

## **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 Southeastern Arizona Behavioral Health Services (“SEABHS”). SEABHS is the state contracted mental health agency for Cochise County. 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 mentally disturbed and may harm themselves or others, and that person is not seeking help on their own, you should call your local SEABHS office and request a crisis evaluator for “Title 36”. In an emergency situation or after regular business hours or over the weekend, you should call 911. If the situation occurs during non-business hours and is urgent but does not require 911 emergency services, you should call the SEABHS crisis line. (SEABHS phone numbers are posted at the end of this document).

A SEABHS crisis evaluator may at that time prepare an application for Title 36 or may ask that you be the applicant. SEABHS will also obtain witness statements. The applicant and 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 needed urgently, the proposed patient may be transported to a mental health facility immediately.

The mental health facility for Cochise County is the SEABHS Psychiatric Health Facility (PHF) in Benson. Sometimes persons 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 (excludes holidays and weekends) of receiving an application, SEABHS sends documentation to our office and requests that we file a Petition For Evaluation with the Superior Court. Once the Petition has been filed and an Order for Evaluation obtained, the person will undergo two mental health evaluations. In addition, the person will be appointed an attorney to represent them in the process. If the person has been placed at a mental health facility, the evaluations will be completed within three working days.

If, after the evaluations, the doctors and SEABHS determine that the person would benefit from treatment ordered by the court, and the person is unwilling to accept that care and treatment voluntarily, the evaluations and a Petition For Treatment are filed with the Superior Court by our office. At that time, a 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 scheduled and held at the Superior Court in Bisbee in order to determine whether the person will receive court-ordered mental health treatment. The hearing will take place within a very short period of time (about a week) after the evaluations and Petition For Treatment have 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. Except under certain exceptional circumstances, the patient will be present at the hearing. If you are the applicant or witness you will be required by subpoena to attend the hearing to testify. You will

be asked to testify regarding what you saw or heard that made you believe that the person needs court-ordered psychiatric care and treatment.

### The Judge Makes A Decision

Following the hearing, the judge renders a decision and an Order is entered. The judge will decide one of three ways:

1. Yes, court ordered treatment is necessary 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 but the person is well enough to begin outpatient treatment;
3. No, court ordered treatment is not necessary 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. SEABHS is the mental health treatment agency that implements the Judge's Orders for treatment in Cochise County.

### In Conclusion

The first point of contact for a person who desires to commence a Title 36 on someone they believe to be in need of services is to call the local SEABHS office. The Cochise County Attorney's Office assists with the process of filing Title 36 paperwork with the Superior Court on behalf of SEABHS 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 County Attorney's Office is Barbara Manfrediz, 520/432-8756.

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SEABHS OUTPATIENT CLINICS

Benson  
800-586-7080

Bisbee  
520-432-7751

Douglas  
520-364-1286

Sierra Vista  
520-458-3932

Willcox  
520-384-2521

Crisis Line  
(After Hours)  
800-586-9161