

On August 9, 1999, the Governor signed Kendra's Law (Chapter 408 of the Laws of 1999), creating a statutory framework for court-ordered Assisted Outpatient Treatment (AOT) to ensure that individuals with mental illness and a history of hospitalizations or violence participate in community-based services appropriate to their needs. Kendra's Law was named in memory of Kendra Webdale, a young woman who died in January 1999 after being pushed in front of a New York City subway train by a man with a history of mental illness and hospitalizations. The law became effective in November of 1999. Kendra's Law established new mechanisms for identifying individuals who, in view of their treatment history and circumstances, are likely to have difficulty living safely in the community without close monitoring and mandatory participation in treatment.

Who should I contact if I think someone needs assistance through AOT?

Contact your county (or New York City) mental health director. County mental health directors are responsible for the management of the county's AOT program and can help you determine whether or not the person meets the criteria for AOT. He or she may also be aware of other available services if AOT is not appropriate for the individual.

For further information call:

- Central Region (315) 426-3930
- Hudson River Region (845) 454-8229
- Long Island Region (631) 761-2886
- New York City Region (212) 330-1650
- Western Region (716)-533-4075



Office of
Mental Health

www.omh.ny.gov

MORE INFORMATION LOCATED AT:

<https://my.omh.ny.gov/bi/aot>



Office of
Mental Health

Court Ordered

Assisted Outpatient Treatment

An explanation of
the New York State
Statute commonly
referred to as
"Kendra's Law"

ELIGIBILITY:

All the following criteria must be met for an individual to be considered for AOT:

- Is 18 years of age or older; and
- Is suffering from a mental illness; and
- Is unlikely to survive safely in the community without supervision, based on a clinical determination; and
- Has a history of lack of compliance with treatment for mental illness which has led to either:
 - 2 hospitalizations for mental illness in the preceding 36 months, or
 - 1 or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others within the last 48 months, or
 - (For DCS's Only) an order for Assisted Outpatient Treatment which has expired within the last six months, and the person experiences a significant increase in symptoms; and
- Is unlikely to voluntarily participate in outpatient treatment that would enable him or her to live safely in the community; and
- Is in need of AOT in order to avoid a relapse or deterioration which would be likely to result in serious harm to self or others; and
- Is likely to benefit from AOT.

WHO CAN REQUEST AN AOT ORDER?

- An adult roommate of the person;
- A parent, spouse, adult child or adult sibling of the person;
- The director of a hospital where the person is hospitalized;
- The director of a public or charitable organization, agency or home that provides mental health services to the person in whose institution the person resides;
- A qualified psychiatrist who is either treating the person or supervising the treatment of the person for mental illness;
- A licensed psychologist or licensed social worker who is treating the person for mental illness;
- The director of community services, or social services official of the city or county where the person is present or is reasonably believed to be present; or
- A parole officer or probation officer assigned to supervise the person.

HOW DOES A PERSON RECEIVE SERVICES THROUGH AOT?

If the individual meets the AOT criteria, he/she is examined by a psychiatrist who determines whether the individual will benefit from court ordered treatment. A court date is then scheduled. The court receives documentation including the petition and a treatment plan for the individual and then can order the person to receive assisted outpatient treatment. If the court determines that the individual meets the criteria for AOT, an order is issued to the director of community services (DCS) who oversees the mental health program of locality (i.e., the county or the City of New York mental health director). The court order will require the county (or New York City) mental health director to provide or arrange for those services described in the written treatment plan that the court finds necessary. The court could also decide that the individual does not need AOT and can dismiss the petition.

WHAT SERVICES CAN THE COURT ORDER INCLUDE THROUGH AOT?

Such services SHALL include:

- Care Management or Assertive Community Treatment (ACT) Team services;

AND may also include:

- Medication
- Periodic blood tests or urinalysis to determine compliance with prescribed medications;
- Individual or group therapy
- Day or partial day programming activities
- Educational and vocational training or activities
- Alcohol or substance abuse treatment and counseling and periodic tests for the presence of alcohol or illegal drugs for persons with a history of alcohol or substance abuse;
- Supervision of living arrangements;
- Any other service within a local or unified service plan

WHAT IF THE PERSON DOES NOT COMPLY WITH THE TERMS?

If in the clinical judgment of a physician the individual has not followed the treatment ordered by the court and may be in need of involuntary admission to a hospital, the physician may request that the individual be transported to the hospital, involuntarily if necessary. The individual may be held at the hospital up to 72 hours to determine whether the individual can be admitted or the individual may be assessed and released.

HOW LONG DOES THE PERSON REMAIN ON AOT?

The first Order may be granted for up to one year. Near the end of the order, the individual is assessed again. If it is determined to be necessary and beneficial, the order can be extended for another year. These assessments would continue until the individual is determined not to be in need of the order.