

**FRESNO COUNTY
ASSISTED OUTPATIENT TREATMENT (AOT)**



**FAMILY MEMBER
HANDBOOK**

FUNDED BY FRESNO COUNTY DEPARTMENT OF BEHAVIORAL HEALTH



Department of
Behavioral Health

Dear Family Member(s),

The court has found by clear and convincing evidence that your loved one is a person with a mental health condition subject to court order. As a result, they have been committed to Fresno County Department of Mental Health and ordered to participate in the Assisted Outpatient Treatment (AOT) Program. The current term of their commitment expires _____.

The purpose of the AOT Program is to give them the tools they need to help manage their mental illness so they are better prepared to live safely in the community. Mental Health Systems TURN Behavioral Health DART West has decades of experience as a leading provider of specialty mental health services and will ensure that your loved one has access to the mental health services, housing, medication and support they need. The point person for your loved one will be their assigned case manager, who will serve as their advocate and liaison and will link them to a psychiatrist who specializes in this level of acuity. If you have information that may be helpful to the treatment team, we encourage you to make contact with the case manager. The Fresno County Department of Mental Health will also oversee your progress in the AOT Program and provide regular updates to the court.

Your loved one will be empowered to help develop a clear, meaningful, treatment plan based on their goals. By taking an active role in their treatment, taking medication as prescribed and meeting regularly with their case manager, they can help reduce the amount of time they must remain in the AOT Program. Ultimately, however, the Court determines the length of time they are in the AOT Program based on the reports from the treatment team.

If you have any questions about the AOT Program, please do not hesitate to ask your loved one's assigned case manager or the AOT Monitor. Their contact information is below.

Sincerely,

Judge Gary Orozco

Important contact information:

Agency: _____ **phone:** _____

Case Manager: _____ **phone:** _____

AOT Monitor: _____ **phone:** _____



Department of Behavioral Health

Assisted Outpatient Treatment -- A Guide for Family Members

WHAT IS ASSISTED OUTPATIENT TREATMENT (AOT)?

Assisted Outpatient Treatment (AOT) was created from Laura's Law that was passed by state legislature in 2002. AOT provides community-based support and court oversight of mandatory outpatient treatment by a civil, not a criminal, court. AOT is dedicated specifically to adults with severe mental illness, most commonly persons served living with schizophrenia or bipolar disorder who may have difficulty in engaging in mental health treatment. Persons served in AOT may, through no fault of their own, lack an understanding that their illness requires ongoing treatment. This is referred to clinically as "anosognosia." Consequently, they may not fully engage in the level of treatment necessary to keep them from getting caught in the "revolving doors" of hospitals, jails and prisons.

Family Member Defined

The term "family member" used in this document is viewed from a broad perspective to include parents, siblings, spouses, adult sons and daughters, partners, significant others and close friends. It can be families of origin or families of choosing.

The consistent and compassionate contact from the AOT team with the person served and meeting them at familiar locations and exploring the readiness in their recovery journey, along with the existence of a court order, can often be enough to engage participants to follow a collaboratively created treatment plan. The primary goal of AOT is to provide support and encourage the development of an ongoing positive relationship between the treatment team and the person served so that in time the individual voluntarily engages in treatment. The treatment team will utilize evidence-based interventions to increase the success of the person served.

It is important to remember that AOT is a civil court order, not a criminal court order, therefore participants are not criminals and are not put in jail if they do not adhere to their treatment plan. The goal of AOT is to help participants engage in treatment, not to punish them when they do not. Instead, those who do not adhere to the treatment plan could face being ordered to appear before the judge on a more frequent basis, having the length of time they are on AOT increased, or being held for evaluation and possibly hospitalized. The objective, of course, is to intervene early enough and provide support and individualized outreach to avoid hospitalization.

Another goal of AOT is for the court to ensure that the needed services specified in the treatment plan are appropriate and actually provided. Just as the court commits the participant to engage with the treatment plan, TURN BHS- DART West's treatment team is also committed to providing the services specified in that plan.

While participants in AOT may never gain a full understanding of their illness, the expectation is for them to engage with and eventually take control of their own treatment. We want them to start taking their own steps with the help of the court, treatment team, and their support systems to make recovery happen. The amount of time they spend in AOT varies from individual to individual and is generally based on the person demonstrating a readiness to continue their treatment journey. Support from family members and close friends can help promote this readiness.

In this guide, you can find answers to the following questions:

- How does AOT work?
- Who provides services to my loved one?
- Where is the AOT program located and how do I contact the program?
- What services are provided?
- How do I make sure my loved one takes their medication?
- What happens if my loved one does not adhere to the AOT treatment plan?
- How can I support my loved one during placement in AOT?
- How long does the court order last?
- What happens after the court order ends?
- What can I do to help support the AOT program in my community?

HOW DOES AOT WORK?

The AOT process and criteria varies from state to state. Nonetheless, most state laws do have some things in common as described below for California.

Petition is filed

California requires that a petition (also called an affidavit or application) be filed with the civil (or probate) court. The petitioner describes in writing why they believe the person meets the legal criteria for AOT.

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

An adult family member or another person including but not limited to a hospital, director, therapist, probation officer, judge, etc. is also able to file a petition for AOT. While family member referrals are allowable, it may not be ideal as (1) it puts family members in an adversarial role in court, and (2) family members are often unable to compile the required documentation to show clear and convincing evidence that their loved one meets criteria. Therefore, family members are often encouraged to contact the mental health director at the hospital, jail, or prison in which their loved one may soon be released to let them know about AOT and why they believe the person would benefit from court ordered outpatient treatment.

However, while it is not ideal to have a family member file the AOT petition, it is by no means impossible nor is it necessarily discouraged. To be successful, a family member should be knowledgeable about the law or retain an attorney who can present a well-prepared case that is backed up with sufficient documentation (police reports, dates of recent hospitalizations, statements from previous mental health professionals, etc.) and have realistic expectations about the outcome. Keep in mind that while your case may not be successful, it may raise awareness about AOT in your community and pave the way for others to receive the help they need through AOT.

Petition is reviewed

The petition will be reviewed to determine if there is sufficient evidence to proceed to a hearing. If necessary, the court may order that the person served (i.e., the respondent or person described in the petition) be evaluated for a mental health assessment.

Hearing is held

If the court decides to proceed with the case, it will set a date for the hearing. The respondent is entitled to full due process protections. It is the responsibility of the petitioner (i.e., the referring party) to convince the judge that the respondent meets the AOT commitment criteria. In other words, the "the burden of proof" is on the petitioner. Experts, including psychiatrists and other mental health professionals, will provide testimony in support or opposition to the petition. During the court proceeding, the respondent will also have an opportunity to enter into a settlement agreement with the court which states the individual is agreeing voluntarily to participate in AOT services. If the respondent does not enter into a settlement agreement,

evidence will be presented to the court on both sides. If the evidence is “clear and convincing”, the judge may order the person to receive court ordered AOT treatment services for a period of 180 days (“commitment”).

Treatment plan is developed

The person served will be encouraged to actively participate in mental health treatment with the TURN BHS- DART West AOT treatment team including the establishment of goals and objectives with specific criteria for evaluating progress toward meeting those goals and objectives. The treatment plan will be carefully tailored for the individual depending on their specific needs. The court will receive regular progress reports from the treatment team every 60 days.

Court order is continued

Prior to the expiration of the period of commitment to AOT by the court (usually 180 days), the treatment team will decide whether to ask the court to continue the commitment for another 180 days. The court must find clear and convincing evidence that the person meets continued criteria before they can order the individual to remain on AOT.

Case is dismissed

The length of time of court ordered AOT treatment services varies from person to person. The treatment team may recommend dismissal of the case at any time prior to the expiration of the court order if it determines that the person served will voluntarily consent to treatment. The treatment team may also let the commitment end without requesting a continuation.

WHO PROVIDES SERVICES TO MY LOVED ONE?

TURN BHS- DART West AOT is a Full Service Partnership (FSP) program that uses a multidisciplinary team approach to provide culturally competent services. This program offers a staff to member ratio of 1 to 10 and provides many of its services within the community such as the individual’s residence, a coffee house, a park, or wherever the person served feels comfortable. The AOT FSP will begin the process of evaluation upon enrollment into AOT services. This evaluation process is completed within the first 30-60 days and includes initial appointments with the intake staff, psychiatrist, nurse, and assigned case manager. The program also includes a therapist, benefits/employment specialist, and a housing specialist to support your loved one’s recovery.

WHERE IS THE AOT PROGRAM LOCATED AND HOW DO I CONTACT THE PROGRAM?

The program is located at:

Address: 2549 W. Shaw Ave, Fresno, CA 93711

Phone #: (559) 264-7521

The office is open Monday-Saturday 7:00am-7:00pm. Staff are always available in times of crisis and can be reached 24 hours a day, 7 days a week by phone. After hour/weekend appointments are also available for the individual to meet with their treatment team.

WHAT SERVICES ARE PROVIDED?

TURN BHS- DART West AOT FSP Services Include:

- Intensive Case Management
- Money Management and Representative Payee Services
- 24/7 Availability including a Crisis Line
- Housing Support
- Medication Support and Management
- Vocational and Educational Support
- Benefits Acquisition
- Psychoeducation and Socialization Groups
- Rehabilitation Counseling
- Family Support
- Individual and Family Therapy

HOW CAN I BE SURE MY LOVED ONE TAKES THEIR MEDICATION?

The option to receive medication is completely voluntary. Your loved one is encouraged to meet with the program's prescribers who are available to discuss medication options as well as to prescribe medication. If your loved one agrees to medication, we offer medication delivery to your loved one's location and ensure they will receive the refills on time. However, the court cannot require them to take medication while participating in AOT.

WHAT HAPPENS IF MY LOVED ONE DOES NOT ADHERE TO THE AOT TREATMENT PLAN?

AOT is a civil court process and is for individuals who have not committed a crime. A judge can order a person to follow a treatment plan, but the person cannot be placed in jail for not following through with court ordered treatment. However, listed below are consequences that may be imposed by the judge:

- Order to appear in front of the judge (sometimes referred to as a "status hearing")
- Increase in the length of time for the court ordered AOT treatment

- Order to receive a mental health evaluation to determine if the individual is a danger to themselves or others. (If the person is unwilling to submit to an evaluation, the court may order that they be taken to the evaluation site by law enforcement.)
- Placement in the hospital if the evaluation determines that the person meets the criteria for inpatient treatment

A WORD ABOUT HIPAA

To some degree, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) may limit the extent of your involvement in your loved one's treatment if they do not consent to share information with you by signing a release of information with the provider. However, nothing in HIPAA prevents treatment providers from accepting information from family members or others who are knowledgeable about the individual and their treatment needs. The treatment provider will want to know all the relevant information available.

<https://www.treatmentadvocacycenter.org/component/content/article/183-in-a-crisis/1850-hipaa-at-a-glance>

HOW CAN I SUPPORT MY LOVED ONE DURING PLACEMENT IN AOT?

There are a number of ways you can help your loved one be successful in AOT. Although HIPAA may limit the amount of information you can receive from treatment providers if there is no release of information, you can still play a pivotal role in your loved one's recovery.

Attend AOT hearings, if permitted

Having a family member present in the courtroom can help ease an AOT participant's anxiety about appearing before a judge, especially if it is for the first time. In addition, if invited to speak, you can provide the judge with another important perspective on the progress of the person served in meeting their court ordered AOT treatment goals. Some judges may be willing to accept information from family members off the record if the family member is not comfortable disclosing it in front of their loved one.

Participate in the development of the treatment plan, if permitted

Ask your loved one if you can participate in the development of the treatment plan. This is your opportunity to have your concerns, hopes, and dreams for their future taken into consideration as the team maps out a plan, together with your loved one, for attaining their life goals. You may have crucial information about experience with past medications or treatment history. While HIPAA may limit the information that you may receive, it does not limit the information that you can provide.

Notify the treatment team when you have concerns

Family member involvement can be enormously helpful to the treatment team because you are usually the first to notice signs of psychiatric deterioration. Bringing your concerns to the attention of their assigned case manager early on will enable the treatment team (and court, if necessary) to intervene to prevent the situation from becoming worse or resulting in a crisis.

Encourage your loved one to share medication concerns with the treatment team

Often, a person on AOT is unable or unwilling to tolerate the side effects of prescribed medications. In such cases, encourage your loved one to share any medication concerns with the treatment team and the judge, if necessary.

Recognize and celebrate improvement

Just as family members may be the first to recognize signs of deterioration, they are usually the first to observe the benefits of treatment as well. It is important for you to share what improvements you have observed with the AOT participant and to take time to celebrate them together. Eventually with your help and the help of the treatment team and court, your loved one will hopefully make the connection between these improvements and their adherence to the treatment plan.

Let go of your role as treatment monitor

If you have been the one primarily responsible for ensuring that your loved one follows through with treatment and takes prescribed medications, AOT can be a tremendous blessing. Let the treatment team assume that responsibility and permit yourself to move into the role of engagement partner. Many AOT participants remark at how their relationships with their family members improve as a result of this shifting of roles. During this transition, it is important that you maintain regular communication with the treatment team and let them know if you begin to see signs of deterioration or if you have other concerns so that they can intervene.

Take care of yourself and recognize your limitations

If you do not take care of your own mental and physical health, it is difficult for you to be there for your loved one. Be a good role model by taking time to care for yourself when you need to. One way to do this is by connecting with a support network of other families in your situation. The National Alliance on Mental Illness (NAMI) and Mental Health America offer education and family support programs.

HOW LONG DOES A COURT ORDER LAST?

Each court order is limited to up to 180 days of court-involved treatment. However, the judge can extend the court order for an additional 180 days if your loved one continues to meet AOT criteria.

WHAT HAPPENS AFTER THE COURT ORDER ENDS?

Treatment does not and should not end when the settlement agreement or court order expires. Your loved one has the option to remain with the TURN BHS- DART West AOT FSP on a voluntary basis to continue treatment. If they are no longer court ordered to AOT, they will gradually be transitioned to the TURN BHS- DART West FSP treatment team. They will receive similar services as outlined above without the court order until they meet all their treatment goals.

WHAT CAN I DO TO HELP SUPPORT THE AOT PROGRAM IN MY COMMUNITY?

An added bonus of including family members in the AOT process is that they often become the best advocate for AOT. Grateful family members often want to “give back” by sharing their AOT experience with others, which in turn, raises awareness. If you feel a calling to share your family’s story with others, please let the treatment team know (after you’ve consulted with your loved one, of course). Personal accounts can be invaluable to decision makers who must make difficult decisions regarding expansion or funding.

Additionally, if you have suggestions related to AOT improvement, do not hesitate to share them with AOT leaders (including the TURN BHS- DART West AOT treatment team or the Department of Behavioral Health).

To learn more about AOT, please visit: www.treatmentadvocacycenter.org.

