



GOVERNMENT OF  
WESTERN AUSTRALIA

Department of the **Attorney General**  
Department of **Corrective Services**  
Department of **Health**  
**Mental Health Commission**



# A Guide to Start Court

For Family and Carers



## Welcome

The Start Court welcomes and encourages the family and carers of its clients to be involved.

## What is the Start Court?

The Start Court is a solution focused court for people experiencing a mental health issue. This means that there is a focus on providing treatment and support, in the hope that this will stabilize their situation and give them 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, your family member and you will be dealing with the same staff over the course of the programme.

Participation in Start Court is voluntary.

## Start Court Aims:

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

We aim to improve clients' mental wellbeing.

We aim to increase clients' connection with treatment support services, re-engage and/or link them with the most appropriate services to help manage their mental health, and improve their social connectedness and address the issues that have brought them to court.

## What are the benefits of attending the Start Court?

- Opportunity for the participant to be linked or re-engaged with the most appropriate services to help provide continuous care to manage their mental health issues
- Access to a wide range of supports in areas of mental health, community living and social circumstances.
- To have their participation and progress in the Start Court programme taken into consideration in their final sentence.

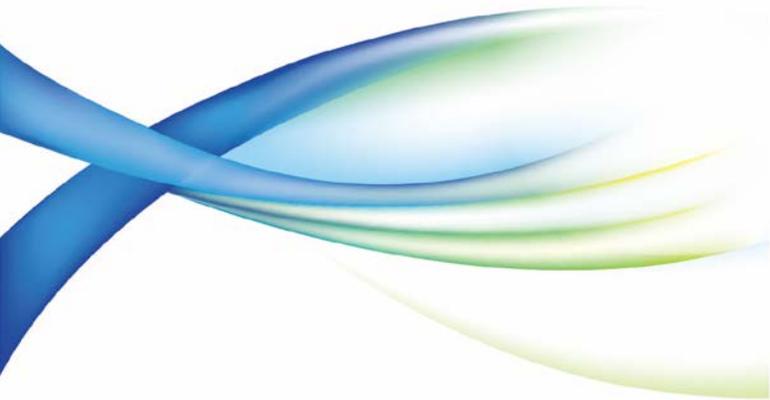
<b>PARTICIPANTS RIGHTS</b>	<b>PARTICIPANTS RESPONSIBILITIES</b>
<ul style="list-style-type: none"> <li>- To be treated with dignity and without discrimination of any kind.</li> <li>- To decide whether they wish to participate in the Start Court.</li> <li>- To receive the most appropriate help and support possible from the Start team</li> <li>- To be informed of the Start Court process and have any questions or concerns addressed</li> <li>- To discontinue participation in the Start Court programme at any stage (please contact a member of the Start Court team, or legal representative).</li> </ul>	<ul style="list-style-type: none"> <li>- To actively and honestly participate in assessments by the Start team</li> <li>- To follow any lawful instructions/conditions given by the Magistrate or Start team.</li> <li>- To work with the Start team to achieve goals.</li> <li>- To ask questions or let a member of the Start team know if something is not clear.</li> </ul>

## Who is in the team?

The team consists of a dedicated;

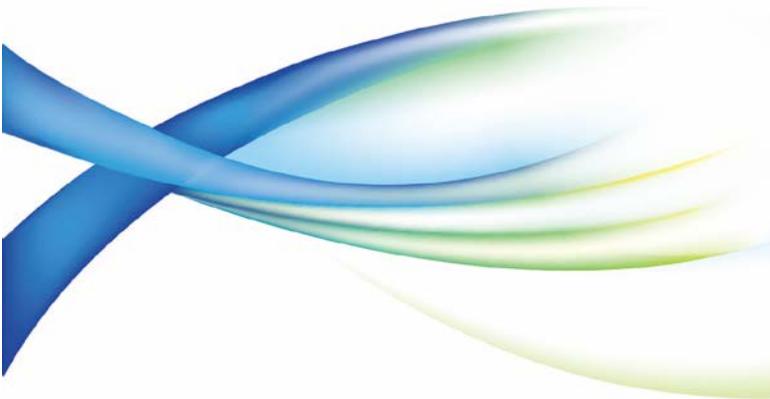
- Magistrate
- Police Prosecutor

- Duty Lawyer Service (which is a free service),
- Court Orderly
- Judicial Support Officer
- Court Coordinator
- Psychiatrist
- Psychologist
- Specialised Clinical Nurses
- Senior Social Worker
- Senior Community Corrections Officers
- Outcare Coordinators
- Peer Support Workers
- Administration Officer
- Consumer and Family/Carer Representatives



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)
2. **Clinical and Corrections Support** (from Clinical Nurses, Psychiatrist, Psychologist, Senior Social Worker and Community Corrections Officers)
3. **Social/Community Support** (from Outcare Coordinators and Peer Support Workers)
4. **Alcohol and Other Drug Support** (from Diversion Officer and Community Corrections Officers)



## Inclusion of family and carers, and recognising their needs.

Evidence indicates that individuals do better in recovery if their family members are involved and supported.

Start Court acknowledges how distressing it can be to support a mentally unwell family member/friend who is going through court, and how the family member's/carer's attention is often focussed on the individual. It is therefore important for families to take advantage of support for themselves, in addition to receiving support through Start Court.

The last page of this booklet lists contact details for services that can assist family and carers.

## What will happen in the Start Court?

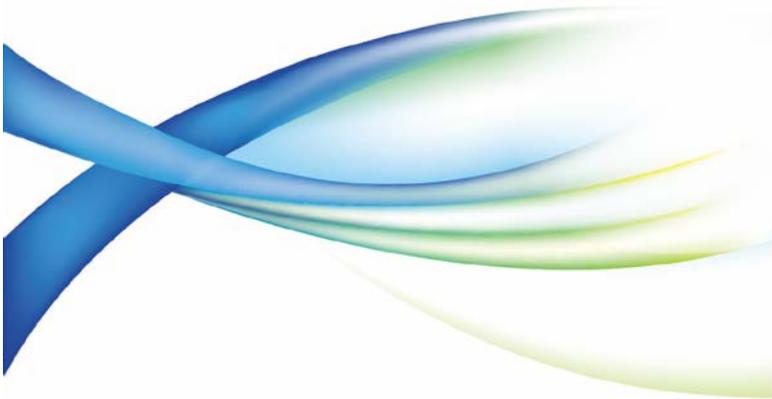
The flowchart below shows the stages in Start Court (a full description of each stage follows). The durations of each stage are approximate, and will vary depending on the individual needs and availability of Start Court resources.



### **Application stage:-**

- Start Court is a voluntary court and an accused can make a choice about whether they wish to participate and would like an assessment by the clinical team.
- If the accused indicates to the court that they are willing to attend an assessment for Start Court, they will be adjourned to an Information Session (held on Wednesday's at 9.30am at Perth Magistrates Court.
- After the Information Session, they will come before the Magistrate on the same day
- If they decide that they wish to continue in the Start Court, a member of the Clinical Team will offer them an appointment time to meet with them and Outcare (normally in 3-4 weeks). This appointment will be held at Perth Magistrates Court, Level 5, Interview Room 5.2.
- It is very important that they attend the appointment. If they have any problems with the date or time, they, or you, must contact the Start Clinical Team on **9224 2028** or email [STARThealth@health.wa.gov.au](mailto:STARThealth@health.wa.gov.au).
- You are welcome, and we encourage applicants to include family members or carers at the assessment appointment.
- The magistrate will also set a date for them to come back to court to get the results of the assessment. This is normally approximately 2 weeks following their assessment.

- They cannot be assessed for the Start Court if they do not sign a consent form. This will need to be witnessed by their lawyer or the duty lawyer and handed in to court on the day they are requesting an assessment.
- If they choose to sign the consent form, this allows the Start Court team to contact family/carers, health professionals and other support agencies if needed to assist with completing their assessment. We can also advise the court of any relevant matters, and update information about them to health professionals and agencies.
- During the assessment there will be time spent discussing their needs, strengths and options that may be available to them.
- The court will be updated on the assessment and plans discussed, by way of an assessment report.



## **Assessment stage:-**

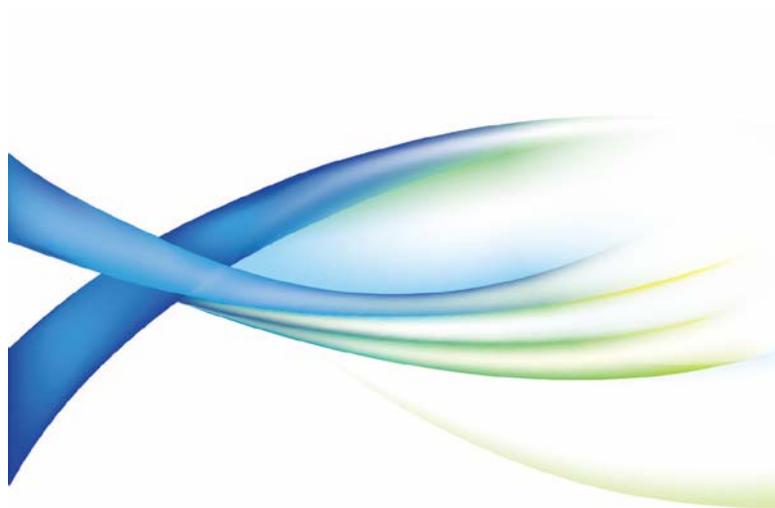
- On the day of the accused's next court appearance, their lawyer, or the duty lawyer, will discuss the assessment report with them and will ask them what they would like to happen. At the end of the report it will outline if they are suitable for the Start Court programme, and the specific areas that Start Court can assist in. They can request a copy of the assessment report.
- When they appear before the Magistrate, their lawyer, or the duty lawyer, will make a submission on their behalf. Sometimes matters may be adjourned for further legal advice.
- After hearing from everyone, the Magistrate will decide if they can be accepted on to the programme.
- The report may indicate that all their needs are currently being met in the community, and that on that basis they may not be recommended for the programme. This normally means that Start Court cannot offer further support or assistance over and above what is already provided to them. In addition to this we may suggest an alternative court or service to provide them with assistance.

## Programme stage:-

- If the accused is successfully placed on the programme, the Magistrate will ask them to sign a contract. They will be asked to return to court on a Thursday or Friday for the programme check-in.
  - They will usually be asked to return to appear in court for check-ins on a weekly or fortnightly basis when they first start on the programme.
  - They will need to set aside a full morning for these Thursday or Friday check-ins. **They should attend court no later than 10.00am.** They should advise the Court Orderly that they are present, and their key worker and lawyer will briefly (separately) meet with them before court commences. You are welcome to attend and participate in these check-in meetings.
  - Please be patient and wait outside the courtroom until you and the participant have been seen. You may then enter the court and wait for the matter to be called on.
  - You and the participant may also need to be aware of parking issues if you intend to drive into the city for court appearances.
  - One of the Clinical Team or Community Corrections Officers will be allocated as the participant's key worker for the time they are part of the programme.
  - They can meet with their key worker from the team and talk about any issues they have at these check-in days.
  - Interval times for check-ins with court will be assessed and discussed with you and the participant, and subject to their current needs, and other commitments, there may be some flexibility as to how regularly they attend court.
- 
- The key worker will work with the participant and their family/carers to develop their individualised care plan and outline goals and strategies which will help address their needs and build on their strengths. This will include a

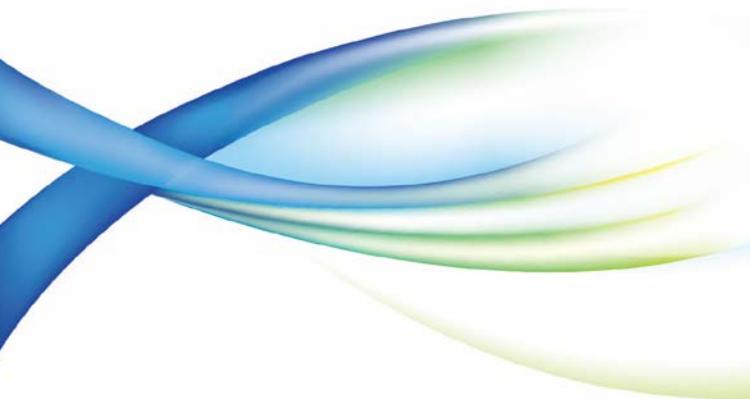
meeting at the start of their journey on the Start Court programme outside of court days.

- The key worker will update the court on the participant's progress before each of their court attendances.
- The participant 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.



## **Exit stage:-**

- On completion of the Start Court programme (which could take up to 6 months) an exit report will be prepared by the Start Court Community Corrections Officer and provided to the Magistrate. This report will include all the progress the participant has made on the programme or recommendations for further assistance post sentencing.
- On completion of the Start Court programme the participant will be given a Recovery Plan to assist them into the future. This will remind them of their achievements and identify prompts in order for them to maintain a healthy mental wellbeing.
- The Magistrate will consider their participation in the programme. This is relevant to sentencing.



## Frequently asked questions:

### **Does the accused 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 the Prosecution and Defence. However if the accused wishes to plead NOT GUILTY to all their charges, then they will not be eligible for Start Court, and will need to be sent to another court for trial. The Start Court is not resourced to conduct trials, and legal issues arise in discussing offending behaviour with the client if there is a not guilty plea.

### **Does the accused have to live in the metro area to come into Start Court?**

No, but if they live in a rural area, this may cause them issues in attending court regularly.

If they are assessed as suitable for the Start Court programme, they will be required to attend court in the Perth CBD on a very regular basis.

### **Can an accused participate in Start Court if they are already linked in with a Mental Health Service Provider?**

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

## **Is it a problem if the participant is in hospital on a day they should be attending court?**

No. Simply have a Social Worker or Nurse from the hospital contact the Clinical Team on **9224 2028** to explain that they are currently in hospital. The clinical team will confirm this through their Health Department data base, and inform the court of the reason for their absence. Their matters will be adjourned to another date. You and the hospital can contact the court on **9425 2222** to find out what date the matters were adjourned to. The treating team may be asked to provide a clinical update for the court regarding the hospitalisation.

## **Can a participant attend an alcohol or other drug residential rehabilitation programme whilst in Start Court?**

Yes. Participants who are in residential rehabilitation for alcohol or other drug treatment 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 their progress.

## **Can a participant leave the Start Court programme without completing it?**

Yes. Participation in Start Court is voluntary, and participants can leave the programme at any stage. The participant simply attends court and indicates to the magistrate that they no longer wish to participate. The magistrate will either sentence them immediately, or remand their matters off to another court for sentencing. We will endeavour to address any complaints or concerns they have in order for them to maintain engagement or inclusion in the Start Court programme.

## **What to do if you need urgent help or support**

Whilst we hope to assist the accused with their 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 believe they 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 (Peel area 1800 676 822). MHERL will advise you the best course of action or alternatively provide you with support on the telephone.
- Present them to a hospital Emergency Department, whereby a Mental Health clinician should be available to complete a Mental Health Assessment.
- Contact their allocated clinician at their local Mental Health Service. This would only be Monday – Friday, 9am to 4pm.
- If a person is in imminent risk of suicide or risk to others, please call Police or Ambulance on 000.

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

- Their local or known General Practitioner (GP). Their GP may wish to complete a Mental Health Care Plan and refer them to a counsellor or other support agency. Their GP may also wish to refer them to the local Mental Health Service.
- Their allocated Case Manager/clinician at their Mental Health Service.
- Samaritans Crisis Line – 13 52 47
- Lifeline (support for people feeling suicidal) – 13 11 14
- Crisis Care (Family Helpline) – 9223 1111
- Alcohol and Drug Support Service - 9442 5000 (Country – 1800 198 024)
- Parent Drug Support Service - 9442 5050
- Families 4 Families WA – 0413 861 049 or 9328 9200
- Helping Minds - 1800 811 747

## Contacts

Start Court Clinical and Outcare Team ..... 9224 2028

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)
Parent and Family Drug Support Line .....	9442 5050
	(Country 1800 653 203)
Families 4 Families WA .....	0413 861 049
	9328 9200
Helping Minds .....	1800 811 747

