

Arizona Supreme Court No. R-14-0032
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TO:

Hon. Virlynn Tinnell
Rule 28 Distribution List

ATTACHMENT 1¹

RULES OF PROCEDURE FOR THE ENFORCEMENT OF TRIBAL COURT INVOLUNTARY COMMITMENT ORDERS

* * *

Rule 3. Responses.

Any responses to the enforcement of the tribal court order shall be filed within 5 days of receipt ~~after~~ after service of the notice of filing the order. If a response is filed within this time period, the enforcement proceeding under this rule shall have the same priority as a civil commitment proceeding originating in the superior court. The superior court may, in its discretion, set a time period for replies and/or set the matter for hearing.

* * *

Rule 5. Enforcement of Tribal Court Commitment Order.

~~(a) Certification by the Clerk of Court.~~ If no responses are timely filed, the next court day after the expiration of the time period to respond the clerk shall, on a form substantially similar to Form II of these rules, issue a certification that no responses were timely filed, and the tribal court order shall be enforceable in the same manner as if issued by the superior court. Entry of Order. The acceptance by the clerk of the filing of the tribal court order constitutes the entry of the order.

(b) Effective Date of Order. If no response is filed within 5 days after service of the notice of filing the tribal court order, a tribal court order entered by the clerk shall be enforceable in the same manner as if issued by the superior court.

~~(c)~~ **Standard of Review Following Response.** [No change to text.]

~~(d)~~ **Findings Required in the Tribal Court Order.** [No change to text.]

~~(e)~~ **Other Information Required in the Tribal Court Order.** [No change to text.]

~~(f)~~ **Commitment Period.** [No change to text.]

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¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

Form I. Notice of Filing

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
_____ COUNTY

In re: Involuntary Commitment) No. _____
of (Patient's Name))
) NOTICE OF FILING
) OF TRIBAL COURT
) INVOLUNTARY
) COMMITMENT
) ORDER

YOU ARE HEREBY NOTIFIED that the Order of Involuntary Commitment issued by the _____ Tribal Court on _____, 1920, under which (patient's name) has been ordered to undergo treatment, was filed with the Clerk of the Court for _____ County on _____, 1920, Cause No. _____.

YOU ARE FURTHER NOTIFIED that you have 5 days from ~~receipt~~ service of this notice to respond in writing to the Clerk of the Court for _____ County. If no response is filed within this time period pursuant to A.R.S. § 12-136 and Rule 3, Rules of Procedure for Enforcement of Tribal Court Involuntary Commitment Orders, the Order of Involuntary Commitment issued by the Tribal Court shall be recognized and shall be enforceable in the same manner as if issued by the Superior Court.

A copy of the tribal court order is attached hereto.

Name

Address

Instructions: When the notice is complete it must be filed with the clerk of the court and served on the Attorney General for the State of Arizona and the patient. It shall be served in the manner set forth in Rule 4.1, Ariz.R.Civ.P.

By:

ATTACHMENT 2²

**RULES OF PROCEDURE
FOR THE RECOGNITION OF
TRIBAL COURT CIVIL JUDGMENTS**

Rule 5. Recognition of Tribal Judgments.

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(b) ~~Certification by Clerk of Court~~ Entry of Order. If no objections are timely filed, ~~the clerk shall issue a certification that no objections were timely filed, and~~ the tribal judgment shall be enforceable in the same manner as if issued by the superior court.

² Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.