

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5279

56th Legislature
1999 Regular Session

Passed by the Senate April 20, 1999
YEAS 44 NAYS 0

President of the Senate

Passed by the House April 6, 1999
YEAS 91 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5279** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5279

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Long, Fairley, Prentice and Winsley)

Read first time 03/03/1999.

1 AN ACT Relating to placement of children in mental health care by
2 the department of social and health services; adding new sections to
3 chapter 13.34 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature that
6 minor children in the care and custody of the department of social and
7 health services under chapter 13.34 RCW be provided the most
8 appropriate possible mental health care consistent with the child's
9 best interests, family reconciliation, the child's medical need for
10 mental health treatment, available state and community resources, and
11 professional standards of medical care. The legislature intends that
12 admission of such minors for mental health hospitalization be made
13 pursuant to the criteria and standards for mental health services for
14 minors established in chapter 71.34 RCW, and that minor children in the
15 care and custody of the department in need of mental health
16 hospitalization shall retain all rights set forth therein. The
17 legislature specifically intends that this act may not be construed to
18 affect the standards or procedures established for the involuntary
19 commitment of minors under chapter 71.34 RCW.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34 RCW
2 to read as follows:

3 The department shall obtain the prior consent of a child's parent,
4 legal guardian, or legal custodian before a dependent child is admitted
5 into an inpatient mental health treatment facility. If the child's
6 parent, legal guardian, or legal custodian is unavailable or does not
7 agree with the proposed admission, the department shall request a
8 hearing and provide notice to all interested parties to seek prior
9 approval of the juvenile court before such admission. In the event
10 that an emergent situation creating a risk of substantial harm to the
11 health and welfare of a child in the custody of the department does not
12 allow time for the department to obtain prior approval or to request a
13 court hearing before consenting to the admission of the child into an
14 inpatient mental health hospital, the department shall seek court
15 approval by requesting that a hearing be set on the first available
16 court date.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.34 RCW
18 to read as follows:

19 A dependent child who is admitted to an inpatient mental health
20 facility shall be placed in a facility, with available treatment space,
21 that is closest to the family home, unless the department, in
22 consultation with the admitting authority finds that admission in the
23 facility closest to the child's home would jeopardize the health or
24 safety of the child.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34 RCW
26 to read as follows:

27 For minors who cannot consent to the release of their records with
28 the department because they are not old enough to consent to treatment,
29 or, if old enough, lack the capacity to consent, or if the minor is
30 receiving treatment involuntarily with a provider the department has
31 authorized to provide mental health treatment under section 2 of this
32 act, the department shall disclose, upon the treating physician's
33 request, all relevant records, including the minor's passport, in the
34 department's possession that the treating physician determines contain
35 information required for treatment of the minor. The treating
36 physician shall maintain all records received from the department in a
37 manner that distinguishes the records from any other records in the

1 minor's file with the treating physician and the department records may
2 not be disclosed by the treating physician to any other person or
3 entity absent a court order.

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