



AHCCCS Legislation: HB 2084 Tribal Court Ordered Treatment

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Tribal Court Order Recognition

- If a tribal court order for involuntary commitment includes inpatient treatment, and options are not available to the member within that jurisdiction, the member must receive inpatient treatment off tribal land.
- Pursuant to A.R.S. 12-136, in order for a mental health treatment facility to admit a tribal member for involuntary treatment, the tribal court order must first be recognized in superior court.

Current Issue

- Due to the current statutory construct, AHCCCS tribal members needing Court Ordered Treatment (COT) services outside of tribal land are waiting extended periods of time.

Current Issue

- Not receiving any form of definitive behavioral health treatment when placed in an alternative setting when found to be a danger to self and others, gravely and/or persistently/acutely disabled requires immediate action.
- HB 2084 seeks to take a positive first step in addressing this important issue.

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- Amends A.R.S. 12-136 to allow a mental health treatment facility to admit a tribal member pending recognition of the tribal court order.
- Requires the mental health treatment facility to discharge and provide transportation for the member back to the jurisdiction of the tribal court if the order is not filed with the clerk of the superior court by the close of business on the next day the court is open, unless...

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- That day is a tribal holiday in which case the tribal court order must be filed with the clerk of the superior court by the close of business on the following day.

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- Updates statute to reference AHCCCS, rather than DHS, in regards to intergovernmental agreements.
 - This clean up is a result of Administrative Simplification, which was effectuated July 1, 2016.
- Removes references to “state” mental health treatment facility in order to align with current delivery model.

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- HB 2084 does **not** affect Court Ordered Evaluation (COE), and is **not** a mandate on any Tribe, Provider, or the Court System.

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- Due to the varying dynamics and timeframes with getting tribal court orders recognized in superior court, the AHCCCS proposal seeks to accomplish three things:
 - Improve processes and efficiencies within state government;
 - Reduce unnecessary incarceration for our tribal members; and
 - Ensure timely delivery of behavioral health services.

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- Sponsored by Rep. Eddie Farnsworth.
- Passed unanimously through the House (60-0) and Senate (30-0).
- Governor signed on March 29, 2017.
- Effective 90 days following the end of the legislative session.
- Bonnie Talakte will send a reminder through the Tribal ListServ once effective.

Thank You.

