



LAURA'S LAW

ASSISTED OUTPATIENT THERAPY (AOT)



- History



- Eligibility



- Assisted Outpatient Therapy

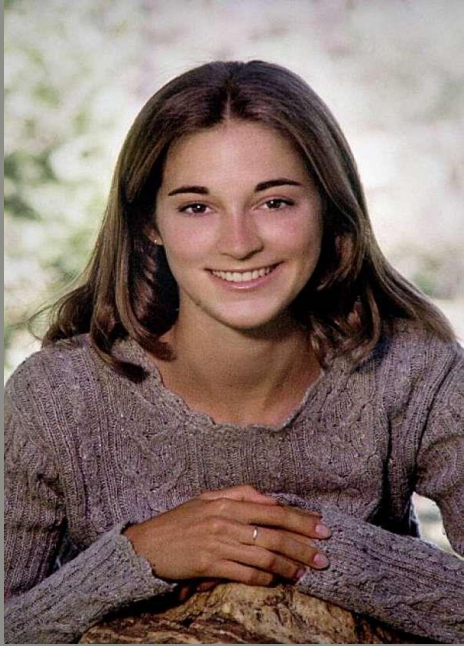


- Laura's Law & Sacramento County



HISTORY

Death of Laura Wilcox, RAND report, Duke Study



Laura Wilcox



Scott Harlan Thorpe

NEVADA COUNTY JANUARY 10, 2001



Nick and Amanda Wilcox



RAND Corporation

February 15, 2001

Released a report that used an evidence-based approach to examine and synthesize empirical research on involuntary outpatient treatment.

“The Effectiveness of Involuntary Outpatient Treatment: Empirical Evidence and the Experience of Eight States”

California Mental Health Client Data System
106,314 mental health commitments in 2001

- 58,439 of the admission were under 72 hours
- 33% had at least one prior admission in 12 months
- 34% lived with a family member prior to the hold
- 37% had a DX of schizophrenia or other psychosis
- 37% had no record of outpatient service use in 12 months

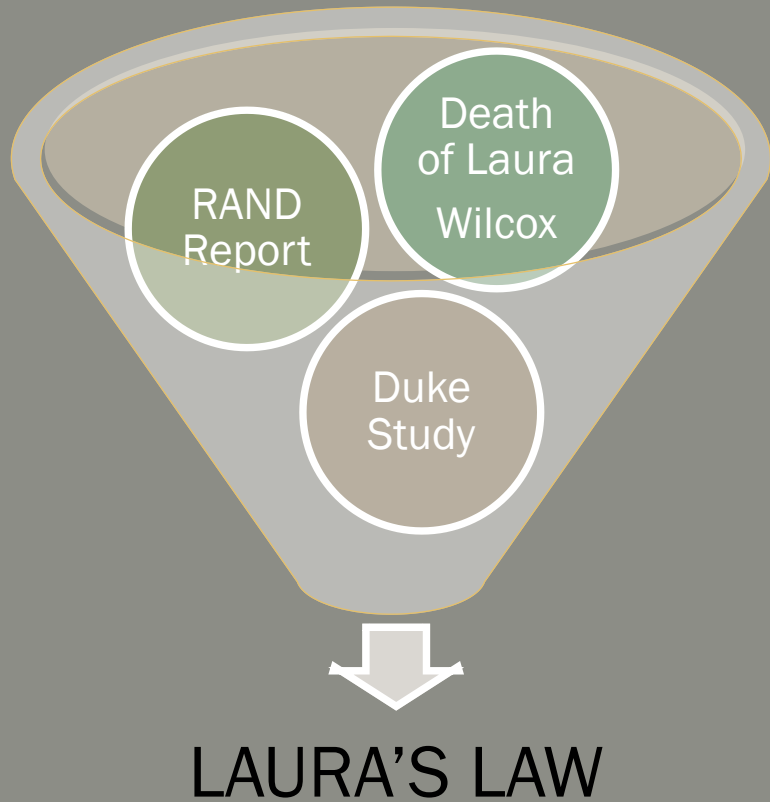
Ridgely, M. Susan, John Borum, and John Petrila, The Effectiveness of Involuntary Outpatient Treatment: Empirical Evidence and the Experience of Eight States. Santa Monica, CA: RAND Corporation, 2001.

Duke
UNIVERSITY



“ A Randomized Controlled Trial of Outpatient Commitment in North Carolina”

- People with psychotic disorders and those at highest risk for poor outcomes benefit from intensive mental health services provided in concert with a sustained outpatient commitment order
- Effect of sustained out patient commitment was particularly strong for people with schizophrenia and other psychotic disorders
 - When patient with these disorders were on an outpatient commitment for more than 180 days AND received intensive mental health services the study found:
 - ✓ 72% fewer readmissions to the hospital
 - ✓ 28 fewer hospital days than the non-outpatient commitment group



LAURA'S LAW

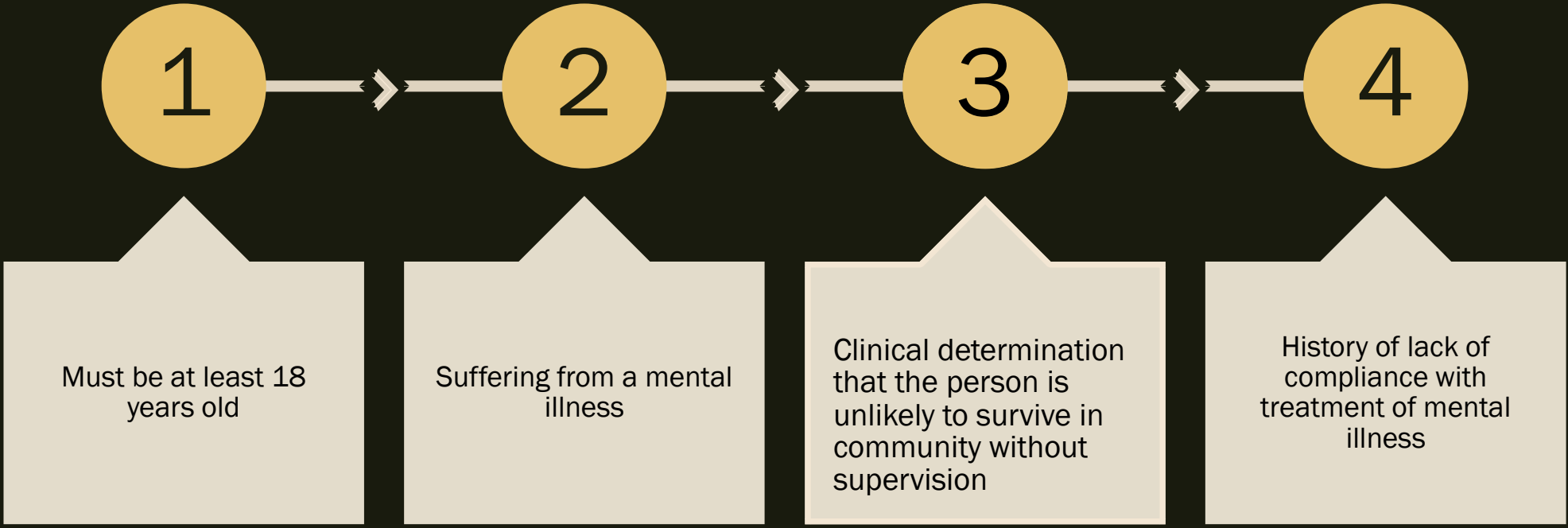
- Modeled on New York's Kendra Law
- Introduced as Assembly Bill 1421, Helen Thompson California Legislature
- Passed in the California Legislature in 2002
- Signed into law by Governor Davis
- Statute can only be used in counties that choose to enact "Laura Law" (Assisted Outpatient Treatment) in their county
- Not funded by the State. County Board of Supervisors have to pay and implement AOT if they "opt in"

The image features two large, thick black L-shaped brackets. One is positioned in the top-left corner, and the other is in the bottom-right corner, framing the central text.

ELIGIBILITY

8 REQUIREMENTS

REQUIREMENTS



How is “History of Lack of Compliance” Defined?

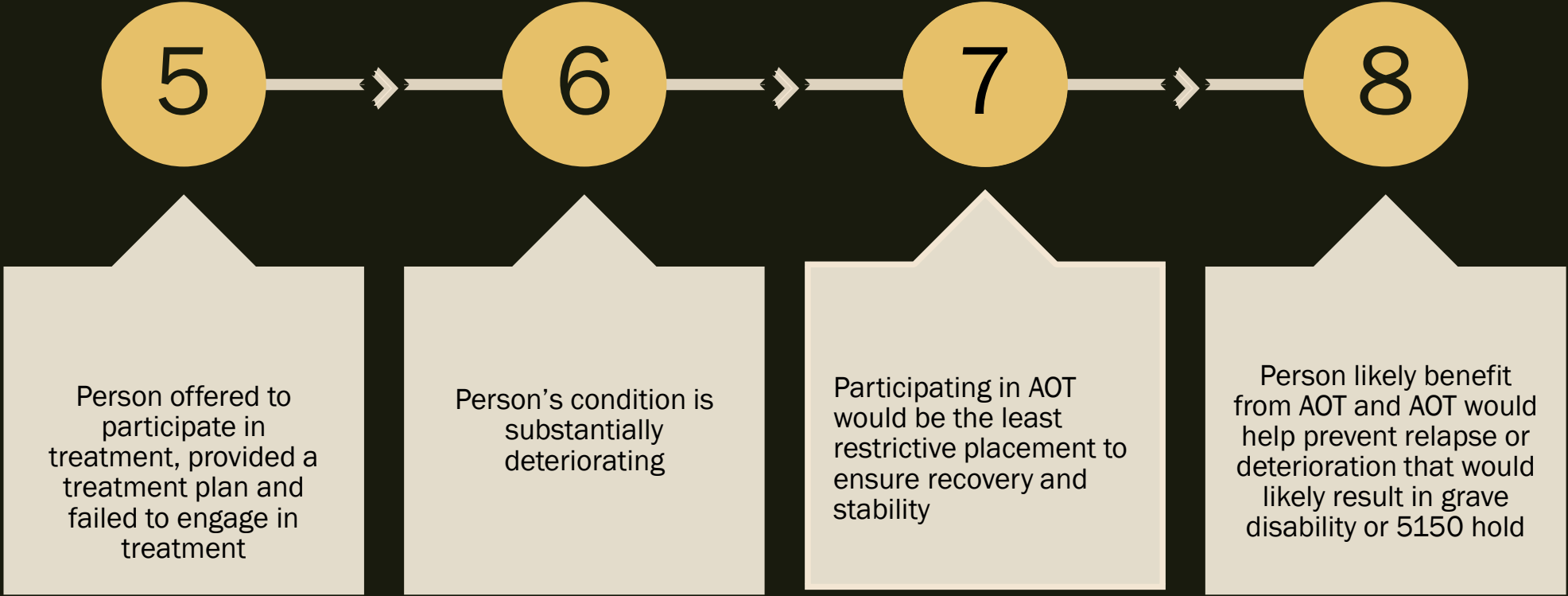
At least one of the follow is true:

1. At least twice in the past 36 months the person’s mental illness has been a SUBSTANTIAL FACTOR in necessitating hospitalization or receipt of services in a forensic or mental health unit of a state correctional facility or county jail

OR

2. Person’s mental illness has resulted in one or more acts of serious and violent behavior toward himself or another, or threats, or attempts to cause serious physical harm to himself for another within the last 48 months

REQUIREMENTS





ASSISTED OUTPATIENT THERAPY

11 Steps to the AOT Process

1

REQUEST FOR AOT

A request for AOT is made to the County Mental Health Department for the filing of a petition to obtain authorization for AOT

Who can make a request for AOT?



- Any person who resides with subject of petition who is 18 years or older
- Parent, spouse, siblings or child 18 years of age or older of the person subject in petition
- Director of hospital in which the person who is subject of the petition in hospitalized
- Licensed mental health treatment provider who is supervising treatment of the person named in petition
- Peace officer, parole officer, probation officer of person in petition
- Director of any public or private agency, treatment facility, charitable organization or license residential care facility providing mental health services in whose institution the subject resides
- A Judge of a Superior Court before whom the person is the subject of the petition

2

INVESTIGATION & FILING OF THE PETITION

County Mental Health Director shall conduct an investigation into the appropriateness of petition. Mental Health Director can only file a petition to the court if it is determined that there is a **REASONABLE LIKELIHOOD** that all necessary elements to sustain the petition can be proven in court by **CLEAR AND CONVINCING EVIDENCE**.

What should the petition include?

- ✓ All eligible criteria
 - ✓ Facts regarding basis of petition
 - ✓ Evidence that person lives in County petition is filed
 - ✓ Affidavit of a license mental health treatment provider that:
 - Has personally examined the individual within 10 days of the petition
- OR
- Has made appropriate attempts to illicit the cooperation of the person to be examined and although not examined believes the individual meets the criteria

3

RIGHT TO COUNSEL

Person who is subject to the petition shall have a right to be represented by counsel at all stages. If the person elects to have an attorney, the court shall immediately appoint the Public Defender or other attorney to assist the person in all stages.

4

NOTICE & SETTING OF AOT HEARING

Petition is filed with the court. Court sets a hearing date within 5 days. Notice is given to: the person in the petition, Patient's Rights, and current health care provider of person named in petition.

5

HEARING

Court shall hear testimony. The licensed mental health treatment provider, who personally examined the person subject to the petition shall testify in person at the hearing. Other evidence may be presented and witnesses may be called. Person subject to the petition should be present, but court may conduct the hearing without them present.

6

FINDING REGARDING AOT

Court cannot order AOT unless person was examined by licensed mental health treatment provider and that provider testifies at the hearing. If person subject to the petition refuses to be examined by a provider, the court may request the person consent to examination by a licensed mental health treatment provider appointed by the court. If the person does not consent AND the court believes the allegations to be true, the court may order a 5150 hold and take the individuals subject to the petition into custody to be transported to a hospital for examination.

7

ORDERING OF AOT

After hearing evidence, Court may order AOT. If the Court orders AOT, the Court order shall specify that the proposed treatment is the least restrictive treatment appropriate. Court order shall also:

- ✓ Include the written treatment plan per recommendation of the licensed mental health provider
- ✓ Identify the services that will be provided in accordance with Section 5348
- ✓ Find that the person subject to petition meets all eligibility requirements

8

LENGTH OF AOT

- ✓ Order is for 180 days
- ✓ Every 60 days an affidavit shall be filed with the court that indicates whether the individual continues to meet criteria for AOT
- ✓ Person subject to the petition has a right to a writ of habeas corpus every 60 days
- ✓ If person fails or refuses to engage in treatment during the 180 day order, provider may request person be taken into custody under 5150 hold

9

RIGHTS OF PERSON SUBJECT TO AOT PETITION

- ✓ Adequate notice
- ✓ Copy of court-ordered evaluation
- ✓ Counsel
- ✓ Habeas Corpus
- ✓ Present evidence
- ✓ Call witnesses on the person's behalf
- ✓ Cross examine witnesses
- ✓ To appeal decisions, and informed of the right to appeal

10

ALTERNATIVE TO AOT ORDER

After petition is filed BUT before an order, Counsel for the person subject to the petition, with consent, can waive the right to AOT hearing and agree to a settlement (so long as mental health treatment provider states the person can survive safely in community). Settlement must be in writing, can be modified during 180 day period, has the same force and effect as a hearing, and individual is subject to a non-compliance hearing if needed.

11

SERVICES PROVIDED UNDER AOT

W&I Code Section 5348 lists a number of services that shall be offered, but not limited to, the following:

- ✓ Community based
- ✓ Mobile
- ✓ MDT
- ✓ Staff to client ratio of no more than 10 clients per team
- ✓ Service plan
- ✓ Treatment plan
- ✓ Service for special needs; including, but not limited to: women from diverse cultural backgrounds, physical disability, adults 25 years and younger who are unhoused or at risk
- ✓ Provision for services involving housing clients immediate, transitional, and/or permanent needs



LAURA'S LAW & SACRAMENTO

OPT IN OR OPT OUT



Laura's Law & Sacramento County



Counties have until July 1, 2021 to decide to opt in or opt out



19 of 58 Counties have opt into Laura Law



Sacramento County Board of Supervisors will vote on May 18, 2021



THANK YOU

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