

**APPENDIX F1 – SAMPLE  
MEMORANDUM OF UNDERSTANDING  
FOR THE ESTABLISHMENT OF A  
PROBLEM-SOLVING COURT**

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# MEMORANDUM OF UNDERSTANDING

## *Commentary*

*Each Problem-Solving Court shall have a Memorandum of Understanding (MOU) detailing the structure and mission of the Court, as well as the roles, duties and obligations of the members on the Problem-Solving Court Team. Because of the variety of Problem-Solving Courts and the different missions, methods and participants involved, language of the MOU should be individualized to fit the needs of each Court. Below is a sample of a MOU. Agencies, entities or individuals who provide assistance to the Court (such as employment, education, housing, medical, financial or other assistance) should be memorialized in the MOU. Even though they are not members of the Problem-Solving Court Team, these parties are "community partners" who may have their roles and obligations defined in the MOU.*

## MISSION STATEMENT

It is the mission of the \_\_\_\_\_ County \_\_\_\_\_ Court to enhance public safety and reduce recidivism by diverting persons with behavioral health disorders charged with a criminal offense from the Criminal Justice system to the \_\_\_\_\_ Court for appropriate treatment and support services. In so doing, the individual's quality of life will be greatly enhanced. Increased public safety will be afforded to the citizens of \_\_\_\_\_ County and a substantial cost savings will be realized as there will no longer be inappropriate involvement of persons with behavioral health disorders in the criminal justice system.

## COMPLIANCE

The \_\_\_\_\_ Court shall be established and operate in compliance with the *Problem-Solving Court Standards* adopted by the Illinois Supreme Court.

## CONFIDENTIALITY

All information pertaining to \_\_\_\_\_ Court participants is strictly confidential. Any information viewed by \_\_\_\_\_ Court personnel or providers is not to be shared with any outside party. Records shall be open to inspection by any judge or by any court services officer pursuant to order of the court, but shall not be a public record.

\_\_\_\_\_ Court participants shall be required to sign consents for release of confidential information forms which comply with 42 U.S.C. 290dd-2 and 42 CFR Part 2, so that relevant information may be shared with appropriate agencies. If a participant refuses to sign the necessary releases, he/she may be ruled ineligible for the \_\_\_\_\_ Court Program.

All probation files, presentence investigations, computer notes and case notes are considered to be confidential information and are not to be released except by court order or client release of information. Case information may be released to other probation departments when the

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participant has signed a release specifically authorizing the release of information to other probation departments.

All Court material will be protected by federal law, specifically section 543 of the Public Health Service Act, 42 U.S.C. 290dd-2, and its implementing regulation, 42 C.F.R Part 2 (confidentiality of substance abuse records) and the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/1 *et seq.* (confidentiality of mental health treatment records).

## **RESPONSIBILITIES AND EXPECTATIONS OF PARTICIPATING AGENCIES**

All participating agencies agree to assist in the design and ongoing development of the County Court. Further, as appropriate, agencies will assist in providing all necessary data for evaluation purposes.

All participating agencies agree to respect other agencies' roles and responsibilities to ensure the integrity of the judicial and therapeutic processes.

All participating agencies shall observe each participant's right to confidentiality in accordance with federal and state laws and regulations governing treatment and criminal justice information.

All participating agencies agree to the criteria for:

Participant eligibility/enrollment;  
Program incentives, sanctions and therapeutic adjustments;  
Program termination; and  
Program completion as delineated in the policy and procedure manual.

Any revision to this agreement will be approved by the Problem-Solving Court Team.

## **[PROBLEM-SOLVING COURT] TEAM MEMBERS AND RESPONSIBILITIES**

This section outlines the responsibilities each agency or entity agrees to perform as part of their involvement in the County Court.

The following are members of the Court Team. Additional members may be added as deemed appropriate.

Judge  
Prosecutor/designee  
Public Defender/designee  
Probation  
Local Problem-Solving Court Coordinator  
Licensed Treatment Provider(s)

Additional PSC Team members may include but are not limited to:

Law Enforcement Representative

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Case Manager  
Law Enforcement Officer (Preferably Crisis Intervention Trained – CIT)  
Recovery Coach  
Veterans Justice Outreach Coordinator

The following are the major responsibilities for each Court Team member:

### **Judge**

The Judge acts as the lead partner in the Court process. He/she participates in all Court staffings and presides over the court proceedings. He/she administers effective incentives, sanctions and therapeutic adjustments.

### **Prosecutor**

The prosecutor/designee is a member of the Court Team. He/she may participate in the review of referrals. He/she participates in participant staffings in a non-adversarial manner and attends all court sessions. He/she advocates for effective incentives, sanctions and therapeutic adjustments while ensuring community safety.

### **Public Defender**

The Public Defender/designee is a member of the Court Team. He/she assists in the referral and entry process. He/she participates in participant staffings in a non-adversarial manner and attends all court sessions. He/she advocates for effective incentives, sanctions and therapeutic adjustments while ensuring the participant's legal rights are protected.

### **Local Problem-Solving Court Coordinator**

The local Problem-Solving Court Coordinator is a member of the Court Team. He/she has the overall responsibility to manage and coordinate all facets of the Court process, including collaborating with the treatment providers and the case manager/recovery coach. He/she advocates for effective incentives, sanctions and therapeutic adjustments during the team meetings. In fulfilling this responsibility, his/her duties are varied and include, but are not limited to, the following:

1. Organizes and coordinates training for Court team members;
  2. Maintains cooperative relationships with treatment agencies, community organizations and other involved partners;
  3. Assists in the screening of potential participants to determine eligibility and interest;
  4. Attends case staffings and court hearings, reports compliance/noncompliance and recommends incentives and sanctions;
  5. Facilitates community presentations
  6. Promotes team integrity;
  7. Develops community resources;
  8. Collects data/statistics and works closely with any program evaluator;
  9. In conjunction with team members, researches and writes grant proposals.
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## **Probation Officer**

The probation office is the primary case supervisor for participants sentenced to Court. In fulfilling this responsibility, his/her duties are varied and include, but are not limited to, the following:

1. Plans and implements in collaboration with the licensed treatment providers, the day-to-day activities of the Court participant;
2. Conducts initial intake interviews, and explains program requirements to participants;
3. Monitors participant compliance with Court rules; communicates with participants in accordance with the program requirements;
4. Attends case staffings and court hearings on regular basis, reporting compliance/non-compliance and recommends incentives and sanctions;
5. Assists in the promotion of team integrity;
6. Assists in the development of community resources;
7. Assists in the collection of data/statistics.

## **Licensed Treatment Provider(s)**

1. Conducts assessments to determine eligibility for Court;
2. Provides screening, assessment and/or treatment to participants;
3. Coordinates treatment with other treatment provider(s);
4. Develops treatment plans;
5. Provides therapy services;
6. Attends staffings and court hearings for Court participants, as appropriate;
7. Assists participants in applying for state, federal and veterans benefits;
8. Assists participants in applying for housing, unemployment and educational programs;
9. Arranges housing and transportation;
10. Refers participants for medical treatment and medication management to appropriate local agencies.

## **Law Enforcement Officer**

The law enforcement officer may be a member of the Court Team. He/she acts as a liaison to other law enforcement agencies and will offer a law enforcement perspective when policy and procedures are developed. The officer may assist with home visits as needed, process/serve warrants on Court participants and assist with referring potential Court participants. The officer may promote and encourage law enforcement officers to receive CIT training.

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**APPENDIX F2 – SAMPLE  
MEMORANDUM OF UNDERSTANDING  
SIGNATORIES DOCUMENT**

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# MEMORANDUM OF UNDERSTANDING

## SIGNATORIES DOCUMENT

The attached MEMORANDUM OF UNDERSTANDING is made and entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ the \_\_\_\_\_ County \_\_\_\_\_ Court Judge, Prosecutor, Public Defender, \_\_\_\_\_ County Probation Department, Licensed Treatment Provider(s), Law Enforcement and the Local PSC Coordinator. The Memorandum shall be revised as needed.

WHEREAS, the \_\_\_\_\_ County \_\_\_\_\_ Court plans to establish and operate a problem-solving court, a Memorandum of Understanding is necessary to clarify the respective roles and expectations of the offices and entities of the participating Court team members. This collaborative program has as its mission to operate a Problem-Solving Court structured to divert from the criminal justice system, where appropriate, persons who have been diagnosed with behavioral health disorders and link them to social services agencies for treatment, transportation, housing, employment counseling, education, medication management and application assistance for government benefits; and

WHEREAS \_\_\_\_\_ Court shall be structured and operated to comply with the *Problem-Solving Court Standards* adopted by the Illinois Supreme Court.

NOW THEREFORE the parties named below hereby mutually agree to the attached Memorandum of Understanding.

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed by their duly authorized officers.

CHIEF JUDGE [ \_\_\_\_\_ ] CIRCUIT COURT

BY: \_\_\_\_\_

PRESIDING JUDGE [ \_\_\_\_\_ ] COURT

BY: \_\_\_\_\_

[ \_\_\_\_\_ ] PROSECUTOR

BY: \_\_\_\_\_

[ \_\_\_\_\_ ] PUBLIC DEFENDER

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BY: \_\_\_\_\_

[ \_\_\_\_\_ ]DIRECTOR OF PROBATION

BY: \_\_\_\_\_

LOCAL [ \_\_\_\_\_ ] COORDINATOR

BY: \_\_\_\_\_

NAME OF LICENSED TREATMENT PROVIDER

BY: \_\_\_\_\_

[ \_\_\_\_\_ ]

BY: \_\_\_\_\_

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