

2022 - 2023

MAPPING OUR PROGRESS

**Biennial Report to the Supreme Court of Texas
and the Texas Court of Criminal Appeals**





The mission of the Texas 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, substance use disorders, or intellectual and developmental disabilities.

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With heartfelt gratitude to our Commissioners, Collaborative Council Members, Staff, and the many they represent through their work, we are pleased to present our biennial Report to the Courts. Day in and day out, the Texas Judicial Commission on Mental Health aims to improve the administration of justice for children and adults with mental health needs.

Through our work, dedicated stakeholders leverage their individual efforts to make system-wide improvements. Significant milestones over the past two years include the 88th Legislature’s adoption of a rewrite of mental health laws for youth and several other JCMH proposals. The JCMH developed helpful forms relating to various mental health laws, including emergency detention, to make access to the courts more user friendly. These forms are available online for families and others engaged in providing support during a mental health crisis. We have continued to support pilot projects for county-wide collaboration between the courts, law enforcement, and the local mental health authorities. These projects look for local solutions with engagement across disciplines to bring the best resources available to those in need. As part of our mission to educate the public about mental health and to expand the reach of our resources, the JCMH launched a webinar on mental health courts and a podcast called “Reimagining Justice: Exploring Texas Innovations in Mental Health.” The podcast features guests who describe notable ways to improve mental health and court encounters in their part of the state.

The ever-growing prevalence of mental health challenges underscores the need for the JCMH to continue to pave the way for positive change. As a participant at our Judicial Summit on Mental Health commented, “the judicial branch of government needs to continue to lead in this area.” Another was appreciative that the JCMH has created a place for “significant conversations that would otherwise not happen.”

We are indebted to all who contributed to the success and impact of the Commission over the last two years. In particular, we extend our thanks to our colleagues on the Supreme Court of Texas and the Texas Court of Criminal Appeals for their unwavering support of the JCMH and its mission. We hope this report serves as inspiration for future endeavors.

Hon. Jane N. Bland, Chair
Justice
Supreme Court of Texas

Hon. Barbara Hervey, Chair
Judge
Texas Court of Criminal Appeals

FROM THE EXECUTIVE DIRECTOR

I am honored to present the Biennial Report of the Texas Judicial Commission on Mental Health to the Supreme Court of Texas and the Texas Court of Criminal Appeals. “Mapping Our Progress” provides a panoramic view of the initiatives, programs, and significant achievements that have shaped the path of JCMH toward fostering a more compassionate, responsive, and inclusive judicial system for individuals with mental health challenges or intellectual and developmental disabilities (IDD).

Maps have been a theme through much of our work for the past two years. Sequential Intercept Model Mapping has brought communities together to identify the resources and gaps in their ability to create positive change. The JCMH Resources and Innovations Map seeks to provide county-specific information regarding adult- and youth-serving systems. Our Whole Texas Campaign maps the counties participating in the annual Judicial Summit on Mental Health, directing us to counties that may not have a connection to the JCMH. Since the last biennial report, JCMH developed a new strategic plan with guiding principles that serve as our road map for the future—a blueprint that charts a course to strengthen collaborative partnerships, expand our educational reach, and lead Texas through the implementation of mental health laws that provide for more efficient, and cost-saving systems that uphold the dignity and rights of those affected by mental health issues or IDD.

As we celebrate our accomplishments, I would also like to extend my deepest gratitude to our dedicated team, esteemed partners, and every individual who has contributed their expertise, passion, and resources to further our shared vision. Your support and commitment are the cornerstone of our progress. As we embark on the next phase of the JCMH, I invite each of you to join us in our commitment to drive meaningful change, challenge the status quo, and provide Texas judges, attorneys, law enforcement, mental health providers, and other critical stakeholders with knowledge, tools, and resources to improve outcomes and reduce justice system involvement for adults and youth with behavioral health needs or IDD.

Sincerely,



Kristi Taylor
Executive Director



CELEBRATING FIVE YEARS OF PROGRESS

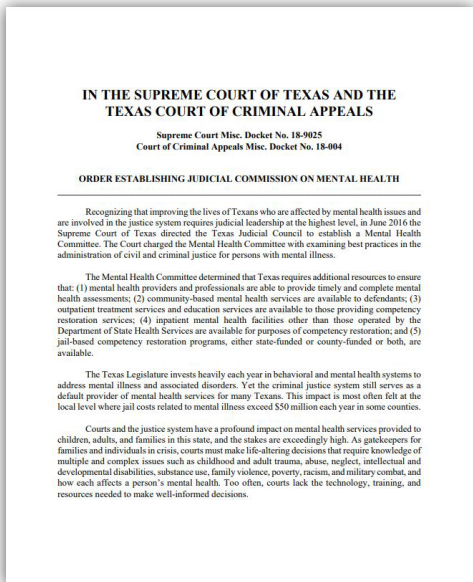
(January 2018 - January 2023)

On January 11, 2018, the Supreme Court of Texas and the Texas Court of Criminal Appeals did something extraordinary—they sat together as one court and heard from judges, attorneys, psychiatrists, veterans, law enforcement, and individuals and family members who have been affected by mental health challenges and intellectual and developmental disabilities.

One month later, the Texas Judicial Commission on Mental Health was established. In 2023, we celebrated five years of the JCMH. The JCMH was created to develop, implement, and coordinate policy initiatives designed to improve the courts’ interaction with—and the administration of justice for—children, adults, and families with mental health needs.

April 10th, 2018, 31 commissioners from around the state and across many areas of expertise were appointed. Two and a half years later, that number increased to 44, as we added more voices to the mental health and justice conversation.

In our first five years, the JCMH held five Summits, hosting a total of 5,140 people, and offering more than 60 hours of continuing education. State and national leaders have served as presenters—sharing their knowledge, encouraging, and inspiring Texans to make a positive change in their communities.



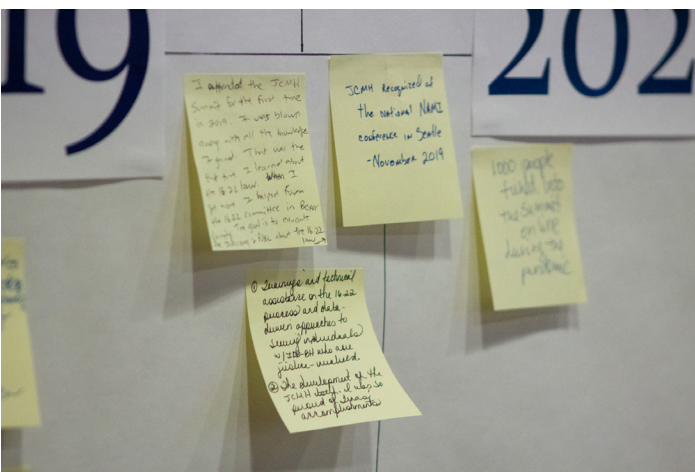
The JCMH Legislative Research Committee wrote a combined 27 legislative proposals in the 86th and 87th Legislative Sessions. In the 87th Session, 10 of 16 proposals were entered into law.

We presented these new laws, other new and existing mental health laws, and best practices in an easy-to-understand format in our two bench books: one for adults and its youth counterpart. We also worked with LexisNexis to create a Code Book of selected Texas mental health laws. By January 2023, we created and distributed more than 5,500 books.

We've traveled across Texas to bring training and workshops to counties in their own backyards. Our Sequential Intercept Model Mapping workshops have given counties new ideas about how to link people with mental health needs to services to prevent them from moving further into the criminal justice system. We also created pilot projects aimed at improving local collaboration.

We have brought people together for five different round table discussions—including emergency detentions, youth mental health, and how people with lived experience would map their encounters across the SIM—to address key issues affecting mental health and IDD law and the courts that hear those cases. These projects are a springboard for future statewide efforts.

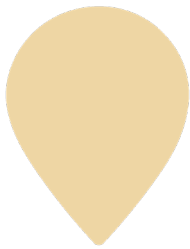
Together we've made positive changes to better the lives of those living with mental health challenges, IDD, or substance use disorders. Texas is a leader in this effort. At our April 2023 Commission Meeting, we celebrated five years with a walk down memory lane. We asked our Commissioners and Collaborative Council members to write how being a part of the JCMH has impacted their work and their communities on sticky notes. The result was a timeline full of memories and a recognition of the positive impacts the JCMH has made thus far.





COLLABORATION

PLOTTING A ROUTE | FORMS



The Forms Committee, chaired by Judge David Jahn, was established in December 2019. Tasked with examining common mental health forms, the Committee sought to produce a set of standardized forms that could be used in any county in the state. The Forms Committee met regularly and developed more than 70 forms related to mental health, which are available on the JCMH website. The Supreme Court Advisory Committee specifically considered eight forms related to mental health and approved these forms for use under Rule 10(g) of the Texas Rules of Judicial Administration, a rule that prohibits the rejection of the use of these specific forms, so long as they are properly completed. The officially approved forms were subject to more intense scrutiny and standardization to make them accessible and applicable statewide.

JCMH Officially Approved Forms

1. Application for Emergency Detention
2. Advisement to Patient under Emergency Detention
3. Motion for Protective Custody
4. Order of Protective Custody
5. Motion to Modify Court-Ordered Inpatient Mental Health Services to Outpatient Mental Health Services
6. Certificate of Notice - Motion to Modify Court-Ordered Inpatient Services to Outpatient Services
7. Application for Order to Administer Psychoactive Medication (Patient with Criminal Justice Involvement)
8. Application for Order to Administer Psychoactive Medication (Patient without Criminal Justice Involvement)

JCMH Committee Forms Database

Includes forms on the following topics:

- Emergency Detention
- Order for Protective Custody
- Court Ordered Mental Health Services
- Jail and Magistrate
- Incompetency to Stand Trial
- Court Ordered Administration of Psychoactive Medications
- Forms Report 2022

A ROADMAP FOR THE FUTURE | NEW STRATEGIC PLAN

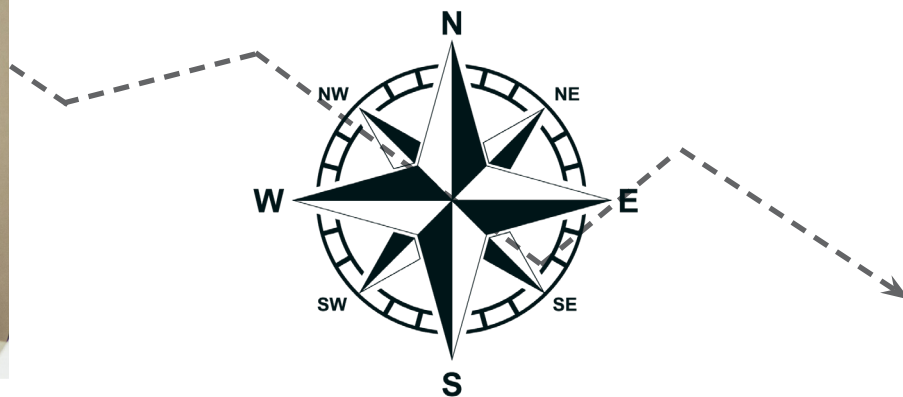


The Long-Term Planning Committee, chaired by Judge John Specia, Jr., has focused on long-term goal setting and offering input on possible new JCMH projects. Specifically, the Committee discussed how to support judicial leaders in their work: (i) leading within with their communities; (ii) creating and augmenting mental health courts and dockets; (iii) incorporating best practices for youth; and (iv) including best practices related to improving disparate outcomes for diversities such as race, geography, gender, and economic factors.

On May 19, 2022, the Long-Term Planning Committee met to create an updated JCMH strategic plan with these topics at the forefront. The day-long meeting was facilitated by Dr. Charles Mathias, Associate Professor at the University of Texas Health Science Center at San Antonio. During the meeting, members framed a more comprehensive and focused strategic plan to guide the work of the JCMH for the next 5 years.

What's new in the strategic plan?

The 2023 Strategic plan reorganized and added on to the original plan from 2018. The 2023 plan used the prior plan and contributions from the Long-Term Planning Committee and staff to create a vision statement, overarching principles, and more concrete strategies and activities for the JCMH to accomplish its mission by convening experts, generating knowledge, and developing capacity in the areas of collaboration, education, and leadership. Additionally, the new plan added sections on organizational administration and evaluation to ensure our work remains relevant and high quality, that we track visibility, and maintain transparency in our conduct.



ENACTING CHANGE | 88TH LEGISLATIVE SESSION UPDATES

During the 88th Legislative Session, JCMH leaders, Commissioners, Collaborative Council Members, and staff served as resources for the Legislature for all bills related to mental health law. We testified in front of Texas Senate and House Committees as a resource for relevant legislation, visited legislators to answer any questions about mental health bills, and provided summaries and one-pagers on complex mental health legal questions raised by pending legislation. A small group of Legislative Research Committee (LRC) members was able to sit down with legislative staff and fix a newly discovered typo in pending legislation, which prevented significant unintended consequences and confusion for the criminal judges handling mental health law throughout Texas. Twelve JCMH proposals were adopted by the Judicial Council; six of those proposals passed and became law on September 1, 2023.

After the legislative session completed, the JCMH prepared tools and resources regarding mental health and IDD legislation. You can find summaries of the bills passed in the last legislative session from JCMH proposals, as well as a summary of passed mental health legislation organized by sequential intercept, on our website.

The LRC began meeting in preparation for creating proposals for the Texas Judicial Council for the 89th Legislative Session in November 2023.

Senate Bill 2479, sponsored by Sen. Judith Zaffirini and Rep. Joe Moody

Emergency Detentions by Judge's Warrant

Allows Electronic Application for Emergency Detention Warrants by both Physicians and Licensed Mental Health Professionals Employed by a LMHA

Issue: Previous law only allowed physicians to electronically request a warrant from a judge for an emergency mental health detention under Texas Health and Safety Code section 573.012. In less populated areas, a physician is often not available to electronically request a detention when an emergency detention warrant is needed.

SB 2479: This amendment permits licensed mental health professionals who are employed by the Local Mental Health Authority to electronically make the request.

Clarifies a Law Enforcement Officer's Duties Upon Presenting an Individual for Mental Health Services Under a Warrant for Emergency Detentions

Issue: Law enforcement officers often need to wait while the individual they have transported for emergency mental health services is medically screened or treated before they can leave the healthcare facility or emergency room.

SB 2479: This amendment to Texas Health and Safety Code section 573.012 clarifies that a law enforcement officer does not have a duty to remain at a healthcare facility or emergency room once the officer responsibly delivers an individual under a warrant for emergency detention.

Early Identification of People with Mental Illness or IDD

Permits use of Article 16.22 Procedures for Class C Misdemeanors

Issue: CCP art. 16.22 previously mandated an interview and report only for individuals charged with a Class B misdemeanor or higher who are suspected of having a mental illness or intellectual disability. Courts hearing Class C offenses often first see people with severe mental illness in the justice and municipal courts before their mental health deteriorates to a point where the individual is arrested on a higher-level misdemeanor or felony offense.

SB 2479: Amends Texas Code of Criminal Procedure article 16.22 to allow for the inclusion of Class C misdemeanors in the early identification process. The aim of this law is to give the judges who frequently interact with this population of defendants the tools to identify potential issues and connect these individuals to mental health services. This law will give the judge the additional discretion to order a 16.22 interview and report on persons charged with Class C misdemeanors.

Mental Health Personal Bonds

Harmonizes Mental Health Personal Bonds with Recent Amendments

Issue: S.B. 6 (87th Leg., Second Called Session, (2021)) limited certain offenses from personal bond pursuant to Texas Code of Criminal Procedure article 17.03 and inadvertently created a conflict between offenses that permit release on personal bond in Texas Code of Criminal Procedure article 17.032.

SB2479: Amends Texas Code of Criminal Procedure article 17.03 to reconcile the conflicts created in regard to offenses that are eligible for personal bonds and offenses that allow for a mental health personal bond. This law resolves the conflict and allows for the clear resumption of the release of individuals who are charged with certain non-violent offenses and are eligible for a mental health personal bond.

Court-Ordered Medication

Allows Blood Draws for Patients Receiving Court-Ordered Medication

Issue: Medical personnel need to monitor the medication levels of patients who are receiving involuntary medications to determine whether the dosage is appropriate when patients are unable or unwilling to consent to the procedure. Currently, two separate orders are required.

SB 2479: This amendment to Texas Health and Safety Code section 574.106 permits blood draws for patients who already are subject to an order for involuntary psychoactive medications. Such care is medically necessary to monitor medication levels and determine whether the medications need adjustment.

12

*JCMH proposals accepted
by the Judicial Council*

6

*proposals passed
into law*

62

*members of
the LRC*

Senate Bill 1585, sponsored by Sen. Kevin Sparks and Sen. Charles Perry

S.B. 1585 is a package that rewrote, reorganized, and updated Chapter 55 of the Texas Family Code, which governs proceedings in juvenile court for children with mental illness and intellectual disabilities.

The bill substituted “intellectual disability” for the harmful and outdated term “mental retardation” throughout Chapter 55.

Subchapter A of Chapter 55 was updated to provide definitions for the terms used in Chapter 55, including “forensic mental evaluation” and the criteria for the experts who conduct these evaluations. It also incorporated the criteria for court-ordered treatment services from the Texas Health and Safety Code directly into the Family Code.

Subchapter B was amended to address court-ordered inpatient and outpatient treatment services for juveniles with mental illness, in addition to strengthening the value of court-ordered forensic mental evaluations and expanding judges’ discretion in transferring juvenile cases to adult criminal court.

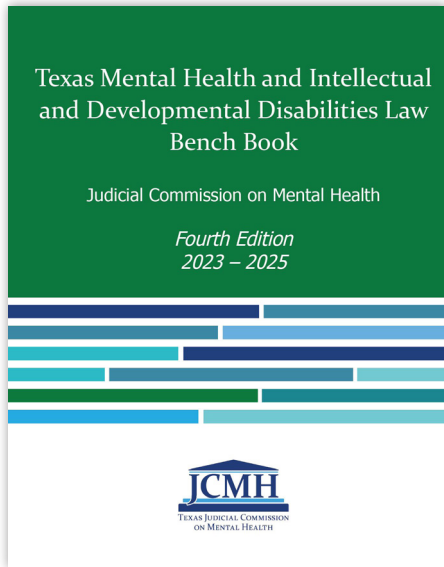
Subchapter C was updated to include what an expert evaluator must consider when determining whether a juvenile with mental illness or an intellectual disability is fit to proceed, clarifies the criteria for court-ordered inpatient and outpatient fitness restoration services, expands judges’ discretion in transferring juvenile cases to adult criminal court, allows judges to order services for youth who are unfit to proceed but do not meet the criteria for court-ordered services, and authorizes juvenile probation departments to provide restoration classes.

Subchapter D was amended to include what an expert evaluator must consider when determining whether a juvenile with mental illness or an intellectual disability lacked responsibility for their conduct at the time of the offense, clarifies the criteria for court-ordered inpatient and outpatient treatment services, expands judges’ discretion in transferring juvenile cases to adult criminal court, and allows judges to order services for youth who are found to lack responsibility but do not meet the criteria for court-ordered services.

Subchapter E was created to combine existing language about court-ordered mental health or residential intellectual disability services from Chapter 55 of the Texas Health and Safety Code, as well as addressing the detention status of juveniles who are being held in juvenile detention facilities while waiting for transport to an appropriate facility or service provider.



STEPPING FORWARD | BENCH BOOKS



The Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book is a reference tool for Texas judges hearing cases regarding persons with mental illness and/or IDD but is also useful to stakeholders at the intersection of mental health and the justice system. Each section of the book contains applicable statutory processes and charts, relevant best practices and guidance, QR codes that link directly to resources, cross-references to important forms, and—new in the 4th Edition—an index.

The JCMH Bench Book Committee is chaired by the Honorable Camile DuBose, judge of the 38th District Court. The Committee originally began its work in early 2018 to develop the first edition of the bench book and meets every other year after the legislative session to contribute and edit the next edition. The JCMH makes bench books available at no cost to stakeholders by hard-copy and online.

4
*editions in
five years*

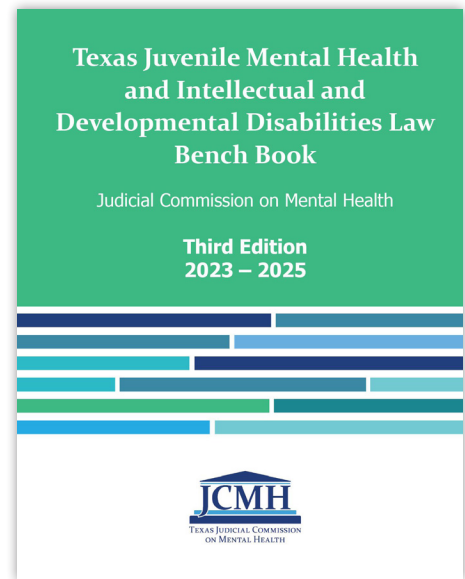
120
*new pages in
4th Edition*

500
*books distributed
in 2023*

50
*contributing
authors*

The Texas Juvenile Mental Health and Intellectual and Developmental Disabilities Law Bench Book is a 190-page book for Texas judges hearing cases regarding youth with mental illness and/or IDD. Each section contains applicable statutory processes, relevant best practices, and guidance. The Appendix contains bench cards, checklists, and important forms.

The Juvenile Bench Book Committee is chaired by Judge Cynthia Wheless, judge of the 417th District Court. The Committee began in 2020 to launch the first Juvenile Bench Book and meets every other year after the legislative sessions to make updates to the next edition. As with the adult Bench Books, the Juvenile Bench Books are available at no cost to stakeholders. You can find both versions of the JCMH Bench Books on our website.



3
*editions in
four years*

46
*new pages in
3th Edition*

400
*books distributed
in 2023*

40
*contributing
authors*

WORKING TOGETHER | ROUND TABLE DISCUSSIONS

Emergency Detention



On December 14, 2022, JCMH held its second Round Table on emergency detention procedures. The first emergency detention Round Table occurred in 2018 and focused on the practice of using sequential emergency detention orders due to delays in the issuance of orders of protective custody. JCMH staff recognized the need for this second Round Table on emergency detention while conducting training and technical assistance. Community after community had challenges interpreting and executing the laws related to emergency detention procedures.

The Honorable David Jahn, Judge of the Denton County Probate Court No. 1 and JCMH Commissioner, served as moderator of the discussion and provided participants with a brief overview of the statutes governing emergency detention. JCMH Leadership participated in the second Round Table discussion, including Supreme Court of Texas Justice Jane Bland, JCMH Chair; Supreme Court of Texas Justice Rebeca Huddle, JCMH Deputy Liaison; Hon. John J. Specia, Jr., JCMH Jurist-in-Residence; and Kristi Taylor, JCMH Executive Director. Invited guests included judges from all levels of the judiciary, medical professionals, law enforcement, attorneys, hospital and medical association representatives, and leaders from state agencies such as the Health and Human Services Commission (HHSC).

Current Issues in Children's Mental Health

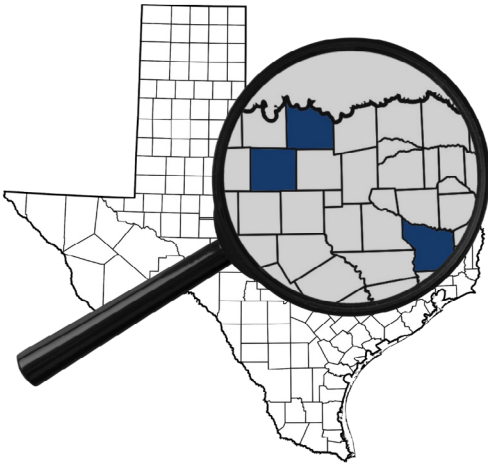
At their February 2022 meeting, members of the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families (Children's Commission) identified the urgent need to strengthen the systems supporting children with complex mental health needs. Specifically, the conversation centered on whether focusing efforts and resources to address the mental health needs of children who experience the Texas child welfare system would ultimately reduce the number of children without placement. After the meeting, the leadership of both the Children's Commission and the JCMH prioritized a joint initiative wherein the commissions would partner to address these topics and challenges as well as opportunities for systemic improvement. On June 24, 2022, the Children's Commission and the JCMH held the first joint commission Round Table Discussion on Children's Mental Health.

Leadership from both commissions participated in the discussion including Supreme Court of Texas Justice Debra Lehrmann, Chair of the Children's Commission; Texas Court of Criminal Appeals Judge Barbara Hervey, JCMH Chair; and Supreme Court of Texas Justice Rebeca Huddle, Deputy Chair of the Children's Commission and Deputy Liaison to the JCMH. Invited guests included young adults and parents with lived experience, judges hearing both juvenile and child welfare cases, leaders from state agencies, attorneys, service providers, and advocates.



The Honorable John J. Specia, retired judge and Jurist-in-Residence of the JCMH, served as moderator for the discussion. Luanne Southern, Executive Director of the Texas Child Mental Health Care Consortium, provided participants with an overview of the children's mental health landscape in Texas.

ADVANCING ENGAGEMENT | COMMUNITY DIVERSION COORDINATORS



In 2021, the JCMH partnered with the Texas Health and Human Services Commission (HHSC) to develop a pilot project focused on enhancing coordination between courts and behavioral health providers. The Community Diversion Coordinator Pilot Program is intended to divert defendants with mental illness who are charged with nonviolent misdemeanor offenses from the criminal justice system. Three counties were chosen: Denton, Grayson, and Smith Counties. In the past two years, the National Center for State Courts (NCSC) served as a program evaluator and conducted interviews with stakeholders from the three counties to assess program implementation progress. NCSC developed a plan for data collection, performance monitoring, and cost analysis in each county, preparing them for future evaluation.

Meet the Coordinators



Elizabeth Groves, Grayson County

“As of 12/20/2023, the Mental Health Diversion Program has officially implemented court ordered psychoactive medications for individuals incarcerated, who have been found incompetent to stand trial, and who have been ordered for commitment or placed on the State Hospital Waitlist. This program has emphasized the development of a more ethical and humane approach to supporting individuals intersecting with the judicial system. It has provided community education. It has reduced the total number of days most individuals remain incarcerated. There has been an impact in Grayson County, and it truly has been a positive one.”

Sandra Brazil-Hamilton, Smith County

“In the first two years of this program in Smith County, we have diverted inmates to treatment and then continued to follow them throughout the year. This program helped people with mental illness and addictions get counseling, guide them to jobs, find a place to live, and other needs. With the help from the JCMH program, we were able to show how the majority of this population can go on to live productive lives. About 10% returned to jail/court, with minor charges. The exciting thing was watching the other 90% go on to live healthy lives and not return to jail, even in our third year.”



Alessia Dal Monte, Denton County

“Denton County’s pilot program for the Community Diversion Coordinator has seen many successes since its launch. The position, which is situated in the county courts, has set priorities of early identification and assessment of defendants in custody, PR bond release into treatment for non-violent offenders, and continued oversight as their cases move through the courts. To the testimony of judges, attorneys, and defendants and their family members, the Community Diversion Coordinator program has been a driving force for positive change in both procedure and understanding, and will continue to do so for the betterment of the county.”



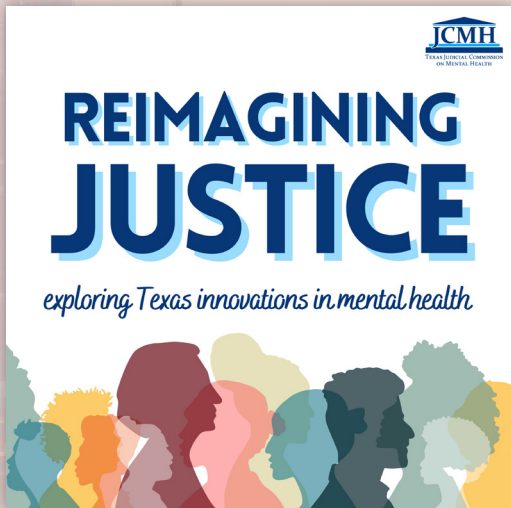
SHARING KNOWLEDGE | SPEAKING ENGAGEMENTS

Whether in person or through technology, JCMH travels across the country and to many Texas counties to share education and awareness about mental health laws, tools and resources to navigate these complex systems, and ideas for the most efficient use of resources. JCMH also often inspires stakeholders to create systemic change by highlighting success stories of best practices that are making a difference. JCMH staff has been invited to speak on how to create better legal processes for early identification, civil commitment, specialty courts, competency restoration and collaborative leadership.



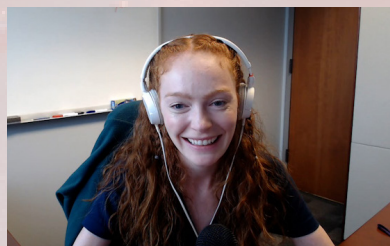
ENCOURAGING INNOVATION | OUR PODCAST

In March 2023, the JCMH launched the podcast *Reimagining Justice: Exploring Texas Innovations in Mental Health*. The goal of the podcast is to give listeners an inside look at the individuals working to improve the lives of those at the intersection of mental health and justice in our state. We highlight innovative ideas and programs across the state, and our guests explain how other Texas counties and communities can implement these innovations at home. Each episode, we sit down with a Texas mental health stakeholder and delve into their personal stories, experiences, and insights in the field. The podcast allows listeners to get to know the leaders driving change and creating a more equitable and compassionate system for all.



2023 Episodes

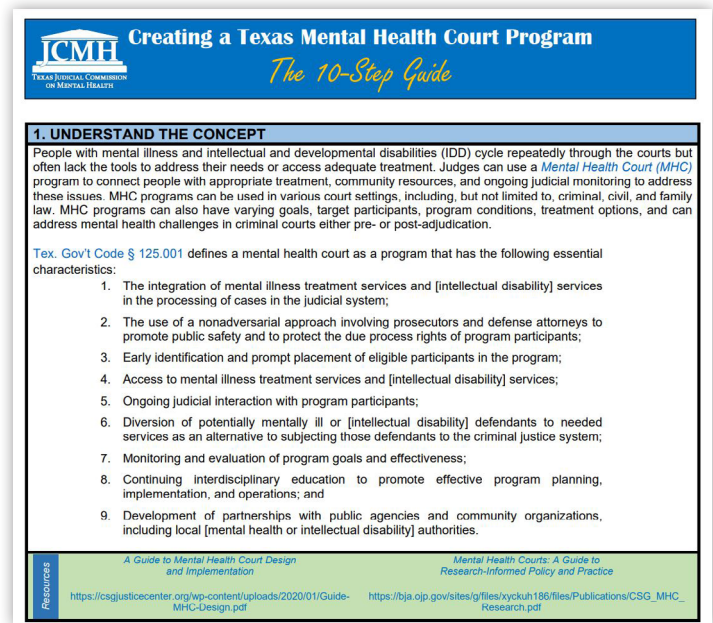
- 1. Whole Person Project** with Kirk Noaker, Senior Specialist of Mental Health & Criminal Justice at the Arc of Texas
- 2. GEMS Program and Juvenile Mental Health Court** with Hon. Cyndi Wheless, Presiding Judge of the 417th District Court in Collin County
- 3. CIRT and CORE** with Sergeant Rico Gomez, of the Harris County Sheriff's Office's Behavioral Health Unit
- 4. Peer Navigator Project** with Anthony Graves, the Director of Community Outreach at the Harris County Public Defender's Office
- 5. Multisystemic Therapy (MST)** with Bailey Hagler, Starcare Lubbock Community Based Mental Health Director
- 6. Trauma-Informed Courtroom** with Hon. Renee Rodriguez-Betancourt, Presiding Judge the of 449th District Court in Hidalgo County
- 7. The Sentencing Foundation** with Hon. Stephanie Sawyer, Philadelphia County Court of Common Pleas Judge
- 8. Pre-Trial Intervention (PTI)** with Lee Pierson, Dallas County District Attorney's Office Mental Health Division Chief



MAPPING BEST PRACTICES | THE 10-STEP GUIDE

In 2022-23, the JCMH placed an emphasis on assisting counties create and develop mental health courts. While Texas has about 235 identified specialty courts, there are only about 23 counties with a recognized mental health court program (some counties have more than one program) per the active court list provided by the Office of Court Administration as of February 2023.

To facilitate the creation of mental health courts across the state, JCMH created “The 10-Step Guide” to Creating a Texas Mental Health Court Program. This guide gives counties a road map from Step 1, understanding the concept, to Step 10, registering the court. The guide also provides external resources for more comprehensive advice and best practices at each step.



SHARING SUCCESS | MENTAL HEALTH COURTS WEBINAR

On May 31st, 2023, the JCMH held a webinar called “How to Create a Mental Health Court.” Using the 10-Step Guide as an outline, the JCMH created a 30-minute video on the topic. We interviewed judges in two counties with mental health court programs. Judge Elizabeth Byer Leonard in Midland County and Judges Brent Carr and Nelda Cacciotti in Tarrant County show that no matter the population or location of your county, you can have a successful mental health court. They recounted their experiences starting, developing, and running a program that, over time, has helped impact and change many lives. We also interviewed a graduate of Judge Carr’s program, who told us how this program led her to her role as a peer support specialist, helping people who are in the position she once was.

The webinar was led by Judge Carr. We played this video for the audience during the webinar, and afterwards, attendees had the opportunity to ask Judge Carr any questions they had about mental health courts. A replay of the live webinar is available on the JCMH website. Both the webinar and the replay were approved for one hour of Continuing Legal Education credit.



CREATING A CURRICULUM | MENTAL HEALTH LAW TRAININGS

In July 2022, JCMH began offering Mental Health Law Education trainings to communities upon request through our technical assistance program.

In 2023, the JCMH legal education curriculum became too complex for counties to complete in one sitting, as mental health law is vast and intricate. Now, upon request, JCMH specifically designs and provides each county's educational training based on the needs and goals of the requesting county. Typically, the requesting county receives a half-day training on a particular mental health law and the adjacent procedures, followed by a discussion with community stakeholders on the legal procedures their county uses—some say this part is similar to a SIM mapping workshop, but for legal procedures.

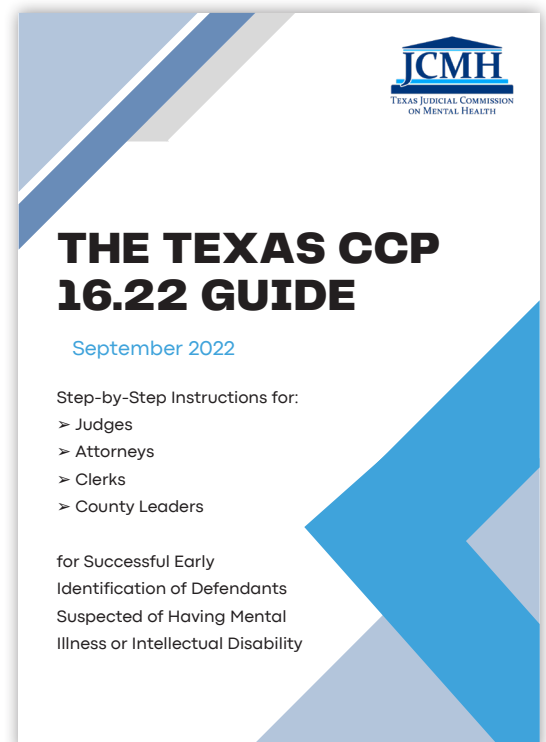
Since beginning Mental Health Law Trainings in 2022, JCMH has conducted four mental health law and procedural trainings with more than 10 counties.



UTILIZING DATA | THE 16.22 GUIDE

The 16.22 Data Project, named for its focus on Texas Code of Criminal Procedure (CCP) art. 16.22, began with an educational campaign to encourage counties to utilize the statutory process for early identification of defendants suspected of having mental illness or IDD in the local criminal justice system. Additionally, JCMH endeavored to increase the knowledge of the 2017 statutory requirement that county and district clerks must report monthly data on these early identification reports to OCA for their collection of accurate court data.

The Committee, led by Dr. Connie Almeida, helped to create a 16.22 Step-By-Step document, which is available on the JCMH website and in print. Once released, stakeholders quickly asked for more information and posed complex procedural questions on the topic; and this step-by-step one-pager quickly morphed into a procedural guide for counties on the intricacies of early identification law. The 16.22 Guide was originally published in early 2023, and an updated version was released after the 88th Legislative Session in September 2023.



KEEPING THE MOMENTUM GOING | ELIMINATE THE WAIT YEAR TWO



Eliminate the Wait (ETW) is a statewide campaign to eliminate the wait for inpatient competency restoration services in Texas with two main goals:

1. Rightsize competency restoration services for Texans through education, training, and technical assistance for stakeholders who play a key role in reducing Texas' wait list.
2. Strengthen collaboration and coordination across local behavioral health and justice systems to improve outcomes for individuals with mental illness, substance use disorders, and IDD who are justice involved.

The Eliminate the Wait Campaign was launched at the 2021 JCMH Summit where a panel of justice and behavioral health system leaders from across the state discussed the steps we all can take to eliminate the wait for competency restoration services. In its second year, the ETW Campaign focused on practical examples of how to use the ETW Toolkit, especially in the rural areas of the state. At the 2022 JCMH Summit, a panel discussed using the toolkit to help family members. The panel also emphasized the many new tools created by JCMH and HHSC to support implementation of the project.



LEARNING EXPEDITION | JUDICIAL SUMMIT ON MENTAL HEALTH

5th Annual Summit: November 2 - 4, 2022

The 2022 Judicial Summit was a huge success, attracting more than 1,300 registrants. Those registrants came from near and far to The Great Wolf Lodge in Grapevine, Texas, or attended on their computers via our virtual Summit option. More than a third of attendees were judges and attorneys, with local mental health authority (LMHA) employees and service providers also constituting a large portion of attendees.

In 2022, the Summit was spread out over three days: a half day Wednesday, a full day Thursday, and another half day Friday. On Thursday, attendees chose whether they wanted to hear from experts on the juvenile side or the adult side of the criminal justice system. This gave us an opportunity to give attendees more targeted information based on their field of work and interests. Some of the topics in 2022 included Assisted Outpatient Treatment (AOT) Courts, developing Outpatient and Jail-Based Competency Restoration programs, and incorporating Trauma Informed Care into juvenile courts.

365

in-person registrants

952

virtual registrants

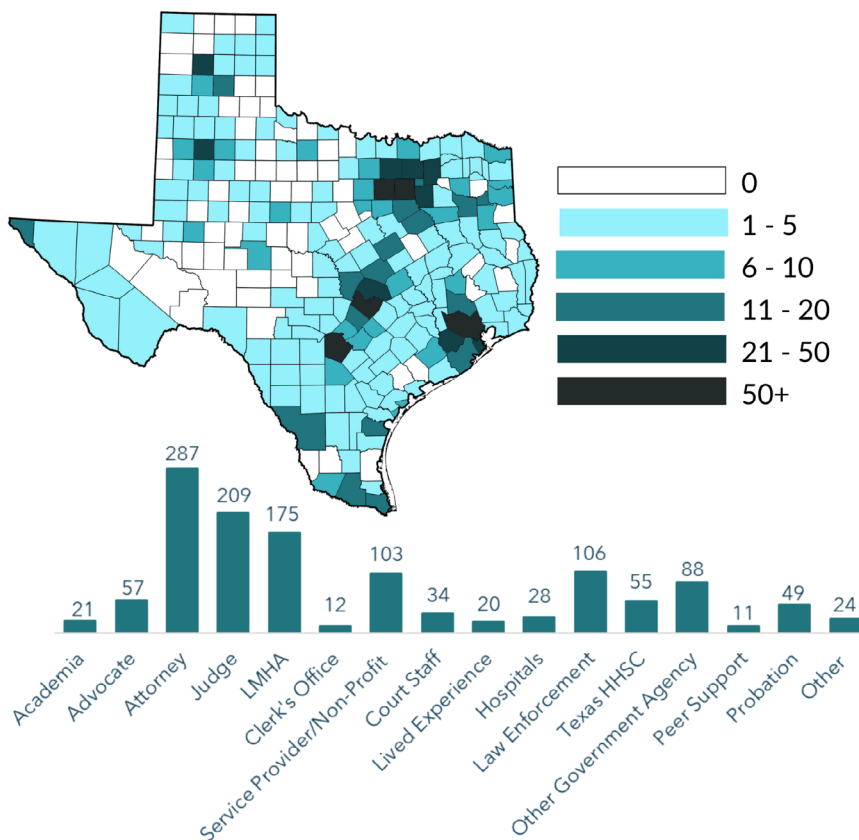
187

Texas counties represented

18

U.S. states represented

Registrants by location and occupation



2022 Summit Reviews

- “It seems every year this conference gets better and more relevant. Thank you for all the hard work in providing this amazing conference!”
- “This was my first Summit and I LOVED IT! I learned SO MUCH and walked away with great information and so many contacts.”
- “It’s my first time attending. You all put on an A+ affair. It was well organized and extremely informative. Virtually, you typically lose my attention a few times but not with the excellent speakers who presented on the Adult Track.”

New in 2022

Two Tracks: Juvenile and Adult

Juvenile and adult cases are handled differently in the criminal justice system and beyond; for this reason, we split the Summit into two tracks on Thursday. As a result, the 2022 Summit had more speakers and more sessions than ever before. In the juvenile track, our attendees heard from lived experience experts, including Jennifer Toon, who spoke about how person-centered practices, peer support, and trauma-informed approaches helped her change the trajectory of her life.

Presenters in the juvenile track contemplated the ethical prosecution and defense of juvenile cases, as well as how family systems and schools can address complex mental health needs. Speakers in the adult track dove deeper into the benefits of a mental health defender program and how to expand the peer specialist workforce. On the first and third days of the Summit, our attendees all came together to listen to keynote speakers, including a moving presentation from Eric Smith, who detailed how an AOT court changed his life.

Whole Texas Challenge

In 2022, we introduced the Whole Body, Whole Mind, Whole Texas Challenge. We encouraged every county in Texas to have at least one representative from their county attend the 2022 Summit. We reached out to counties directly and used both traditional and social media to spread awareness of this opportunity to people across the state. The campaign was successful; nearly 75% of Texas's 254 counties were represented.



6th Annual Summit: October 18 - 20, 2023

The 2023 Summit taught us about anosognosia, which is the unawareness or inability to recognize one's own mental health condition, the developments in mental health and IDD law that came from the 88th Legislative Session, and best practices when it comes to competency restoration services. More than 1,300 people attended the Summit either virtually or in person at Moody Gardens in Galveston, Texas.

We continued the format of two half days and one full day that debuted in 2022. In 2023, we added breakout sessions, giving attendees time to dive deeper into topics, and resource booths, where attendees could learn more about governmental and nonprofit agencies at the intersection of mental health and criminal justice across the state.

527

*in-person
registrants*

709

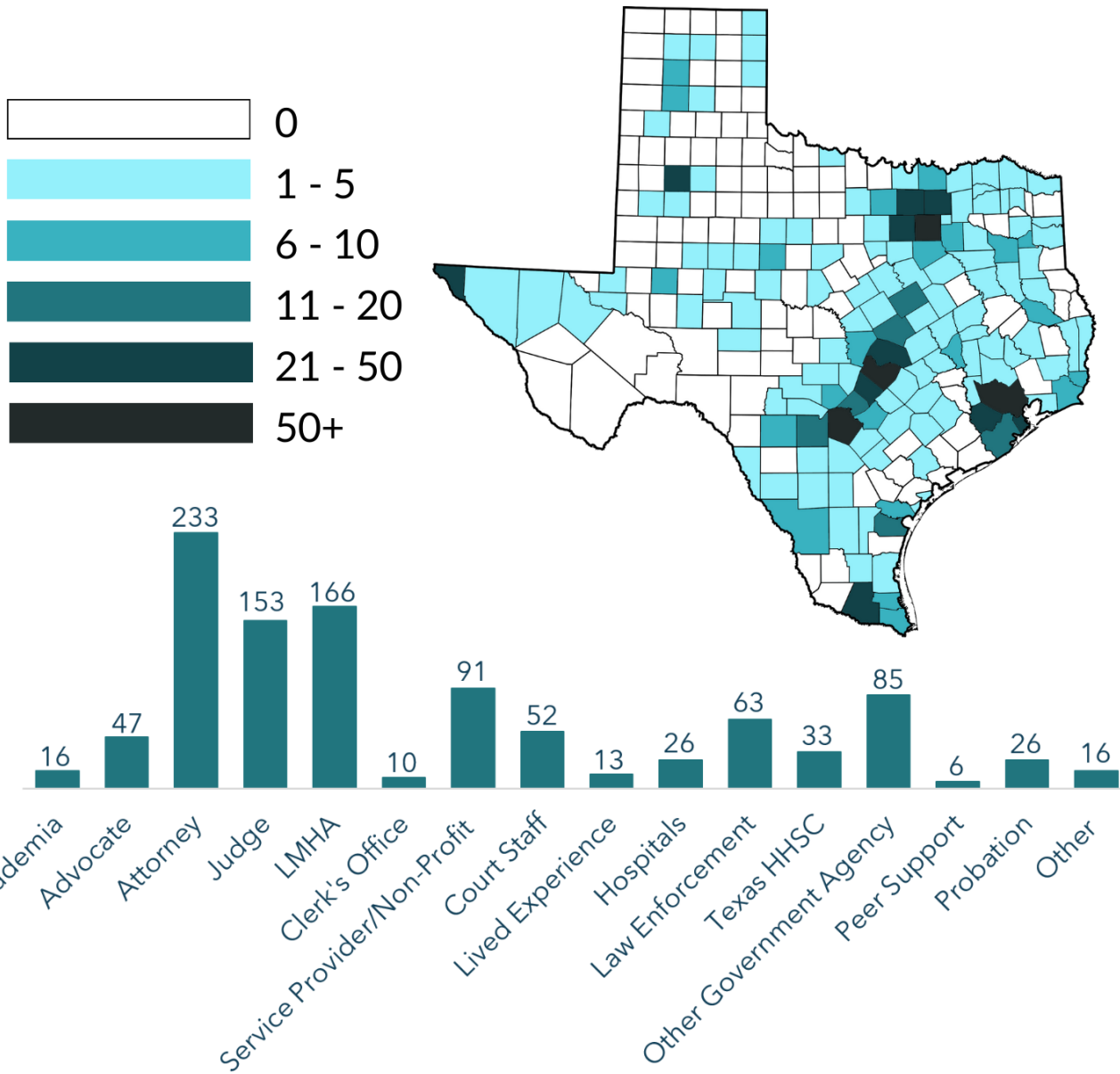
*virtual
registrants*

146

*Texas counties
represented*



Registrants by location and occupation



“Overall, this was the best Summit I have been to...I made lots of new contacts and really enjoyed the content...In the past few years, it has been exciting to see what the team over at JCMH has done in expanding their reach across the state and really trying to listen to the needs of our communities.”
 - 2023 Summit attendee

NEW IN 2023: Resource Booths & Breakout Sessions

This year, the JCMH debuted resource booths at the Summit. A designated area in the conference center was set up with tables designated to give nonprofit or governmental organizations a place to display information, materials, or other resources. The goal of hosting booths was to give judges, attorneys, and other stakeholders a chance to network with statewide organizations and learn how those organizations could serve people in their communities.

On the second day of the conference, attendees were able to further explore topics and consult with subject matter experts. We offered eight different breakout topics and one session for people attending virtually. Topics included: Emergency Detentions, Mental Health Courts, Competency Restoration, and Intellectual and Developmental Disabilities Courts/Dockets, among others. Each breakout session lasted 45 minutes, and attendees were then able to stay to hear more about the same topic, or switch rooms and pick another topic to dive into.

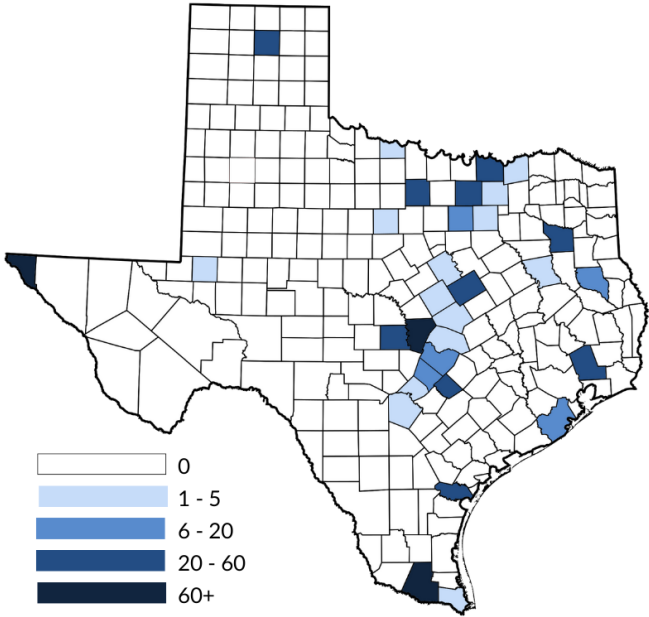


LEADERSHIP

ROUTE TO EXCELLENCE | TECHNICAL ASSISTANCE

Technical assistance is guidance, support, assessment, or customized training that improves an organization’s operations and programming. JCMH provides Technical Assistance services, including connecting judges with experts and peers, providing legal training, and assisting in the creation of mental health court programs.

Over the last two years, JCMH completed 60 requests for Technical Assistance, serving 1,031 stakeholders from 32 counties and three states: Texas, California, and Kentucky.



Number of stakeholders assisted by county

60
requests completed

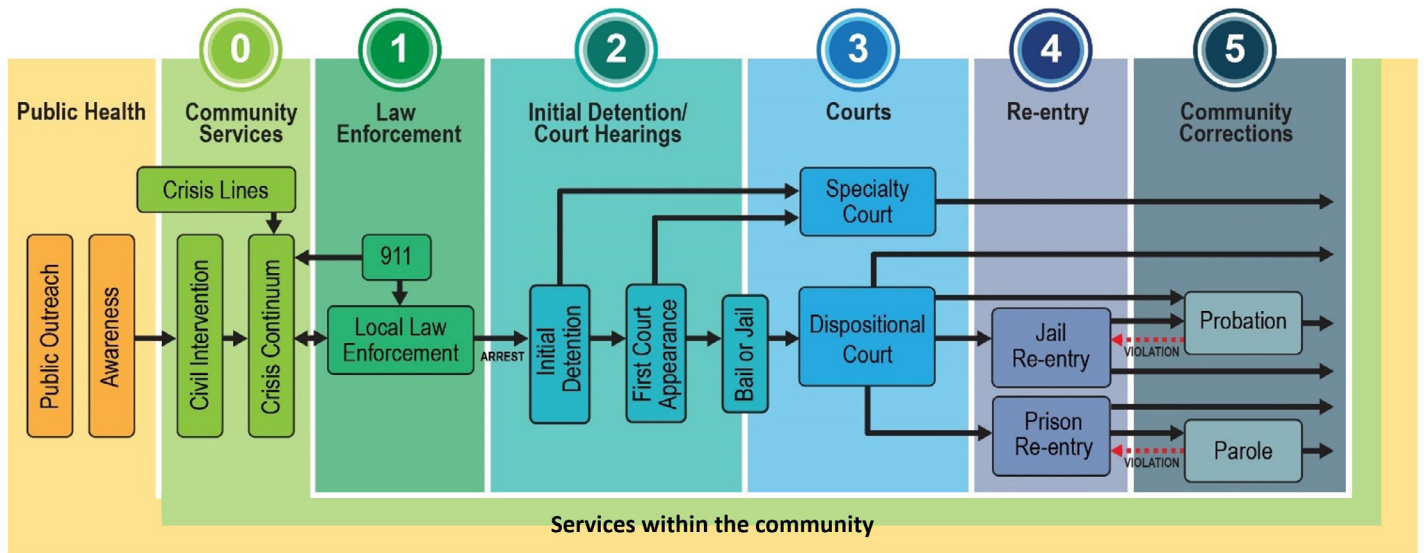
1,031
stakeholders served

32
counties served

3
states assisted

TRAVERSING TEXAS | SEQUENTIAL INTERCEPT MODEL (SIM) MAPPINGS

JCMH leads the state in analyzing community responses to people with mental health needs who become justice-involved through Sequential Intercept Model Mapping Workshops. The Sequential Intercept Model is a framework through which to identify all of the points at which a person with mental illness or IDD can be identified, intercepted, and potentially diverted from the criminal justice system.



A Snapshot of a SIM Mapping

Community stakeholders participate in up to three pre-workshop discussion sessions online to identify local resources, service delivery gaps, and opportunities for collaboration at each intercept of the Sequential Intercept Model.

At the day-long workshop, stakeholders begin the day by considering the criminal justice and mental health service systems from a different perspective as they listen to the story of a person with lived experience.

Later in the workshop, stakeholders establish local priorities, break into small groups, and create action plans to support the community priorities. Priorities are voted on by the whole group, giving each participant an opportunity to share their ideas. Once action plans are completed, participants offer feedback on each plan and set a next meeting date to continue working on each of the plans.

Facilitators check in with the community three and six months after the workshop to review the SIM Workshop Report and action plan progress.



Counties mapped by the JCMH in 2022-23



Grayson



Denton



Smith



San Patricio



El Paso (youth)



Jack



Hidalgo (adult)



Hutchinson



Hood



Bexar

JCMH facilitates and plans several SIM Mapping workshops each year, and partners and consults with agencies like Texas HHSC, Texas Justice Court Training Center, and Meadows Mental Health Policy Institute to expand capacity and reach more communities. In 2022 and 2023, JCMH funded or hosted SIM workshops of Bexar County IDD systems, Denton County, El Paso County youth, Fannin County, Grayson County, Hidalgo County, Hidalgo County youth, Hood County, Hutchinson County, Jack County, San Patricio County, and Smith County.



Hidalgo (youth)



Fannin

SIM Mapping in 2024 and Beyond

As one of many facilitators of SIM Mapping Workshops in Texas, JCMH plans to focus SIM Mapping efforts on under-resourced communities in 2024. Many counties in Texas have reported gaps in crisis care, staffing, transportation, and employment options. SIM Mapping can assist under-resourced counties in developing actionable plans to fill these gaps and leverage existing services. JCMH also plans to facilitate three youth SIM Mapping Workshops in 2024 to help communities increase early identification and diversion of youth with mental health needs from the juvenile justice system when it is appropriate.

BLAZING NEW TRAILS | NEW JCMH INITIATIVES

Mental Health Courts Collaborative

In response to the many requests JCMH has fielded for mental health courts peer networking and technical assistance, JCMH will launch the first-of-its-kind Mental Health Courts Collaborative in January 2024. Up to 12 judges who intend to create a mental health court program, or whose mental health court program has been operational for less than one year, will convene in an online forum to network, collaborate, and learn from experienced mentor judges and troubleshoot common mental health court program issues and challenges. The Collaborative will culminate at the Texas Association of Specialty Courts Conference in March 2024 in Fort Worth.

Resource Letters

In 2022, the JCMH started a new Resource Letter for judges and attorneys handling cases involving mental health and IDD. Resource Letters are short announcements designed to quickly disseminate information and announcements about resources and training opportunities.

Topics have included training sessions put on by stakeholders, webinars, grant opportunities, and JCMH-created toolkits and programs. If you have a resource that you would like us to share with subscribers, email us at jcmh@txcourts.gov. You can register to receive this letter on our website.

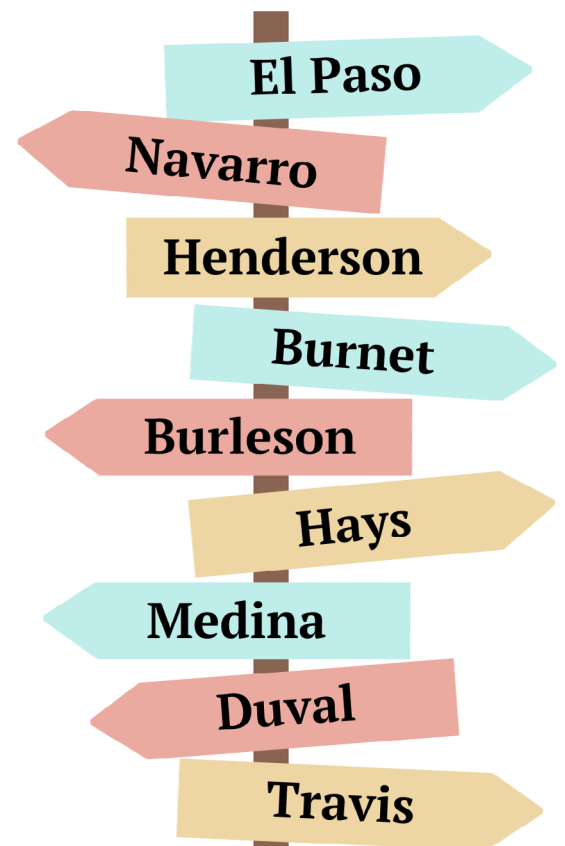
County Mental Health Law Pilot Program

JCMH published the Texas County Mental Health Law Plan Checklist, providing requirements, recommendations, and best practices following the Sequential Intercept Model for counties to self-evaluate how they handle mental health issues. Additionally, JCMH has launched a pilot program to offer technical assistance, tools, and support in creating a County Mental Health Law Plan to address the areas covered by the checklist. The goal of the pilot program is to determine if creating such a plan encourages discussions that add collaboration, efficiency, cost-savings, and accountability to county mental health and legal systems.

Administrative Judges will create a multidisciplinary team, if one does not already exist, to review the JCMH Mental Health Law Checklist and complete a template reflecting the county's current and future plans related to the relevant mental health law issues. Then, JCMH will provide direct support to these counties in applying that template and plan to better handle mental health issues as they arise.

Counties selected for the pilot have done an informal and preliminary self-evaluation, and JCMH is developing curriculum to support them in implementation.

Counties participating:

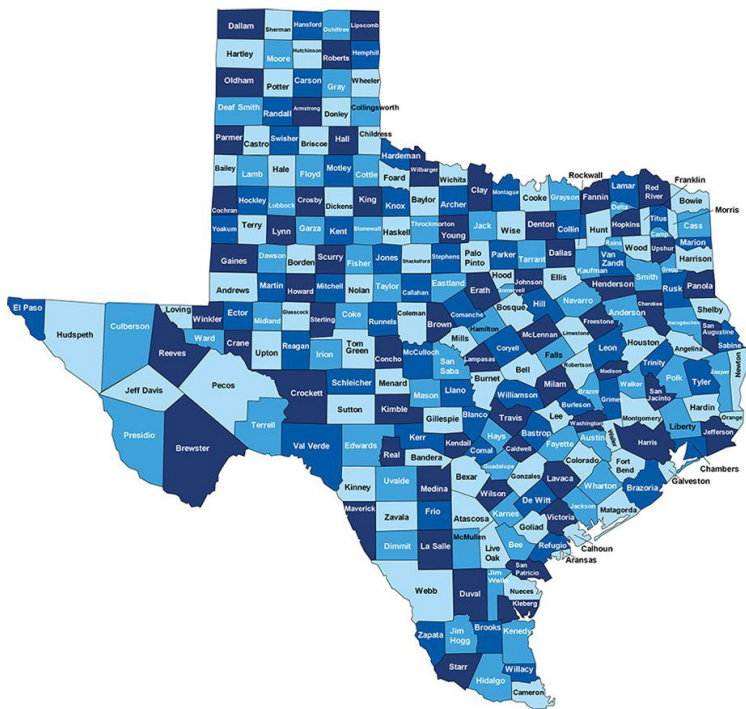


COLLECTING CONTACTS | INNOVATIONS MAP

Building on the success of the Texas Court of Criminals Appeals' Texas Mental Health Resource Guide, the JCMH designed a comprehensive website that contains county-specific information regarding courts that hear mental health cases, mental health treatment courts, and diversion programs for all 254 Texas counties. Resources at all levels of the sequential intercept model, such as public health and community services, are also listed on the Innovations Map.

JCMH is developing local relationships and seeking input from stakeholders to foster the supply and entry of local information. The goal of the map is to provide stakeholders with a comprehensive list of resources in their county, as well as state and national resources.

Providing this list of resources is instrumental in serving the JCMH mission of collaboration and education on all levels for people with mental health needs; involved stakeholders will ask for assistance in locating and connecting with available services. By providing this resource, JCMH hopes to facilitate utilization of existing services and resources and to allow “browsing” for models and ideas from across the state that may provide assistance in considering new initiatives.



Coming Soon...

JCMH is continuing to add content to the map and has two upcoming projects for site modifications: highlighting juvenile-specific resources and improving user experience and site utility.

In December 2023, JCMH hosted a focus group with stakeholders to discuss what they like and where they would like to see it go in the future. Their expertise and insight were essential as we assess the organization, content, and usability of the webpage moving into 2024.

If you would like to send us resources in your county for inclusion in the map, check out cimh.txcourts.gov and use the “Add Resource Form” to suggest additions for your county.

NATIONAL RECOGNITION | CONFERENCE OF CHIEF JUSTICES



The Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) took action to establish the National Judicial Task Force to Examine State Courts Response to Mental Illness to assist state courts in their efforts to more effectively respond to the needs of court-involved individuals with serious mental illness. The Task Force worked with local organizations to create regional summits. The Western Region kicked off the national tour in May 2019 followed by the Midwest Region in October 2019.

For the Southern Region, JCMH led the work to gather 17 states and territories in April 2022. The gathering included teams from Southern states as well as the Virgin Islands and Puerto Rico. Each state or territory convened justice and behavioral health system partners to identify opportunities to collaboratively improve responses to individuals with behavioral health disorders. Another goal of the event was to promote processes for early identification and diversion away from further penetration into the criminal justice system.

Judge Steve Leifman of Miami-Dade County began the summit as the keynote speaker, inspiring attendees to be bold in their efforts to improve their skills in interacting with people with mental illness.

Former CCJ President and Supreme Court Chief Justice Nathan Hecht, JCMH Chair Justice Jane Bland, and JCMH Commissioner Judge Oscar Kazen served on panel moderated by JCMH Deputy Liaison and Supreme Court Justice Rebecca Huddle which highlighted how judicial leadership is integral to the creation a new judicial commission on mental health.



FORMING CONNECTIONS | JCMH IN THE NEWS

Beginning in 2022, we have made a focused effort to connect with state and local media outlets in order to bring attention to the JCMH’s mission, goals, and accomplishments. We also expanded the reach of our social media channels (Facebook, Twitter, LinkedIn, and Instagram) to relay information to our stakeholders and celebrate their successes.

The JCMH has been featured on TV channels like KVUE and KXAN in the Austin area, CBS 19 and KLTV in the Tyler area, and KRGV in the Rio Grande Valley. Numerous reporters have come to our SIM Mapping Workshops across Texas and written about our efforts in local newspapers. Additionally, Executive Director Kristi Taylor was a guest on a criminal defense law podcast. In November 2022, the *Texas Bar Journal* published an article (pictured to the right) about the JCMH, highlighting our Bench Books, annual Judicial Summit, and Eliminate the Wait Toolkit. Sending press releases and pitching story ideas to media outlets has given us an outlet to share our work with a new audience.

[OPINION]
TRANSFORMING THE JUDICIARY
An update from the Texas Judicial Commission on Mental Health.

WRITTEN BY STACEY M. SOULE

Legal and mental health law scholar Elyn R. Saks offers this truism: “[T]he humanity we all share is more important than the mental illnesses we may not.” Behavioral health difficulties—including mental illness, substance use disorders, and intellectual and developmental disabilities, or IDD—require society’s consideration and compassion. Inevitably, everyone will encounter a person who suffers from or experiences a behavioral health challenge. “Our justice system must account for this; it’s no longer sustainable to think of our system as an indifferent institution divorced from the diverse individuals it serves. Further progress is within reach by prioritizing education, intervention, diagnosis, treatment, rehabilitation, and recovery. To that end, the Texas Judicial Commission on Mental Health, or JCMH, has been a leader and innovator in integrating behavioral health principles into judicial operations. The JCMH, created in 2018 and now chaired by Texas Supreme Court Justice Jane Bland and Court of Criminal Appeals Judge Barbara Hervey, bears the distinction of being among the first judicially initiated commissions nationally. It stands as an inspiration and model for other states and marks the first time Texas’ two high courts have undertaken a joint endeavor to engage an array of stakeholders.” Justice Bland explains its guiding purpose: “The JCMH mission begins with the judiciary. We convene court participants and professionals from across mental health disciplines to share knowledge and to work to improve the justice system for those affected by mental health challenges.”

Simply distilled, the JCMH is driven to “Collaborate. Educate. Lead.” According to Executive Director Kristi Taylor, this three-part mission has led the JCMH “think tank” to work toward “connect[ing] the right people to treatment rather than jail while preserving community safety” by “diverting” non-violent adults and youth with behavioral health issues to “a less restrictive, more healing environment.” Throughout its commitment to “break down silos” by fostering the exchange of information among stakeholders, Justice Bland points out that the JCMH “provide[s] judges, lawyers, and mental health professionals with the resources and tools they need to address this demanding and highly specialized area of the law.”

Bench Books and Workshops:
Introducing the Texas Sequential Intercept Model
Texas Mental Health and Intellectual/Developmental Disabilities Law and its juvenile edition counterpart, part of the JCMH Bench Books series, introduce the Texas Sequential Intercept Model, or SIM. “The SIM “illustrates how people with

behavioral health needs come into contact with and flow through the criminal justice system.” “The SIM’s continuum starts with public health, acknowledging that strategies for dealing with behavioral health begin with public outreach and awareness. As Judge Hervey states, it’s critical to “understand the community’s needs before the judicial system is implicated.” “The SIM continuum advances as follows:

Incorporating substantive and procedural law, the books provide “practice tips and suggestions for implementing best practices” for each point along the continuum.”

The JCMH, in partnership with Texas Health and Human Services Commission, or HHSC, Behavioral Health and Justice Technical Assistance Center also offers SIM mapping workshops or in-person action planning. “The workshops “help counties map out their gaps and opportunities for growth, the resources they already have, and the resources they would like to create.” “The JCMH later produces a county-specific report to “help them formulate an action plan to accomplish the goals they set.”

Competency Restoration: Eliminate the Wait
Texas Court of Criminal Appeals Judge Jesse F. McClure III, a JCMH deputy liaison, said:

“During my tenure on the trial bench, I became acutely aware of the number of individuals that had been waiting months, and sometimes even years, for services necessary to restore competency. The Eliminate the Wait initiative is critical in not only assisting those individuals needing mental health services, but also helps with the movement of cases through the justice system.”

“Competency” restoration services are “scarce,” with over 2,000 people waitlisted. “There are only 18 outpatient sites statewide and seven jail-based programs.” “[R]estoration services have a narrow focus on stabilization, symptom management, and required legal education.” Eliminate the Wait is the JCMH’s and HHSC’s effort to “right size” competency restoration with a series of checklists. “The Eliminate the Wait toolkit contains action items for judges and court staff, prosecutors, and defense attorneys, describing their respective roles.” Uniform strategies include, *inter alia*, early identification of restoration opportunities, promoting diversion, finding alternatives to state hospitals when needed, and education and awareness.”

Putting the Eliminate the Wait action items into practice, the JCMH and HHSC instituted and funded a pilot program to install a community diversion coordinator in Denton,

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Beyond the Bio

Beyond the Bio is a series we started in 2022 to highlight JCMH Commissioners and Collaborative Council members. We’re going “beyond the bio” to find out more about our members and why they are passionate about the intersection of mental health and criminal justice.

We published nine articles in 2022 and 2023. Our Commissioners and Collaborative Council members are from all over the state and work in a variety of fields, but all have the same goal: improving the lives of individuals with mental health needs, substance use disorders, or IDD. In each interview, we ask our members about their schooling, life experience, hobbies, and “JCMH Origin Story.” The series highlights the diverse experiences of our members and helps the Commission, and the public, get to know them a little bit better.

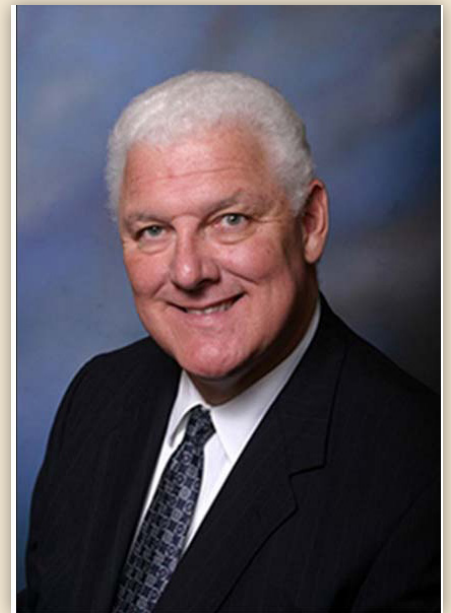


LIGHTING THE PATH | FROM THE JURISTS IN RESIDENCE

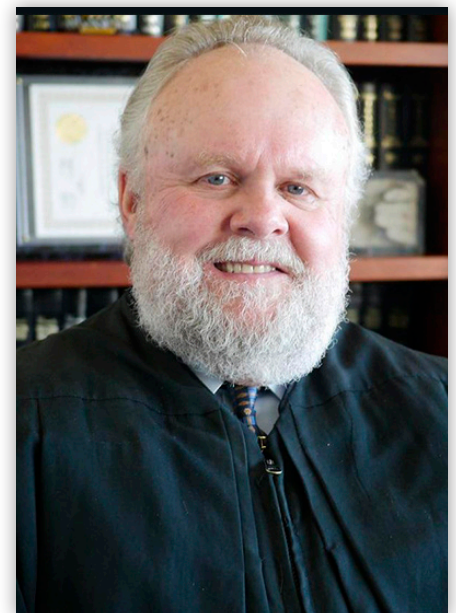
The Jurists in Residence (JIRs) for the Judicial Commission on Mental Health are the Honorable John J. Specia, Jr., and the Honorable Brent A. Carr, who joined the staff in 2023. The JIRs act as consultants, trainers, and facilitators and provide seasoned and expert judicial advice on matters affecting courts. The JIRs write informative letters to keep judges and other stakeholders updated on relevant changes to the law as well as sharing Commission projects and announcements. In 2022 and 2023, the JIRs sent out 9 letters to more than 1,800 subscribers.



Judge John J. Specia, Jr., served as a District Judge of the 225th District Court and a Senior Judge in San Antonio for nearly 30 years. Among his many achievements are the establishment of the Bexar County Children’s Court, which provided specialized services for children, and the Family Drug Treatment Court, which heard child welfare cases and became a model for the state. In 2022 and 2023, Judge Specia issued eight JIR letters, the most recent of which summarized legislation that rewrote and reorganized the laws that govern children with mental illness or IDD in juvenile court.



Judge Brent A. Carr served as the presiding judge of Tarrant County Criminal Court Number Nine for over 30 years. Judge Carr established the Tarrant County Mental Health Court in 2003, followed by the Veterans Treatment Court in 2010, and the RISE Program for sexually exploited women who have become justice-involved in 2011. Collectively, these specialty court programs have more than 1,000 graduates. Judge Carr’s inaugural JIR letter was issued in July 2023 and highlighted two of his signature initiatives with the JCMH: the progress of the Legislative Research Committee and the Annual Judicial Summit on Mental Health.



2022–2023 *Judicial Commission on Mental Health*

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Hon. John Phillip Devine

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Hon. Rebeca Aizpuru Huddle

Hon. Evan A. Young

Texas Court of Criminal Appeals:

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JCMH Staff

(L to R) Kama Harris, Rose McBride, Cynthia Martinez, Kristi Taylor, Molly Davis, Andy Perkins



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TEXAS JUDICIAL COMMISSION
ON MENTAL HEALTH