

House Engrossed

involuntary treatment; guardians; agents; rights

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

HOUSE BILL 2744

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 OR PSYCHIATRIC NURSE STATING THAT HE OR SHE HAS EXAMINED THE
34 PERSON WHO IS THE SUBJECT OF THE PETITION WITHIN THE PRECEDING FORTY-EIGHT
35 HOURS AND FINDS THAT THE PERSON APPEARS TO MEET THE CRITERIA FOR
36 INVOLUNTARY EVALUATION AND THE OBSERVATIONS ON WHICH THAT CONCLUSION IS
37 BASED.

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

40 36-523. Petition for evaluation

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

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

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

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

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

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

11 6. If the petition is filed by a prosecutor pursuant to section
12 13-4517, any known criminal history of the proposed patient, including
13 whether the proposed patient has ever been found incompetent to stand
14 trial pursuant to section 13-4510.

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

19 8. Other information that the director by rule or the court by rule
20 or order may require.

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

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

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

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

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

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

43 ~~E.~~ **3.** If the petition is not filed because it has been determined
44 that the person does not need an evaluation, the agency after a period of

1 six months shall destroy the petition and the various reports annexed to
2 the petition as required by this section.

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

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

11 36-536. Service of petition, affidavit and notice of hearing;
12 counsel for proposed patient; notice; personal
13 service; guardian

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

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

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

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

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

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

41 36-540. Court options; immunity; rules

42 A. If the court finds by clear and convincing evidence that the
43 proposed patient, as a result of mental disorder, is a danger to self, is
44 a danger to others or has a persistent or acute disability or a grave
45 disability and is in need of treatment, and is either unwilling or unable

1 to accept voluntary treatment, the court shall order the patient to
2 undergo one of the following:

3 1. Treatment in a program of outpatient treatment.

4 2. Treatment in a program consisting of combined inpatient and
5 outpatient treatment.

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

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

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

18 1. Determines that all of the following apply:

19 (a) The patient does not require continuous inpatient
20 hospitalization.

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

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

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

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

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

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

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

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

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

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

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

1 patient's case manager, guardian, spouse, next of kin or significant
2 other, as applicable. When reporting to or being returned to a treatment
3 agency for inpatient treatment pursuant to an amended order, the patient
4 shall be informed of the patient's right to judicial review and the
5 patient's right to consult with counsel pursuant to section 36-546.

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

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

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

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

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

10 2. One hundred eighty days for a person found to be a danger to
11 others.

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

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

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

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

42 1. The patient meets the criteria for court-ordered treatment
43 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 state.
42 The program shall ensure that the information shared with other persons or
43 entities is necessary only for the purposes stated in this subsection and
44 shall require that the information shared be maintained as confidential by
45 the receiving person or entity.