



Supported Resolution 4—2022

**In Support of the Recommendations of the National Judicial Task Force to Examine
State Courts' Response to Mental Illness**

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

WHEREAS, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) established the National Judicial Task Force to Examine State Courts' Response to Mental Illness (Task Force) to "assist state courts in their efforts to more effectively respond to the needs of court-involved individuals with serious mental illness"; and

WHEREAS, multiple Resolutions adopted by CCJ and COSCA over the last twenty years have recognized that mental illness is a far-reaching problem and have identified the enormous impacts that it has on all aspects of the judicial system; and

WHEREAS, many courts have implemented successful programs, improved court practices and procedures, and initiated significant reform, but there is still a need and responsibility for all state and local courts to lead and promote systemic change in the ways that courts and communities respond to individuals with serious mental illness; and

WHEREAS, the Task Force has benefitted greatly in its work from a strong collaboration with Substance Abuse and Mental Health Services Administration (SAMHSA) leadership and Regional Administrators and building upon this collaboration with SAMHSA and with other federal agencies will be critical in addressing the needs of justice-involved individuals with serious mental illness or substance use disorder; and

WHEREAS, members of CCJ and COSCA are uniquely positioned to assume a leadership role to address the impacts of serious mental illness on the court system in every state and territory; and

WHEREAS, the Task Force has comprehensively examined all aspects of the impacts of serious mental illness on state courts and now offers its findings and recommendations; and

NOW, THEREFORE, BE IT RESOLVED, that CCJ and COSCA support the Findings and Recommendations of the Task Force and urge each member of the Conferences to take the following action in his or her state or territory to improve the state courts' response to mental illness:

- **LEAD.** Create and support a state-level, inter-branch mental health task force and encourage and support local judges and courts in the creation of local or regional mental health task forces. Consider the appointment of a behavioral health director/administrator and a team within the Administrative Office of the Courts to develop and implement improved court responses for court-involved individuals with serious mental illness;

- EXAMINE. Utilizing the recommended models and best practice and policy recommendations of the Task Force undertake an assessment of the court system including state laws, court rules, policies, practices, and procedures across all case types involving individuals with serious mental illness. Recommend and encourage judges to exercise their “power to convene” and support courts and communities in the use of the Leading Change Guides and Sequential Intercept Model to map resources, opportunities, and gaps, and develop plans to improve court and community responses to serious mental illness;
- EDUCATE. Provide and support opportunities for the education and training of judges and court professionals on all aspects of serious mental illness and effective court responses. Distribute and make available the tools, resources, and recommendations developed by the Task Force to all state and local judges and court professionals; and
- ADVOCATE. Support state efforts to utilize a public health model rather than a criminal justice approach to guide behavioral health policies, practices, and funding, including efforts to, when appropriate, deflect or divert cases involving individuals with mental illness from the court system and into treatment. Advocate for funding and resources needed to implement a continuum of diversion programs, treatment, and related services to improve public safety as a more humane and cost-effective approach.

BE IT FURTHER RESOLVED, that CCJ and COSCA renew their commitment to work closely with SAMHSA and other federal agencies to increase the capacity of state courts to respond to the needs of justice-involved individuals with serious mental illness or substance use disorder; and

BE IT FURTHER RESOLVED, that following the termination of the Task Force, CCJ and COSCA support future efforts, with the leadership of the CCJ/COSCA Behavioral Health Committee and supported by the National Center for State Courts, to implement the recommendations of the Task Force, develop performance measures for state courts and communities, and monitor and report progress and success.

Adopted as proposed by the CCJ/COSCA Behavioral Health Committee at the CCJ/COSCA 2022 Annual Meeting on July 27, 2022.

On December 6, 2022, the NACM Board voted to support this resolution.