

# Court Ordered Evaluation

## Emergent Application Process

1



### Application for Emergency Admission (AEA) (§36-524)

- An individual appears to be in imminent danger of harm and is in need of immediate hospitalization.
- The individual is taken to an evaluating psychiatric hospital and AEA is completed.
- AEA allows the evaluating hospital to hold the individual against their will for a 24-hour evaluation period. Once an AEA is completed, the 24-hour hold begins. Holidays and weekends are not counted as part of the 24-hour hold:
  - » Example: An individual is admitted at 10:30 a.m. on Thursday. The AEA expires at 10:30 a.m., on Friday if it is not a holiday.
  - » Example: An individual is admitted at 2 p.m. on Friday. The AEA expires at 2 p.m. on Monday. If Monday is a holiday, AEA expires at 2 p.m. on Tuesday..

2



### Petition for Court Ordered Evaluation (PCOE/First Set)

- Before the 24-hour period of AEA expires, a PCOE/First Set must be submitted to a judge for signing and immediately filed with the courts. The PCOE/First Set is valid for 14-straight calendar days, including weekends and holidays.
  - » If no PCOE is filed, or Judge declines to sign the Order for PCOE, the individual must be discharged from facility.
  - » If PCOE is filed even a minute past 24-hour hold from the time AEA was completed, it is no longer valid and can be dismissed.
  - » PCOE allows evaluating hospital to hold the individual for 72 hours. This allows two doctors to complete two psychiatric evaluations.

3



### Petition for Court Ordered Treatment (PCOT/Second Set)

- Before the 72-hour hold PCOE expires, two doctors must interview the individual and submit their PCOT/Second Set. The PCOT/Second Set includes their evaluations, affidavits and their opinion on whether the individual meets Court Ordered Treatment (COT) criteria.
- To file PCOT/Second Set, both psychiatrists must agree that at the time of their evaluations, COT criteria is met and is necessary for the individual.
- Once the PCOT/Second Set is filed, the courts must hold a hearing within four to six business days from the date of filing.
- The individual must be served by the County Attorney's office with a copy of the PCOT/ Second Set and Notice of Hearing 72 hours prior to the hearing..
  - » If the individual is not served in a timely manner, the County Attorney may attempt to rectify the issue. However, the PCOT/Second Set will most likely be dismissed and the hearing will be vacated (*Due Process Violation*).

## 4

### Court Ordered Treatment Hearing



- Two lay witnesses and two doctors must testify during the hearing.
  - » Both doctor affidavits may be submitted instead of a live testimony. This varies from county to county.
- If an individual is not placed on COT, they must be discharged immediately.
- Orders for COT can be for only inpatient treatment. It can also be a combination of inpatient and outpatient treatments.
- COT can be ordered for up to one year.
- Treatment plans by outpatient providers must be submitted to the County Attorney before the hearing, or no later than at time of hearing, unless court reserves jurisdiction to approve plan at later time. This varies from county to county.
- If the individual is found to be a Danger to Others (DTO), and, if there is an identified victim whom the court has deemed has a right to be notified of individual's discharge, the hospital must file a notice of intent to discharge.
  - » This notice must be mailed to identified victim no less than 10 days before anticipated discharge.
  - » The hospital cannot discharge individual prior to expiration of 10-day notice, regardless of the individual's readiness to be discharged. ARS 36-541.01(G)(H).

**At any point, up to the time of the hearing, an individual can voluntarily engage and the treating physician can dismiss the petition.**

- Release from Evaluation (can be filed between the time PCOE is filed and prior to PCOT filing).
- Request to Dismiss Petition and Discharge Patient (*can be filed between time PCOT is filed and up to the time of hearing*).
- Once the AEA has been completed, only the evaluating psychiatrist or courts can dismiss the petition.
- The applicant cannot rescind an application once it has been completed and accepted by the evaluating hospital and has no ability to decide what happens with the patient's treatment and hospitalization.

**At the time of hearing:**

- Either attorney can move to dismiss the petition.
- The judge may do so at their own discretion.

We cannot give legal advice. Please talk to your attorney. If you don't remember who that is, we can assist with getting that contact information to you.

**For questions, please contact our Customer Care Center at:**

Banner – University Family Care/ALTCS (833) 318-4146, TTY 711

[www.BannerHealth.com/ALTCS-COE](http://www.BannerHealth.com/ALTCS-COE)

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ATTENTION: If you speak English, language assistance services are available at no cost to you.

Call B – UFC/ALTCS (833) 318-4146, TTY 711. | B – UFC/ACC (800) 582-8686, TTY 711.

ATENCIÓN: Si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al B – UFC/ALTCS (833) 318-4146 TTY 711. | B – UFC/ACC (800) 582-8686, TTY 711. 注意：如果您使用繁體中文，您可以免費獲得語言援助服務。請致電 B – UFC/ALTCS (833) 318-4146, TTY 711. B – UFC/ACC (800) 582-8686, TTY 711.

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