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Mental health lawsuit to go on hold for two years

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By Mary K. Reinhart
The Arizona Guardian

Attorneys for the state's seriously mentally ill have agreed to a two-year stay in the class-action lawsuit that has governed their care for nearly three decades.

Faced with the threat that lawmakers and Gov. Jan Brewer would repeal the law upon which the Arnold vs. Sarn lawsuit is based, the plaintiffs reluctantly agreed Wednesday to put the case on hold.

Attorneys also have agreed to renegotiate terms of the settlement agreement and to allow court monitor Nancy Diggs' contract to expire July 1.

In exchange, attorneys for the governor and the state Department of Health Services have agreed not to seek repeal of the law, at least for this session.

"In order to address the current budget crisis and its impact on the defendants' ability to comply with the court orders, the parties mutually agree to the entry of a stay of the litigation and enforcement of the court orders through June 30, 2012," the joint stipulation said.

"Any party may request that the stay continue if the fiscal situation for the state of Arizona has not substantially improved based on Joint Legislative Budget Committee forecasts."

The legal deal comes as Brewer and Republican legislative leaders are negotiating a budget-balancing plan that could eliminate behavioral health care for more than 50,000 people, including nearly 9,000 seriously mentally ill, and shift services for another 54,000 from one state agency to another.

In her budget proposal, Brewer recommends amending the statute from "shall" to "may," lifting the requirement that the state provide medication, housing, counseling and other services to the state's seriously mentally ill.

The Arnold suit is based on that law and, though it applies only to Maricopa County's 70,000 seriously mentally ill, has been practically applied statewide. Brewer last year stopped lawmakers from amending the law, but has said this year that the state can no longer afford the lawsuit.

Attorneys for the mentally ill have been pressing the state for outside experts to review the system, and an annual court-ordered audit was due to be released in several weeks. But the attorneys abruptly withdrew their request for experts

during a court hearing in January, and the monitor's audit has been put on indefinite hold.

"This has been a very difficult decision. The next two years will be very challenging with the budget cuts and reductions in services," said attorney Anne Ronan with the Arizona Center for Law in the Public Interest, who represents the plaintiffs.

"We are committed to doing everything we can to minimize the impact to persons with serious mental illness and their families," she said.

The deal will be presented in court Friday to Maricopa County Superior Court Judge Karen O'Connor.

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