

GUIDE TO “TITLE 36”

COURT-ORDERED MENTAL HEALTH PROCEEDINGS

The Cochise County Attorney’s Office (Civil Division), files legal documents and appears at mental health commitment hearings on behalf of local mental health treatment agencies/hospitals authorized by the Arizona Department of Health Services to function as Title 36 screening and evaluation agencies. This guide will provide you with an overview of the process for Cochise County court-ordered mental health proceedings that are commonly known as “Title 36”. The process is called Title 36 because the statutes that govern the process are located in Title 36 of the Arizona Revised Statutes. Title 36 cases are confidential and our office will not be able to discuss specific cases with you.

The Application Process

If you believe that a person requires a mental health evaluation because they are unstable mentally, this instability is not solely caused by substance abuse, you believe they may harm themselves or others, and that person is not seeking help on their own, you should call the Southern Arizona Crisis Line at 866-495-6735 and request a crisis mobile team for “Title 36”. The Southern Arizona Crisis Line is available 24 hours a day, 7 days a week to handle emergency crisis situations, as well as to answer any questions you may have regarding local mental health care providers.

A crisis evaluator may determine that a Title 36 action is warranted. If so, the crisis evaluator will prepare a Pre-Petition Screening Report and an application for Title 36. The crisis evaluator will also obtain witness statements. The crisis evaluator may ask you to serve as a witness. The witnesses will report what they have seen or heard the proposed patient say or do that leads them to believe that mental health treatment is needed. If mental health treatment is urgently needed, the proposed patient may be transported to a mental health facility immediately. The mental health facilities for Cochise County are in Sierra Vista and Benson. Sometimes persons already under a Title 36 court order for treatment are sent to mental health facilities in other counties.

Title 36 is an involuntary process for evaluation, care, and treatment of persons with a mental disorder. At any time during the process, the patient

may choose to accept care and treatment voluntarily. If the person is able to, and accepts voluntary treatment, the involuntary Title 36 process stops.

The Evaluation Period

Within one working day (excluding holidays and weekends) of receiving an application, the local provider will send the documentation to our office and request that we file a Petition for Court-Ordered Evaluation (“Petition”) with the Cochise County Superior Court. Once the Petition has been filed and an Order for Evaluation obtained, the person will be taken to the hospital (if not already hospitalized under an emergency situation) and will undergo two mental health evaluations. In addition, the person will be appointed an attorney to represent them in the process. Once the person has been placed at a mental health facility, the evaluations will be completed within three working days.

If the doctors determine that the person would benefit from treatment ordered by the court, and the person is unwilling to voluntarily accept that care and treatment, our office will file a Petition for Court-Ordered Treatment with the Superior Court and a civil commitment hearing will be scheduled. If the person is presently inpatient at a mental health facility, they will remain there until the hearing.

The Hearing

A civil commitment hearing will be held at the Cochise County Superior Court in Bisbee, to determine whether the person should receive court-ordered mental health treatment. The hearing will take place within a very short period of time (4 to 6 business days) after the Petition for Court-Ordered Treatment has been filed.

On the day of the hearing, the evaluating doctors will testify. An attorney from the Cochise County Attorney’s Office and the attorney that has been appointed to represent the patient will be present at the hearing. The patient has a right to be present at the hearing, but may waive his or her presence through appointed counsel. If you are a witness, you will be subpoenaed and required to appear at the hearing to testify. You will be asked questions about what you saw or heard the person do that made you believe that the person needs court-ordered psychiatric care and treatment.

The Court Decides

At the conclusion of the hearing, the Judge renders a decision and enters an Order. The Judge will decide one of three ways:

1. Yes, court-ordered treatment is necessary. An Order for inpatient and outpatient treatment is entered and the person shall remain in the hospital until the treatment team determines that the person is ready for discharge and to begin treatment on an outpatient basis;
2. Yes, court-ordered treatment is necessary and an Order for Treatment on an inpatient-only basis is prepared; or
3. No, court ordered treatment is not necessary. The Petition for Court-Ordered Treatment is dismissed, and the patient is discharged.

If the Judge orders involuntary mental health treatment, there is normally a treatment program of one year. During that year, most treatment will take place on an outpatient basis. The local provider assigned as the mental health treatment agency prepares a Treatment Plan that must be approved by the agency's medical director and the Court. The treatment agency will then implement the Judge's orders for treatment together with the Treatment Plan.

In Conclusion

The first point of contact for a person who desires to commence a Title 36 on someone they believe requires psychiatric services is to call the Southern Arizona Crisis Line. The Cochise County Attorney's Office assists with the process of filing Title 36 paperwork with the Superior Court on behalf of the local providers and appears at the mental health commitment hearing. Due to the confidential nature of Title 36 cases, we are unable to discuss any specific case, but we are always happy to answer any procedural questions you may have. The primary contact at the Cochise County Attorney's Office is Catherine A. Barney, Paralegal, Civil Division, (520) 432-8753.

Helpful Contact Information

Cochise County Attorney's Office

Civil Division – Mental Health
Sara L. Dent, Civil Deputy County Attorney
Catherine A. Barney, Paralegal
Post Office Drawer CA
Bisbee, Arizona 85603
520-432-8700

Arizona Complete Health

Phone: 866-495-6738

Crisis Line (24/7 call center): 866-495-6735

LOCAL PROVIDERS:

Community Partners Integrated Healthcare (CPIH):

Sierra Vista Office: 520-226-9002

Community Bridges - Substance Abuse & Mental Health Treatment – Crisis Mobile Team for Benson, Sierra Vista & Willcox (and outlying areas)

Benson Office: 520-586-6171

Community Health Associates (CHA) – Crisis Mobile Team for Bisbee & Douglas (and outlying areas):

Bisbee Office: 520-366-3603

Douglas Office: 520-366-3133

Pinal Hispanic Council (PHC):

Douglas Office: 520-364-4508

Southeastern Arizona Behavioral Health (SEABHS):

Benson Office: 520-586-0800

Sierra Vista Office: 520-458-3932

Willcox Office: 520-384-2521

Douglas: 520-364-3630

Telecare Sierra Vista ACT:

Sierra Vista Office: 520-459-9929

OTHER RESOURCES:

SAMHSA (Substance Abuse Mental Health Services Administration):

1-800-662-4357

NAMI Southeastern Arizona (National Alliance on Mental Illness):

www.namisez.com