

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 154

SENATE BILL 1059

AN ACT

AMENDING SECTIONS 36-518 AND 36-520, ARIZONA REVISED STATUTES; RELATING TO MENTAL HEALTH TREATMENT FOR JUVENILES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-518, Arizona Revised Statutes, is amended to
3 read:

4 36-518. Application for voluntary admission; admission to
5 agency; minors; transportation

6 A. Pursuant to rules of the division, any person who is eighteen years
7 of age or older and who manifests the capacity to give and gives informed
8 consent may be hospitalized for evaluation, care and treatment by voluntarily
9 making written application on a prescribed form. The agency to which the
10 person applies may accept and admit the person if the medical director of the
11 agency or the admitting officer believes that the person needs evaluation or
12 will benefit from care and treatment of a mental disorder or other
13 personality disorder or emotional condition in the agency. Informed consent
14 as defined in section 36-501 may be given by the person's guardian pursuant
15 to section 14-5312.01 or agent appointed pursuant to chapter 32, article 6
16 of this title if that agent was granted the authority to do this by the
17 mental health care power of attorney. If an agent gives informed consent as
18 defined in section 36-501, an evaluation shall be conducted pursuant to
19 section 36-3284.

20 B. Notwithstanding subsection C of this section, and except in the
21 case of an emergency admission, a minor who is in the custody of the juvenile
22 court, who is a ward of the juvenile court as a dependent child or who is
23 adjudicated delinquent or incorrigible shall not be admitted for evaluation
24 or treatment unless approved by the court on application filed by an entity
25 as provided in section 8-272 or 8-273.

26 C. A minor may be admitted to a mental health agency as defined in
27 section 8-201 by the written application of the parent, guardian or custodian
28 of the minor, OR A PERSON DESIGNATED BY THE COURT IF THE PARENT, GUARDIAN OR
29 CUSTODIAN IS WITHOUT MONETARY RESOURCES TO FILE AN APPLICATION OR COULD NOT
30 BE LOCATED AFTER REASONABLE EFFORTS AND THE MINOR IS UNDER THE SUPERVISION
31 OF AN ADULT PROBATION DEPARTMENT after the following has occurred:

32 1. A psychiatric investigation by the medical director of the mental
33 health agency which THAT carefully probes the child's social, psychological
34 and developmental background.

35 2. An interview with the child by the medical director of the mental
36 health agency.

37 3. The medical director has explained to the child and the child's
38 parent, guardian or custodian OR TO THE PERSON DESIGNATED BY THE COURT
39 PURSUANT TO THIS SUBSECTION the program of evaluation or treatment
40 contemplated and its probable length.

41 4. The medical director has explored and considered available
42 alternatives to inpatient treatment or evaluation.

43 5. The medical director of a mental health agency has determined
44 whether the child needs an inpatient evaluation or will benefit from care and
45 treatment of a mental disorder or other personality disorder or emotional

1 condition in the agency and whether the evaluation or treatment goals can be
2 accomplished in a less restrictive setting. A record of the reasons for this
3 determination shall be made.

4 D. If the child's situation does not satisfy the requirements of
5 subsection C of this section, the application by the parent, guardian or
6 custodian shall be refused.

7 E. All emergency admissions for mental health evaluation or treatment
8 of children shall be made pursuant to the standards and procedures in article
9 4 of this chapter.

10 F. IF A PARENT, GUARDIAN OR CUSTODIAN IS UNAVAILABLE AFTER A
11 REASONABLE EFFORT HAS BEEN MADE TO LOCATE THE PARENT, GUARDIAN OR CUSTODIAN,
12 THE COURT SHALL APPOINT A GUARDIAN FOR THE CHILD PURSUANT TO TITLE 14,
13 CHAPTER 5.

14 F. G. The board of supervisors of the county of residence of a person
15 who has submitted an application for admission to the state hospital pursuant
16 to subsection A of this section shall provide transportation to the state
17 hospital for the person if it appears that the person is eligible for
18 voluntary admission to the state hospital after consultation between the
19 state hospital and the evaluation or screening agency. The county is
20 responsible for that expense to the extent the expense is not covered by any
21 third party payor.

22 Sec. 2. Section 36-520, Arizona Revised Statutes, is amended to read:
23 36-520. Application for evaluation; definition

24 A. Any responsible individual may apply for a court-ordered evaluation
25 of a person who is alleged to be, as a result of a mental disorder, a danger
26 to self or to others, persistently or acutely disabled, or gravely disabled
27 and who is unwilling or unable to undergo a voluntary evaluation. The
28 application shall be made in the prescribed form and manner as promulgated
29 ADOPTED by the deputy director.

30 B. The application for evaluation shall include the following data:

31 1. The name, and address if known, of the proposed patient for whom
32 evaluation is applied.

33 2. The age, date of birth, sex, race, marital status, occupation,
34 social security number, present location, dates and places of previous
35 hospitalizations, names and addresses of the guardian, spouse, next of kin
36 and significant other persons, and other data that the deputy director may
37 require on the form, to whatever extent that this data is known and is
38 applicable to the proposed patient.

39 3. The name, address and relationship of the person who is applying
40 for the evaluation.

41 4. A statement that the proposed patient is believed to be, as a
42 result of a mental disorder, a danger to self or to others, is persistently
43 or acutely disabled or is gravely disabled, and the facts on which this
44 statement is based.

1 5. A statement that the applicant believes the proposed patient to be
2 IS in need of supervision, care and treatment and the facts on which this
3 statement is based.

4 C. The application shall be signed and notarized.

5 D. The screening agency shall offer assistance to the applicant in
6 preparation of the application. Upon receipt of the application, the
7 screening agency shall act as prescribed in section 36-521 within forty-eight
8 hours of the filing of the application excluding weekends and holidays. If
9 the application is not acted upon within forty-eight hours, the reasons for
10 not acting promptly shall be reviewed by the director of the screening agency
11 or his THE DIRECTOR'S designee.

12 E. If the applicant for the court-ordered evaluation presents the
13 person to be evaluated at the screening agency, the agency shall conduct a
14 prepetition screening examination. Except in the case of an emergency
15 evaluation, the person to be evaluated shall not be detained or forced to
16 undergo prepetition screening against his THE PERSON'S will.

17 F. If the applicant for the court-ordered evaluation does not present
18 the person to be evaluated at the screening agency, the agency shall conduct
19 the prepetition screening at the home of the person to be evaluated or any
20 other place the person to be evaluated is found. If prepetition screening
21 is not possible, the screening agency shall proceed as in section 36-521,
22 subsection B.

23 G. If a person is being treated by prayer or spiritual means alone in
24 accordance with the tenets and practices of a recognized church or religious
25 denomination by a duly accredited practitioner thereof OF THAT CHURCH OR
26 DENOMINATION, such person may not be ordered evaluated, detained or
27 involuntarily treated unless the court has determined that he THE PERSON is,
28 as a result of mental disorder, a danger to others or to himself SELF.

29 H. Court-ordered evaluation or treatment pursuant to this chapter
30 shall not operate to change the legal residence of a patient.

31 I. If the application is not acted upon because it has been determined
32 that the proposed patient does not need an evaluation, the agency after a
33 period of six months shall destroy the application and any other evidence
34 thereof OF THE APPLICATION.

35 J. FOR THE PURPOSES OF THIS SECTION, "PERSON" INCLUDES A PERSON WHO:

36 1. IS UNDER EIGHTEEN YEARS OF AGE.

37 2. HAS BEEN TRANSFERRED TO THE CRIMINAL DIVISION OF THE SUPERIOR COURT
38 PURSUANT TO SECTION 8-327 OR WHO HAS BEEN CHARGED WITH AN OFFENSE PURSUANT
39 TO SECTION 13-501.

40 3. IS UNDER THE SUPERVISION OF AN ADULT PROBATION DEPARTMENT.

~~APPROVED BY THE GOVERNOR MAY 6, 2002.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2002.~~

Passed the House April 22, 2002,

by the following vote: 49 Ayes,

6 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 21, 2002,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

Approved this _____ day of

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1059

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

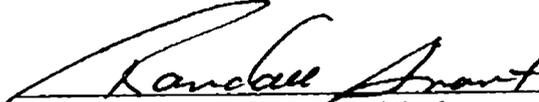
~~_____
Secretary of State~~

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

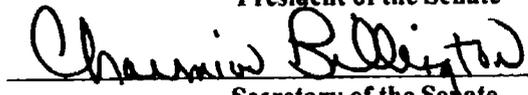
Passed the Senate April 30, 2002,

by the following vote: 26 Ayes,

0 Nays, 4 Not Voting



President of the Senate



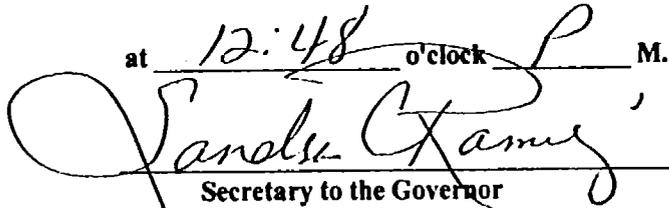
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2002,

at 12:48 o'clock P M.



Secretary to the Governor

Approved this 6th day of

May, 2002,

at 3:41 o'clock P M.



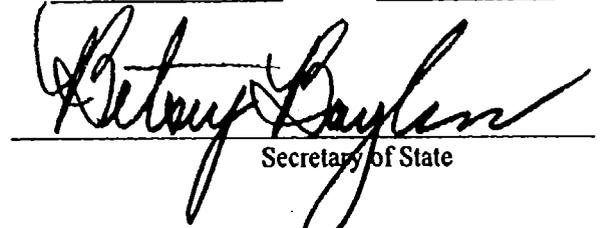
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2002,

at 3:13 o'clock P M.



Secretary of State