

12-136. Indian tribal courts; involuntary commitment orders; recognition

A. Notwithstanding any law to the contrary, an involuntary commitment order of an Arizona tribal court filed with the clerk of the superior court shall be recognized and is enforceable by any court of record in this state, subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of the court. The Arizona supreme court may adopt rules regarding recognition of tribal court involuntary commitment orders. The state, through the attorney general, shall be given notice of the filing at the time the commitment order is filed and shall have five days from receipt of the written notice of the filing of the order to appear as a party and respond. A patient committed to a state mental health treatment facility under this section shall be subject to the jurisdiction of the state.

B. Decisions regarding discharge or release of a patient committed pursuant to subsection A shall be made by the facility providing involuntary treatment. Ten days prior to discharge or release, the state mental health treatment facility shall notify the tribal court which issued the involuntary commitment order of the facility's intention to discharge or release a patient. Any necessary outpatient follow-up and transportation of the patient to the jurisdiction of the tribal court, within the time set forth in the notice, shall be provided for in an intergovernmental agreement between the tribe and the ~~department of health services~~ Arizona health care cost containment system.

C. A behavioral health provider may admit a patient involuntarily pending a superior court ruling on recognition and enforcement of a tribal court involuntary commitment order pursuant to subsection A. The behavioral health provider must discharge the patient if the tribal court order is not filed with the clerk of the superior court by the close of business the next day the court is open following admission of the patient. On discharge, the patient shall be transported to the jurisdiction of the tribal court as provided in subsection B.

D. A provider who relies in good faith upon an Arizona tribal court order for involuntary commitment pursuant to subsection C is immune from any civil liability for complying with the terms of such an order.