


POLICY AND PROCEDURE

<u>POLICY TITLE:</u> EEU Mental Health Red Flags Process	<u>POLICY #:</u> DSAMH033
<u>PREPARED BY:</u> Eligibility & Enrollment Unit	<u>DATE ISSUED:</u> 06/06/2022
<u>RELATED POLICIES:</u> DSAMH008 Outpatient Treatment Over Objection DSAMH031 EEU Involuntary Placement Process Policy DSAMH032 EEU Voluntary Placement Process Policy	<u>REFERENCE:</u> Delaware Commitment Laws: https://delcode.delaware.gov/title16/c050/index.html
<u>DATES REVIEWED:</u> 04/17/2023 11/19/2024 11/06/2025	<u>DATES REVISED:</u> 03/08/2023 11/13/2024 10/31/2025
<u>APPROVED BY:</u>  <u>DATE APPROVED:</u> 11/10/2025 6:42 AM PST	<u>NOTES:</u> <input type="checkbox"/> DSAMH Internal Policy <input type="checkbox"/> DSAMH Operated Program <input type="checkbox"/> DSAMH State Providers <input type="checkbox"/> Delaware Psychiatric Center <input checked="" type="checkbox"/> Targeted Use Policy (Defined in scope)

I. PURPOSE:

The purpose of this policy is to provide guidance on the Mental Health Red Flag process.

II. POLICY STATEMENT:

It is the policy of DSAMH's Eligibility and Enrollment Unit (EEU) to ensure that all individuals issued a Mental Health Red Flag by the Delaware Judiciary are treated according to Delaware law. The EEU supports community education on this process and promotes timely resolution of administrative holds.

III. DEFINITIONS:

"CMHS" means Delaware Certified Mental Health Screener.

"Delaware resident" means either:

1. An individual who is domiciled in Delaware for any part of the tax year or maintains an abode in Delaware and spends more than 183 days in the State.

2. A person who possesses a valid Delaware-issued identification card such as driver's license or non-driver identification card.

"DTRN" means the Delaware Treatment and Referral Network.

"Designated psychiatric treatment facility" means all facilities designated by the Secretary to provide psychiatric emergency care for individuals believed to have a mental condition and whose behavior is believed to be dangerous to self or dangerous to others; such facilities include psychiatric hospitals operated by the State of Delaware, privately operated psychiatric hospitals, any psychiatric emergency receiving facilities that provide mental health screenings, evaluations, treatment, and referral services, or other facilities as may be designated by the Department by regulation.

"EEU" means the DSAMH Eligibility and Enrollment Unit.

"Institution for Mental Diseases" or "IMD" means a hospital or other treatment facility legally designated to hold or treat individuals with psychiatric conditions under medical supervision.

"Mental health red flag" or "red flag" (formerly known as Capias) means an order to bring a person before the Court has been issued when a person has failed to appear in Court as required or has violated the conditions of the OTOO order.

"OTOO" means Outpatient Treatment Over Objection.

IV. **SCOPE:**

The policy covers standardized procedures for responding to individuals identified with a "Red Flag," ensuring their safe transport, evaluation, and connection to appropriate behavioral health services, while maintaining compliance with DSAMH procedures and court processes. This policy applies to all DSAMH staff, designated psychiatric treatment facility staff, law enforcement officers, and collaborating agencies involved in the transport, evaluation, and follow-up care of individuals identified with a Red Flag.

V. **RESPONSIBILITIES/PROCEDURES:**

- A. Mental Health Red Flags are issued by the Courts and processed by law enforcement. Various entities within the system of care have responsibilities as described below:
 1. Law Enforcement
 - a. Transport all individuals with a Red Flag directly to the appropriate designated psychiatric treatment facility based on proximity to the nearest designated psychiatric treatment facility. Currently, the certified facility-based crisis intervention centers are contracted to accept and screen clients with Red Flags.
 - b. No prior call to DSAMH or designated psychiatric treatment facility is required.
 - c. Notify designated psychiatric treatment facility staff upon arrival that the individual has an active Red Flag.
 2. Designated Psychiatric Treatment Facility
 - a. Conduct clinical screening and evaluation by a CMHS. Facilitate hospitalization if criteria are met, or clear the Red Flag if criteria are not met.

- i. If client meets criteria for hospitalization:
 - a) Designated psychiatric treatment facility initiates a 24-hour emergency detainment.
 - b) Designated psychiatric treatment facility coordinates placement in an IMD.
 - c) Receiving IMD is responsible for clearing the Red Flag.
- ii. If client does not meet criteria for hospitalization:
 - a) Designated psychiatric treatment facility is responsible for clearing the Red Flag.
 - b) Designated psychiatric treatment facility obtains and schedules a follow-up appointment with an OTOO-participating provider.
 - c) Designated psychiatric treatment facility sends initial emails to EEU (DHSS_DSAMH_EEU_Placements@delaware.gov) and DOJ (jodie.reilly@delaware.gov and angelal.williams@delaware.gov) requesting the flag be cleared, including:
 - 1) Client name
 - 2) Provider name
 - 3) Date and time of community provider appointment
 - d) If the client does not have an outpatient provider, designated psychiatric treatment facility contacts EEU for assistance in linking the client to an OTOO-participating provider.
 - e) The client may not be discharged and leave the facility until the designated psychiatric treatment facility receives an email with Notice of Hearing for an OTOO court date.
- b. Ensure the individual is not discharged until the Red Flag is cleared.
- c. Coordinate follow-up appointments, court notifications, and provider communications.
 - i. Designated psychiatric treatment facility sends follow up email confirmation to:
 - a) DOJ at Jodie.Reilly@Delaware.Gov and AngelaL.Williams@Delaware.Gov with the EEU copied at DHSS_DSAMH_EEU_Placements@Delaware.Gov. DOJ paralegals contact the court directly.
 - b) Email must include:
 - 1) Provider appointment details (date, time, location, and provider name)
 - 2) Copy of Notice of Hearing form provided to the client
 - ii. Designated psychiatric treatment facility also notifies the community provider of the OTOO court hearing date (with DOJ copied).
- d. Documentation provided to client:
 - i. Community provider appointment details.
 - ii. Notice of Hearing form which includes the date, time, and location of the hearing.
- e. Maintain all required documentation, logs, and notifications.
 - i. Designated psychiatric treatment facility must document all appointments and court dates in the client's health record.

- ii. Designated psychiatric treatment facility must maintain a log of all Red Flag cases, including:
 - a) Emergency detainment to IMD,
 - b) Red Flag cleared, or
 - c) Client left against medical advice without clearance.
 - iii. Designated psychiatric treatment facility must maintain all communications and scheduling records for auditing.
 - 3. IMD
 - a. Once the IMD has scheduled the outpatient follow up appointment for the client, the IMD will notify the DOJ.
 - b. IMD sends an email to DOJ (Jodie.Reilly@Delaware.Gov and AngelaL.Williams@Delaware.Gov) requesting a court date for the flag be cleared. The email with the discharge follow-up appointment information including:
 - i. Client name
 - ii. Community provider name
 - iii. Date and time of community provider appointment
 - c. Upon discharge, the IMD is to provide the client information on their community provider appointment as well as the Notice of Hearing form which includes information regarding the red flag with the date, time, and location of the hearing.
 - 4. EEU
 - a. Provides assistance in connecting clients to appropriate outpatient providers when necessary.
 - b. Receives notification of the red flag and verifies if the client is currently enrolled with an OTOO provider.
 - 5. DOJ and Court
 - a. Receive notifications and hearing documentation related to OTOO hearings and provider appointments.
 - b. Schedule the hearing and send Notice of Hearing to treatment provider on behalf of the client.
 - c. Remove the red flag from the system
 - 6. Community Provider
 - a. Once a referral is received by a provider, the provider must accept and schedule a client with an intake appointment within one business day.
 - b. The appointment must occur within five business days of discharge.
 - c. If the client is not engaging in treatment, the community provider is required to notify the court (See DSAMH033 EEU Red Flags Process).
- B. Compliance and Enforcement
- 1. Compliance with this policy is mandatory for all DSAMH and contracted designated psychiatric treatment facility staff involved in the Red Flag process.
 - 2. DSAMH will conduct periodic audits of designated psychiatric treatment facility records, communications, and logs to ensure adherence.

3. Instances of non-compliance will be reviewed by DSAMH leadership and may result in staff training, contract review, corrective action plans, or referral to oversight bodies.

VI. **POLICY LIFESPAN**: This policy supersedes previous distributions of this policy as detailed in dates revised. This policy will be reviewed annually.

VII. **RESOURCES**:

- A. DSAMH033A Red Flag Procedures