

Rule 7.1 ~~4.19~~. Mental Health Hearing Calendar

Hearings pursuant to Chapter 5, of Title 36, Arizona Revised Statutes, entitled “Mental Health Services,” will be conducted at such times and places as may be designated by the Presiding Judge of the Probate Division. Such hearings will be conducted by Probate Court Commissioners unless otherwise directed by the Presiding Probate Court Judge.

Rule 7.2 ~~4.20~~. Hearings

(A) Length of Hearing. Hearings on petitions for court ordered treatment or continued court ordered treatment will not exceed one hour unless otherwise ordered by the Court on its own motion or for good cause upon a party's request. Any request by a party for an extended hearing must be submitted not later than 2 days before the hearing.

(B) Hearings Open to Public. Hearings on petitions for court ordered treatment will be open to the public, unless otherwise ordered by the judicial officer presiding over the hearing, and must conclude by 5:00 p.m., except as otherwise ordered.

(C) Stipulations to Continue or Expedite Hearing. Any stipulation of the parties to continue a hearing on a petition for court ordered treatment, or any request to expedite the hearing, must be filed not later than noon on the day before the hearing.

(D) Motions. Any motion hearings related to mental health cases must be scheduled at the earliest available hearing date. If the hearing on the motion cannot be set by the Court within 2 business days after filing of the motion, the Court may conduct a virtual or telephonic hearing with counsel to expedite scheduling the hearing on the motion or, alternatively, to hear the arguments on the motion telephonically or virtually. Unless otherwise ordered by the Court, no motion hearing may exceed 30 minutes.

(E) Changes Affecting Court Calendar. All matters, including stipulations, which affect the court calendar must be approved by the division to which the case is assigned and must be submitted not later than noon on the day before the hearing, unless the Court approves otherwise.

(F) Written Testimony. By stipulation of the parties, witness testimony at hearings may be presented by written testimony in lieu of oral testimony.

(G) Virtual or Telephonic Testimony. The judicial officer assigned to the hearing, for good cause, may allow telephonic or virtual testimony of a witness at a hearing on a petition for court ordered treatment. Any such request by either party must be promptly presented to the judicial officer presiding over the hearing and opposing counsel.

#### Rule 7.3 ~~4.21~~. Disclosure of Witnesses and Exhibits

Each party must comply with the following disclosure requirements:

(A) Each party must promptly exchange a list of all witnesses, including their names and telephone numbers;

(B) Each party must promptly exchange a list of all exhibits;

(C) Such disclosure must be made not later than 2 days prior to the time of the hearing; and

(D) Each party shall promptly supplement the witness and exhibit list whenever a new witness or exhibit is discovered.

#### Rule 7.4 ~~4.22~~. Confidentiality of Files

(A) Pursuant to A.R.S. § 36-509, the Clerk of the Court or court staff must limit access to mental health files and must disclose only the following information:

(1) That a mental health file exists for any named individual;

(2) The number of that file;

(3) Any scheduled hearing date; and

(4) The time and place of the hearing and the name of the judicial officer assigned to preside at that hearing.

(B) The court docket shall list the docket number only, which must remain public.

(C) Access to the contents of a mental health file must not be allowed except in compliance with A.R.S. § 36-509.

(D) If the Clerk of the Court or court staff is uncertain whether a person requesting information or access is entitled to the same under A.R.S. § 36-509, the person must be referred to the Presiding Judge of the Probate Division.

(E) Transfer to the State Hospital. If the Department of Health Services does not admit a person court ordered to the Arizona State Hospital within 20 days after the entry of the court order for transfer, the county attorney's office must file written notice thereof with the Court with a copy to the judicial officer who presided over the hearing. The judicial officer may set a hearing to determine the status of the patient's admission to the Arizona State Hospital and whether alternatives to admission to the Arizona State Hospital exist at that time. The Court may designate the hearing as either evidentiary or non-evidentiary.