

KENTUCKY JUDICIAL COMMISSION ON  
**MENTAL HEALTH**



**Kentucky Judicial Commission on Mental Health Meeting Minutes**

<b>Meeting Date, Time</b>	September 7, 2023; 1:00-3:00 PM ET
<b>Meeting Location</b>	Administrative Office of the Courts 1001 Vandalay Drive Frankfort, KY 40601
<b>Virtual Option</b>	The meeting was also offered virtually through Zoom; however, a recording is not available due to technical difficulties.

**Attendees**

<b>Name</b>	<b>Organization</b>
Linda Avery	Circuit Court Clerks Association
Hon. Denise Brown	Family Court Judge
Hon. Stephanie Burke	District Judge
Hon. Wes Butler	Kentucky Hospital Association
Hon. Denise Clayton	Kentucky Court of Appeals
Hon. J. Foster Cotthoff	District Judge
Stephanie Craycraft	Acting Commissioner of Department of Behavioral Health, Developmental and Intellectual Disabilities
Jim Daley	Kentucky Jailers Association
Lesia Dennis	Acting Commissioner, Department of Community Based Services
Eric Friedlander	Secretary of Cabinet for Health and Family Services
Nancy Hale	Operation UNITE
Erica Hargis	Division of Probation and Parole
Hon. Tanisha A. Hickerson	District Judge
Hon. Yvette Hourigan	KYLAP, Kentucky Bar Association
Dr. Lindsey Jasinski	Eastern State Hospital, University of Kentucky
Sarah Johnson	Department of Corrections
Hon. Lisa Jones	Circuit Judge
Hon. Debra Hembree Lambert	Kentucky Supreme Court
Hon. Joe Ross	County Attorney
Hon. William "Bo" Leach	District Judge
Lisa Lee	Department of Medicaid Services
Rabbi Shlomo Litvin	Chabad of the Bluegrass

Amy Luttrell	Goodwill
Hon. Cole Adams Maier	Circuit Judge
Hon. Kevin Mullins	District Judge
Hon. Melissa Moore Murphy	District Judge
Hon. Rebecca Phillips	Circuit Judge
Hon. Damon Preston	Department of Public Advocacy
Koleen Slusher, LCSW	Kentucky Correctional Psychiatric Center
Hon. John Lindsay Tackett	District Judge
Hon. Larry Thompson	Kentucky Court of Appeals
Hon. Marcus Vanover	Family Court
Dr. John J. Wernert	Norton Healthcare
Dr. Marc Woods	Eastern State Hospital, University of Kentucky
Silas Session	Delegate Representative for Whitney P. Allen, Jr., Kentucky Department of Veterans Affairs
Byanna Carroll	Delegate Representative for J.D. Chaney, Kentucky League of Cities

**Agenda**

- I. Registration and Lunch**
- II. Welcome and Commission Updates**
- III. Committee and Workgroup Updates**
- IV. Agency Update Roundtable**
- V. Closing Remarks**
- VI. Adjourn**

**Welcome and Commission Updates**

The Kentucky Judicial Commission on Mental Health (KJCMH) convened at 1:00 PM ET on September 7, 2023, at the Administrative Office of the Courts, Frankfort, Kentucky, in person and on zoom. Welcome was offered by Chief Judge Thompson, Kentucky Court of Appeals. Chief Judge Thompson thanked the commission members for being present and noted the time and travel commitment demonstrated. Members then took some time to recognize the loss of Seth Stevens, staff attorney, with purple and teal ribbons and a moment of silence. The moment was concluded with a reminder for all members to take care of themselves as they do this work.

Chief Judge Thompson recognized the growth of the commission and staff, welcoming Jennifer Van Ort-Hazard as Behavioral Health Liaison. He welcomed new members, including retired Chief Justice John D. Minton Jr., Director Katie Comstock, Dr. Katie Marks, Cora McNabb, Casey Ellis, Bryan Hubbard and Lesa Dennis. The upcoming retirement of Nancy Hale was recognized, Tom Vincini will act as interim CEO until a replacement is identified.

Chief Judge Thompson reviewed the content of materials provided, including the full Supreme Court order, minutes for the previous meeting, and a copy of the Sequential

Intercept Model (SIM) mapping report. Attendees were encouraged to review these materials at their convenience. Chief Judge Thompson noted that the SIM report reiterates that, in addition to the work of the group, we will keep our judges and their support out in the forefront. We anticipate a future summit, but a date has not been decided.

Chief Judge Thompson shared about the town hall listening sessions that are underway. He encouraged attendees to share the news release and flyer with their contacts and attend any town halls in their home region. Thanks was offered to the Kentucky Bar Association for allowing the commission to utilize meeting space and technology staff. Any attendees that can attend a town hall are asked to please notify Shawna Mitchell.

### **Committee and Workgroup Updates**

I. Judge John Tackett shared that the Criminal Justice Committee is having a presentation on competency at its next meeting; the last meeting was held on August 24, 2023. The workgroups will share about work on possible changes to legislation regarding involuntary hospitalization for adults and juveniles, SB90 pilot project sites, prearrest/diversion ideas, discussions regarding law enforcement agencies utilizing a social worker position, 23-hour crisis model exploration and implementation, and Assisted Outpatient Treatment pilot sites. Judge Tackett shared his experience at a recent leadership conference for judges and psychiatrists in Washington D.C. as well as a case example from his courtroom about an individual in need of services and solutions the commission is working to identify.

A. Koleen Slusher presented on the Competency Workgroup. The workgroup met in April, June, and August and discussed the status of flexible orders that allow for video conference or jail-based evaluations. The workgroup has reviewed materials that speak from a national perspective on different ways to consider these needs. The Council on State Government (CSG) is providing technical assistance to the workgroup and has provided information on community restoration models. Of note, 35 states are explicit about the ability to provide outpatient, community-based restoration while 8 are silent on the topic but have been allowing for this type of restoration. Jefferson County will begin a pilot for jail-based restoration in the coming months. Director Slusher shared that KCPC has received over 90 orders in 2 weeks, which is unsustainable. She noted there is success being demonstrated in the data due to more flexibility in the orders, but more education is needed to promote usage. Around 40% of the KCPC waitlist are people who have a murder charge, conspiracy to commit murder, or are on bond and require inpatient evaluation. KCPC is seeking input from CSG on how other states are handling those types of cases. The workgroup will also continue to look at the issue of transportation to forensic care and competency evaluations which is currently handled by law enforcement agencies. Director Slusher fielded a question about the difference between behavioral health treatment and competency, reiterating that competency can involve some treatment such as medication but that solutions need to also consider community-based treatment.

B. Jim Daley reported virtually on the Prearrest/Diversion Workgroup. The workgroup has revised priorities based on the action plan completed during SIM.

Priorities are increasing diversion, exploring access to medication in custody and crisis care. The workgroup receives updates on SB90 pilots and progress and is fielding all Crisis Intervention Team (CIT) training recommendations provided by the other workgroups.

C. Judge Lisa Jones reported on the Juvenile Justice Workgroup. The workgroup had 4 meetings during the quarter. They have completed a survey of judges across the state regarding the use of the juvenile voluntary hospitalization statutes. The wide variety of answers prompted a presentation from a panel of experts to inform the workgroup. The takeaways from the panel included the increase in the need for juvenile mental health during and since the pandemic, the burden of paperwork on hospitals that accept juveniles under the involuntary hospitalization statute, the reporting to courts, and the lack of financial incentives for completing the extra requirements. Recommendations out of the workgroup will be to explore edits to KRS 645 to mirror the 202A processes and lessen confusion. The workgroup is also continuing to work on the statewide mapping of the juvenile justice system with hopes to have the full report to share at the next commission meeting. One priority identified by the mapping is the importance of prosocial activities for youth in custody. This was shared with our partners at the State Interagency Council, and they will be working to promote this priority further.

II. Judge Foster Cotthoff shared that the Civil and Family Justice Committee meeting spent much of their time debriefing about the summit and reported that the feedback was positive.

A. Judge Marcus Vanover reported on the Dependency and Neglect Workgroup. The workgroup is focusing on enhancing collaboration with system partners and is developing a model plan and bench card with information about the roles of mental health professionals. It will clarify treatment provider roles, licensures, screeners, and assessments and what needs to be considered when writing orders. The workgroup is also creating a resource guide for the child welfare system and reviewing the Upstream mapping findings to finalize prior to publication.

B. Judge Cotthoff, on behalf of Judge Brown, reported on the Domestic Violence Workgroup. The group has met 3 times this quarter. Priorities for the workgroup include exploring the multidisciplinary team model, data collection and legislation recommendations around SB 271, and best practices for judges when considering a case for dismissal.

C. Judge Cotthoff reported on behalf of Stacy Tapke, who chairs the Guardianship and Commitment Workgroups. The group has decided that it would be more beneficial if they split into 2 subgroups. The Commitment Workgroup has met twice this quarter. They are focused on clarifying the process and implementation of chapter 202 including the forms and providing information for families. The Guardianship Workgroup has also met twice, and they are working to clarify the role of the attorney, defining friend for guardianship matters, and inconsistencies in the restoration of rights.

III. Judge Kevin Mullins introduced the Treatment and Access Committee's workgroup chairs for them to provide their report.

A. The Intellectual and Developmental Disabilities Workgroup was reported by Dr. East on behalf of chair Melony Cunningham. The workgroup has met 4 times this quarter. Their priorities include exploring options for self-identification with law enforcement and first responders, early identification of students with behavior concerns, continued exploration of Kentucky Department of Education data, and the development of a toolkit for autism in the courts.

B. Judge Stephanie Burke reported on the Court Responses Workgroup. The workgroup has met 5 times, including a presentation from a policy analyst from the Treatment Advocacy Center to discuss legislative recommendations around 202A. Discussion continues around this priority, including researching what other states have identified for language changes. The workgroup is also researching and supporting the expansion of Mental Health Courts and Assisted Outpatient Treatment programming.

C. Wes Butler shared updates for the Strengthening Community Response Workgroup. They are focusing on early identifications and interventions, enhancing access to care, and promoting community education. Priorities will include transportation and its impact on access to care especially in healthcare deserts, school-based services, and early interventions. The workgroup is specifically exploring some potential solutions through Medicaid. The workgroup is also reaching out to the Department of Education to gather input and data on access and early identification.

### **Agency Updates**

- I. Reminder about town hall listening sessions
- II. Invite from Kentucky Office of Adult Education to join quarterly meetings
- III. Opioid Abatement Symposium on October 9-10, 2023
- IV. Virtual Suicide Prevention Summit on September 29, 2023
- V. Kentucky School for Alcohol and other Drug Studies on September 13, 2023
- VI. Medicaid received approval on mobile crisis intervention and are continuing work on the 1115 waiver
- VII. Recovery Month Celebration event at the Capitol September 22, 2023

### **Closing Remarks**

Chief Judge Thompson thanked the commission members for their time and continued support. The next meeting will be held on December 14, 2023.

Contact information: [JCMH@kycourts.net](mailto:JCMH@kycourts.net)

Webpage: [Kentucky Judicial Commission on Mental Health – Kentucky Court of Justice \(kycourts.gov\)](https://www.kycourts.gov)

Meeting adjourned at 2:45 PM ET.

**Additional Information****Noncommission Members and Public in attendance:**

<b>Name</b>	<b>Organization</b>
Courtney Maynard	Operation UNITE

**KJCMH Support Staff in attendance:**

<b>Name</b>	<b>Department</b>
Jacindia Rowe	Kentucky Supreme Court
Jason McGinnis	Administrative Office of the Courts
Rachel Bingham	Office of Statewide Programs
Shawna Mitchell	Judicial Commission on Mental Health
Ian Shepard	Office of Statewide Programs
Hon. Nathan Goins	Family and Juvenile Services
Hon. Katie Shepherd	Kentucky Supreme Court
Johnny Martinez	Information and Technology Services
Jim Hannah	Information and Technology Services
Jennifer Van Ort-Hazzard	Judicial Commission on Mental Health