

COPE **Collaborative Opportunities for Positive Experiences**

The Deferred Prosecution Program of the Travis County Juvenile Mental Health Court Project

COPE PROGRAM DESCRIPTION

An Introduction

The Travis County Juvenile Mental Health Court Project is the first mental health court in Texas for youth involved in the juvenile justice system. Created by the Travis County Juvenile Probation Department and the Travis County Juvenile Court, this project serves ten to sixteen year olds with an organic mental health disorder or brain injury that has contributed to their commission of a criminal offense. These youth typically have limited access to treatment, or fail to engage in treatment as a result of their condition, leading to continued mental health problems and more extensive involvement in the juvenile or adult criminal justice systems.

COPE, described in more detail below, is the Deferred Prosecution Program of the Travis County Juvenile Mental Health Court Project. As the first juvenile mental health program in the nation for youth before they are prosecuted and adjudicated on a charge, COPE diverts young offenders from court proceedings and criminal involvement by providing services and treatment for the juvenile and family and a specialized court team and process to provide oversight, motivation, and accountability.

The Juvenile Court Process

When a child in Travis County between the ages of ten and sixteen breaks the law, the Travis County District Attorney's Office, on behalf of the State of Texas, files a charge against the child in the Travis County Juvenile Court. While deciding each case on its own merits, the Juvenile Court also seeks to balance four separate but intertwined interests: holding the child accountable; helping the child; protecting the community; and making victims whole.

If the child were to plea to the charge, and the Court accept the plea, or if at trial the Court were to find that the child had broken the law as charged, the Court could place the child on probation – for six months, for a year, possibly longer. The child might serve that probation at home, or the Court could order the child placed in a facility of some kind for the duration of the probation.

While on probation, the child must comply with court-ordered terms and conditions of probation. If the child breaks any of those terms and conditions, the child could be detained in the Gardner/Betts Juvenile Detention Facility. If the child were on probation at home, the Court could then send the child to live away from home in a facility. If the child is already placed outside the home, the Court could order the child to a more restrictive facility.

Whether by plea or trial, if the Court finds the charge is true, the child will have a juvenile record. That record could adversely affect a child in a number of ways. For example, a juvenile record could prevent a child from getting a job or into a college or trade school; it could keep a child from entering the Armed Forces; and it could cause a child to receive a much harsher sentence on any conviction the child were to receive in the adult criminal system.

Deferred Prosecution

In certain cases, the Juvenile Court may find that the interests of the child, the community, and the victim will best be served by allowing the juvenile to participate in a deferred prosecution program. If the juvenile successfully completes each requirement of the deferred prosecution program, the charge is dismissed, and the child will not have a juvenile record.

The COPE Deferred Prosecution Program

COPE is a deferred prosecution program. But it is much more. COPE strives

- To divert youth with certain mental health diagnoses from further involvement in the justice system,
- To improve access to mental health services for juvenile offenders, and
- To facilitate collaboration between the juvenile justice system and the mental health treatment system,

all within the following broad structure:

1. **Eligibility.** To participate in COPE, a juvenile must meet eligibility criteria and be accepted into the program. A juvenile who meets all of the following criteria will be eligible for COPE:
 - a. The juvenile has a pending, non-adjudicated referral for delinquent conduct to Juvenile Court;
 - b. The juvenile is appropriate for supervision through a deferred prosecution program;
 - c. The juvenile has a diagnosis of, or diagnosis comparable to, Major Depression, Bipolar Disorder or Schizophrenia; and

- d. The juvenile and family agree to participate in the program. A juvenile who does not have a family member able to participate in COPE is not automatically ineligible. A juvenile with family that refuses to participate is automatically ineligible.

Other juveniles may be accepted into COPE, without meeting these eligibility criteria, based on fact-specific circumstances.

2. **Assessment.** A juvenile will not and cannot be accepted into COPE without an appropriate assessment performed within ninety days of referral to COPE. A mental health assessment (MHA), global assessment of individual needs (GAIN), and psychological or psychiatric evaluations are all assessments appropriate and acceptable for COPE purposes.
3. **Referrals.** All referrals to COPE are made to the COPE Coordinator.
 - a. **Juvenile Assessment Center.** The Juvenile Assessment Center (JAC) makes referrals to the COPE Coordinator. Assessments from the JAC will indicate whether the juvenile is eligible for COPE, because the eligibility criteria are met. When the juvenile does not meet eligibility criteria, but the JAC nevertheless believes the juvenile would benefit from and should be considered for COPE, it will make that recommendation in the assessment.
 - b. **Probation Officer or attorney referrals.** A Probation Officer or attorney may make a referral to the COPE Coordinator.
 - c. **Court referrals.** The Court may make a referral to the COPE Coordinator.
4. **Types of Proceedings.** To emphasize that COPE is a diversionary program and not a court process, even though it is a program of the Mental Health Court Project, COPE proceedings are identified in non-court terms. The following are the types of COPE proceedings:
 - a. **Case Staffings.** At this proceeding each referral to COPE is considered, and a decision made whether to accept a case into COPE. Initial thoughts are shared as to a service and treatment plan (COPE Case Plan) for the juvenile and family. Each Case Staffing is assigned a certain time, in fifteen minute intervals, when the referral in question will be discussed and considered for acceptance into the program.
 - b. **Case Reviews.** At this proceeding each case already accepted into COPE is reviewed to insure the continued appropriateness of and compliance with the COPE Case Plan. Any adjustments to that plan are discussed. Decisions are made whether to advance a juvenile to a lower level of

supervision, graduate the juvenile from the program, or terminate the juvenile's participation.

The first Case Review in each case is generally held two weeks after the child's acceptance into the program and just before the first Family Meeting. A COPE Deferred Prosecution Officer, and the COPE Coordinator, during that two-week period, will have already met with the juvenile and family, discussed a COPE Case Plan with them, and obtained their signatures on it, as well as on the COPE Deferred Prosecution Agreement, the COPE Consent for Release of Confidential Information, and Conditions of Release (COPE). At the first Case Review the COPE Case Plan is reviewed and discussed, with any additional suggested services or actions noted for later discussion with the juvenile and family and possible subsequent inclusion in any amended Case Plan.

- c. **Family Meetings.** The juvenile and family attend every Family Meeting. The COPE Case Plan and compliance with it are reviewed, and agreement is reached on any changes to the Case Plan.

At the first Family Meeting in each case, generally held two weeks following acceptance into the program and right after the first Case Review, introductions are made all around, the program is described, any questions are answered, and the COPE Case Plan is discussed.

- 5. **Length of Program and Levels of Supervision.** A juvenile who meets the eligibility criteria and is accepted into the program participates in COPE for a minimum of six months (assuming compliance with the program) and a maximum of one year. How quickly a juvenile completes the program is determined by the juvenile's success on the following level system:

- a. **Level One.** The juvenile is required to: attend weekly meetings with and as directed by the COPE Deferred Prosecution Officer either at home, at school, or in the office; attend weekly meetings with the COPE Coordinator as requested; attend Family Meetings at the Gardner/Betts Probation Annex every two weeks; and comply with all parts of the COPE Case Plan, including cooperating and meeting with all service providers and timely making all appointments. The juvenile is expected to complete this level in two months.

Compliance on Level One for two months results in the juvenile's graduation to Level Two.

- b. **Level Two.** The juvenile is required to: attend meetings every two weeks with and as directed by the COPE Deferred Prosecution Officer either at home, at school, or in the office; attend meetings every two weeks with the COPE Coordinator as requested; attend Family Meetings once a month

at the Gardner/Betts Probation Annex; and comply with all parts of the COPE Case Plan, including cooperating and meeting with all service providers and timely making all appointments. The juvenile is expected to complete this level in two months.

Compliance on Level Two for two months results in the juvenile's graduation to Level Three.

- c. **Level Three.** The juvenile is required to: attend meetings once a month with and as directed by the COPE Deferred Prosecution Officer either at home, at school, or in the office; attend meetings once a month with the COPE Coordinator as requested; attend Family Meetings at the Gardner/Betts Probation Annex every six weeks; and comply with all parts of the COPE Case Plan, including cooperating and meeting with all service providers and timely making all appointments. The juvenile is expected to complete this level in two months.

Compliance on Level Three for two months results in the juvenile's graduation from COPE and dismissal of the pending charge.

- d. **Noncompliance.** A juvenile who does not comply with the requirements of any particular level may have to repeat all or part of an earlier, more restrictive level before then proceeding to a higher and less restrictive level. That juvenile could also be terminated from COPE, with the pending charge then returned to court for further action.

5. **Participants and Roles.**

a. **COPE Core Team.**

Members. The Core Teams consists of a Mental Health Court Project Judge, Assistant District Attorney, Juvenile Public Defender, COPE Coordinator, two Deferred Prosecution Officers dedicated to COPE cases, Deferred Prosecution Unit Case Manager, and a Travis County Juvenile Probation Department psychologist (as needed).

Duties. The Core Team's duties include staffing cases for possible acceptance into COPE, reviewing cases for completeness and appropriateness of Case Plans, and conducting Family Meetings. The Assistant District Attorney and Juvenile Public Defender are not required to attend the Family Meetings, but, in their discretion, may nevertheless choose to participate.

b. **COPE Planning Committee.**

Members. The Planning Committee is comprised of the Core Team, Chair of the Travis County Juvenile Board, Chief, and two Deputy Chiefs, of the Travis County Juvenile Probation Department, and community stakeholders.

Duties. The Planning Committee is responsible for developing and implementing COPE and then overseeing its continued operation.

6. **Court hearings.** Although one goal of COPE is to avoid any type of actual court hearing, on occasion court intervention may be necessary.

a. **In general.** Once a juvenile is accepted into and enters COPE, any necessary court hearing is held before the Mental Health Court Project Judge, with the COPE Assistant District Attorney and Juvenile Public Defender in attendance, at 9:00 am on a Thursday, or at such other time as arranged through the COPE Coordinator in consultation with the Mental Health Court Project Judge.

b. **Detention hearings.** Should any juvenile participating in COPE be detained by a judge other than the Mental Health Court Project Judge, a subsequent detention hearing is held before the Mental Health Court Project Judge on the next work day.

7. **Subsequent offenses.** If a juvenile participating in COPE is referred to Juvenile Court on another offense after entering the program, at the next Case Review, the Core Team decides whether to continue the juvenile's participation in COPE or to terminate it.