

Worksheet 16: Assisted Outpatient Treatment (AOT) Overview

Introduction to AOT

When people are not being treated for their mental health symptoms, this is sometimes called “non-engagement,” meaning that they are not participating in or receiving mental health treatment. There are many reasons why someone might not participate in treatment. A few include:

- Insufficient community resources (agencies, social services, long waitlist, etc.)
- Not having health insurance or coverage for services
- Not being able to afford treatment (copays, sliding-scale fees, etc.)
- Not enough providers or providers are too far away
- Not having access to transportation to reach providers
- Not being able to take time off work to access treatment
- Substance use (interfering or making a person ineligible for services)
- Discouraged by bad side effects of medications
- Difficulty with executive functioning (making decisions, completing tasks, etc.)
- Not trusting doctors/medical staff because of symptoms or bad past experiences
- Feeling reluctant or ashamed because of stigma
- Being unable to follow treatment plan consistently because of memory issues, etc.
- Anosognosia/lack of insight

Anosognosia is a symptom of a mental health condition that causes the person to not sense or believe that they’re experiencing symptoms. While the person’s personality, beliefs and behaviors may appear to be a mental health condition to others, it is not clear to the person with anosognosia. Anosognosia is not denial. It’s not a choice. It’s a biological, brain-based symptom that the person cannot control. Consequently, if a person does not believe he or she is ill, engaging with treatment would be illogical.

In some cases, not being treated for symptoms can put the person at risk of harm. It can also put other people at risk of harm. One way of helping to ensure that such individuals get treatment when they are not willing to do so voluntarily is called Assisted Outpatient Treatment (AOT). A person in AOT is required, by a civil court, to receive treatment. AOT is also called court-ordered outpatient treatment or outpatient civil commitment.

How AOT works

AOT works differently in each state (visit treatmentadvocacycenter.org, search “browse by state”). However, most state laws have some things in common. Most include these requirements:

- Someone files a petition (also called an affidavit or application) in the civil (or probate) court
 - The petitioner describes in writing why he or she believes the person meets the legal criteria for AOT
 - State laws vary on who may file the petition. In some states, family members are allowed to do so
- The court holds a hearing
- The person described in the petition is legally entitled to “due process protections,” such as a court-appointed lawyer
- The person described in the petition is assumed to not need AOT until and unless the petitioner convinces the court that the person does (“the burden of proof” is on the petitioner)
- Experts, including psychiatrists and other mental health professionals, provide testimony in support or opposition to the petition
- If the evidence that AOT is needed is clear and convincing, the judge (or a person representing the judge) may order the person to receive involuntary treatment
 - AOT often begins with involuntary inpatient treatment and transitions to involuntary outpatient treatment

The ultimate goal of AOT is to encourage the development of an ongoing positive relationship between the treatment team and the participant so that in time the person voluntarily engages in treatment. The treatment team often uses evidenced based interventions such as shared decision making and motivational interviewing to increase the participant’s success.

Differences between mental health court and AOT

Mental health court is a criminal court process and is for individuals who have committed a crime. The purpose of mental health court is to reduce the number of people with mental illness in jails and prisons and to help prevent them from committing crimes in the future. The goal is to link the person to treatment services, provide him or her with intensive supervision by the court, and hold the person accountable for sticking to the court ordered treatment. If a person in mental health court does not follow through with treatment, a judge may order him or her to go to jail. A person who

successfully completes mental health court generally has his or her criminal case dismissed.

AOT is a civil court process and is for individuals who have not committed a crime. The purpose of AOT is to address treatment non-engagement by leveraging the power of the court to influence behavior. A judge can order a person in AOT to follow a treatment plan, but the person cannot be placed in jail for not following through with court ordered treatment. However, there are consequences that may be imposed by the judge. These include:

- Being ordered to appear in front of the judge
- Increasing the length of time the person is on AOT
- Being ordered to receive a mental health evaluation to determine if the person is a danger to self or others
- Being placed in the hospital if the evaluation determines that the person meets the criteria for inpatient treatment

When to file an AOT petition

The best time to begin the AOT process is as the person is leaving a hospital, jail or prison. At this point, the person should have received care that has stabilized his or her mental health condition and is better able to understand the court's expectations. In some states, a family member is allowed to file the AOT petition. However, the best person to file the petition is usually the doctor who's been overseeing the person's care, because the doctor has the information and expertise to explain to the court why AOT is necessary.

Paying for AOT

Often, people who meet criteria for AOT are on Medicaid or are eligible to receive subsidized services provided by the public mental health system. In that situation, Medicaid or the public mental health system covers the cost of treatment. If the person has private insurance, his or her insurance company would be billed for the costs.

Learning more

For more information on AOT, including how to get a program started in your community if one doesn't exist, contact the Treatment Advocacy Center at treatmentadvocacycenter.org.

Source: Treatment Advocacy Center, 2019