



ASSISTED OUTPATIENT TREATMENT (Court Ordered)

What You Need to Know

Assisted outpatient treatment (AOT), also known as Kevin's Law, was originally signed into law in 2004. Updates and expansions were made and signed on February 14, 2017.

The purpose of Kevin's law is to authorize courts and community mental health agencies to develop and utilize AOT programs, generally used in lieu of hospitalization for people who fail to comply with prescribed treatments.

Kevin's Law helps to provide protection and care for individuals who have mental illnesses and may be impaired in their judgement about the need for treatment. Family and friends of the individual can petition the court to order outpatient mental health care. This rule allows judges to order outpatient treatment for people with untreated severe mental illnesses.

What services can the court order include through AOT?

- Care Management or Assertive Community Treatment (ACT) Team services;
- Medication
- Periodic blood tests or urinalysis to determine compliance with prescribed medications;
- Individual or group therapy
- Day or partial day programming activities
- Educational and vocational training or activities
- Alcohol or substance abuse treatment and counseling and periodic tests for the presence of alcohol or illegal drugs for persons with a history of alcohol or substance abuse;
- Supervision of living arrangements;
- Any other service within a Person Centered Plan

Who is eligible for AOT?

To be eligible ALL of the following criteria must be met for an individual to be considered for an AOT:

- Is 18 years of age or older; and
- Is suffering from a mental illness; and

- Is unlikely to survive safely in the community without supervision, based on a clinical determination; and
- Has a history of lack of compliance with treatment for mental illness which has led to either: a) Two hospitalizations for mental illness in the preceding 36 months, or b) One or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others within the last 48 months; and
- Is unlikely to voluntarily participate in outpatient treatment that would enable them to live safely in the community; and
- Is in need of AOT in order to avoid a relapse or deterioration which would be likely to result in serious harm to self or others; and
- Is likely to benefit from AOT.

How long does the person remain on AOT?

If the individual agrees to comply with treatment with the judge, they are placed on a Deferral (60/90). If the individual does not comply with treatment recommendations while on the Deferral a Demand for Hearing is completed and the individual will go in front of the judge again. The first Order is granted for up to 180 days. The individual is assessed again near the end of the 180 days and if it is determined to be necessary an extension can be for another 90 days. Near the end of the order expiring, the individual is assessed again. If it is determined to be necessary and beneficial, the order can be extended for a year. These assessments would continue until the individual is determined not to be in need of the order.

Who can request an AOT order?

- 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 individual may have been hospitalized involuntarily and during that time went to court while there and the order was signed by a judge;
- The director of a public or charitable organization, agency or home that provides mental health services to the person in whose institution the person resides;
- A licensed psychologist or licensed social worker who is treating the person for mental illness;
- The director of community services, or social services official of the city or county where the person is present or is reasonably believed to be present; or
- A parole officer or probation officer assigned to supervise the person.

How does a person receive services through AOT?

If the individual meets the AOT criteria, he/she is examined by a psychiatrist who determines whether the individual will benefit from court ordered treatment. A court date is then scheduled. The court receives documentation including the petition and a treatment plan for the individual and then can order the person to receive assisted outpatient treatment. If the court determines that the individual meets the criteria for AOT, an order is issued. The court could also decide that the individual does not need AOT and can dismiss the petition.

What happens next?

The court is required to set a hearing date that is no more than three days after the court receives the petition. If the judge orders AOT for a Shiawassee County resident, the individual will be referred to Shiawassee Health & Wellness (SHW), to be screened and linked to services. SHW must inform the court if the individual does not follow the court order.

What happens if the person does not comply with the court order?

If in the clinical judgment of a physician the individual has not followed the treatment ordered by the court and may be in need of involuntary admission to a hospital, the physician may request that the individual be transported to the hospital, involuntarily if necessary. The individual may be held at the hospital up to 72 hours to determine whether the individual can be admitted, or the individual may be assessed and released.

Who should I contact if I think someone needs assistance through AOT?

Contact Shiawassee Health & Wellness. County mental health agencies are responsible for the management of the county's AOT program and can help you determine whether the person meets the criteria for AOT. You may ask to speak to the Mental Health Diversion Specialist. They may also be aware of other available services if AOT is not appropriate for the individual.

About Us

Shiawassee Health & Wellness is a public mental health agency with a dedicated team of experienced mental health professionals who provide compassionate care, supported by evidenced based practices.

For more information, please contact us:

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