

Understanding Commitment Laws in Alabama

An overview

Hon. Scott W. Hassell
Judge of Probate

Notice: This presentation is not a comprehensive summary of Alabama's Mental Health Code but rather an overview highlighting recent changes in the statute.




Judicial and Healthcare Partnership

It's all about relationships

Where are we now?




73% Recidivism
93.6% No script

2011-2022 FCPS Study



How did we get here?




State Hospital Beds

Year:	Beds:	National Rank:
		(Per Capita)
2010	1,119	5
2016	383	44-45

66% Decrease


Source: Going, Going, Gone: Trends and Consequences, TAC, 2016

How does the system work



**CSO
(COMMUNITY MENTAL HEALTH OFFICER)**

22-52-90 Code of Alabama

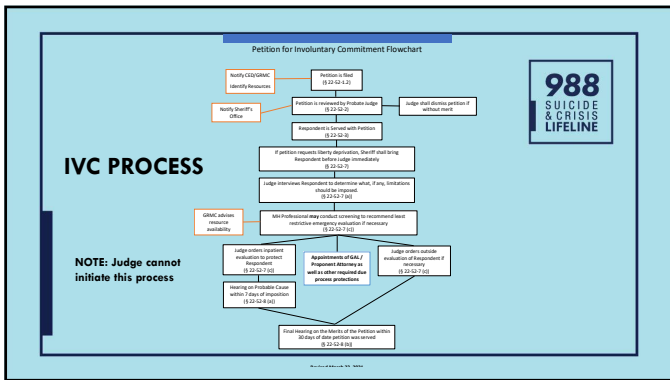


- Emergency situations only
- Must meet admission criteria (danger to self or others)
- Can direct transport to emergency care
- Available 24/7

TRADITIONAL IVC PETITION PROCESS

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 SUICIDE & CRISIS
 LIFELINE

- Can be used before a crisis occurs
- Protects the due process of individuals
- Allows for pro-active case management




What's necessary for Inpatient Commitment


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- Is the respondent mentally ill ?
- Does the respondent pose a real and present threat of substantial harm to self/other ?
 - *By Action or inaction, cause , allow or inflict serious bodily harm to self or others.*
 - *Is unable to satisfy need for nourishment, medical care, shelter or self-protection so that there is a substantial likelihood of death, serious bodily harm, serious physical debilitation, serious mental debilitation or life threatening disease*


What's necessary for Inpatient Commitment (cont...)



- Will the Respondent, if not treated continue to suffer mental distress and continue to experience deterioration of the ability to function independently?
- Is the Respondent unable to maintain consistent engagement with outpatient treatment on a voluntary basis as demonstrated by either of the following:
 - *The respondents actions occurring within a two-year period immediately preceding the hearing*
 - *Specific aspects of the respondent's clinical condition that significantly impair the respondents ability to consistently make rational and informed decision as to whether to participate in treatment for mental illness*




What's necessary for Out-Patient Commitment



All of the factors included in an Inpatient Commitment without the "danger to self and others"

What's necessary for Out-Patient Renewal



- Has the OP provider recommended renewal?
- Are all the factors required for outpatient commitment still in place?
- Can be up to a year

What's necessary for Inpatient to Outpatient Conversion



New

- Has the OP provider recommended renewal?
- Are all the factors required for outpatient commitment still in place?
- Directors recommendation must be submitted to court no later than 30 days before the inpatient order expires.
- Respondent may waive hearing if desired.
- Cannot exceed 60 days greater than original order (unlike OP renewal)

Something new for Alabama



Assisted Outpatient Treatment (AOT)

"A philosophy not a program"

Assisted Outpatient Treatment: Improving Outcomes and Saving Money


WHAT IS AOT?
 Assisted outpatient treatment (AOT) is a tool in the toolbox for all levels of mental health systems to work collaboratively to help individuals with serious mental illness through a cycle of repeat hospitalizations, homelessness and incarcerations. Individuals who benefit from AOT have a history of inconsistent engagement with treatment often due to diminished awareness of the need for treatment. AOT aims to motivate and assist individuals with serious mental illness to engage in treatment and ensure that the mental health system is attentive to their needs.

HOW DOES AOT WORK?
 A judge usually orders AOT upon discharge from a hospital or jail. A judge may also issue a judge can order it for individuals who are being released from jail. The AOT participant is required to follow an individualized treatment plan in the community for a specific period and the local mental health system ensures adherence to the treatment plan. If the AOT participant does not adhere to treatment, the court has several options including modifying the treatment plan, ordering the participant to be hospitalized for possible hospitalization. Once the participant demonstrates sufficient engagement in treatment, the court dismisses the AOT order or allows it to expire and care continues.

IS AOT EFFECTIVE?
 Studies show that AOT can substantially improve treatment outcomes and substantially reduce the risk of repeat hospitalizations and criminal justice involvement for its target population.

AOT RESEARCH HIGHLIGHTS

- Hospitalizations **DOWN 77%** in New York
- Length of hospital stays **DOWN 43%**
- Incidence of arrests **DOWN 83%**
- Incarceration rates **DOWN 87%**
- Correctional charges **DOWN 49%**
- Violent behavior **DOWN 47%**
- Victimization rates **DOWN 52%**
- 40% Cost Savings**
- Legal substance use **DOWN 66%**
- 92% satisfied with AOT services**



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QUESTIONS
