

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR MARICOPA COUNTY**

IN THE MATTER OF ACCESS TO  
INFORMATION CONTAINED IN MENTAL  
HEALTH CASES

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} ADMINISTRATIVE ORDER  
No. 2022-123

In Superior Court Administrative Order No. 2000-043, the Court established certain restrictions for public access to the case dockets in proceedings brought pursuant to A.R.S. Title 36, Chapter 5, Article 4 or 5 (“mental health proceedings”). In Superior Court Administrative Order No. 2015-136, the Court further restricted public access to records of mental health proceedings.

In Superior Court Administrative Order No. 2003-035, the Court established procedures for handling cases brought pursuant to A.R.S. Title 36, Chapter 7, regarding Sexually Violent Persons (“SVP cases”). The Administrative Order, among other things, subjected SVP cases to the same confidentiality requirements as mental health proceedings.

On June 14, 2022, the Governor signed into law Senate Bill 1114 that enacted A.R.S. § 36-509.01, a new provision in Chapter 5 of Title 36 that makes mental health case records in mental health proceedings closed to public access or inspection. In accordance with the new law, on August 29, 2022 the Supreme Court adopted, on an emergency basis, amendments to Supreme Court Rule 123 requiring case records and case information in mental health proceedings to be confidential and closed to the public. The amendments to Supreme Court Rule 123 also set forth the limited circumstances in which access to mental health records are allowed. Both A.R.S. § 36-509.01 and the amendments to Supreme Court Rule 123 go into effect on September 24, 2022.

In light of the new statute and the amended Supreme Court Rule 123, the previous Administrative Orders regarding access to mental health records will become moot on the effective date of the new statute and the amended Supreme Court Rule.

**IT IS THEREFORE ORDERED** that Superior Court Administrative Orders 2000-043 and 2015-136 are hereby rescinded effective September 24, 2022. Beginning September 24, 2022, access to mental health records and information regarding mental health proceedings will be governed in accordance with A.R.S. § 36-509.01 and Supreme Court Rule 123, as amended.

**IT IS FURTHER ORDERED** that Superior Court Administrative Order 2003-035 is amended to remove the requirement that confidentiality provisions governing mental health proceedings also govern SVP proceedings.

Dated this 29<sup>th</sup> day of September, 2022.

/s/ Joseph C. Welty  
Honorable Joseph C. Welty  
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Jeff Fine, Clerk of the Superior Court  
Hon. Jay Polk, Probate and Mental Health Presiding Judge  
All Judges and Commissioners, Probate and Mental Health Department  
Raymond Billotte, Judicial Branch Administrator  
Shawn Friend, Deputy Court Administrator  
Keith Kaplan, Probate and Mental Health Department Administrator