

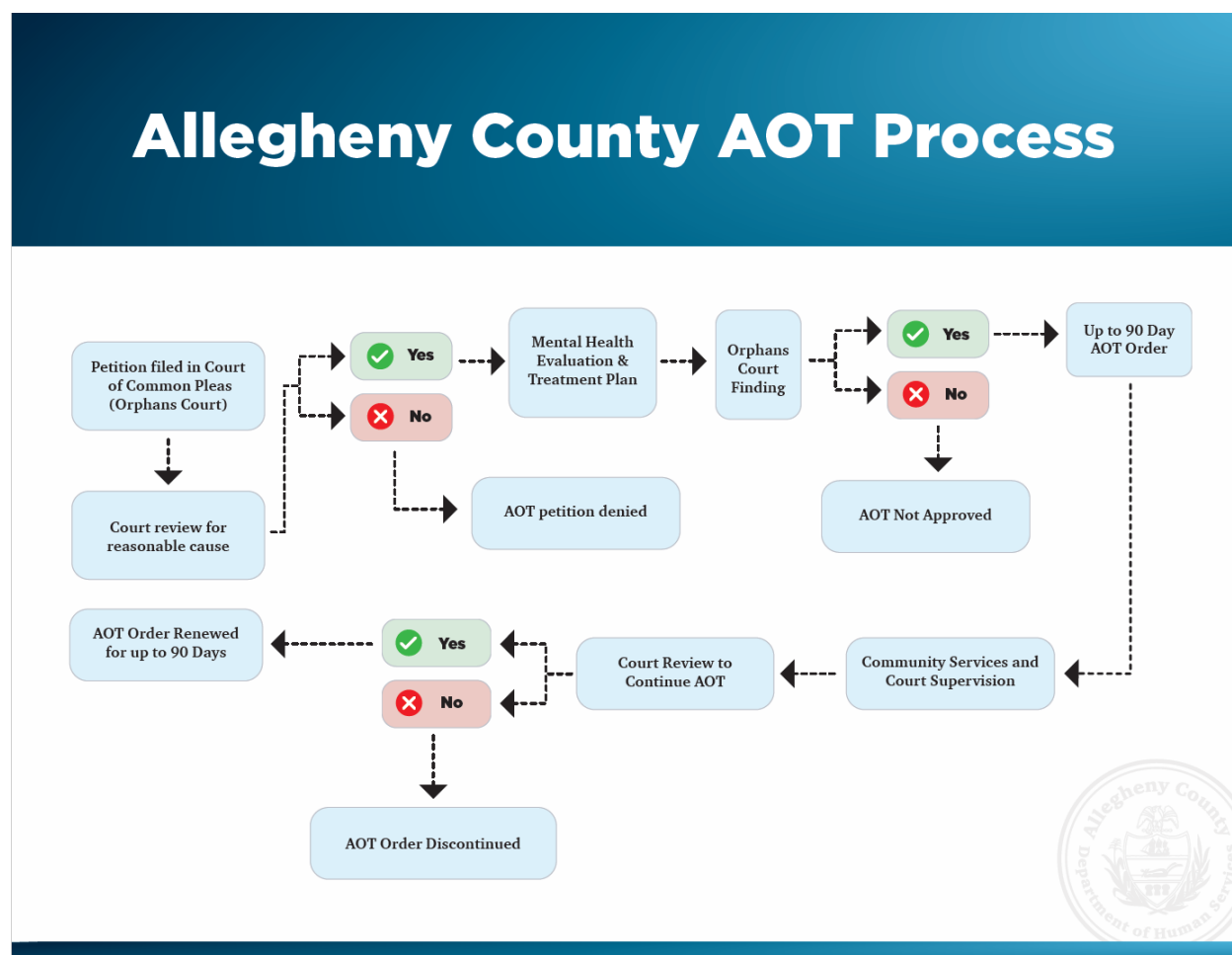
Appendix C: Process for AOT in Allegheny County

Allegheny County developed the AOT plan below in response to the research evidence, advice from national experts, and feedback from local focus groups. The plan was created by a year-long working group of partners, including the Courts, Community Care Behavioral Health, Allegheny County Solicitor's Office, the Office of the Public Defender and DHS.

A high-level process flow is summarized below, followed by descriptions of key steps.

This process reflects our initial plan, which could change over time as we learn and make improvements.

Figure 1. High-level process flow for AOT



Petition

The AOT process begins with a petition. A “responsible party” (e.g., family member or healthcare provider) completes an AOT petition by calling Allegheny County's Information, Referral and Emergency Services (IRES) call center. Trained IRES staff will answer questions

and help petitioners file the petition with the court. (Note: inpatient doctors are able to file directly without calling IRES.)

People who might be considered for AOT include people experiencing the following:

- ‘Step Down:’ People who are transitioning from an involuntary mental health inpatient commitment to treatment in the community and may need a layer of oversight and accountability to support recovery in the community.
- ‘Step Up:’ People who are living in the community but decompensating and need additional support to prevent hospitalization, incarceration, and further psychiatric deterioration. This may help people get treatment before an involuntary inpatient commitment becomes necessary.
- ‘Step Over:’ People who are arrested and have serious mental health issues by helping to facilitate the withdrawal of criminal charges upon civil commitment, provide oversight without criminal justice consequences and/or reduce the time they may be involved in the criminal justice system.

Though any responsible adult can petition for AOT for a struggling individual, that person must meet specific [eligibility criteria](#) and receive due process in a civil court proceeding in order for the petition to be upheld. The criteria includes evidence that the person would benefit from AOT, is unlikely to survive safely in the community without supervision, and has a history of lack of voluntary adherence that has resulted in involuntary inpatient hospitalizations or serious violent behavior towards themselves or others.

Petition Received

The Courts will determine if there is reasonable cause to proceed. If so, the following activities will be conducted. The AOT coordinator (employed by Allegheny County DHS) will ensure that the groups coordinate so that scheduling is appropriate and timely.

1. *Role of the Court* – AOT petitions must include a clinical evaluation conducted by a psychiatrist or licensed clinical psychologist. If the petition does not include this evaluation, the Court will issue an order for it to be conducted within a reasonable timeframe. They will also schedule an initial hearing to be held as soon as practical (after the evaluation has been completed). The Courts will issue a summons for the hearing and the order for the evaluation, sending both to the person subject to the petition. They will also provide the person with the AOT Bill of Rights and notify them that they are afforded a public defender unless they choose to acquire private defense.
2. *Role of Defense Counsel* – The person who is subject to the petition is afforded legal defense throughout this process. The person may acquire private defense, or one will be provided for them through the Public Defender’s Office. If the public defender has a conflict on another case, the Courts will provide an alternative defense attorney.

The Public Defender's office will be notified immediately when a new petition is filed and conduct their screening. If there is no conflict, they will receive the petition and the case will be assigned to an attorney who is specially trained in mental health law and has years of experience working with individuals with severe mental illness. By assigning this case immediately, attorneys will have the opportunity to fully prepare the case and reach out to the individual to provide support and answer questions prior to the hearing.

3. *Role of a Case Conference and Treatment team* - Once a petition is filed, the AOT Coordinator will convene a case conference to identify the best way to engage the person. The case conference will include a designated AOT service coordinator and any current or recent behavioral health providers or care coordinators (e.g., street outreach professionals) who are working with the person subject to the petition. The team will identify the most appropriate person to contact the individual subject to the petition and discuss the AOT process. The team member who reaches out will offer to connect the person to a Certified Peer Specialist (CPS) so the individual has the support of someone with lived experience to advocate for their voice throughout the process. (A CPS is a person with mental health or co-occurring disorders with certified training in supporting peers through recovery.)

The treatment team members will help get the psychiatric evaluation scheduled (if ordered). The County has a contract with a mobile psychiatrist who can be deployed to conduct this evaluation as needed.

Once initial engagement and the evaluation is completed, the treatment team, led by a qualified mental health professional, will work with the person who is subject to the petition to develop a robust treatment plan. The treatment team is responsible for identifying the specific services that are needed and getting the person connected as soon as possible. Through DHS's centralized management of high-intensity behavioral health supports (e.g., Assertive Community Treatment Teams (ACT), Integrated Dual Diagnosis Teams, etc.), the treatment team can help get the person prioritized for appropriate supports.

The approach described above is designed to minimize the involvement of law enforcement to reduce the risk of encounters that create further resistance to care. Law enforcement will not be involved in serving the person the summons or ensuring they come to court. However, if at any point a person becomes a danger to themselves or others, an inpatient commitment could be filed. This process is also designed to actively engage the individual in the creation of their treatment plan and in setting their own recovery goals.

Hearing & Court Oversight

A dedicated Common Pleas Orphans Court Judge with expertise in the Mental Health Procedures Act will hear all petitions and provide ongoing monitoring for cases that move forward.

Allegheny County's implementation will have a judge, not a hearing officer, preside over these cases to get the potential benefit of a 'black robe effect.' (This refers to increased compliance that can occur when someone must appear before a judge in a black robe because the judge's authority and the formal setting compel respect and adherence). Other jurisdictions have found this was a factor in people's willingness to participate in AOT.

The Judge will hear information from the petitioner, the psychiatrist/psychologist who conducted the evaluation and other treatment team members as appropriate. (Note: If the person is already subject to an involuntary commitment, the County solicitor will represent the petitioner. In all other petitions, the petitioner is responsible for presenting the information they reported.)

Defense counsel has an opportunity to present their case. The case will be assigned to public defenders who are specially trained in mental health law and have years of experience working with individuals with serious mental illness. The Public Defender will be notified of a new petition immediately upon the filing of the petition, giving attorneys opportunity to fully prepare the case and reach out to the individual to provide support and answer questions prior to the hearing.

At the conclusion of the hearing, the Judge will determine if the AOT petition will be upheld or denied. If upheld, the petition is ordered for 90 days.

Community Services, Court Monitoring

During the AOT period, the person subject to the petition receives services in the community in accordance with their treatment plan. The dedicated service coordinator monitors progress with the treatment plan and helps the person establish goals and remain engaged in their treatment.

The Court will schedule regular review hearings with the person who is subject to AOT to discuss progress and hear any concerns from them or their treatment providers. Any challenges with adherence are reported to the court via the AOT service coordinator.

If the person is not following their treatment plan, the Court may conduct additional review hearings or ask the treatment team to adjust the treatment plan. The AOT service coordinator will submit any changes to the treatment plan as needed. People cannot be held in contempt of court for not adhering to their plan.

At the end of 90 days, the person may complete their plan and end AOT (but continue to have access to services and the support of the Certified Peer Specialist); or, the Court may hold another hearing if the person continues to meet the eligibility requirements of section 301 c to extend the AOT order for additional time.