

ALABAMA DEPARTMENT OF MENTAL HEALTH OFFICE OF FORENSIC MENTAL HEALTH SERVICES (OFMHS)

AT A GLANCE SERIES | ISSUE 3 | JANUARY 2023

INTRODUCTION

The *At a Glance* series is a publication that introduces topics pertaining to forensic mental health. In addition to providing general information that is quick and easy to read, a list of resources is also provided for those who would like to learn more about the topic.

Visit our website to learn more about the OFMHS or the At a Glance Series

<https://mh.alabama.gov/forensic-mental-health-services/>



Alabama Department
of Mental Health
connecting mind and wellness

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WRITING REPORTS FOR THE COURT

ALABAMA RULES OF CRIMINAL PROCEDURE AND QUARTERLY REPORTS

The Alabama Rules of Criminal Procedure establish options for the court to consider post-adjudication for 1) defendants who are found Incompetent to Stand Trial (IST) and are unlikely to become competent or 2) when a person has been adjudicated Not Guilty by Reason of Mental Disease or Defect (i.e., Not Guilty by Reason of Insanity (NGRI or NGI)). In either case, the court may release the person with or without conditions.

Conditions are requirements that the person is obligated to abide by in order to be served in the less restrictive setting. For example, the person may be released to a group home and required to remain in the setting, he or she is required to refrain from accessing weapons, be required to follow their Treatment Plan, or to take medication as prescribed. Another person may be permitted to reside at home but further required to attend a day-program, four days per week or attend appointments with a mental health provider.

Such requirements, also referred to as Conditions, will be clearly stated in a written court order, usually titled "Order for Release with Conditions."

While conditions may require a person to receive services in a specific program setting, through an identified provider, or through a specific agency, such **conditions are obligations for the person to abide by**. Failing to abide by any of the conditions could result in a revocation of the person's release, which could lead to the person being arrested, detained in jail, or committed for inpatient care and treatment.

In addition to holding the person accountable, the *Order for Release with Conditions* may require the service provider to:

- 1) Notify the court if the Person does not comply with the terms of release, or
- 2) Notify the court when the provider determines that the person can no longer be successfully treated in the program, or
- 3) Periodically, on a quarterly basis, submit a report to the court regarding the person's compliance with the conditions, the person's progress in the program, and the person's overall mental and behavioral health. Such periodic report may

also be referred to as a *Quarterly Report* or a *Treatment Status Report*. Programs and service providers should review a person's Order for Release with Conditions to, with the respective patient, at the time of the admission to ensure there is a clear understanding of responsibilities and expectations, including whether or not status update reports are required.

FREQUENCY OF REPORT SUBMISSIONS

Generally speaking, Status Reports are submitted to the court on a quarterly basis (i.e., every 91 days) beginning the date the person is admitted to the program. Providers may submit a report before day 91 when unique circumstances arise such as when there is a significant change to the person's condition. For example, when the person experiences a significant medical event and has transferred to a hospital or when the agency having custody of the person would like to request that the court grant permission for the person to transfer or step down to another program or setting.

CONTENT OF THE REPORT

The Alabama Rules of Criminal Procedure do not specify the content to be included in a Status Report. As such, the provider overseeing the person's care and treatment has some flexibility and discretion when drafting the Status Report. In all cases, Status Reports, by whatever name known, should be clear and concise; one page is sufficient. Status reports should address the following:

Demographic Information

- Person's name
- Case Number (will begin with CC- and included on the order)
- Date of Birth
- Admission Date
- Date of the Report and time period that the report covers

Person's Current Diagnosis/Diagnoses

Person's Current List of Medication(s), if applicable

A Statement Regarding the Person's Compliance with Medications; for example

- Person is fully compliant with his/her necessary medication regimen, or
- Person is partially compliant with his/her necessary medication regimen, or
- Person is not sufficiently compliant with his/her necessary medication regimen, or
- Not applicable. Person is not prescribed necessary medication.

A Review of the Person's Overall Progress; for example

General description of the services and supports being offered to the person (e.g., day program, residential program),

Describe whether the person participates in treatment and programming in accordance with his/her established care plan,

Description of how the Person Interacts with Peers and Staff,

Description of Whether the Person follows Program Rules and Expectations,

Description of Whether the Person Abides by the Conditions Established by the Court

A Review of the Person's overall Status

Describe whether the person is receiving services in the most appropriate setting,

List any recommendations for either continued placement in the current setting or recommendations pertaining to the most appropriate level of care.

Any Additional Pertinent Information for the Court

The Name, Credential, and Title of the Clinician- Report Writer

SUBMISSION OF REPORTS

The *Order for Release with Conditions* will list the parties who should receive a copy of the Status Report. In most cases, the original signed report should be sent to the Circuit Court Clerk of the committing county with copies sent to the District Attorney, Defense Attorney, and assigned Judge.

WHAT HAPPENS WHEN A PERSON DOES NOT COMPLY WITH THE TERMS AND CONDITIONS OF THE CONDITIONAL RELEASE?

If, during the period of Conditional Release, the person does not comply with the terms and conditions of the release, or if it is determined that the person can no longer be successfully managed in the program or setting, the court is to be notified by the provider without delay. The provider should submit the written notification of the person's failure to comply with the requirements and identify each specific area or requirement in which the person is not compliant. The letter should also describe any efforts that have been attempted to encourage the person to comply with the conditions. Furthermore, the notice should identify whether the current setting is the most appropriate setting for treating the individual and any recommendations regarding future care, treatments, or services. For example, identify whether the patient will be offered a change in their treatment approach (e.g., medication change, enhanced supervision) or whether a hearing is requested. Upon receipt of the notification, the court may schedule a hearing on the matter.

This procedure does not preclude any person, program, or agency from contacting their local law enforcement, emergency services, and hospital when such intervention is deemed necessary and appropriate.

CONCLUSION

The Alabama Rules of Criminal Procedure allow for a person to be released with conditions after a person has been found unable to be restored to competency (Incompetent to Stand Trial (IST)) or when the person has been found Not Guilty by Reason of Mental Disease or Defect (NGRI or NGI). When the court permits the person to be released from jail or from a facility, the court may place conditions, or requirements, on the person. These conditions are listed in the *Order for Conditional Release* (or order of similar title) issued by the court and signed by a circuit court judge. The *Order for Conditional Release* may require the provider or program to submit reports to the court on at least a quarterly basis, but more frequently in the event that the person does not abide by the condition(s) or experiences a significant change in their health or behavior. While the law does not establish a format for these reports, this document outlines areas that the Status Report could address. Status reports are typically required for all individuals released with conditions. Providers should review any court orders pertaining to the patient to ensure that any documentation or notification requirements are met and educate the patient on such requirements and expectations as well.

RESOURCES

Alabama Rules of Criminal Procedure, Rule 11.6 (f)

<https://mh.alabama.gov/wp-content/uploads/2021/11/Bench-Guide-to-Forensics-8-24-18.pdf>

Alabama Rules of Criminal Procedure, Rule 25.6

https://judicial.alabama.gov/docs/library/rules/cr25_6.pdf

Bench Guide to Forensic Criminal Cases (2018)

<https://mh.alabama.gov/wp-content/uploads/2021/11/Bench-Guide-to-Forensics-8-24-18.pdf>

SAMPLE

**Honorable George Justice
Circuit Judge- Circuit 6
207 County Courthouse
Tuscaloosa, Alabama 35401**

STATUS UPDATE REPORT- CONDITIONAL RELEASE

Name:	Joe Sample	Case Number: CC-2022-0000789 (Tuscaloosa)
Date of Birth:	07/07/1977	Review Period: 10/1/2022 to 12/31/2022
Admission Date:	06/07/2022	Date of Report: 01/02/2023

Mr. Sample was admitted into the Excellent Quality Program (123 Main Street, Anytown, Alabama) operated by the Best Mental Health Center of Alabama on 7/7/2022 after being Released with Conditions from Taylor Hardin Secure Medical Facility.

Since admission, Mr. Sample has participated in all treatments according to his Treatment Plan including group therapy, recreation activities, and he remains fully compliant with his medication regimen. He is currently followed by the center's psychiatrist, Dr. Knowitall.

During this review period, Mr. Sample began using new coping skills for managing stress and feelings of depression including engaging in exercise (basketball), arts (drawing and painting), and speaking to his mother on the phone. He also demonstrates improved insight into his mental illness, symptoms, and acknowledges understanding that he will need to take his medication forever, something that he did not do consistently in the past. Mr. Sample is able to accurately name his medications, identify them and read their label, and has recently begun to remember to take his medication without prompting based on the time of day. Mr. Sample interacts appropriately with peers and staff and has developed one friendship. He lost privileges on two occasions during this review period; one for having an open bag of potato chips in his room and one for refusing to get out of bed for group. He continues to comply with his Order for Conditional Release.

Mr. Sample continues to benefit from the group home setting. The goal is for Mr. Sample to step down to an apartment with supports and, as such, his plan going forward will focus on continuing to build self-management skills so that he can maintain psychiatric and behavioral stability using medication, self-regulation and coping skills, and weekly therapy (all tools that would be available in a less restrictive setting). In addition, Mr. Sample will begin receiving education that will help him to build independent living skills including cleaning, basic cooking/ meal preparation, and maintaining health and hygiene (e.g., consistently maintaining grooming practices, laundry, caring for basic wounds such as cuts and scrapes, correct use of over-the-counter medications, and use of resources such as calling the doctor and making appointments). Currently, the Excellent Quality Group Home Program is the most appropriate level of care for Mr. Sample.

Current Diagnoses: Schizoaffective Disorder, Bipolar Type
Vitamin D Deficiency
Type 2 Diabetes Mellitus Without Complications

Medications: Paliperidone to treat mood symptoms and psychosis
Ergocalciferol (Vitamin D2) and Cholecalciferol (Vitamin D3),
Metformin

Suzy Sunshine, LCSW
Program Manager
Excellent Quality Program
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Date