

# Second Judicial District Court Assisted Outpatient Treatment (AOT)

**June 26, 2024**

**Presented By:**

**Honorable Beatrice J. Brickhouse**

District Court Judge/Presiding AOT Judge  
Second Judicial District Court

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# Background

- ▶ In 2017, the City of Albuquerque partnered with the Second Judicial District Court to establish an advisory team of community stakeholders, including judges, practitioners, law enforcement, consumers, and advocates, which began the planning process to implement an AOT program.
- ▶ In October 2018, the City of Albuquerque was awarded a four (4) year grant from the Substance Abuse and Mental Health Services Administration (SAMHSA).
- ▶ In November 2019, the Bernalillo County AOT program ordered its first participant into the program.
- ▶ On June 1, 2021 the Bernalillo County AOT Program was placed on hold due to the loss of its clinical services provider.

# SJDC Court Staff Infrastructure

- ▶ Program Manager – primarily responsible for program oversight, program education and outreach, and communication with other stakeholders. Also serves as the point person on AOT issues and maintains and analyzes outcome data through monthly and quarterly reports.
- ▶ Case Manager – this position is integral to the AOT program's ability to maintain the progress of each participant through the court system, and track outcomes. It requires knowledge of each participant's court ordered treatment plan and corresponding services, and ensuring the services outlined in the treatment plan are being adhered to through ongoing communication with the participant, treatment provider(s) and support systems.
- ▶ Judicial Specialist II – this position provides administrative support.

# AOT Purpose and Goals

## AOT Is:

The practice of providing community based mental health treatment under civil court commitment as a means of:

- ▶ Motivating an adult with a mental illness who struggles with voluntary treatment adherence.
- ▶ Focusing the attention of treatment providers to keep the person engaged in effective treatment through a 2-way commitment that requires treatment providers to engage individuals at the same time it commits individuals to adhere to their treatment plans.
- ▶ Leveraging the power of the court to influence, promote, and encourage healthy behavior by utilizing the "black robe effect".

## Goals of AOT:

- ▶ Reduce the incidents and/or duration of hospitalizations, arrests and incarcerations, violent episodes, homelessness, victimization, and other consequences of treatment non-adherence.
- ▶ Reduce the financial strain and overcrowding of our community's emergency resources.
- ▶ Support individuals to achieve and maintain stability within the community by focusing on their personal goals in correlation with a treatment plan that enables them to live healthy and productive lives.

# AOT is a Civil Division Treatment Program

- ▶ Court's authority is not predicated on the commission of crime
- ▶ It is a ***civil*** legal procedure
- ▶ No "sanctions" for violating the order
- ▶ Consequences for non-compliance may include, but are not limited to:
  - ▶ Order for emergency evaluation
  - ▶ Increased status reviews
  - ▶ Increased clinical provider intervention
- ▶ Does not require the individual's voluntary choice to participate.

# AOT Criteria

## Participant Criteria:

- ▶ Bernalillo County resident 18 or older;
- ▶ Primary diagnosis of a serious mental disorder;
- ▶ The person has a demonstrated history of lack of adherence with treatment for a serious mental disorder that has either:
  - Been a significant factor in their hospitalization or incarceration at least twice in the last four (4) years; or
  - Resulted in one or more acts of serious and violent behavior toward self or other, or threats of, or attempts at, serious physical harm to self or others within the last four (4) years; or
- ▶ Unwilling or unlikely, as a result of a mental disorder, to participate voluntarily in outpatient treatment and without which the person is unlikely to live safely in the community without court supervision;
- ▶ Resulted in incarceration, detention, or hospitalization for six (6) months or more and the person is to be discharged within the next thirty (30) days or was recently discharged within the past sixty (60) days;
- ▶ Needs AOT as the least restrictive appropriate alternative to prevent a relapse or deterioration likely to result in serious harm to self or others; and
- ▶ Will likely benefit from, and have best interests served by, receiving AOT

## Petitioner Criteria:

- ▶ An adult roommate of the person;
- ▶ A parent, spouse, adult child or adult sibling of the person;
- ▶ The director of a hospital where the person is hospitalized;
- ▶ The director of an organization where the person lives and provides mental health services to the person;
- ▶ A \*qualified professional who is providing or supervising the person's mental health treatment or has supervised or treated the person within the last 4 years; or  
*\*Definition of Qualified Professional: A physician, licensed psychologist, prescribing psychologist, certified nurse practitioner, or clinical nurse specialist with a specialty in mental health, or a physician assistant with a specialty in mental health.*
- ▶ A surrogate decision maker, such as a power of attorney or guardian

# Treatment Advocacy Center (TAC) Best Practice Standards

Policies and practices that allow AOT programs to achieve optimal outcomes for participants, include:

- ▶ Foster a culture of respect and compassion
- ▶ Deliver comprehensive evidenced-based mental health services
- ▶ Incorporate a treatment plan into the court order
- ▶ Respond appropriately to treatment non-adherence
- ▶ Maintain a sufficient duration of commitment for each participant
- ▶ Make judicious use of law enforcement partners
- ▶ Ensure warm hand-offs upon treatment transitions
- ▶ Encourage family engagement

# AOT Referral and Evaluation Process

- ▶ All AOT referrals are received and screened by the clinical services provider.
- ▶ If AOT criteria are met, the individual is examined by a qualified professional who determines whether the person will benefit from court ordered treatment as the least restrictive option of receiving clinical care.
- ▶ A petition is filed with the Second Judicial District Court with a corresponding treatment plan, that has been developed in collaboration with the individual.
- ▶ The individual is appointed legal counsel.
- ▶ A court hearing is scheduled within 3-7 days of the petition being filed.
- ▶ If the judge finds there is clear and convincing evidence of the petition, an AOT order is issued for one year, with an option to extended when clinically indicated.



# NM AOT Court Order 43-1B-8

- ▶ The court's order shall:
  - ▶ provide for a period of AOT up to 1 year, with an option to extended when clinically indicated;
  - ▶ Include a treatment plan with specified services;
  - ▶ Direct the provider to arrange therapeutic services.

# What are the individual's rights in the process?

- ▶ AOT defines eligibility criteria to ensure appropriate application of the law and to protect individual rights.
- ▶ The law defines the rights of the individual who is the subject of an AOT petition, including:
  - ▶ participation in the development of a treatment plan;
  - ▶ adequate notice of hearings;
  - ▶ to receive a copy of the court-ordered evaluation;
  - ▶ the appointment of an attorney;
  - ▶ to be present at the hearing;
  - ▶ to present evidence and call and/or cross-examine witnesses, and
  - ▶ to appeal decisions.

# Legal Representation

The individual who is the subject of the petition is appointed legal representation.

Legal counsel provides:

- ▶ Increased advocacy and support
- ▶ Assistance with resolving outstanding warrants
- ▶ Serve as a legal liaison for pending criminal cases

# NM AOT Treatment Plan

## 43-1B-7

AOT is defined as categories of community services. The treatment plan shall include comprehensive community support services (CCSS) or assertive community treatment team (ACT) services. Other services may include:

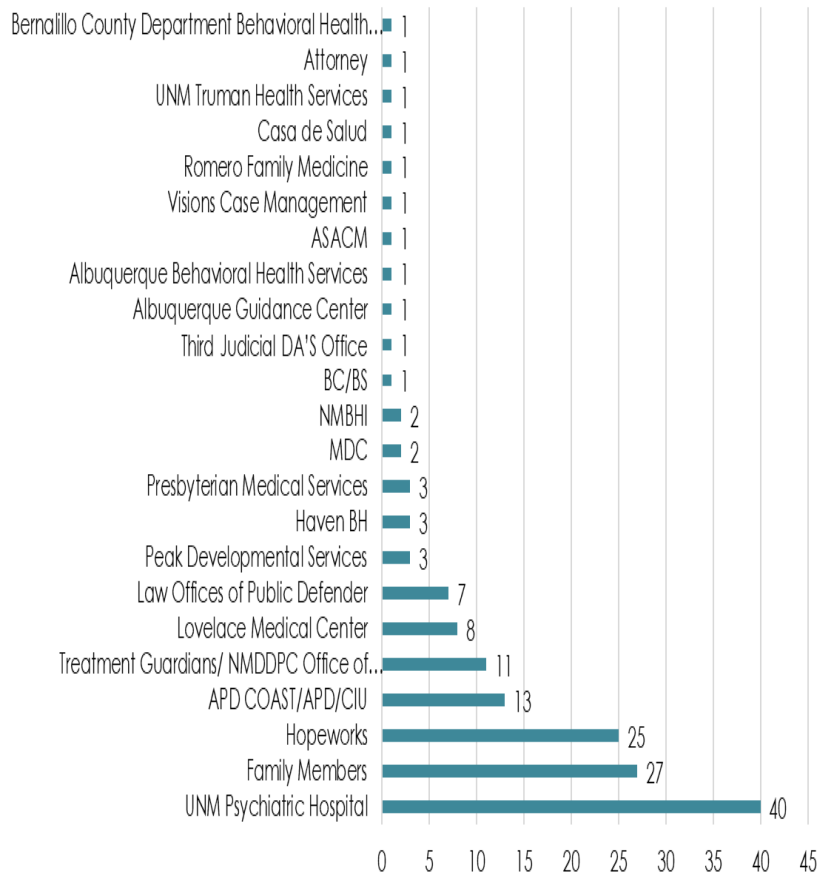
- ▶ Medication Management
- ▶ Individual or Group Therapy
- ▶ Educational and Vocational Training or Activities
- ▶ Alcohol or Substance Abuse Treatment or Counseling
- ▶ Assistance with Housing or Food
- ▶ Assistance with Benefits
- ▶ Assistance with Transportation to Appointments
- ▶ Any other services prescribed to treat the individual's mental disorder and to assist the individual in living and functioning in the community, or to attempt to prevent a deterioration of the individual's mental or physical condition.
- ▶ If the plan includes medication, it shall state whether such medication should be self-administered or administered by a specified provider and shall specify type and dosage range.
- ▶ The plan shall state all treatment services recommended for the respondent and, for each such service, shall specify a provider that has agreed to provide the service.

# What an individual can expect once ordered into AOT

- ▶ Attend hearings and conferences as directed, where they are encouraged to discuss their progress with the Judge/treatment team, and report any unmet needs or concerns
- ▶ Access to legal representation
- ▶ Follow the treatment plan, to include:
  - Take medication as prescribed
  - Attend all appointments with treatment providers
  - Keep clinical support team advised of current address/location and phone number
  - Maintain consistent communication with clinical support team
- ▶ Positive Reinforcements/Incentives in recognition of adherence to the treatment plan

# Referral Resolution

## Referral Source

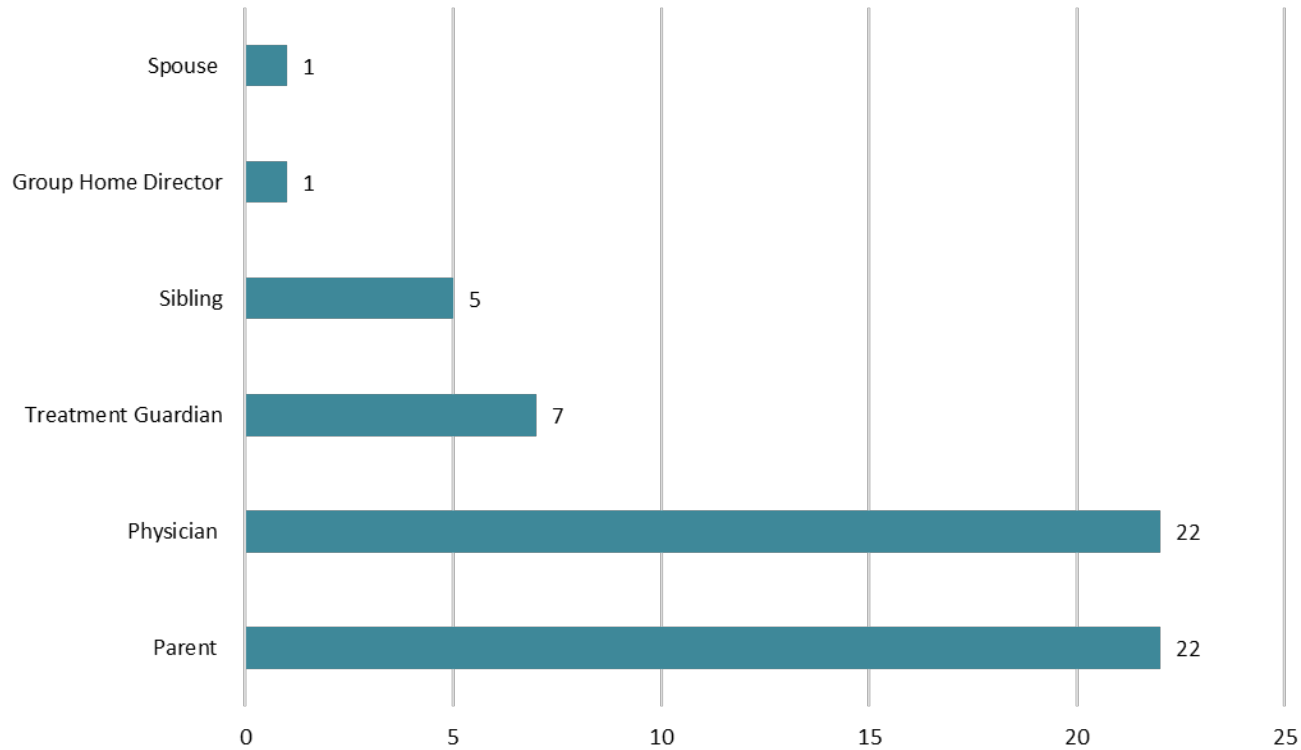


## Closed referrals include, but are not limited to:

- ▶ No qualifying petitioner
- ▶ Out of county
- ▶ Qualified Professional did not feel met criteria
- ▶ Could not locate for evaluation
- ▶ Referral pulled by referring party
- ▶ No communication from referring party to continue process

# Petitioner Data

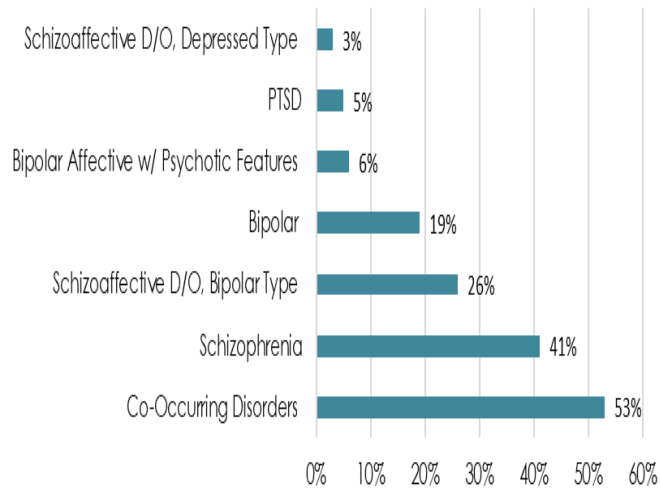
(Based on 58 Petitions filed in FY20 and FY21)



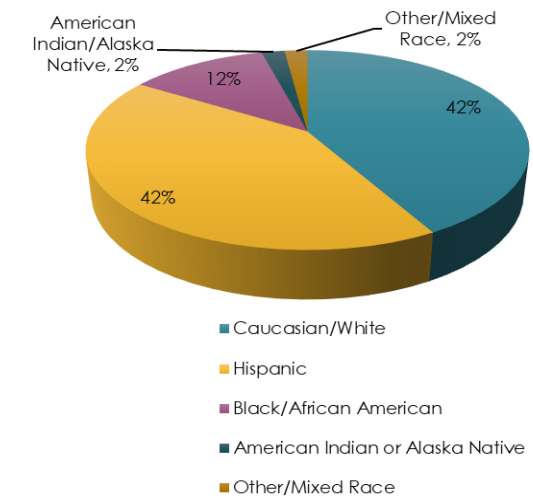
# Participant Demographics

(Based on 155 AOT referrals in FY20 and FY21)

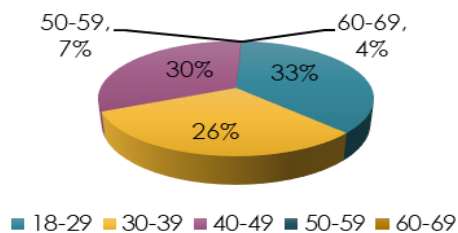
## Diagnosis



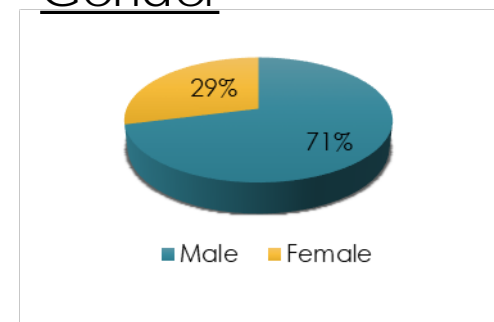
## Ethnicity/Race



## Age



## Gender

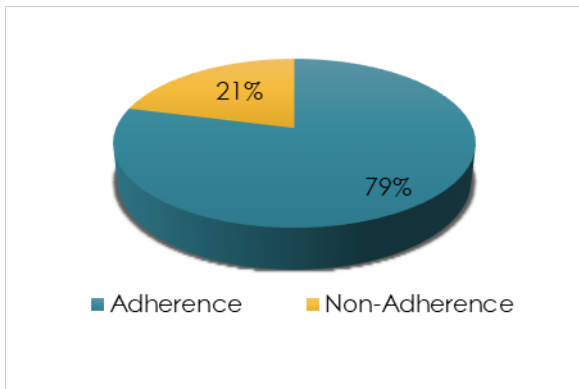




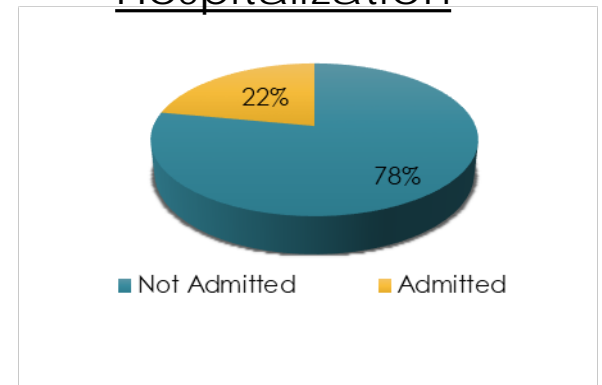
# Participant Outcomes

(Based on 43 AOT Orders in FY20 and FY21)

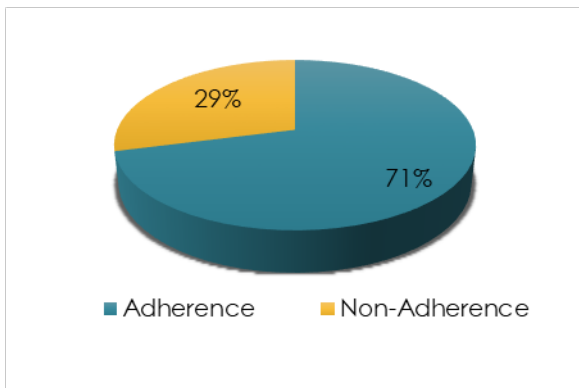
## Medication Adherence



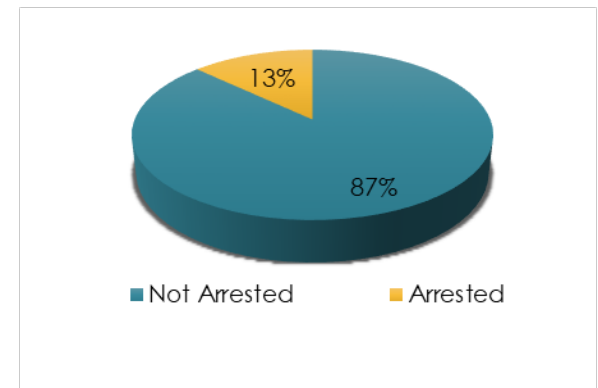
## Hospitalization



## Appointment Adherence



## Arrest





QUESTIONS?