
HOUSE BILL 1005

State of Washington

52nd Legislature

1991 Regular Session

By Representatives O'Brien, Basich and Winsley.

Read first time January 14, 1991. Referred to Committee on Human Services.

1 AN ACT Relating to treatment of minors; and amending RCW 71.34.030.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read
4 as follows:

5 (1) Any minor thirteen years or older may request and receive
6 outpatient treatment without the consent of the minor's parent.
7 Parental authorization is required for outpatient treatment of a minor
8 under the age of thirteen.

9 (2) When in the judgment of the professional person in charge of an
10 evaluation and treatment facility there is reason to believe that a
11 minor is in need of inpatient treatment because of a mental disorder,
12 and the facility provides the type of evaluation and treatment needed
13 by the minor, and it is not feasible to treat the minor in any less
14 restrictive setting or the minor's home, the minor may be admitted to

1 an evaluation and treatment facility in accordance with the following
2 requirements:

3 (a) A minor under thirteen years of age may only be admitted on the
4 application of the minor's parent.

5 (b) A minor thirteen years or older may be voluntarily admitted by
6 application of the parent. Such application must be accompanied by the
7 written consent, knowingly and voluntarily given, of the minor if the
8 minor is fifteen years or older.

9 (c) A minor thirteen years or older may, with the concurrence of
10 the professional person in charge of an evaluation and treatment
11 facility, admit himself or herself without parental consent to the
12 evaluation and treatment facility, provided that notice is given by the
13 facility to the minor's parent in accordance with the following
14 requirements:

15 (i) Notice of the minor's admission shall be in the form most
16 likely to reach the parent within twenty-four hours of the minor's
17 voluntary admission and shall advise the parent that the minor has been
18 admitted to inpatient treatment; the location and telephone number of
19 the facility providing such treatment; and the name of a professional
20 person on the staff of the facility providing treatment who is
21 designated to discuss the minor's need for inpatient treatment with the
22 parent.

23 (ii) The minor shall be released to the parent at the parent's
24 request for release unless the facility files a petition with the
25 superior court of the county in which treatment is being provided
26 setting forth the basis for the facility's belief that the minor is in
27 need of inpatient treatment and that release would constitute a threat
28 to the minor's health or safety.

29 (iii) The petition shall be signed by the professional person in
30 charge of the facility or that person's designee.

1 (iv) The parent may apply to the court for separate counsel to
2 represent the parent if the parent cannot afford counsel.

3 (v) There shall be a hearing on the petition, which shall be held
4 within three judicial days from the filing of the petition.

5 (vi) The hearing shall be conducted by a judge, court commissioner,
6 or licensed attorney designated by the superior court as a hearing
7 officer for such hearing. The hearing may be held at the treatment
8 facility.

9 (vii) At such hearing, the facility must demonstrate by a
10 preponderance of the evidence presented at the hearing that the minor
11 is in need of inpatient treatment and that release would constitute a
12 threat to the minor's health or safety. The hearing shall not be
13 conducted using the rules of evidence, and the admission or exclusion
14 of evidence sought to be presented shall be within the exercise of
15 sound discretion by the judicial officer conducting the hearing.

16 (d) Written renewal of voluntary consent must be obtained from the
17 applicant and the minor ((~~thirteen~~)) fifteen years or older no less
18 than once every twelve months.

19 (e) The minor's need for continued inpatient treatments shall be
20 reviewed and documented no less than every one hundred eighty days.

21 (3) A notice of intent to leave shall result in the following:

22 (a) Any minor under the age of thirteen must be discharged
23 immediately upon written request of the parent.

24 (b) Any minor ((~~thirteen~~)) fifteen years or older voluntarily
25 admitted may give notice of intent to leave at any time. The notice
26 need not follow any specific form so long as it is written and the
27 intent of the minor can be discerned.

28 (c) The staff member receiving the notice shall date it
29 immediately, record its existence in the minor's clinical record, and

1 send copies of it to the minor's attorney, if any, the county-
2 designated mental health professional, and the parent.

3 (d) The professional person in charge of the evaluation and
4 treatment facility shall discharge the minor, (~~thirteen~~) fifteen
5 years or older, from the facility within twenty-four hours after
6 receipt of the minor's notice of intent to leave, unless the county-
7 designated mental health professional files a petition for initial
8 detention within the time prescribed by this chapter.