

HB 823

Judge Stephanie Pearce Burke

Position: Support

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

I write in support of HB 823 because Maryland judges should have options for court-ordered treatment which are less restrictive than hospitalization or incarceration. I was not always a believer in assisted outpatient treatment (AOT), but through my experience, I have come to see AOT as an invaluable tool which creates a meaningful partnership between the court, the community mental health care provider and SMI adults living in our communities who have historically fallen through the cracks.

The Kentucky General Assembly passed AOT in 2017 over the strong objection of the Kentucky District Judges Association and the Kentucky Department of Public Advocacy. I testified against the bill on behalf of Kentucky's 115 District Court judges. As a state District Court Judge in Louisville, Jefferson County, Kentucky, I initially shared the same objections that you are no doubt hearing in Maryland, the same objections that state legislators always hear regarding AOT—objections rooted in a fundamental misunderstanding of AOT's intent and compassionate approach to saving lives through court-ordered outpatient care.

Surprisingly, court-ordered assisted outpatient treatment is effective because it is not wielded with a heavy-hand, but with a patient-centered focus, and it provides an alternative that is less restrictive than involuntary hospitalization or incarceration. The "least restrictive alternative" language in SB 480 means that, for people who are in need of clinical treatment, AOT can keep them living in the community instead of a psychiatric inpatient facility. The express lack of contempt power also means that courts will have to work with the respondent and their treatment team to ensure adherence to the treatment plan.

As President of the Kentucky District Judges Association, I can say that our judges now strongly support the implementation of AOT across Kentucky. AOT is working in Kentucky and will work in Maryland if the legislature will give the counties that want to implement it a chance. Furthermore, Kentucky is taking advantage of federal grant funding to start AOT programs and Maryland can too if the General Assembly passes enabling legislation. I ask you to vote favorably in committee for HB 823. AOT can save the lives of Marylanders who have not had sufficient community-based services with court support.

Judge Stephanie Pearce Burke

President, Kentucky District Judges Association

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