

FILED  
AMANDA STANFORD  
CLERK OF SUPERIOR COURT

15 FEB -4 PM 4:06

BY EAM  
DEPUTY

IN THE SUPERIOR COURT OF ARIZONA

IN AND FOR THE COUNTY OF PINAL

IN THE MATTER OF )  
ESTABLISHING )  
PROCEDURES TO SHARE )  
MEDICAL/MENTAL )  
HEALTH RECORDS )

AMENDED  
ADMINISTRATIVE ORDER  
No. 2015-00005  
(Superseding and Replacing  
Administrative Order 2007-0032)  
And No. 201400005

**WHEREAS:** Pinal County Superior Court Administrative Order 2007-0032 was established at a time when the duties of managing and coordinating information related individuals concurrently involved in the mental health and criminal justice systems were shared between Pinal County Courts and Pinal County Health and Human Services; and

**WHEREAS:** The duties of managing and coordinating the information related to individuals concurrently involved in the mental health and criminal justice systems have now been centralized within Pinal County Court Administration under the auspices of the Director of Treatment Services for the Courts, rendering Pinal County Superior Court Administrative Order 2007-0032 ripe for revision; and

**WHEREAS:** There are documented, strong relationships between a person's physical and mental health and his or her propensity to offend, and often a disposition given a person before the Court is dependent upon the person's physical and mental health needs; and

**WHEREAS:** It is in the best interests of the public and the courts to facilitate the delivery of mental health treatment services to individuals believed to have serious mental illnesses or impairments when those individuals come into contact with the justice system, and;

**WHEREAS:** The privacy Rule of the Federal Health Insurance Portability and Accountability Act of 1996 ("HIPPA") specifically authorizes limited disclosure of protected information in the course of any judicial or administrative proceeding pursuant to a court or administrative order. The Code of Federal Regulations ("CFR") in 45 DFR 164.512(e)(1)(i) authorizes disclosure of protected information "in response to an order of a court or administrative tribunal..." in any judicial or administrative proceeding for the seriously mentally

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ill, who frequently are denied release from custody or services that would be available if the courts were aware of their illness or disability; and

**WHEREAS:** The Superior Court, Justice Courts, and Municipal Courts within Pinal County have developed, or may develop specialized calendars or Mental Health Diversion Courts, designed to encourage the administration of justice in a manner that is not anti-therapeutic, and to encourage the referral of individuals to appropriate medical and mental health professionals and agencies; and

**WHEREAS:** In order to facilitate the identification, assignment to specialized court calendars, and referral of such individuals to appropriate mental health care treatment agencies in an expeditious manner, it is essential that Pinal Regional Behavioral Health Authorities be able to provide court-appointed counsel, defense counsel, and the courts in the State of Arizona, with certain types of limited identifying information that will assist in appropriate case assignments to specialized court calendars and referrals to appropriate medical and mental health professionals to better provide a continuity of care for the mentally ill; and

**FURTHER:** As officers of the Court, Juvenile and Adult Probation Pretrial and Presentence Officers are required to gather relevant information regarding the physical and mental health of persons before the Court and to use that information in handling cases; and

These officers are required to disseminate any and all documents and reports relevant to a case involving any person before the Court to those parties who, under the federal and state constitutions and federal and state law, are entitled access to it, including: the Court, the prosecuting attorney, all defense attorneys, and all guardians ad litem as well as any other person the court deems proper; and

All such protected health information regarding a person before the court shall be considered necessary for use in the case by the Court, attorneys involved in the case, a child's guardian ad litem, a child's parents, unless the Court determines otherwise in a specific situation; and

**NOW THEREFORE, IT IS HEREBY ORDERED:**

Terminating Pinal County Superior Court Administrative Order 2007-0032; and

That if available and not otherwise prohibited by federal law, the Director of Treatment Services for the Courts shall provide to court-appointed counsel and court administration (including Adult and Juvenile Probation Officers), from the Regional Behavioral Health Authority's database, the following information and confirm whether or not the subject individual who has been arrested or detained is a behavioral health recipient of the RBHA:

- a. Name, and known aliases of the individual;
- b. Date of birth;
- c. Social Security Number;

- d. Name of provider agency and telephone number;
- e. Enrollment/program type (e.g. SMI, GMH, Crisis, S/A, etc.); and

That Pinal County Superior Court and requesting agencies shall implement protocols for the release and exchange of information required by this order, in a manner that will accommodate routine, as well as emergency requests for information; and

That a requesting agency shall maintain the confidentiality of all information provided by Pinal County Superior Court and shall not disseminate such information to any other person or entity. Agencies and their employees receiving the information shall not use that information for any purpose that is not the subject of this order; and

That Adult and Juvenile Probation Officers are authorized to deliver medical/mental health information regarding persons before the Court or under its supervision to the following persons or entities as applicable in each individual pending case or matter, to: (1) the prosecutor or County Attorney's Office, (2) any attorney representing the person, (3) any guardian-ad-litem or other person appointed by the Court to assist a child; and (4) any other person whom the Court directs, whether orally or in writing, who the Court has determined to have a proper need for the information. Such delivery shall be accomplished by the most expedient means practicable, including but not limited to facsimile, hand delivery, e-mail, postal mail, and/or orally.

Dated this 1 day of FEB, 2015



Honorable Stephen F. McCarville,  
Presiding Judge, Pinal County Superior Court

- Original: Clerk of Superior Court
- Copies: Superior Court Judges
- Limited Jurisdiction Judges
- Judges Pro Tem
- Court Administration
- Director of Treatment Services for the Courts
- Director, Pinal County Health and Human Services
- Cenpatico Behavioral Health of Arizona, LLC
- Mercy Maricopa Integrated Care
- Pinal County Sheriff
- Pinal County Adult Detention Center
- Pinal County Attorney
- Pinal County Public Defender
- Court Appointed Attorneys
- Chief Adult Probation Officer
- Director of Juvenile Court Services
- Attorney General's Office
- Child Protective Services
- Adult Protective Services