

The Emerging Practice of Court-Assisted Outpatient Treatment

Illinois Guardianship Association

Chicago

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Presented By:

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Your experience?

.As guardian, what is your experience seeking needed mental health treatment for your ward, when the ward refuses?

Illinois graded

.Treatment Advocacy Center, a national NFP, researches issues around barriers to mental health treatment, and rates each state regarding access to mental health treatment.

The quality of Illinois' laws

.For the quality of its laws, Illinois has received the following grade: **A+**

The quality of Illinois' laws

.For the use of its laws, Illinois has received the following grade: **D**

ILLINOIS - Quality of Laws: A+ / Use of Laws: D

QUALITY OF LAWS (76/80): Grade A+		
Inpatient commitment law (34/34: Grade A+)		
Criteria	(25/25)	
Gravely disabled standard	(10/10)	Yes. 405 ILL. COMP. STAT. § 5/1-119(2)
Need for treatment standard	(15/15)	Yes. 405 ILL. COMP. STAT. § 5/1-119(3)
Citizen's right to petition	(5/5)	
May family member directly petition court for inpatient commitment?	(3/3)	Yes. Any adult. 405 ILL. COMP. STAT. § 5/3-701(a)
May other lay adult directly petition court for inpatient commitment?	(2/2)	Yes.
Duration	(4/4)	
Allow initial commitment order to exceed 14 days?	(1/1)	Yes. 90 days. 405 ILL. COMP. STAT. § 5/3-813(a)
Allow initial commitment order to exceed 30 days?	(3/3)	Yes.
Outpatient commitment law (30/34: Grade A)		
Statutory authority for outpatient commitment?	(4/4)	Yes.
Criteria sufficiently broad to provide access?	(20/20)	Yes. 405 ILL. COMP. STAT. § 1-119.1
Procedures sufficiently explained to guide practice?	(4/5)	Yes. 405 ILL. COMP. STAT. § 5/3-812
Allow initial order to exceed 90 days?	(2/2)	Yes. 180 days. 405 ILL. COMP. STAT. § 5/3-813(a).
Allow initial order to exceed 180 days?	(0/2)	No.
Allow renewal to exceed 180 days?	(0/1)	No. 405 ILL. COMP. STAT. § 405 ILL. COMP. STAT. § 5/3-813(a-1).
Emergency Evaluation (12/12: Grade A+)		
Criteria aligned with state commitment standard?	(8/8)	Yes. 405 ILL. COMP. STAT. § 5/3-600.
Citizens' right to petition?	(4/4)	Yes. 405 ILL. COMP. STAT. § 5/3-702.

USE OF LAWS (3/14): Grade D		
From Illinois mental health practitioner sources		
inpatient laws	0/5	Inpatient commitments on grounds other than imminent risk of violence or suicide are RARELY OR NEVER pursued.
outpatient laws	2/5	Outpatient commitment is practiced in SOME PARTS of the state, with VARYING frequency.
conditional release	1/2	Conditional release is practiced in the state, but not for both forensic and civilly-committed patients.
waits for beds	No penalty	Persons admitted to hospitals for mental health treatment are NOT commonly forced to wait for hospital beds to become available.
medication over objection	No penalty or bonus	The delay between an involuntary inpatient's refusal of therapeutic medication and the administration of such medication is typically between one week and one month.

Your ward needs mental health treatment, but refuses. You ask, “What are the criteria for treating?”

What are you told?

suicidal or homicidal

or, maybe

imminent risk of serious physical danger

to self or others

Illinois' laws are broader and better than that

“gravely disabled” standard

405 ILCS 5/1-119

"Person subject to involuntary admission on an inpatient basis" means:

...

(2) A person with mental illness who because of his or her illness is unable to provide for his or her basic physical needs so as to guard himself or herself from serious harm without the assistance of family or others, unless treated on an inpatient basis...

“need for treatment” standard

405 ILCS 5/1-119

"Person subject to involuntary admission on an inpatient basis" means:

...

(3) A person with mental illness who:

(i) refuses treatment or is not adhering adequately to prescribed treatment;

(ii) because of the nature of his or her illness, is unable to understand his or her need for treatment; and

(iii) if not treated on an inpatient basis, is reasonably expected, based on his or her behavioral history, to suffer mental or emotional deterioration and is reasonably expected, after such deterioration, to meet the criteria of either paragraph (1) or paragraph (2) of this Section.

citizen's right to petition

405 ILCS 5/3-701

...

(a) Any person 18 years of age or older may execute a petition asserting that another person is subject to involuntary admission on an inpatient basis.

duration

405 ILCS 5/3-813

...

(a) An initial order for commitment on an inpatient basis shall be for a period not to exceed 90 days.

outpatient commitment

405 ILCS 5/1-119.1

... "Person subject to involuntary admission on an outpatient basis" means:

(1) A person who would meet the criteria for admission on an inpatient basis as specified in Section 1-119 in the absence of treatment on an outpatient basis **and** for whom treatment on an outpatient basis can only be reasonably ensured by a court order mandating such treatment; or

(2) A person with a mental illness which, if left untreated, is reasonably expected to result in an increase in the symptoms caused by the illness to the point that the person would meet the criteria for [inpatient] commitment under Section 1-119, **and** whose mental illness has, on more than one occasion in the past, caused that person to refuse needed and appropriate mental health services in the community.

procedures for outpatient

405 ILCS 5/3-812

Court ordered admission on an outpatient basis; modification; revocation.

(a) If a respondent is found subject to involuntary admission on an outpatient basis, the court may issue an order: (i) placing the respondent in the care and custody of a relative or other person willing and able to properly care for him or her; or (ii) committing the respondent to alternative treatment at a community mental health provider.

length of outpatient orders

405 ILCS 5/3-813

... (a)...If, following a hearing, the court determines that the respondent is subject to involuntary admission on an outpatient basis as provided in Section 3-812, the court may order the respondent committed on an outpatient basis for a period not to exceed 180 days.

(a-1) An initial order of commitment on an outpatient basis shall be for a period not to exceed 180 days... Following a hearing, the court may order a second period of commitment on an outpatient basis not to exceed 180 days only if it finds that the recipient continues to be subject to involuntary admission on an outpatient basis.

emergency criteria aligned with state commitment standard

405 ILCS 5/3-600

Sec. 3-600. A person 18 years of age or older who is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization may be admitted to a mental health facility pursuant to this Article...

citizen's right to petition

405 ILCS 5/3-702

(a) The petition may be accompanied by the certificate of a physician, qualified examiner, psychiatrist, or clinical psychologist which certifies that the respondent is subject to involuntary admission on an inpatient basis and which contains the other information specified in Section 3-602.

(b) Upon receipt of the petition either with or without a certificate, if the court finds the documents are in order, it may make such orders pursuant to Section 3-703 as are necessary to provide for examination of the respondent. If the petition is not accompanied by 2 certificates executed pursuant to Section 3-703, the court may order the respondent to present himself for examination at a time and place designated by the court. If the petition is accompanied by 2 certificates executed pursuant to Section 3-703 and the court finds the documents are in order, it shall set the matter for hearing.

use of laws: grade D

Criteria:

Is inpatient admission invoked on grounds other than imminent risk of violence or suicide?

Is outpatient admission practiced throughout the state and practiced frequently compared to inpatient admission?

Is conditional release practiced?

Are persons subject to admission commonly forced to wait for hospital beds to become available?

Is there a significant delay between an involuntary patient's refusal of therapeutic medication and the administration of such medication?

But, there is a new player in town...

Cook County Health Expanding Access to Mental Health Treatment with \$4M Grant

Tagged with [Behavioral Health](#), [mental health](#), [SAMHSA](#), [substance abuse](#)



January 19, 2017

The Cook County Health & Hospitals System (CCHHS) has been awarded a \$4 million, 4-year grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) to fund a new Assisted Outpatient Treatment program that will support individuals with severe mental illness in Cook County. The program, which launches this month, will enhance and coordinate services available to patients from a number of local and state partners.

“As a society, we haven’t historically done a good job of caring for people suffering from severe forms of mental illnesses. Through this grant, we will be able to organize efforts across Cook County to provide this vulnerable population with coordinated treatment and support services so they can lead healthier lives, with less social isolation and lower likelihood of relapse,” said Dr. Jay Shannon, CEO, CCHHS.

Assisted Outpatient Treatment is court-ordered behavioral health therapy that facilitates successful stabilization and recovery of patients suffering from mental illness. Candidates for Assisted Outpatient Treatment are adults with a serious mental health disease who without community treatment services could experience personal harm or be unable to survive safely in the community.

A majority of Assisted Outpatient Treatment candidates include individuals receiving inpatient care at John J. Madden Mental Health Center and Chicago-Read Mental Health Center, and who have a history of frequent hospitalizations and/or interactions with the criminal justice system. Candidates may also be referred from Cook County Jail.

More than 4,000 petitions are filed for civil court engagement to aid individuals with severe mental illness in Illinois each year. Assisted Outpatient Treatment is an effective legal course of action to ensure an individual gets the care he or she needs to live a safe and productive life. This grant will allow local and state partners to strengthen the structures necessary to seamlessly connect a person with comprehensive health care, social and legal services once the court process is finalized.

Which has ignited change, including...

- Assisted Out-Patient Treatment (AOT) grant
 - Assertive case management resources
 - One full-time assistant states attorney
 - One full-time Legal Advocacy Service attorney

and...

All-out responsiveness from our Cook County (County Division) court system, including

- Holding hearings at inpatient facilities
- Implementing video link-ups
- (in the works) implementing Monday case management days devoted primarily to Assisted Out-Patient Treatment cases, including anticipated “free-standing” cases

So...what does an AOT case look like?

The following is a redacted and modified narrative that accompanied a petition for inpatient admission...

Linda P is a 60-year-old female who has suffered from mental illness for over twenty years.

When not medicated for her mental illness, Ms. P displays verbal aggression, extreme paranoia, and delusions.

When stable on psychiatric medications, as was the case from approximately 2011-2015, Ms. P has been able to live independently.

In November 2017, Ms. P was at a Chicago Shelter and unable to take the steps necessary to secure housing.

Ms. P is currently not taking psychiatric medications for her mental health conditions. T

Both Ms. P's family and the case manager fear that harm is imminent should Ms. P not receive immediate psychiatric treatment for her condition. Due to paranoia and delusio

Ms. P refuses to apply for public benefits, including social security or Medicaid, believin

Due to the escalating, dangerous behaviors displayed by Ms. P, petitioner believes it is

Next...

An order for detention and examination was entered; Ms. P was hospitalized as an inpatient; a petition for medication was initiated; it was successful; Ms. P was medicated and she improved dramatically.

The next step was most unusual...

Agreed Care and Custody Order for Outpatient Treatment

With Ms. P's thinking having improved significantly, combined with her desire to re-enter the community, the parties were able to negotiate an agreed order. Instead of being discharged to the community with no structure, she agreed to remain under court order for 6 months during which she would be in the "care and custody" of a community mental health services provider and would comply with her treatment plan.

Here is what the Order looked like...

Might such an Order help one of your wards?