

## Sample Administrative Order and Memorandum of Understanding templates

The following sample *administrative order* (AO) and *memorandum of understanding* (MOU) templates were developed by the Supreme Court of Florida's Mental Health Subcommittee of the Steering Committee on Families and Children in the Court. The formats of the AO and MOU are intended to serve as guidelines which circuits can adapt to address local needs and priorities.

### Administrative order template:

**IN THE \_\_\_\_\_ JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, FLORIDA**

**WHEREAS**, the \_\_\_\_\_ Judicial Circuit recognizes the myriad difficult issues that arise when persons with mental illness and/or substance use disorders become involved in the juvenile or criminal justice systems;

**WHEREAS**, the Supreme Court of Florida, Steering Committee on Families and Children in the Court was charged with addressing these issues and its subcommittee on Mental Health has made the following recommendations for systemic improvements:

Each judicial circuit is encouraged to consider developing a Criminal Justice/Juvenile Justice/Mental Health/Substance Abuse Advisory Committee to define strategies, criteria, and community alternatives within statutory authority and existing resources for diverting individuals involved in or at risk of becoming involved in the criminal justice system to the community mental health system for appropriate levels of treatment and support services;

The Criminal Justice/Juvenile Justice/Mental Health/Substance Abuse Advisory Committee should develop local strategies which will promote and sustain significant involvement of the courts and members of the judiciary in collaborative association with local criminal justice and mental health system stakeholders;

The Criminal Justice/Juvenile Justice/Mental Health/Substance Abuse Advisory Committee should assume a leadership role to address the impact of mental illnesses on the judicial system and collaborate with stakeholders to effectively address these impacts at every level of contact with the justice system;

The Criminal Justice/Juvenile Justice/Mental Health/Substance Abuse Advisory Committee should stimulate, support, and sustain joint problem-solving initiatives among stakeholders in the criminal justice and community mental health/substance abuse treatment systems to address issues relating to untreated mental illnesses and/or substance use disorders, and access to community-based services;

The Criminal Justice/Juvenile Justice/Mental Health/Substance Abuse Advisory Committee should work collaboratively with all stakeholders to consider pre-booking and post-booking

interventions (e.g., mental health courts, pre-trial diversion programs, jail re-entry programs, specialized crisis response programs for law enforcement officers) involving evidence-based approaches to alleviating problems associated with and contributing to untreated mental illnesses and substance use disorders in the criminal justice and juvenile justice systems and in the community;

The Criminal Justice/Juvenile Justice/Mental Health/Substance Abuse Advisory Committee should work to improve information-sharing among relevant stakeholders within the courts, criminal justice system, juvenile justice system, and community mental health system regarding people with mental illnesses who are involved with or at risk of becoming involved with the justice system, in order to improve early identification and treatment of these individuals; **NOW, THEREFORE**, pursuant to the authority vested in me as the Chief Judge of the \_\_\_\_\_ Judicial Circuit, in order to effectuate the aforementioned improvements, and to better serve the needs of the citizens of the state of Florida, it is hereby ORDERED as follows:

**Criminal Justice/Juvenile Justice/Mental Health/Substance Abuse Advisory Committee**

The Criminal Justice/Juvenile Justice/Mental Health/Substance Abuse Advisory Committee of the \_\_\_\_\_ Judicial Circuit is hereby established. The Chief Judge or designee shall be the Chair of the Criminal Justice Mental Health/Substance Abuse Advisory Committee of the \_\_\_\_\_ Judicial Circuit. Membership should include representatives from the following:

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- |                                   |  |
|-----------------------------------|--|
| Judiciary                         | Trial Court Administrator                |
| Magistrates                       | Clerk of Court and Staff                 |
| Psychiatrists                     | Case Managers                            |
| Psychologists                     | Department of Children and Families      |
| Substance Abuse Service Providers | Department of Juvenile Justice           |
| Guardian ad Litem                 | Department of Corrections                |
| Private Attorneys                 | Consumers                                |
| State Attorneys                   | School Board/Dept. of Education          |
| Public Defenders                  | Local Government Officials               |
| Legal Services/Legal Aid          | Community Organizers                     |
| Law Enforcement                   | Local Colleges, University Professionals |
| Crisis Intervention Teams         | Probation Officers                       |

Criminal Justice/Juvenile Justice/Mental Health/Substance Abuse Advisory Committee shall meet quarterly or upon call of the Chair.

This Administrative Order shall become effective upon signing.

**DONE AND ORDERED** in Chambers in \_\_\_\_\_ County, Florida, this \_ day of \_\_ 2007.

CHIEF JUDGE

## **Memorandum of understanding template:**

A Memorandum of Understanding (MOU) is a document describing relationships among parties. It expresses a convergence of will between the parties, indicating an intended common line of action.

For purposes of developing cross system collaboration among justice, mental health and substance abuse systems as well as with other parties and organization that provide resources, services and supports to individuals with mental illnesses, substance use disorders and/or co-occurring disorders this sample MOU template is designed to establish a framework and articulate responsibilities for its stakeholders.

**Title** of MOU: The title should reflect the purpose of the group's work

**Intent:** This section should articulate the desire to formalize relationships across systems to address the needs of their target population. It should identify the stakeholder groups to be involved at a minimum and indicate their desire to work together.

Example:

*The intent of this MOU is to establish and maintain a partnership with the judicial system, juvenile and criminal justice system, local mental health and substance abuse providers, hospitals, families, consumers, provider networks, HMO's, social services, educational system, social security, housing, vocational services and other organizations that share and will promote the common goals and objectives to address the needs of individuals with serious mental illnesses and/or substance use disorders that come in contact with the juvenile or criminal justice system*

Another example:

*The intent of this MOU is to formalize the establishment of the (name of group) and to develop goals, objectives and guiding principles that address the needs of individuals with serious mental illnesses and/or substance use disorders that come in contact with the juvenile or criminal justice system; as well as establish membership and responsibilities of its members.*

**Purpose:** This section should state the purpose of this document in guiding the group's work

Example:

*This agreement is intended to guide the (name of group) in identifying the needs of individuals with serious mental illnesses and/or substance use disorders that come in contact with the juvenile or criminal justice system and developing shared strategies and best practices that will address the needs and create system improvements, increase public safety, use limited resources effectively and efficiently and promote advocacy for increased resources*

**Goals:** This section should outline the goals the group identifies that relate to the overarching reason they have come together., i.e. what do they hope to accomplish, what changes do they want to make, what are their primary outcomes, etc.

Example:

*The goals of (name of group) are to:*

- 1. Reduce recidivism of individuals with mental illnesses and/or co-occurring substance use disorders from having contact with the juvenile or criminal justice system*
- 2. Increase public safety*
- 3. Increase access to services*
- 4. Increase capacity of community-based services*
- 5. Improve information sharing and data collection for continuity of care and outcome reporting*
- 6. Improve coordination of care among systems*

Example:

*Improve access to and quality of mental health and substance abuse services and supports through a systematic approach to developing and supporting strategies to introduce, adapt and apply evidence-based and best practices that reduce contact with the juvenile or criminal justice system for individuals with serious mental illnesses and/or substance use disorders*

**Guiding Principles:** This section addresses the shared principles, values and ideals the group will adhere to in its work together. This section can also outline the overall responsibilities of its members. Guiding principles may be written as "Where As"

Examples

*The members of (name of group) agree to adhere to the following guiding principles:*

- 1. Be respectful of the ideas and opinions of all members*
- 2. Be responsive to assigned responsibilities*
- 3. Promote open communication*
- 4. Work for the common good of the community and the people it serves*
- 5. Adopt a shared vision and mission, goals and objectives*

7.

Example:

*Whereas, the participating members agree to support this MOU*

*And whereas, this agreement is intended to promote system change and improvements to reduce contact with the juvenile or criminal justice systems for individuals with serious mental illnesses, emotional disorders and/or substance use disorders; and to promote recovery and resiliency*

*And whereas, the participants of this agreement will work in collaboration to support and strengthen this agreement*

Objectives: This section outlines the strategies or processes of how the group will achieve its goals. Also this section may also articulate the various roles and responsibilities of the members.

Example:

*The objectives of this (name of group) to achieve its goals are:*

- 1. To complete a system mapping how a person moves through the system that will identify strengths and weaknesses of the system, its resource needs, duplication, etc.*
- 2. To identify and recommend evidence based and best practice approaches that will help support a process of change within the community*
- 3. To build on existing management and leadership skills at all levels to enable the application of innovative and creative approaches for change and improvements*
- 4. For members of this MOU to share resources to change and improve the system*

Responsibilities of the Members: This section can be broad or specific for each member.

Example:

*All members of the (name of group) will designate staff members to participate in meetings and serve on committees*

*All members are expected to support the specific activities of this group (name of group)*

*All members must be willing to share necessary information for system change and improvements*

*One member may be identified as providing meeting space*

*One member may offer staff to take minutes of group*

Closing sentence before the signature lines: This is intended to imply that by signing this MOU the person signing agrees with its intent, purpose, content and duties.

Example:

This agreement will be signed by the appropriate agency representatives. By signing, the parties agree to support and uphold this agreement. The parties agree to renegotiate this Agreement if revisions of any applicable laws or regulation make changes in this Agreement necessary, or at least annually.

**Signature Page:** There should be a separate signature page that lists the Name and Title of each participant and the date.

Example:

Signed by: \_\_\_\_\_

Name: John/Jane Doe

Title: Judge, Sheriff, CEO, etc ...

Date: \_\_\_\_\_

The undersigned this 27th day of November, 2000 agree to follow the above procedures.

District Administrator  
Florida Department of Children and Families,  
District 11

11th Judicial Circuit Court

Department of Corrections

Public Defender's Office

State Attorney's Office

City of Miami Police Department

City of Miami Beach Police Department

JMH - Public Health Trust

Hillsborough County Jail Diversion  
Memorandum of Understanding (MOU)  
October 16, 2006

I. Background:

For several years Hillsborough County Criminal Justice Office in collaboration with a host of community partners has been developing an array of jail diversion interventions for persons with mental illness and/or substance use disorders. In 2006, Hillsborough County was awarded a federal Substance Abuse and Mental Health Services Administration (SAMHSA); Center for Mental Health Service (CMHS) Targeted Capacity Expansion (TCE) grant for jail diversion services. The timing of this grant is congruent with several jail diversion activities in Hillsborough County and the Florida Department of Children and Families Substance Abuse and Mental Health (SAMH) Program Office in the Suncoast Region. The grant will serve as a catalyst for further jail diversion system and service delivery development.

II. Vision:

It is the vision of the Hillsborough County Jail Diversion partners that persons arrested for misdemeanors who are in need of mental health and/or substance abuse services should be offered treatment as an alternative to incarceration. The Jail Diversion partners recognize that recovery-oriented services that are evidence-based will yield positive outcomes for persons and enhance their opportunities to be productive citizens. It is also envisioned that a comprehensive, continuous and integrated system of care be established in Hillsborough County for persons who will benefit from a wide array of community-based jail diversion services.

III. Goals:

The following goals are agreed upon by the Hillsborough County Jail Diversion partners:

System Level:

- To establish a Strategic Plan to implement the SAMHSA Jail Diversion Grant over the next three years (2006-2009).
- To agree on a set of Recovery-oriented principles that will drive the system.
- To establish a longer range Jail Diversion Plan for Hillsborough County.
- To establish a community-wide MOU that is mutually beneficial to Jail Diversion partners and the community at large.

Program Level:

- To develop and implement a Forensic Intensive Case Management Program (F-ICM) based on evidenced-based mental health (Assertive Community Treatment - ACT *modified*), substance abuse and co-occurring (SAMH) models and best practices.

- To utilize all other community-based mental health, substance abuse, health and social service programs in Hillsborough County that will support the Jail Diversion system and individuals served by it.
- To implement a Jail Diversion program that ensures voluntary treatment and public safety.

Clinical/Practice Level:

- To identify individuals entering or within the Hillsborough County Jail with mental illness and/or substance use disorders that would benefit from community-based mental health and/or substance abuse diversion services.
- To provide evidence-based treatment services to persons served by the SAMHSA Jail Diversion grant and other sources of mental health or substance abuse funded services in the County.
- To develop a comprehensive, continuous and integrated array of services for persons in need of mental health and/or substance abuse services and may also need health or social services.

Principles and Values: Consumer and Family Driven

The Hillsborough County Jail Diversion Partners agree to adopt SAMHSA's National Consensus Statement on Mental Health Recovery (available upon request) in guiding the Jail Diversion Grant and strategic plan. The fundamental components of recovery include the following:

1. Responsibility
2. Self-direction
3. Individualized and person-centered
4. Empowerment
5. Holistic
6. Non-linear
7. Strengths-based
8. Peer Support
9. Respect
10. Hope

**IV. Purpose:**

This MOU between Hillsborough County Government and an inclusive group of community partners will establish a comprehensive jail diversion system for persons in need of mental health and/or substance abuse treatment and recovery. The MOU is a cooperative agreement that is mutually beneficial to the parties named below and will outline the expectations, roles, responsibilities and goals of all partners.

## **V. Community Partners:**

**Lead Agency** - Hillsborough County Government, Criminal Justice Office - SAMHSA Jail Diversion Grantee.

### **Partners:**

- Hillsborough County Sheriffs Office (Jail).
- Hillsborough County Health and Social Services.
- Citizens, consumers and family members receiving and recovering from mental health and substance use disorders in Hillsborough County.
- Agency for Community Treatment Services, Inc. (ACTS).
- Mental Health Care, Inc. (MHC).
- University of South Florida; Florida Mental Health Institute (FMHI); Department of Mental Health Law and Policy (MHLP).
- Florida Department of Children and Families, Suncoast Region Substance Abuse and Mental Health Program Office (DCF-SAMH).
- Central Florida Behavioral Health Network, Inc. (CFBHN).
- Drug Abuse Comprehensive Coordinating Office, Inc. (DACCO).
- Gulf Coast Community Care.
- Homeless Coalition of Hillsborough County, Inc.
- National Alliance on Mentally Illness: NAMI Hillsborough.
- Public Defender's Office of Hillsborough County.
- State Attorney's Office for the Thirteenth Judicial Circuit.
- 13<sup>th</sup> Judicial Circuit Court.
- Hillsborough County Public Safety Coordinating Council.
- Other community partners are welcome to join as a part of building a comprehensive system of care.

## **VI. Duration of the MOU:**

This agreement will be in effect on the date signed by all partners and shall be in effect until the MOU is cancelled by the partners in accordance with the terms set forth herein. The MOU will be an integral part of the Strategic Plan and serve as a guide for achieving many of the goals of the SAMHSA Jail Diversion grant and larger system development in Hillsborough County.

## **VII. General Provisions:**

This MOU does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. It is understood by all parties that each should fulfill its responsibilities under this MOU in accordance with the provisions of law and regulations that govern their activities. Nothing in this MOU is intended to negate or otherwise render ineffective any such provisions or operating procedures. If at any time a party is unable to perform its functions under this MOU consistent with such party's statutory and regulatory mandates, the affected party shall

immediately provide written notice to the others to establish a date for mutual resolution of the conflict.

#### VIII. Responsibilities:

In consideration of the mutual aims and desires of the parties of this MOU and in recognition of the public benefit derived from effective implementation of the programs involved, the primary parties of the Jail Diversion grant agree that their responsibilities under this MOU shall be as follows:

Hillsborough County Government: Criminal Justice Office - Jail Diversion Grant Management and system coordination and long range strategic planning.

ACTS - Service provider contracts, substance abuse and co-occurring services coordination, development of client confidentiality "business associate" or "covered entity" agreements.

MHC - Primary F-ICM program development and implementation, practice guidelines, best practices, providing client demographics to USF-FMHI for evaluation purposes and obtaining "release of information" for collaborating treatment providers.

FMHI - SAMHSA Jail Diversion strategic planning, data collection and evaluation. FMHI will be responsible for getting approval from the USF Institutional Review Board (IRB) to conduct the Jail Diversion evaluation. FMHI will also offer a series of best practices application to the community through faculty consultation and training.

All other partners - Active participation in the strategic planning process and involvement on agency appropriate committees, such as the Service Delivery Committee, Evaluation Committee or Project Implementation Committee.

#### IX. Confidentiality and Procedures for Sharing of Information:

Treatment Partners (MHC, ACTS, HCSO, etc.) - Will agree to participate as a "business associate" or "covered entity" of MHC or ACTS in sharing confidential information with other providers for continuity of care. The treatment partners further agree that they will communicate and/or disclose to one another, client information pertaining to mental health, alcohol and substance abuse treatment only with the client's written consent or as otherwise authorized by applicable law (HIP AA, 42 CFR II).

Non-treatment partners - Responsible for sharing aggregate, non-identifying clinical information for grant and evaluation purposes.

#### X. Effective Administration and Execution of this MOU:

- A. This MOU shall be reviewed annually and remain in full force and effect until specifically abrogated by one of the parties to this MOU with thirty (30) days written notice to the other party.

- B. Effective execution of the MOD can only be achieved through communication and dialogue. It is recognized that each partner in this MOD works in a complex legal, social and political environment. It is the intent of this MOD to foster a means of communication and resolve questions, misunderstandings or complaints that are not specifically addressed in the MOD.
- C. After the execution of this MOD, Criminal Justice Office will provide copies to all parties and submit the MOD to SAMHSA for approval and release of Jail Diversion grant funding to proceed with F-ICM services.