



GOVERNMENT OF  
WESTERN AUSTRALIA  
Department of Justice  
North Metropolitan Health Service  
Mental Health Commission



# A Guide to Start Court

For Family and Carers

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

## Welcome

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

## What is the Start Court?

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 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 Program.

Participation in Start Court is voluntary.

## Start Court Aims:

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

We aim to improve participants' mental health and overall wellbeing.

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

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

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

- Opportunity for a 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, physical health and alcohol and other drug use, community living and social circumstances; and
- To have participation and achievements in Start Court taken into consideration in a participant’s final sentence.

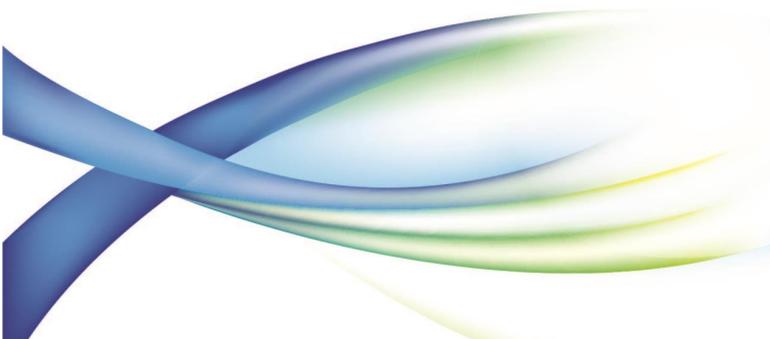
PARTICIPANTS’ RIGHTS	PARTICIPANTS’ RESPONSIBILITIES
<ul style="list-style-type: none"> <li>- To be treated with dignity and without discrimination.</li> <li>- To decide whether they wish to participate in the Start Court.</li> <li>- To receive the most appropriate help and support possible from the Start Court Team</li> <li>- To be informed of the Start Court process and have the opportunity to ask questions or raise concerns.</li> <li>- To discontinue participation in the Start Court Program 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 Court Team.</li> <li>- To follow any lawful instructions of the Magistrate or Start Court Team.</li> <li>- To work with the Start Court Team to identify and achieve their goals.</li> <li>- To ask questions or let a member of the Start Court Team know if something is not clear.</li> </ul>

## Who is in the team?

The team consists of the following dedicated people;

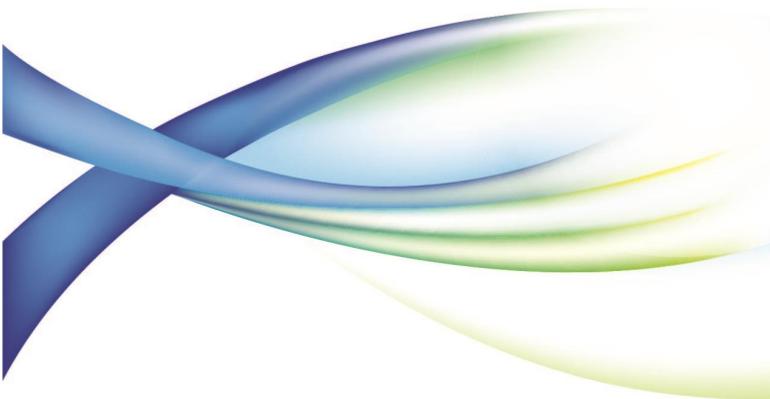
- Magistrate
- Police Prosecutor
- Duty Lawyer Service (which is a free service)
- Mental Health Law Centre lawyers and paralegals
- Court Orderly
- Judicial Support Officer
- Court Coordinator
- Psychiatrist
- Psychologist
- Clinical Nurse Specialists
- Senior Social Worker
- Senior Community Corrections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

Support from the Senior Aboriginal Liaison Officer can also be accessed.



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. Alcohol and Other Drug Support** (from Diversion Officer and Community Corrections Officers)



## **Inclusion of family and carers and recognition of 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.

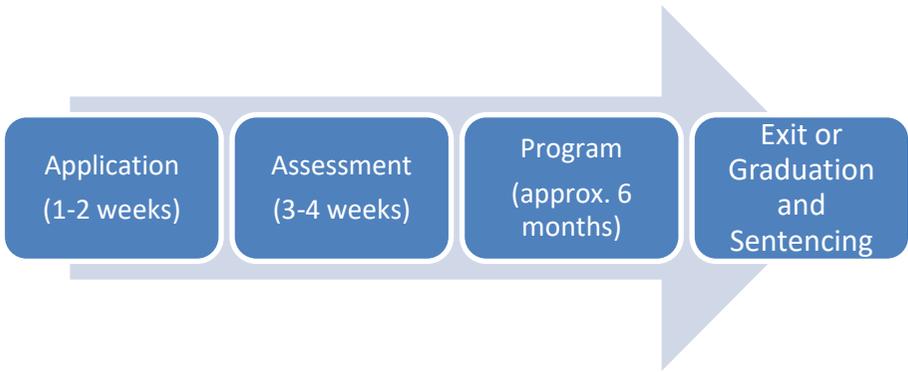
The Family/Carer Peer Support Worker can also offer support. During the COVID 19 pandemic this support may sometimes be by way of telephone.

During the COVID19 pandemic, access to court buildings has been restricted. For that reason we currently limit the number of support people attending court, and ask that only one person accompanies anyone appearing in court.

You may be contacted by the Start Court Family and Carer Representative to complete a Start Court Family/Carer Satisfaction Survey over the telephone. Results of this survey can serve to guide future improvements to the Program.

## What will happen in the Start Court?

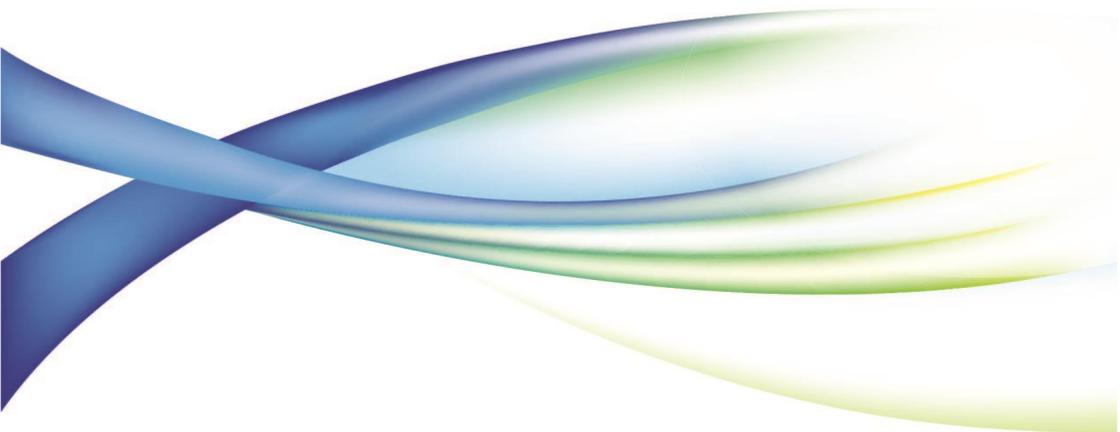
The flowchart below shows the stages in Start Court (a full description of each stage follows). The durations of each stage are approximate, and will vary depending on the individual needs and availability of Start Court resources.



## Application stage:-

- Start Court is a voluntary court and a potential participant can make a choice about whether they wish to participate and whether they would like to attend and Information Session.
- Information Sessions are held every Wednesday 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, they or their lawyer can ask for them to be assessed for the Start Court Program. An Assessment Interview will be arranged when they 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.
- The participant may also be offered an assessment with a Community Corrections Officer at a different time and place.
- Start Court welcomes family members and carers to be involved in the Assessment appointment, and we encourage potential participants to include family members or carers. During the COVID 19 pandemic we ask that only one support person accompanies the participant to the Assessment interview.
- It is very important that they attend the appointment/s. If they have any problems with the date or time, they, or you must contact the Start Clinical Team on **6372 4400** or email [STARThealth@health.wa.gov.au](mailto:STARThealth@health.wa.gov.au).

- The Magistrate will also set a date for them to come back to court to get the results of the Assessment. This will be approximately 2 weeks after their Assessment.
- They cannot be assessed for the Start Court if they do not sign a consent form. They 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 they appear in court.
- If they choose to sign the consent form, it allows the Team to contact family/carers, health professionals and other support agencies for relevant information to complete their Assessment. The Start Court Team can also advise the court or other health professionals/agencies of any relevant or updated information.
- During the Assessment there will be time spent discussing their needs, strengths, goals and options that may be available to them.



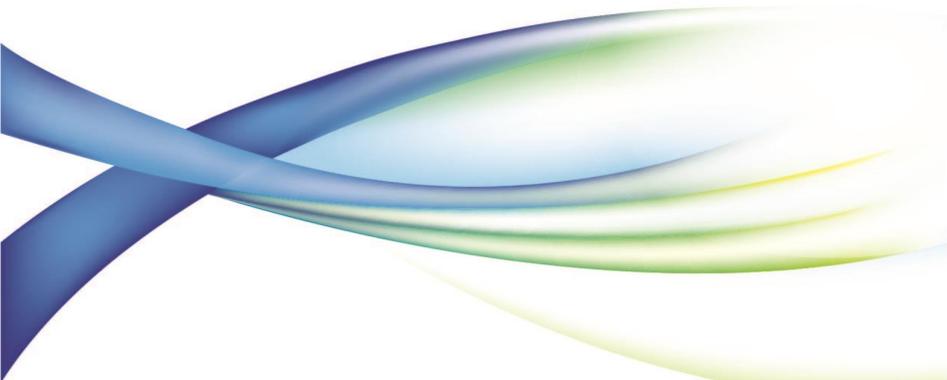
## **Assessment stage:-**

- The court will be given a written report about the Assessment.
- On the day of the potential participant'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 Assessment Report it will outline if they are suitable for the Program, 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. If needed, their matters may be adjourned for further legal advice.
- After reading the Assessment Report and hearing from the potential participant, their lawyer and the prosecutor, the Magistrate will decide if they can be accepted on to the Program.
- The Assessment Report may indicate that all their needs are currently being met in the community, and they may not be recommended for the Program. This normally means that Start Court cannot offer further support or assistance over and above what is already provided to them. The Assessment Report may suggest an alternative court or service to provide them with assistance.
- The Assessment Report may suggest delaying a decision about whether a potential participant can be accepted onto the Program so they can demonstrate they are able to attend appointments or comply with bail conditions.

## Program stage:-

- If the participant is accepted on the Program, they will be asked to return to court on a Thursday afternoon or Friday morning for a first check-in,
- At their first check-in the Magistrate will ask them to sign a contract, which is an agreement by them to the rules of participating in the Program. The Magistrate will also hear the facts of the offences and discuss the participant's Individual Start Court Plan with them.
- The participant's key worker will work with them and you to develop the Individual Start Court Plan. The plan will outline their goals and strategies/supports to help address their needs and build on their strengths. This plan will be shared with the Magistrate, the 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 they first start on the Program. The purpose is to monitor the participant's progress on their Plan.
- How regularly they check-in will depend on their needs and other commitments and they, and you can have a say in this.
- 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. During the COVID 19 pandemic, one family member/support person is welcome to also attend and participate in these check-in meetings. Please be patient and wait outside the courtroom until seen. You may then enter the courtroom and wait for the matter to be called on.

- The participant may also need to be aware of parking issues if they 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 their time on the Program.
- You and the participant can meet with their key worker and talk about any issues on check-in days.
- The key worker will update the court on the participant's progress on the Plan at each of their check-in's.
- 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. During the COVID 19 pandemic, some of these appointments may be by telephone rather than face to face.
- The participant will be on bail for each court appearance and the bail may have conditions e.g. provide samples for urinalysis.
- If a participant is not complying with the rules of the Program, the Magistrate may impose stricter bail conditions or increased court appearances. If they 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:-**

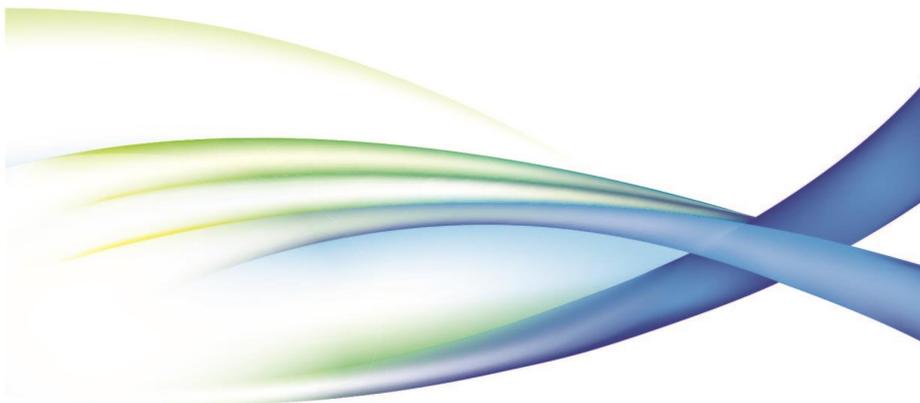
- Early exit means that the participant is leaving the Program prior to Graduation.
- Participation in Start Court is voluntary and the participant can choose to leave the Program at any stage.
- If they choose to exit the Program early, they should simply attend court and indicate to the Magistrate that they no longer wish to participate.
- The Start Court Team will endeavour to address any complaints or concerns you or the participant have in order for them to maintain engagement or inclusion in the Start Court Program.
- The participant may be exited from the Program if they re-offend while on the Program or if they do not comply with the rules of the Program. The Magistrate will make the decision. The Magistrate will take into account the participant's personal circumstances, the type of reoffending/non-compliance and their reasons for reoffending/non-compliance.
- If the participant exits the Program early, their matter will be listed for sentencing in Start Court on a date that is convenient for them 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 the participant has made on the Program or recommendations for further assistance after sentencing.
- Whether the participant Graduates or not, The Magistrate will consider their participation in the Program and it will be taken into account in sentencing.
- If the participant has made good progress towards achieving the goals in their Plan, they will Graduate from the Start Court Program, and their key worker will prepare a Recovery Plan for them. At the Graduation ceremony, the Magistrate will present the participant with the Recovery Plan and key members of the Team will congratulate them on their achievements.
- The Recovery Plan will assist the participant into the future by reminding them of their achievements. It will identify prompts in order for them to maintain mental health and overall wellbeing.
- Start Court welcomes family members and carers to be involved in the Graduation and sentencing. During the COVID 19 pandemic there may be some restrictions as to how many people can attend the graduation.

# Important information during the COVID 19 pandemic

- During the COVID 19 pandemic, if participants or family/carers are feeling unwell or have been in contact with someone who has COVID 19, they should **not come to court**.
- Either:
  - Call the court on **9425 2222** or **9425 3423** or
  - email [perthmagistratescourt@justice.wa.gov.au](mailto:perthmagistratescourt@justice.wa.gov.au)and the participant can be excused and their 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 a potential participant has not been formally diagnosed with a mental health issue, Start Court can assist them to gather information about their symptoms and functioning from a GP or other mental health clinician.

### **Does a potential participant 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 their lawyer and the prosecution. However if the potential participant 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.

If the participant is deemed suitable and wishes to begin on the Program they will need to enter pleas of guilty to most of their charges at that stage.

### **Does a potential participant 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 and other services regularly.

If they are assessed as suitable for the Start Court Program, they will be required to attend court in the Perth CBD on a regular basis, but they may be able to access other services near where they live.

### **Can a potential participant come into 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.

## **What happens if a participant doesn't go to appointments or if they get charged with another offence?**

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

## **What should a participant do if they are sick on a day they should be attending court?**

The participant should contact the court by phone on **9425 2222** or email [perthmagistratescourt@justice.wa.gov.au](mailto:perthmagistratescourt@justice.wa.gov.au) before 10.00am on the day they are due in court and explain why they can't attend. They should also obtain a medical certificate to bring to court on the next court date as evidence that they were unwell.

If the Magistrate knows why they were unable to attend, it is likely their matters will be adjourned to another date. If the court does not know why they have not attended court, it is likely an Arrest Warrant will be issued.

## **Is it a problem if a 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 **6372 4400** 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 Program whilst in Start Court?**

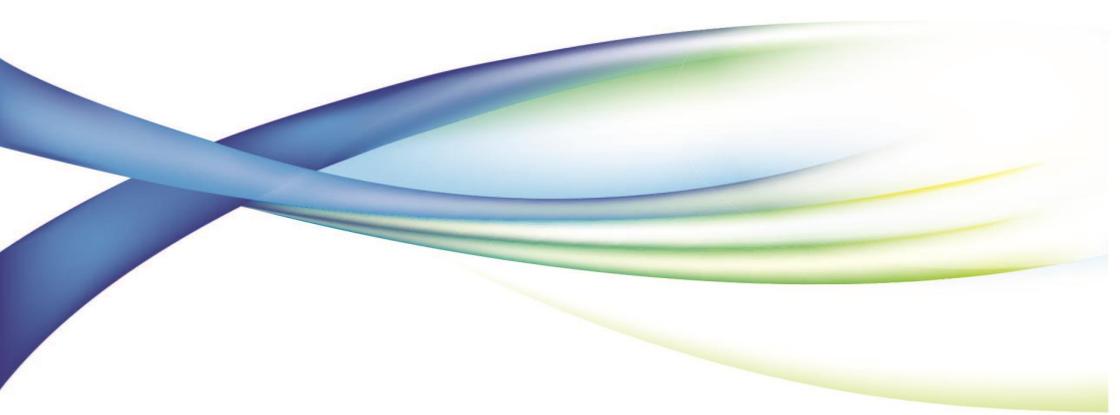
During the COVID 19 pandemic many residential rehabilitation facilities may not be accepting new clients or there may be a delay in accepting new clients.

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 their progress.

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

Yes. Participation in Start Court is voluntary, and participants can leave the Program at any stage. The participant simply attends court and indicates to the Magistrate that they no longer wish to participate. The Magistrate will sentence them at an appropriate time and take into account their participation to that point. They will not receive an additional punishment for choosing to leave the Program early



# 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.



# 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)
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
Wungening.....	9221 1411
Specialist Aboriginal Mental Health Service.....	92352400
Richmond Wellbeing.....	1800 742 466
Derbal Yerrigan Health Services.....	9421 3888