

Eligibility Criteria for AOT:

- Be diagnosed with a serious mental illness (SMI). "Serious mental illness", "severe mental illness", or "SMI" means a diagnosis of a major mental disorder as included in the current edition of the Diagnostic and Statistical Manual of Mental Disorders under: (a) Schizophrenia spectrum and other psychotic disorders; (b) Bipolar and related disorders; (c) Depressive disorders; or (d) post-traumatic stress disorders (under trauma and stressor related disorders). (908 KAR 2:260)
- Have a history of repeated nonadherence with mental health treatment which has:
 - *At least twice within the last forty-eight (48) months, been a significant factor in necessitating hospitalization or arrest of the person; or
 - *Within the last twenty-four (24) months, resulted in an act, threat, or attempt at serious physical injury to self or others.
- Be unlikely to adequately adhere to outpatient treatment on a voluntary basis, based on a mental health professional's: (a) clinical observation and (b) identification of specific characteristics of the person's clinical condition that significantly impair the person's ability to make and maintain a rational and informed decision as to whether to engage in outpatient treatment voluntarily; and
- Be in need of court ordered AOT as the least restrictive, appropriate mode of treatment.

Please refer to KRS 202A.0815 for eligibility requirements listed in statute.

AOT Resources

“—
There is no health without
mental health. -Dr. David Satcher
—”

Visit this link or scan the QR code to view the KY AOT statutes, AOT court forms, and external websites with additional AOT resources.

<https://linktr.ee/aotky>



Assisted Outpatient Treatment (AOT) vs. Mental Health Court in KY

*A guide
in understanding the
differences between
AOT and Mental
Health Court in KY.*

Please note that both AOT and Mental Health Court strive to help citizens receive and successfully engage in a continuum of community-based behavioral health treatment.



Assisted Outpatient Treatment (AOT)

Assisted Outpatient Treatment, (Tim's Law), is a civil, legal procedure by which a court can order an individual with serious mental illness to follow a treatment plan in the community.

One of the primary goals of AOT is to ensure individuals diagnosed with a Serious Mental Illness (SMI) do not experience a lapse in the continuity of their mental health care, thereby reducing the risk of incarceration or hospitalization while improving their health and well-being.

AOT is not appropriate for all (or even most) individuals with SMI. It is a less invasive intervention than psychiatric hospitalization, designed to interrupt the repeated hospitalization—release—decompensation cycle of the small subset who have demonstrated an inability to maintain treatment engagement on a voluntary basis (often due to anosognosia — an inability to recognize their own illness and need for treatment).

Regular court supervision and more intensive outpatient treatment are designed to support and assist the individual's success in the community.

Through reduction of hospitalizations and criminal justice involvement, individuals are better served, and scarce resources conserved.

Department for Behavioral Health,
Developmental and Intellectual Disabilities:
<https://dbhdid.ky.gov/dbh/aot.aspx>

Mental Health Court in Kentucky

Kentucky's Mental Health Courts work to improve the well-being of justice-involved individuals experiencing behavioral health issues, including mental illness, substance use disorder, and developmental and/or intellectual disabilities. Mental Health Court may serve citizens with a pending felony or misdemeanor charge who have been diagnosed with an underlying mental illness.

Instead of incarcerating people with behavioral health concerns, Mental Health Courts provide a bridge to connect them with community-based treatment and support services to help them while preserving public safety. When participants successfully complete the program, charges may be dismissed through diversion or conditional discharge may be granted through probation.

Services provided for participants in Mental Health Courts include intense case management, collaboration among behavioral health providers and a multidisciplinary team, frequent and random urine drug screens when appropriate and support services for needs including housing and employment.

Administrative Office of the Courts (AOC) website:
<https://www.kycourts.gov/Court-Programs/Specialty-Courts/Pages/Mental-Health-Court.aspx>

What are the differences?

- AOT is a civil procedure and hearings occur in a civil court. Mental Health Court is held in criminal court.
- AOT has no threats of punishment for non-adherence to the program. Mental Health Court does implement sanctions for failing to adhere to the treatment plan that could include restoration of criminal charges and/or post-conviction punishment.
- AOT enrollment is considered involuntary, civil, court-ordered outpatient treatment program that is ultimately up to the Judge to approve the petition or not, dependent on eligibility. Anyone may file a petition. Mental Health Court is a voluntary program for eligible criminal defendants to have their case heard in this criminal/specialty court.
- AOT has stricter eligibility requirements than Mental Health Court.