

REFERENCE TITLE: involuntary treatment; guardians; agents; rights

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2744

Introduced by
Representatives Hernandez C: Bliss, Crews, Hernandez L, Hernandez M,
Payne, Peña, Seaman, Terech, Tsosie, Willoughby

AN ACT

AMENDING TITLE 36, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-504.01; AMENDING TITLE 36, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-521.02; AMENDING SECTIONS 36-523, 36-536 AND 36-540, ARIZONA REVISED STATUTES; RELATING TO MENTAL HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 5, article 2, Arizona Revised
3 Statutes, is amended by adding section 36-504.01, to read:

4 36-504.01. Guardians and agents; rights in proceedings

5 GUARDIANS AND AGENTS WHO MAY HAVE DECISIONAL AUTHORITY TO MAKE
6 PERSONAL, MEDICAL AND TREATMENT DECISIONS FOR A PATIENT PURSUANT TO AN
7 ORDER OF THE COURT OR PURSUANT TO A VALIDLY EXECUTED MENTAL HEALTH POWER
8 OF ATTORNEY IN WHICH THE PRINCIPAL HAS BEEN FOUND INCAPABLE OF GIVING
9 INFORMED CONSENT HAVE THE FOLLOWING RIGHTS IN ANY PROCEEDINGS UNDER THIS
10 ARTICLE REGARDING INVOLUNTARY TREATMENT OF THE PATIENT:

11 1. TO BE NOTIFIED OF ANY PETITION FOR TREATMENT, MOTION FOR AMENDED
12 COURT ORDER, APPLICATION FOR CONTINUED COURT-ORDERED TREATMENT AND REQUEST
13 FOR JUDICIAL REVIEW.

14 2. IF ALLOWED BY THE COURT, TO PROVIDE THE COURT WITH THE
15 GUARDIAN'S OR AGENT'S POSITION REGARDING THE RELIEF BEING SOUGHT IN ANY OF
16 THE PROCEEDINGS SET FORTH IN PARAGRAPH 1 OF THIS SECTION AND TO PROVIDE
17 THE COURT WITH ANY RELEVANT INFORMATION TO HELP THE COURT MAKE A
18 DETERMINATION.

19 3. TO PROVIDE RELEVANT INFORMATION TO ANY AGENCY PROVIDING
20 INPATIENT OR OUTPATIENT SCREENING, EVALUATION OR TREATMENT TO THE PATIENT.

21 4. WHEN APPROPRIATE, TO PARTICIPATE IN TREATMENT AND DISCHARGE
22 PLANNING WITH THE INPATIENT OR OUTPATIENT TREATMENT PROVIDERS.

23 Sec. 2. Title 36, chapter 5, article 4, Arizona Revised Statutes,
24 is amended by adding section 36-521.02, to read:

25 36-521.02. Direct petition for court-ordered evaluation

26 A. A PARENT, SPOUSE OR GUARDIAN OF A PERSON MAY DIRECTLY FILE A
27 PETITION FOR EVALUATION WITH THE COURT. THE PETITION SHALL BE MADE ON A
28 FORM AND IN THE MANNER PRESCRIBED BY SECTION 36-523, SUBSECTIONS A AND B.

29 B. A PETITION FILED IN ACCORDANCE WITH THIS SECTION:

30 1. DOES NOT NEED TO COMPLY WITH THE APPLICATION AND PRESCREENING
31 PROVISIONS IN PRESCRIBED IN SECTIONS 36-520 AND 36-521.

32 2. SHALL INCLUDE A CERTIFICATE EXECUTED BY A PHYSICIAN, CLINICAL
33 PSYCHOLOGIST, PSYCHIATRIC NURSE, MENTAL HEALTH COUNSELOR, MARRIAGE AND
34 FAMILY THERAPIST OR CLINICAL SOCIAL WORKER STATING THAT HE OR SHE HAS
35 EXAMINED THE PERSON WHO IS THE SUBJECT OF THE PETITION WITHIN THE
36 PRECEDING FORTY-EIGHT HOURS AND FINDS THAT THE PERSON APPEARS TO MEET THE
37 CRITERIA FOR INVOLUNTARY EVALUATION AND THE OBSERVATIONS ON WHICH THAT
38 CONCLUSION IS BASED.

39 Sec. 3. Section 36-523, Arizona Revised Statutes, is amended to
40 read:

41 36-523. Petition for evaluation

42 A. The petition for evaluation shall contain the following:

43 1. The name, address and interest in the case of the individual who
44 applied for the petition.

1 2. The name, and address if known, of the proposed patient for whom
2 evaluation is petitioned.

3 3. The present whereabouts of the proposed patient, if known.

4 4. A statement alleging that there is reasonable cause to believe
5 that the proposed patient has a mental disorder and is as a result a
6 danger to self or others, has a persistent or acute disability or a grave
7 disability and is unwilling or unable to undergo voluntary evaluation.

8 5. A summary of the facts that support the allegations that the
9 proposed patient is dangerous, has a persistent or acute disability or a
10 grave disability and is unwilling or unable to be voluntarily evaluated,
11 including the facts that brought the proposed patient to the screening
12 agency's attention.

13 6. If the petition is filed by a prosecutor pursuant to section
14 13-4517, any known criminal history of the proposed patient, including
15 whether the proposed patient has ever been found incompetent to stand
16 trial pursuant to section 13-4510.

17 7. A statement of any facts and circumstances that lead the
18 petitioner to believe that the proposed patient may be safely transported
19 to the evaluation agency by an authorized transporter, if available in the
20 jurisdiction, without the assistance of a peace officer.

21 8. Other information that the director by rule or the court by rule
22 or order may require.

23 B. The petition shall request that the court issue an order
24 requiring that the proposed patient be given an evaluation and shall
25 advise the court of both of the following:

26 1. That the opinion of the petitioner is either that the proposed
27 patient is or is not in such a condition that without immediate or
28 continuing hospitalization the patient is likely to suffer serious
29 physical harm or further deterioration or inflict serious physical harm on
30 another person.

31 2. If the opinion of the petitioner is that the proposed patient is
32 not in the condition described in paragraph 1 of this subsection, that the
33 opinion of the petitioner is either that the evaluation should or should
34 not take place on an outpatient basis.

35 C. **FOR A PETITION FILED PURSUANT TO SECTIONS 36-520 AND 36-521:**

36 1. The petition for evaluation shall be accompanied by the
37 application for evaluation, by the recommendation of the county attorney
38 pursuant to section 36-521 and by a prepetition screening report, unless
39 the documents have not been prepared under a provision of law or in
40 accordance with an order of the court. The petition for evaluation shall
41 also be accompanied by a copy of the application for emergency admission
42 if one exists.

43 ~~D.~~ **2.** ~~A.~~ **THE** petition and other forms required in a court may be
44 filed only by the screening agency that has prepared the petition.

1 ~~F.~~ 3. If the petition is not filed because it has been determined
2 that the person does not need an evaluation, the agency after a period of
3 six months shall destroy the petition and the various reports annexed to
4 the petition as required by this section.

5 ~~F.~~ 4. If the petition is not filed because it has been determined
6 that the person does not need an evaluation and a prosecutor filed a
7 petition pursuant to section 13-4517, the person shall be remanded for a
8 disposition pursuant to section 13-4517. If the person is out of custody,
9 the court may order that the person be taken into custody for a
10 disposition pursuant to this section.

11 Sec. 4. Section 36-536, Arizona Revised Statutes, is amended to
12 read:

13 36-536. Service of petition, affidavit and notice of hearing;
14 counsel for proposed patient; notice; personal
15 service; guardian

16 A. At least seventy-two hours before the court conducts the hearing
17 on the petition for court-ordered treatment, a copy of the petition,
18 affidavits in support of the petition and the notice of the hearing shall
19 be served on the patient, who shall be informed of the purpose of the
20 hearing and advised of the patient's right to consult counsel. If the
21 patient has not employed counsel, counsel shall be appointed by the court
22 at least three days before the hearing. If at the time of the petition
23 for evaluation the patient had counsel, the same attorney should, if
24 possible, be appointed to represent the patient at the hearing for
25 court-ordered treatment.

26 B. The notice provisions of this section cannot be waived.

27 C. The notice of the hearing shall fix the time and place for the
28 hearing, which shall be held in the courtroom or other place within the
29 county that the court designates to ensure humane treatment with due
30 regard to the comfort and safety of the patient and others.

31 D. A copy of the petition, affidavits in support of the petition
32 and notice of hearing shall be personally served on the proposed patient
33 as prescribed by law or court rule or as ordered by the court.

34 E. THE PETITIONER SHALL SERVE A COPY OF THE PETITION, AFFIDAVITS IN
35 SUPPORT OF THE PETITION AND THE NOTICE OF THE HEARING ON ANY GUARDIAN
36 IDENTIFIED IN THE PETITION. IN LIEU OF PERSONAL SERVICE, A GUARDIAN MAY
37 PROVIDE A WRITTEN ACKNOWLEDGMENT THAT THE GUARDIAN HAS RECEIVED THE
38 DOCUMENTS. THE PETITIONER SHALL COMPLETE SERVICE ON THE GUARDIAN AT LEAST
39 TWO CALENDAR DAYS BEFORE THE HEARING ON THE PETITION, BUT FAILURE TO SERVE
40 THE GUARDIAN IS NOT GROUNDS FOR DISMISSING THE PETITION.

41 Sec. 5. Section 36-540, Arizona Revised Statutes, is amended to
42 read:

43 36-540. Court options; immunity; rules

44 A. If the court finds by clear and convincing evidence that the
45 proposed patient, as a result of mental disorder, is a danger to self, is

1 a danger to others or has a persistent or acute disability or a grave
2 disability and is in need of treatment, and is either unwilling or unable
3 to accept voluntary treatment, the court shall order the patient to
4 undergo one of the following:

5 1. Treatment in a program of outpatient treatment.
6 2. Treatment in a program consisting of combined inpatient and
7 outpatient treatment.

8 3. Inpatient treatment in a mental health treatment agency, in a
9 hospital operated by or under contract with the United States department
10 of veterans affairs to provide treatment to eligible veterans pursuant to
11 article 9 of this chapter, in the state hospital or in a private hospital,
12 if the private hospital agrees, subject to the limitations of section
13 36-541.

14 B. The court shall consider all available and appropriate
15 alternatives for the treatment and care of the patient. The court shall
16 order the least restrictive treatment alternative available.

17 C. The court may order the proposed patient to undergo outpatient
18 or combined inpatient and outpatient treatment pursuant to subsection A,
19 paragraph 1 or 2 of this section if the court:

20 1. Determines that all of the following apply:
21 (a) The patient does not require continuous inpatient
22 hospitalization.

23 (b) The patient will be more appropriately treated in an outpatient
24 treatment program or in a combined inpatient and outpatient treatment
25 program.

26 (c) The patient will follow a prescribed outpatient treatment plan.

27 (d) The patient will not likely become dangerous or suffer more
28 serious physical harm or serious illness or further deterioration if the
29 patient follows a prescribed outpatient treatment plan.

30 2. Is presented with and approves a written treatment plan that
31 conforms with the requirements of section 36-540.01, subsection B. If the
32 court determines that the patient meets the requirements of section
33 36-550.09, the court may order the patient to be placed in a secure
34 behavioral health residential facility that is licensed by the department
35 pursuant to section 36-425.06. If the treatment plan presented to the
36 court pursuant to this subsection provides for supervision of the patient
37 under court order by a mental health agency that is other than the mental
38 health agency that petitioned or requested the county attorney to petition
39 the court for treatment pursuant to section 36-531, the treatment plan
40 must be approved by the medical director of the mental health agency that
41 will supervise the treatment pursuant to subsection E of this section.

42 D. An order to receive treatment pursuant to subsection A,
43 paragraph 1 or 2 of this section shall not exceed three hundred sixty-five
44 days. The period of inpatient treatment under a combined treatment order
45 pursuant to subsection A, paragraph 2 of this section shall not exceed the

1 maximum period allowed for an order for inpatient treatment pursuant to
2 subsection F of this section.

3 E. If the court enters an order for treatment pursuant to
4 subsection A, paragraph 1 or 2 of this section, all of the following
5 apply:

6 1. The court shall designate the medical director of the mental
7 health treatment agency that will supervise and administer the patient's
8 treatment program.

9 2. The medical director shall not use the services of any person,
10 agency or organization to supervise a patient's outpatient treatment
11 program unless the person, agency or organization has agreed to provide
12 these services in the individual patient's case and unless the department
13 has determined that the person, agency or organization is capable and
14 competent to do so.

15 3. The person, agency or organization assigned to supervise an
16 outpatient treatment program or the outpatient portion of a combined
17 treatment program shall be notified at least three days before a referral.
18 The medical director making the referral and the person, agency or
19 organization assigned to supervise the treatment program shall share
20 relevant information about the patient to provide continuity of treatment.

21 4. The court may order the medical director to provide notice to
22 the court of any noncompliance with the terms of a treatment order.

23 5. During any period of outpatient treatment under subsection A,
24 paragraph 2 of this section, if the court, on its own motion, **ON REQUEST**
25 **OF A GUARDIAN PURSUANT TO PARAGRAPH 7 OF THIS SUBSECTION** or on motion by
26 the medical director of the patient's outpatient mental health treatment
27 facility, determines that the patient is not complying with the terms of
28 the order or that the outpatient treatment plan is no longer appropriate
29 and the patient needs inpatient treatment, the court, without a hearing
30 and based on the court record, the patient's medical record, the
31 affidavits and recommendations of the medical director, and the advice of
32 staff and physicians or the psychiatric and mental health nurse
33 practitioner familiar with the treatment of the patient, may enter an
34 order amending its original order. The amended order may alter the
35 outpatient treatment plan or order the patient to inpatient treatment
36 pursuant to subsection A, paragraph 3 of this section. The amended order
37 shall not increase the total period of commitment originally ordered by
38 the court or, when added to the period of inpatient treatment provided by
39 the original order and any other amended orders, exceed the maximum period
40 allowed for an order for inpatient treatment pursuant to subsection F of
41 this section. If the patient refuses to comply with an amended order for
42 inpatient treatment, the court, on its own motion or on the request of the
43 medical director, may authorize and direct a peace officer to take the
44 patient into protective custody and transport the patient to the agency
45 for inpatient treatment. Any authorization, directive or order issued to

1 a peace officer to take the patient into protective custody shall include
2 the patient's criminal history and the name and telephone numbers of the
3 patient's case manager, guardian, spouse, next of kin or significant
4 other, as applicable. When reporting to or being returned to a treatment
5 agency for inpatient treatment pursuant to an amended order, the patient
6 shall be informed of the patient's right to judicial review and the
7 patient's right to consult with counsel pursuant to section 36-546.

8 6. During any period of outpatient treatment under subsection A,
9 paragraph 2 of this section, if the medical director of the outpatient
10 treatment facility in charge of the patient's care determines, in concert
11 with the medical director of an inpatient mental health treatment facility
12 who has agreed to accept the patient, that the patient is in need of
13 immediate acute inpatient psychiatric care because of behavior that is
14 dangerous to self or to others, the medical director of the outpatient
15 treatment facility may order a peace officer to apprehend and transport
16 the patient to the inpatient treatment facility pending a court
17 determination on an amended order under paragraph 5 of this subsection.
18 The patient may be detained and treated at the inpatient treatment
19 facility for a period of not more than forty-eight hours, exclusive of
20 weekends and holidays, from the time that the patient is taken to the
21 inpatient treatment facility. The medical director of the outpatient
22 treatment facility shall file the motion for an amended court order
23 requesting inpatient treatment not later than the next working day
24 following the patient being taken to the inpatient treatment facility.
25 Any period of detention within the inpatient treatment facility pending
26 issuance of an amended order shall not increase the total period of
27 commitment originally ordered by the court or, when added to the period of
28 inpatient treatment provided by the original order and any other amended
29 orders, exceed the maximum period allowed for an order for inpatient
30 treatment pursuant to subsection F of this section. If a patient is
31 ordered to undergo inpatient treatment pursuant to an amended order, the
32 medical director of the outpatient treatment facility shall inform the
33 patient of the patient's right to judicial review and to consult with an
34 attorney pursuant to section 36-546.

35 7. IF THERE IS A COURT ORDER FOR TREATMENT AND A GUARDIANSHIP WITH
36 ADDITIONAL MENTAL HEALTH AUTHORITY PURSUANT TO SECTION 14-5312.01 EXISTING
37 AT THE SAME TIME, THE TREATMENT AND PLACEMENT DECISIONS MADE BY THE
38 TREATMENT AGENCY ASSIGNED BY THE COURT TO SUPERVISE AND ADMINISTER THE
39 PATIENT'S TREATMENT PROGRAM PURSUANT TO THE COURT ORDER FOR TREATMENT ARE
40 CONTROLLING UNLESS THE COURT ORDERS OTHERWISE. DURING ANY PERIOD OF
41 OUTPATIENT TREATMENT, THE GUARDIAN OF A PATIENT MAY FILE A REPORT WITH THE
42 COURT THAT ADDRESSES WHETHER THE PATIENT IS COMPLYING WITH THE TERMS OF
43 THE ORDER, WHETHER THE OUTPATIENT TREATMENT PLAN IS STILL APPROPRIATE AND
44 WHETHER THE PATIENT NEEDS INPATIENT TREATMENT. THE REPORT SHALL STATE IN
45 DETAIL THE FACTS ON WHICH THE GUARDIAN RELIES AND MAY INCLUDE OTHER

1 SUPPORTING DOCUMENTS. A COPY OF THE REPORT AND OTHER SUPPORTING DOCUMENTS
2 SHALL BE GIVEN TO THE PATIENT'S ATTORNEY AND THE OUTPATIENT TREATMENT
3 AGENCY. AFTER REVIEWING THE REPORT AND ANY SUPPORTING DOCUMENTS FILED
4 WITH THE REPORT, IF THE COURT DETERMINES THAT THERE IS REASONABLE CAUSE TO
5 BELIEVE THAT THE PATIENT IS NOT COMPLYING WITH THE TERMS OF THE ORDER,
6 THAT THE OUTPATIENT TREATMENT PLAN IS NO LONGER APPROPRIATE OR THAT THE
7 PATIENT NEEDS INPATIENT TREATMENT, THE COURT MUST SET A CONFERENCE OR A
8 HEARING OR TAKE OTHER ACTION DESCRIBED IN PARAGRAPH 5 OF THIS SUBSECTION.

9 F. The maximum periods of inpatient treatment that the court may
10 order, subject to the limitations of section 36-541, are as follows:

11 1. Ninety days for a person found to be a danger to self.

12 2. One hundred eighty days for a person found to be a danger to
13 others.

14 3. One hundred eighty days for a person found to have a persistent
15 or acute disability.

16 4. Three hundred sixty-five days for a person found to have a grave
17 disability.

18 G. If, on finding that the patient meets the criteria for
19 court-ordered treatment pursuant to subsection A of this section, the
20 court also finds that there is reasonable cause to believe that the
21 patient is an incapacitated person as defined in section 14-5101 or is a
22 person in need of protection pursuant to section 14-5401 and that the
23 patient is or may be in need of guardianship or conservatorship, or both,
24 the court may order an investigation concerning the need for a guardian or
25 conservator, or both, and may appoint a suitable person or agency to
26 conduct the investigation. The appointee may include a court-appointed
27 guardian ad litem, an investigator appointed pursuant to section 14-5308
28 or the public fiduciary if there is no person willing and qualified to act
29 in that capacity. The court shall give notice of the appointment to the
30 appointee within three days after the appointment. The appointee shall
31 submit the report of the investigation to the court within twenty-one
32 days. The report shall include recommendations as to who should be
33 guardian or who should be conservator, or both, and a report of the
34 findings and reasons for the recommendation. If the investigation and
35 report so indicate, the court shall order the appropriate person to submit
36 a petition to become the guardian or conservator, or both, of the patient.

37 H. In any proceeding for court-ordered treatment in which the
38 petition alleges that the patient is in need of a guardian or conservator
39 and states the grounds for that allegation, the court may appoint an
40 emergency temporary guardian or conservator, or both, for a specific
41 purpose or purposes identified in its order and for a specific period of
42 time not to exceed thirty days if the court finds that all of the
43 following are true:

44 1. The patient meets the criteria for court-ordered treatment
45 pursuant to subsection A of this section.

1 2. There is reasonable cause to believe that the patient is an
2 incapacitated person as defined in section 14-5101 or is in need of
3 protection pursuant to section 14-5401, paragraph 2.

4 3. The patient does not have a guardian or conservator and the
5 welfare of the patient requires immediate action to protect the patient or
6 the ward's property.

7 4. The conditions prescribed pursuant to section 14-5310,
8 subsection B or section 14-5401.01, subsection B have been met.

9 I. The court may appoint as a temporary guardian or conservator
10 pursuant to subsection H of this section a suitable person or the public
11 fiduciary if there is no person qualified and willing to act in that
12 capacity. The court shall issue an order for an investigation as
13 prescribed pursuant to subsection G of this section and, unless the
14 patient is represented by independent counsel, the court shall appoint an
15 attorney to represent the patient in further proceedings regarding the
16 appointment of a guardian or conservator. The court shall schedule a
17 further hearing within fourteen days on the appropriate court calendar of
18 a court that has authority over guardianship or conservatorship matters
19 pursuant to this title to consider the continued need for an emergency
20 temporary guardian or conservator and the appropriateness of the temporary
21 guardian or conservator appointed, and shall order the appointed guardian
22 or conservator to give notice to persons entitled to notice pursuant to
23 section 14-5309, subsection A or section 14-5405, subsection A. The court
24 shall authorize certified letters of temporary emergency guardianship or
25 conservatorship to be issued on presentation of a copy of the court's
26 order. If a temporary emergency conservator other than the public
27 fiduciary is appointed pursuant to this subsection, the court shall order
28 that the use of the monies and property of the patient by the conservator
29 be restricted and not be sold, used, transferred or encumbered, except
30 that the court may authorize the conservator to use monies or property of
31 the patient specifically identified as needed to pay an expense to provide
32 for the care, treatment or welfare of the patient pending further hearing.
33 This subsection and subsection H of this section do not:

34 1. Prevent the evaluation or treatment agency from seeking
35 guardianship and conservatorship in any other manner allowed by law at any
36 time during the period of court-ordered evaluation and treatment.

37 2. Relieve the evaluation or treatment agency from its obligations
38 concerning the suspected abuse of a vulnerable adult pursuant to title 46,
39 chapter 4.

40 J. If, on finding that a patient meets the criteria for
41 court-ordered treatment pursuant to subsection A of this section, the
42 court also learns that the patient has a guardian appointed under title
43 14, the court with notice may impose on the existing guardian additional
44 duties pursuant to section 14-5312.01. If the court imposes additional
45 duties on an existing guardian as prescribed in this subsection, the court

1 may determine that the patient needs to continue treatment under a court
2 order for treatment and may issue the order or determine that the
3 patient's needs can be adequately met by the guardian with the additional
4 duties pursuant to section 14-5312.01 and decline to issue the court order
5 for treatment. If at any time after the issuance of a court order for
6 treatment the court finds that the patient's needs can be adequately met
7 by the guardian with the additional duties pursuant to section 14-5312.01
8 and that a court order for treatment is no longer necessary to ensure
9 compliance with necessary treatment, the court may terminate the court
10 order for treatment. ~~If there is a court order for treatment and a~~
11 ~~guardianship with additional mental health authority pursuant to section~~
12 ~~14-5312.01 existing at the same time, the treatment and placement~~
13 ~~decisions made by the treatment agency assigned by the court to supervise~~
14 ~~and administer the patient's treatment program pursuant to the court order~~
15 ~~for treatment are controlling unless the court orders otherwise.~~

16 K. The court shall file a report as part of the court record on its
17 findings of alternatives for treatment.

18 L. Treatment shall not include psychosurgery, lobotomy or any other
19 brain surgery without specific informed consent of the patient or the
20 patient's legal guardian and an order of the superior court in the county
21 in which the treatment is proposed, approving with specificity the use of
22 the treatment.

23 M. The medical director or any person, agency or organization used
24 by the medical director to supervise the terms of an outpatient treatment
25 plan is not civilly liable for any acts committed by a patient while on
26 outpatient treatment if the medical director, person, agency or
27 organization has in good faith followed the requirements of this section.

28 N. A peace officer who in good faith apprehends and transports a
29 patient to an inpatient treatment facility on the order of the medical
30 director of the outpatient treatment facility pursuant to subsection E,
31 paragraph 6 of this section is not subject to civil liability.

32 O. If a person has been found, as a result of a mental disorder, to
33 constitute a danger to self or others or to have a persistent or acute
34 disability or a grave disability and the court enters an order for
35 treatment pursuant to subsection A of this section, the court shall
36 transmit the person's name, sex, date of birth, social security number, if
37 available, and date of the order for treatment to the supreme court. The
38 supreme court shall transmit the information to the department of public
39 safety to comply with the requirements of title 13, chapter 31 and title
40 32, chapter 26. The department of public safety shall transmit the
41 information to the national instant criminal background check system. The
42 superior court may access the information of a person who is ordered into
43 treatment to enforce or facilitate a treatment order.

44 P. On request, the clerk of the court shall provide certified
45 copies of the commitment order to a law enforcement or prosecuting agency

1 that is investigating or prosecuting a prohibited possessor as defined in
2 section 13-3101.

3 Q. If the court does not find a person to be in need of treatment
4 and a prosecutor filed a petition pursuant to section 13-4517, the
5 evaluation agency, within twenty-four hours, shall notify the prosecuting
6 agency of its finding. The court shall order the medical director to
7 detain the person for an additional twenty-four hours to allow the
8 prosecuting agency to be notified. If the court has retained jurisdiction
9 pursuant to section 13-4517, subsection C, the court may remand the person
10 to the custody of the sheriff for further disposition pursuant to section
11 13-4517, subsection A, paragraph 2 or 3.

12 R. After an order for treatment has been issued pursuant to this
13 section, the superior court in a county where a patient under a court
14 order for treatment is found or resides has concurrent jurisdiction with
15 the court in the county that issued the court order for treatment for the
16 purposes of enforcing the court order for treatment, ordering changes to
17 the treatment plan or amending the order to require the patient to undergo
18 further inpatient treatment. If the court in which proceedings are
19 commenced to enforce or administer the order for treatment is not the
20 court that originally entered the order for treatment, unless prevented by
21 an emergency, the court in which the proceedings are pending shall consult
22 with the court of original entry and determine whether to hold hearings
23 and enter orders to facilitate enforcement or administration of the court
24 order, whether to refer the case back to the court of original entry for
25 further proceedings or whether to transfer the entire case to the court of
26 original entry in that county for all further proceedings. The supreme
27 court may adopt rules to govern the procedures to be used in enforcing and
28 administering court orders for treatment in the various counties of this
29 state and the transfer of cases between counties involving court orders
30 for treatment.

31 S. Pursuant to the authority granted in subsection R of this
32 section, for the purpose of enforcing or facilitating treatment of a
33 patient under an active order for treatment, the supreme court shall adopt
34 a rule to establish a program to enable the judges of the superior court,
35 county attorneys, patients' attorneys, health care institutions as defined
36 in section 36-401 that provide services subject to the ~~federal~~ emergency
37 medical treatment and ~~active~~ labor act (42 UNITED STATES CODE SECTION
38 1395dd), the regional behavioral health authority and behavioral health
39 service providers in any county to determine the existence of an active
40 court order for treatment and the history of court orders for treatment
41 entered for a patient by a superior court in any county in this
42 state. The program shall ensure that the information shared with other
43 persons or entities is necessary only for the purposes stated in this
44 subsection and shall require that the information shared be maintained as
45 confidential by the receiving person or entity.