

The AOT Judge

Assisted outpatient treatment (AOT) programs share many common elements, but there is versatility in how program roles are defined. The model a community adopts for its AOT program is influenced by various factors, including available financial resources, time limitations, program priorities, and individual personalities within the team.

Although the specific function and focus of each role can vary among programs, the roles are defined in collaboration with the entire team. Programs that are tailored to leverage the unique strengths of their AOT team members tend to achieve the best outcomes. This approach allows for a more effective and efficient implementation of the AOT program, capitalizing on the team's collective expertise and passion for the work.

This versatility in function also applies to the judge, a key member of the AOT team. Although all judges follow fundamental processes in the AOT courtroom, their demeanor and level of judicial involvement vary across AOT programs.

ROLE OF THE AOT JUDGE

The judge or other judicial representative oversees the judicial proceedings, ensuring compliance with the state statute and due process requirements. Based on the clinical evidence, they determine whether the need for AOT has been established under state law based on the applicable standard of proof, which is typically clear and convincing evidence. If AOT is warranted, they issue an order requiring the respondent — who becomes a “participant” once the court signs the AOT order — to engage in treatment. Additionally, they hold the treatment team accountable for delivering appropriate care and treatment to the participant.

BLACK ROBE EFFECT

The theory of the “black robe effect” rests on the belief that participants' respect for the court's authority serves as a powerful motivator for adhering to their treatment plans.

Rather than employing punitive measures, the emphasis is placed on a compassionate approach to encourage adherence to treatment. This method offers participants, often for the first time, an opportunity to interact with a judge in a safe and supportive environment, contrasting sharply with their previous experiences in criminal courts. By fostering this positive interaction, the judge strives to build trust and promote better engagement with the treatment process. The black robe effect can be influential regardless of the judge's level of involvement in the process. Programs leverage the respect participants *and* treatment providers have for the court's authority and ability to hold them accountable to enhance outcomes.

TYPES OF JUDICIAL INVOLVEMENT IN AOT

1. Active judicial involvement

The judge plays a pivotal role as the motivator, enforcer, and public face of the program. The judge's responsibilities extend beyond traditional courtroom duties, encompassing a more holistic and supportive approach. They strive to establish a personal connection with each participant. They clearly outline expectations for both the participant and the treatment team, ensuring clarity for all involved. Throughout the AOT order period, the judge strengthens this relationship by conducting regular reviews and check-ins, providing additional opportunities for judicial contact. Taking on a supportive and encouraging role, the judge monitors participant progress, offering suggestions and directives to guide individuals through their treatment process. As an integral part of the team, the judge employs an approach that holds participants accountable for their participation and adherence to their treatment plan, balancing support with responsibility to promote successful outcomes.

2. Medium judicial involvement

The judge's role is more limited and authoritative compared to the active judicial model. The judge's primary focus is on the initial and continuation hearings, where they endeavor to engage and motivate the participant while effectively outlining the program's requirements. Unlike the active model, this approach does not typically involve regular check-ins. Instead, the judge may conduct check-ins only for participants who require additional oversight to ensure accountability or to reinforce exemplary behavior. This arrangement places greater emphasis on the judge's authoritative role, with less direct involvement in the ongoing treatment process. The judge's main responsibility is to set clear expectations and program requirements at the outset, providing a foundation for the participant's journey through the AOT program.

3. Limited judicial involvement

The judge's role is primarily focused on fulfilling statutory duties with minimal expectation of personally inspiring participants after the initial hearing. The judge maintains a more distant approach, refraining from conducting regular check-ins with program participants. This structure places most program responsibilities on the AOT treatment team, leaving the judge with little to no direct oversight of individual participants. As a result, the judge's involvement is minimal beyond the initial legal

proceedings, while the ongoing management and support of participants are handled by other members of the AOT team.

The types of judicial involvement are not meant to serve as a strict blueprint for judicial interaction in an AOT court. In practice, judicial involvement exists on a spectrum. What is most important is that the success of the AOT program depends on a culture of collaboration, where all stakeholders work together to maximize resources to build an effective, sustainable program.