

COPY

GENERAL ORDER 06-09

WHEREAS, the court recognizes that the establishment of a mental health court in Kane County will enhance the effectiveness of the operation of the court system and the administration of justice, and

WHEREAS, it is essential that a new strategy be implemented to focus upon offenders who have a serious mental illness and who come into contact with the criminal justice system, in order to provide improved access to treatment and community services in an effort to reduce future criminal activity and enhance the protection of the public, and

WHEREAS, there is a recognized need for the court to expeditiously and efficiently move people from an overburdened jail system into a mental health system, without compromising the safety of the public, and

WHEREAS, the ever increasing number of individuals suffering from severe mental illness coming into the criminal justice system has contributed to jail overcrowding and to overburdening the court dockets in the criminal division.

Accordingly, it is hereby ordered that a mental health court program referred to as the Kane County Treatment Alternative Court is approved and shall begin operating upon the effective date of this order in the criminal division of the Kane County Court system. The Kane County Treatment Alternative Court shall hear cases involving defendants whose eligibility for the court is determined in accordance with Exhibit A attached hereto and incorporated by reference herein.

Motions for transfer into the Kane County Treatment Alternative Court must first be screened by the Treatment Alternative Court Mental Health Team. Final determination of defendant's entry into the program will be made by the presiding judge of the program or his designated successor. Before entry into the program, however, any motions for transfer must be first screened by the Kane County Treatment Alternative Court Mental Health Team. If the State's Attorneys Office objects to defendant's transfer to the Kane County Treatment Alternative Court, the defendant's case or cases will be transferred back to the criminal division in the courtroom where the cases were pending. Any motion to transfer a defendant into the Treatment Alternative Court, unless specifically objected to by the defense, or any request by defendant to be admitted into the Kane County Treatment Alternative Court, shall be deemed a waiver of the defendant's right to a speedy trial.

If the defendant is determined to be ineligible for the Kane County Treatment Alternative Court, the case shall be transferred back to the courtroom where the case or cases were pending prior to the motion to transfer to the Treatment and Alternative Court, and the defendant's right to a speedy trial will be reinstated upon a written demand.

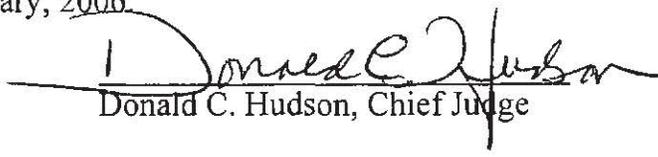
If a defendant is admitted into the Kane County Treatment Alternative Court, all of defendants qualifying pending cases, shall be consolidated and transferred to the assigned Treatment Alternative Court judge. Entry into the Treatment Alternative Court Program shall be deemed a waiver of the defendant's right to a speedy trial on all cases pending in the Treatment Alternative Court.

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CLERK OF COURT
KANE COUNTY

Judge Timothy Q. Sheldon is hereby appointed as the judge assigned to preside over the Kane County Treatment Alternative Court. In that capacity, Judge Sheldon will be responsible for administrating the mental health court and coordinating the role of the judiciary with the functions of the Kane County Treatment Alternative Court, Kane County Probation Department, Kane County Diagnostic Center, and private mental health care providers.

In the absence of Judge Sheldon, the Honorable James C. Hallock shall serve in Judge Sheldon's stead, to enter orders which are necessary, fit and proper and/or as required by law.

Dated this 10th day of February, 2006.


Donald C. Hudson, Chief Judge

**ELIGIBLE CRIMINAL CHARGES FOR MENTAL HEALTH COURT
KANE COUNTY TREATMENT ALTERNATIVE COURT**

Exhibit "A"

All criminal misdemeanor offenses with the exception of domestic violence offenses and those offenses that involve a weapon are eligible for the Mental Health Court Program. All Class II, III and IV felonies that do not involve bodily harm or the use of a weapon or mandatory penitentiary time are eligible for the Mental Health Court Program.

The following offenses are excluded from entry into the Mental Health Court:

- 1. Residential burglary**
- 2. All sex offenses except prostitution**
- 3. Criminal fortification**
- 4. Arson**
- 5. All offenses involving deadly substances**
- 6. All offenses involving anhydrous ammonia equipment, containers and facilities**
- 7. All escape offenses**
- 8. All non-probationable drug offenses**

OTHER ELIGIBILITY FACTORS

1. Defendant must have been diagnosed with a serious mental illness as described in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition text revised (DSM-IV-TR) as an Axis 1 disorder (e.g. Schizophrenia, Bi-Polar Disorder, Major Depression, or must be suffering from a co-occurring disorder, or developmental disability.

2. Defendant must be willing to cooperate with the court with an approved treatment agency and sign all releases of information required by the court.

3. Defendant must be screened and approved by the Kane County Treatment Alternative Court team.