

▶ FOSTERING A STATE COURT INFORMED
BEHAVIORAL HEALTH CONTINUUM OF CARE

May 2022

Every Court Leader Should Know

A significant number of individuals who receive services through the publicly funded mental health and substance abuse systems are involved in the criminal justice system. According to the Substance Abuse and Mental Health Services Administration (SAMHSA), the criminal justice system is the single largest source of referral to the public substance abuse treatment system, with probation and parole treatment admissions representing the highest proportion of these referrals. Overlapping populations similarly exist for corrections administrators and mental healthcare providers. ([Adults with Behavioral Health Needs under Correctional Supervision: A Shared Framework for Reducing Recidivism and Promoting Recovery](#) - Council of State Governments.)

PURPOSE (THEORY OF CHANGE)

The increasing number of individuals with mental health and substance use conditions in the criminal justice system has enormous fiscal, health, and human costs. Diverting individuals with mental health and substance use conditions away from jails and prisons and toward more appropriate and culturally competent community-based mental health care is an essential component of national, state, and local strategies to provide people the supports they need and to eliminate unnecessary involvement in the juvenile and criminal justice systems.

- Mental Health America, [Mental Health and Criminal Justice Issues](#)

States and communities provide various types of prevention, treatment, and recovery support services for individuals with behavioral health needs.

PREVENTION: Prevention interventions are delivered prior to the onset of a disorder and are intended to prevent or reduce the risk of developing behavioral health disorders.

TREATMENT: Treatment services focus on people diagnosed with mental health, substance use, or co-occurring mental health and substance use disorders and help manage symptoms to the point where people can use other strategies to pursue recovery.

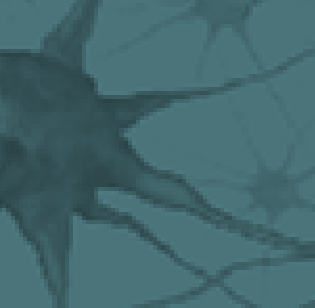
RECOVERY SUPPORT: Recovery support services help people enter into and navigate systems of care, remove barriers to recovery, stay engaged in the recovery process, and live full lives in communities of their choice.

The complete range of supports and services is referred to as the behavioral health continuum of care. A behavioral health continuum of care uses an interdisciplinary approach to provide opportunities for care and support through partnerships in community programs and services.



To address behavioral health needs in our communities, community resources must be available, accessible in the community, and used as diversion pathways for courts. To reduce criminal justice involvement, support those who need services, and promote fairness throughout the criminal justice system, judges and other behavioral health and criminal justice partners must come together to create a system that will improve outcomes for all.

- National Judicial Task Force to Examine State Courts' Response to Mental Illness Collaborative, [Court and Community Diversion for Individuals with Behavioral Health Needs: An Interim Report](#)



The State Court informed vision for a behavioral health continuum of care must include education for stakeholders and communities about mental health and substance use disorders, access forensic hospitals, inpatient and outpatient levels of care, and community-based services. Providing the Courts' voice in fostering a behavioral health continuum of care is part of a larger systemic response to addressing the social and environmental factors that affect an individual or entire community's health status, known as social determinants of health. ([Facts in Brief: Social Determinants of Health and Mental Health.](#))

APPLICATION

Fostering a State Court informed vision for a behavioral health continuum of care demands Court Leaders proactively develop and maintain cross-sector relationships with [State Mental Health Authorities](#). A "State mental health authority" is defined by 42 USCS § 201 as the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for administering the mental health program of the State, it means such other State agency.

As highlighted within the Importance of Data in Leading Change Leadership Brief, collecting, analyzing, and sharing data is essential to developing and enhancing court and justice partner collaborations to divert people with mental health and co-occurring and substance use disorders away from the justice system and into treatment. When partnered with the Sequential Intercept Model, identifying data collection and sharing opportunities across the intercepts is a critical part of developing a comprehensive continuum of behavioral health services.

Importance to Leading Change

As State Courts have increasingly become the default system for addressing the needs of those with behavioral health related needs, embracing an active role in informing the vision for a behavioral health continuum of care is crucial to Leading Change. Although court and behavioral health structures differ between states, across the nation State Courts play a critical role in developing and fostering public health and safety strategy and innovations that not only work for individuals using services and supports but also for the courts for diversion.

RESOURCES

NCSC: [Leading Change Guide for State Court Leaders](#)

NCSC: [Collaborative Court and Community Diversion](#)

CSG: [My-Community-Resources-JPLI](#)

NCSC: [Mental Health Facts in Brief](#)

SAMHSA: [Recovery and Recovery Support](#)

