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# Exhibit 13





# Step 1: Fill Out the Application


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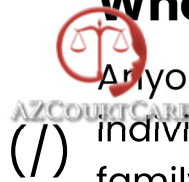


## There are two applications that can be filled out to help someone receive treatment for a mental health issue:

1. Application for Emergency Evaluation (</forms-and-instructions/admission-forms/emergency-evaluation/1-application-for-emergency-admission-of-evaluation/file>)
  - Filed when a person is in immediate danger of hurting themselves or others and refuses or is unable to decide to receive voluntary treatment.
  - If you are filing an Emergency Application, you also have to submit the Application for Involuntary Evaluation.
2. Application for Involuntary Evaluation (</forms-and-instructions/admission-forms/7-01-application-for-involuntary-evaluation/file>)
  - If there is no immediate danger, but there is a history of behavior that you believe needs psychiatric attention, and the person does not want treatment.

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## Who can fill out an Application?



Anyone over the age of 18 who has witnessed a behavior recently. The individual submitting an application may be someone such as a family member, case manager, or any other person in the community. They must present facts to support the allegations made in the application.



## What information do I need to have?

- You will be asked to provide the person's:
  - Age
  - Date of birth
  - Social security number
  - Gender
  - Height
  - Weight
  - Present location
  - Places of previous hospitalization
- Name or identifying factors of their
  - Spouse
  - Next of kin
  - Significant people in their life
- Why the person is unable or unwilling to go to treatment voluntarily
- Examples of the recent behavior of the person

• **Both documents MUST be signed by a**

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# notary before being submitted



## What is considered a recent behavior?

Depending on the agency and/or court, you will need to provide examples of recent behaviors. Behaviors that have occurred within the last 2 months are considered recent. Some locations will take examples from further back, but most often, nothing longer than 6 months that will be considered relevant. You can ask the agency when you are filling out the paperwork as to what qualifies.

## Do I need to have witnesses to support the application?

At this point in the process, you are not legally obligated to have witnesses that can testify as to the behavior of the patient. When the petition for involuntary treatment is filed with the Court, you will be asked to produce 2 witnesses. Some courts will accept only 1 witness, but 2 is preferred.

## The application must include certain fact-based information that they believe the person has a mental disorder, and as a result of the mental disorder is:

- **A danger to self (as a result of a mental disorder)**
  - A person who is in danger of inflicting serious physical harm on oneself. Including attempted suicide or the serious threats of suicide, if the threat is such that, when considered

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in the light of its context and in light of the individual's previous acts, it is substantially supportive of an expectation that the threat will be carried out.



- Without hospitalization serious physical harm, serious illness, or death will occur

- **A danger to others**




- The person does not understand that they have a need of mental health treatment
- If their behavior continues they can be reasonably expected to hurt others

- **Gravely disabled**

- The person is unable to provide for their own basic physical needs

- **Persistently or acutely disabled**

- Severe mental disorder that meets all the following criteria:
  - If not treated the person has a large possibility of suffering or continue to suffer severe and abnormal mental, emotional or physical harm that significantly impairs judgment, reason, behavior or capacity to recognize reality.
  - Substantially impairs the person's ability to make an informed decision regarding treatment, even after everything is explained to them. The person is incapable of understanding and expressing the advantages and disadvantages of accepting treatment. They are also

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not able to understand and express the alternatives to the particular treatment offered.

- Has a reasonable chance of being treatable by outpatient, inpatient or combined inpatient and outpatient treatment.



## What types of behaviors would qualify?

People are able to live happy and productive lives with mental health issues every day, without the need for hospitalization. Having someone approved for involuntary treatment is the same as having their civil rights taken away; this is why it is such a difficult and lengthy process. For non-emergency situations, demonstrating a history of mentally ill behaviors can be difficult. Things that can be included:

- Dangerous hoarding or unsanitary conditions that could cause a health risk to themselves or others
- Cannot do daily tasks like showering, putting on clothes, or finding food
- Increasing severity of self-harm behaviors like cutting

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# Step 2: Submit the Application

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Once an Application for Involuntary Evaluation (</forms-and-instructions/admission-forms/7-01-application-for-involuntary-evaluation/file>) is filled out by an individual (that meets the criteria detailed in Step 1 (</civil-commitment-process/application-evaluation>)) it must be signed by a notary before being submitted to a screening agency. Screening agencies, also known as Behavioral Health Agencies (</process-info/behavioral-health>), and their satellite offices are located throughout the State of Arizona.

Before traveling to an agency, call to see if they accept applications and if they have an office nearby.

If it is an emergency or after hours situation, an Application for Emergency Admission (</forms-and-instructions/admission-forms/emergency-evaluation/1-application-for-emergency-admission-of-evaluation/file>) may also be filed at most hospital emergency rooms. You and the applicant would need to appear at

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the hospital ([https://arizona.myresourcedirectory.com/index.php?option=com\\_cpx&task=search.query&code=LL-3000.2500](https://arizona.myresourcedirectory.com/index.php?option=com_cpx&task=search.query&code=LL-3000.2500)). Be ready to provide the facts as to why you believe the individual qualifies for emergency admission, as detailed in Step 1 (</civil-commitment-process/application-evaluation>).

## So I turned in my Application for Involuntary Evaluation, now what happens?

1. After an Application for Involuntary Evaluation has been filed with a behavioral health agency, the agency has 48 hours to conduct a pre-petition screening.
  - This 48 hours does not include weekends or holidays, so if a application is submitted on a Friday, the agency has until the following Tuesday to complete the screening.
2. The individual is assigned a case worker by the screening agency.
3. The case worker meets with the proposed patient to determine if they should be further evaluated. They go to the patient or even will video conference in if that is a possibility. Examples of things under consideration are:
  - Where do they live and are they able to provide for their basic needs?
  - What is the IQ of the individual?
  - Do they listen to and follow directions?
  - Are they willing to take medication?
  - Is it possible that the person is addicted to drugs or alcohol and needs to detox?

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- Will they voluntarily take part in improving their behavioral health situation?

## What if I filed an emergency application?

If you filed an emergency application, because the proposed patient is a danger to themselves or others, the pre-petition screening takes place at the emergency room or crisis center. Due to the immediate danger the person is in, there is not enough time to go through the process above. If the person is in the community, because they would not or could not be taken to a facility, local law enforcement will try to find the person and bring them to a crisis center, emergency room, or hospital as soon as possible. Once at a facility, the psychiatrist will complete the screening and decide whether to go forward with the petition for evaluation.

## What are they looking for in a pre-petition screening?

In a pre-petition screening a person is examined to see if they meet the criteria for:

- Danger to self
- Danger to others
- Persistently or acutely disabled
- Gravely disabled

A trained professional will observe the speech and behaviors of the individual to see if the application is valid. They may also take into consideration environmental factors, such as living conditions, as part

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of their considerations.

If at any point in the screening they feel like the person does not need treatment, they will be discharged. The screening will also end if the person agrees to voluntary treatment at any time.

If the person conducting the screening suspects substance abuse, not a mental health issue, the screener may wait for 24 hours to see if the person detoxes. If the person detoxes and does not show signs of mental illness, the application gets dropped – since substance abuse does not fall under Title 36.

## **What happens after they complete the pre-petition screening?**

Once the behavioral health agency conducts their screening, they will determine whether or not a person meets the criteria for involuntary treatment. One of four things may then take place:

1. If they believe that a person may be eligible for involuntary treatment, they will file an Application for Court Ordered Evaluation with the court. If approved, an order is sent to local law enforcement to bring the person to the hospital for court ordered evaluation.
2. During the screening, if the agency professional finds that they are an immediate threat to themselves or others, an Emergency Admission for Evaluation may be necessary.
3. It is not unusual for the proposed patient to agree to voluntary treatment during the course of the pre-petition screening. The

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patient would then be connected to voluntary treatment either in the hospital or as an outpatient, and there is no need for a petition for evaluation or court hearing.

4. If they believe that the individual does not meet the requirements for Court Ordered Evaluation, they will deny the application.

## Resources

[Behavioral Health Agencies \(/process-info/behavioral-health\)](#)

[Screening Applications \(/process-info/forms\)](#)

STATUTE: A.R.S. § 36-531(B) (<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/00531.htm>)

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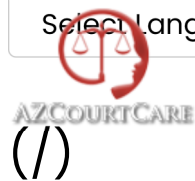
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# Step 3: Petition Filed with the Court


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## What happens after an Application for Court Ordered Evaluation (COE) is filed with the court?

Once the application is filed by the screening agency, a judge reviews the:

- application you gave to the screening agency
- supporting application from the screening agency

If the judge finds reasonable cause to believe that the person is:

- a danger to self,
- a danger to others,
- persistently or acutely disabled, or
- gravely disabled, AND
- unable or unwilling to receive a voluntary mental health evaluation.

The judge issues an order for evaluation. When the order is signed, the court appoints an attorney to represent the patient. Depending on the situation and geographic location, the patient is then either

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taken into the custody of a medical facility or an evaluation takes place within the community of the proposed patient.



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# Step 4: Court Ordered Treatment Hearing


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Before the proposed patient appears for their hearing, the court conducts what they call "staffing." This is where findings, medical history, and concerns are shared. A hearing needs to be scheduled within 6 days of the screening agency filing an Application for Court Ordered Evaluation.

## How does staffing work?

1. The judge, legal counsel, and case manager appear at the courthouse.
2. Case by case, the judge calls the case manager forward to sit and share their findings.
3. Things that they will discuss include:
  - Have they signed the necessary documents so that the agency has been able to access medical history?
  - Do they have any legal concerns or upcoming court hearings?
  - Where do they live and how do they provide for their basic needs?

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- Do they listen to and follow directions?
- Are they taking medication?
- Are drugs or alcohol a concern?
- Will they voluntarily take part in improving their behavioral health situation?



4. Recommendations are discussed and noted by the judge.

## What should you know before the hearing?

On the day of the hearing, you will need to arrive at the courthouse early. This way you can find parking, locate the courtroom, and check in with the court clerk, depending on the courthouse, in time for the hearing.

If a family member or witness wishes to speak at a hearing they should let the case manager or attorney know before the hearing.

## What to expect at a hearing:

- Everyone is brought in to sit in the galley of the courtroom
- One at a time, the patient is called by the judge
  - The case manager joins the patient
- The judge asks the patient to state their name and birthday
- If there are any family members they may be asked to make a statement at this time
- The judge then rules any motions or enters a court order based on the recommendations of the team

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# Frequently Asked Questions

## What is a Mental Health Court?

Some Arizona Courts have a designated Mental Health Court. These are civil courts that have an assigned judge, mental health professional, prosecutor, and public defender. A person eighteen years of age or older may be ordered by the court to comply with mental health treatment. If ordered to treatment, the person may be ordered to inpatient treatment at a hospital, or to outpatient treatment in a community based clinic, or a combination of inpatient and outpatient treatment. Treatment may also include provisions such as taking medication prescribed by the provider.

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## What are the standards for court ordered evaluation and treatment?



The standards are:

- **Danger to Self (DTS)** – Imminent risk of serious harm to oneself; does not have to be intentional.
- **Danger to Others (DTO)** – Imminent risk of serious harm to other people; does not have to be intentional.
- **GD (Grave Disability)** – Inability to care for basic daily needs of food, clothing, shelter, medical care. Chronic even with treatment.
- **PAD (Persistent or Acute Disability)** – Significantly suffering due to untreated mental health disorder; unable to understand advantages vs. disadvantages of various treatment options; likely to benefit from treatment.
- The person must be unable or unwilling to accept treatment voluntarily; the assessment of voluntariness is not solely determined by whether the patient says they are willing to cooperate with voluntary treatment; the physician can consider demonstrated history of cooperation with treatment recommendations.

## Who can file a petition for court ordered evaluation?

Any responsible person can file an application for a court ordered evaluation if they believe that, due to a mental disorder, a person is:

1. a danger to self,
2. a danger to others,
3. gravely disabled, or
4. persistently and acutely disabled.

Usually the person filing is a social worker, family member, or friend.

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The application asks a mental health agency to conduct an evaluation to determine whether the person is in need of court ordered evaluation for potential court ordered treatment for their mental disorder. These agencies are known as screening agencies; the initial application is turned into them.



## **Where can I find Arizona's laws about the court ordered evaluation and treatment process?**

The law on "court ordered evaluation and treatment" is found in the Arizona Revised Statutes, Title 36, Chapter 5 (<https://www.azleg.gov/arsDetail/?title=36>). More detailed rules are also found in the Arizona Administrative Code, Title 9, Chapter 21, Article 5 ([https://apps.azsos.gov/public\\_services/Title\\_09/9-21.pdf](https://apps.azsos.gov/public_services/Title_09/9-21.pdf)).

## **How do we enter a voluntary evaluation or treatment?**

An individual may apply at any time during the court ordered evaluation or treatment process to be evaluated or treated voluntarily. If the patient is interested in applying for voluntary evaluation or treatment, they should consult their appointed attorney about the advantages and disadvantages of this option.

## **How do I get help for someone who already has court ordered treatment?**

If an individual is already on a court ordered treatment plan and they

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have relapsed into a crisis situation, contact the crisis hotline in your area. Then, if you are able, contact their social worker or case manager.



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