
SUBSTITUTE HOUSE BILL 2725

State of Washington

63rd Legislature

2014 Regular Session

By House Appropriations (originally sponsored by Representatives Cody, Morrell, Jenkins, Harris, Rodne, Bergquist, Robinson, and Walsh)

READ FIRST TIME 02/11/14.

1 AN ACT Relating to court review of detention decisions under the
2 involuntary treatment act; amending RCW 71.05.150; and creating a new
3 section.

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

5 **Sec. 1.** RCW 71.05.150 and 2011 c 148 s 5 are each amended to read
6 as follows:

7 (1) When a designated mental health professional receives
8 information alleging that a person, as a result of a mental disorder:
9 ~~((+i))~~ (a) Presents a likelihood of serious harm; or ~~((+ii))~~ (b) is
10 gravely disabled; the designated mental health professional may, after
11 investigation and evaluation of the specific facts alleged and of the
12 reliability and credibility of any person providing information to
13 initiate detention, if satisfied that the allegations are true and that
14 the person will not voluntarily seek appropriate treatment, file a
15 petition for initial detention. Before filing the petition, the
16 designated mental health professional must personally interview the
17 person, unless the person refuses an interview, and determine whether
18 the person will voluntarily receive appropriate evaluation and

1 treatment at an evaluation and treatment facility, crisis stabilization
2 unit, or triage facility.

3 (2)(a) If a designated mental health professional decides not to
4 file a petition, an immediate family member of the person may petition
5 the superior court for review of the designated mental health
6 professional's decision. The immediate family member shall serve, or
7 cause to be served, a notice of the petition on the designated mental
8 health professional. As soon as possible, but no longer than twenty-
9 four hours after receiving notice of the petition, the designated
10 mental health professional shall provide the court with a written
11 explanation of the basis for the decision not to file a petition and a
12 copy of the information collected during the investigation under
13 subsection (1) of this section. If upon review of the designated
14 mental health professional's decision the judge finds that there is
15 probable cause to support a petition for initial detention and that the
16 person has refused or failed to accept appropriate evaluation and
17 treatment voluntarily, taking into consideration any information
18 provided by the immediate family member, the court may enter an order
19 for initial detention under subsection (3) of this section.

20 (b) For purposes of this section, "immediate family member" means
21 a spouse, domestic partner, child, stepchild, parent, stepparent,
22 grandparent, or sibling.

23 (3)(a) An order to detain to a designated evaluation and treatment
24 facility for not more than a seventy-two-hour evaluation and treatment
25 period may be issued by a judge of the superior court upon request of
26 a designated mental health professional, whenever it appears to the
27 satisfaction of a judge of the superior court:

28 (i) That there is probable cause to support the petition; and

29 (ii) That the person has refused or failed to accept appropriate
30 evaluation and treatment voluntarily.

31 (b) The petition for initial detention, signed under penalty of
32 perjury, or sworn telephonic testimony may be considered by the court
33 in determining whether there are sufficient grounds for issuing the
34 order.

35 (c) The order shall designate retained counsel or, if counsel is
36 appointed from a list provided by the court, the name, business
37 address, and telephone number of the attorney appointed to represent
38 the person.

1 ~~((3))~~ (4) The designated mental health professional shall then
2 serve or cause to be served on such person, his or her guardian, and
3 conservator, if any, a copy of the order together with a notice of
4 rights, and a petition for initial detention. After service on such
5 person the designated mental health professional shall file the return
6 of service in court and provide copies of all papers in the court file
7 to the evaluation and treatment facility and the designated attorney.
8 The designated mental health professional shall notify the court and
9 the prosecuting attorney that a probable cause hearing will be held
10 within seventy-two hours of the date and time of outpatient evaluation
11 or admission to the evaluation and treatment facility. The person
12 shall be permitted to be accompanied by one or more of his or her
13 relatives, friends, an attorney, a personal physician, or other
14 professional or religious advisor to the place of evaluation. An
15 attorney accompanying the person to the place of evaluation shall be
16 permitted to be present during the admission evaluation. Any other
17 individual accompanying the person may be present during the admission
18 evaluation. The facility may exclude the individual if his or her
19 presence would present a safety risk, delay the proceedings, or
20 otherwise interfere with the evaluation.

21 ~~((4))~~ (5) The designated mental health professional may notify a
22 peace officer to take such person or cause such person to be taken into
23 custody and placed in an evaluation and treatment facility. At the
24 time such person is taken into custody there shall commence to be
25 served on such person, his or her guardian, and conservator, if any, a
26 copy of the original order together with a notice of rights and a
27 petition for initial detention.

28 NEW SECTION. **Sec. 2.** If specific funding for the purposes of this
29 act, referencing this act by bill or chapter number, is not provided by
30 June 30, 2014, in the omnibus appropriations act, this act is null and
31 void.

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