



Improving Mental Health Outcomes Through Court-Ordered Care

Hon. Maureen Ward Kirby
Circuit Judge
Circuit Court of Cook County

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Learning Objectives

Attendees will be able to:

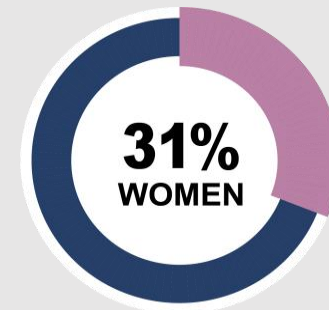
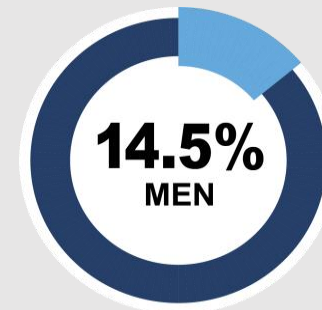
- compare pathways to outpatient mental health care through Involuntary Outpatient Treatment and Agreed Orders for Care and Custody.
- recognize the clinical characteristics of an ideal court-ordered treatment candidate.
- promote the benefit and value of mental health advance directives.

Mental Illness is Overrepresented in the Courts



serious mental illness is
four to six times higher
in jail than in the general population*

*14.5% of men and 31% of women in jails



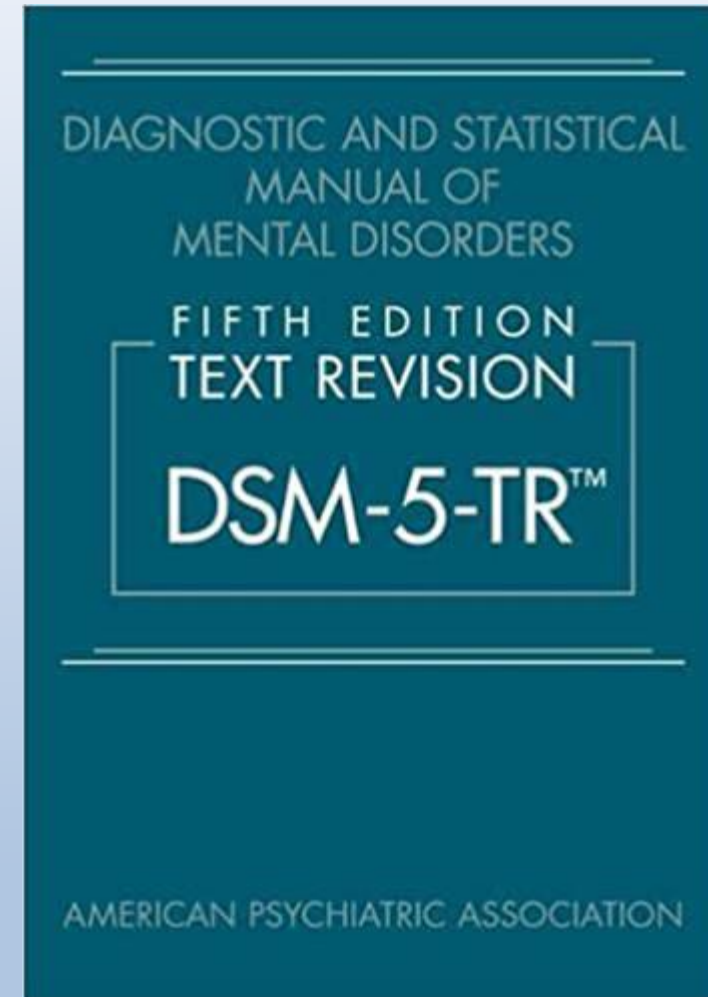
Serious Mental Illness

Mood D/O

- Major Depressive D/O
- Bipolar D/O

Psychotic disorders

- Schizophrenia
- Schizoaffective



A word on Medication Non-Compliance...

- 49% of psychiatric patients are non-adherent to their psychotropic medications
 - Schizophrenia (56%), Major Depressive D/O(50%), Bipolar D/O (44%)
- **Why?** Judgement, lack of insight, sociodemographic factors, side effects, SUDs, comorbidities, cost, social support, access to ongoing care
- **Impact** = exacerbation of illness, reduce treatment effectiveness, rehospitalization, reduced quality of life, comorbid medical conditions, suicidal ideation, psychosocial outcomes



Patients, Health Plans, Hospitals, CMHCs

Case Study

- Ms. P is a 30-year-old female who has struggled w/ mental illness for over 10 years.
- When noncompliant with prescribed medication, Ms. P displays verbal aggression and extreme paranoia.
- Ms. P has been hospitalized on numerous occasions for threatening behaviors toward her family.
- Ms. P lives in the community with her parents although often goes missing for days and has been found utilizing a local homeless shelter at times.
- Ms. P is currently not taking psychiatric medications and both Ms. P's family and the case manager fear that harm is imminent should Ms. P not receive treatment for her condition.

Court Pathways to Care for Ms. P

- Involuntary Admission on an Outpatient Basis
- Agreed Care and Custody Orders
- Advance Directives

Procedures for Outpatient Admission

- Procedures to initiate outpatient commitment generally track those for initiating inpatient commitment.
- Who can petition? (**Ms. P's Family, Psychiatrist, Care Manager, etc.**)
- Requires a petition and 2 certificates (405 ILCS 5/3-750 & 752)
- Service and Notification (community or hospital)
- Treatment in the community or placed in care and custody of another person (405 ILCS 5/3-750)
- Standard more relaxed than inpatient (405 ILCS 5/1-119.1)

Legal Standards: 405 ILCS 5/1-119.1

(1) A person who would meet the criteria for admission on an inpatient basis as specified in Section 1-119 in the absence of treatment on an outpatient basis and for whom treatment on an outpatient basis can only be reasonably ensured by a court order mandating such treatment.

Legal Standards: 405 ILCS 5/1-119.1

(2) A person with a mental illness which, if left untreated, is reasonably expected to result in an increase in the symptoms caused by the illness to the point that the person would meet the criteria for commitment under Section 1-119, and whose mental illness has, on more than one occasion in the past, caused that person to refuse needed and appropriate mental health services in the community.

Ms. P does not agree...

Involuntary admission on an outpatient basis.
(405 ILCS 5/3-750) Sec. 3-750.

A person 18 years of age or older who is subject to involuntary admission on an outpatient basis may receive alternative treatment in the community or may be placed in the care and custody of a relative or other person upon court order pursuant to this Article.

(Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

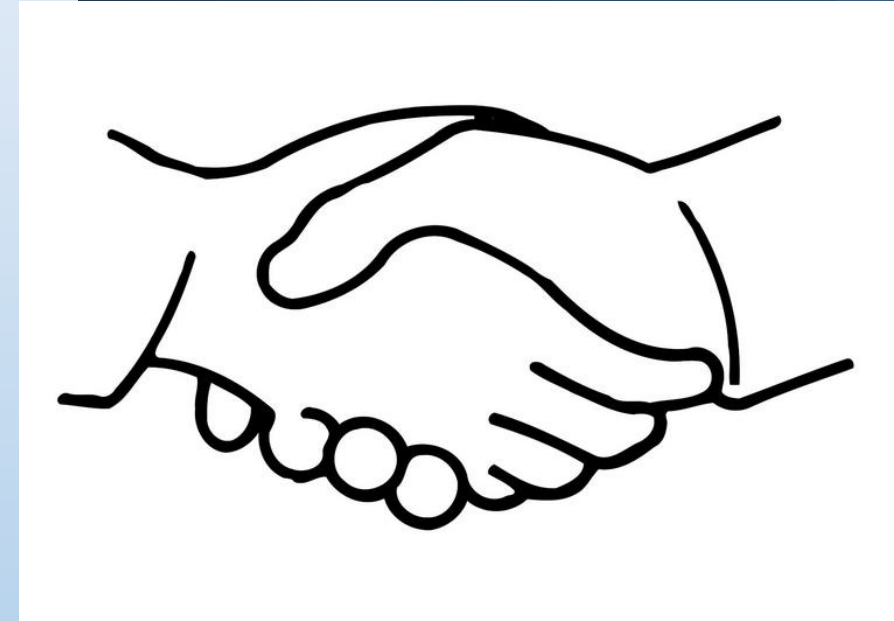
A Note on Involuntary Medication

Legal Criteria Governed by 405 ILCS 5/2-107.1

- Serious mental illness
- Currently exhibits deterioration, suffering, or threatening behavior
- Illness existed for a period marked by continuing presence of symptoms
- The benefits of the treatment outweigh the harm
- The respondent lacks the capacity to make a reasoned decision about the treatment

What if Ms. P Agrees?

- 405 ILCS 5/3-801.5 allows persons facing inpatient commitment to agree to an order for outpatient commitment for a period not to exceed 180 days (may be extended for additional 180 periods if agreed to by the parties. 405 ILCS 5/3-801.5 (g).)
- The order **may include the administration of psychotropic medications** only if there is demonstrated history of non-compliance with medication. 405 ILCS 5/3-801.5 (a)(5).
- The order may grant a custodian the right to admit the person to a hospital if the person fails to comply with the conditions of the order. 405 ILCS 5/3-801.5(b)



Respondent Behavior: 405 ILCS 5/1-119.1

Family, Provider, Care Coordinator File
Petition for Involuntary Inpatient and
Outpatient Admission (Includes 2
Certificates per Petition)

File Petition for Administration of
Psychotropic Medication



Notice and Order for Hearing(s)/Hearing(s)

- Court may schedule Admission/Treatment Hearings back-back -

Respondent may or
may not appear -
Testimony by
petitioner (+)

Judge finds by
clear and
convincing
evidence that facts
true...

**Best Case
Scenario: Agreed
Care and Custody
Order**

No Agreement:
Contested Hearings



Agreed Care and Custody Order (180 days)

Extension (180 days) with new petition
and certificates, or by agreement

Discharge

Ms. P is Planning Ahead

Advance Directives for Treatment in Illinois

- Power of Attorney for Healthcare
- Mental Health Declarations



Why aren't we assisting patients with these empowering tools more frequently?

Resources

DHS Forms

<https://www.dhs.state.il.us/page.aspx?item=61585&division=DDD>

YouTube Link – Cook County Mock Hearing:

<https://youtu.be/EjQteaVHVSM>

Illinois Guardianship and Advocacy Commission – Guide to Advance Directives

<https://gac.illinois.gov/las/download.html>