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ENGROSSED HOUSE BILL 1258

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Walkinshaw, Rodne, Jinkins, Haler, Cody, Harris, Goodman, Muri, Fagan, Hansen, Buys, Orwall, Kilduff, Springer, Senn, Walsh, Pettigrew, Robinson, Bergquist, Stanford, Fitzgibbon, Pollet, Stokesbary, Sells, Peterson, McBride, Pike, Farrell, Ortiz-Self, Zeiger, Van De Wege, Tharinger, Hunter, Sullivan, Lytton, Riccelli, Carlyle, Clibborn, Magendanz, and Gregerson

Read first time 01/16/15. Referred to Committee on Judiciary.

1 AN ACT Relating to court review of detention decisions under the  
2 involuntary treatment act; adding new sections to chapter 71.05 RCW;  
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as Joel's  
6 law.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.05  
8 RCW to read as follows:

9 (1) If a designated mental health professional decides not to  
10 detain a person for evaluation and treatment under RCW 71.05.150 or  
11 71.05.153 or forty-eight hours have elapsed since the designated  
12 mental health professional received notice of such a person and has  
13 not taken action to have the person detained, an immediate family  
14 member or guardian or conservator of the person may petition the  
15 superior court for review of the designated mental health  
16 professional's decision.

17 (2) The petitioner shall serve, or cause to be served, a notice  
18 of the petition on the designated mental health professional. Within  
19 twenty-four hours of receiving notice of the petition, the designated  
20 mental health professional must:

1 (a) Notify the court that the person has been detained for  
2 evaluation and treatment or that the person has agreed to voluntarily  
3 accept appropriate evaluation and treatment, in which case the court  
4 shall dismiss the petition; or

5 (b) Provide the court with a written explanation of the basis for  
6 the decision not to seek initial detention and a copy of the  
7 information collected during the investigation.

8 (3) If upon review the court finds: (a) That there is probable  
9 cause to support a petition for initial detention, taking into  
10 consideration any information provided by the petitioner; and (b)  
11 that the person has refused or failed to accept appropriate  
12 evaluation and treatment voluntarily; the court may enter an order  
13 for initial detention under RCW 71.05.150(2).

14 (4) For purposes of this section, "immediate family member" means  
15 a spouse, domestic partner, child, stepchild, parent, stepparent,  
16 grandparent, or sibling.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.05  
18 RCW to read as follows:

19 (1) The department and each regional support network or agency  
20 employing designated mental health professionals shall publish  
21 information in an easily accessible format describing the process for  
22 an immediate family member, guardian, or conservator to petition for  
23 court review of a detention decision under section 2 of this act.

24 (2) A designated mental health professional or designated mental  
25 health professional agency that receives a complaint about a failure  
26 to detain a person must inform the complainant about the process to  
27 petition for court review under section 2 of this act.

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