
HOUSE BILL 1424

State of Washington

65th Legislature

2017 Regular Session

By Representatives Shea, McCaslin, and Taylor

Read first time 01/19/17. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to ensuring a parent or guardian has the
2 authority to admit and keep a minor child into a treatment facility
3 for chemical dependency treatment for fourteen days; and amending RCW
4 13.40.042, 70.96A.095, 70.96A.230, 70.96A.235, 70.96A.240,
5 70.96A.245, 70.96A.250, and 70.96A.255.

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

7 **Sec. 1.** RCW 13.40.042 and 2014 c 128 s 4 are each amended to
8 read as follows:

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

18 (a) An evaluation and treatment facility as defined in RCW
19 71.34.020 if the juvenile suffers from a mental disorder and the
20 facility has been identified as an alternative location by agreement
21 of the prosecutor, law enforcement, and the mental health provider;

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

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

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

9 (3) If a juvenile is taken to any location described in
10 subsection (1)(a) or (b) of this section, the juvenile may be held
11 for up to (~~twelve hours~~) fourteen days and must be examined by a
12 mental health or chemical dependency professional within three hours
13 of arrival. If the mental health or chemical dependency professional
14 determines that it is appropriate to release the juvenile, the
15 professional must notify the juvenile's parent or guardian. The
16 juvenile's parent or guardian has the authority to request that the
17 juvenile be kept at any location described in subsection (1)(a) or
18 (b) of this section.

19 (4) The authority provided pursuant to this section is in
20 addition to existing authority under RCW 10.31.110 and 10.31.120.

21 **Sec. 2.** RCW 70.96A.095 and 1998 c 296 s 23 are each amended to
22 read as follows:

23 Any person thirteen years of age or older may give consent for
24 himself or herself to the furnishing of outpatient treatment by a
25 chemical dependency treatment program certified by the department.
26 Parental authorization is required for any treatment of a minor under
27 the age of thirteen. A parent or guardian has the authority to (1)
28 admit any minor child to a chemical dependency treatment program and
29 (2) keep a minor child in a chemical dependency treatment program for
30 fourteen days.

31 **Sec. 3.** RCW 70.96A.230 and 2016 1st sp.s. c 29 s 104 are each
32 amended to read as follows:

33 Any provider of outpatient treatment who provides outpatient
34 treatment to a minor thirteen years of age or older shall provide
35 notice of the minor's request for treatment to the minor's parents
36 (~~(if: (1) The minor signs a written consent authorizing the~~
37 ~~disclosure; or (2) the treatment program director determines that the~~
38 ~~minor lacks capacity to make a rational choice regarding consenting~~

1 ~~to disclosure~~) or guardian. A provider of outpatient treatment may,
2 at his or her discretion, provide notice of a minor's request for
3 treatment to the minor's parents or guardian if the provider
4 determines that notice is in the best interest of the minor in
5 achieving recovery. Any notice under this section shall be made
6 within seven days of the request for treatment, excluding Saturdays,
7 Sundays, and holidays, and shall contain the name, location, and
8 telephone number of the facility providing treatment, and the name of
9 a professional person on the staff of the facility providing
10 treatment who is designated to discuss the minor's need for treatment
11 with the parent or guardian. A parent or guardian has the authority
12 to (1) admit any minor child to a chemical dependency treatment
13 program and (2) keep a minor child in a chemical dependency treatment
14 program for fourteen days.

15 **Sec. 4.** RCW 70.96A.235 and 1998 c 296 s 25 are each amended to
16 read as follows:

17 Parental consent or the consent of a guardian is required for
18 inpatient chemical dependency treatment of a minor, unless the child
19 meets the definition of a child in need of services in RCW
20 13.32A.030(~~(4)~~) (5)(c) as determined by the department: PROVIDED,
21 That parental or guardian consent is required for any treatment of a
22 minor under the age of thirteen. A parent or guardian has the
23 authority to keep a minor child in an inpatient chemical dependency
24 treatment program for fourteen days.

25 This section does not apply to petitions filed under this
26 chapter.

27 **Sec. 5.** RCW 70.96A.240 and 1998 c 296 s 26 are each amended to
28 read as follows:

29 (1) The parent or guardian of a minor is not liable for payment
30 of inpatient or outpatient chemical dependency treatment unless the
31 parent has joined in the consent to the treatment. A parent or
32 guardian has the authority to keep a minor child in an inpatient
33 chemical dependency treatment program for fourteen days.

34 (2) The ability of a parent or guardian to apply to a certified
35 treatment program for the admission of his or her minor child does
36 not create a right to obtain or benefit from any funds or resources
37 of the state. However, the state may provide services for indigent
38 minors to the extent that funds are available therefor.

1 **Sec. 6.** RCW 70.96A.245 and 1998 c 296 s 27 are each amended to
2 read as follows:

3 (1) A parent or guardian may bring, or authorize the bringing of,
4 his or her minor child to a certified treatment program and request
5 that a chemical dependency assessment be conducted by a professional
6 person to determine whether the minor is chemically dependent and in
7 need of inpatient treatment.

8 (2) The consent of the minor is not required for admission,
9 evaluation, and treatment if the parent or guardian brings the minor
10 to the program.

11 (3) An appropriately trained professional person may evaluate
12 whether the minor is chemically dependent. The evaluation shall be
13 completed within twenty-four hours of the time the minor was brought
14 to the program, unless the professional person determines that the
15 condition of the minor necessitates additional time for evaluation.
16 In no event shall a minor be held longer than seventy-two hours for
17 evaluation. If, in the judgment of the professional person, it is
18 determined it is a medical necessity for the minor to receive
19 inpatient treatment, the minor may be held for treatment. A parent or
20 guardian has the authority to keep a minor child in an inpatient
21 chemical dependency treatment program for fourteen days. The facility
22 shall limit treatment to that which the professional person
23 determines is medically necessary to stabilize the minor's condition
24 until the evaluation has been completed. Within twenty-four hours of
25 completion of the evaluation, the professional person shall notify
26 the department if the child is held for treatment and of the date of
27 admission.

28 (4) No provider is obligated to provide treatment to a minor
29 under the provisions of this section. No provider may admit a minor
30 to treatment under this section unless it is medically necessary.

31 (5) No minor receiving inpatient treatment under this section may
32 be discharged from the program based solely on his or her request.

33 **Sec. 7.** RCW 70.96A.250 and 1998 c 296 s 29 are each amended to
34 read as follows:

35 (1) A parent or guardian may bring, or authorize the bringing of,
36 his or her minor child to a provider of outpatient chemical
37 dependency treatment and request that an appropriately trained
38 professional person examine the minor to determine whether the minor
39 has a chemical dependency and is in need of outpatient treatment.

1 (2) The consent of the minor is not required for evaluation if
2 the parent or guardian brings the minor to the provider.

3 (3) The professional person in charge of the program may evaluate
4 whether the minor has a chemical dependency and is in need of
5 outpatient treatment. A parent or guardian has the authority to keep
6 a minor child in an inpatient chemical dependency treatment program
7 for fourteen days.

8 (4) Any minor admitted to inpatient treatment under RCW
9 70.96A.245 shall be discharged immediately from inpatient treatment
10 upon written request of the parent or guardian.

11 **Sec. 8.** RCW 70.96A.255 and 1998 c 296 s 30 are each amended to
12 read as follows:

13 Following the review conducted under RCW 70.96A.097, a minor
14 child may petition the superior court for his or her release from the
15 facility. The petition may be filed not sooner than five days
16 following the review. The court shall release the minor unless it
17 finds, upon a preponderance of the evidence, that it is a medical
18 necessity for the minor to remain at the facility or if the parent or
19 guardian of the minor child requests that the minor child be kept at
20 the facility.

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