APPLICANT INFORMATION

Referral Date: _____

Name: _____ Unique ID: _____

Address: _____

Telephone: Home _____ Cell _____ Emergency _____

Lives With: _____

DOB: _____ Male: _____ Female: _____ Other: _____

Race:

- African American/Black
- Asian/Pacific/Islander
- Caucasian/White
- Native American
- Multiple
- Other
- Unknown

Ethnicity:

- Latino/Hispanic
- Non-Latino/Non-Hispanic

TRANSLATOR REQUIRED?

Yes No Unknown

Language: _____

Education:

- High School Diploma
- GED
- College
- Unknown

Employed: Yes No Unknown

Where: _____

Military: Yes No Unknown

Branch: _____

At time of entry into program is the Applicant on:

- Parole
- Probation
- PRCS (Post-Release Community Supervision)
- Mandatory Supervision

2. REPRESENTATION

Defendant's Attorney: _____

Address: _____

Telephone: _____ Cell: _____ Fax: _____

E-mail: _____

Arrest Date: _____ Court Case No.: _____

Pending Charges: _____

In Custody: Yes No

Booking No.: _____

Name: _____

3. HISTORY OF PSYCHIATRIC TREATMENT

Do you think you suffer from a mental health condition: Yes No

If so, what: _____

Have you ever received a mental health diagnosis: Yes No

If so, what:

Depression Yes No

Anxiety Yes No

Bipolar Yes No

Psychotic Disorder Yes No

Other _____

Have you ever been hospitalized in a psychiatric facility Yes No

If so, where (state hospital, Crestwood (MHRC/PHF), (IPUS), (KMC 3B)), other:

Have you ever received outpatient mental health treatment: Yes No

From whom? (Agency/Team name):

Have you ever been prescribed psychotropic medication: Yes No

If so, what?: _____

What was it for: _____

Behavioral Observations of Concern:

As the Defendant, I understand this information will be shared with Kern County Mental Health System of Care.

Dated: _____

Defendant

Dated: _____

Signature of Attorney

Welcome to STAR Court
(Sustainable Treatment and Recovery)

Your attorney believes you can benefit from this court, which is very different from the usual criminal court.

This court will use a team of Probation Officers, Mental Health staff, a Deputy District Attorney, your Defense Attorney and a Judge to address your criminal case and provide you with support to address whatever mental health, substance use, and/or other issues you may have. To succeed in this program, it will be important that you work with us and follow the plan and orders made for you.

Goals:

The primary goal of this court is to help you address your mental health, substance use, and other issues in order to lead a healthy, independent and meaningful life.

Another goal is to ensure public safety through your active participation with the court team by avoiding additional unlawful behavior and incarcerations.

Confidentiality

Your privacy is protected by both federal and state laws, and this program has been designed to protect confidentiality of your records and private health information. You will need to give permission for exchanges of information between your mental health provider(s), and other members of the team, including the court. The court hearings will be open to the public, as this is the law, but please know that the

Judge, Attorneys, your Probation Officer and Mental Health provider(s) will be discreet in discussing your issues in court hearings.

The Program

The program is organized into four phases. Your full cooperation in each phase will be needed for successful completion and graduation from the program. You will be involved in this program for a minimum of 12 months and up to 36 months.

Phase 1: Assessment

In the first phase you will meet with Probation and with Mental Health. Each department will evaluate your needs and the STAR Court Team will determine if you have the potential to be successful in this court program. If you are accepted into the STAR Court, you will move to the second phase.

Phase 2: Entry

Once you are accepted into the STAR Court, you will begin working with Mental Health. You will receive an orientation to their services. You will meet with a clinician to review your health and self-care needs, with a group counselor to learn about the groups in which you will participate, and with a case manager to learn about community resources available to you. Your needs for housing, benefits, education, etc., will also be determined. You and your mental health team will develop a case plan and goals designed to help you to succeed in the program.

You will also meet with your Probation Officer to outline the terms of probation in your case. Your Probation Officer will explain to you his expectations and what will be required of you.

Phase 3: Program

This is the most important phase of your plan and will take the longest to complete. It will involve four steps.

All four steps will include Moral Reconciliation Therapy, which has been proven to decrease your risk of criminal behavior and incarceration. Moral Reconciliation Therapy - MRT is a systematic method designed to promote positive self-image and identity, help clients learn positive social behaviors and beliefs, and begin to make their decisions from higher levels of moral judgment. MRT seeks to reeducate clients socially, morally, and behaviorally to instill appropriate goals, motivation, and values, through systematic self-evaluation and goal setting activities.

If your criminal charges involved drugs, or if you have issues with alcohol or other drugs, you will also be involved in substance abuse treatment.

Step 1: You will attend individual and group therapy and Moral Reconciliation Therapy.

Step 2: This will include all of the above, plus another group to address a specific need of yours as decided with your mental health provider. You might learn anger control, stress reduction, healthy relationship skills, or about another group topic.

Step 3: This will include all of step two activities, with a new group topic as well as some community engagement.

Step 4: This will repeat step three with a new group topic. You will be looking forward toward your graduation from the program by the end of this step.

Phase 4: Transition

In this phase you and your team will develop a Wellness and Recovery Action Plan for you to use for your continuing success after graduation.

Consequences

You must meet the terms and conditions of your probation and comply with the directives of your Probation Officer, your mental health team, and the Court throughout your participation in this program. You must attend court hearings as scheduled. At the beginning of this program your progress will be heard by the Judge each week. As you meet your goals in treatment, you will be required to come to court less often, but you may want to come to court to encourage other participants in the program.

As it is in life, you will receive positive and negative consequences for the choices you make.

Positive incentives may include one or more:

- Praise from the Court
- Fewer Court appearances
- More responsibility
- Incentive gifts
- Certificates
- Phase advancement
- Early probation, termination or dismissal of case
- Possible reduction of fines

Negative consequences can include:

- Reprimands from the Judge
- More frequent court appearances
- More frequent meetings with STAR Court team members
- Essay/assignments
- Curfew
- Community service
- Increased drug testing and payment of fees for same
- Demotion to previous phase

- Electronic monitoring
- Jail
- Termination of MH Court
- Return to Felony Court

And, when you successfully reach the end of the program, you will graduate in court, where the STAR Court Team and other court participants will congratulate you on a job well done.