Involuntary Evaluation and Treatment (Civil Commitment) in the State of Arizona

Note: The information below is intended to generally explain the Civil Commitment process in Arizona. It should NOT be relied on in place of legal advice.

Note: Civil Commitment processes for American Indians residing on tribal lands have different legal processes as tribes have legal jurisdiction over their tribal members on tribal lands. If questions arise with reference to American Indian members please contact the Regional Behavioral Health Authority Tribal Liaisons or the view the ADHS/DBHS Tribal Commitment information page.

Mental illness is a medical condition usually caused by a chemical imbalance in the brain that affects a person's mood, thinking, feeling, communication, and ability to do everyday tasks. Mental illness is treatable and persons with mental illness can and do recover. The treatment for mental illness depends upon the type of illness and unique needs of the individual. Some of the most common forms of treatment include medication, therapy/counseling, daily living skills training, and other kinds of supports. Just like treatment for any other medical condition such as diabetes or high blood pressure, the early detection, intervention and treatment of mental illnesses improves an individual's prospect for a full recovery and a richer quality of life.

Ideally, an individual with mental illness will seek out or voluntarily agree to get treatment. Voluntary treatment allows a person to direct his/her own recovery based upon his/her treatment preferences. It is always preferable for someone to willingly seek treatment than to be forced to get treatment. There are times, however, when a person is unable to recognize his/her need for mental health treatment, is unwilling to get help and poses a risk to self or others in the community. If that is the case, involuntary treatment (civil commitment) may become necessary.

What is the Civil Commitment Process?

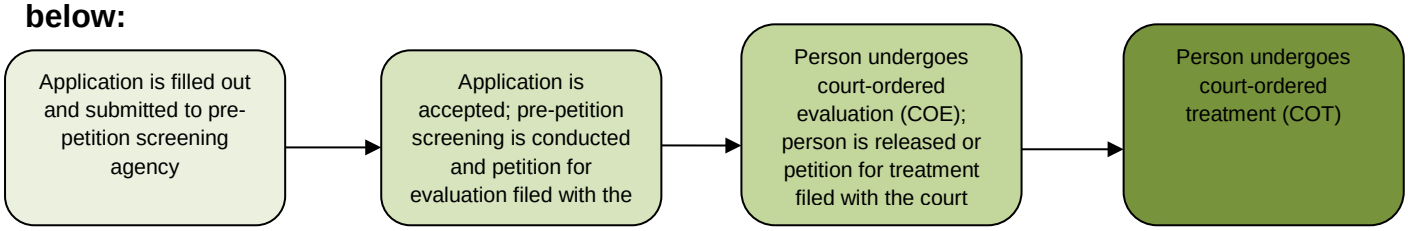
Civil Commitment is a legal process to determine whether a person with a mental illness who meets other established criteria should be ordered to receive mental health evaluation or treatment against his/her will. In Arizona, the criteria for involuntary evaluation and/or treatment are that the person is:

1. Unwilling or unable to accept voluntary evaluation/treatment; AND
2. As a result of a mental illness is:
    - A danger to self;
    - A danger to others;
    - Gravely disabled (unable to take care of one's basic physical needs); OR
    - Persistently or acutely disabled (likely to suffer severe mental or physical harm because of impaired judgment caused by a mental health condition).

A civil commitment is NOT a criminal proceeding or conviction and will NOT go on a person's criminal record.

NOTE: The civil commitment process is NOT available to persons who have a substance abuse and/or alcoholism condition, UNLESS the person also has a mental disorder and meets the established criteria.

These are the steps in the Civil Commitment process; each will be described in more detail below:



How can the Civil Commitment process be initiated?

Any responsible person can submit an **application** for court ordered evaluation. Typically, the applicant is someone who has interacted with the person, such as a social worker, teacher, family member or friend and has observed or is aware that the person could benefit from a mental health evaluation and is unable to convince the person to seek voluntary treatment. The application must contain facts to show the person is a danger to self, danger to others, gravely disabled, or persistently and acutely disabled. After the application is submitted, the mental health agency will conduct a pre-petition screening, which consists of a review of the facts in the application and an interview with the applicant and an interview, if possible, with the proposed patient. At the conclusion of the pre-petition screening, the mental health agency may decide to file a petition for court ordered evaluation.

Where is an application for Civil Commitment submitted?

Applications are submitted to an identified mental health agency that varies by County:

COUNTY	Mental Health Agency where to take you application	
Coconino	The Guidance Center	Northern Arizona Regional Behavioral Health Authority (NARBHA)
Apache	Little Colorado Behavioral Health Services, Inc.	
Mohave	Mohave Mental Health Centers, Inc.	
Navajo	Community Counseling Centers, Inc	
Yavapai	The Mingus Center	
La Paz	Mountain Health and Wellness (Formerly SMMHC)	Cenpatico Behavioral Health Services (CBHS)
Yuma	Mountain Health and Wellness	
Cochise	Arizona Counseling and Treatment Services	
Graham	Arizona Counseling Treatment Services	
Greenlee	Arizona Counseling Treatment Services	
Santa Cruz	Community Intervention Associates	
Gila	Community Bridges	
Pinal	Horizon Human Services and Mountain Health and Wellness	
Pima	Call the Community-wide Crisis Line at 520-622-6000 or 1-800-796-6762 and ask to file court ordered evaluation application. This line is operated by the Crisis Response Network. You can also contact SAMHC directly.	Community Partnership of Southern Arizona (CPSA)
Maricopa	Call (800) 631-1314 or TTY at (800) 327-9254 and ask to file court ordered evaluation application. In person, go to: ConnectionsAZ Urgent Psychiatric Care Center 903 N. 2nd St., Phoenix, AZ 85004; or Recovery Innovations Recovery Response Center 11361 N. 99th Ave., Ste. 402, Peoria, AZ 85345	Magellan Health Services of Arizona

When and how does the evaluation get ordered by the court?

After conducting the pre-petition screening, if there is a need for a mental health evaluation and the person will not voluntarily consent to an evaluation, the identified agency will file a **petition** with the court for an involuntary evaluation. This is called "Court Ordered Evaluation" or COE and is the process in which a judge orders a person to an inpatient or outpatient mental health facility to evaluate whether the person could benefit from involuntary (Court Ordered) mental health treatment.

Depending on the level of concern for the safety of the person or others, the person will either be immediately detained or picked up and brought in for the evaluation in the next several days. Law enforcement is usually tasked with bringing the person in for the evaluation.

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An emergency admission for evaluation may be filed when there is an immediate concern for the safety of the person or others, which allows the person to be admitted and detained involuntarily in a hospital for 24 hours without an order from the Court.

Where is the Court Ordered Evaluation conducted?

This may vary by your place of residence. But in general, the evaluation is arranged by the identified agency that filed the petition. The evaluation may take place in an inpatient facility, such as a hospital, or an outpatient mental health agency, based upon the needs of the person. The evaluation must be completed within 72 hours (3 business days) and consists of two independent assessments. At this point, if the person cannot afford legal counsel, a public defender will be appointed to provide legal representation.

What happens after the Court Ordered Evaluation?

When the evaluation is completed, the evaluation agency will determine whether to:

- Release the person;
- Offer the person the choice to receive voluntary treatment and transition the person to voluntary status from involuntary status; or
- File a petition for Court Ordered Treatment (COT). This requires that both of the independent evaluators agree that this is necessary. The person may be kept in the facility until the hearing is held.

What happens after a petition for Court Ordered Treatment is filed?

A hearing is held, typically within 7-10 days, to determine whether there is a legal basis for court ordered mental health treatment. The court must find clear and convincing evidence that the person meets the established criteria for involuntary treatment. The court may ask for testimony from witnesses who alleged facts in the petition and the evaluating professionals before making a decision.

What does Court Ordered Treatment mean?

Court ordered mental health treatment is ordered by the court for a person who meets the established criteria and is unwilling or unable to accept voluntary treatment. The court order for inpatient treatment only will be limited to 90, 180, or 365 days depending on the criteria that is determined by the court. The court order may include inpatient treatment, outpatient treatment, or a combination of both but cannot exceed 365 days. An inpatient order is supervised by an inpatient facility (like a hospital). An outpatient order or combined inpatient and outpatient order is supervised by an outpatient mental health agency (like a clinic) to make sure the person is following the outpatient treatment plan.