

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

2019 JUN 17 AM 9:13

IN AND FOR THE COUNTY OF PINAL

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BY _____
DEPUTY

In the Matter of:)
)
)
GUIDELINES FOR THE APPOINTMENT)
OF MENTAL HEALTH EXPERTS FOR)
ADULT COURT CRIMINAL RULE 11)
COMPETENCY EVALUATIONS)
_____)

Administrative Order

No. AO201900029

Court appointments of mental health experts for criminal competency evaluations in adult court proceedings are made pursuant to A.R.S. § 13-4501, et seq., and Rule 11, Ariz.R.Crim.P.

A.R.S. § 13-4501(3) defines a “mental health expert” as a physician who is licensed pursuant to Title 32, Chapter 13 or 17 or a psychologist who is licensed pursuant to Title 32, Chapter 19.1.

Similarly, Rule 11.3(a) (1), Ariz.R.Crim.P. defines a “mental health expert” as a physician licensed under A.R.S. §§ 32-1421 to 1437 or 32-1721 to 1730; or a psychologist licensed under A.R.S. §§ 32-2071 to 2076.

The mental health expert must be:

- A. Familiar with this state’s competency standards and statutes and criminal and involuntary commitment statutes;
- B. Familiar with the treatment, training and restoration programs that are available in this state; and
- C. Certified by the court as meeting *court developed guidelines* using recognized programs or standards.

Guidelines shall include demonstration of experience in forensic matters, required attendance at a court-approved training program of not less than 16 hours and any continuing forensic education programs required by the court, and annual review criteria.

IT IS ORDERED that in addition to the authorities and mental health expert qualifications set forth above, the Court adopts the following guidelines for the appointment of mental health experts within the meaning of A.R.S. § 13-4501(3)(c), and Rule 11.3(b) as follows:

- A. Be currently licensed as a Psychiatrist or Psychologist with the **State of Arizona** and be in good standing with their respective licensing boards; and

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- B. Within three business days, inform the Court of complaints or disciplinary actions for any matter related to mental health services by their respective oversight State Board. This notification must be in writing and sent directly to the current Presiding Judge of Pinal County Superior Court and copied to the Pinal County Superior Court Director of Treatment Services; and
- C. Within 24 hours, notify the Court of any arrest, or of any pending criminal charge in any jurisdiction.
- D. Have completed one of the following:
 - 1. 500 hours of documented experience in Forensic Psychology/Psychiatry, plus 30 hours of Continuing Education in Forensic Psychology/Psychiatry, and submission of three references familiar with the work product, at least one of whom is a Superior Court Judge or Commissioner concerning the Mental Health Expert's practice of Forensic Psychology/Psychiatry; or
 - 2. Three years of post-residency experience, including 500 hours in forensic psychiatry, substantiated by submission of at least five written reports concerning competency to stand trial and three references familiar with the work product, at least one of whom is a Superior Court Judge, Commissioner or Hearing Officer concerning the vendor's practice of forensic psychiatry; or
 - 3. Two years of post-residency experience, with documentation of at least 1) 30 cumulative hours of forensic continuing education, or 2) residency trainings in forensic psychiatry within the previous three years and completion of a court-approved clinical training, and three references concerning the vendor's practice of psychiatry/psychology who are familiar with the work product.

IT IS ORDERED that in addition to the foregoing qualifications, mental health experts appointed by the Court must also participate in periodic forensic education training sessions pursuant to Rule 11.3(b), including a minimum of a 16-hour court-approved training program, and submit such requirements accordingly.

IT IS ORDERED that prior to appointment by the Pinal County Superior Court, mental health experts must submit all documentation of their compliance with these guidelines to the Pinal County Superior Court Director of Treatment Services, or designee; and

IT IS ORDERED that the Superior Court Administrator, in conjunction with the Director of Treatment Services, develop a policies/procedures to ensure compliance with this Administrative Order; and

IT IS ORDERED that the mental health expert agrees to be compliant with any and all additional court-approved forensic education training sessions or programs while providing services

as an independent contractor, as required by the Arizona Supreme Court or the Presiding Judge of the Superior Court for Pinal County in conformance with Rule 11.3(b).

IT IS ORDERED that the Director of Treatment Services of the Superior Court shall conduct an annual review to determine whether current mental health experts are in compliance with court-required forensic training and education sessions or programs, and whether any have been the subject of professional disciplinary proceedings.

IT IS FURTHER ORDERED that the Director of Treatment Services advise mental health experts in writing of any changes to these guidelines, including, Administrative Orders, Legislative changes, Court policies, etc.

Dated this 11 day of JUNE, 2019.



Stephen F. McCarville,
Presiding Judge

Original: Filed with the Clerk
Copies To: Superior Court Judges
Public Defender
County Attorney
Court Administrator