

# THE MENTAL HEALTH COURT PROGRAM

PART OF THE DARTMOUTH WELLNESS COURT

Just because  
· YOU HAVE A ·

PAST


DOES NOT MEAN

— ★ —  
you have no

FUTURE

PART 1: ENTERING THE PROGRAM

[WWW.COURTS.NS.CA](http://WWW.COURTS.NS.CA)



The Mental Health Court Program is part of the Dartmouth Wellness Court. Participants accepted into the program work with a team of professionals who help address the issues contributing to the individual coming into conflict with the law.

Unlike the adversarial approach of the traditional criminal Courts, this program focuses on collaboration and problem-solving to develop and administer a support plan that is unique to the needs of each individual participant.

### **How can I be considered for the Mental Health Court Program?**

If you are 18 or older with a mental disorder substantially connected to the offence you are charged with, you can be considered for the program. You must live in the Halifax Regional Municipality (HRM) and have a substantial connection to the city, such as work or school, and your mental health supports must be within the municipal boundaries.

### **What do I need to do to be considered for the program?**

You will need to appear in Provincial Court first and have your matter referred to the Mental Health Court Program. You must accept responsibility for the offence(s). This is legally different than entering a guilty plea. If your case is referred, you will undergo a screening assessment by a mental health court team clinician. The final decision rests with the court team and requires the consent of the Public Prosecution Service. This process usually takes about six weeks.

### **Why do I need to accept responsibility for the offence?**


The Mental Health Court Program is not a trial court. You must accept responsibility or plead guilty for your case to be moved out of the traditional court system. This delays sentencing, allowing you to work with the court team to develop and complete your individualized support plan. Accepting responsibility also shows you're willing and open to work toward your own wellness and success.

"GOING TO COURT WAS NOT WHAT I EXPECTED. EVERYONE THERE WAS EITHER IN THE PROGRAM OR ON THE COURT TEAM. I FELT SAFE, SUPPORTED AND NO ONE JUDGED ME."

*Program Participant*

### **Once I've been accepted into the program, what is expected of me?**

If you're accepted, you must sign a participation agreement. You will then work with the court team to develop your individualized support plan. That plan will include standard requirements for all participants, such as attending clinical and court appointments, as well as unique requirements to address your specific needs.





## How long will I be in the program?

Participants are expected to be involved in the program for at least one year, but it could be longer depending on the individual's personal circumstances, progress and other factors. For some, an extended period of supervision and support can increase their success in the program and the community.

## What happens if I don't follow all the requirements?

This will be up to the court team, including the Judge. You may be required to attend court more often or remain under the court's supervision for a longer period. In some cases, your release conditions may be changed or revoked. Ultimately, if you don't follow all the requirements of your support plan, you will be removed from the program and your case will be sent back to the Provincial Court for plea. If you previously pleaded guilty, that plea will stand.

"FROM THE MOMENT I BECAME A PARTICIPANT IN THE PROGRAM, I FELT THE COURT TEAM TRULY SUPPORTED MY SUCCESS AND POSITIVE INTEGRATION BACK INTO THE COMMUNITY."

*Tomí Abriel, 2017 graduate of the Mental Health Court Program*

## What happens if I decide I no longer want to participant?


You can change your mind at any point. However, if you decide you no longer want to participate, your case will be sent back to the Provincial Court for plea. If you previously pleaded guilty, that plea will stand.

## What is the benefit of completing this program versus going through the regular court process?

That depends on your case and your progress. In most cases, the Crown withdraws the charges when a participant successfully completes the program. However, there will be times when graduates will not have their charges withdrawn and will be sentenced to a community disposition. In other circumstances, a period of incarceration may need to be completed before an individual can participate in the program. No matter what the outcome, participants in the program will benefit from the support of a team of justice and health-care professionals, including mental health clinicians.

## Are there any barriers to the Court?

The Mental Health Court Program will not consider applicants who are charged with sexual offences against children or sexual offences involving touching. Otherwise, as long as your case meets the eligibility criteria and the court team, including the Crown, consents to your participation, you will be fully supported throughout the program, regardless of who you are. Gender, race, religion, ethnicity and sexual orientation are not considered when reviewing applications. The court team does offer unique supports for Veterans and Indigenous people who are accepted into the program. More information is available through the Dartmouth Wellness Court office.



It is only when we gain an understanding of what led to the offending behaviour and resulting harm that we can begin to address that harm, support participants in their rehabilitation, and rebuild relationships with their victims and the community.

For more information on the Mental Health Court and other wellness court programs in Nova Scotia, visit [www.courts.ns.ca](http://www.courts.ns.ca).

**Mental Health Court Program  
Dartmouth Wellness Court  
277 Pleasant Street  
Dartmouth, N.S.**

**Courtroom #5, 1st Floor  
Offices, 2nd Floor  
902-722-1040**



*When a participant is preparing to graduate from the Mental Health Court Program, the court invites them to create a piece of artwork for its Wall of Hope. The pieces are displayed in the courtroom as a tribute to the graduates and to inspire current participants on their path to wellness.*