



Treatment Courts vs. AOT Process

In Michigan, treatment courts and probate courts serve different functions, especially in the context of Assisted Outpatient Treatment (AOT). Because AOT orders are an order for involuntary mental health treatment, the process can often be confused with that of treatment courts. AOT is housed in the probate court, which is not a criminal court. Treatment courts are housed in District and Circuit courts, which are criminal courts.

Read below to help distinguish between the two processes.



AOT – Probate Court:

- **Focus:** Probate courts handle matters related to mental health treatment and guardianship. In the context of AOT, they oversee the legal processes involved in ordering involuntary hospitalization and outpatient treatment for individuals who are, because of their illness, unable to recognize their need for treatment, or the potential harm they are at risk of. The probate court can hold providers and professionals involved in the process accountable in delivering services in conjunction with the law.
- **Function:** Probate courts can issue orders for AOT when an individual meets specific criteria, which is assessed and attested to by a psychiatrist in court. Criteria can include a history of hospitalization, nonadherence to medication regimen that leads to decompensation and a potential danger to themselves or others or as a result.
- **Eligibility:** Individuals considered for or on an AOT order aren't involved in criminal proceedings through the probate court; instead, they may be assessed based on their mental health needs and potential risks.

Treatment Court – District and Circuit Courts:

- **Focus:** Treatment courts, such as mental health courts or drug courts, aim to provide rehabilitation for individuals with mental health or substance use issues who are involved in the criminal justice system.
- **Function:** These courts often offer alternatives to incarceration, focusing on treatment and support rather than punishment. Participants typically go through a structured program that includes regular check-ins, counseling, and possibly medication management.
- **Eligibility:** Participants must be facing criminal charges or be in the justice system. The goal is to reduce recidivism and improve overall community safety.

Key Differences:

- There are no legal consequences in AOT. There is no threat of jail or charges if someone does not follow their AOT order.
- AOT is the use of a legal mechanism to get someone the help they need when they are not able to do that themselves.
- Treatment court is an alternative to incarceration and is an option for someone AFTER they have been charged and convicted of a crime.
- There are legal consequences (sanctions) for those who do not participate fully in their treatment court program.
- Both AOT and treatment courts are designed to help people get the treatment they need to be healthy and safe. AOT is designed for people who may not have insight into their need for treatment, whereas treatment court presents an opportunity for someone to get the treatment they know they need.