



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**IN RE: MH2023-004502  
CV-24-0275-PR**

*Petitioner:* Rachel H. Mitchell, Maricopa County Attorney

*Respondent:* A.R., a mental health patient

**FACTS:**

In 2023, A.R., was taken to the hospital after his mother found him confused and unresponsive at home. At the hospital, M.G., a social worker and crisis interventionist, assessed A.R.’s mental condition. Based on her interview with A.R., M.G. submitted an application for an involuntary evaluation of A.R. This application was the basis for a petition by the County Attorney for court-ordered mental health treatment of A.R.

Under Arizona law, at a hearing on court-ordered treatment, the evidence presented by the County Attorney must include the testimony of at least two “witnesses acquainted with the patient at the time of the alleged mental disorder.” A.R.S. § 36-539(B). Although M.G. was set to testify as an acquaintance witness, A.R.’s lawyer moved to preclude her testimony on the grounds that, as a mental health professional who met and interviewed A.R. at the hospital, M.G. was ineligible to testify as an acquaintance witness. The superior court denied the motion to preclude, concluding that M.G. was eligible to testify as an acquaintance witness. The hearing ended with A.R. being found acutely disabled and ordered to undergo treatment for up to a year. A.R. objected to that ruling and appealed to the Arizona Court of Appeals.

The Court of Appeals reversed the ruling that M.G. was eligible to testify as one of the two required acquaintance witnesses. It therefore vacated the order that A.R. receive involuntary mental health treatment. The County Attorney appealed, and the Arizona Supreme Court granted review.

**ISSUES:**

1. “Is a social worker who spoke to Patient to assess Patient’s condition, but did not participate in the statutory evaluation of the Patient, barred from testifying as an acquaintance witness in a hearing for court-ordered treatment?”
2. “Is M.G.’s conversation with patient covered by the privilege when Patient did not seek M.G. to obtain mental health services and where M.G. explicitly told Patient that the conversation would not be privileged?”

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