



# California Association of Collaborative Courts (CACC)

*Serving Veterans and their Families in California Courts Summit*

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## Conference Agenda Wednesday, September 12, 2018

**Doubletree Hotel**

2001 Point West Way,  
Sacramento, CA

### Proposed Summit Topics and Descriptions

**10:00 am – 10:30 am: Welcome and Introduction to Plenary Sessions**  
**(0.5 hrs. MCLE)**

**10:35 am – 11:35 am: Judicial Perspectives on Veterans in the Courts**  
**(1.0 hr. BBS; MCLE)**

*Faculty: Judge Flores, Santa Barbara County; Judge Kreber, Orange County; and Judge Brady, Contra Costa County*

Learning Objectives will include:

- Recognize the history and identify the need for veterans treatment courts and the issues facing justice-involved veterans
- List the role, duties and responsibilities of the veterans treatment court judge
- Discuss how to effectively work with the veterans treatment court team

The judges' panel discussion highlights jurisdictions that feature Veteran Treatment Courts (VTCs). VTCs help veterans achieve rehabilitation and generally follow the framework of Penal Code sections 1170.9 and 1001.80. The panel addresses special legal rights afforded to veterans and the importance of providing effective assistance of counsel to our members of the United States military and veterans. This discussion provides an overview of rights at arraignment (PC§858), sentencing provisions related to PC§1170.9, right to restorative relief, and Penal Code Section 1001.80 Military Diversion Program for Misdemeanors. Some jurisdictions combine PC 1170.9 and PC 1001.80. The panel will review advantages and disadvantages between these approaches.

**12:00 pm – 1:00 pm: Veteran Mental Health and VTCs:  
Improving Collaboration among Advocates, VTC teams and MHSOAC**  
**(1.0 hr. BBS; MCLE)**

*Faculty: Dr. Kathleen West; Chuck Helget, ED, CAVSA; Jamie Jones, CalVet; and Angela Brand, MHSOAC*

Learning Objectives will include:

- Develop enthusiasm, expand connections, and share resources
- Identify benefits and services for veterans provided at the local, state, and federal level
- Recognize how to connect veterans treatment court participants to benefits and resources available through the U.S. Department of Veterans Affairs and other veterans service organizations

The Mental Health Services Oversight & Accountability Commission (MHSOAC), CalVets, and the California Association of Veteran Service Agencies (CAVSA) share the goals of California VTCs to divert our Veterans with mental health and substance abuse problems from the traditional justice system toward treatment and recovery-oriented systems of care (ROSC). This session will open the dialogue and explore opportunities for improved collaboration between our VTCs, MHSA and CalVets programs, and CAVSA advocacy. Preliminary findings from a CAVSA Veteran Mental Health survey will also be presented to provide an “on the ground” perspective from across the State.

**1:05 pm – 2:00 pm: Mentors in Veterans Treatment Court: Why and How They Work**  
**(1.0 hr. BBS; MCLE)**

*Faculty: Justice Moore, 4<sup>th</sup> District Court of Appeal; RanDee McLain, LCSW; and Dale Wigglesworth, Sacramento VTC Mentor Coordinator*

Learning Objectives will include:

- List the role and responsibilities of mentors in the veterans treatment court
- Explain how to work with and effectively engage justice-involved veterans
- Develop skills to balance the duties between the court and client
- Examine issues related to maintaining client confidentiality and establishing boundaries
- Determine proactive policies and procedures that aim to improve work place safety

According to research (Knudsen & Wingenfeld, 2015), the participation and involvement of mentors or peer support in Veterans Treatment Courts (VTC) contribute to the success of criminal justice-involved veterans.

This session will explore best practices for a successful mentor program, including but not limited to, training, recruiting and retaining a diverse pool of mentors (i.e., women, racial and ethnic groups and servicemembers from different conflicts), and establishing minimum standards for mentors.

**2:05 pm – 3:00 pm: Strategies for Increasing Women Veterans in Veterans Treatment Courts**  
**(1.0 hr. BBS; MCLE)**

*Faculty: Lindsey Sin, CalVet Deputy Secretary for Women Veterans Affairs; RanDee McLain, LCSW; and Nidia Fleming-Holmes, Sacramento VTC Graduate*

Learning Objectives will include:

- Identify a better understanding of the target population and associated services
- Recognize issues affecting veterans such as PTSD, TBI, military sexual trauma, and substance use disorders
- Define best practices for the development of case plans with women veterans and their families

Women are underrepresented in Veteran Treatment Courts despite comprising 15% of active service members. A significant percentage of veteran’s experience Post-Traumatic Stress Disorder (PTSD), Military Sexual Trauma (MST), substance abuse and behavioral health issues. This session explores barriers to female participation in VTC's and strategies for increasing participation/access and retention.

**3:00 pm – 3:05 pm: Closing Remarks**

***This event will provide continuing education credits applicable to the following categories:***

*Up to 4.0 hours toward initial or continuing education for court-connected child custody recommending counselors, mediators, and/or evaluators, or additional directors training, pursuant to requirements in California Rules of Court, rules 5.210 and 5.225.*

*Up to 4.0 hours of continuing education pursuant to requirements in California Rules of Court, rule 10.474 (trial court employees only—with supervisor’s approval), subject to the provisions of California Rules of Court, rule 10.481.*

*Up to 4.0 hours toward initial or annual dependency mediation update training pursuant to requirements in California Rule of Court, rules 5.518(e)(3) or (g).*

*Up to 4.0 hours of continuing education for LMFTs and LCSWs. The Judicial Council of California, Center for Families, Children & the Courts (CFCC), provider number 58804, is approved by the California Association of Marriage and Family Therapists (CAMFT) to sponsor continuing education for BBS licensees. CFCC maintains responsibility for this program and its content. This training meets the qualifications for continuing education (CE) credit for LMFTs, LCSWs, LPCCs, and/or LEPs as required by the California Board of Behavioral Sciences.*

*Up to 4.5 hours of continuing education for attorneys, as applicable. The Judicial Council of California is approved as a Mandatory Continuing Legal Education (MCLE) provider by the State Board of California, provider number 4781.*

*Up to 4.0 hours of Standards and Training for Corrections (STC) credit for designated workshops.*

***Disclaimer***

*The points of view expressed in this training and in the materials, are those of the authors and presenters and do not necessarily represent the official positions or policies of the Judicial Council of California.*

***Accessibility***

*The Judicial Council of California supports the Americans With Disabilities Act, which promotes public accessibility for persons with disabilities. If you require special equipment or services, please contact Octavio Jiminez, Analyst, at [Octavio.Jiminez@jud.ca.gov](mailto:Octavio.Jiminez@jud.ca.gov) 415-865-7563.*

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>CASE NAME:</b>	
<b>NOTIFICATION OF MILITARY STATUS / VETERAN STATUS</b>	CASE NUMBER:

I (*name*): \_\_\_\_\_ declare as follows:

1.  I am a party in a  criminal  family  juvenile  other (*specify*): \_\_\_\_\_ court case.

2.  I am currently a member of the state or federal armed services or reserves. My entry date is: \_\_\_\_\_, and I

a.  am on active duty service.

b.  have been called or ordered into active duty service.

c.  am not on active duty service.

d.  other (*please explain*): \_\_\_\_\_

3.  I have served in the state or federal armed services or reserves. I was discharged on (*date*): \_\_\_\_\_

4.  I understand that if I submit this form to the court as a defendant in a criminal case, the court will send copies of the form to the county veterans service officer and the Department of Veterans Affairs.

5.  I am filing this form on behalf of \_\_\_\_\_, a party to the above entitled case, whom I am informed

a.  member  veteran of the state or federal armed services or reserves. I am the  attorney  other (*specify*): \_\_\_\_\_ of this party. My contact information  is provided at the top of this form

follows: Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

(TYPE OR PRINT NAME) SIGNATURE

Local County Veterans Services Office Information (to be provided by local court):	
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**NOTICE**

**There are provisions of California law that apply to current and former members of the U.S. Military who have been charged with a crime when certain conditions are met. To submit this form as a party in a criminal case you must file it with the court and serve it on the prosecuting attorney and defense counsel. Filing of this notification form does not substitute for filing of other forms or petitions that are required by your court case. Please see the back of this form for more information.**

## YOU SHOULD CONSULT WITH YOUR ATTORNEY ABOUT THE FOLLOWING INFORMATION

**If you are a current or former member of any branch of the U.S. Military you may be entitled to certain rights under some California laws.** If you are filing for relief from financial obligation during military service, a notification of military deployment and request to modify a support order, or other relief under the Service Members' Civil Relief Act (50 App. U.S.C. §§ 501-597(b)), you must complete the appropriate forms, and completion of this form is not required. Please see form MIL-010 (*Notice of Petition and Petition for Relief From Financial Obligations During Military Service*) and form FL-398 (*Notice of Activation of Military Service and Deployment and Request to Modify a Support Order*). **Below are brief explanations of some of those laws. Consult with your attorney to discuss how these and/or other laws may apply to you.**

**You are not required to have an honorable discharge, to have combat service, or to be accepted into a Veterans Court to be eligible for the rights described in the following statutes.**

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**California Penal Code 1170.9:** Consideration for alternative sentencing and restorative relief.

If you are requesting consideration or restorative relief under Penal Code section 1170.9, this form alone will not meet the requirement that you assert to the court that the crime you were charged with was a result of a condition caused by your military service.

Rights include possibly:

- Receiving treatment instead of prison or jail time for certain crimes
- Having a greater chance of receiving probation
- Having conditions of probation deemed satisfied early, other than any victim restitution ordered, and probation terminated early
- Having some felonies reduced to misdemeanors
- Having the court restore rights, dismiss penalties, and/or set aside conviction for certain crimes

Requirements include:

- For consideration for alternative sentencing:
  - Convicted of certain criminal offenses (some crimes do not qualify)
  - Eligible for probation and court orders probation
- For restorative relief following order of probation:
  - In substantial compliance with conditions of probation
  - A successful participant in and demonstration of significant benefits from treatment and services
  - No danger to the health and safety of others

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**California Penal Code 1001.80:** Diversion in misdemeanor cases.

Rights include possibly:

- *Pretrial* diversion program instead of trial and potential conviction and incarceration
- Dismissal of eligible criminal charges following satisfactory performance in program
- Arrest is deemed to have "never occurred" for most purposes following successful completion of program

Requirements include:

- Application to misdemeanors only, *not* felonies
- Eligible for diversion and court orders diversion
- Waiver of right to speedy trial and consent to diversion
- Satisfactory performance in program

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**California Penal Code 1170.91:** Mitigating factor in felony sentencing.

- The court shall consider these circumstances from which the defendant may be suffering as a result of military service as a factor in mitigation during felony sentencing, which could mean a more lenient sentence.