

# SECOND CIRCUIT MENTAL HEALTH COURT PARTICIPANT HANDBOOK



425 N Dakota Ave  
Sioux Falls SD 57104  
Updated 06.16.2025



SHOW UP

TRY

BE HONEST

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Greetings,

Welcome to Mental Health Court! We consider it a privilege to serve as the judges for Mental Health Court. We are committed to helping you succeed and graduate.

You will quickly learn that Mental Health Court is different than regular court. Here, there is an entire team of people including counselors and treatment professionals who will encourage you to develop skills to help you be ready for life after graduation.

This handbook is intended to help you understand how to be successful in Mental Health Court. As a participant, you are responsible for your actions and this handbook will serve as a guide for those actions.

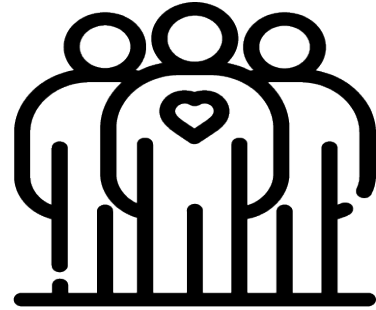
We—and the rest of the team—look forward to supporting, encouraging, and occasionally challenging you as you take this great leap towards a new life.

*Mandi Mowery*

*Wade Warntjes*

## **Mental Health Court Team**

Judge Mandi Mowery  
Judge Wade Warntjes  
Nichole Larive – Coordinator  
Marya Tellinghuisen – Prosecutor  
Traci Smith – Defense Attorney  
Ryan Olson – Court Services Officer  
Heather Mousel – Substance Use Disorder Counselor  
Megan Wexler – Mental Health Counselor  
Sidney Backhaus – Case Manager  
Tarah Walton – Law Enforcement  
Michelle Boyd – Law Enforcement



## **Mission Statement**

The mission of South Dakota's Mental Health Court Programs is to enhance public safety and improve the quality of life for participants, their families, and communities statewide by holding participants accountable through a judicially monitored regimen of supervision and treatment to promote long-term recovery.

## **Overview**

Your participation in Mental Health Court requires frequent court appearances, active participation in your treatment/case plans, medication management and cooperation with probation and case management.

In Mental Health Court, positive and negative behaviors result in immediate reactions. When you are compliant, move forward and achieve success, you will be incentivized and recognized by the team. If you are not compliant with MHC, sanctions would be imposed.

## **Eligibility Criteria**

- ✓ At least 18 years old
- ✓ Facing criminal charges and eligible for probation (see SDCL 23A and 27-12)
- ✓ Agree to be in the program
- ✓ Willing to adhere to Mental Health Court Rules
- ✓ Mental Health issues that meet Severe Mentally Illness (SMI)
- ✓ You would benefit from medication stabilization as one of the primary treatment interventions
- ✓ Willing to live where the mental health team can supervise

## Application Process

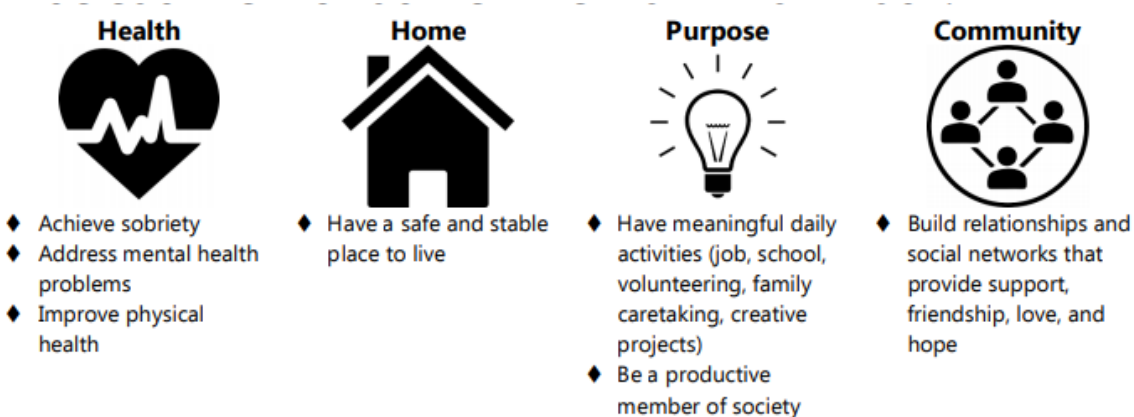
Your attorney will help you decide if you should apply for Mental Health Court and will help you fill out an application.

- ✓ Fill out application at the end of this Handbook with attorney.
- ✓ Application can be sent to [nichole.larive@ujs.state.sd.us](mailto:nichole.larive@ujs.state.sd.us).
- ✓ Records must be gathered to determine if you meet SMI eligibility. Please sign releases to help with this process.
- ✓ Releases will be sent to Southeastern Behavioral Health and Choices Recovery Services where staff will determine eligibility.
- ✓ You will meet with a Southeastern Behavioral Health clinician for a Mental Health Assessment.
- ✓ You will meet with the Court Services officer for an interview and risk assessment.
- ✓ You will meet with a Choices Recovery counselor for a Chemical Dependency Assessment.
- ✓ Once your assessments have been completed, your attorney will receive notice if you have been accepted into program. If accepted, a plea into Mental Health Court will be set.

## Mental Health Court Costs

You are required to pay your costs, fines, fees and attorney fees. Work with your court services officer to make a payment plan. Other fees you may be required to pay for include: 24/7, SCRAM, Interlock or Medications

## Why Mental Health Court?



## **Confidentiality**

A basic part of Mental Health Court is being willing to share information about your mental health with the team. To participate in this program, you will be required to sign Releases of Information (ROI's) for communication with other providers regarding your medical records, individual treatment providers, participation in groups and your overall progress. If you have any more questions about how confidentiality works, please talk to one of your treatment providers or case manager.

## **Courtroom Rules**

Your behavior should reflect that you are in Court and it is expected that you treat the Judge, other participants and community providers with respect. You are expected to remain in the courtroom for the duration of the session, unless you have prior approval to be excused. You will provide support and encouragement to other participants in the program.

- ✓ Be on time
- ✓ Stay quiet and pay attention
- ✓ Turn off cell phones
- ✓ Do not wear hats or clothing with drug, alcohol or gang logo

## **People, Places, Things**

The Mental Health Court team may order that you have no contact with certain people, places or things that we believe are harmful to your success in the program. The team must approve any living arrangements, driving arrangements and any future employment opportunities. You cannot leave Minnehaha county unless you have prior approval from your court services officer. You cannot possess any alcohol, marijuana, controlled substances and/or synthetics; you cannot enter establishments where these items are the primary items being sold.

## **Drug Testing**

Drug testing is frequent and random throughout the duration of the MHC program. Every day you will call **605-303-6077** to determine if your color has been called.

### Monday through Friday Testing

Minnehaha County Courthouse  
425 N Dakota Ave  
Sioux Falls, SD 57104  
8 AM – 10 AM

### Weekend and Holiday Testing

24/7 Location  
305 W 4<sup>th</sup> St  
Sioux Falls, SD 57104  
7AM – 9AM

Positive tests will be reported to the team. When asked about use, remain honest.

If you deny, test results will be sent in for lab confirmation. If results come back positive, you will be responsible for the lab testing fees. Appropriate sanctions or therapeutic adjustments will be given.

## **Medication**

If a doctor gives you any medication in response to an illness or injury, you must tell your court services officer and case manager. We will need to see any documentation of any medication given.

### Below is a list of APPROVED OVER-THE-COUNTER (OTC) MEDICATIONS

By listing the following medications as “approved,” Mental Health Court is not endorsing or recommending the use of these medications because taking even over-the-counter medications can lead to adverse results including but not limited to allergic reactions.

The following medications are approved for Mental Health Court participants to take without prior permission. Any medications **not** listed must have prior approval. If you are unsure if a medication is allowed, check with your CSO **before** taking it.

Medications must be taken at the appropriate dosage listed on the drug’s label or it could lead to a positive urine test, which may lead to a sanction, including loss of your sober days. **DO NOT TAKE MORE THAN THE DOSAGE INDICATED.**

**EACH DRUG LISTED MUST BE TAKEN AS LISTED AND WITHOUT ANY OTHER ADDITIVES:** Tylenol is approved, **not** Tylenol Cold or Tylenol PM or Nighttime.

**DO NOT TAKE:** Any CBD products, including vape products; Kratom, K2 or any variant; any product containing alcohol. Additionally, items like energy drinks or baked goods with poppy seeds are not a valid excuse for a failed drug test. You are responsible for what you ingest.

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### **PAIN** (no PM formulas):

Acetaminophen 500 mg., 1 or 2 tablets every 4 – 6 hours

Ibuprofen 200 – 800 mg., every 4 – 6 hours as needed

Aspirin

Excedrin Migraine

### **STOMACH:**

Mylanta

Milk of Magnesia

Pepto Bismol

### **ANTACIDS:**

Zantac

Pepcid

Prilosec

Tums / Roloids or store brand equivalent

### **FLU SYMPTOMS:**

Theraflu

Alka-Seltzer

### **COUGH / COLD:**

Delsym (non-alcoholic/pediatric)

Mucinex (cannot be D or DM)

### **ALLERGIES** (none can be the D or DM formula):

Claritin

Allegra

**JOINT PAIN:**

Tylenol Arthritis

BenGay muscle rub and thermal patches

Icy Hot muscle rub and thermal patches

**VITAMINS** (no sports additives, herbal remedies or supplements):

Multivitamins

Prenatal vitamins

**Incentives, Sanctions and Therapeutic Adjustments****What are Incentives?**

An incentive is an acknowledgement by the Mental Health Court Team that you have reached a milestone or have completed a goal towards my recovery. Incentives can include but are not limited to the following.

**Expected behavior**

- ✓ Honesty
- ✓ Accomplishing goal
- ✓ Positive attitude
- ✓ Adjusting well to Program
- ✓ Obtaining support in recovery
- ✓ Avoiding temptation to relapse

**Incentive**

- ✓ Applause/ Verbal praise
- ✓ Acknowledgement from the court
- ✓ Gift card to local restaurant
- ✓ Movie pass
- ✓ Progression in the program

**What are Sanctions?**

Sanctions are given for not following the program. Not following the rules of the program is a violation. The Mental Health Court Judge and Team will decide sanctions based on violations. Sanctions can include but are not limited to the following:

**Inappropriate Behavior**

- ✓ Dishonesty
- ✓ Failure to maintain journal
- ✓ Failure to attend recovery meetings
- ✓ Reporting late to PBT or UA
- ✓ Testing positive on PBT or UA

**Possible Sanction**

- ✓ Verbal warning
- ✓ Written letter
- ✓ Community Service
- ✓ Loss of sober days
- ✓ No phase progression

**What are therapeutic adjustments?**

A therapeutic adjustment is a change in a treatment plan. Therapeutic adjustments can include but are not limited to the following.

- ✓ Increased self-help meetings
- ✓ Increased drug/alcohol testing
- ✓ Completion of treatment workbooks
- ✓ Motivational interviewing exercises
- ✓ Evaluation for possible medication

- ✓ Increased court appearances
- ✓ Increased treatment
- ✓ Additional assessments or evaluations
- ✓ Modification of individualized treatment plan
- ✓ Residential treatment

## **Phases and Requirements**

### PHASE 1: (Usually 60 Days)

- ✓ Attend court weekly
- ✓ Comply with treatment
- ✓ Comply with supervision
- ✓ Develop case plan
- ✓ Weekly office visits
- ✓ Monthly home visits
- ✓ Comply with drug testing
- ✓ Address housing
- ✓ Address medications
- ✓ Address money/finances
- ✓ Obtain medical assessment
- ✓ Change people, places and things

### PHASE 2: (Usually 120 Days)

- ✓ Attend court weekly
- ✓ Comply with treatment
- ✓ Comply with supervision
- ✓ Review case plan
- ✓ Weekly office visits
- ✓ Monthly home visits
- ✓ Comply with drug testing
- ✓ Begin recovery network program
- ✓ Solidify housing
- ✓ Address medications
- ✓ Address money/finances (do budget assessment)
- ✓ Continue addressing medical needs
- ✓ Change people, places and things

### PHASE 3: (Usually 90 Days)

- ✓ Attend court bi-weekly
- ✓ Comply with treatment
- ✓ Comply with supervision

- ✓ Review case plan
- ✓ Bi-weekly office visits
- ✓ Monthly home visits
- ✓ Comply with drug testing
- ✓ Solidify housing
- ✓ Address medications
- ✓ Begin criminal thinking program
- ✓ Establish pro-social activity
- ✓ Engage in recovery network
- ✓ Continue addressing medical needs
- ✓ Change people, places and things

#### PHASE 4: (Usually 90 Days)

- ✓ Attend court monthly
- ✓ Comply with treatment
- ✓ Comply with supervision
- ✓ Review case plan
- ✓ Monthly office visits
- ✓ Monthly home visits
- ✓ Comply with drug testing
- ✓ Maintain housing
- ✓ Maintain medications
- ✓ Maintain pro-social activity
- ✓ Engage in recovery network
- ✓ Continue addressing medical needs
- ✓ Change people, places and things

#### PHASE 5: (Usually 60 Days)

- ✓ No court required
- ✓ Engage with treatment
- ✓ Engage with supervision
- ✓ Review case plan
- ✓ Monthly office visits
- ✓ Monthly home visits
- ✓ Comply with drug testing
- ✓ Maintain housing
- ✓ Maintain medications
- ✓ Maintain pro-social activity
- ✓ Maintain recovery network
- ✓ Continue addressing medical needs
- ✓ Change people, places and things

Once you have completed all Phases, you can graduate from the program. You will be required to submit a written request to the team asking to graduate from Mental Health Court and explain all that you have accomplished.

- ✓ Complete Phase 5
- ✓ Medication stabilization and compliance
- ✓ I have stable housing
- ✓ I have been in the mental health court program for at least 18 months
- ✓ Complete case plan
- ✓ Complete graduation plan

Once approved for completion, there will be a special commencement ceremony in your honor to congratulate you for all that has been accomplished. This will be a very important event and loved ones and family members will be asked to join the celebration.



### **Continuing Care**

After commencement, treatment services will be available for you to attend.

You will remain connected to Southeastern Behavioral Health for case management and medication needs. A team member will also contact you within 90 days of graduating the program.

### **Who is my attorney?**

The Defense Attorney is a member of the Mental Health Court team, but is also **your attorney**. You have the right to get your own attorney if you want. As your attorney, you will have the attorney-client privilege, which allows you to share privileged and confidential information with them which they cannot share with the team unless you give them permission to do so.

The Defense Attorney's job is to help you understand your rights and the requirements of the Mental Health Court program. The Mental Health Court Judge makes all final decisions, but your attorney will advocate for you to the Judge and the team. Your attorney will defend your legal rights, make sure you get fair and equivalent treatment, and share your view on things like incentives and sanctions, phase advancement, and graduation or termination. They will represent you in evidentiary hearings if you want to question the facts used to decide on sanctions or terminations. They will represent you if you are facing termination from Mental Health Court. If you are facing a probation violation after termination from Mental Health Court, a new attorney will be appointed for you unless you request to continue working with

your current defense attorney. In addition, if you can pay for an attorney, you always have the right to retain an attorney of your choice.

Your attorney will attend Mental Health Court sessions and they can answer questions you might have during Mental Health Court. You should contact them **before** Mental Health Court if possible to talk about any issues that might come up. You can reach them at the Public Defender's Office at 605-367-4242.

### **What happens when you fail to follow the rules of Mental Health Court?**

When you fail to follow the rules of the program, you can be terminated from Mental Health Court.

#### Some examples of reasons to terminate are:

Reasons to be terminated can include but are not limited to the following:

- ✓ Concern for public safety
- ✓ Threat to the integrity of the program
- ✓ Available treatment options have been exhausted, and the participant is no longer working towards recovery
- ✓ Violating rules of the Mental Health Court
- ✓ Commission of a crime
- ✓ Failure to attend Mental Health Court hearings
- ✓ Abandonment of treatment program
- ✓ Evidence that participant is involved with drug dealing or driving while under the influence
- ✓ Evidence that participant is involved in any threatening, abusive, or violent verbal or physical behavior towards anyone
- ✓ Tampering with drug/alcohol screening tests
- ✓ Inability to pass required drug/alcohol screening tests for any reason
- ✓ Failure to make satisfactory progress
- ✓ Any other grounds that the Mental Health Court Team finds sufficient for termination

#### Process for Termination

- ✓ A member of the Mental Health Court Team makes a motion for termination.
- ✓ Your court services officer will give you a written copy of the possible violations and the Judge will advise you of your rights, including the right to have an attorney.
- ✓ You can ask for an attorney to be appointed to represent you.
- ✓ You will have a chance to talk to the Judge and the Team concerning the motion to terminate from the program.
- ✓ The Judge makes the final decision if you will stay in the program.
- ✓ If you are terminated, the Court will advise you of your rights concerning potential probation revocation and appoint you an attorney.
- ✓ You are required to participate in a termination interview and may be subject to a probation revocation proceeding.

### Voluntary Removal

You may request to be removed from the Mental Health Court Program. Before the team considers your request, you must visit with your attorney because failing to complete the program generally has negative legal consequences.

## IMPORTANT PLACES FOR ME TO REMEMBER

### Southeastern Behavioral Health:

Mental Health Services  
100 W 5<sup>th</sup> St  
Sioux Falls SD 57104  
605-336-0503

### Choices Recovery Services:

Substance Use Services  
622 S Minnesota Ave  
Sioux Falls SD 57104  
605-334-1822

### Probation Office:

425 N Dakota Ave  
Sioux Falls SD 57104  
605-367-5930

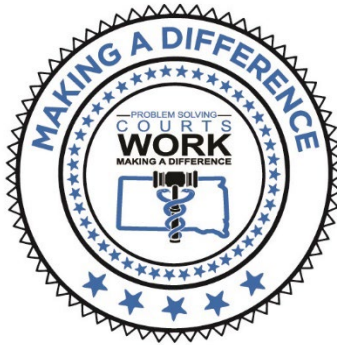
### NAMI:

1601 E 69<sup>th</sup> St  
Sioux Falls SD 57108  
605-271-1871

National Crisis Hotline: 988

Emergency: 911

Helpline: 211



Participant Handbook Receipt  
and  
Acknowledgement Form

I have been given a copy of the ***Participant Handbook***. I will read and follow the rules of the program.

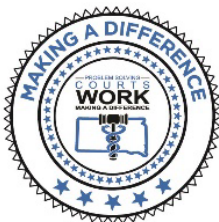
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Participant Signature

Date

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Participant Name Printed



## Publicity Consent /Release Form

I accept and approve the use, printing, and copying of all media by the Treatment Court. This includes all pictures or videos taken of me. My name may or may not be included for media, promotional, educational, and other purposes. I realize this coverage may use my picture, with or without further explanation. This could be alone or with other pictures, in a story, on a website, or on a cover of any or all public materials for Treatment Court.

I release the Treatment Court, its staff and employees, or anyone it authorizes, from all claims relating to or arising from the use of the consented items above.

I am over eighteen years of age. I have read this agreement or have had it read and explained to me. I fully understand what it means. I have signed this by my own free will without force.

Name:	
Address:	
City:	
State:	
Zip Code:	
Telephone:	

**This consent/release will remain in use and cannot be revoked by me until:**

- ✓ Successful completion of the Treatment Court
- ✓ Discharge from court-ordered supervision or probation
- ✓ Termination of my involvement with the Treatment Court
- ✓ Sentencing for violating the terms of my Treatment Court involvement

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Participant Signature

Date

---

Participant Name Printed

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