30.1 ASSIGMNENT OF CRIMINAL CASES TO MENTAL HEALTH DOCKETS

(A) DEFINITIONS

Mental health dockets shall include cases where the defendant has a confirmed serious mental illness or is developmentally disabled as defined below:

(1) For purposes of this section, a defendant is deemed to have a confirmed serious mental illness if within the previous six months prior to arraignment, there is a clinical diagnosis of a severe mental illness with a psychotic feature or defendant was previously found eligible or was assigned to a MHCD.

(2) For purposes of this section, a defendant is deemed to be developmentally disabled if there is a clinical diagnosis that the defendant meets current Developmentally Disabled Offender eligibility of an IQ of 75 or less and/or an adaptive skills deficit based on either a diagnostic report or on the defendant previously having been found eligible or assigned to a MHCD.

(B) APPOINTMENT OF JUDGES TO PRESIDE OVER MENTAL HEALTH DOCKETS

The Administrative Judge will select Common Pleas Court General Division judges for the mental health dockets. The judges will serve for a period of two years from date of assignment. Upon approval of the Administrative Judge, the judges may be reappointed to successive terms. Thereafter, any Common Pleas Court General Division Judges who desire to preside over a mental health docket may submit their names to the Administrative Judge for consideration.

(C) ASSIGNMENT OF CASES TO MENTAL HEALTH DOCKETS

(1) Except as otherwise provided for in paragraph (D) of this rule, at the arraignment there will be a random assignment of mental health cases to judges presiding over the mental health dockets. Assignments will occur through a process either manual or electronic, which ensures the equitable distribution of cases among mental health dockets where the defendant:

(a) Based on either a new psychiatric assessment or on past placement on a MHCD, has a confirmed serious mental illness or is developmentally disabled as defined in A(1) and A(2) above; and

(b) Has no pending case[s], is not on probation or community control at the time of the offense, or there is no co-defendant[s] with a pending case or probation or community control cases.

(2) In cases where it is determined after arraignment that a defendant has a confirmed serious mental illness or is developmentally disabled as defined in A(1) or A(2) above, the Administrative Judge may reassign the case to a mental health docket through random assignment.

(D) CASES WILL NOT BE ASSIGNED TO MENTAL HEALTH DOCKETS WHEN:

(1) A single defendant commits a new offense while on probation or community control. The case shall then be assigned to the docket of the judge with such prior case.

(2) A single defendant has a pending case. The case shall then be assigned to the docket of the judge with the pending case.

(3) A defendant has co-defendant[s] on this case or has co-defendant[s] with a prior pending case, then the case shall be assigned to the docket of the judge who was assigned the pending case. If two or more defendants have pending cases, the case shall be assigned to the docket of the judge with the lowest numbered case.

(4) A defendant has co-defendants where one co-defendant has a pending case and the other defendant has a probation or community control case. The case shall then be assigned to the docket of the judge with the pending case.

(5) A defendant has co-defendant[s] where no co-defendant has a pending case but a co-defendant[s] is on probation or community control, then all defendants shall be assigned to the docket of the judge who has a co-defendant on probation or community control. Where there is more than one co-defendant on probation or community control, the case shall be assigned to the docket of the judge with the lowest numbered case.

Effective: 06/09/2003

Amendments to (A), (A)(1), (A)(2), (C)(1)(a) and (C)(2), effective 2/04/10