

Kittitas County Upper and Lower District Courts Behavioral Health Court

Eligibility Criteria

An individual must have a diagnosed substance use disorder and/or diagnosed serious and persistent mental illness.

Serious and persistent mental health diagnosis to be considered are: Schizophrenia, other psychotic disorders, Bipolar disorders, Major Depression, PTSD and other mental disorders that are determined by formal assessment to have had an impact on the individual's judgment and decision making at the time of the charged offense. The qualifying diagnosis must respond to treatment interventions and the therapeutic court process and are not likely to respond poorly to the treatment court model.

Exclusionary criteria include primary diagnosis of dementia, developmental disabilities, or traumatic brain injury.

The individual must be a legal resident of Kittitas County.

Disqualifying Elements

- A hold or active warrant from any court or agency outside Kittitas County.
- Previous failure in a therapeutic court except a withdrawal during the early "trial" phase.
- In all cases, the prosecuting authority shall attempt to obtain a victim's agreement to allowing a defendant to enter the therapeutic court. The prosecuting authority shall retain the final say as to admission of a defendant into the program, regardless of a victim or the team's desires related to the issue of entry, and regardless of apparent meeting of criteria.
- Current offense is:
 - DV Assault or Protection Order Violation
 - DUI or Physical Control
- Adult or juvenile criminal history which includes more than 4 felony convictions, and no felony conviction can be among those listed below:
 - Class A felony
 - A "sex offense" or any offense alleging sexual motivation
 - A firearm offense (including illegal theft or possession of a firearm) or any prior offense with a firearm enhancement or element requiring use or possession of a firearm as part of the crime
 - An Assault 3 conviction, unless a certificate of discharge or equivalent has been issued.
- Matter is set for trial within the next 30 days.

If an ineligible individual is presented to the Behavioral Health Court (BHC) for consideration, and the prosecuting authority is in agreement, the BHC team may allow the individual into the program on a discretionary basis.