

Guidance 6 Outpatient Forensic Mental Health Services

Contract Reference: *Sections A-1.1 and C-1.2.3*

Authorities: *Chapter 916, F.S.
Children & Families Operating Procedures (CFOP) 155-18 and 155-38*

Frequency: Monthly Reports

Due Date: 15th of each month

Discussion:

This document specifies Network Service Provider responsibilities related to Managing Entity tracking and reporting of persons served in jail and outpatient forensic mental health service settings. CFOP 155-18 and CFOP 155-38 should be consulted for details regarding the implementation of these responsibilities.

Applicability:

These responsibilities pertain only to adults or juveniles adjudicated as adults who are charged with or at-risk of being charged with a felony offense pursuant to Chapter 916, F.S., and who are referred to the Network Service Provider subject to conditional release, pre-commitment diversion, or post-commitment diversion. These responsibilities do not pertain to individuals with only misdemeanor offenses. Individuals with non-violent felony offenses should be prioritized for conditional release and diversion. A non-violent offense is a crime that does not involve a violent crime against a person and is not one of the violent or capital offenses found in s. 916.145, F.S.

- Pre-commitment diversion applies to individuals charged with a felony offense, booked into the county jail or local detention facility, identified as having a mental illness and at risk for commitment to a Forensic State Mental Health Treatment Facility (SMHTF). Under pre-commitment diversion, in lieu of commitment, the individual is referred, assigned or otherwise ordered to receive community or jail-based services. Pre-commitment diversion occurs as a result of interventions by a forensic specialist, forensic case manager, the Managing Entity or other community mental health stakeholder and may include issuance of a conditional release order by the committing court.
- Post-commitment diversion applies to individuals who have been adjudicated as incompetent to proceed or not guilty by reason of insanity pursuant to Chapter 916, F.S. Under post-commitment diversion, the individual is committed to the Department, but permitted by the committing court to forego admission and reside in a less restrictive environment. The committing court vacates the order of commitment and typically issues a new order conditionally releasing the individual to appropriate community or jail-based services. This diversion is a result of interventions by a Forensic Specialist, Forensic Case Manager, or representative of the Department, a Managing Entity or community mental health stakeholder prior to admission to a Forensic SMHTF.

Managing Entity Responsibilities:

The Managing Entity shall subcontract with one or more Network Service Providers to ensure:

- A. All pre-commitment diversion options have been exhausted for individuals charged with a felony offense, booked into the county jail or local detention facility, identified as having a mental illness and at risk for commitment to a Forensic SMHTF.
- B. All post-commitment diversion options have been exhausted as established in CFOP 155-38, Procedures for Post-Commitment Diversions of Individuals Adjudicated Incompetent to Proceed or Not Guilty by Reason of Insanity.

- C. Compliance with CFOP 155-18 Guidelines for Conditional Release Planning for Individuals Found Not Guilty by Reason of Insanity or Incompetent to Proceed due to a Mental Illness.

The Forensic Coordinator is a staff member employed by the Managing Entity, or their contracted provider, who has contractual and programmatic oversight responsibility of forensic services for adults in each court circuit in the covered area. The Forensic Coordinator shall be responsible for tracking and reporting the following data:

- A. The release plan status of all forensic individuals referred by all Forensic or Civil SMHTFs.
- B. All client level data to ensure that any legislative requests for information can be responded to in a reasonable amount of time.
- C. The following summary outputs:
 - 1. The number of individuals with forensic involvement served;
 - 2. The number of individuals served in pre-commitment diversion;
 - 3. The number of individuals served in post-commitment diversion; and
 - 4. The number of individuals served in either pre-commitment or post-commitment diversion with non-violent offenses that do not include any of the offenses listed in s. 916.145, F.S.
 - 5. The number of individuals served on conditional release in each of the following classifications:
 - a. Number of Incompetent to Proceed;
 - b. Number of Not Guilty by Reason of Insanity;
 - c. Number by type of placement or program (home, ALF, Residential Level 1, etc.);
 - d. Number by circuit and county;
 - e. Number who were restored to competency;
 - f. Number of those who were determined non-restorable; and
 - g. Number of those receiving jail-based services.
 - 6. Number of individuals with non-violent offenses that do not have any of the offenses listed in s. 916.145, F.S. and are discharged on conditional release by the committing court. The ME should ensure that such individuals residing in SMHTFs are prioritized for conditional release planning and discharge.

Reporting Requirements:

The Managing Entity shall submit the following reports to the Department's Contract Manager and to the Office of State Mental Health Treatment Facilities no later than the 15th of each month.

- A. **Template 22 – Forensic Mental Health Service Report**
- B. **Template 23 – Forensic Diversion Report**