

RCW 13.40.042 Detention of juvenile suffering from mental disorder or substance use disorder. (1) When a police officer has reasonable cause to believe that a juvenile has committed acts constituting a nonfelony crime that is not a serious offense as identified in RCW 10.77.092, and the officer believes that the juvenile suffers from a mental disorder, and the local prosecutor has entered into an agreement with law enforcement regarding the detention of juveniles who may have a mental disorder or may be suffering from chemical dependency, the arresting officer, instead of taking the juvenile to the local juvenile detention facility, may take the juvenile to:

(a) An evaluation and treatment facility as defined in RCW 71.34.020 if the juvenile suffers from a mental disorder and the facility has been identified as an alternative location by agreement of the prosecutor, law enforcement, and the mental health provider;

(b) A facility or program identified by agreement of the prosecutor and law enforcement; or

(c) A location already identified and in use by law enforcement for the purpose of a behavioral health diversion.

(2) For the purposes of this section, an "alternative location" means a facility or program that has the capacity to evaluate a youth and, if determined to be appropriate, develop a behavioral health intervention plan and initiate treatment.

(3) If a juvenile is taken to any location described in subsection (1)(a) or (b) of this section, the juvenile may be held for up to twelve hours and must be examined by a mental health or substance use disorder professional within three hours of arrival.

(4) The authority provided pursuant to this section is in addition to existing authority under RCW 10.31.110 and *10.31.120. [2019 c 444 § 10; 2014 c 128 § 4; 2013 c 179 § 2.]

***Reviser's note:** RCW 10.31.120 expired July 31, 2019, pursuant to 2014 c 128 § 6.

Finding—2014 c 128: "The legislature finds that the large number of individuals involved in the juvenile justice and criminal justice systems with substance abuse challenges is of significant concern. Access to effective treatment is critical to the successful treatment of individuals in the early stages of their contact with the juvenile justice and criminal justice systems. Such access may prevent further involvement in the systems. The effective use of substance abuse treatment options can result not only in significant cost savings for the juvenile justice and criminal justice systems, but can benefit the lives of individuals who face substance abuse challenges." [2014 c 128 § 1.]

Finding—2013 c 179: "The legislature finds that the large number of youth involved in the juvenile justice system with mental health challenges is of significant concern. Access to effective treatment is critical to the successful treatment of youth in the early stages of their contact with the juvenile justice system. Such access may prevent further involvement in the system after an initial contact or assist a youth in avoiding any further contact with the juvenile justice system altogether. There is growing evidence that mental health diversion strategies, in particular, are effective in connecting youth with needed treatment and preventing additional offending behaviors. These strategies allow a continuum of

opportunities for connecting youth who may be facing a mental illness or disorder to community mental health services at multiple decision points, such as law enforcement diversion, prosecutor diversion, court-based diversion, and court disposition. The effective use of these strategies can result not only in significant cost savings for the juvenile justice system, but can create the benefit of improved lives of the youth who face mental health challenges and barriers."
[2013 c 179 § 1.]