

COURT OF COMMON PLEAS
PROBATE DIVISION
ASHTABULA COUNTY, OHIO



ASSISTED OUTPATIENT TREATMENT

THE HONORABLE ALBERT S. CAMPLESE

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Chapter One: Program Overview and Procedures

The Assisted Outpatient Treatment (AOT) program is an initiative of the Ashtabula County Probate Court in conjunction with the Ashtabula County Mental Health Services and Recovery Board to implement outpatient involuntary civil commitment.

AOT operates on a relationship-based model, encouraging regular communication between treatment providers, MHRS, and the Probate Court. Ashtabula County has chosen the court-led model to better respond to the mental health needs of those most at-risk in our community for repeated hospitalizations, homelessness, and law enforcement intervention. Treatment providers use evidence-based services to help program participants maintain stability and safety in the community. Regular conferences with the Court and care team allow for continual responsive evaluation of provided services and to safeguard the due process rights of participants. Every indigent participant is afforded a court-appointed attorney. A Respondent's continued participation in the program will prevent the implementation of a restrictive mental health guardianship.

Key Components

- Combination of court-ordered and community-based mental health services
- Less restrictive alternative to guardianships and involuntary hospitalizations
- Treatment plans are tailored to the specific needs of the individual
- Participants are closely monitored by a multidisciplinary team of mental health professionals in the community
- Status reports must be filed regularly with the court and all service providers must comply with the statutory requirements for involuntary treatment
- Participation can be terminated by court order if an individual does not meet the criteria for continued treatment

Mission Statement

The mission of the Ashtabula County Probate Assisted Outpatient Treatment program is to deliver outpatient treatment under court order to adults with severe mental illness who meet specific criteria, such as prior history of repeated hospitalization or arrest. This program will provide a less restrictive approach to assisting individuals who are most at risk of hospitalization, homelessness, and arrest or incarceration. Further, AOT will serve to prevent the implementation of mental health guardianship.

Advisory Committee

On July 6, 2021, the Ashtabula County Probate Court developed the AOT program. The initial implementation was led by our AOT Probate Magistrate, and other court officials in conjunction with the Ashtabula County Mental Health Services and Recovery Board. This process lead to the development of our AOT Advisory Committee. The AOT Advisory

Committee was established on, March 7, 2023, and meets on a quarterly basis. The group is committed on working to improve the program goals, objectives and outcomes.

The AOT Judge is the Chair of the Advisory Committee, the AOT Magistrate is the Co-Chair of the Advisory Committee, and both attend the Advisory Committee meetings. See Appendix VIII for the AOT Advisory Committee Contact Roster. The responsibilities of the AOT Advisory Committee include:

- Develop and regularly review a Community Outreach and Education Plan
- Develop and annually review a written Sustainability Plan
- Access AOT Team functionality, review policies and procedures, and access the overall functionality of the AOT docket at a minimum of every two years.
- Review the target population, treatment resources, quarterly reports and financially expenditures, as needed.
- Evaluate the effectiveness of the program by measurable goals and objectives.

Advisory Committee Membership

- AOT Judge-Chair
- AOT Magistrate-Co-Chair
- Executive Director, Mental Health and Recovery Services Board of Ashtabula County
- Executive Director, Catholic Charities for Ashtabula County
- Executive Director, Ashtabula County Job and Family Services
- Director of Operations and Clinical Services, University Hospitals
- Ashtabula County Medical Center
- Interim CEO, Ashtabula County YMCA
- Ashtabula County Public Library

Goals and Objectives

Goal #1: Reduce Hospitalization

Objective: Provide evidence-based treatment services focused on engagement and helping the participant maintain stability and safety in the community to increase stabilization of the individual in effort to reduce hospitalization.

Goal #2: Prevent Implementation of Mental Health Guardianships

Objective: Continually evaluate the appropriateness of the participant's treatment plan throughout the AOT period, and make adjustments as warranted to reduce the number of mental health guardianships with the Ashtabula County Probate Court.

Goal #3: Reduce Arrest and Incarceration

Objective: For each participant to achieve safety and stability, while reducing the amount of contact with law enforcement, and ultimately decreasing the number of arrests and convictions.

Goal #4: Reduce Homelessness

Objective: Utilizing cross system collaboration to increase the number safe and stable housing amongst our participants.

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Chapter Two: Target Population

Target Population

The Assisted Outpatient Treatment program target population includes individuals with a severe mental illness as defined by Ohio Revised Code 5122.01(A): “a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.” The participant must be reside in Ashtabula County.

Written Legal and Clinical Eligibility Criteria

Written Legal Eligibility Criteria

In order to be eligible for AOT, a person has to be a “mentally ill person subject to court order.” Ohio Revised Code 5122.01(B) defines such a person as one who, because of the person’s mental illness:

1. Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;
2. Represents a substantial risk of physical harm to others by evidence of recent homicidal or other violent behavior or threats of similar behavior;
3. Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person’s basic physical needs;
4. Would benefit from treatment for the mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person; or
5. Would benefit from treatment as manifested by evidence of behavior that indicates **all** of the following:
 - The person is unlikely to “survive safely” in the community;
 - The person has not complied with treatment in the past and one of the following applies:
 - The person has been hospitalized at least twice in the preceding 36 months for which lack of compliance has been a significant factor in requiring hospitalization;
 - The person has been violent or threatening in the preceding 48 months in part because of the lack of compliance;
 - The person is unlikely to voluntarily participate in treatment as a result of the person’s mental illness; or
 - The person needs treatment to prevent harm to themselves or others.

A Participant who only meets the criteria in item 5 above is not eligible for inpatient involuntary commitment, but can participate in AOT through outpatient involuntary commitment

Written legal eligibility criteria were collaboratively developed, reviewed, and agreed upon by relevant parties. Participants with the following pending charges may be ineligible to participate:

- Drug Trafficking
- Sex Crimes
- Crimes involving a use of a weapon
- Crimes involving children as victims
- Violent offense involving a victim with a series injury

For AOT programs, the type of acts that may make an individual ineligible include a history of:

- Sex crimes
- Crimes involving children as victims
- Violent offense involving a victim with a series injury

The Ashtabula County AOT program has the following Legal Eligibility Criteria that must be met prior to entry into the program:

- Participant meets criteria outlined in Ohio Revised Code 5122 for involuntary outpatient commitment
- An affidavit of Mental Illness must be filed with the Ashtabula County Probate Court, which includes the Case History of Mental Illness.

Written Clinical Eligibility Criteria

The Ashtabula County AOT program has the following Written Clinical Eligibility that must be met prior to entry of the program:

- A current completed Mental Health Assessment that indicates severe mental illness from a licensed treatment provider.
- The individual has the cognitive ability to do the required work associated with the AOT program.

AOT is not “mental health court” nor is it an extension of the criminal court system. Participation in AOT does not require commission of a crime, nor does it impose criminal sanctions or confinement in jail for non-compliance. AOT Judge/Magistrate has final discretion to decide admission into the program.

Capacity

The current capacity for the Ashtabula County AOT program is ten (10) participants.

Chapter Three: Affidavit Process and Court Procedures

Referral Process

The identification of a person who would benefit from AOT comes from Catholic Charities, the hospital systems, police, and mental health/substance use treatment agencies. Additional referrals may result from the Ashtabula County Mental Health and Recovery Services Board, emergency responders, individual's family member, or out of concern from a community agency or community member.

If an individual meets the criteria outlined in Ohio Revised Code 5122 for involuntary outpatient commitment, an Affidavit of Mental Illness must be filed in the Ashtabula County Probate Court. In addition to Case History of Mental Illness.

The AOT Coordinator will promptly meet with persons referred to the AOT program for an orientation and review of AOT requirements, complete necessary forms and refer them to appropriate services. During the orientation, the AOT Coordinator will discuss key aspects of the AOT program, including the purpose, requirements, duration, treatment services, treatment compliance, and consequences of non-participation and unsuccessful termination.

During this orientation, the participant will sign all program paperwork and relevant information will be collected about the individual's current situation and history. The AOT Coordinator will have all referrals complete a release of information to provide for communication about confidential information, participation/progress in treatment, and compliance with provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996, " 42 U.S.C. 300gg-42, as amended, and R.C. 2151.421 and 2152.99.

Screening and Assessment

Legal Eligibility Screening

The AOT legal eligibility screening process includes the following steps once a referral is made and is based on the established written legal eligibility criteria in Chapter 2:

1. Potential participant is identified by Catholic Charities, the hospital systems, law enforcement, mental health/substance use treatment agencies, Ashtabula County Mental Health and Recovery Services Board, emergency responders, individual's family member, or out of concern from a community agency or community member.
2. The AOT program components are explained to the potential participant by the AOT Coordinator. Potential participant signs all necessary releases of information, and is given a copy of the AOT Participant Handbook. This explanation includes the responses to compliance and noncompliance and the criteria for termination from the program.

3. The AOT Court Coordinator determines that all of the written legal eligibility criteria are met by the potential participant.
4. The AOT Judge/Magistrate has final discretion to decide admission into the program.
5. It should be noted that the written legal and clinical eligibility criteria in Chapter 2 do not create a right to enter the AOT program.

Potential participants with prior AOT involvement are considered for inclusion in the AOT program. Mitigating and aggravating circumstances of current or prior court involvement are evaluated. If the potential participant does not meet the written legal eligibility criteria, then the case proceeds in the traditional manner with Ashtabula County Probate Court.

Clinical Assessment

Once the potential participant meets the written legal eligibility criteria and verbally agrees to participate in the AOT program, then the following steps are taken to ensure the potential participant meets the written clinical eligibility criteria.

1. A clinical mental health assessment is scheduled to be completed by an accredited agency within five (5) business days of referral, and the Provider Agency Summary Report form are provided to the AOT Coordinator.
2. Persons found to have a mental health diagnosis are provided with treatment options and are able to enter treatment immediately.
3. The Ashtabula County AOT Care Team includes representatives from the in-county treatment providers and includes treatment recommendations in its AOT participant plan.
4. The AOT Judge/Magistrate has final discretion to decide admission into the program.

It should be noted that some potential participants will be referred by the hospital systems, and a clinical assessment have already been completed. If so, AOT Coordinator will request a copy of all records at the time referral.

Program Admission and Initial Hearing

After an Affidavit of Mental Illness is filed in the Ashtabula County Probate Court, the Probate Court will issue an order setting an initial hearing. At the initial hearing,

attendance is required by an attorney representing the Mental Health and Recovery Services Board and the individual who filed the affidavit. The participant has a right to counsel, and if they are unable to afford one, one may be appointed to them at no cost to the participant. The participant, and their counsel, is also permitted, but not required to participate.

The Initial Hearing must be scheduled within five (5) days of the filing of the Affidavit of Mental Illness. This Initial Hearing can be continued an additional five (5) days, or can be waived by participant.

At the conclusion of the initial hearing, the Court will determine if there is probable cause to believe the participant is a mentally ill person subject to court order and what level of involuntary commitment is appropriate. Outcomes include:

- If the Court finds no probable cause, then the case will be dismissed.
- If the Court finds probable cause that the Respondent is a mentally ill person subject to court order, then the Court will issue an Interim Detention Order and set a hearing in approximately 30 days for the full hearing required under R.C. 5122.15.

Written and Legal Eligibility Criteria for the AOT program can be reviewed prior to or concluding the Initial Hearing. If program criteria is not met, the AOT Coordinator will provide this information to the AOT Judge/Magistrate for further review and determination for program admittance.

Hospitalization Discharge Procedure

Prior to Hospitalization Discharge:

1. The hospital social worker will explain outpatient commitment to the participant and will schedule an appointment with the designated community mental health agency provider within three (3) days of the participant's discharge.
2. The hospital will fax a copy of the Discharge Plan and Outpatient Commitment Notification & Expectations forms to the AOT Coordinator the day of discharge. The date, time, and place of the individual's follow up appointment and will appear on the forms.
3. The Probate Court will email the discharge plan and notification forms to any counsel appointed, the MHRS Board, and the mental health treatment provider immediately upon receipt of the information. The notification form will include the Initial Hearing, Full Hearing and/or any scheduled Care Conferences scheduled in the Ashtabula County Probate Court.

Full Hearing

The Court will conduct the full hearing to determine whether there is clear and convincing evidence that the participant is a mentally ill person subject to court order. If clear and

convincing evidence is determined, then the Court shall order that the participant is committed for a period of time, not to exceed 90 days (the “initial commitment period”). The participant will be committed to one of the agencies or providers in R.C. 5122.15(C), which includes MHRS, and order the implementation of the least restrictive alternative available consistent with the Respondent’s treatment goals. After conclusion of the Full Hearing, the participant may be granted acceptance into the AOT program. Otherwise, the Court must immediately discharge the Respondent from the civil commitment.

Care Conferences will commence after the Full Hearing is completed.

Individualized Treatment Plan:

1. Within 30 days after the participant’s release from the hospital, the participant and the agency treatment team will complete an Individualized Treatment Plan (ITP) specifically tailored to the needs and goals of the individual participant. It will clearly outline the expectations of the individual in AOT.
2. The participant will be clearly informed that failure to follow their agreed upon treatment plan will and must be reported to the Court by the treatment staff.
3. The individual must follow the agreed upon treatment plan recommendations that include, but are not limited to:
 - Attending all scheduled appointments
 - Taking prescribed medications
 - Adhering to all treatment recommendations
 - Abstaining from all mood altering substances
 - Abiding by all laws and legal requirements

Extended Treatment

Treatment may be extended beyond the initial commitment period upon the granting of an Application for Continued Commitment, which must be filed not later than 10 days prior to the termination of the initial commitment period. The Court will set the Application for a hearing. If the Application is granted, then the Court shall order continued commitment of the Respondent for a period of up to 2 years. Care Conferences will continue, frequency of attendance will be determined by the AOT Judge/Magistrate.

A Status Hearing will be completed for each AOT participant at the one year (365 days) mark as an active participant in the program. The Court will review and revise any requirements for the Care Conference attendance and reporting. This Status Hearing is a formal proceeding, outside the structure of the Care Conferences

The Court must conduct an evidentiary hearing at least every 2 years after the expiration of the first 90-day period. Participants can also request a full evidentiary hearing once per 6-month period.

10 Days Prior to Expiration of Any Commitment Period, an Application for Continued Treatment must be filed with the Court.

Non-Discriminatory Practices

At no time should a potential participant be denied admission to the program based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability. The Ashtabula County AOT program includes Cultural Competency Training as a component of their interdisciplinary continuing education plan. If an individual ever feels that they were denied access to AOT or treatment based on these criteria, then they should contact an attorney regarding this matter for further resolution.

File and Data Maintenance

- The AOT participant files will be maintained by the AOT Coordinator.
- AOT participant files will be stored and locked in the AOT Coordinator's office.
- AOT participant files can be accessed by AOT Care Members through the AOT Coordinator with a signed release of information.
- AOT participant files contain demographic information about the participants, releases of information, court orders, treatment records and weekly progress reports.

Chapter Four: Care Team Members

Duties of Care Team Members

The AOT Judge/Magistrate is the Chair of the Care Team and attends the Care Team Meetings. The Care Team members are invited to participate on the Care Team by the AOT Judge/Magistrate.

The Care Team is responsible for the daily operations of the Ashtabula County AOT program. Care Team Members Include the following:

- AOT Judge/Magistrate
- AOT Coordinator
- Treatment Providers
- Catholic Charities
- Participant's Counsel, if desired by participant

For consistency and stability, the AOT Care Team agree to serve on the treatment team for a minimum of one year whenever possible.

The AOT Care Team and AOT Advisory Committee agree to work with local community leaders, engage in community outreach activities to build partnerships that will improve outcomes and support the AOT program to ensure the best interests of the community are considered with continued sustainability. The Advisory Committee will develop a community outreach and education plan and will use input with the treatment team. Once the plans are developed, then the Advisory Committee will regularly review the plans.

The AOT Care Team Members engage in ongoing communication, including frequent exchanges of timely and accurate information about the participant's overall performance through phone calls, weekly progress reports, and individualized treatment team meetings in the community that include the participant.

Mechanisms for decision-making and resolving conflicts among treatment team members have been established and are utilized. The following process has been established for resolving conflicts among treatment team members or decisions regarding participants:

- a) The concern will be reported to the Judge/Magistrate in writing.
- b) The Judge/Magistrate will make a final decision on the matter within five (5) days of receiving the concern.
- c) Any documentation will be kept with the AOT Coordinator.

The AOT Care Team Members maintain professional integrity, confidentiality, and accountability. The Care Team Members will adhere to this practice through releases of information, on-going training including topics such as confidentiality and through leadership and modeling from the AOT Judge/Magistrate.

The AOT Care Team Members will make reasonable efforts to observe required service provider programs in order to have confidence in the services provided and to better understand the treatment and programming process. All treatment providers are certified

by the Ohio Department of Mental Health and Addiction Services. All treatment team members are familiar with the providers utilized, their services, and evidence-based practices.

Specific Roles and Responsibilities of Care Team Members

Below is a list of AOT Care Team Members by position and their written roles and responsibilities consistent with a treatment team contact roster.

Judge/Magistrate

- The Chair of the Advisory Committee and plans and facilitates Advisory Committee meetings.
- The Chair of the Care Team and attends Care Team Meetings.
- Discretion to decide the admission into or termination from the AOT program in accordance with the written legal and clinical eligibility criteria for the program.
- Knowledgeable about treatment and programming methods and limitations.
- Decision-maker, especially concerning incentives, sanctions, phase advancement and successful completion or termination.
- Discusses progress with the participant at status review hearings.

The Ashtabula County AOT Judge/Magistrate serves as the AOT jurist during the length of each participant's time in the program.

Licensed Treatment Providers

The roles and responsibilities of the AOT licensed treatment providers include:

- All treatment providers will be appropriately licensed and trained to deliver services.

The AOT licensed treatment provider serves as the participant's therapist, counselor or case manager. Other duties of the treatment provider may include:

- Conducts diagnostic assessments, provides the clinical diagnosis, develops the treatment plan, provides services identified on the treatment plan.
- Provides documentation on a participant's progress in treatment and compliance with treatment plans and treatment attendance.
- Attends Care Team Meetings and Care Conferences.
- During Care Team Meetings, gives treatment updates and makes recommendations regarding treatment needs, and participates in discussion related frequency of participant's scheduled Care Conferences and program completion.
- Meets with the participant on a regular basis
- Assists with transportation, housing, education, employment, obtaining medical care, family issues, training and applying for government assistance
- Makes referrals to ancillary services and agencies
- Gathers progress reports from treatment and service providers to present to the Care Team.
- Attends appointments to provide assistance to participants when needed

- During Care Team Meetings, provides reports and recommendations to the Care Team.

Participant's Counsel

The participant has the right to request the attendance of their counsel during the portion of the Care Team Meeting and Care Conferences concerning the participant. The AOT participant's counsel plays an active role in the Care Conferences and their duties include:

- Attends Care Team Meetings and Care Conferences
- Explains the possible sanctions that may be imposed
- Explains the circumstances that may lead to termination
- Explains the effect that termination from the Ashtabula County AOT program may have on the participant's circumstances
- At participant's request, makes recommendations to the Judge/Magistrate regarding incentives, sanctions, phase advancement, successful completion, and termination from the program.

AOT Coordinator

- Facilitates the AOT program in accordance with the written program description
- Assists with identifying potential participants
- Assists the participant in all phases of the program
- Maintains the daily operations of the AOT program
- Collects and maintains statistical information and other confidential records concerning participants, collects data from service providers, and creates reports for review and submission to funding sources
- Ensures that Care Team Members follow program policies and procedures
- Monitors service provider Memorandum of Understandings
- Coordinates AOT Advisory Committee meetings
- Coordinates professional education for the AOT Care Team
- Participates in any discussion related to a participant's involvement in the AOT program.

Chapter Five: Participant Monitoring

Care Team Meeting and Care Conferences

The Ashtabula County AOT program monitors each participant's performance and progress through the Care Team Meeting and Care Conferences.

1. The Ashtabula County AOT Care Team meetings and Care Conferences take place every Monday. The Care Team Meeting takes place from 1:00pm to 2:00pm at the Ashtabula County Probate Court with the Care Conference following in the courtroom.
2. The required attendees for the Care Team Meetings and Care Conferences include the following:
 - Judge and/or Magistrate, Ashtabula County Probate Court
 - AOT Coordinator, Ashtabula County Probate Court
 - Treatment Agencies
 - Catholic Charities
3. The AOT Coordinator prepares and distributes the weekly Care Team schedule and other documents including the Weekly Status Report.
4. The Licensed Treatment Providers from all of the dedicated treatment agencies prepare the treatment progress reports. Status Reports are due by 4pm on the Friday prior to a scheduled Care Conference, and must be submitted via fax, mail, email, or in-person to the AOT Coordinator, to participant's counsel, and to the MHRS Board.

AOT Care Conferences

The Ashtabula County AOT incorporates ongoing judicial interaction with each participant. Frequent Care Conferences establish and reinforce the AOT policies and ensure effective and efficient supervision of the participant. The tenor of the hearings will be cordial and focused on the ability of the participant to determine the success of their time in the program. The Court is responsible for ensuring participants understand what is expected of them, the parameters of the program, and the support they will be given as they continue treatment.

The participant is required to appear at all scheduled Care Conferences. All participants are to appear at their first Care Conference within two (2) weeks after the Full Hearing is concluded, and acceptance into the program is determined. All conferences thereafter are scheduled at the discretion of the Judge/Magistrate. Ashtabula County Probate Court will hold Care Conferences every Monday beginning at 2:00pm.

It should be noted that not all participants are required to appear at each Care Conference, and the frequency of appearance depends on the individual's progress in the Ashtabula County AOT program.

In the event a participant is unable to appear at the Care Conference due to illness or due to residential treatment, the Judge/Magistrate may allow the participant to appear via virtual hearing.

If the Treatment Team believes a more targeted court conference is necessary, outside of the group setting in the biweekly conferences, the team may submit an Application for Care Conference to the Probate Court. This Application must be served to the MHRB Board and appointed counsel by the treatment team.

In-County Agency Resources

Ashtabula County agencies have been provided information regarding the AOT program. Some of these providers are members of the AOT Care Team, and any additional providers have been made aware of our program, and are planned to assist any individuals who are participating in the AOT program, and help identify potential referrals.

Mental Health / Substance Use Providers

- **Community Counseling Center**
2801 C Court, Ashtabula, OH 44004
(440)998-1811
<http://www.cccohio.com>
- **Signature Health**
4726 Main Ave., Ashtabula, OH 44004
(440) 992-8552
<http://www.signaturehealthinc.com>

Substance Use-Only Providers

- **Lake Area Recovery Center**
2801 C Court, Ashtabula, OH 44004
(440)998-0722
<http://www.larc.cc>
- **BrightView Health**
210 S Ridge Rd E, Ashtabula, OH 44004
(440) 306-7186
<https://www.brightviewhealth.com/>

Hospital Systems

- **Ashtabula Regional Medical Center**
2420 Lake Avenue, Ashtabula, Ohio 44004
(440) 997-2262
<https://www.armchealth.org/>
- **University Hospitals**
Conneaut: 158 W. Main Road, Conneaut, Ohio 44030
(440) 593-1131
Geneva: 870 W. Main St. Geneva, Ohio, 44041
(440) 466-1141
<https://www.uhhospitals.org/>

Chapter Six: General Timeline and Important Deadlines

Timeline of Case Proceedings

Day 0: Receipt of Affidavit of Mental Illness - Court issues Temporary Detention Order, sets Initial Hearing, and appoints Counsel for Participant

Day 2: Court Refers Affidavit of Mental Illness to MHRS

Day 5: Initial Hearing – (can be continued additional 5 days or waived by respondent.)
Court issues Interim Detention Order

Day 30: Full Hearing – Commitment cannot exceed 90 days; Care Conferences are scheduled.

***Status Reports are due to Court by 4pm on Friday preceding Care Conference**

Day 110: Deadline for Application for Continued Treatment

Day 120: Continued Commitment Full Hearing OR Order Expires – Court issues continued commitment order for up to 2 years; Court reviews the frequency of Care Conference attendance and status reports.

Day 365 Status Hearing* – Court reviews and revises the requirements for Care Conference attendance and reporting, including by extending the time between Care Conferences and/or Status Reports if warranted. This Status Hearing is a formal proceeding, outside the structure of the Care Conferences.

Beyond Day 365

Status Reports and Care Conferences* – as determined by Court.

Full Hearing – Court must conduct an evidentiary hearing at least every 2 years after the expiration of the first 90-day period. Respondents can also request a full evidentiary hearing once per 6-month period.

10 Days Prior to Expiration of Any Commitment Period – Application for Continued Treatment must be filed with the Court.

***Indicates requirement of program, not of Revised Code.**

Key Deadlines and a general timeline are outlined below. All filings due to the Probate Court may be received via email, mail, fax, or in-person.

Chapter Seven: Program Completion

Written Criteria for Successful Completion

The following behaviors and accomplishments are required to successfully complete and commence from the Ashtabula County AOT program.

Compliant behaviors include:

- Demonstrated stabilization with no mental health hospitalizations for a minimum of ninety (90) days prior to graduation
- Successfully completed treatment or have obtained a written recommendation from their treatment provider noting their compliance with their treatment plan.
- Demonstrated stability in the community
- No current open guardianship case with the Ashtabula County Probate Court

Accomplishments include:

- Completion of treatment or written recommendation/approval from the treatment provider
- Mental Health Maintenance Plan has been established

The process for determining when a participant has successfully completed the program includes:

- The participant is nominated for successful completion by a member on the Care Team
- The Care Team reviews the participant's compliant behavior and accomplishments

Any Care Team Member can make a recommendation for Successful Completion, but the Judge/Magistrate has final discretion in determining Successful Completion.

The participant receives a Certificate of Completion during their individual Commencement Ceremony Hearing. The Ashtabula County AOT program and is committed to developing an AOT Alumni component of the program.

Termination Classifications

There are two types of written termination criteria, neutral discharge and unsuccessful termination. It should be noted that the Judge/Magistrate has final discretion in determining termination from the Ashtabula County AOT program.

Written Criteria for Neutral Discharge

Written criteria that may lead to neutral discharge include:

- A serious medical condition
- The participants needs are greater than the program can provide
- Serious injury or incapacitation
- Military deployment
- Any other change in life circumstances which would prohibit participation in the program

Any Care Team Member can make a recommendation for neutral discharge, but the Judge/Magistrate has final discretion in determining neutral discharges. In the event that a participant is sentenced to a lengthy incarceration on a criminal charge and never engaged in treatment services, then the AOT Coordinator will request a neutral discharge from the Judge/Magistrate. If the participant never engaged in treatment services and then fails to appear for any Care Conferences and their whereabouts are unknown for over 30 days, then the AOT Coordinator will recommend a neutral discharge to the treatment team and to the Judge/Magistrate on a quarterly basis.

Potential consequences after a neutral discharge may include:

- Loss of future eligibility for the Ashtabula County AOT Program
- Formal notification to Ashtabula County Probate Court and any relevant parties of participant's failure to successfully complete
- Proceed with any pending cases as normal

Written Criteria for Unsuccessful Termination

Written criteria that may lead to unsuccessful termination include:

- Ongoing noncompliance with treatment
- New serious criminal convictions
- A serious infraction or series of infractions in the AOT program

Any Care Team Member can make a recommendation for unsuccessful termination, but the Judge/Magistrate has final discretion in determining terminations. In the event that the participant is continually noncompliant and is showing no effort, change or engagement, then the AOT Coordinator will recommend an unsuccessful termination to the treatment team and to the Judge/Magistrate on a quarterly basis.

The AOT Judge/Magistrate has the discretion to terminate a participant in accordance with the written eligibility and termination criteria, following notice and termination hearing. AOT will comply with all constitutional and statutory rights of the participants, including the right to a hearing and legal representation. Any rights permitted to be waived by the participant shall be waived in a manner of ensuring the substantive due process of rights of the participant. If after the hearing, a decision is made to terminate the participant from the program, the Judge/Magistrate gives an explanation of the reasons of termination.

Potential consequences after an unsuccessful termination may include:

- Loss of future eligibility for the Ashtabula County AOT program
- Formal notification to Ashtabula County Probate Court and any relevant parties of participant's failure to successfully complete
- Proceed with any pending cases as normal

Written Criteria for Inactive Status

Written criteria that may lead to inactive status include:

- Participant is placed in a residential facility and cannot be transported for Status Review hearings, except in circumstances where it has been determined appropriate for the participant to continue to participate in Status Review hearings by virtual hearing.
- Participant is in a correctional facility and cannot be transported for status review hearings
- Charged with new crimes pending adjudication and /or a final disposition for sentencing.

Once a participant is placed on inactive status, their status will be reviewed on a quarterly basis, or sooner if necessary. After their status has been reviewed by the AOT Coordinator, the participant may either be continued in the program or will receive a termination from the program. During inactive status, the client will not be required to attend AOT Care Conferences. The AOT Judge/Magistrate will have final discretion in determining the participant's status or termination.

Appendix I: Affidavit of Mental Illness

ACPC-MN-94.01 (Rev. 6/2021)

**ASHTABULA COUNTY COURT OF COMMON PLEAS
PROBATE DIVISION
ALBERT S. CAMPLESE, JUDGE**

IN THE MATTER OF _____

CASE NO. _____

AFFIDAVIT OF MENTAL ILLNESS
[R.C. 5122.111]

The State of Ohio, Ashtabula County, s.s.

_____ the undersigned, residing at _____

_____ says that he/she has information to believe, or has actual knowledge that

_____, a resident of _____ County is mentally ill, and because of the person's illness: (Please specify specific category(ies) below with an X)

- ☐ Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;
- ☐ Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;
- ☐ Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;
- ☐ Would benefit from treatment for mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person; or

NOTE: An individual who meets only the criteria described in the box below is not subject to hospitalization.

- ☐ Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:
 - (a) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.
 - (b) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:
 - (i) At least twice within the thirty-six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental health unit of a correctional facility, provided that the thirty-six-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the thirty-six-month period.
 - (ii) Within the forty-eight months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others, provided that the forty-eight-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the forty-eight-month period.

CASE NO. _____

(c) The person, as a result of mental illness, is unlikely to voluntarily participate in necessary treatment.

(d) In view of the person's treatment history and current behavior, the person is in need of treatment in order to prevent a relapse or deterioration that would be likely to result in substantial risk of serious harm to the person or others.

_____ further says that the facts supporting this belief are as follows:

(be specific with facts substantiating diagnosis) _____

These facts being sufficient to indicate probable cause that the above person is a mentally ill person subject to court order.

CASE NO. _____

Name of patient's last physician or licensed clinical psychologist: _____

Address of patient's last physician or licensed clinical psychologist: _____

The name and address of respondent's legal guardian, spouse, and adult next of kin are:

Name	Kinship	Address
	Legal Guardian	
	Spouse	
	Adult Next of Kin	
	Adult Next of Kin	

The following constitutes additional information that may be necessary for the purpose of determining residence:

Date

Affiant

Sworn to and subscribed before me a Notary Public or Deputy Clerk of the Probate Court on this _____ day of _____, 20 _____.

Notary Public/Deputy Clerk

WAIVER

I, the undersigned affiant, hereby waive the issuing and service of Notice of Hearing on this Affidavit, and voluntarily enter my appearance herein.

Date

Affiant

Appendix II: Case History of Mental Illness

ACPC-MN-94.02 (Rev. 6/2021)

**ASHTABULA COUNTY COURT OF COMMON PLEAS
PROBATE DIVISION
ALBERT S. CAMPLESE, JUDGE**

IN THE MATTER OF _____

CASE NO. _____

CASE HISTORY OF MENTAL ILLNESS

This form is to be completed by the person making application for admission or by any other interested competent person.

1. Full name of patient _____ Social Security No. _____
2. Age _____ Date of Birth: Month _____ Day _____ Year _____ Place _____
3. Race _____ Sex _____ Single ☐ Married ☐ Widowed ☐ Divorced ☐ Separated ☐
4. Patient now resides at _____
Street City State Zip County
5. Occupation _____ When and where last employed _____
6. Who is responsible for cost of hospitalization? _____
7. Name and address in full of person to whom correspondence is to be directed _____
Relationship _____
8. Guardian: Name _____ Telephone Number _____
Address _____
9. Name and address of family physician _____
10. Is patient eligible for veteran's benefits? _____
11. Is patient a dependent or spouse of a deceased veteran? _____ If so, state name and S.S.N.: _____
12. How long have you known this person? _____
13. State what leads you to believe this person is mentally ill _____
14. When was the first sign of mental illness observed by you? _____
15. Are there any legal charges pending on patient, or behaviors that could result in legal proceedings? _____
If yes, explain fully _____
16. Was this person previously stable and well adjusted? _____
17. Number of previous attacks of mental disorder _____
18. Has this person been a patient in any hospital, private or public, for the mentally ill, or any other institution? _____
If Yes, state where, and how long? _____

ASHTABULA COUNTY FORM 94.02 - CASE HISTORY OF MENTAL ILLNESS

CASE NO. _____

19. Has this person suffered serious physical injury? (Particularly to the head) _____ If yes explain fully _____

20. Has this person suffered any great traumatic incidences or recent stress? _____ If yes, explain fully _____

21. Has this person required feeding, seclusion or restraint? _____ If so, explain fully _____

22. Has this person been addicted to the use of alcohol or drugs? _____ If so, explain fully _____

23. Is this person?

Paralytic ☐ Bedridden ☐ Untidy ☐ Violent ☐ Destructive ☐

Excited ☐ Depressed ☐ Homicidal ☐ Suicidal ☐

24. If any of the above are true, describe _____

25. Does this person have any physical defect or deformity? _____

26. Does patient have any medical illness for which ongoing medication and monitoring is required? _____

If yes, explain fully _____

27. Is the patient following doctor's instructions for treatment? _____ List problems _____

28. Interpreter needed ☐ Language _____

29. Patient unit _____

The above information furnished by _____ Telephone Number _____

Address _____

This information is believed to be true to the best of his or her knowledge.

Date

Signature

ASHTABULA COUNTY FORM 94.02 - CASE HISTORY OF MENTAL ILLNESS

Appendix III: Application for Continued Commitment

ACPC-MN-94.08 (Rev.6/2021)

**ASHTABULA COUNTY COURT OF COMMON PLEAS
PROBATE DIVISION
ALBERT S. CAMPLESE, JUDGE**

IN THE MATTER OF _____
CASE NO. _____

**APPLICATION FOR CONTINUED COMMITMENT
[O.R.C. 5122.15(H)]**

Now comes the undersigned attorney for the Mental Health and Recovery Services Board of Ashtabula County, and hereby applies to the Court for an order of continued commitment of the Respondent pursuant to O.R.C. §5122.15(H). Attached hereto is a written report substantiating Respondent's need for further continued commitment to the Mental Health and Recovery Services Board of Ashtabula County consistent with their treatment needs.

Date

Attorney Signature

Print Name

ENTRY SETTING HEARING

This matter is scheduled for a continued commitment hearing on _____
at _____, 20____ and will be held at _____
_____.

Date

Probate Judge/Magistrate

ASHTABULA COUNTY FORM 94.08 - APPLICATION FOR CONTINUED COMMITMENT