

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT COURT

IN THE MATTER OF _____:
A PERSON ALLEGED TO BE IN NEED
OF ASSISTED OUTPATIENT TREATMENT

D- ___ -SI-20 ___ - _____

PETITION FOR ASSISTED OUTPATIENT TREATMENT

COMES NOW Petitioner, _____, by and through undersigned counsel, pursuant to the Assisted Outpatient Treatment Act, NMSA 1978, §§ 43-1B-1 to -14 (2016), and states the following:

1. The _____ District Court has entered into a Memorandum of Understanding with _____ County for an Assisted Outpatient Treatment (AOT) program.

2. The Petitioner is:

[Initial one of the following]

_____ a qualified professional who either supervises the treatment of or treats the Respondent for a mental disorder or has supervised or treated the Respondent for a mental disorder within the past forty-eight months; or

_____ the director of a hospital where the Respondent is hospitalized; or

_____ the director of a public or charitable organization or agency or a home where the Respondent resides and that provides mental health services to the Respondent; or

_____ a person eighteen years of age or older who resides with the Respondent; or

_____ the parent or spouse of the Respondent; or

_____ a person eighteen years of age or older and the sibling or child of the Respondent; or

_____ a surrogate decision-maker.

3. The Respondent, _____, age _____, is reasonably believed to be present in _____ County, New Mexico.

4. The Respondent has a primary diagnosis of a mental disorder, as defined by the Mental Health Code, NMSA 1978, Section 43-1-3(O).

5. The Respondent has demonstrated a history of lack of compliance with treatment for their mental disorder that has:

[Initial one or more of the following]

_____ (A) at least twice within the last forty-eight months, been a significant factor in necessitating hospitalization or necessitating receipt of services in a forensic or other mental health unit or a jail, prison or detention center; provided that the forty-eight-month period shall be extended by the length of any hospitalization, incarceration or detention of the person that occurred within the forty-eight-month period; AND/OR

_____ (B) resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others within the last forty-eight months; provided that the forty-eight-month period shall be extended by the length of any hospitalization, incarceration or detention of the person that occurred within the forty-eight-month period; AND/OR

_____ (C) resulted in the person being hospitalized, incarcerated or detained for six months or more and the person is to be discharged or released within the next thirty days or was discharged or released within the past sixty days.

6. The Respondent is unwilling or unlikely, as a result of their mental disorder, to participate voluntarily in outpatient treatment that would enable the Respondent to live

safely in the community without court supervision.

7. The Respondent is in need of assisted outpatient treatment as the least restrictive, appropriate alternative to prevent a relapse or deterioration likely to result in serious harm to self or others.

8. The Respondent will likely benefit from, and the Respondent's best interests will be served by, receiving assisted outpatient treatment.

9. The criterion for Assisted Outpatient Treatment is set forth in Affidavit of Qualified Professional, which is incorporated herein by reference.

10. The Petitioner believes the Respondent meets the criteria for Assistant Outpatient Treatment as set forth in NMSA 1978, Section 43-1B-3, based on the facts in the Affidavit of Qualified Professional, and other facts that may be established at the hearing.

11. A proposed treatment plan will be provided no later than the day of the hearing.

12. The proposed Assisted Outpatient Treatment is for a period not to exceed one year.

13. Attorney for the Petitioner intends to call _____, whose testimony is contained in the Affidavit of Qualified Professional.

14. Due to the nature of the Respondent's mental disorder as reflected in the Affidavit of Qualified Professional, the Respondent's indigent status should be presumed and an attorney appointed to represent the Respondent.

WHEREFORE, Petitioner requests the Court order the Respondent to participate in Assisted Outpatient Treatment pursuant to NMSA 1978, Section 43-1B-3, for a period not to exceed one year.

Respectfully submitted,

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I caused to be delivered a true and correct copy of the foregoing pleading to Respondent's counsel, _____, on this _____ day of _____, 20__.

Counsel for Petitioner