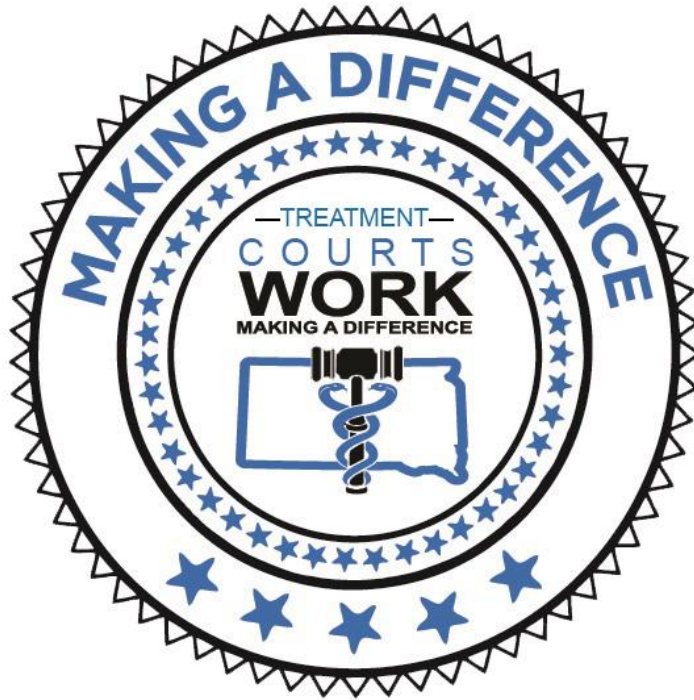


2nd Circuit

Mental Health Court Participant Handbook



Second Judicial Circuit
425 N Dakota Ave
Sioux Falls SD 57104
Updated 12.10.2025

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Welcome From the Judge

Greetings!

Welcome to Mental Health Court! I consider it a privilege to serve as the judge for the Mental Health Court. I am 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.

I – 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.



Marci Mowery

Show Up.

Try.

Be Honest.

Mental Health Court Team

Judge Mandi Mowery
Nichole Larive – Coordinator
Marya Tellinghuisen – Prosecutor
Emma Otterpohl – Defense Attorney
Ryan Olson – Court Services Officer
Megan Wexler – Mental Health Counselor
Steve Sanchez – FACT Therapist
Sidney Backhaus – Case Manager
Heather Mousel – Substance Use Counselor
Tarah Walton – Law Enforcement
Michelle Boyd – Law Enforcement



Mission Statement

The mission of South Dakota's Treatment Courts 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 and 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 and move forward and achieve success, you will be incentivized and recognized by the Team. If you are not compliant with Mental Health Court, sanctions may be imposed.

Eligibility Criteria

- ✓ You must be at least 18 years of age.
- ✓ You must be facing criminal charges and eligible for probation (see SDCL 23A and 27-12).
- ✓ You must meet high risk / high need criteria as determined by supervision and treatment.
- ✓ You must agree to be in the program.
- ✓ You must be willing to adhere to the Mental Health Court rules.

- ✓ You must have a mental health diagnosis(es) that meet(s) Severely Mentally Ill (SMI)
- ✓ You must live where the Mental Health Court Team can supervise you.
- ✓ You would benefit from medication stabilization as one of the primary treatment interventions and comply with any medication recommendations.

Application Process

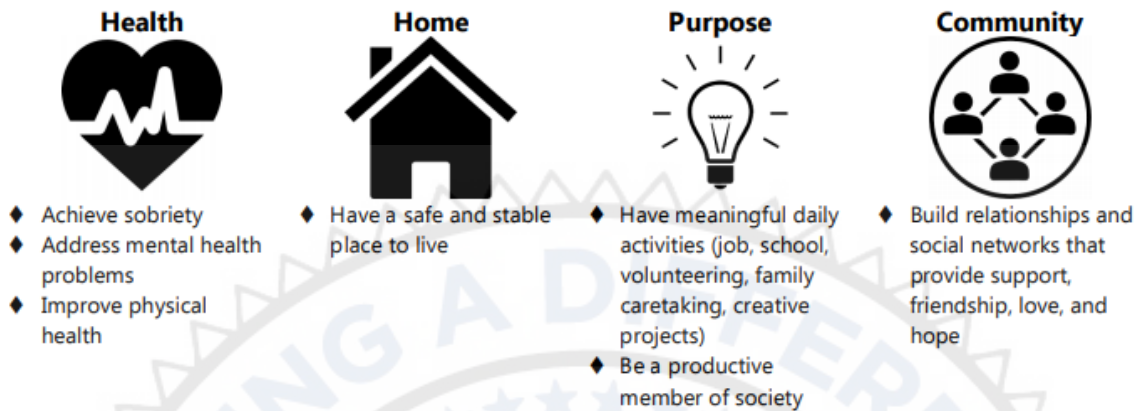
Your attorney will help you decide if you should apply for Mental Health Court and will help you fill out an application.

- ✓ Fill out an application, as well as the consent and acknowledgement forms at the end of this handbook, with your attorney.
- ✓ Submit your application, consents, and acknowledgement forms to Nichole.Larive@uj.s.state.sd.us.
- ✓ Records must be gathered to determine if you meet SMI eligibility. Sign any necessary releases to help with this process.
- ✓ You will meet with Southeastern Behavioral Health where staff will determine high needs eligibility.
- ✓ You will meet with the Court Services Officer for an interview and a risk assessment to determine high risk eligibility.
- ✓ You will meet with Choices Recovery for a substance use assessment.
- ✓ Once your application is received and all meetings are complete, the team will review your information and determine if you are eligible to continue with Mental Health Court.
- ✓ The team will notify your attorney if you have been accepted into Mental Health Court. If you are 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 associated with your charge(s). Work with your Court Services Officer to create a payment plan. Other fees you may be required to pay while in Mental Health Court include 24/7, SCRAM, and 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, participation in groups, and your overall progress. If you have any questions about how confidentiality works, please talk to one of your treatment providers, case manager, or your attorney.

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.
- ✓ Use the restroom before court starts.
- ✓ Stay quiet and pay attention.
- ✓ Turn off cell phones.
- ✓ Do not wear hats or clothing with drug, alcohol, or gang logos.

Who is my attorney?

Your Mental Health Court Defense Attorney is with the Public Defender's Office. She is a member of the Mental Health Court Team, and she 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 with her, which allows you to share privileged and confidential information with her which she cannot share with the team unless you give her the permission to do so.

Your 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 and termination. Your attorney will represent you in evidentiary hearings if you want to question the facts used to decide on any sanctions or terminations. Your attorney 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, your current attorney can continue working with you or you can request another one. In addition, if you can pay for your own attorney, you always have the right to retain an attorney of your choice.

Your attorney will attend Mental Health Court sessions and she can answer questions you might have during Mental Health Court. You should contact her before Mental Health Court, if possible, to talk about any issues that might come up during the court session. You can reach her at 605.367.4242.

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 arrangement, driving arrangement, 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, synthetics, or other mind-altering substances, and you cannot enter establishments where these items are the primary items being sold.

Drug Testing

There are two types of drug testing that will be used during your time in the Mental Health Court program.

Forensic drug testing is done with your Court Services Officer, usually at the courthouse. The positive or negative result of this test is saved by probation and is used

throughout your time in Mental Health Court, to include your ability to advance phases, receive incentives or sanctions, or other aspects of the Mental Health Court.

Forensic drug testing is frequent and random throughout the duration of the Mental Health Court program. Every day you will call **605.461.7686** to determine if your color has been called.

Monday through Friday Testing
Minnehaha County Courthouse
425 N Dakota Ave
Sioux Falls SD 57104
8:00AM – 10:00AM

Weekend and Holiday Testing
24/7 Location (Minnehaha County Jail)
305 W 4th St
Sioux Falls SD 57104
9:30AM – 10:30AM

Positive forensic drug tests will be reported to the Team. When asked about use, remain honest. If you deny any use, test results will be sent in for lab confirmation. If those results come back positive, you will be responsible for the lab testing fees. Appropriate sanctions or therapeutic adjustments will be given.

Clinical drug testing is done with your treatment provider at their facility. The positive or negative result of this test is not saved by probation and is not used for or against you as part of Mental Health Court. Your treatment provider may require clinical drug testing as part of their program or if they suspect recent use. While this is done separately from the Mental Health Court program, your provider may report the results to the Mental Health Court Team if they have concerns about your safety or well-being.

Medications

If a doctor gives you any medication in response to an illness or injury, you must tell your Court Services Officer and Case Manager IMMEDIATELY. You will need to provide them with documentation for any medication prescribed.

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 indicates.

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.

Each drug listed below must be taken as listed and without any other additives. For example, Tylenol is approved, but NOT Tylenol Cold or Tylenol PM.

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, as 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 Court Services Officer before taking it.

PAIN (no PM formulas)

- ✓ Acetaminophen 500-1000 mg., every 4-6 hours as needed
- ✓ Ibuprofen 200-800mg., every 4-6 hours as needed
- ✓ Aspirin
- ✓ Excedrin Migraine

Stomach / Antacids

- ✓ Mylanta
- ✓ Milk of Magnesia
- ✓ Pepto Bismol
- ✓ Zantac
- ✓ Pepcid
- ✓ Prilosec
- ✓ Tums/Roloids (or store brand equivalent)

Flu Symptoms

- ✓ Theraflu
- ✓ Alka-Seltzer

Cold / Cough / Allergies (cannot be D or DM formula)

- ✓ Delsym (non-alcoholic/pediatric)
- ✓ Mucinex
- ✓ Claritin
- ✓ Allegra

Joint Pain

- ✓ Tylenol Arthritis
- ✓ Ben Gay muscle rub or thermal patches
- ✓ Icy Hot muscle rub or thermal patches

Vitamins (no sports additives, herbal remedies, or supplements)

- ✓ Multivitamins
- ✓ Prenatal Vitamins

Employment

You must have permission from the team to change your employment, whether that is a new job, shift, hours, or to add an additional job. This helps to ensure that you are not overworking yourself and are able to still meet all the Mental Health Court requirements. Before accepting a new job or making changes to your current job, visit with your Court Services Officer. If needed, you may be required to write a written request to the Team to make any changes. Your Court Services Officer can assist you with that. Not getting approval prior to making those changes could result in your having to leave a job.

Budget and Large Purchases

You must submit a written request and receive Mental Health Court Team approval before:

- ✓ Making any new single purchase over \$250
- ✓ Entering into any new ongoing financial obligations (for example, vehicle purchase, phone plan, lease, subscription, etc.)
- ✓ Making significant changes to your existing budget

If your purchase involves a vehicle, you must also:

- ✓ Have a valid driver's license
- ✓ Complete an updated budget with your Court Services Officer
- ✓ Provide a current (within 30 days) insurance quote as part of your budget

The Mental Health Court Team will review your request and inform you of their decision. Making a large purchase without the required documentation and approval from the Mental Health Court team could result in sanction.

Permission to Drive

You must have permission from the Mental Health Court Team to drive. If you are eligible to drive and would like permission to do so, you must provide the following to the Mental Health Court Team for review:

- ✓ Valid driver's license
- ✓ Proof of insurance coverage
- ✓ Proof of registration
- ✓ Letter to the Mental Health Court Team with your request to drive

Additional requirements may be needed. The Mental Health Court Team will review your request and inform you of their decision. Driving without the required documentation and approval from the Mental Health Court Team could result in sanction.

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 your recovery. This can also include having a positive behavior, obtaining support, and supporting others. Incentives can include, but are not limited to, the following:

- ✓ Applause or verbal praise from the Mental Health Court Team
- ✓ Gift cards to local stores or restaurants
- ✓ Movie passes
- ✓ Other incentives requested by you and approved by the Team

What are sanctions?

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

- ✓ Verbal warning or reprimand
- ✓ Writing assignment
- ✓ Increased court sessions
- ✓ Community service
- ✓ Loss of sober days
- ✓ No phase progression
- ✓ Jail

What are therapeutic adjustments?

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

- ✓ Increased treatment or therapy sessions
- ✓ Additional assessments or evaluations
- ✓ Modification of your individualized treatment plan
- ✓ Higher level of treatment

Phases and Requirements

There are a total of five (5) phases in Mental Health Court. Each phase has a required minimum number of days and different requirements based on the phase. As you

progress through each phase, goals are individualized and therefore may include other goals based on your situation that are not listed below.

Phase 1: Minimum of 60 Days

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

Phase 2: Minimum of 120 Days

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

Phase 3: (Minimum 90 Days)

- ✓ Attend court sessions as instructed
- ✓ Comply with treatment recommendations
- ✓ Comply with supervision
- ✓ Review and update case plan as needed
- ✓ Bi-weekly Court Services office visits
- ✓ Monthly Court Services home visits
- ✓ Comply with drug testing
- ✓ Maintain housing
- ✓ Continue addressing medications
- ✓ Being criminal thinking program

- ✓ Establish pro-social activities
- ✓ Engage in recovery network program
- ✓ Continue addressing medical needs
- ✓ Change people, places, and things

Phase 4: (Minimum 90 Days)

- ✓ Attend court sessions as instructed
- ✓ Comply with treatment recommendations
- ✓ Comply with supervision
- ✓ Review and update case plan as needed
- ✓ Monthly Court Services office visits
- ✓ Monthly Court Services home visits
- ✓ Comply with drug testing
- ✓ Maintain housing
- ✓ Maintain medications
- ✓ Continue to engage in pro-social activities
- ✓ Continue to engage in recovery network program
- ✓ Continue addressing medical needs
- ✓ Change people, places, and things

Phase 5: (Minimum 60 Days)

- ✓ Attend court as instructed
- ✓ Engage with treatment
- ✓ Engage with supervision
- ✓ Review and update case plan as needed
- ✓ Monthly Court Services office visits
- ✓ Monthly Court Services home visits
- ✓ Comply with drug testing
- ✓ Maintain housing
- ✓ Maintain medications
- ✓ Continue to engage in pro-social activities
- ✓ Continue to engage in recovery network program
- ✓ Continue addressing medical needs
- ✓ Change people, places, and things

(Attendance for Mental Health Court sessions are required weekly in Phases 1 and 2. For the remaining Phases, attendance is dependent on your individual progress, including program compliance. If you are in Phase 3 or higher and feel you are ready to come to court less, discuss with your CSO what that would look like. If your CSO believes you are ready, you will need to submit a written request to the Team for review and approval.)

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

To graduate, you will:

- ✓ Have completed all phases of Mental Health Court
- ✓ Have maintained stabilization and compliance
- ✓ Have stable housing
- ✓ Have been in the Mental Health Court program for a minimum of 18 months
- ✓ Have completed your case plan
- ✓ Have completed your graduation plan

Once approved for completion of Mental Health Court, there will be a special graduation ceremony in your honor to congratulate you for all you have accomplished! This will be a very important even and loved ones, friends, and other support will be invited to join the celebration.



Continuing Care

After graduation, treatment services will continue to 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.

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 for termination are:

- ✓ Concern for public safety
- ✓ 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 new crime
- ✓ Failure to attend Mental Health Court sessions
- ✓ 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 toward anyone
- ✓ Tampering with drug/alcohol screening tests
- ✓ Inability to pass required drug/alcohol screening tests for any reason
- ✓ Failure to make satisfactory progress
- ✓ Threat to the integrity of the program
- ✓ Any other grounds that the Mental Health Court Team finds sufficient for termination

Process for Termination

1. A member of the Mental Health Court Team makes a motion for termination.
2. Your Court Services Officer will provide you with a copy of the alleged violations and the Judge will advise you of your rights, including the right to have an attorney.
3. You can ask for an attorney to be appointed to represent you.
4. You will have a chance to talk to the Mental Health Court Judge and Team concerning the Motion to Terminate from the program.
5. The Mental Health Court Judge makes the final decision if you will continue in the program or be terminated from the program.
6. If you are terminated from the Mental Health Court program, the court will advise you of your rights concerning potential probation revocation and appoint you an attorney.
7. You are required to appear in a termination interview and may be subject to a probation revocation proceeding.

Voluntary Removal from Mental Health Court

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.

Voluntary Absconding from Mental Health Court

Mental Health Court is a voluntary program. You can ask to remove yourself from the program at any time. However, your probation may be revoked if you do not complete the program. If you voluntarily abscond from probation while in Mental Health Court, you have chosen to voluntarily remove yourself from the program and can be terminated from Mental Health Court.

If you are terminated from Mental Health Court, your case(s) will be returned to a circuit court judge for the probation violation. The circuit court judge will make the final decision about probation revocation and sentence, limited only by the maximum penalty allowed by law.

Important Places for Me to Remember

Southeastern Behavioral Health
Mental Health Services
600 S Cliff Ave
Sioux Falls SD 57104
605.336.0503

Choices Recovery Services
Substance Use Services
622 S Minnesota Ave
Sioux Falls SD 57104
605.334.1822

Court Services Office
Probation
425 N Dakota Ave
Sioux Falls SD 57104
605.367.5930

Public Defender's Office
Legal Services
413 N Main St
Sioux Falls SD 57104
605.367.4242

National Crisis Hotline: 988

Emergency: 911

Helpline: 211

Participant Handbook Receipt Acknowledgement

I, _____, have been given a copy of the 2nd Circuit Mental Health Court Participant Handbook. I will read and follow the rules of the program.

Participant Signature

Date

Defense Attorney Signature

Date

