



ARIZONA STATE SENATE
Fifty-Seventh Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1257

impaired persons; court-ordered stabilization

Purpose

Establishes a court ordered stabilization process for the treatment of persons who are impaired due to intoxication, withdrawal or substance-induced symptoms and outlines procedures and requirements related to the court ordered stabilization and treatment of impaired persons. Prohibits an impaired person from being charged for the services related to the person's court ordered stabilization treatment.

Background

Any responsible individual may apply for a court-ordered evaluation of a person who is alleged to be, as a result of a mental disorder, a danger to self or to others or a person with a persistent or acute disability or a grave disability and who is unwilling or unable to undergo a voluntary evaluation. The application for evaluation must include: 1) the name and address of the proposed patient, if known; 2) prescribed personal information such as the proposed patient's age, date of birth and social security number; 3) the name, address and relationship of the person who is applying for the evaluation; 4) a statement that the proposed patient is believed to be a danger to self or to others and the facts on which the statement is based; and 5) a statement that the applicant believes the proposed patient is in need of supervision, care and treatment and the facts on which the statement is based ([A.R.S. § 36-520](#)).

Upon receiving the application for evaluation, the screening agency, before filing a petition for court-ordered evaluation, must provide a prepetition screening within 48 business hours, when possible, to determine: 1) if there is reasonable cause to believe the allegations of the applicant for the court-ordered evaluation; 2) if the person will voluntarily receive evaluation at a scheduled time and place; and 3) if the person has a persistent or acute disability, a grave disability or is likely to present a danger to self or others until the voluntary evaluation. The person may also be presented for emergency admission and, on presentation for emergency admission, the admitting officer of the evaluation agency must perform an examination of the person's psychiatric and physical condition and may admit the person to the agency as an emergency admission upon finding, as a result of the examination and investigation of the application, that there is reasonable cause to believe that the person, as a result of a mental disorder: 1) is a danger to self or others; 2) has a persistent or acute disability or a grave disability; or 3) is unable or unwilling to undergo voluntary evaluation and that, during the time necessary to complete the prepetition screening procedures, the person is likely to suffer serious physical harm or serious illness or to inflict serious physical harm on another person without immediate hospitalization (A.R.S. §§ [36-521](#) and [35-526](#)).

Mental disorder is a substantial disorder of a person's emotional processes, thought, cognition or memory and is distinguished from: 1) conditions that are primarily those of drug abuse, alcoholism or intellectual disability, unless the person has a mental disorder; 2) the declining mental abilities that directly accompany impending death; and 3) character and personality disorders characterized by lifelong and deeply ingrained antisocial behavior patterns, including sexual behaviors that are abnormal and prohibited by statute, unless the behavior results from a mental disorder ([A.R.S. § 36-501](#)).

If there is an increased cost to the Arizona Health Care Cost Containment System (AHCCCS) for covering the costs of court proceedings and services related to a court ordered stabilization process for impaired persons, there may be a cost to the state General Fund.

Provisions

Petitions for Court Ordered Stabilization of Impaired Persons

1. Allows an admitting officer to file a petition for court-ordered stabilization of a person, if the admitting officer determines that the proposed patient is an impaired person after examining or evaluating the proposed patient.
2. Specifies that an impaired person who is involuntarily admitted for a stabilization period has all of the civil and legal rights as prescribed for mental health patients.
3. Allows a petition for court-ordered stabilization to be filed by an admitting officer based on a personal assessment and review of an individual's medical record.
4. Requires a petition for court ordered stabilization to be accompanied by an affidavit from the admitting officer that outlines details regarding the patient who is the subject of the petition for stabilization, including:
 - a) that the individual is an impaired person and the clinical facts that support this conclusion;
 - b) that the individual is unable or unwilling to consent to voluntary admission;
 - c) the reasons why discharging the individual would be unsafe;
 - d) the reasons why the proceedings prescribed for court-ordered evaluation and treatment of persons who are severely mentally ill and chronically resistant to treatment are inappropriate; and
 - e) the date the individual was initially involuntarily admitted to the evaluation agency.
5. Requires the petition for court-ordered stabilization to request that the court issue an order admitting the impaired person to the evaluation agency for a stabilization period of up to five calendar days after the date the individual was involuntarily admitted to the evaluation agency.
6. Prohibits a petition for court-ordered stabilization from being filed to detain an individual who is at risk of using substances, but who is not currently intoxicated, in withdrawal or having substance-induced symptoms.
7. Requires the court to:
 - a) deny a petition for court-ordered stabilization if the court determines that there is insufficient evidence presented in the petition to find that the individual is an impaired person; or

- b) grant a petition for court-ordered stabilization if the court determines that there is reasonable cause to believe that the individual is an impaired person.
- 8. Stipulates that, if the court denies a petition for court-ordered stabilization, the evaluation agency must immediately release the person who was the subject of the petition.
- 9. Directs the court to appoint counsel for the impaired person at the time of issuing an order for stabilization.
- 10. Requires an attorney who is appointed to represent an impaired person to confer with the impaired person within 24 hours of being appointed and to inform the impaired person of the person's rights.
- 11. Requires a copy of any stabilization order issued by the court to be personally served, as prescribed by law, court rule or as ordered by the court, on the impaired person with a copy of the petition for court-ordered stabilization.
- 12. States that the evaluation agency is not financially responsible for serving the stabilization order and copy of the petition for court-ordered stabilization on the impaired person.

Treatment of Impaired Persons Under Court Order for Stabilization

- 13. Specifies that, each day an impaired person is detained under an order for stabilization, the impaired person must be offered treatment which the person may consent to.
- 14. Prohibits an impaired person under a stabilization order from being treated for impairment without the impaired person's express consent, except that seclusion and mechanical or pharmacological restraints may be used as emergency measures for the safety of the impaired person or others.
- 15. Requires the evaluation agency to assess the impaired person each day to determine whether the person remains impaired.
- 16. Stipulates that, if a person under an order for stabilization no longer meets the definition of an *impaired person*, the evaluation agency must release the person from the court-ordered stabilization period and discharge the person from the facility or admit the person to the evaluation agency on a voluntary basis.
- 17. Requires the evaluation agency to comply with outlined quality of treatment requirements.
- 18. Requires each impaired person undergoing stabilization care to receive physical care and treatment in a manner that allows the person's family or guardian to participate in the care and treatment, when appropriate, for the full period during which the impaired person is detained.
- 19. Instructs an evaluation agency that provides care and treatment to impaired persons to keep a clinical record for each impaired person that details all medical evaluations, care and treatment received by the impaired person.

20. Directs an evaluation agency that administers observation or inpatient stabilization care and treatment of an impaired person, in conjunction with the community treatment agency if applicable, and before the release of the impaired person to:
 - a) prepare a plan for the impaired person's care after release; and
 - b) provide the plan to the impaired person's guardian, if applicable.
21. Prohibits the use of seclusion or mechanical or pharmacological restraints on an impaired person undergoing stabilization except in the case of an emergency for the safety of the impaired person or others, or as part of a prescribed written stabilization plan for the person.
22. Requires any use of seclusion or restraint to be properly recorded in the impaired person's medical record.
23. Specifies that the use of any restraint or seclusion measure must be governed by written procedures of the applicable evaluation agency and is subject to the rules of the Arizona Department of Health Services.
24. Prohibits an impaired person under an order for stabilization from being detained for more than five calendar days after the date that the impaired person is involuntarily admitted to the evaluation agency.
25. Allows an impaired person who is admitted for a stabilization period to be released at any time if release is appropriate in the opinion of the chief medical officer.
26. States that the chief medical officer is not civilly liable for any act committed by an impaired person who was released if the chief medical officer, in good faith, has followed the prescribed requirements related to court-ordered stabilization of impaired persons.
27. Specifies that a person who was court ordered to stabilization treatment may continue treatment on a voluntary basis at any time and that the person must be offered the opportunity for voluntary admission each day.
28. Stipulates that, if an impaired person who is admitted for a stabilization period is released, the petition for court-ordered stabilization must be retained with a written statement by the chief medical officer that states why the release was appropriate.

County Attorney Duties, Costs and Financial Responsibility for Court Ordered Stabilization

29. Requires the county attorney for the county in which a petition for court-ordered stabilization is filed to represent the person who filed the petition or the evaluation agency in any judicial proceeding for court-ordered stabilization and to defend all challenges to the detention of an impaired person.
30. Requires the appointed attorney for an impaired person who is involuntarily detained for stabilization to inform the impaired person of the right to:
 - a) a hearing to determine whether the impaired person should be involuntarily detained for stabilization; and
 - b) be represented by an attorney at the hearing.

31. Stipulates that if an impaired person requests a hearing the court must schedule the hearing at the court's earliest opportunity.
32. Requires the costs of court proceedings and services provided relating to the court ordered stabilization process to be charged to AHCCCS or to another third-party payor, if available.
33. Prohibits an impaired person from being charged for services related to the court ordered stabilization treatment of the person.

Miscellaneous

34. Specifies that *admitting officer* has the same meaning as prescribed by statute relating to mental health services.
35. Defines *impaired person* as an individual who, as a result of intoxication, withdrawal or substance-induced symptoms, has impaired judgement causing the individual to be incapable of making or communicating rational decisions regarding the individual's safety, health or basic personal needs.
36. Defines *stabilization period* as the period of time during which an impaired person may be admitted involuntarily to an evaluation agency for the purpose of allowing the effects of substances to resolve such that the person no longer meets the definition of *impaired person*.
37. Makes conforming changes.
38. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Adds the requirement that an appointed attorney for an involuntarily detained impaired person inform the impaired person of the right to a hearing and to be represented by an attorney at the hearing.
2. Requires the court to schedule a hearing to determine if an impaired person should be involuntarily detained for stabilization at the court's earliest opportunity after a request for a hearing is made.
3. Specifies the requirement that the evaluation agency prepare an impaired person's release plan in conjunction with the community treatment agency is only as applicable.
4. Specifies that *admitting officer* has the same meaning as prescribed by statute governing mental health services.

Senate Action

JUDE	2/19/25	DP	4-2-1
APPROP	2/25/25	DP	8-2-0