



BEXAR COUNTY PROBATE COURT # 1

Oscar J. Kazen, Judge
Bexar County Courthouse
100 Dolorosa Ste. 117
San Antonio, Texas 78205-3002
210-335-2580

March 9, 2023

Chair Peña-Melnyk and the members of the House Health and Government Operations Committee:

I am a Probate Court Judge in Bexar County, Texas and I use assisted outpatient treatment (AOT) in my courtroom to access treatment for people with severe mental illness. I have seen people, who would have no other recourse for wellbeing upon leaving a psychiatric hospital, thrive in the community under an AOT court order and I ask you to move HB 823 out of committee so that Maryland residents can take part in AOT to save their lives.

One aspect of AOT that is difficult to understand at first glance is the lack of contempt power. I can attest that an AOT Judge does not need the threat of contempt for people under a treatment plan in order to adhere to the plan. As a Judge, I understand the desire to have strong sanctions to enforce the court's orders, but AOT is a unique process that uses the court's ability to hold parties accountable through means that are outside of criminal justice proceedings. AOT does not lack teeth because it lacks contempt authority. The lack of contempt power, coupled with the ability of the court to initiate inpatient commitment hearings, leads to a greater level of mutual trust between the Judge and the individual undergoing outpatient treatment. It has been my experience that, even under only a civil court order, the respect for my position and the court's authority is usually all that is needed to compel adherence with a treatment plan.

For opponents to legislation like HB 823 who do not believe in the black robe effect, I wish they could see AOT in action in San Antonio. The black robe effect saves lives through a civil court process and denying its efficacy is disrespectful to both the bench and the people whose lives have been saved by AOT. In addition, it is not as though an A.O.T. Judge is left without recourse. In almost every jurisdiction, an AOT judge may detain an individual who is deteriorating as the result of medication non-compliance. These statutory provisions and the accompanying admonishments are more than sufficient to ensure compliance.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Oscar J. Kazen", written in a cursive style.

Honorable Oscar J. Kazen
Bexar County Probate Court No. 1