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**SENATE BILL 5269**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators O'Ban, Darneille, Rolfes, Dansel, Miloscia, Pearson, Bailey, Padden, Becker, Frockt, Habib, and Pedersen

AN ACT Relating to court review of detention decisions under the involuntary treatment act; and adding new sections to chapter 71.05 RCW.

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

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

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

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

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

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

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

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

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

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

(2) A designated mental health professional or designated mental health professional agency that receives a complaint about a failure to detain a person must inform the complainant about the process to petition for court review under section 1 of this act.

**--- END ---**