

Mental Health Court vs. AOT

Comparing Criminal Diversion Courts to Assisted Outpatient Treatment

Mental health court is the most common term for specialized courts or dockets which may operate as a diversion, post plea, or probation-based programs that provide alternatives to incarceration for criminal defendants with mental illness. Like assisted outpatient treatment (AOT), mental health courts aim to help participants access and stay engaged in community-based treatment.

The key difference between the two is that AOT is a civil court process, while mental health courts operate within the criminal justice system. Unlike criminal courts, AOT does not require a prior criminal charge to qualify for court-ordered treatment. Another significant distinction is that participation in mental health court is ultimately voluntary: an eligible defendant may choose to proceed through the criminal court process or opt into the mental health court. In contrast, the decision to initiate an AOT case is made by the eligible petitioner, not the respondent.

Furthermore, the consequences of treatment non-adherence differ between the two models. In mental health court, failure to follow the treatment plan could lead to the restoration of criminal charges or additional post-conviction penalties. In AOT, non-adherence to treatment does not lead to punishment but instead prompts increased outreach and engagement efforts from the treatment team. When a participant struggles to stay involved in treatment, the team intensifies its support to re-engage them. If the participant continues to decompensate and their symptoms justify it, a short-term psychiatric evaluation hold may be initiated, and court check-ins may become more frequent — but incarceration or punitive measures are not typically utilized and are not considered best practice.

Mental Health Court	Assisted Outpatient Treatment
<ul style="list-style-type: none"> • Criminal court • Initiated by a criminal charge • Voluntary participation • May involve incarceration or other sanctions • Alternative to traditional prosecution 	<ul style="list-style-type: none"> • Civil court order • Initiated by a petitioner • Involuntary treatment • No jail or fines • Focus on improving treatment adherence