



**NEW MEXICO SUPREME COURT
COMMISSION
on
MENTAL HEALTH and COMPETENCY**

**FY 2024 - 2029
Strategic Plan**

Facilitated by:
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May 11 – 12, 2023

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**Supreme Court Commission on Mental Health and Competency
RETREAT AGENDA
May 11 – 12, 2023
La Posada de Santa Fe
Santa Fe, NM**

**DAY 1
Thursday, May 11**

- | | |
|-------------------|---|
| 9:00am – 9:15am | Welcome / Introductions - CMHC Chair, Judge Kennelly |
| 9:15am – 10:15am | Overview – Facilitator, Rebecca Koch
Exercise in creating group alignment |
| 10:15am – 11:30am | Clarify CMHC mission |
| 11:30am – 11:45am | Break |
| 11:45am – 12:45pm | Review articulated key issues |
| 12:45pm – 1:45pm | Lunch |
| 1:45pm – 3:15pm | Review / discuss potential long-term (5 yr.) goal
Decide on long-term goal |
| 3:15pm – 3:30pm | Break |
| 3:30pm – 4:30pm | Brainstorm what needs to be done to accomplish 5 yr. goal |
| 4:30pm – 5:30pm | Outline potential annual goals to meet 5 yr. goal |

CMHC Retreat Agenda

DAY 2

Friday, May 12

- | | |
|-------------------|---|
| 9:00am – 9:15am | Re-cap from Day 1 – Review mission & long term goal |
| 9:15am – 10:15am | Review & determine annual goals to meet 5 yr goal |
| 10:15am – 11:15am | Outline action steps to accomplish year 1 goal |
| 11:15am – 11:30am | Break |
| 11:30am – 12:30pm | Determine point person/committee responsible per action step per time frame |
| 12:30pm – 1:30pm | Lunch |
| 1:30pm – 2:30pm | Complete and wrap up |

OVERVIEW

On May 11 - 12, 2023, the NMSC Commission on Mental Health and Competency (CMHC) met at La Posada de Santa Fe to develop their strategic plan. All voting members were invited to the retreat.

CMHC RETREAT PARTICIPANTS:

Judge Melissa Kennelly, Chair

Judge Christopher Baca

Michael Barndollar

Professor Ann Delpha

Commander Matt Dietzel

Judge Bruce Fox

Judge Jim Hudson

Judge Jason Lidyard

Jamie Michael

Grace Phillips – CMHC Ex Officio

Senator Jerry Ortiz y Pino

Chief Judge Angie Schneider

Brian Stover

Dr. Simone Viljoen

Marco Alarid White

Amy Whitfield – designee to replace Holly Agajanian

Robert Work – proxy for Anne Keener

Justice Briana Zamora – NMSC liaison to CMHC

Scott J. Patterson – Statewide Behavioral Health Manager, AOC

Ryan Deller – AOC Staff

UNABLE TO ATTEND:

Violette Cloud

Anne Keener

**NEW MEXICO SUPREME COURT
COMMISSION
on
MENTAL HEALTH and COMPETENCY**

MISSION

We are on a mission to improve outcomes for individuals experiencing behavioral health and cognitive challenges by:

- Inspiring collaborative change across systems;
- Ensuring access to services and treatment; and
- Ending stigma and discrimination.

FIVE-YEAR VISION

In FY 2029, we have successfully:

- Changed the legal framework;
- Increased the workforce;
- Developed and implemented effective services with engaged communities and people with lived experiences;
- Changed and significantly improved competency-to-stand-trial process;
- Increased diversion services and entry point opportunities;
- Created greater connection with other systems;
- Developed best practices;
- Continued to work effectively as a Commission;
- Increased compassion for behavioral health and cognitive issues; and
- Improved and saved lives.

FIVE-YEAR GOAL:

Reform Competency System with comprehensive pilot programs in Judicial Districts 2, 3, 4, 12.

OBJECTIVES:

1. Make necessary Statute/Rule changes. (Statewide)
2. Develop Forensic Behavioral Health System. (Statewide)
3. Develop effective quality workforce. (Targeted Pilot Districts)
4. Develop and implement Forensic Navigation System. (Targeted Pilot Districts)
5. Pilot Diversion Program for misdemeanors at first court appearance. (Targeted Pilot Districts)
6. Train and educate justice partners / implement general public outreach. (Statewide)
7. Establish provision of Behavioral Health services for jails, prisons, and state hospitals (include discharge plans). (Statewide)
8. Create and implement universal validated screening tool. (Targeted Pilot Districts)
9. Create centralized system for data-sharing. (Targeted Pilot Districts)
10. Improve and expand AOT. (Targeted Pilot Districts)
11. Ensure housing is available. (Targeted Pilot Districts)
12. Advocate for broadband availability. (Targeted Pilot Districts)
13. Integrate juvenile and youth competency issues. (Targeted Pilot Districts)

ACTION PLAN PER OBJECTIVE

OBJECTIVE #1: Make necessary Statute/Rule changes.

(Statewide)

1. Analyze all Statutes/Rules regarding competency and Mental Health Code (talk to drafter).
2. Identify which Statutes/Rules need changing and prioritize.
3. Research other states for what is effective and what is not.
4. Have pilot areas (Judicial Districts 2, 3, 4, 12) state their needs to inform needed statutory change.
5. Draft statutory language.
6. Once drafted, engage and collaborate with partners.
7. Strategize approach to governing bodies to gain support.

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE #2: Develop Forensic Behavioral Health System (Statewide)

1. Connect to state Behavioral Health Program.
2. Create wing for Forensic Behavioral Health in DOH.
3. Engage Behavioral Health Collaborative.
4. Create Forensic Hospital.
5. Create Forensic Out-patient Clinic per district.
6. Research other states' systems for what is / is not effective.
7. Once system is designed, develop workforce.
8. Develop curricula for restoration.
9. Build community buy-in.
10. Train / educate justice partners.
11. Make State Hospital more effective.

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE #3: Develop quality workforce (Targeted Pilot Districts)

1. Create internship that funnels into post-doc and then into workforce.
2. Connect with Behavioral Health Collaborative regarding efforts.
3. Include competency and Behavioral Health training for all professions (e.g., create Speaker Series).
4. Identify obstacles to attracting professionals (e.g., GRT).
5. Consider student loan-forgiveness program.
6. Address medical malpractice issues.

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE #4: Develop and implement Forensic Navigation System (Targeted Pilot Districts)

1. Develop / train best practices.
2. Determine who employs them.
3. Train the employer.
4. Educate justice partners regarding Navigator's role / responsibility.
5. Create stakeholder buy-in.

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE #5: Pilot Diversion Program for misdemeanors at first court appearance (Targeted Pilot Districts)

1. Create buy-in with stakeholders.
2. Develop overall plan and a plan per area (targeted 4 Districts).
3. Address statute changes required to implement.
4. Create/identify funding streams (include funding for Treatment Guardians).
5. Create screening and assessment tool (see Objective #8).
6. Identify Behavioral Health providers who are willing to participate.
7. Train judges / attorneys.
8. Develop effective monitor system.

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE #6: Train and educate justice partners / implement general public outreach (Statewide)

1. Identify needs for training / access and use current trainings.
 - a. Develop practitioners training.
 - b. Educate regarding Behavioral Health First Aid.
 - c. Develop Terminology Guide.
2. Require CLEs for Behavioral Health.
3. Develop best practices for judges.
4. Develop and implement mechanism for officers to refer to behavioral health programs including specialty courts.
5. Prepare public for transformation.
 - a. Reach out to JCC partners, leaders, etc. to bring on board with changes.
 - b. Hold community meetings.
 - c. Leverage sound bites via local media (e.g., education regarding 988).
 - d. Use info sheets, press releases, etc. (include victim advocacy).

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE #7: Establish provision of Behavioral Health Services for jails, prisons, and state hospitals (include discharge plan) (Statewide)

1. Identify what is happening.
2. Address statute changes.
3. Help to better execute.

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE #8: Create and implement universal validated screening tool (Targeted Pilot Districts)

1. Determine what the screening is for.
2. Identify ones currently in use in detention and crisis intervention.
3. Assess which ones are best.
4. Ensure person is screened only 1 time when possible and then share the data.
5. Determine who is qualified to administer this tool.
6. Outline how to determine if assessment is needed.
7. Determine what assessment is used.

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE #9: Create centralized system for data-sharing (Targeted Pilot Districts)

1. Contract with data-sharing subject matter expert.
2. Amend Privacy Statute.
3. Identify who holds the data and where it is housed.
4. Identify what data is wanted.
5. Address other states' means of addressing this.
6. Address timing of screening (see Objective #8).

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE #10: Improve and expand AOT

(Targeted Pilot Districts)

1. Amend Statute.
2. Secure funding.
3. Develop provider training.
4. Develop court and judicial training.
5. Incentivize FACT / ACT.
6. Identify, recruit, retain Behavioral Health professionals.

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE # 11: Ensure housing is available

(Targeted Pilot Districts)

1. Identify what is available and what is needed.
2. Target training for landlords.
3. Engage stakeholders.
4. Identify individuals who need housing.
5. Find providers and resources.

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE #12: Advocate for broadband availability

(Targeted Pilot Districts)

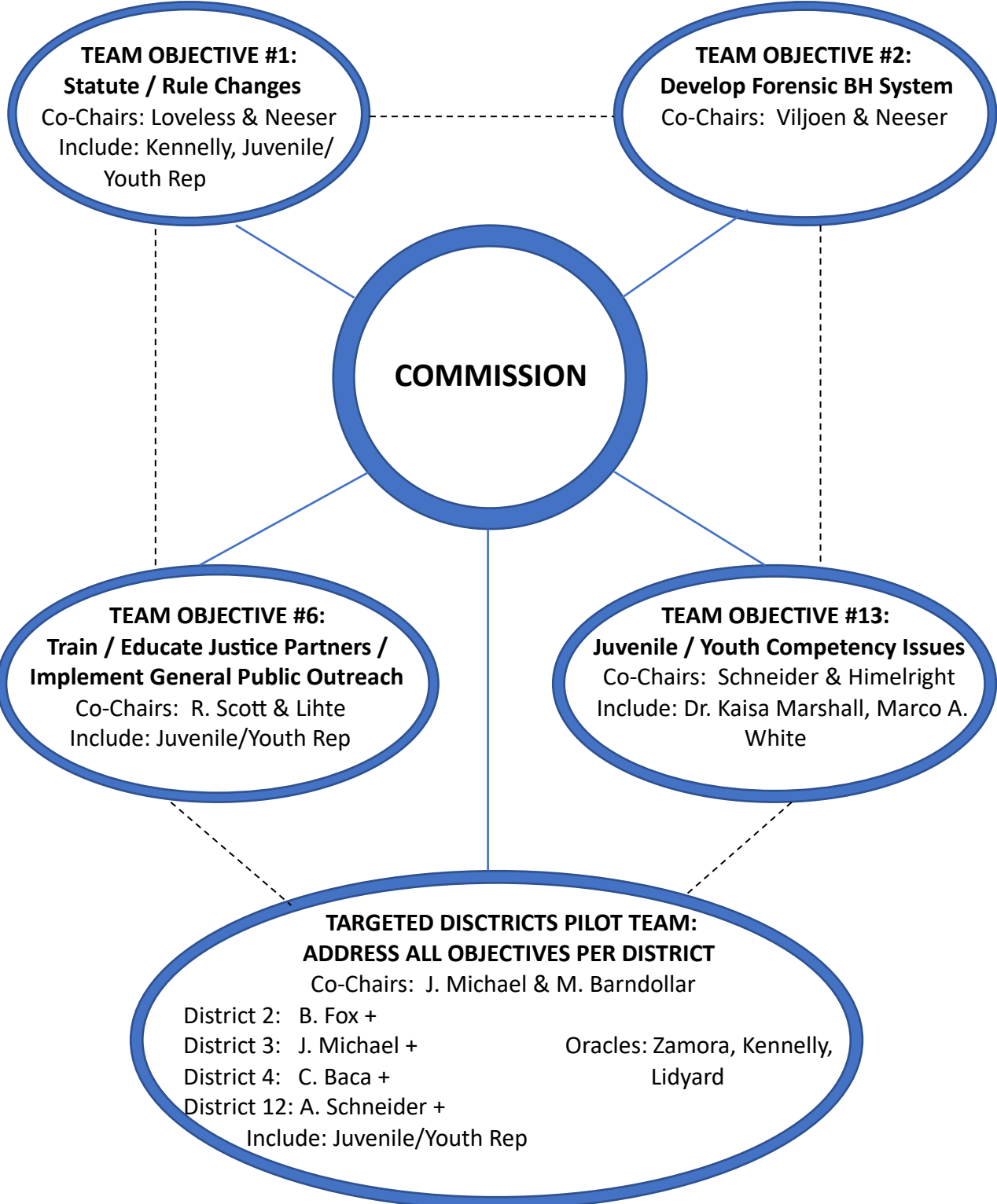
1. Target areas in need.
2. Explore hubs of broadband.
3. Explore satellite systems.
4. Address equitable access to devices needed to access broadband.
5. Fully utilize Project ECHO.

ACTION PLAN PER OBJECTIVE (cont'd)

OBJECTIVE #13: Integrate juvenile and youth competency issues (Targeted Pilot Districts)

1. Current Team to develop plan.
2. Include juvenile and youth issues in each Statewide and Targeted Pilot Districts' efforts.

WHO and HOW



GENERAL GUIDELINES FOR HOW TEAMS WORK

1. There are 5 Teams:
 - a. TEAM Objective #1 – Make Necessary Statute / Rule Changes
 - b. TEAM Objective #2 – Develop Forensic Behavioral Health System
 - c. TEAM Objective #6 – Train & Educate Justice Partners / Implement General Public Outreach
 - d. TEAM Objective #13 – Integrate Juvenile / Youth Competency Issues
 - e. TEAM PILOT DISTRICTS – Addresses all Objectives per Targeted Pilot District (Districts 2, 3, 4, 12).
2. Voting and non-voting members choose what team/s they want to participate in.
3. Team members cross-pollinate with other teams (e.g., member who is good at developing training may address training actions in various teams).
4. Note there are action items that are common to many objectives.
 - Statute / Rule Changes (Obj. #1) are also addressed in Objectives 5, 9, 10;
 - Education / Training (Obj. #6) is also addressed in Objectives 2, 3, 4, 5, 10, 11;
 - Research other states for what is and what isn't effective is addressed in Objectives 1, 2, 9; and
 - Build community / stakeholder buy-in is addressed in Objectives 2, 4, 5, 6, 11.
5. Each TEAM has written action items starting on page 25. These action items may need amending as you go. They are an outline to help keep you strategically directed.

NEXT STEPS

— Starting Plan Implementation —

TEAM OBJECTIVE # 1: Make Necessary Statute/Rule Changes (Statewide)

Co-Chairs: Brett Loveless & Bronwynn Neeser
(Include M. Kennelly & Juvenile/Youth Team Rep)

1. Build team / ask who wants to participate and include.
 - By ____/2023.
 - Point person: _____
2. Compile current Statutes/Rules regarding competency & Mental Health Code.
 - By ____/2023.
 - Point Person: _____
3. Analyze & identify Statutes/Rules that need changing & prioritize (talk with drafter).
 - By ____/2023.
 - Point Person: _____
4. Research other states for what is / is not effective.
 - By ____/2023.
 - Point Person: _____
5. Survey Pilot Districts 2, 3, 4, 12 for what is needed to inform effective statutory changes.
 - By ____/2023.
 - Point Person: _____
6. Draft new statutory language for prioritized Statutes/Rules.
 - By ____/____.
 - Point Person: _____
7. Once drafted, develop & implement plan to engage & collaborate with partners.
 - By ____/____.
 - Point Person: _____
8. Strategize & implement approach to governing bodies to gain support.
 - By ____/____.
 - Point Person: _____

TEAM OBJECTIVE # 2: Develop Forensic Behavioral Health System (Statewide)

Co-Chairs: Simone Viljoen & Bronwynn Neeser

1. Build team / ask who wants to participate and include.
 - By ____/2023.
 - Point person: _____
2. Connect to Behavioral Health Program & Behavioral Health Collaborative & DOH.
 - By ____/2023.
 - Point Person: _____
3. Research other states' systems for what is / is not effective.
 - By ____/2023
 - Point Person: _____
4. Design system as Forensic Behavioral Health wing of DOH.
 - By ____/____
 - Point Person" _____
5. Develop and implement plan to build community buy-in.
 - By ____/____
 - Point Person: _____
6. Develop workforce to carry out the plan.
 - By ____/____
 - Point Person: _____
7. Train / educate justice partners.
 - By ____/____
 - Point Person: _____
8. Develop curricula for Restoration.
 - By ____/____
 - Point Person: _____
9. Make State Hospital more effective.
 - By ____/____
 - Point Person: _____

(continued on next page)

TEAM OBJECTIVE # 2: Develop Forensic Behavioral Health System (cont'd)

10. Create out-patient clinics per targeted pilot districts.

- By ____/____
- Point Person: _____

11. Create Forensic Hospital.

- By ____/____
- Point Person: _____

TEAM OBJECTIVE # 6: Train & Educate Justice Partners / Implement General Public Outreach (Statewide)

Co-Chairs: Rena Scott & Jeremy Lihte
(Include Juvenile/Youth Rep)

1. Build team / ask who wants to participate and include.
 - By ____/2023.
 - Point person: _____

2. Identify needs for training / access & use current trainings.
 - By ____/____
 - Point Person: _____
 - i. Develop practitioners training.
 - By ____/____
 - Point Person: _____
 - ii. Develop & implement plan to educate re: Behavioral Health First Aid.
 - By ____/____
 - Point Person: _____
 - iii. Develop Terminology Guide.
 - By ____/____
 - Point Person: _____

3. Develop & implement Best Practices for judges.
 - By ____/____
 - Point Person: _____

4. Establish requirement for CLEs for Behavioral Health.
 - By ____/____
 - Point Person: _____

5. Develop & implement mechanism for officers to refer to specialty courts.
 - By ____/____
 - Point Person: _____

(continued on next page)

TEAM OBJECTIVE # 6: Train & Educate Justice Partners / Implement General Public Outreach (cont'd)

6. Prepare public for transformation.

- By ____/____
- Point Person: _____
 - i. Reach out to JCC partners, leaders, etc. to bring on board with changes.
 - By ____/____
 - Point Person: _____
 - ii. Hold community meetings.
 - By ____/____
 - Point Person: _____
 - iii. Leverage sound bites via local media (e.g., educate re: 988)
 - By ____/____
 - Point Person: _____
 - iv. Use info sheets, press releases, etc. (include victim advocacy)
 - By ____/____
 - Point Person: _____

**TEAM OBJECTIVE # 13: Integrate Juvenile and Youth Competency Issues.
(Targeted Pilot Districts)**

Co-Chairs: Angie Schneider & Amy Himelright

1. Build team / ask who wants to participate and include.
 - By ____/2023.
 - Point person: _____

2. Ensure perspectives regarding juvenile / youth competency are included in Commission Teams.
 - By ____/2023.
 - Point Person: _____

3. Create plan to address juvenile/youth competency issues that integrates with Commission strategic plan.
 - By ____/2023.
 - Point Person: _____

TARGETED DISTRICTS PILOT TEAM: Address All Objectives Per Targeted District.

Co-Chairs: Jaime Michael & Michael Barndollar

Oracles: B. Zamora, M. Kennelly, J. Lidyard

District 2 Rep: Bruce Fox

District 3 Rep: Jamie Michael

District 4 Rep: Christopher Baca

District 12 Rep: Angie Schneider

(Include Juvenile/Youth Rep)

1. Build team / ask who wants to participate and include.
 - By ____/2023.
 - Point person: _____

2. Develop and implement means to stay connected to and updated re: focus of actions in Statewide Teams for Objectives 1, 2, 6.
 - By ____/2023.
 - Point Person: _____

3. Gather current focused action items from Statewide Teams.
 - By ____/2023.
 - Point Person: _____

4. Prioritize Objectives 3, 4, 5, 7, 8, 9, 10, 11, 12, including focused action items in Statewide Teams & decide where the first focus will be for Targeted Districts.
 - By ____/2023.
 - Point Person: _____

5. Outline actions required to meet first focus.
 - By ____/2023.
 - Point Person: _____

6. Determine date to accomplish actions in #5. above and Point Person per action.
 - By ____/2023.
 - Point Person: _____

APPENDIX

BACKGROUND IN DEVELOPING FY 2024 – 2029 STRATEGIC PLAN

Interviews with voting and non-voting CMHC members revealed many issues. The top ten issues (not in prioritized order) were:

1. Forensic Navigation – connection to services when found incompetent;
2. Diversion (include need for alternative paths addressing non-violent cases);
3. Backlog in competency (evals to housing, to transport, case management, etc.);
4. Too few resources (current resources are not cohesive or not known);
5. Share data / better access to records;
6. Attorneys / Judges need training regarding competency;
7. Need statewide Behavioral Health System;
8. Community-based out-patient treatment;
9. Identify needed Statute / Rule changes; and
10. Pilot Behavioral Health systems to address unique needs in 2-3 targeted areas:
 - a. Work with key stakeholders to gain alignment;
 - b. Assist in making current resources effective;
 - c. Identify resource needs and plan to fulfill; and
 - d. Determine legislative/ rule changes required to implement plan.

Prior to deciding on a long-range goal, retreat participants brainstormed potential areas to focus on:

- Make diversion effective to lessen the representation of individuals with behavioral health challenges in the court system;
- Transform the competency system:
 - Increase services beyond competency
 - Amend competency statutes
 - Decrease time to disposition;
- Create an effective path from courts to services (i.e., create Forensic Navigator);
- Ensure adequate services are available;
- Create a Behavioral Health System;
- Educate judges and attorneys regarding services / statutes;
- Prevent individuals from falling through the cracks;
- Create means to and educate to identify and differentiate those who can be diverted to treatment and those to long-term care;
- Expand the understanding of restoration to competency;
- Move closer to the Miami Model of diversion;
- Divert misdemeanors;
- Create a universal validated screening tool per detention facility;
- Ensure each District has a Behavioral Health Navigator who has access to data;
- Create NM as a location clinicians and providers want to be;
- Create a Behavioral Health clinical program at UNM-HSC;
- Reduce stigma of and educate public regarding Behavioral Health treatment and competency;
- Create certified peer support workers at each intercept; and
- Share data within and across Behavioral Health and Judicial systems.