



GOVERNMENT OF
WESTERN AUSTRALIA

Department of Justice
North Metropolitan Health Service
Mental Health Commission



Your Guide to Start Court

Participant Manual

We acknowledge and pay respect to the Traditional Custodians of the lands upon which we operate across Western Australia.

Welcome

Welcome to the Perth Start Court.

What is the Start Court?

The Start Court is a solution-focused court for people experiencing a mental health issue. There is a focus on providing treatment and support, in the hope that this will stabilize your situation and give you a positive legal outcome.

The court sits Tuesday to Friday at the Magistrates Court, 501 Hay St, Perth. It has its own dedicated Team, so that wherever possible, you will be dealing with the same staff over the course of the Program.

Participation in Start Court is voluntary.

Start Court Aims:

We aim to reduce your future contact with the criminal justice system.

We aim to improve your mental health and overall wellbeing.

We aim to increase your connection with treatment support services and to the community generally by re-engaging or linking you with the most appropriate services and organisations.

We aim to help you achieve a legal outcome in respect of your charge/s that is proportionate, fair and appropriate to the circumstances of the offence and your mental health issues.

What are the benefits of attending the Start Court?

- Opportunity for you to be linked or re-engaged with the most appropriate services to help provide continuous care to manage your mental health issues;
- Access to a wide range of supports in areas of mental health, physical health and alcohol and other drug use, community living and social circumstances; and
- To have your participation and achievements in Start Court taken into consideration in your final sentence.

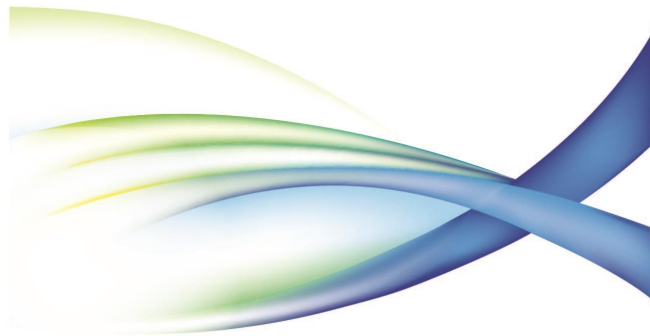
YOUR RIGHTS	YOUR RESPONSIBILITIES
<ul style="list-style-type: none"> - To be treated with dignity and without discrimination. - To decide whether you wish to participate in the Start Court. - To receive the most appropriate help and support possible from the Start Court Team. - To be informed of the Start Court process and have the opportunity to ask questions or raise concerns. - To discontinue participation in the Start Court Program at any stage (please contact a member of the Start Court Team or your legal representative). 	<ul style="list-style-type: none"> - To actively and honestly participate in Assessments by the Start Court Team. - To follow any lawful instructions of the Magistrate or Start Court Team. - To work with the Start Court Team to identify and achieve your goals. - To ask questions or let a member of the Start Court Team know if something is not clear.

Who is in the Start Court Team?

The Team consists of the following dedicated people;

- Magistrate
- Police Prosecutor
- Duty Lawyer Service (which is a free service)
- Mental Health Law Centre lawyers and paralegals
- Court Orderly
- Judicial Support Officer
- Court Coordinator
- Psychiatrist
- Psychologist
- Clinical Nurse Specialists
- Senior Social Worker
- Senior Community Corrections Officers
- Outcare Coordinators
- Peer Support Workers
- Administration Officer
- Consumer and Family/Carer Representatives
- Drug and Alcohol Diversion Officer

You can also access the support of the Senior Aboriginal Liaison Officer.

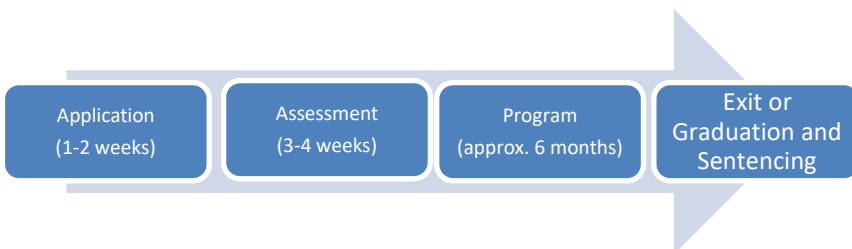


The members of the Team can offer support in four (4) key areas;

- 1. Legal Support** (from Legal Aid Duty Lawyers and Mental Health Law Centre Lawyers/Paralegals)
- 2. Clinical and Corrections Support** (from Clinical Nurses, Psychiatrist, Psychologist, Senior Social Worker, Community Corrections Officers and Senior Aboriginal Liaison Officer)
- 3. Social/Community Support** (from Outcare Coordinators and Peer Support Workers)
- 4. Access to Alcohol and Other Drug Support** (from Diversion Officer and Community Corrections Officers)

What will happen in the Start Court?

The flowchart below shows the stages in Start Court (a full description of each stage follows). The durations of each stage are approximate, and will vary depending on the individual needs and availability of Start Court resources.



Application stage:-

- You have been referred to Start Court to address and seek professional help to improve your mental health and overall wellbeing.
- Start Court is a voluntary court and you can make a choice about whether you wish to participate and whether you would like to attend an Information Session.
- Information Sessions are held every Wednesday at 9.30am at Perth Magistrates Court.
- After the Information Session, you will come before the Magistrate on the same day.
- If you decide that you wish to continue in the Start Court, you or your lawyer can ask for you to be assessed for the Start Court Program. An Assessment Interview will be arranged when you will meet with a member of the Clinical Team and Outcare (normally in 1-2 weeks). This appointment will be held at Perth Magistrates Court, Level 5, Interview Room 5.2.
- You may also be offered an appointment with a Community Corrections Officer at a different time and place.
- It is very important that you attend the appointment/s. If you have any problems with the date or time, you must contact the Clinical Team on **6372 4400** or email STARThealth@health.wa.gov.au.
- The Magistrate will also set a date for you to come back to Court to get the results of the Assessment. This is normally approximately 2 weeks after your Assessment.

- You cannot be assessed for the Start Court if you do not sign a consent form. You will have the opportunity to seek legal advice before signing the consent form and it will need to be witnessed. This will occur following the Information Session and before you appear in court.
- If you choose to sign the consent form, this allows the Team to contact your family/carers, health professionals and other support agencies for relevant information to complete your Assessment. The Start Court Team can also advise the court or other health professionals/agencies of relevant or updated information.
- We do appreciate that some issues are sensitive, so please inform a member of the Clinical Team if there are things you do not wish to be known outside the court. It is important for Start Court to keep external agencies up-to-date with appropriate information which best helps to keep you mentally stable and you and the community safe.
- During the Assessment interview there will be time spent discussing your needs, strengths, goals and options that may be available to you.

Assessment stage:-

- The court will be given a written report about the Assessment.
- On the day of your next court appearance, your lawyer, or the duty lawyer, will discuss the Assessment Report with you and will ask you what you would like to happen. At the end of the Assessment Report it will outline if you are suitable for the Program, and the specific areas that Start

Court can assist in. You can request a copy of the Assessment Report if you like.

- When you appear before the Magistrate, your lawyer, or the duty lawyer, will make a submission on your behalf. If needed, your matters may be adjourned for further legal advice.
- After reading the Assessment Report and hearing from you, your lawyer and the prosecutor, the Magistrate will decide if you can be accepted on to the Program.
- The Assessment Report may not recommend you as suitable for the Program. This normally means that Start Court cannot offer further support or assistance over and above what is already provided to you. The Assessment Report may suggest an alternative court or service to provide you with assistance.
- The Assessment Report may suggest delaying a decision about whether you can be accepted onto the Program so you can demonstrate you are able to attend appointments or comply with bail conditions.

Program stage:-

- If you are accepted on the Program, you will be asked to return to court on a Thursday afternoon or Friday morning for your first check-in.
- At your first check-in the Magistrate will ask you to sign a contract, which is an agreement by you to the rules of participating in the Program. The Magistrate will also hear the facts of the offences and discuss your Individual Start Court Plan with you.
- Your key worker will work with you and your family/carers to develop your Individual Start Court Plan. The Plan will outline your goals and strategies/supports to help address your needs and build on your strengths. This Plan will be

shared with the Magistrate, your lawyer and the Start Court Team.

- Further check-ins will be on either a Thursday or Friday morning. Check-ins will happen between a fortnightly or monthly basis when you first start on the Program. The purpose is to monitor progress on your Plan.
- How regularly you check-in will depend on your needs and other commitments, and you can have a say in this.
- You will need to set aside a full morning for these Thursday or Friday check-ins. **Please attend court no later than 10.00am.** You should advise the Court Orderly that you are present, and your key worker and lawyer will briefly (separately) meet with you before court commences. Please be patient and wait outside the courtroom until you have been seen. You may then enter the court and wait for your matter to be called on.
- You may also need to be aware of parking issues if you intend to drive into the city for your appearances.
- One of the Clinical Team or Community Corrections Officers will be allocated as your key worker for your time on the Program.
- You can meet with your key worker and talk about any issues you have on check-in days.
- Your key worker will update the court on your progress on the Plan at each of your check-ins.
- You may also be required to attend other appointments. These could include; appointments with a psychologist, a GP, a Mental Health Clinic, urinalysis, counselling, employment specialist, etc. During the COVID 19 pandemic, some of these appointments may be by telephone rather than face to face.
- You will be on bail for each court appearance and the bail may have conditions e.g. provide samples for urinalysis.

- If you are not complying with the rules of the Program, the Magistrate may impose stricter bail conditions or increased court appearances. If you are doing well in the Program, the Magistrate may impose less strict bail conditions or less frequent court appearances.
- The Program may take approximately 6 months.

Early Exit and Sentencing:-

- Early exit means that you are leaving the Program prior to Graduation.
- Participation in Start Court is voluntary, and you can choose to leave the Program at any stage.
- If you choose exit the Program early, simply attend court and indicate to the Magistrate that you no longer wish to participate.
- The Start Court Team will endeavour to address any complaints or concerns you have in order for you to maintain engagement or inclusion in the Start Court Program.
- You may be exited from the Program if you re-offend while on the Program or if you do not comply with the rules of the Program. The Magistrate will make this decision. The Magistrate will take into account your personal circumstances, the type of reoffending/non-compliance and your reasons for reoffending/non-compliance.
- If you exit the Program early, your matter will be listed for sentencing in Start Court on a date that is convenient for you and the court.

Graduation and Sentencing:-

- In the lead up to sentencing, the Magistrate may request a report from the Start Court Community Corrections Officer. This report will summarise all the progress you have made on the Program or recommendations for further assistance after you are sentenced.
- Whether you Graduate or not, The Magistrate will consider your participation in the Program and it will be taken into account in sentencing.
- If you have made good progress towards achieving the goals in your Plan, you will Graduate from the Start Court Program, and your key worker will prepare a Recovery Plan for you. At the Graduation ceremony, the Magistrate will present you with the Recovery Plan and key members of Team will congratulate you on your achievements.
- The Recovery Plan will assist you into the future by reminding you of your achievements and identify prompts in order for you to maintain mental health and overall wellbeing.

Important information during the COVID 19 pandemic

During the COVID 19 pandemic, if you are feeling unwell or have been in contact with someone who has COVID 19, please **do not come to court.**

Either: Call the court on **9425 2222** or **9425 3423**

Or: email perthmagistratescourt@justice.wa.gov.au

and you can be excused and your matter remanded to another date.

Frequently asked questions:

What is a mental health issue for the purposes of Start Court?

It means a health condition that results in changes in thinking, mood or behaviour, with identifiable symptoms over a period of time which cause significant distress and/or impaired functioning. If you have not been formally diagnosed with a mental health issue, Start Court can assist you to gather information about your symptoms and functioning from a GP or other mental health clinician.

Do I have to enter a plea to come into Start Court?

No. An *indicated* plea of guilty is all that is required at the time of application. This leaves room for any negotiations between your lawyer and the prosecution. However if you wish to plead NOT GUILTY to all your charges, then you will not be eligible for Start Court, and will need to be sent to another court for your trial.

If you are deemed suitable and you wish to begin on the Program you will need to enter pleas of guilty to most of your charges at that stage.

Do I have to live in the metro area to come into Start Court?

No, but if you live in a rural area, this may cause you issues in attending court or other services regularly.

If you are assessed as suitable for the Start Court Program, you will be required to attend court in the Perth CBD on a regular

basis, but you may be able to access other services near where you live.

Can I participate in Start Court if I am already linked in with a Mental Health Service Provider?

Yes. You will be assessed by the Start Court Clinical staff or Community Corrections Officer to see if there are any *other* supports you may need or want either clinically, socially, or to address drug and/or alcohol issues. Legal support can also be provided.

What happens if I don't go to appointments or I get charged with another offence?

You will not automatically be exited from the Program. The Magistrate will make a decision based on all of the information and circumstances. If you remain in the Program, the Magistrate may impose stricter bail conditions or increased court appearances for a period of time.

What should I do if I am sick on a day I should be attending court?

You should contact the court by phone on **9425 2222** or email perthmagistratescourt@justice.wa.gov.au before 10am on the day you are due in court and explain why you can't attend. You should also obtain a medical certificate to bring to court on the next court date as evidence that you were unwell.

If the Magistrate knows why you were unable to attend, it is likely your matters will be adjourned to another date. If the court does not know why you have not attended court, it is likely an arrest warrant will be issued.

Is it a problem if I am in hospital on a day I should be attending court?

No. Simply have a Social Worker or Nurse from the hospital contact the Clinical Team on **6372 4400** to explain that you are currently in hospital. The Clinical Team will confirm this through their Health Department database, and inform the court of the reason for your absence. Your matters will be adjourned to another date. The hospital can contact the court on **9425 2222** to find out what date your matters were adjourned to. Your treating Team may be asked to provide a clinical update for the court regarding your hospitalisation.

Can I attend an alcohol and/or other drug residential rehabilitation Program whilst in Start Court?

During the COVID 19 pandemic many residential rehabilitation facilities may not be accepting new clients or there may be a delay in accepting new clients.

Participants who are participating in residential rehabilitation may have their court dates deferred to suit the rehabilitation requirements. The Start Court Team will liaise with the rehabilitation facility to obtain information about your progress.

Can I leave the Start Court Program without completing it?

Yes. Participation in Start Court is voluntary, and you can leave the Program at any stage. Simply attend court and indicate to the Magistrate that you no longer wish to participate. The Magistrate will sentence you at an appropriate time and take into account your participation to that point. You will not receive an additional punishment for choosing to leave the Program early.

What to do if you need urgent help or support

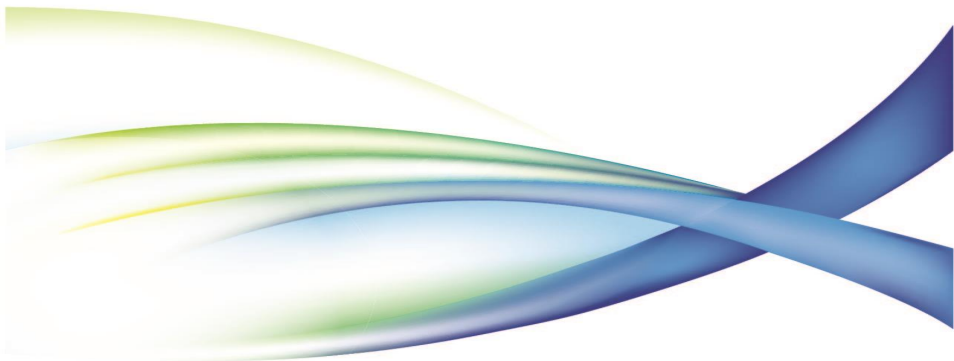
While we hope to assist you with your mental health or social needs as soon as possible, we wish to suggest other agencies for you to contact should you need urgent help or support.

If you or a carer/family member believe you require an urgent Mental Health Assessment (regardless of the day or time) we recommend the following:

- Call the Mental Health Emergency Response Line (MHERL) on 1300 555 788 (if in Peel area 1800 676 822). MHERL will advise you the best course of action or alternatively provide you with support on the telephone.
- Present to a hospital Emergency Department, whereby a Mental Health clinician should be available to complete a Mental Health Assessment.
- You may also wish to contact your allocated clinician at your local Mental Health Service. This would only be Monday – Friday, 9am to 4pm.
- If you or another person is in imminent risk of suicide or risk to others, please call Police or Ambulance on 000.

Alternatively if your problem does not require urgent attention or isn't an emergency you may wish to utilise the following support services:

- Your local or known General Practitioner (GP). Your GP may wish to complete a Mental Health Care Plan and refer you to a counsellor or other support agency. Your GP may also wish to refer you to the local Mental Health Service.
- Your allocated Case Manager or treating clinician at your Mental Health Service.



Contacts

Start Court Clinical and Outcare Team	6372 4400
Start Court Administration (Magistrates Court).....	9425 3423
	9425 3422
Legal Aid (Reception).....	9261 6227
Mental Health Law Centre (Reception).....	9328 8012
	(Freecall) 1800 620 285
Emergency.....	000
Mental Health Emergency Response Line.....	1300 555 788
	(Peel) 1800 676 822
Lifeline.....	13 11 14
Samaritans Crisis Line.....	13 52 47
Crisis Care (Family Helpline).....	9223 1111
Alcohol and Drug Support Line	9442 5000
	(Country 1800 198 024)
Helping Minds.....	1800 811 747
Specialist Aboriginal Mental Health Service.....	9235 2400
Wungening.....	92211411
Richmond Wellbeing	1800 742 466
Derbal Yerrigan Health Services.....	9421 3888