

# Mental Health Court

## Eligibility Criteria

It is the policy of the Madison County Mental Health Court Program that each defendant must meet defined eligibility criteria. A defendant's acceptance into the Mental Health Court Program rests solely at the discretion of the State's Attorney's Office, designated MHC Assistant, with final approval given by the Court.

- Defendant must have a pending misdemeanor or probationable felony offense.
- Defendant shall qualify under additional criteria as stated in:  
**(730 ILCS 168/20) The Mental Health Court Treatment Act**  
**Section 20. Eligibility.**
  - (a) A defendant, who is eligible for probation based on the nature of the crime convicted of and in consideration of his or her criminal background, if any, may be admitted into a mental health court program only upon the agreement of the prosecutor and the defendant and with the approval of the court.
  - (b) A defendant shall be excluded from a mental health court program if any one of the following applies:
    - (1) The current crime is a crime of violence as set forth in clause (3) of this subsection (b).
    - (2) The defendant does not demonstrate a willingness to participate in a treatment program.
    - (3) The defendant has been convicted of a crime of violence within the past 10 years excluding incarceration time, specifically first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, stalking, aggravated stalking, or any offense involving the discharge of a firearm.

The MHC Team will act in accordance with the above referenced Mental Health Court Treatment Act to determine eligibility of Madison County Mental Health Court referrals.

- **The following offenses, in addition to the violent offenses listed in the Mental Health Court Treatment Act are excluded from entry into the Mental Health Court program:**
  - ❖ All sex offenses except prostitution
  - ❖ DUI or any driving offenses
- **Victim Consent**
  - ❖ The State's Attorney's Office shall acquire the victim's consent, when appropriate.
- **Defendant must have a chronic major mental health diagnosis**
  - ❖ Traumatic brain injury and developmentally delayed are ineligible.
- **Madison County Residency**
  - ❖ Referred defendants must reside in Madison County at the time of initial referral or be willing and have the necessary resources to relocate to Madison County prior to the time of program entry. Madison County residency must be maintained during Mental Health Court participation.
- **Required Age**
  - ❖ Referred defendants must be 18 years old or older at the time of their initial referral for eligibility for the Mental Health Court program.
- **Voluntary Participation**
  - ❖ Referred defendants must demonstrate a willingness to participate and engage in services with court approved treatment providers, Chestnut Health Systems and WellSpring Resources.