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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

April 8, 2022

No. 22-8100

**IN THE MATTER OF THE
ESTABLISHMENT OF THE
NEW MEXICO SUPREME COURT
COMMISSION ON MENTAL
HEALTH AND COMPETENCY**

ORDER

WHEREAS, this matter having come before the Court on recommendation from the Mental Health and Competency Steering Committee to create the New Mexico Supreme Court Commission on Mental Health and Competency with a mission to improve access to the justice system and treatment services based on an individual’s mental health status;

WHEREAS, the Commission’s objectives shall be to promote fair treatment of affected individuals, to improve public safety through appropriate and meaningful behavioral health interventions, and to provide proper education and training to judges, lawyers, court staff, and cross-system partners at the intersection of behavioral health and criminal justice;

WHEREAS, the Commission will seek to achieve its objectives through the following:

- 1 1. Using the collective knowledge of its members to recommend
2 system-wide responses to justice-involved persons with mental
3 illness, specifically those policies related to competency to stand
4 trial; to ensure timely identification of adults and juveniles in need
5 of mental health treatment early in the process; and to ensure the
6 referral, when necessary, of individuals with mental health needs to
7 appropriate services for community-based treatment;
- 8 2. Advancing intergovernmental communication and cross-system
9 collaboration to reduce barriers to proper mental and behavioral
10 health care while in the justice system and to ensure proper
11 communication of necessary data to direct appropriate solutions
12 while protecting privacy; and
- 13 3. Improving the allocation of resources, particularly to under-
14 resourced rural and urban communities, in recognition of New
15 Mexico's diversity of large populated and smaller communities,
16 including New Mexico's sovereign tribal nations;

17 WHEREAS, mental health is a state of well-being in which an individual
18 realizes the individual's own abilities, can cope with the stresses of life, can work
19 productively, and is able to make a contribution to the community;

1 WHEREAS, the promotion, protection, and restoration of mental health is a
2 vital concern of communities throughout New Mexico because mental health is
3 fundamental to the collective and individual ability to think, emote, interact with
4 others, earn a living, and enjoy meaningful lives;

5 WHEREAS, the Court having considered the foregoing and being sufficiently
6 advised, Chief Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice David K.
7 Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

8 NOW, THEREFORE, IT IS ORDERED that the New Mexico Supreme Court
9 Commission on Mental Health and Competency IS HEREBY ESTABLISHED as a
10 permanent standing commission of this Court.

11 IT IS FURTHER ORDERED that the membership and Chair of the
12 Commission shall be appointed by the Court and shall be comprised of the following
13 representation.

14 A. Voting Members. Voting members shall include the following:

- 15 1. Two (2) judges from larger urban jurisdictions;
- 16 2. One (1) judge from a medium-sized jurisdiction;
- 17 3. Two (2) judges from smaller rural jurisdictions;
- 18 4. One (1) behavioral health advocate;
- 19 5. One (1) community member with life experience pertinent
20 to issues surrounding mental health;

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- 6. One (1) supportive housing advocate;
- 7. One (1) tribal member, preferably one that works for Indian Health Services, a tribal behavioral health provider, or otherwise within a behavioral health system;
- 8. One (1) prosecutor with experience working with the courts regarding behavioral health;
- 9. One (1) criminal defense attorney with experience working with the courts regarding behavioral health;
- 10. One (1) attorney with significant experience in mental health or disability law;
- 11. One (1) legislative member;
- 12. One (1) member of local law enforcement;
- 13. One (1) designee from the executive branch; and
- 14. Two (2) at-large members.

B. Terms of appointment. Voting members shall be appointed for staggered three (3)-year membership terms. Members who are initially assigned a one (1) or two (2)-year term, or who are appointed to complete the remainder of an unexpired term of a prior member, may be reappointed to two (2) full three (3)-year terms thereafter. No standing committee

1 member shall serve for more than two (2) full three (3)-year terms unless
2 ordered by the Court.

3 C. Children's Court Judge. At least one of the voting member judges must be
4 actively presiding over cases in the Children's Court or have significant
5 experience presiding over cases in the Children's Court.

6 D. Participation required. Voting members must actively participate in the
7 general meetings, actively participate in at least one subcommittee, and
8 actively contribute to the work of the commission. The missing of two
9 consecutive meetings without cause may result in removal from the
10 Commission.

11 E. Ex-Officio Participation. The Commission shall encourage and invite non-
12 voting ex-officio representatives from the following entities and
13 stakeholders to participate in the work of the Commission:

- 14 1. New Mexico chapter of the National Alliance on Mental
15 Illness (NAMI);
- 16 2. New Mexico Human Services Department (HSD)
17 Behavioral Health Collaborative and/or Local
18 Collaborative(s);
- 19 3. HSD Behavioral Health Services Division;

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- 4. University of New Mexico Center for Development & Disability;
- 5. New Mexico Judicial Information Division (JID);
- 6. Director or Designee of New Mexico Behavioral Health Institute;
- 7. Children, Youth and Families Department Behavioral Health Division;
- 8. University of New Mexico Department of Psychiatry and/or Psychology;
- 9. New Mexico Indian Affairs Department;
- 10. New Mexico Department of Veterans Services;
- 11. New Mexico Association of Counties;
- 12. New Mexico Department of Corrections;
- 13. Forensic evaluator, preferably with forensic navigation experience;
- 14. Private behavioral health treatment provider with expertise working with adults;
- 15. Behavioral health treatment provider with expertise working with adolescents and children;

- 1 16. Representative with knowledge of grant funding for
- 2 behavioral health;
- 3 17. Professional from emergency medicine field;
- 4 18. Professional provider of legal, intervention, and/or
- 5 rehabilitation services for youthful offenders;
- 6 19. Disability rights advocacy organization; and
- 7 20. Law enforcement-affiliated crisis intervention or co-
- 8 responder team.

9 F. Staffing. The Administrative Office of the Courts (AOC) Director or
10 designee shall participate in committee meetings but shall not vote. The
11 AOC Director or designee shall work with the chair of the Commission to
12 ensure appropriate staff are assigned to assist the Commission and support
13 the Commission's activities by scheduling meetings; preparing meeting
14 and hearing materials; drafting minutes, committee reports, and written
15 recommendations; performing research; and rendering other types of
16 assistance as reasonably requested by the Committee.

17 IT IS FURTHER ORDERED that the Court, in consultation with the Mental
18 Health and Competency Steering Committee, will appoint voting members to reflect
19 the diversity of our state and the objectives of the Commission.


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IT IS FURTHER ORDERED that the Court, in consultation with the Mental Health and Competency Steering Committee, will appoint the Chair of the Commission from among its voting members.

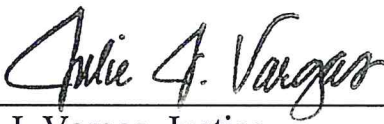
IT IS SO ORDERED.

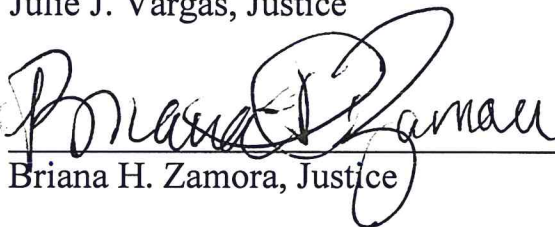
DONE at Santa Fe, New Mexico, this 8th day of April, 2022.


Michael E. Vigil, Chief Justice


C. Shannon Bacon, Justice


David K. Thomson, Justice


Julie J. Vargas, Justice


Briana H. Zamora, Justice