



## Vermont Judiciary Commission on Mental Health and the Courts

### Second Annual Report

12-31-24

#### **Extended Charge and Designation:**

The Vermont Judiciary Commission on Mental Health and the Courts (hereinafter “Commission”) was officially established by the Vermont Supreme Court by Charge and Designation in July 2022. The Charge and Designation tasked the Commission with submitting a written report to the Court regarding the Commission’s work before December 31, 2023. The Commission’s First Annual Report included a recommendation that the Charge and Designation be extended to permit the Commission to continue its work beyond December 31, 2023. The Court extended the Charge and Designation accordingly.

The Extended Charge and Designation continued the appointment of the original Commission members, tasked the Commission with submitting an annual report to the Court by December 31 of each year and provided that the Commission is to remain in effect “until further action by the Court.” The Extended Charge and Designation in full is set forth in Appendix A.

The Commission’s First Annual Report included five components of an Action Plan. An Executive Summary of the First Annual Report is set forth in Appendix B. The first part of this Second Annual Report summarizes the

status of each of the five components of the 2024 Action Plan. It also provides an overview of the Commission's Second Annual Summit held at the Vermont Statehouse in September 2024. Lastly, the Report includes an Action Plan for 2025.

## **Status of 2024 Action Plan**

### **1. Behavioral Health Consultant**

The first component of the 2024 Action Plan was to name a Behavioral Health Consultant. On March 20, 2024 the Vermont Judiciary was pleased to announce the selection of D. Scott Acus as the first Mental Health and the Courts Project Director (the position title was modified in response to input provided by stakeholders.) An announcement of the selection is provided in Appendix C. In his new role Project Director Acus completed a comprehensive "Train the Trainer" program with retired Superior Court Judge Katharine Hayes and immediately began work planning for the Sequential Intercept Model (SIM) Regional Workshops described in the second component of the 2024 Action Plan. (Details about the SIM Regional Workshops conducted to date are in the next section.)

In addition to the SIM Regional Workshop planning, Project Director Acus also played a significant role in the formation and work of the Peer Support Committee referenced in the fourth component of the 2024 Action Plan, as well as provided education and networking across the mental health, judicial and human services systems. Core elements of the Project Director's role also include research and familiarity with national best practices in

mental health work in general and more specifically as it relates to mental health initiatives in justice systems.

## **2. SIM Exercises**

The second component of the 2024 Action Plan was to plan for and conduct five regional mapping workshops in the next two years. Two regional workshops have been conducted to date, the first on September 6 in the Northeast Region comprising Caledonia, Essex, Orleans and Washington Counties and the second on September 20 in the Northwest Region comprising Franklin, Grand Isle and Lamoille Counties.

For each regional workshop extensive planning took place including surveying on-the-ground stakeholders throughout the regions involved about: collaboration and capacity building; access to relevant services in the region; trial courts and court services programs; and about how the region could best create plans to effectively address substance use and mental health challenges. Planning subcommittees were set up in each region to learn about the causes and goals of the SIM workshops, and to guide decisions regarding logistics for the workshops, the identification of workshop participants and the relevant issues that were of the most concern in the regions served.

There were 47 attendees at the Northeast Regional Workshop and 41 at the Northwest Regional Workshop. Attendees included judges, court staff, state's attorneys, public defenders, representatives from Probation and Parole, the Vermont Department of Mental Health, local providers, emergency service personnel, law enforcement, and medical personnel. At the end of the workshops specific goals and plans for future work were

laid out. Individual attendees were identified as leaders who agreed to play a role in following up and ensuring that goals were met. A post-workshop survey showed that more than 90% of attendees were interested in participating in ongoing work surrounding the goals. A comprehensive “Report on SIM Process in Northeast and Northwest Regions through Workshop Completion” prepared by retired Superior Court Judge Katharine Hayes is provided as Appendix D.

### **3. S.91 Follow-Up**

The third component of the 2024 Action Plan was for the Committee on Competency Evaluations and Related Issues to monitor S.91, a bill co-sponsored by Committee member State Senator Virginia Lyons to address many issues surrounding competency evaluations. S.91 was promulgated into law as Act 28 with an effective date of July 1, 2023 and is now included in Chapter 157 of Title 13. Features of the bill to address competency evaluation issues included: expediting evaluations by way of adding qualified psychologists as evaluators; adding a clearer burden on counsel to explain the need for evaluations; bifurcating insanity and competency evaluations; ensuring timely records availability; and consolidating repeat requests where one person is the subject of multiple cases.

In the course of its work monitoring the effect of the bill's measures in 2024, the Committee concluded that legislative changes brought about by S.91 have made a significant impact, that competency evaluations are happening much more quickly, and that Emergency Department and hospital wait times have markedly improved. A copy of S.91 (Act 28) is provided as Appendix E.

#### **4. Peer Support Committee**

The fourth component of the 2024 Action Plan was to form a new committee focused on peer support services to explore how to include or support such services at all intercepts of the criminal and civil court processes for persons who have mental health and/or substance abuse issues. Superior Court Judge John Pacht serves as the Chair of the Peer Support Committee which includes a broad group representing diverse sectors relating to peer support.

The Committee has examined what peer support services presently exist, what is the need that exists beyond the services presently provided, what steps need to be taken to get from where we are to where we want to be, how peer certification will help and how to move forward together. The Committee also organized and presented a program entitled “Peer Support Strategies” at the Second Annual Mental Health and the Courts Summit in September. A listing of the Peer Support Committee members is provided as Appendix F.

#### **5. Education and Training**

With funding provided by the Byrne/SCIP grant from the United States Department of Justice, the Judiciary contracted with Sonny Provetto, the CEO and clinical director of the Institute for Trauma Recovery and Resiliency, to provide an intensive schedule of training for court personnel. Two programs entitled “Psychoeducation on Understanding Mental Illness” and “Vicarious Trauma Training” were delivered from January – October 2024. Fourteen sessions were held at various courthouses throughout the state with approximately 200 persons in attendance. Attendees included

judiciary staff, employees of local mental health services and judges. The same program was delivered to Guardians ad Litem at their annual conference in October 2024. Additional details regarding the training is provide in Appendix G.

The Committee on Mental Illness and Disability Training also organized an “Intellectual Disabilities 101” webinar training scheduled to occur in November 2024 that was moved to January 2025 due to a scheduling conflict. The training features presenters who will discuss common terminology and provide a review of Act 248 which authorizes a state criminal court to civilly commit a person with an intellectual disability who is a continuous risk of significant harm to others into the custody of Disabilities, Aging & Independent Living (DAIL). Presenters will also discuss guardianship processes and services for persons with developmental disabilities, as well as the challenges people with disabilities face in their daily lives.

### **Second Annual Summit on Mental Health and the Courts**

The Second Annual Summit on Mental Health and the Courts was held at the Vermont Statehouse on September 26, 2024. Keynote Speaker New Hampshire Chief Justice Gordon MacDonald spoke passionately about the work he has been involved in regarding changing the judicial response to mental illness from custody to early intervention.

An overview of “SIM Exercise Collaboration by Region to Date” featured Project Director Acus and Judge Kate Hayes along with Superior Court Judge Michael Kainen and Kelsey Stavseth, Executive Director of Northeast

Kingdom Human Services as representatives from the NE Regional Workshop and Greg Stefanski, Lamoille Health Collaborative Director and Melinda White, TPFC Recovery Coach Supervisor, as representatives from the NW Regional Workshop.

Superior Court Judge John Pacht led a “Peer Support Strategies” program that included State Representative Daisy Berbeco; Pathways Alternative Mental Health Program Director Katie Bourque and Pathways Training Coordinator Alexander Ferguson; “Beyond Bars” Peer Mentor Mac Parker; and Washington County Mental Health Director, Community Support Program Keith Grier. Summit attendees then participated in break-out sessions by SIM Region before convening as a whole to summarize feedback from the sessions. Feedback from survey evaluations was overwhelmingly positive.

The Summit Agenda is provided as Appendix H and a recording of the Summit is linked [HERE](#) . Information gathered during the Summit helped inform the Commission's 2025 Action Plan.

### **2025 Action Plan:**

1. Mental Health and the Courts Project Director Goals
2. Continuation of SIM Exercises
3. Peer Support Committee Goals
4. Competency Evaluations Committee Goals
5. On-Going Trainings

## **1. Project Director Goals**

The Judiciary's Mental Health and the Courts Project Director is to continue overseeing the planning and implementation of the three remaining Regional SIM Exercise Workshops scheduled to be completed by July 2025; to assist in the implementation of the substantial plans developed in the 2024 SIM Workshops and anticipated to be developed in the 2025 SIM Workshops including determining the feasibility of establishing a pilot Court Mental Health Navigator position; to continue to play a consultative role with the Peer Support Committee and as needed throughout the court system; and to provide leadership in convening a high-level committee to study other states' programs related to mental health and the courts for the purpose of identifying a vision for Vermont's future growth in this area.

Regarding the goal of establishing a pilot Court Mental Health Navigator position, potential grant funding options will be explored first followed by the formation of a Commission subcommittee to evaluate the feasibility of the position. The Third Annual Summit on Mental Health and the Courts scheduled for September 25, 2025 at the Vermont Statehouse is anticipated to play a key role in the development of a vision for Vermont's future growth in the area of mental health and the courts.

## **2. Continuation of SIM Exercises**

A Southeast Regional SIM Workshop covering Windsor, Windham and Orange Counties is scheduled for Friday, April 25, 2025. A Southwest Regional SIM Workshop covering Bennington, Rutland and Addison

Counties is scheduled for Friday, April 11, 2025 and the Chittenden Regional SIM Workshop covering Chittenden County is scheduled for Friday, May 30, 2025. Planning following the process laid out above for the NE and NW SIM Workshops is underway.

### **3. Peer Support Committee Goals**

The Peer Support Committee that formed in 2024 is to continue its work exploring how to best support peer support services at all intercepts of the criminal and court processes for persons who have mental health and/or substance use issues, including determining the function of a support person in the court, whether a pilot project in one county is advisable and if so in what county, funding options, interplay with the ACT Teams, and appropriate metrics.

### **4. Competency Evaluations Committee Goals**

The Committee on Competency Evaluations and Related Issues is to continue its work monitoring the effects of S.91 (Act 28) including determining whether modifications are warranted regarding: issues surrounding refusals to participate; continued workplace violence in hospitals and emergency departments; the merits of a competency restoration program; education to address the stigma associated with forensic patients in emergency departments; the efficacy of remote evaluations; how to better keep track of those in the community who have been found incompetent/insane; consistency in standardized

testing; the effect of housing shortages on discharge options; and transportation challenges.

The Competency Evaluations Committee will also continue to monitor whether the changes made in S.91 have improved the evaluation process, whether further amendments are necessary, and whether new issues have arisen that require attention.

## **5. On-Going Trainings**

After the “Intellectual Disabilities 101” training scheduled for January 13, 2025 has taken place, the Committee on Mental Illness and Intellectual Disability Training should plan for the next training focusing on individuals with mental health issues in the custody of the Department of Corrections. The Committee will also continue exploring other opportunities for trainings associated with mental illness and intellectual disabilities.

## **Conclusion:**

Pursuant to an Extended Charge and Designation, the Commission met as a body on March 25, 2024, June 24, 2024, September 30, 2024 and December 16, 2024. Commission members worked with stakeholders throughout 2024 to accomplish many of the measures outlined in the Commission’s First Annual Report. The Commission respectfully provides this Second Annual Report to the Vermont Supreme Court with a request for approval of the Action Plan 2025 contained herein.