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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO**

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

_____,'

Defendant.

Case No.: _____

**ORDER RE CONDITIONS OF
RELEASE FOR MENTAL HEALTH
DIVERSION**

Hon. Catherine Swysen – Dept. 10

Pursuant to California Penal Code section 1001.36, the Court finds Defendant is both eligible and suitable for pretrial mental health diversion, and that the proposed program of mental health treatment will meet Defendant's specialized mental health treatment needs.

ACCORDINGLY, IT IS ORDERED that diversion pursuant to Penal Code section 1001.36 is granted for a period not to exceed two years one year on condition that Defendant obey the following terms and conditions of release:

Defendant shall successfully comply with and complete the treatment plan and all of its conditions as approved by _____ (the Treatment Provider).

1 Defendant shall attend all group and/or individual treatment sessions
2 as directed by the Treatment Provider.

3 Defendant shall take all prescribed medication.

4 Defendant shall obtain a chemical dependency assessment with the
5 Treatment Provider within 7 days (if not already completed) and follow all
6 treatment recommendations.

7 Defendant shall execute all releases of information as requested by
8 the Treatment Provider to allow reporting of his or her progress to the Court and
9 to allow monitoring of compliance with these conditions of release.

10 Defendant shall remain in residential treatment and follow the
11 directions of the case manager, therapists, psychiatrists, and other professionals
12 until released from the residential treatment program upon the recommendation
13 of the Treatment Provider.

14 Upon release from the residential treatment program, Defendant
15 shall continue with the outpatient program approved by the Treatment Provider.

16 [Defendant shall not change his or her residence or phone number
17 without advance approval from the Treatment Provider.] [Defendant shall
18 provide 48 hours advance notice to the Treatment Provider of any change in his
19 or her residence or telephone number.]

20 Defendant shall not use or possess alcohol, illegal drugs, any non-
21 prescribed controlled drugs, marijuana/medical marijuana, synthetic drugs such
22 as spice, or drug paraphernalia. Defendant shall submit to search
23 by the Treatment Provider or a law enforcement officer of his or her person and
24 property for the foregoing items. Defendant shall submit to random drug and
25 alcohol testing when directed to do so by the Treatment Provider or a law
26 enforcement officer.

27 Defendant shall not harm or threaten to harm himself or herself,
28 others, or another's property.

1 Defendant shall not possess, own, or have under his or her control,
2 any firearm or illegal weapon.

3 Defendant shall not commit any new criminal law violations.

4 Defendant shall attend all appointments as required by the treatment
5 plan, to include appointments with medical doctors, psychiatrists, psychologists,
6 therapists, counselors and other treatment providers.

7 Defendant shall appear by video appearance in person at
8 periodic review hearings as directed by the Court.

9 Defendant shall not travel outside his or her county of residence for
10 more than 48 hours without [first obtaining permission from the Treatment
11 Provider or the Court] [notifying the Treatment Provider].

12 Defendant shall comply with the existing criminal protective order
13 during the duration of the Mental Health Diversion Program.

14 Defendant shall pay restitution, as defined in subdivision (f) of
15 Section 1202.4, owed to any victim as a result of the diverted offense in an
16 amount to be determined by the Court.

17 Other: _____

19 IT IS FURTHER ORDERED that the Treatment Provider shall provide
20 regular progress reports to the San Luis Obispo County Superior Court, the
21 District Attorney's Office, and Defense Counsel for consideration by the Court
22 and counsel, including but not limited to, compliance with the treatment plan,
23 failures to attend counseling/therapy, medical appointments, positive tests or
24 relapses, dilute tests, and any other behavior or conduct contrary to treatment
25 plan components. **All progress reports shall be filed electronically and**
26 **served five (5) court days prior to the scheduled progress hearing.** Failure
27 to timely file and serve progress reports may result in the setting of a hearing for
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termination of diversion for failure to comply with the terms of this order. (See Penal Code § 1001.36, subds. (f)(1)(B) & (l).)

IT IS FURTHER ORDERED the Treatment Provider shall notify the San Luis Obispo County Superior Court, the District Attorney's Office, and Defense Counsel in writing within 2 business days if Defendant is no longer participating in the treatment plan or refuses any services recommended by the Treatment Provider.

Dated: _____
Hon. CATHERINE SWYSEN
Judge of the Superior Court

I understand that if I violate any of these conditions of release, the Court may end mental health diversion and order resumption of the criminal proceedings.

Dated: _____
Defendant's signature