RESOLUTION 1

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

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 CCI/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