

Mental Health and Developmental Disabilities Court (MHDD) FREQUENTLY ASKED QUESTIONS

Why does the Cuyahoga County Common Pleas Court have a Mental Health and Developmental Disabilities (MHDD) Court?

Mental Health Courts were created largely in response to the increasing number of defendants identified as having severe mental health illnesses and found in the criminal justice system. In a 2009 study by Henry J. Steadman, Ph.D and colleagues found that 17% of males and 34% of female inmates admitted to jail had a serious mental illness.

In 2002, Cuyahoga County Common Pleas Court developed the Mental Health Court Initiative along with suburban courts and with the assistance of community provider partnerships through Local Rule changes.

In 2010, Cuyahoga County Common Pleas Court renamed the Mental Health Court, Mental Health and Developmental Disabilities Court in order to better identify the population it serves.

What is the mission of the Mental Health and Developmental Disabilities Court?

“The mission of the Mental Health and Developmental Disabilities Court is to promote early identification of defendants with severe mental health and/or developmental disabilities in order to promote coordination and cooperation among law enforcement, jails, community treatment providers, attorneys and the courts for defendants during the legal process and achieve outcomes that both protect society and support the mental health care and disability needs of the defendant.”

What is Local Rule?

Local Rule is a set of additional rules of practice or procedure for court application only that, because of local conditions, may not have been addressed through the Ohio Supreme Court. Local Rule reflects the court’s traditional authority to manage its own affairs so as to achieve the orderly disposition of cases. Please refer to the following link which explains the [Local Rules for the Mental Health and Developmental Disabilities Court](#).

Who are the Judges that serve on the MHDD Court?

There are five Common Pleas Judges currently designated as MHDD Judges. These Judges oversee the MHDD Court on a voluntary basis. The Judges also carry non-MHDD criminal and civil cases on their dockets. Approximately 30% of each Judges’ dockets are identified as MH or DD.

The five MHDD Judges are as follows: [Honorable José A. Villanueva \(Chair\)](#), [Honorable Hollie L. Gallagher \(Vice Chair\)](#), [Honorable Michael P. Donnelly](#), [Honorable John D. Sutula](#), and [Honorable Joan Synenberg](#). MHDD judges receive special training focused on the management of the mentally ill and developmentally disabled. (Create Link to each Judge’s page)

Who are the team members of the MHDD Court?

Each member of the team is an essential component to the MHDD Court's success and each plays a vital role in the MHDD Court. The team has several key members including the MHDD Judges, Court Coordinator, Probation Coordinator, MHDD Probation Supervisors, MHDD pretrial and probation officers, MHDD certified attorneys, jail liaisons from five different community agencies, forensic case managers from several community agencies, the Office of the Public Defender, and the Public Defender's social workers. There are times the team may ask for other community partners to be present or provide input such as treatment facilities, housing facilities, jail personnel, the Court Psychiatric Clinic, or the Community Based Correctional Facility.

What qualifies a defendant for MHDD Court?

Defendants must meet either of the following criteria per the diagnosis of a mental health professional:

(A): Suffer from a severe mental health issue with psychosis, such as schizophrenia, schizoaffective disorder, major depressive disorder with psychotic features, and bipolar disorder with psychotic features.

or

(B): Suffer from a developmental disability with an IQ of 75 or below.

The MHDD Court has a "No Wrong Door" policy. Defendants identified with suspected mental health issues or developmental disabilities can be referred for eligibility determination and possible transfer to the MHDD Court, regardless of criminal history or current alleged offense, per Local Rule.

What information does the Court use to qualify a defendant for the MHDD Court?

The criteria must be provided through reports and documented diagnosis from a qualified mental health professional. Many times these reports are provided to the Court from community providers (mental health agencies, private psychologist, psychiatrist, or physicians). However, they are also provided through jail psychiatric reports, Court Psychiatric Clinic reports, or due to previous placement with MHDD Court or supervision caseload. Therefore, it is important for the defendant to provide any mental health or developmental disabilities information to their attorney for submission to the court.

What sort of volume does the MHDD Court handle?

In 2013, 862 cases were identified as being eligible for MHDD Court, which was a 43% increase from 2012.

Are all MHDD cases transferred to the MHDD Court?

The goal of the MHDD Court is to provide early identification and placement of eligible defendants into the MHDD Court whenever possible. However, there are times when a defendant

may not be transferred to the MHDD Court due to several factors per the Local Rule. [Click here for more information on Local Rule.](#)

Is the MHDD Court or MHDD Probation Supervision voluntary?

MHDD Court or MHDD supervision by the Probation Department is not voluntary. When a defendant is found to have a qualified diagnosis, that individual will be eligible for transfer to MHDD Court. Once a transfer occurs, adherence to MHDD policies and procedures is mandatory. If community control supervision is ordered, the individual shall be supervised by a MHDD Probation officer in Pretrial and Post-Conviction, per Local Rule.

Is the MHDD Court a Diversionary Court?

The MHDD Court is not a Diversionary Court. The Court serves defendants that have been identified as having a severe mental illness or developmental disability and have been charged with a criminal offense. MHDD defendants are still subject to conviction of their charges and may be sentenced to Community Control sanctions (formerly known as Probation) or prison.

What happens with a MHDD defendant who is entered into a Diversionary Program such as Intervention in Lieu of Conviction (ILC) or Early Intervention Program (EIP)?

Since MHDD Judges handle a variety of cases, they will continue to monitor a Diversionary case also. The MHDD Probation Unit supervises all defendants who qualify for MHDD, including ILC and EIP cases. These defendants are held to the laws and local rules governing their particular case. They are also court-ordered to maintain all mental health compliance.

If a MHDD defendant is found guilty of a sex offense or domestic violation offense what type of probation officer do they receive?

Since the MHDD Court and MHDD Probation have a “No Wrong Door” policy, any defendant regardless of current offense, will be supervised by the MHDD unit of the Probation Department. These officers work closely with the other specialized probation units (such as Intervention in Lieu of Conviction (ILC), Early Intervention Program (EIP), Domestic Violence, Electronic Home Monitoring and Sex Offender Units) to ensure correct procedures and overall compliance with the laws governing their particular type of case.

What is the standard length of time a defendant can be sentenced to Community Control sanctions (Probation)?

The Judge has the authority to place a defendant on a Community Control term from six months to five years when they are convicted of a felony level offense. The court also follows evidence based sentencing practices and procedures whenever possible. Therefore, the standard Community Control term for the MHDD Unit of the Probation Department is two years. Nevertheless, the Court always has the option to extend if circumstances arise.

What are the differences a defendant in MHDD Court may experience?

The key difference for a MHDD defendant who also has a MHDD Judge is that a defendant may have frequent access to their MHDD Judge through periodic staffings. This allows for collaboration with the Court, Probation Department, a defendant's attorney, and community providers to be involved in discussions that center around court compliance, treatment goals, individual progress or issues that a defendant may be facing at that given time.

What is a MHDD Staffing?

The MHDD Court has incorporated staffings as part of its philosophy to provide team commitment and therapeutic approaches for the defendant. Each MHDD Judge has bi-weekly staffings in which a Probation Officer or Judge may choose to address ongoing issues or successes with the defendant and the team. The paramount concerns are ensuring community safety and effective supervision of defendants in the community.

Typically, the MHDD team will meet in a team-like atmosphere and discuss any defendants or issues that need to be addressed. During this time, the staffings are there to help the team address these issues together while using therapeutic approaches and evidence-based practices. The parties will then proceed to the court room where a hearing will take place with the defendant.

What type of probation officer does a defendant identified with a qualified mental health illness or developmental disabilities receive if placed on Community Control (Probation)?

A defendant that is identified with a qualified diagnosis, even if they are not with a MHDD Judge, and granted Community Control sanctions (Probation), shall be placed in the MHDD unit of the Probation Department.

This unique setting provides the defendant with 2 highly trained Probation Supervisors and 13 highly trained MHDD Post-Conviction Supervision officers. The supervision officers have weekly contact with the defendant, community agency providers, jail liaisons, The Public Defender's social workers, treatment agencies, along with greater access to MHDD Judges to provide comprehensive care and supervision while helping to protect the community.

What are the unique characteristics of the MHDD Probation Unit?

MHDD officers work closely with several community agency providers. They have bi-weekly or monthly clinical staffings with forensic case managers, licensed social workers, and licensed counselors from Recovery Resources, Murtis H. Taylor, FrontLine Services, Inc., and Connections. They also have weekly team meetings with the Cuyahoga County Developmental Disabilities Board (CCDDDB) and monthly staffings with Matt Talbot Inn residential treatment. Additionally, the MHDD Team has bi-weekly staffings with all MHDD Judges.

This interaction provides all parties with relevant information on the defendants' progress, along with an opportunity to address linkage or mental health issues, community safety issues, housing issues, substance abuse issues, benefit reinstatement plans, employment help, financial planning, familial and peer associations, and criminal thinking concerns.

How does the Cuyahoga County Jail assist with the MHDD population?

The County Jail has designated specific beds and pods for the MHDD population through their Mental Health Unit. The Medical Unit also provides inmates with access to psychiatrist, psychologist, nurses, social workers, and medications. They have also incorporated the use of MHDD jail liaisons from several community providers who regularly communicate jail inmate needs and status with jail medical staff, as well as probation officers, and the Court. MHDD judges maintain frequent contact with jail personnel to address needs and increase efficiencies.

Who determines if a defendant is competence to stand trial?

If the defendant's competent to stand trial is raised as an issue or if the defendant pleads "not guilty by reason of insanity," the Court may order an evaluation to determine competency to stand trial or to determine sanity at the time of the offense. Most often, this evaluation is completed by the Court Psychiatric Clinic. However, a defendant may also obtain an independent evaluation. [For more detailed information click here.](#))

What does Incompetent to Stand Trial – Restorable mean?

The defendant has been found incompetent to stand trial based on a doctor's examination, most likely from the Court Psychiatric Clinic, and the doctor needs to advise whether the defendant is likely to be restored to competency within one year. If this is accepted by the Court and parties, Court shall order the defendant to undergo treatment for competency restoration. Once a defendant is restored to competency, he/she is returned to the Court to proceed with trial.

[For more detailed information click here.](#)

What does Incompetent to Stand Trial – Unrestorable – Criminal Court Jurisdiction mean?

When a person is found incompetent to stand trial and cannot be restored within the time period per the examiner's testimony or stipulated report, the Court shall order the discharge of the defendant, unless he or she has been charged with a violent 1st or 2nd degree felony or higher, the court has an option to retain jurisdiction or the Court or Prosecutor's Office may file an affidavit in probate court for civil commitment of the defendant. Civil Commitment is a legal process in which a mentally ill person is court ordered to receive treatment through psychiatric hospital or outpatient facility. [For more detailed information click here.](#)

What does Not Guilty by Reason of Insanity mean?

The defendant may enter a plea of NGRI to any criminal charges as it is a defense to the criminal charges.

ORC (2945.40) defines NGRI as "When a person at the time of their offense, did not know, as a result of severe mental disease or defect, the wrongfulness of the act with which he or she is charged, the Court can find the person Not Guilty by Reason of Insanity and either order the person to be admitted to an Ohio Department of Mental Health hospital, or grant the person Conditional Release directly from Court. Court Psychiatric Clinic recommends the least restrictive placement for commitment." [For more detailed information click here.](#))

What is Conditional Release?

A Conditional Release plan is a comprehensive individual service plan that addresses treatment needs and risk issues for clients that have been found NGRI or Incompetent to Stand Trial - Unrestorable. These plans address the following needs/issues: psychiatric, medical, vocational/educational, legal, housing, substance abuse, and financial. A person is subject to violations while on Conditional Release for issues such as decompensation (compliant vs. noncompliant), substance use, and legal issues. The Court has the ability to amend Conditional Release plan or revoke the plan to maintain client/community safety and address it within the least restrictive setting. [For more detailed information click here.](#)

Where can I find services or help for Mental Health issues?

The ADAMHS Board of Cuyahoga County provides an extensive program directory of agencies that can provide help for ones suffering from mental illness or substance abuse. Click here for the [ADAMHS Board Provider Directory.](#)

Where can I find services or help for Developmental Disabilities?

The Cuyahoga County Board of Developmental Disabilities assist families who love ones may have a developmental disability.

[Click here for more information](#)

How do I access mental health and substance abuse care without insurance?

If you are 18 years or older and a Cuyahoga County resident without insurance and seeking community mental health services, the ADAMHS Board created SCALE, an administrative measure, to help ensure the continuation of community mental health and substance abuse treatment services. For more information call 1-877-836-8676.

As a family member of a loved one who is struggling with mental health symptoms, what can I do to help?

If a loved one is struggling with mental health symptoms or showing signs of decompensating and is on Probation, it is very important to encourage them to get help either through their Community Provider Agency or calling United Ways' First Call for Help at 211 or (216) 436-2000.

If you or a loved one is experiencing a mental health emergency contact your nearest police department by dialing 911 or Mobile Crisis at (216) 623-6888.

In a non-emergency situation, you may also contact the Probation Department's Mental Health Unit to notify the officer at (216) 443-5515.

What are common symptoms of severe mental health and psychotic disorders?

Psychosis is a mental disorder in which a person has lost some contact with reality. There may be severe disturbances in thinking, emotions, or behavior. People affected may hear voices, see things no one else sees, hold unusual or irrational beliefs, feel unrealistically powerful, or read particular meanings into everyday events. Although certain symptoms are common in specific mental health problems, no two people behave in exactly the same way when they are not well.

You can learn more information from [Substance Abuse and Mental Health Services Administration \(SAMHSA\)](#), or through the [National Alliance on Mental Illness \(NAMI\)](#).

Who do I contact to find more information about the Mental Health and Developmental Disabilities Court?

You may contact Mental Health and Developmental Disabilities Court Coordinator, Meghan Patton, at (216) 443-5468 or cpmep@cuyahogacounty.us.

As an attorney, how do I represent MHDD defendants?

In order to represent an MHDD defendant, an attorney must be on the Court's Assigned Counsel List and become MHDD certified by attending the Mental Health Developmental Disability Court Seminar. This seminar is held twice per year, usually in May or December. If you are on the Assigned Counsel List and wish to attend the next seminar to become MHDD certified, please contact MHDD Court Coordinator, Meghan Patton, at (216) 443-5468 or at cpmep@cuyahogacounty.us.

As an attorney, how do I serve as Assigned Counsel?

If you wish to serve as Assigned Counsel at Cuyahoga County Common Pleas Court, General Division, you must complete an application form. This form can be found on the court's website under [Forms and Publications](#). Please review the minimum criteria.

Once the form is complete, return it to Mary Kay Ellis, Assigned Council Specialist, on the 11th floor of the Justice Center (1200 Ontario St. Cleveland, Ohio 44113).