

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

STATE OF OREGON,

Case No.

Plaintiff,
Vs.

**WAIVER OF RULE AGAINST
EX PARTE COMMUNICATION
AND CONSENT FOR THE
DISCLOSURE OF CONFIDENTIAL
INFORMATION**

Defendant.

**MENTAL HEALTH COURT
REFERRAL**

I understand that Oregon law prohibits a lawyer or others from communicating with a judge in an adversary proceeding as to merits of the case, and it also prohibits a lawyer from causing another to communicate with a judge about the merits of the case unless representatives of all the parties are present. It is a valuable protection for a defendant because it keeps a judge from getting information about the case from only one side.

I also understand that Jackson County Mental Health Court is a treatment court designed to help criminal defendants with mental health problems. I have been informed that it is important for parties, including me, to be able to discuss matters involving my case with the Judge and other Mental Health Court Team members when all parties are not present. I understand why it is important to have the rule against contact with the Judge and I understand why it is important in Mental Health Court to let the parties have contact with the Judge. It is important that the Judge be able to have ex parte contact so that the Judge may receive information from any source about my case and may also discuss my case with Mental Health Court Team members and other professional affiliates.

I have discussed this matter with my attorney, and freely, voluntarily and knowingly waive any restriction against the attorneys, parties, members of the Mental Health Court team, other professional affiliates and the Court from engaging in conversations about my case, including my compliance with any rule of the Court and the treatment provider(s), even though all parties may not be present during the communication.

I also consent to disclosure of confidential information to the members of the Mental Health Court team and consent to communication about confidential information between the members of the Mental Health Court team.

The purpose of, and need for, this disclosure is to inform the Court and the Mental Health Court team of my eligibility and/or acceptability for the Mental Health Court Program and other treatment services, of my treatment attendance, prognosis, compliance and progress in accordance with the Mental Health Court program's monitoring criteria. The type and extent of the information to be disclosed will include only that information which is necessary for, and pertinent to, the Mental Health Court program's monitoring criteria in connection with my case(s).

Disclosure of this confidential information may be made only as necessary for, and pertinent to, hearing and/or reports concerning my case(s) or any new criminal matters pertaining to continued Mental Health Court participation. In particular, if I later elect to assert a defense to a pending criminal charge based on my mental health condition, such disclosures made pursuant to this waiver cannot be used against me.

1 I understand that my disclosure made is bound by Part 2 of Title 42 of the code of Federal
2 Regulations, which governs the confidentiality of substance abuse patient records and that recipients
3 of this information may re-disclose it only in connection with their official duties.

4 DATED: _____

5
6 _____
7 District Attorney

8
9 _____
10 Attorney for Defendant

11 _____
12 Defendant