



Solano Mental Health Diversion Process Flow

**Defense Counsel submits application
for Diversion to Home Court**

Eligibility Determination by Home Court

Defense burden to establish:
Mental Disorder in DSM, Nexus between charges and disorder, Disorder responds to treatment, Consent and waiver of Speedy Trial, Client agrees to comply with program, Addresses public safety

Diversion Denied (Home Court)

Not eligible.
No prima facie case established.
Matter remains in Home Court.

Diversion Granted (Home Court)

Prima facie case of eligibility
Continue to MH calendar with finding of eligibility to Dept 9 in Fairfield, Dept 2 in Vallejo
Client consents to diversion and waives right to a speedy trial, signs waiver and documents, unless 1370 and cannot consent.

Diversion Decision Deferred (Home Court)

Court can send client to MH Court for further assessment/determination.

Level of Care Assessment and Treatment Plan

County/Medi-Cal Beneficiaries:
Refer to FTT for LOC assessment and treatment plan (MO to FTT within 2 days. FTT responds within 15 Court days)
Privated Insured (Kaiser, VA, etc):
Secure treatment plan from provider and submit to Court

Diversion Not Granted

Court finds client not amenable to treatment.
Client returned to Home Court.

Diversion Granted

Court orders participation in treatment, appearances, and progress reports. Client agrees to participate in treatment.
Placement hold, if necessary.

Report Progress

Court orders progress reports. Minute orders to FTT if Medi-Cal. All others to defense attorney. Submit progress reports from providers to Court two days prior to hearing.

Unsuccessful Termination, Modification or Referral for Conservatorship

New charges with propensity for violence, New felony charges, Criminal conduct, Unsatisfactory progress.
Warrants issued if FTA.

Successful Completion

Motion to Dismiss

PC 1368

Reinstate suspension/process

Refer to Public Guardian

for conservatorship investigation

Terminate diversion

Reinstate criminal proceedings and return to Home Court

Modify/ Increase treatment level

Allow Diversion to proceed