

2020-2021 REPORT

to the Supreme Court of Texas and
the Texas Court of Criminal Appeals





The mission of the 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.

Table of Contents

Reporting Period: November 20, 2019–October 15, 2021

From the Chairs.....	4
From the Executive Director.....	5
Introducing the Deputy Liaisons.....	6
Collaboration	7
Committees.....	8
Bench Book.....	8
Juvenile Bench Book.....	8
Summit Curriculum.....	9
Data.....	9
Forms.....	9
Long-Term Planning.....	9
Legislative Research.....	10
Education	12
Code Book.....	12
Judicial Summit on Mental Health.....	13
Eliminate the Wait.....	16
Leadership	17
Community Diversion Coordinator Pilot Program.....	18
From the Jurist in Residence.....	20
Mental Health Education and Resources from the Texas Court of Criminal Appeals.....	21
Technical Assistance.....	22
JCMH Partnership with the Office of Court Administration.....	24
New Website.....	24
Tribute to Dr. Floyd Jennings.....	25
Commissioners & Collaborative Council.....	26



From the Chairs

The Judicial Commission on Mental Health develops policy initiatives and best practices designed to improve outcomes for individuals with mental illness or intellectual or developmental disabilities when they encounter the court system. The Commission’s work facilitates implementation of these practices through collaboration across disciplines and education. As our country grappled with the COVID-19 pandemic, the last two years have presented unique challenges for those with mental health needs. This Commission and our state judiciary as a whole have demonstrated resilience and commitment in their continued efforts to serve these needs.

As the pandemic progressed, the Commission adapted, providing technology grants to courts and counties aimed at facilitating virtual engagement. We presented the Judicial Summit on Mental Health virtually, which resulted in record attendance of over 1,500 participants. We offered the 2021 Summit virtually and in person to return to in-person engagement while continuing to broaden our reach. We debuted new, expanded editions of JCMH’s popular bench books for judges and lawyers, and we made them available both digitally and in print. Additionally, the JCMH recently launched a statewide sequential intercept mapping project, community diversion coordinator pilot programs, and the new JCMH website.

We are very grateful for the tireless work of our Commissioners, Collaborative Council members, and staff, who make all of it possible. We also appreciate the generosity of the Legislature in supporting the many endeavors we are committed to complete. Together, we will continue to inform and improve our judicial system’s interaction with individuals with mental illness and IDD.

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

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



From the Executive Director

Dear Colleagues and Friends,

I am pleased to present this Report to the Supreme Court of Texas and the Texas Court of Criminal Appeals for fiscal years 2020 and 2021. We are grateful for the steadfast leadership of Justice Jane Bland and Judge Barbara Hervey as we have built the first joint commission of our state’s two highest courts.

The past two years have been marked with challenges that at times seemed insurmountable but inevitably revealed quiet heroes. Many of us bore the devastation with a philosophy similar to Fred Rogers’s famous advice: “When I was a boy and I would see scary things in the news,” Rogers said to his television neighbors, “my mother would say to me, ‘Look for the helpers. You will always find people who are helping.’”

The Texas Judicial Commission on Mental Health, the Collaborative Council, and the many committee members are helpers. The JCMH is made up of judges, attorneys, doctors, law enforcement, social workers, and educators—the leaders who show up again and again to serve their communities. Thank you for your unwavering dedication and grit.

Despite the challenges, the JCMH was able to move forward with many impactful initiatives. Key successes include quickly adapting to a virtual world and continuing to lead and inspire judges and attorneys with the annual Judicial Summit on Mental Health and new editions of the bench books. During this time, JCMH was also able to develop ten legislative proposals that were passed into law.

At JCMH, we will keep looking for the helpers so we can connect and support them. It is our great privilege to create and share new tools, resources, and ideas. And it is my honor to lead the outstanding JCMH team that brings their experience, commitment, and passion to work every day to improve our courts for individuals with mental health challenges or IDD.

Thank you for all you do.

Kristi Taylor
Executive Director

INTRODUCING THE DEPUTY LIAISONS

Justice Rebeca Aizpuru Huddle and Judge Jesse F. McClure, III were appointed as Deputy Liaisons to the JCMH from their respective courts in 2021.



Justice Rebeca Aizpuru Huddle was appointed to the Supreme Court of Texas by Governor Greg Abbott in October 2020. Justice Huddle grew up in El Paso, before earning her undergraduate degree from Stanford University and her law degree from the University of Texas School of Law. Prior to her time on the Supreme Court, Justice Huddle practiced law at Baker Botts L.L.P., where she handled litigation matters ranging from individual personal injury cases to complex commercial and shareholder disputes and appeals. In 2011, Governor Rick Perry appointed Justice Huddle to serve on the Court of Appeals for the First District of Texas. She then returned to Baker Botts as a partner in 2017 before being appointed to the Supreme Court of Texas. She is a Fellow of the Texas Bar Foundation and the Houston Bar Foundation. She enjoys mentoring younger lawyers, always encouraging them to strive for excellence and become active leaders within their communities.

Judge Jesse F. McClure, III was appointed to the Court of Criminal Appeals in 2020. He previously served as Judge of the 339th Judicial District Court in Harris County and as a prosecutor for the Texas Department of Insurance (TDI), assigned to the Harris County District Attorney’s Office as a special assistant district attorney. Prior to his service at TDI, he was an attorney for the Department of Homeland Security and an assistant district attorney for the Tarrant County District Attorney’s Office. He is a member of the State Bar of Texas and the Association of Certified Fraud Examiners. He is also a former member of the UTHealth Nurse Anesthesia Division Advisory Board. Judge McClure received a Bachelor of Arts in Philosophy from the University of North Carolina at Chapel Hill and his Juris Doctorate from the University of Texas School of Law.



COLLABORATION

Prior to the inception of the JCMH, the Supreme Court of Texas directed the Texas Judicial Council to establish a Mental Health Committee, which was charged with examining best practices in the administration of civil and criminal justice for persons with mental illness. One of the concerns the Mental Health Committee identified was a lack of communication, coordination, and collaboration between and among the courts, the state and local mental health providers, attorneys, and mental health advocates.

The JCMH was created as a result of the findings of the Mental Health Committee, and collaboration has been one of the three key tenets of the commission since the beginning. Since 2018, the JCMH has worked to bring diverse voices to the table to share resources and best practices. The JCMH offers technical assistance to aid collaboration among members and stakeholders in communities throughout Texas. This includes trainings and workshops, as well as facilitating meetings between stakeholders to provide expert consultation and peer networking.



HON. BILL BOYCE
*Legislative Research
Committee Chair*

The JCMH’s Legislative Research Committee has played a key role since the Commission’s establishment in 2018. The Committee has presented legislative proposals to the Texas Judicial Council for the 2019 and 2021 sessions; in turn, many of these [proposals](#) have been endorsed and passed.

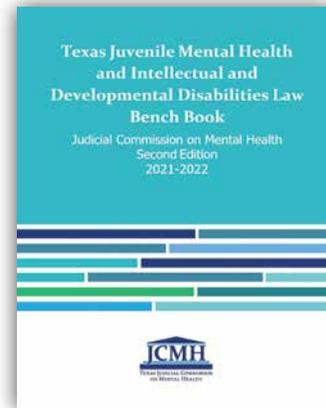
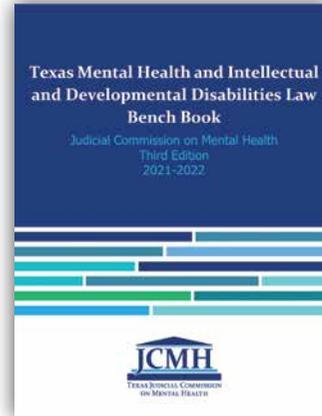
“Having been involved in presenting recommendations that led to the Commission’s creation by the Supreme Court of Texas and the Texas Court of Criminal Appeals, I have been grateful to see the Commission’s legislative activity begin to achieve one of its core goals—namely, to avoid “band-aid” legislative fixes and instead thoughtfully assess areas for legislative improvement across multiple statutes and multiple legislative sessions.”

Building a Team | Committees

Bench Book

The [Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book](#) is a procedural guide for Texas judges hearing cases regarding persons with mental illness and intellectual and developmental disabilities (IDD), developed by the JCMH with the help of numerous contributing authors and editors including the Bench Book Committee.

The Bench Book Committee is chaired by Judge Camile G. DuBose and meets as needed to advise on content, editing, and feedback on the most up to date version of the book. In 2021, the Committee worked diligently on a 3rd edition, ultimately adding more than 70 pages of new information. The new content includes Intercepts 4 and 5, plus additional sections on Risk Assessments, Insanity, and Expunctions/Non-Disclosures. The newest edition was published before the end of 2021. It is available both online and in print.



Juvenile Bench Book

The [Texas Juvenile Mental Health and Intellectual and Developmental Disabilities Law Bench Book](#) (commonly called the Juvenile Bench Book) is a procedural guide for Texas juvenile judges who hear cases regarding children with mental illness or IDD, developed by the JCMH and numerous contributing authors and editors including the Juvenile Bench Book Committee.

The Juvenile Bench Book Committee is chaired by Judge Cynthia Wheless and meets as needed to advise on content, editing, and feedback on the most up to date version of the Juvenile Bench Book. In 2021, the Committee reconvened to advise on the 2nd edition of the book. It is available both online and in print.

NEW EDITIONS
BY THE
NUMBERS

72

new pages in the
Bench Book

30

new pages in the
Juvenile BB

477

Bench Books
distributed at
2021 Summit

431

Juvenile BBs
distributed at
2021 Summit

Summit Planning

The Summit Curriculum Committee, chaired by Judge Brent Carr, advises on speakers and curriculum for the annual Summit. The Committee originally started its work in early 2018 and is composed of representatives from stakeholder agencies including several judicial education agencies: the Texas Association of Counties, and the Texas Municipal Courts Education Center, as well as representatives from the Texas Indigent Defense Commission, and the Texas Criminal Defense Lawyers Association. The Committee works to ensure that the presentation topics promote the JCMH mission and lead the way in this ever-changing legal field.

Forms

The Forms Committee was established in December 2019 and was tasked with examining common mental health forms with the goal of producing a set of standardized forms that could be used in any county in the state. The Forms Committee is chaired by Judge Dave Jahn. The Committee met regularly in 2020 and continued working into 2021 on forms related to Emergency Detention, Order of Protective Custody, Court-Ordered Mental Health and IDD services, Jail and Magistration, Incompetency, Psychoactive Medication, and Intellectual and Developmental Disabilities proceedings. [New forms](#) are available on the JCMH website.

Data

The Data Committee collaborates with stakeholders to collect and analyze data, including data by race, with the goal to improve court interaction and function for individuals with mental health needs, substance use disorders, or IDD. The Data Committee, chaired by Dr. Connie Almeida, had its first meeting in September 2021 and meets every other month. In 2022, the data committee divided its work into two sub-groups: 16.22 and Competency Restoration.

Long-Term Planning

The Long-Term Planning Committee focuses on long-term goal setting and offering input on possible new JCMH projects. The Long-Term Planning Committee is chaired by Judge John Specia, Jr. In 2021, the Committee met to discuss JCMH goals and had many suggestions to steer the work of the Commission moving forward. In 2022, the committee divided its work into four subcommittees: Ethics, Implicit Bias, Mental Health Courts, and Juvenile Mental Health. A new strategic plan is coming in 2022.



HON. CAMILE DUBOSE
Bench Book Committee Chair

The [Bench Book](#) provides information for judges, court staff, legal, mental health and IDD professionals, and the community trying to navigate the intersection of the legal system and mental health and IDD challenges. It helps to clarify a system with no “one size fits all” approach. The Committee’s hard work has given professionals and families an easy and accessible tool that consolidates available information into an understandable format.

“As a Judge who has worked in a Mental Health Specialty Court, when I was asked to chair this committee, I knew its work would have far reaching and tangible benefits to all those who were seeking information regarding the legal system, and mental health and IDD challenges within that system. It has been a privilege to work with all of the members of the committee and with the JCMH members and staff in developing this resource.”



Legislative Research

The Supreme Court of Texas and Texas Court of Criminal Appeals have a strong interest in studying the organization and practices of the Texas Judicial Branch related to behavioral and mental health needs of individuals before the courts. On October 1, 2019, the two highest Courts in the state ordered the creation of the Legislative Research Committee, to make relevant recommendations to the Texas Judicial Council. The 86th Legislature enacted Senate Bill 362, which directed the Supreme Court to adopt rules to streamline and promote the efficiency of court processes. One task force was chaired by Justice Bill Boyce and the other was led by Judge Brent Carr.

The current JCMH Legislative Research Committee now represents those two task forces appointed in 2019. The work of the two task forces was submitted to the Texas Judicial Council and unanimously approved to be included in the Texas Judicial Council’s Criminal Justice Committee’s 2020 Report and Recommendations to the Legislature. In the 2021 regular legislative session, 10 of the 16 [JCMH proposals](#) were entered into law.

1) Acceptance of Plea in Justice and Municipal Courts

HB 3774, Section 3, amends Chapter 45 of the Texas Code of Criminal Procedure (CCP) and adds art. 45.0241 which states, “A justice or judge may not accept a plea of guilty or plea of nolo contendere from a defendant in open court unless it appears to the justice or judge that the defendant is mentally competent, and the plea is free and voluntary.”

2) 16.22 Interview for a Defendant No Longer in Custody

SB 49, Section 1 amends Texas Code of Criminal Procedure art. 16.22 (a)(2) to omit the requirement that a magistrate order a mental health interview for a defendant that is no longer in custody.

3) Oath and Promise to Appear for Persons with Mental Illness or IDD

SB 49, Section 3, amends Code of Criminal Procedure art. 17.04 by adding subsection (3)(b). This amendment removes the personal bond oath requirement if a magistrate makes a determination under 16.22 that the defendant has mental illness or IDD, if the defendant is released under art. 17.032, or if the defendant is found incompetent to stand trial in accordance with CCP chapter 46B.

4) Jail-Based Competency Restoration Pilot Program and County Programs

SB 49, Section 6 amends Code of Criminal Procedure art. 46B.090 to set standards and procedures for a Jail-Based Competency Restoration (JBCR) program that is aligned with programs established by a county and also mandates a sunset provision of the Texas Health and Human Services Commission (HHSC) pilot program, set for September 1, 2022.

Time Periods for Competency Orders

5) SB 49, Section 4, adds art. 46B.0735 to clarify the commencement of competency restoration. The added article states: “The initial restoration period for a defendant under art. 46B.0711, 46B.072 or 46B.073 begins on the later of (1) the date the defendant is: (A) ordered to participate in an outpatient competency restoration program; or (B) committed to a mental health facility, residential care facility, or jail-based competency restoration program; or (2) the date competency restoration services actually begin.”

6) SB 49, Section 5, clarifies and amends art. 46B.080 by adding subsection (d), which states, “An extension under this article begins the later of: (1) the date the court enters the order under Subsection (a); or (2) the date competency restoration services actually begin pursuant to the order entered under Subsection (a).”

7) Deadlines for Competency Evaluations and Timelines in Jail-Based Competency Restoration Programs

SB 49, Section 7, amends CCP art. 46B.091 to allow for extended periods of JBCR and for outpatient competency restoration for defendants who are determined not to be a danger to others.

8) Possibility of a Step Down from Court-Ordered Inpatient to Outpatient Mental Health Services under 46B.105

SB 49, Section 8, amends Chapter 46B of the Code of Criminal Procedure by adding art. 46B.1055. The article creates a process to request a defendant’s step-down in their civil commitment order to include a transfer to outpatient treatment services.

9) Expert Qualifications in Competency and Insanity Evaluations

SB 49, Section 9, amends CCP art. 46C.102 to eliminate the 5-year legacy exception and align the expert qualifications for insanity with those for incompetency.

10) Psychiatric Stabilization at the Jail

SB 49, Section 10, adds Government Code sec. 511.009(d)(2), which mandates that inmates with mental illness be provided with each necessary medication that is prescribed by a qualified medical professional or mental health professional.



PROF. BRIAN SHANNON

*Legislative Research
Subcommittee Chair*

Professor Shannon’s Subcommittee recommended and drafted several revisions to Chapter 46B relating to criminal competency procedures and jail-based competency restoration requirements. It also proposed refinements to art. 16.22 and added a requirement for access to appropriate, prescribed medications in county jails to help facilitate psychiatric stabilization for defendants while in jail. A number of proposals were subsequently enacted during the Regular Session of the 87th Legislature.

“Given my many years of academic and policy work in the area of Texas criminal law and offenders with mental illness, I was more than glad to collaborate with and lead a cohort of leading Texas lawyers, judges, and service providers who very much care about developing improvements to our statutory framework.”



HON. DAVE JAHN
Forms Committee Chair

The Forms Committee was formed as part of the SB 362 Committee to provide a set of standardized forms any jurisdiction could use and adopt for involuntary civil commitments, court ordered medications applications (Civil and Criminal), 46B Competency Restoration, and for 16.22 Magistrate Procedures. The forms committee fulfilled its mission by providing a comprehensive set of model forms suitable for use in any county in Texas. The [model forms](#) provide the JCMH with a readily accessible online forms database available for any judge in the state.

“I was honored to be asked to chair this subcommittee by Judge Carr. It was an easy task to accept because of the relationships I had developed with many of the subcommittee members working on other JCMH projects.”

EDUCATION

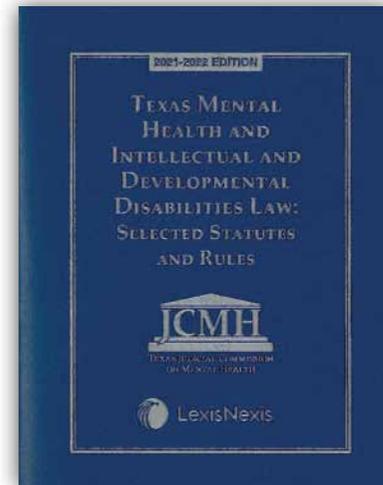
The JCMH was created to develop, implement, and coordinate policy initiatives designed to improve the courts’ interaction with—and the administration of justice for—children, adults, and families with mental health needs. Since 2018, the JCMH has published three editions of the [Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book](#), two editions of the [juvenile version](#) of the bench book, and two editions of [Texas Mental Health and Intellectual and Developmental Disabilities Law: Selected Statutes and Rules](#). The goal of these publications is to educate stakeholders about existing policies and procedures and serve as a reference.

The JCMH also facilitates education at the annual Judicial Summit on Mental Health. The two-day conference provides attendees with an opportunity to learn from presentations by experts in their fields, as well as to discuss best practices at the intersection of criminal justice and mental health with peers.

Code Book | 2021–2022 Edition

The JCMH, building on the work of Chris Lopez at HHSC, created [Texas Mental Health and Intellectual and Developmental Disabilities Law: Selected Statutes and Rules](#), a collection of Texas statutes related to mental health and IDD in one convenient volume. The JCMH distributed 1,000 copies of the 2019–2020 Edition of the Code Book.

The 2021–2022 Edition of the Code Book has been updated following the 87th Legislative Session and feedback from the stakeholder survey. It was printed in January 2022. The digital version is available on the JCMH website, and a printed copy can be ordered by sending an email to JCMH@txcourts.gov.



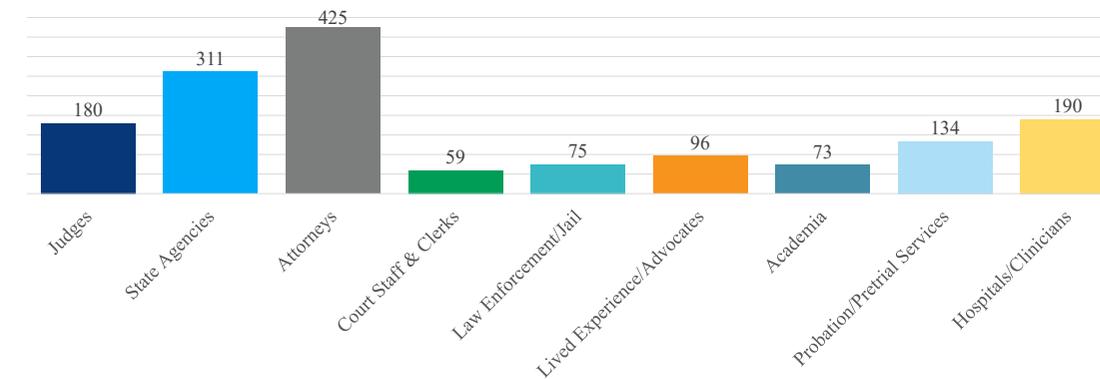
Leading Change | *Judicial Summit on Mental Health*

Third Annual Summit: November 9–10, 2020

The Judicial Commission on Mental Health hosted its third annual Judicial Summit on Mental Health November 9–10, 2020, on a completely virtual platform. The 2020 Summit drew over 1,500 attendees from across Texas and the nation to discuss and develop solutions to the many challenges faced by individuals in the court system with mental illness or IDD. This was a nearly 200% increase in attendance from the 2019 Summit.

Attendees included judges from all levels of the judiciary, academics, law enforcement, advocacy groups, prosecutors, defense attorneys, mental health and IDD service providers, representatives from various state agencies, policymakers, persons with lived experience, and many others. Each Summit attendee was provided access to over [sixty resources](#), including supporting slides and one-pagers created by the presenters; reports, websites, and videos referenced by the speakers during their presentations; and downloadable books.

2020 Summit Attendee Composition



Reviews of the 2020 Summit

“It was such a varied platform of individuals and different viewpoints. The subjects and speakers address all aspects of criminal justice and mental health.”

“This was the best summit I have attended. I loved the lived stories, it reminds us that we are making a difference. Being virtual, you exceeded all expectation, I hope it is offered this way again next year!”

“I LOVED LOVED LOVED the lived experience experts! That really helped tie everything together and were amazing examples.”

“Very well organized - moderator and participants had great back and forth and all seemed well planned out.”

Fourth Annual Summit: October 14–15, 2021

After putting on a fully virtual event in 2020, the JCMH hosted the fourth annual Judicial Summit in Georgetown, Texas. The event was also livestreamed on a virtual platform. The decision to host a hybrid event was based on the success of the virtual event the previous year. In 2021, the Summit drew 1,400 judges and stakeholders from across Texas and the U.S. Attendance makeup was similar to that of the 2020 Summit: judges from all levels of the judiciary, academics, law enforcement, advocacy groups, prosecutors, defense attorneys, mental health and IDD service providers, representatives from various state agencies, policymakers, persons with lived experience, and many others.

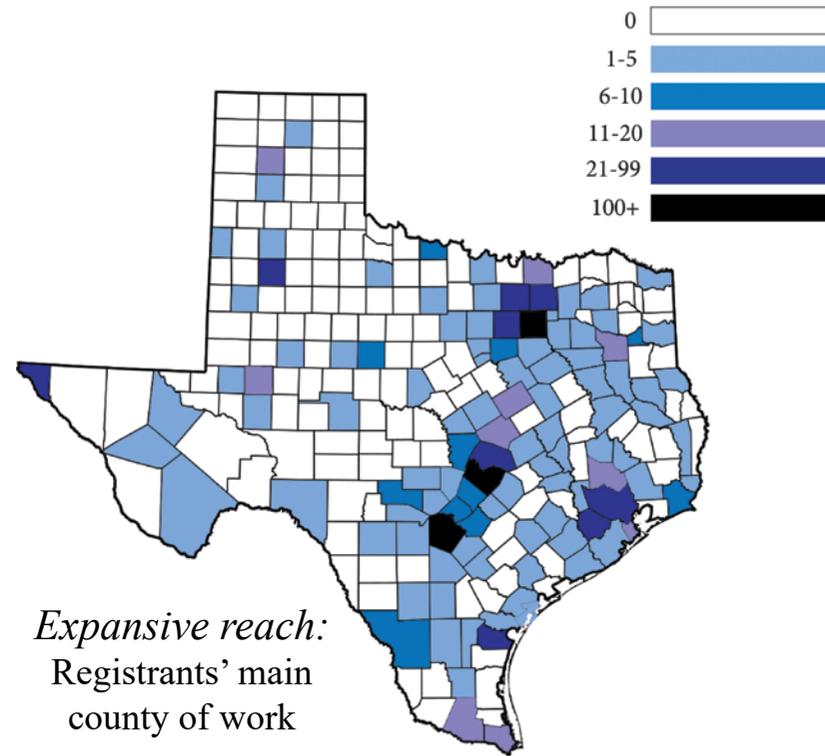
Speakers attended both in Georgetown and virtually. The Summit’s presentations included: “Mental Health Law Legislative Update,” “Resources for Justice-Involved Youth,” and “Competency Restoration Crisis,” among others. Summit attendees were provided access to resources including the newly released 2021 editions of the *Texas Mental Health and Intellectual and Development Disabilities Law Bench Book* and its juvenile bench book counterpart; the Eliminate the Wait toolkit, which provided targeted checklists for a variety of professions to actively combat the competency restoration inpatient services waitlist; and all presenter supporting slides, websites, and reports. All [resources and session recordings](#) are available on the JCMH website.

Breaking Barriers | New in 2021

1) The 2021 Summit featured the debut of the Eliminate the Wait toolkit. An expansive panel discussed issues relating to competency restoration in Texas, then introduced the joint JCMH and HHSC initiative entitled Eliminate the Wait. Attendees learned how to use the toolkit as a starting point for comprehensive and systemic change to competency restoration processes.

2) The Summit showcased a short documentary film about the TILT Performance Group, a theater troupe consisting entirely of individuals with disabilities. Attendees learned about this engaging group’s important work in Central Texas.

3) Judge Brent Carr discussed ethical considerations in specialty courts, specifically, the 2021 Supreme Court Order Adopting Comment to the Texas Code of Judicial Conduct Canon 3, which specifies that it is not a violation for a judge presiding over a specialty court to initiate, permit, or consider any ex parte communications in a matter pending in that court.

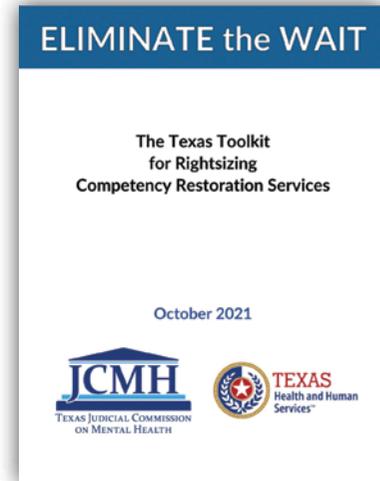


“Keep Up the Great Work! I believe that since JCMH came on board, we have seen many improvements to the criminal justice system especially in the areas of dealing with those who enter our criminal justice system and have been identified as having some type of behavior health issues. THANK YOU ALL for your commitment.” —2021 Summit participant



Making a Difference | *Eliminate the Wait*

The competency to stand trial process is designed to protect the rights of people who do not understand the charges against them and are unable to assist in their own defense. Like other states across the U.S., Texas faces a growing crisis in the number of people who are waiting in county jails for inpatient competency restoration services after being declared incompetent to stand trial. Not only has this increased costs and overburdened state agencies and county jails, but it also is taking a significant toll on the health and well-being of people waiting in Texas jails for inpatient competency restoration services. Meanwhile, resources available to the behavioral health and justice professionals serving our communities are becoming scarce.



It is time to right size competency restoration services for Texans by taking a comprehensive and integrated approach to this challenge. That’s why the Judicial Commission on Mental Health and HHSC created the Eliminate the Wait toolkit. We ask judges, prosecutors, defense attorneys, sheriffs and jail staff, police, and behavioral health providers to join our collaborative effort to change how Texas serves people at the intersection of mental health and criminal justice. We all have a role to play to **ELIMINATE THE WAIT**. The [full toolkit](#) is available on the JCMH website.

“We applaud this collaborative effort to raise awareness about competency-restoration services and best practices. It engages courts, law enforcement, and mental health professionals in an effort to better use state resources for people with mental health disorders or intellectual and developmental disabilities who encounter our justice system.”

Hon. Jane N. Bland, Justice, Supreme Court of Texas; Chair, JCMH
Hon. Barbara Hervey, Judge, Court of Criminal Appeals of Texas; Chair, JCMH

The toolkit provides checklists for:

- LMHA/LBHA/LIDDA & other Providers
- Police
- Sheriffs and Jail Administrators
- Judges and Court Staff
- Prosecutors
- Defense Attorneys
- State Hospital System

Spreading Awareness | Eliminate the Wait in the News



LEADERSHIP

Since its inception, the JCMH has identified and assessed current and future needs for the courts to be more effective in achieving positive outcomes for Texans with mental illness. In order to do this, the JCMH has convened a diverse group of Commissioners and Collaborative Councilmembers. These individuals are leaders in their respective fields; the Commission and Collaborative Council are made up of judges, attorneys, law enforcement, mental health advocates, people with lived experience, and more. In 2018, the JCMH had 36 Commissioners and 61 Collaborative Councilmembers. As of 2022, there are 46 Commissioners and 64 Collaborative Councilmembers.

Over time, the JCMH has gained recognition by stakeholders across the state of Texas and is a leader in promoting best practices and programs that are data-driven, evidence-based, and outcome-focused. The Commission does this by awarding grants and both promoting and increasing available judicial system resources.



DR. CONNIE ALMEIDA
Data Committee Chair

The data committee recognizes the value of educating stakeholders on the importance of gathering appropriate data and using that data to measure and communicate what we do. The data committee, although newly formed, has already started to look at processes related to individuals with mental illness and IDD including asking: what data is being collected, how can we improve the consistency of data collection, and how is that data used?

“My first professional job was Director of Research and Training at a child serving organization in Pittsburgh, Pennsylvania. Although that was over 35 years ago, what I learned is that data helps us understand what we are doing, what is working and most importantly how we can improve services and systems. Data collection, although challenging, is not only necessary but also very rewarding.”





JOHN PETRILA

Data Subcommittee Chair

The Data Committee’s Competency Restoration Subcommittee focuses on the collection and utilization of court data as it pertains to individuals who have been deemed incompetent to stand trial in Texas, and explores ways to use this data to decrease the wait times for State Hospital inpatient competency restoration services.

“The volume of cases before the courts in which mental illness and substance abuse are issues only continues to grow. The more we can use data to help understand not only volume but the characteristics of the people who make up those caseloads, the more likely we can find alternatives to the justice system for those who would benefit, match the person to treatment resources, and hopefully over time create different paths for those suffering from serious mental health issues.”

Funding Innovation | *Community Diversion Coordinator Pilot Program*

Defendants with mental illness often languish in jail while on the State Hospital’s forensic waitlist for inpatient competency restoration services. To help alleviate this burden on both defendants and the system, the JCMH has partnered with HHSC to develop a [Pilot Program](#) with the goal of increasing the judiciary’s connection to diversionary resources and treatment with the benefit of reducing the use of competency restoration services and stalling the growth of the forensic waitlist. The Pilot Program also focuses on an innovative pathway that will place a stronger emphasis on public safety and prevention of deterioration, quicker interventions, and a greater emphasis on maintaining outpatient compliance with treatment.

Three counties (**Denton, Grayson, and Smith**) were selected and have received funding for a Community Diversion Coordinator. The duties of the Community Diversion Coordinator include:

- Develop and foster collaborative relationships with and between Local Mental Health Authorities and Local Behavioral Health Authorities, State Hospitals, State Supported Living Centers, courts, community providers, contract providers, probation/community supervision and corrections department, sheriffs’ offices, police departments, district attorney and county attorney offices, public defender’s offices, and defense bar associations.
- Engage stakeholders in education on the many diversion opportunities across the Sequential Intercept Model (SIM), including the process of transferring appropriate cases from the criminal court to probate court, local mental health crisis and diversion programs, mental health and substance use treatment resources and community-based supports, competency-restoration processes, waitlist procedures, and available diversions and services.
- Assist the court and attorneys in evaluating cases and defendants to determine if a pathway other than jail would better serve the community and the defendant’s mental health needs.

The National Center for State Courts will assist the three Pilot Program counties with the development and implementation of specific, measurable, attainable, reasonable, and time-specific goals. NCSC will also provide process evaluations, outcome evaluations, and cost-benefit analyses for the Pilot Programs.



Denton County
Coordinator: Erica Baldwin

Grayson County is the smallest pilot county, located on the Oklahoma border. The community has come together in recent years to improve the county’s response to those in the community struggling with mental health issues. The Texoma Behavioral Health Leadership Team was formed in 2017 and consists of 35 community leaders. While forming this team was a good start, county leaders identified a need for a full time Community Diversion Coordinator to continue the work.



Grayson County
Coordinator: Elizabeth Groves

Smith County is located in East Texas with Tyler serving as its county seat. The county wrote in its application for the grant that most inmates are released from jail without an adequate, long-term treatment plan and are often rearrested. The cycle places a strain on law enforcement, the jail, courts, and LMHA. County leaders hope the Community Diversion Coordinator will be a resource for individuals who have mental health needs and will help reduce recidivism.



Smith County
Coordinator: Sandra Brazil-Hamilton

Denton County is the largest pilot county, located immediately north of Dallas and Tarrant Counties. It is the 7th largest county in Texas and is quickly growing. With that growth in population, there has also been a growing consensus among the county Judiciary that there is a need for jail diversion and competency measures at a local level. The county hopes the diversion program will bring awareness, treatment options, education, and coordination among all stakeholders.



HON. CYNTHIA WHELESS

Juvenile Bench Book Committee Chair

The [Juvenile Bench Book](#) Committee is made up of over 30 of Texas’s top experts in juvenile law, mental health, and intellectual and developmental disabilities. In quick succession, the Committee wrote the original Juvenile Bench Book in 2020 and then issued an updated second edition in 2021. The Juvenile Bench Book has garnered rave reviews from across the state and it is an invaluable resource for the judiciary.

“This work has been the honor of a lifetime. Working with JCMH stellar staff and leadership to produce a truly helpful document and then an updated Juvenile Mental Health Bench Book has been immensely rewarding. I have received personal thanks and grateful feedback from practitioners.”



From the Jurist in Residence

Four years ago, the need for a mental health commission could not have been clearer. At the unprecedented joint public hearing where both high courts sat together for the first time, we heard testimony about overcrowded dockets; the lack of communication between courts, attorneys, advocates, and local mental health providers; the demand for multidisciplinary legal training; a call for technology solutions to manage dockets and track cases; and the need for increased community mental health resources for children, youth, and adults. The call for help was loud and clear, and our 31 original Commissioners resolutely answered it.

January 2018 seems both like it was yesterday and also as if it was a lifetime ago. Since then, the Commission has built on the success of the Court of Criminal Appeals’ [Texas Mental Health Resource Guide](#) and developed valuable new resources like the [Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book](#) and [Texas Juvenile Mental Health and Intellectual and Developmental Disabilities Law Bench Book](#), which are user-friendly procedural guides for judges and lawyers who handle cases that involve mental health and IDD issues; the [Texas Mental Health and Intellectual and Developmental Disabilities Law Code Book](#), which includes selected statutes related to mental health, IDD, and trauma; and our first toolkit, [Eliminate the Wait](#). The JCMH expanded its reach with the appointment of 44 hardworking Commissioners of diverse backgrounds in late 2020. I sent 16 [Jurist-in-Residence letters](#). We saw the passage of 10 pieces of mental health legislation, representing major movement in the field. When in-person meetings weren’t possible, the Commissioners and Collaborative Council met online to share ideas and knowledge. We launched a three-county pilot program focused on diversion. New committees were formed: Data, Legislative Research, and Long-Term Planning, and each has formed subcommittees to address discrete issues. I chair the Long-Term Planning Committee, which is charged with reviewing the Commission’s Strategic Plan to ensure we are accomplishing our goals while adhering to our core values. We held four groundbreaking Judicial Summits on Mental Health, each not only better but reaching more participants than the last.

As we emerge from the pandemic, we have more work than ever before. Our Technical Assistance shop is open for business and ready to facilitate online or in-person meetings between judges, mental health or behavioral health experts, lawyers, and other stakeholders to implement policies and procedures within the judicial system and justice system as a whole. We’re already planning our 5th Annual Judicial Summit on Mental Health. Best of all, I’m continually impressed by the energy, enthusiasm, and expertise of all those I meet through the work of the JCMH. We can and we will meet this challenge. My friends, we’ve only just begun.

Hon. John Specia, Jr., Jurist in Residence
Long-Term Planning Committee Chair

Mental Health Education and Resources from the Texas Court of Criminal Appeals

Education Grants

The Judicial Education Section of the Court of Criminal Appeals administers grants to judges, court personnel, prosecuting attorneys and their personnel, and criminal defense attorneys who regularly represent indigent defendants in criminal matters. Pursuant to Chapter 56 of the Texas Government Code and the General Appropriations Act, the purpose of these grants is to provide continuing legal education courses, programs, and technical assistance projects. The grants can also be administered to law enforcement officers, law students, and other participants to attend innocence training programs related to defendants’ claims of actual innocence following conviction.

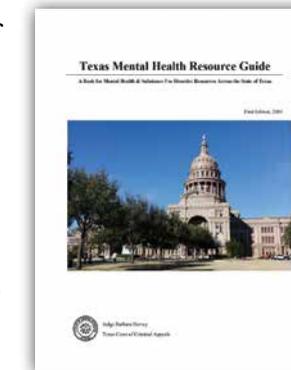
These grants from the Court of Criminal Appeals have been supported by the Texas Legislature, which has continued to invest resources into mental health. In 2017, the Legislature appropriated funds to the Court of Criminal Appeals to provide grants for continuing legal education, courses, and programs for judges and court staff, prosecuting attorneys, and criminal defense attorneys on mental health issues and pre-trial diversion.

In 2019, the Legislature appropriated additional funds to the Court of Criminal Appeals for the development of a training program to educate and inform judges and their staff on mental health care resources available in Texas.

Texas Mental Health Resource Guide

The [Texas Mental Health Resource Guide](#) was born out of a vision by Judge Barbara Hervey. Judge Hervey wanted to create a comprehensive resource guide with practical information that would improve the lives of those in the criminal justice system who could benefit from alternatives to incarceration.

The Court of Criminal Appeals, along with grantee organizations, published the first guide in 2019. The Resource Guide provides an explanation of mental health services and lists resources by type, region, and county.



HON. YOLANDA HUFF
Data Subcommittee Chair

The Data Committee is instrumental in providing the numbers that help identify the gaps in the judiciary in regard to mental health. Judge Huff’s Subcommittee targets data relating to Art. 16.22 of the Code of Criminal Procedure. The data is there for courts to avail themselves of how, why, and who needs the most help.

“I think it is vital that the judiciary understands what the 16.22 law is and how it helps the Judiciary as a whole in dealing with mental health at the earliest opportunity possible. I have enjoyed myself serving on various committees. Not only am I learning a lot, but I am meeting some fantastic people from all across Texas.”

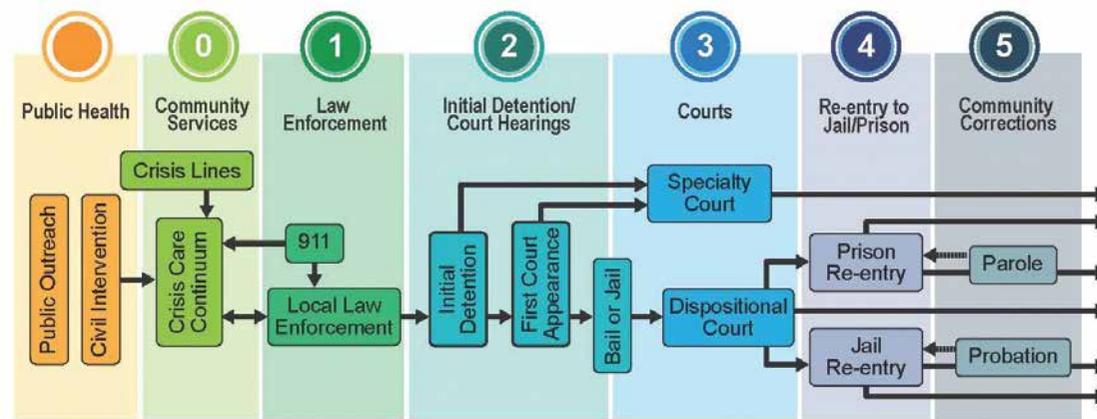
Sharing Knowledge | *Technical Assistance*

Discovering what your community needs to be at its best is a process, and we're here to help. Our JCMH staff is available to provide technical assistance to Texas state and local courts to implement policies and procedures within the justice system that improve the lives of individuals with mental health needs, substance use disorders, or IDD.

Our team can help with the following types of technical assistance:

- Providing training resources for local judges/lawyers on specific mental health related laws and procedures;
- Providing on-site assistance, such as facilitating a SIM Mapping Workshop;
- Participating in planning meetings and offering feedback;
- Connecting judges and attorneys with peers for mentorship, advising, and brainstorming;
- Creating, expanding, or improving a county mental health court;
- Facilitating virtual or in-person meetings between judges, mental or behavioral health experts, lawyers, and more; and
- Assisting in finding external sources of technical assistance.

Identifying Resources | *Sequential Intercept Model Mapping Workshops*



The Sequential Intercept Model has been used as a focal point for states and communities to assess available resources, determine gaps in services, and plan for community change. These activities are best accomplished by a team of stakeholders that span multiple systems, including mental health, substance abuse, law enforcement, pretrial services, courts, jails, community corrections, housing, health, social services, peers, family members, and many others.

A SIM mapping is a workshop to develop a map that illustrates how people with behavioral health needs come into contact with and flow through the criminal justice system. Through the workshop, facilitators and participants identify opportunities for linkage to services and prevention of further penetration into the criminal justice system. The Sequential Intercept Model was developed through SAMHSA's GAINS Center at Policy Research Associates. The JCMH is scheduled to facilitate numerous SIM mapping workshops in 2022.

JCMH partners with HHSC's Texas Behavioral Health and Justice Technical Assistance Resource Center to provide SIM mapping workshops for communities. Generally, SIM mapping workshops have three primary objectives:

- Development of a comprehensive picture of how people with mental illness and co-occurring disorders flow through the criminal justice system along six distinct intercept points: (0) Mobile Crisis Outreach Teams/Co-Response, (1) Law Enforcement and Emergency Services, (2) Initial Detention and Initial Court Hearings, (3) Jails and Courts, (4) Re-entry, and (5) Community Corrections/Community Support.
- Identification of gaps, resources, and opportunities at each intercept for individuals in the target population.
- Development of priorities for activities designed to improve system and service level response for individuals in the target population.

SIM Mapping in Denton County

The National Center for Youth Opportunity and Justice facilitated a mapping workshop of Denton County's juvenile justice system July 28–29, 2021. Twenty-nine stakeholders including schools, police, probation, courts, providers, family members, and Denton County based agencies, were represented at the day-and-a-half workshop. The group created a map of how youth and families interact with child-serving systems in Denton County, specifically:

- Schools
- Health and Public Health Services
- Behavioral Health Services
- Support Services
- Child Welfare
- Juvenile Justice

Together, the group identified gaps and opportunities and established four main priorities for change. Based on those priorities, the stakeholders created a preliminary action plan to improve the community's capacity to respond to youth with behavioral health needs.



HON. BRENT CARR

Summit Curriculum Committee Chair & SB 362 Task Force Chair

The Summit Curriculum Committee strives to recruit speakers that are among the best in their field to make presentations on topics of interest to our participants and topics that are necessary for them to hear. The SB 362 Task Force was asked to make recommendations to the high courts to adopt rules or implement measures that create consistency and increase access to the judicial branch for mental health issues.

"For almost 20 years I have worked with specialty populations in the criminal justice system. I love being a student and I have spent hours studying the best ways to work with mentally ill and intellectually disabled populations. I feel giving something back for all of the help I have received along the way is the least I can do."





HON. STACEY MATHEWS
*Legislative Research
Subcommittee Chair*

The Services Subcommittee brought substantive, actionable recommendations to improve judicial response to the mental health needs of parties in the justice system. It also recommended increasing available training for judges and other stakeholders in a variety of areas, including intellectual disability and peer support.

“Judicial input in the development of statewide policy recommendations is critical. I was honored to step up and provide a judicial perspective. The opportunity to critically analyze and collaborate with judges and stakeholders across the state has impacted my work on the bench.”

JCMH Partnership with the Office of Court Administration

Megan LaVoie is the newest member of the JCMH Executive Committee. LaVoie was appointed as the Administrative Director for the Texas OCA and as Executive Director of the Texas Judicial Council in December 2021. Prior to this position she served as the Director of Public Affairs and Special Counsel for the Office of Court Administration.



OCA provides resources and information for the efficient administration of the Judicial Branch of Texas. The agency operates under the direction and supervision of the Supreme Court of Texas and Chief Justice Nathan Hecht. In 2022, the JCMH partnered with the Conference of Chief Justices, the Conference of State Court Administrators, and the National Center for State Courts to organize the Southern Region Summit: Improving the Court and Community Response to those with Mental Illness.

Staying Connected | New Website Launch



The new JCMH website launched in January 2022. It’s significantly easier to navigate than the old website. Each page contains subpages with helpful resources and information. Find out more about people involved with the commission, JCMH publications, technical assistance, grants, and news.

Check it out at www.TexasJCMH.gov.

Remembering a trailblazer | *A Tribute to Dr. Floyd Jennings*

Written by Professor Brian Shannon, friend of Dr. Jennings

Sadly, Floyd Jennings passed away in April 2021. A member of the JCMH Collaborative Council, he was one of the state’s foremost experts on Texas mental health law.

Dr. Jennings had a lifelong thirst for knowledge. After graduating from McMurry University, he earned two divinity degrees from Perkins School of Theology at SMU, before obtaining his Ph.D. in clinical psychology at UT’s Southwestern Medical School. After many years as a clinical psychologist, he became very interested in mental health law and began law school at the age of 51 at the University of Houston, where he earned his J.D. in 1996.

After having spent many years as a consultant for various mental health agencies and as a long-time adjunct professor in Psychiatry at the UT Medical School in Houston, Dr. Jennings joined the staff of the Harris County Office of County Court Administration in 2008 and then moved to the Harris County Public Defender’s office in 2010, where he was still heading up the Misdemeanor Mental Health Division at the time of his death.

I got to know Floyd during this last great chapter of his life. He and I collaborated on draft legislation in multiple legislative sessions, on various JCMH projects, and on many CLE conference presentations. We also visited by email or phone almost weekly over the last decade of his life to discuss and share our respective viewpoints on real world challenges and interpretations of Chapter 46B and other legal issues involving persons with mental illness.

In the last edition of my guidebook, *Texas Criminal Procedure & the Offender with Mental Illness*, I had the chance to thank Floyd publicly for reviewing drafts of my book and offering very helpful suggestions, but more importantly “for our many years of delightful exchanges and collaborations on some of the thorny legal problems involving persons with mental illness and the Texas criminal justice system.”

He was always generous with his time. He cared for his family, clients, colleagues, and the rule of law. His wisdom and commitment will continue to be sorely missed.



Meet the Members | 2020–2021 Judicial Commission on Mental Health

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Gloria Terry	Kama Harris, Staff Attorney
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Jennifer Toon	Patrick Passmore, Grant Administrator
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HON. RYAN KELLUS TURNER
*Legislative Research
Subcommittee Chair*

The JCMH Diversion Subcommittee of the Legislative Research Committee was integral to the development of legislative recommendations pertaining to the effective diversion of individuals with mental health issues and IDD away from the criminal justice system and into essential services and pathways to care.

“While the role of the judiciary is limited to interpreting the law, as judges we have a unique vantage point on how the lives of people with mental illness and intellectual disabilities can traverse the legal system. When we can serve as a resource for policy makers and help improve the law, we should welcome the opportunity.”

JCMH Staff



Top (L to R): Patrick Passmore, Rose McBride, Kristi Taylor, Kama Harris, Liz Wiggins. Bottom (L to R): Willette (Gee-Gee) Sedwick, Michael Sipes, Molly Davis



P.O. Box 12248
Austin, Texas 78711
www.texasjcmh.gov
JCMH@txcourts.gov