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**COURTS**

# Help for mentally ill facing charges

**BY RICK VANDERLINDE**  
STAFF WRITER

York Region residents whose mental illness may have contributed to their arrest on minor charges no longer have to face the court system alone.

The Canadian Mental Health Association has appointed a worker to the Newmarket courthouse to assist accused persons diagnosed with a mental illness, such as schizophrenia or mood disorders.

Neil Howard, who works out of the CMHA's Newmarket office, started the job Jan. 4 and hopes to have an office in the courthouse soon.

Howard will help assess cases to see if an accused is eligible for a one-year stay from the criminal courts.

"If I feel there is merit, I will talk to the Crown," he said, "but the Crown has final approval on this."

Howard said violent crimes, such as spousal abuse, are not eligible for the diversion program.

The alleged crime, possibly a theft or property damage, has to be linked directly to the person's mental illness.

"Their state-of-mind at the time has to affect the person's judgement," Howard said.

"It's not good enough that you're simply suffering from a mental illness."

Howard said he expects to receive referrals from various sources, including defence lawyers and family members of accused persons.

The program is totally voluntary and doesn't restrict an accused from proceeding to trial if they feel they are innocent.

"They're not being short-changed due process," Howard said.

"There's no admission of guilt required for a person to be diverted from the courts."

The legal test is far less stringent than is required when mental illness is blamed for more serious crimes such as aggravated assault.

Howard added a stay of proceedings usually requires an accused to continue with therapy and medication.

York Region has always had the mental health diversion program, Howard said.

But in the past it was handled exclusively by Crown attorneys.

Overworked Crown attorneys often found it difficult to implement the program.

"My job is to be available to as many eligible people as possible," Howard said.

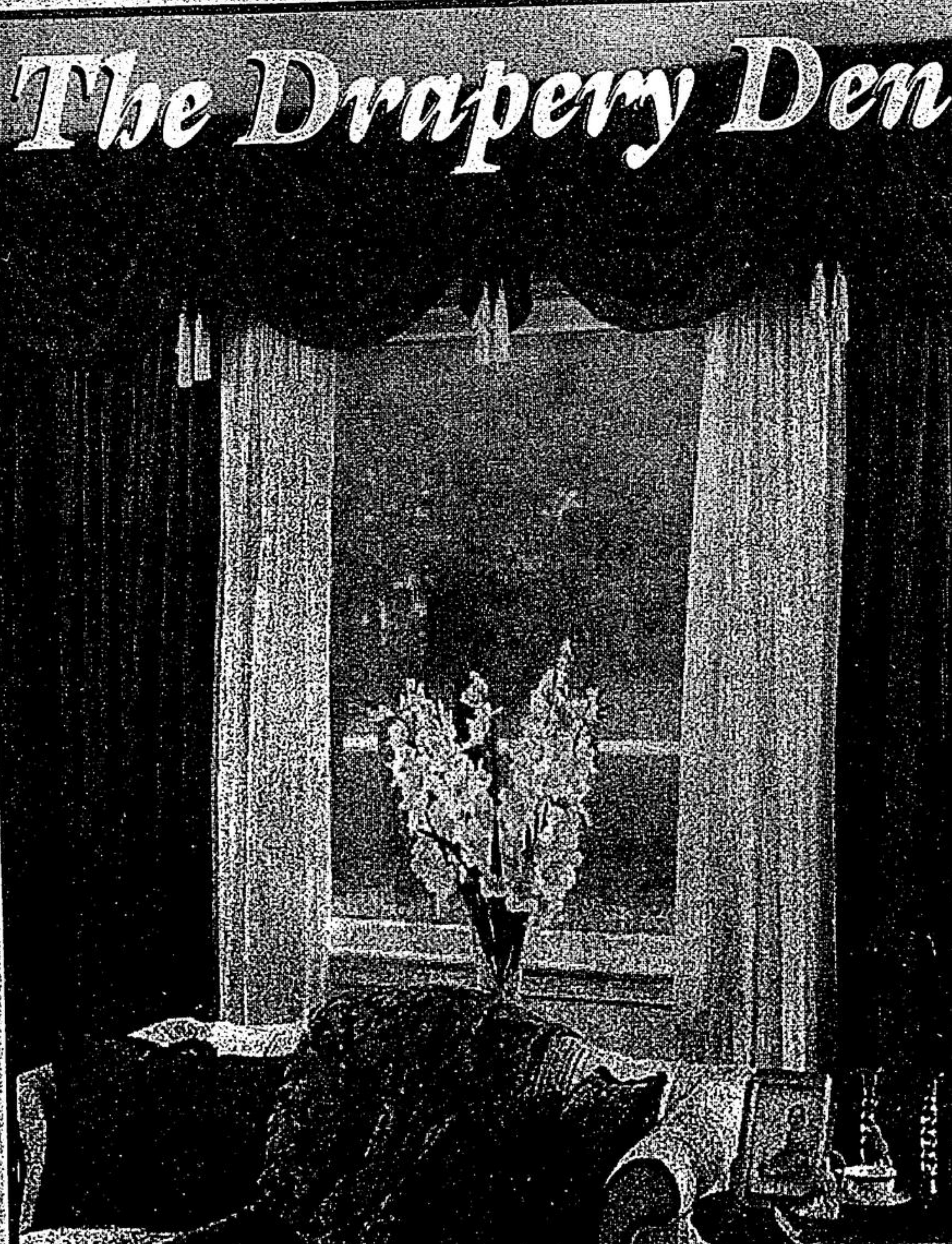
Howard said the mental health advocates have been used in Toronto courts for years and are starting to be used elsewhere in Ontario.

"It looks like they're springing up everywhere," he said of the court program.

The program is funded through the Ontario Ministry of Health and managed by the Canadian Mental Health Association.

Howard can be contacted at his Davis Drive office by calling (905) 898-7466, ext. 17.

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