

Steps in the AZ Involuntary Treatment Process

1. Application for Involuntary Evaluation Any responsible individual over age 18 who has recently witnessed a behavior may submit an application for involuntary evaluation of a person who is alleged to be, as a result of a mental disorder, in danger of hurting themselves or others, and refuses or is unable to receive a voluntary evaluation. The responsible individual submitting an application for involuntary evaluation may be someone such as a family member, case manager, or any other person in the community. The responsible individual must present facts and recent examples of the person's behavior and why they are unable or unwilling to go to treatment without court order. The application for involuntary evaluation is submitted to a health care agency that conducts a pre-petition screening of the allegedly mentally disordered person.

An **application for emergency admission** may also be filed if the person is an immediate danger to self or others. The application for emergency admission must state the specific nature of the danger and a summary of the observations upon which the statement of danger is based.

2. Screening for Evaluation Within 48 hours of the Application being filed, a behavioral health screening agency meets with the patient to determine if further evaluation is needed. The screening may end if the screening professional determines treatment is not needed, or if the person agrees to voluntary treatment. If it is determined the person may be eligible for involuntary treatment, an Application for Court Ordered Evaluation is filed with the court. If approved, the order is sent to local law enforcement to bring the person to the hospital for evaluation. If the person is an immediate threat to themselves or others, an Emergency Admission may be necessary.

This information is not intended as a substitute for legal advice. If you are in need of legal advice, contact an attorney or Legal Aid Resource.

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3. Court Ordered Evaluation A judge must find reasonable cause to believe the person is in danger of hurting themselves or others, and refuses or is unable to receive a voluntary mental health evaluation. When the order is signed, the court appoints an attorney to represent the patient. Depending on the situation and location, the patient is evaluated in a medical facility or within the community. Within 72 hours of the court order, at least two physicians must meet with the person and conduct an evaluation and may recommend immediate treatment by filing a petition for court ordered treatment. If the petition is not filed within 72 hours, the patient must be released. The person maintains the right to refuse treatment during the time of the evaluation, or may choose to enter into treatment on a voluntary basis.

4. Court Ordered Treatment Hearing Following the physicians' petition for court ordered treatment, the court will schedule a hearing within six working days of the application for court ordered evaluation. In addition to the evidence provided by the evaluating physicians, the original petitioner must present evidence provided by two or more witnesses acquainted with the person at the time of the alleged mental disorder. The proposed patient and legal counsel have the right to be present at the hearing and introduce evidence.

5. Court Order The court will order treatment if there is clear and convincing evidence that the person is in need of treatment and is unwilling or unable to accept treatment voluntarily. The person may be ordered to inpatient treatment at a hospital, or to outpatient treatment in a community based clinic, or a combination of inpatient and outpatient treatment. Treatment may also include provisions such as taking medication prescribed by the provider.

6. Patient Release or Discharge from Treatment The maximum period for court ordered treatment is 365 days. The maximum period for inpatient treatment is up to 90 days for a person found to be a danger to self, up to 180 days for a person found to be dangerous to others or persistently or acutely disabled, and up to 365 days for a gravely disabled person.

This guide provides information on who may initiate proceedings leading to involuntary treatment of a person with a mental health disorder, as well as Arizona's process for court-ordered mental health evaluation and treatment.

MANDATORY TREATMENT LAWS

Each state has civil commitment laws that establish criteria for determining when involuntary treatment is appropriate for individuals with severe mental illness who are not able or willing to get the help they need.

In Arizona, the court may order a patient to undergo inpatient (hospital) or outpatient (community) treatment if there is clear and convincing evidence that a proposed patient, as a result of a mental disorder, is:

- a danger to self, or
- a danger to others, or
- persistently or acutely disabled, or
- gravely disabled and in need of treatment,
- and is either unwilling or unable to accept voluntary treatment.

Arizona's law on court-ordered evaluation and treatment is in **Arizona Revised Statutes**, Title 36, Sections 504-544. More detailed rules are also in **Arizona Administrative Code**, Title 9, Chapter 21, Article 5.

The information in this guide does not address persons accused of a crime. Different laws apply for criminal matters.

For more information and
resources, visit:
AZCOURTCARE.ORG

COMMUNITY RESOURCES

NORTHERN ARIZONA: APACHE, COCONINO, GILA, MOHAVE, NAVAJO & YAVAPAI COUNTIES

Regional Behavioral Health Authority
Steward Health Choice Arizona:
(800) 322-8670
24/7 Nurse Help Line: 855-354-9006
stewardhealthchoiceaz.com

Community Wide Crisis Line
Behavioral Health Crisis Services
No-Cost Help 24/7: (877) 756-4090

SOUTHERN ARIZONA: COCHISE, GRAHAM, GREENLEE, LA PAZ, PIMA, PINAL, SANTA CRUZ & YUMA COUNTIES

Regional Behavioral Health Authority
Arizona Complete Health:
(888) 788-4408 |
azcompletehealth.com

Community Wide Crisis Line
Behavioral Health Crisis Services
No-Cost Help 24/7: (866) 495-6735
(877) 756-4090 - Gila County

National Alliance on Mental Illness
of Southern Arizona (NAMISA)
No-Cost Advocacy, Education, &
Support: (520) 622-5582 | namisa.org

MARICOPA COUNTY

Regional Behavioral Health Authority
Mercy Care: (602) 586-1841
(800) 564-5465 | mercymaricopa.org

Community Wide Crisis Line
Behavioral Health Crisis Services
No-Cost Help 24/7: (602) 222-9444
(800) 631-1314
Non-Crisis Warm Line:
(602) 347-1100

National Alliance on Mental Illness
Valley of the Sun
No-Cost Advocacy, Education, &
Support: (602) 244-8166

In a psychiatric emergency, the more you know about current laws and treatment options, the better prepared you will be to respond in the most effective way possible.

This information is not intended as a substitute for legal advice. If you are in need of legal advice, contact an attorney or Legal Aid Resource.

IF YOU NEED IMMEDIATE
HELP:
CALL an Arizona Crisis
Helpline
GO to an Emergency
Room
CALL 9-1-1 and ask for a
trained crisis response
officer

For more information and resources, visit:
AZCOURTCARE.ORG

FOR IMMEDIATE SUICIDE PREVENTION HELP:

24/7 Crisis Text Line connects the texter to a live, trained crisis counselor – TEXT 741-741

24/7 Suicide Prevention Lifeline -
CALL 1-800-273-8255



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Help for you or a
loved one

OPTIONS IN A CRISIS SITUATION
Involuntary, Court Ordered
Evaluation & Treatment Information