



How to terminate an AOT order

Overview:

This brief outlines the step-by-step process for terminating an Assisted Outpatient Treatment (AOT) order, highlighting the importance of documentation, coordination with the probate court, and active involvement of mental health professionals. It is a practical guide for legal and mental health professionals to navigate the termination process while ensuring compliance with county-specific protocols.

Step 1: Review the AOT order

- Familiarize yourself with the specifics of the individual's AOT order and the history, including the duration, other motions filed, and any conditions attached.

Step 2: Gather documentation

- **Health records:** Collect relevant medical/psychological records or evaluations that demonstrate the individual's current mental health status and compliance with treatment OR in instances of noncompliance and the treatment team has deemed that an AOT order is not appropriate or conducive to compliance, gather evidence for that.
- **Support statements:** Obtain statements from mental health professionals, family members, or others who can attest to the individual's improvement and capacity to make informed decisions.

Step 3: Contact the probate court

- **File a motion:** Prepare and file a motion with the probate court that issued the AOT order using PCM 220, Petition for Discharge. The motion should clearly state the reasons for termination and provide supporting evidence.

Evidence needed: Because the psychiatrist is responsible for supervising the AOT, their testimony with their recommendation for discharge is needed. If a psychiatrist's availability is limited, you can have the psychiatrist fill out the six-month review report stating their recommendation for the order to be terminated. Filing that, in addition to PCM 220, gives the court what they need to decide. (**Note:** this process can differ from county to county, confer with your judge on what they will need to terminate an order.)

- **Notice of hearing:** Ensure that proper notice is given to all parties involved, including the individual under AOT, their attorney, and any relevant mental health professionals.

Step 4: Attend the hearing

- **Present your case:** Attend the court hearing where you can present evidence and arguments for terminating the AOT order. Be prepared to answer questions from the judge and provide any additional information requested.
- **Judge's ruling:** The judge will decide whether to terminate the AOT order based on the evidence and arguments presented.



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Step 5: Follow up

- **Receive documentation:** If the court approves the termination, obtain a copy of the court order documenting the decision.
- **Notify relevant parties:** Inform all relevant parties (treatment providers, family members, etc.) about the termination of the AOT order.



Why terminate instead of letting the order expire?

From a strength based and legal perspective, there are many benefits in terminating an order as opposed to letting it expire.

- **Empowerment:** Terminating the order can empower the individual to make their own decisions regarding their mental health care, reinforcing their autonomy and self-determination, as well as reinforcing the positive improvement of their mental status since complying with treatment.
- **Formal acknowledgment:** A court termination serves as formal recognition of the individual's progress and improved mental health, which can be important for future legal or treatment considerations.
- **Proactive approach:** Termination can prevent potential complications that might arise from a lingering order, especially if there are changes in the individual's condition that could trigger legal concerns later.
- **Prevents re-assessment:** If the order is terminated, the individual may not face re-assessment or potential re-commitment under the same conditions, providing additional peace of mind.
- **Promotes responsibility:** The process of actively seeking termination can encourage individuals to take responsibility for their mental health, potentially fostering further engagement with voluntary treatment.