

Perhaps you know someone with a mental health disorder who is not willing or is unable to get the help they need. While voluntary treatment is always preferred and the rights of the patient need to be protected, the ultimate goal is to provide the necessary medical help so the person can live a healthy life. There is a legal process in Arizona (commonly called “petitioning” or “Title 36”) in which the court can order an individual to undergo, without their consent, a mental health evaluation and, if the court determines necessary, receive mental health treatment services.

The petitioning process includes completing and submitting an application/petition to the court. During the Court Ordered Evaluation (COE) process, a judge will evaluate the application and the physicians’ evaluation report to determine if the individual needs a treatment hearing. The court will then order the necessary type of treatment, based on information provided.

For a court to order an evaluation, the application must show an individual meets one of the following criteria:

- Be a danger to themselves,
- Be a danger to others,
- Be Gravely Disabled (GD), which means the individual is unable to take care of their basic needs, and/or
- Be Persistently or Acutely Disabled (PAD), which means the individual is not able to make treatment decisions for themselves, which could lead to severe mental or physical harm.

There are two types of mental health evaluations that can be requested from the court to assist someone experiencing behaviors that require immediate support.

1. Application for Emergency Evaluation

- This application is filed when a person is in immediate danger of hurting themselves or others and refuses or is unable to decide to receive voluntary treatment.
- When filing an Emergency Application, an Application for Involuntary Evaluation must also be submitted.

2. Application for Involuntary Evaluation

- This application is filed if there is no immediate danger, but there is a history of behavior that may need psychiatric attention, and the person does not want treatment.

Many people may be involved in the process including: the person filing the application, medical and legal professionals, family members, and community members.

Visit AZCourtCare.org or contact the Regional Behavioral Health Authority (RHBA) in your area for more information on this process and what to expect.

The Arizona Health Care Cost Containment System (AHCCCS) is committed to ensuring the availability of timely, quality health care. If you know of an AHCCCS member who is unable to access health services, or if you have a concern about the quality of care, please call your AHCCCS health care plan’s Member Services number. If your concern is not resolved, please call AHCCCS Clinical Resolution Unit at 602-364-4558, or 1-800-867-5308.

