
HOUSE BILL 2469

State of Washington

68th Legislature

2024 Regular Session

By Representatives Davis, Griffey, Ryu, Bronoske, Santos, Chopp, and Barkis

Read first time 01/23/24. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to involuntary treatment; amending RCW 2.28.210,
2 71.05.150, 71.05.150, 71.05.240, 71.05.240, 71.05.245, 71.05.201,
3 71.05.203, 71.34.710, and 71.34.710; adding a new section to chapter
4 71.05 RCW; creating new sections; providing an effective date; and
5 providing an expiration date.

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

7 **Sec. 1.** RCW 2.28.210 and 2021 c 215 s 88 are each amended to
8 read as follows:

9 (1) Before granting an order under any of the following titles of
10 the laws of the state of Washington, the court may consult the
11 judicial information system or any related databases, if available,
12 to determine criminal history or the pendency of other proceedings
13 involving the parties:

14 (a) Granting any temporary or final order establishing a
15 parenting plan or residential schedule or directing residential
16 placement of a child or restraining or limiting a party's contact
17 with a child under Title 26 RCW;

18 (b) Granting any order regarding a vulnerable child or adult or
19 alleged incapacitated person irrespective of the title or where
20 contained in the laws of the state of Washington;

1 (c) Granting letters of guardianship or administration or letters
2 testamentary under Title 11 RCW;

3 ~~(d) ((Granting any relief under Title 71 RCW;~~
4 ~~(e)))~~ Granting any relief in a juvenile proceeding under Title 13
5 RCW; or

6 ~~((f)))~~ (e) Granting any order of protection, temporary order of
7 protection, or criminal no-contact order under chapter 7.105, 9A.46,
8 10.99, or 26.52 RCW.

9 (2) Before granting any relief under chapter 71.05 RCW, the court
10 shall consult the judicial information system or any related
11 databases, if available, to determine the party's criminal history,
12 prior civil commitments under chapter 71.05 RCW, or pendency of other
13 proceedings involving the party.

14 (3) In the event that the court consults such a database, the
15 court shall disclose that fact to the parties and shall disclose any
16 particular matters relied upon by the court in rendering the
17 decision. Upon request of a party, a copy of the document relied upon
18 must be filed, as a confidential document, within the court file,
19 with any confidential contact information such as addresses, phone
20 numbers, or other information that might disclose the location or
21 whereabouts of any person redacted from the document or documents.

22 **Sec. 2.** RCW 71.05.150 and 2023 c 433 s 6 are each amended to
23 read as follows:

24 (1) When a designated crisis responder receives information
25 alleging that a person, as a result of a behavioral health disorder,
26 presents a likelihood of serious harm or is gravely disabled, the
27 designated crisis responder may, after investigation and evaluation
28 of the specific facts alleged and of the reliability and credibility
29 of any person providing information to initiate detention, if
30 satisfied that the allegations are true and that the person will not
31 voluntarily seek appropriate treatment, file a petition for initial
32 detention under this section. Before filing the petition, the
33 designated crisis responder must personally interview the person,
34 unless the person refuses an interview, and determine whether the
35 person will voluntarily receive appropriate evaluation and treatment
36 at an evaluation and treatment facility, crisis stabilization unit,
37 23-hour crisis relief center, secure withdrawal management and
38 stabilization facility, or approved substance use disorder treatment
39 program. If the person has a past history of not following through

1 with voluntary evaluation and treatment plans or prematurely
2 discontinuing voluntary treatment, there is a presumption that the
3 patient will not in good faith voluntarily seek appropriate
4 treatment. If a designated crisis responder makes a determination not
5 to detain a person on the basis that the person will voluntarily seek
6 appropriate treatment, the designated crisis responder must document
7 the reasons the designated crisis responder determined that the
8 person in good faith will voluntarily seek appropriate evaluation and
9 treatment. As part of the assessment, the designated crisis responder
10 must attempt to ascertain if the person has executed a mental health
11 advance directive under chapter 71.32 RCW. The interview performed by
12 the designated crisis responder may be conducted by video provided
13 that a licensed health care professional or professional person who
14 can adequately and accurately assist with obtaining any necessary
15 information is present with the person at the time of the interview.

16 (2)(a) A superior court judge may issue a warrant to detain a
17 person with a behavioral health disorder to a designated evaluation
18 and treatment facility, a secure withdrawal management and
19 stabilization facility, or an approved substance use disorder
20 treatment program, for a period of not more than (~~one hundred~~
21 ~~twenty~~) 120 hours for evaluation and treatment upon request of a
22 designated crisis responder, subject to (d) of this subsection,
23 whenever it appears to the satisfaction of the judge that:

24 (i) There is probable cause to support the petition; and

25 (ii) The person has refused or failed to accept appropriate
26 evaluation and treatment voluntarily.

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

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

35 (d) A court may not issue an order to detain a person to a secure
36 withdrawal management and stabilization facility or approved
37 substance use disorder treatment program unless there is an available
38 secure withdrawal management and stabilization facility or approved
39 substance use disorder treatment program that has adequate space for
40 the person.

1 (e) If the court does not issue an order to detain a person
2 pursuant to this subsection (2), the court shall issue an order to
3 dismiss the initial petition.

4 (3) The designated crisis responder shall then serve or cause to
5 be served on such person and his or her guardian, if any, a copy of
6 the order together with a notice of rights, and a petition for
7 initial detention. After service on such person the designated crisis
8 responder shall file the return of service in court and provide
9 copies of all papers in the court file to the evaluation and
10 treatment facility, secure withdrawal management and stabilization
11 facility, or approved substance use disorder treatment program, and
12 the designated attorney. The designated crisis responder shall notify
13 the court and the prosecuting attorney that a probable cause hearing
14 will be held within (~~one hundred twenty~~) 120 hours of the date and
15 time of outpatient evaluation or admission to the evaluation and
16 treatment facility, secure withdrawal management and stabilization
17 facility, or approved substance use disorder treatment program. The
18 person shall be permitted to be accompanied by one or more of his or
19 her relatives, friends, an attorney, a personal physician, or other
20 professional or religious advisor to the place of evaluation. An
21 attorney accompanying the person to the place of evaluation shall be
22 permitted to be present during the admission evaluation. Any other
23 individual accompanying the person may be present during the
24 admission evaluation. The facility may exclude the individual if his
25 or her presence would present a safety risk, delay the proceedings,
26 or otherwise interfere with the evaluation.

27 (4) The designated crisis responder may notify a peace officer to
28 take such person or cause such person to be taken into custody and
29 placed in an evaluation and treatment facility, secure withdrawal
30 management and stabilization facility, or approved substance use
31 disorder treatment program. At the time such person is taken into
32 custody there shall commence to be served on such person, his or her
33 guardian, and conservator, if any, a copy of the original order
34 together with a notice of rights and a petition for initial
35 detention.

36 (5) Tribal court orders for involuntary commitment shall be
37 recognized and enforced in accordance with superior court civil rule
38 82.5.

39 (6) In any investigation and evaluation of an individual under
40 this section or RCW 71.05.153 in which the designated crisis

1 responder knows, or has reason to know, that the individual is an
2 American Indian or Alaska Native who receives medical or behavioral
3 health services from a tribe within this state, the designated crisis
4 responder shall notify the tribe and Indian health care provider
5 regarding whether or not a petition for initial detention or
6 involuntary outpatient treatment will be filed. Notification shall be
7 made in person or by telephonic or electronic communication to the
8 tribal contact listed in the authority's tribal crisis coordination
9 plan as soon as possible but no later than three hours subject to the
10 requirements in RCW 70.02.230 (2)(ee) and (3). A designated crisis
11 responder may restrict the release of information as necessary to
12 comply with 42 C.F.R. Part 2.

13 **Sec. 3.** RCW 71.05.150 and 2023 c 433 s 7 are each amended to
14 read as follows:

15 (1) When a designated crisis responder receives information
16 alleging that a person, as a result of a behavioral health disorder,
17 presents a likelihood of serious harm or is gravely disabled, the
18 designated crisis responder may, after investigation and evaluation
19 of the specific facts alleged and of the reliability and credibility
20 of any person providing information to initiate detention, if
21 satisfied that the allegations are true and that the person will not
22 voluntarily seek appropriate treatment, file a petition for initial
23 detention under this section. Before filing the petition, the
24 designated crisis responder must personally interview the person,
25 unless the person refuses an interview, and determine whether the
26 person will voluntarily receive appropriate evaluation and treatment
27 at an evaluation and treatment facility, crisis stabilization unit,
28 23-hour crisis relief center, secure withdrawal management and
29 stabilization facility, or approved substance use disorder treatment
30 program. If the person has a past history of not following through
31 with voluntary evaluation and treatment plans or prematurely
32 discontinuing voluntary treatment, there is a presumption that the
33 patient will not in good faith voluntarily seek appropriate
34 treatment. If a designated crisis responder makes a determination not
35 to detain a person on the basis that the person will voluntarily seek
36 appropriate treatment, the designated crisis responder must document
37 the reasons the designated crisis responder determined that the
38 person in good faith will voluntarily seek appropriate evaluation and
39 treatment. As part of the assessment, the designated crisis responder

1 must attempt to ascertain if the person has executed a mental health
2 advance directive under chapter 71.32 RCW. The interview performed by
3 the designated crisis responder may be conducted by video provided
4 that a licensed health care professional or professional person who
5 can adequately and accurately assist with obtaining any necessary
6 information is present with the person at the time of the interview.

7 (2)(a) A superior court judge may issue a warrant to detain a
8 person with a behavioral health disorder to a designated evaluation
9 and treatment facility, a secure withdrawal management and
10 stabilization facility, or an approved substance use disorder
11 treatment program, for a period of not more than (~~one hundred~~
12 ~~twenty~~) 120 hours for evaluation and treatment upon request of a
13 designated crisis responder whenever it appears to the satisfaction
14 of the judge that:

15 (i) There is probable cause to support the petition; and

16 (ii) The person has refused or failed to accept appropriate
17 evaluation and treatment voluntarily.

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

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

26 (d) If the court does not issue an order to detain a person
27 pursuant to this subsection (2), the court shall issue an order to
28 dismiss the initial petition.

29 (3) The designated crisis responder shall then serve or cause to
30 be served on such person and his or her guardian, if any, a copy of
31 the order together with a notice of rights, and a petition for
32 initial detention. After service on such person the designated crisis
33 responder shall file the return of service in court and provide
34 copies of all papers in the court file to the evaluation and
35 treatment facility, secure withdrawal management and stabilization
36 facility, or approved substance use disorder treatment program, and
37 the designated attorney. The designated crisis responder shall notify
38 the court and the prosecuting attorney that a probable cause hearing
39 will be held within (~~one hundred twenty~~) 120 hours of the date and
40 time of outpatient evaluation or admission to the evaluation and

1 treatment facility, secure withdrawal management and stabilization
2 facility, or approved substance use disorder treatment program. The
3 person shall be permitted to be accompanied by one or more of his or
4 her relatives, friends, an attorney, a personal physician, or other
5 professional or religious advisor to the place of evaluation. An
6 attorney accompanying the person to the place of evaluation shall be
7 permitted to be present during the admission evaluation. Any other
8 individual accompanying the person may be present during the
9 admission evaluation. The facility may exclude the individual if his
10 or her presence would present a safety risk, delay the proceedings,
11 or otherwise interfere with the evaluation.

12 (4) The designated crisis responder may notify a peace officer to
13 take such person or cause such person to be taken into custody and
14 placed in an evaluation and treatment facility, secure withdrawal
15 management and stabilization facility, or approved substance use
16 disorder treatment program. At the time such person is taken into
17 custody there shall commence to be served on such person, his or her
18 guardian, and conservator, if any, a copy of the original order
19 together with a notice of rights and a petition for initial
20 detention.

21 (5) Tribal court orders for involuntary commitment shall be
22 recognized and enforced in accordance with superior court civil rule
23 82.5.

24 (6) In any investigation and evaluation of an individual under
25 this section or RCW 71.05.153 in which the designated crisis
26 responder knows, or has reason to know, that the individual is an
27 American Indian or Alaska Native who receives medical or behavioral
28 health services from a tribe within this state, the designated crisis
29 responder shall notify the tribe and Indian health care provider
30 regarding whether or not a petition for initial detention or
31 involuntary outpatient treatment will be filed. Notification shall be
32 made in person or by telephonic or electronic communication to the
33 tribal contact listed in the authority's tribal crisis coordination
34 plan as soon as possible but no later than three hours subject to the
35 requirements in RCW 70.02.230 (2)(ee) and (3). A designated crisis
36 responder may restrict the release of information as necessary to
37 comply with 42 C.F.R. Part 2.

38 **Sec. 4.** RCW 71.05.240 and 2022 c 210 s 12 are each amended to
39 read as follows:

1 (1) If a petition is filed for up to 14 days of involuntary
2 treatment, 90 days of less restrictive alternative treatment, or 18
3 months of less restrictive alternative treatment under RCW 71.05.148,
4 the court shall hold a probable cause hearing within 120 hours of the
5 initial detention under RCW 71.05.180, or at a time scheduled under
6 RCW 71.05.148.

7 (2) If the petition is for mental health treatment, the court or
8 the prosecutor at the time of the probable cause hearing and before
9 an order of commitment is entered shall inform the person both orally
10 and in writing that the failure to make a good faith effort to seek
11 voluntary treatment as provided in RCW 71.05.230 will result in the
12 loss of his or her firearm rights if the person is subsequently
13 detained for involuntary treatment under this section. The respondent
14 or the respondent's counsel may waive in writing the notice required
15 under this section if the respondent waives the respondent's presence
16 at or before the time of the probable cause hearing.

17 (3) If the person or his or her attorney alleges, prior to the
18 commencement of the hearing, that the person has in good faith
19 volunteered for treatment, the petitioner must show, by preponderance
20 of the evidence, that the person has not in good faith volunteered
21 for appropriate treatment. In order to qualify as a good faith
22 volunteer, the person must abide by procedures and a treatment plan
23 as prescribed by a treatment facility and professional staff.

24 (4) (a) Subject to (b) of this subsection, at the conclusion of
25 the probable cause hearing, if the court finds by a preponderance of
26 the evidence that a person detained for behavioral health treatment,
27 as the result of a behavioral health disorder, presents a likelihood
28 of serious harm, or is gravely disabled, and, after considering less
29 restrictive alternatives to involuntary detention and treatment,
30 finds that no such alternatives are in the best interests of such
31 person or others, the court shall order that such person be detained
32 for involuntary treatment not to exceed 14 days in a facility
33 licensed or certified to provide treatment by the department or under
34 RCW 71.05.745.

35 (b) A court may only order commitment to a secure withdrawal
36 management and stabilization facility or approved substance use
37 disorder treatment program if there is an available facility with
38 adequate space for the person.

39 (c) At the conclusion of the probable cause hearing, if the court
40 finds by a preponderance of the evidence that a person detained for

1 behavioral health treatment, as the result of a behavioral health
2 disorder, presents a likelihood of serious harm or is gravely
3 disabled, but that treatment in a less restrictive setting than
4 detention is in the best interest of such person or others, the court
5 shall order an appropriate less restrictive alternative course of
6 treatment for up to (~~ninety~~) 90 days.

7 (d) If the court finds by a preponderance of the evidence that a
8 person subject to a petition under RCW 71.05.148, as the result of a
9 behavioral health disorder, is in need of assisted outpatient
10 treatment, the court shall order an appropriate less restrictive
11 alternative course of treatment for up to 18 months.

12 (5) An order for less restrictive alternative treatment must name
13 the behavioral health service provider responsible for identifying
14 the services the person will receive in accordance with RCW
15 71.05.585, and must include a requirement that the person cooperate
16 with the treatment recommendations of the behavioral health service
17 provider.

18 (6) The court shall notify the person orally and in writing that
19 if involuntary treatment is sought beyond the 14-day inpatient or 90-
20 day less restrictive treatment period, the person has the right to a
21 full hearing or jury trial under RCW 71.05.310. If the commitment is
22 for mental health treatment, the court shall notify the person orally
23 and in writing that the person is barred from the possession of
24 firearms and that the prohibition remains in effect until a court
25 restores his or her right to possess a firearm under RCW 9.41.047.

26 (7) If the court does not issue an order to detain or commit a
27 person under this section, the court shall issue an order to dismiss
28 the petition.

29 (8) Nothing in this section precludes the court from subsequently
30 modifying the terms of an order for less restrictive alternative
31 treatment under RCW 71.05.590(3).

32 **Sec. 5.** RCW 71.05.240 and 2022 c 210 s 13 are each amended to
33 read as follows:

34 (1) If a petition is filed for up to 14 days of involuntary
35 treatment, 90 days of less restrictive alternative treatment, or 18
36 months of less restrictive alternative treatment under RCW 71.05.148,
37 the court shall hold a probable cause hearing within 120 hours of the
38 initial detention under RCW 71.05.180, or at a time scheduled under
39 RCW 71.05.148.

1 (2) If the petition is for mental health treatment, the court or
2 the prosecutor at the time of the probable cause hearing and before
3 an order of commitment is entered shall inform the person both orally
4 and in writing that the failure to make a good faith effort to seek
5 voluntary treatment as provided in RCW 71.05.230 will result in the
6 loss of his or her firearm rights if the person is subsequently
7 detained for involuntary treatment under this section. The respondent
8 or the respondent's counsel may waive in writing the notice required
9 under this section if the respondent waives the respondent's presence
10 at or before the time of the probable cause hearing.

11 (3) If the person or his or her attorney alleges, prior to the
12 commencement of the hearing, that the person has in good faith
13 volunteered for treatment, the petitioner must show, by preponderance
14 of the evidence, that the person has not in good faith volunteered
15 for appropriate treatment. In order to qualify as a good faith
16 volunteer, the person must abide by procedures and a treatment plan
17 as prescribed by a treatment facility and professional staff.

18 (4) (a) At the conclusion of the probable cause hearing, if the
19 court finds by a preponderance of the evidence that a person detained
20 for behavioral health treatment, as the result of a behavioral health
21 disorder, presents a likelihood of serious harm, or is gravely
22 disabled, and, after considering less restrictive alternatives to
23 involuntary detention and treatment, finds that no such alternatives
24 are in the best interests of such person or others, the court shall
25 order that such person be detained for involuntary treatment not to
26 exceed (~~fourteen~~) 14 days in a facility licensed or certified to
27 provide treatment by the department or under RCW 71.05.745.

28 (b) At the conclusion of the probable cause hearing, if the court
29 finds by a preponderance of the evidence that a person detained for
30 behavioral health treatment, as the result of a behavioral health
31 disorder, presents a likelihood of serious harm or is gravely
32 disabled, but that treatment in a less restrictive setting than
33 detention is in the best interest of such person or others, the court
34 shall order an appropriate less restrictive alternative course of
35 treatment for up to (~~ninety~~) 90 days.

36 (c) If the court finds by a preponderance of the evidence that a
37 person subject to a petition under RCW 71.05.148, as the result of a
38 behavioral health disorder, is in need of assisted outpatient
39 treatment, the court shall order an appropriate less restrictive
40 alternative course of treatment for up to 18 months.

1 (5) An order for less restrictive alternative treatment must name
2 the behavioral health service provider responsible for identifying
3 the services the person will receive in accordance with RCW
4 71.05.585, and must include a requirement that the person cooperate
5 with the treatment recommendations of the behavioral health service
6 provider.

7 (6) The court shall notify the person orally and in writing that
8 if involuntary treatment is sought beyond the 14-day inpatient or 90-
9 day less restrictive treatment period, such person has the right to a
10 full hearing or jury trial under RCW 71.05.310. If the commitment is
11 for mental health treatment, the court shall also notify the person
12 orally and in writing that the person is barred from the possession
13 of firearms and that the prohibition remains in effect until a court
14 restores his or her right to possess a firearm under RCW 9.41.047.

15 (7) If the court does not issue an order to detain or commit a
16 person under this section, the court shall issue an order to dismiss
17 the petition.

18 (8) Nothing in this section precludes the court from subsequently
19 modifying the terms of an order for less restrictive alternative
20 treatment under RCW 71.05.590(3).

21 **Sec. 6.** RCW 71.05.245 and 2022 c 210 s 14 are each amended to
22 read as follows:

23 (1) In making a determination of whether a person is gravely
24 disabled, presents a likelihood of serious harm, or is in need of
25 assisted outpatient treatment in a hearing conducted under RCW
26 71.05.240 or 71.05.320, the court must consider the symptoms and
27 behavior of the respondent in light of all available evidence
28 concerning the respondent's historical behavior.

29 (2) Symptoms or behavior which standing alone would not justify
30 civil commitment may support a finding of grave disability or
31 likelihood of serious harm, or a finding that the person is in need
32 of assisted outpatient treatment, when: (a) Such symptoms or behavior
33 are closely associated with symptoms or behavior which preceded and
34 led to a past incident of involuntary hospitalization, severe
35 deterioration, or one or more violent acts; (b) these symptoms or
36 behavior represent a marked and concerning change in the baseline
37 behavior of the respondent; and (c) without treatment, the continued
38 deterioration of the respondent is probable.

1 (3) In making a determination of whether there is a likelihood of
2 serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320,
3 the court shall give great weight to any evidence before the court
4 regarding whether the person has: (a) A recent history of one or more
5 violent acts; or (b) a recent history of one or more commitments
6 under this chapter or its equivalent provisions under the laws of
7 another state which were based on a likelihood of serious harm. The
8 existence of prior violent acts or commitments under this chapter or
9 its equivalent shall not be the sole basis for determining whether a
10 person presents a likelihood of serious harm.

11 (4) Before making a determination under subsection (2) or (3) of
12 this section, the court shall consult the judicial information system
13 or any related databases, if available, to determine the respondent's
14 criminal history and prior civil commitments under this chapter.

15 (5) For the purposes of this subsection "recent" refers to the
16 period of time not exceeding three years prior to the current
17 hearing.

18 NEW SECTION. Sec. 7. The Washington state health care authority
19 must contract with a peer-led organization to convene focus groups of
20 people with lived experience of being civilly committed to make
21 recommendations about how to make the process less traumatic and
22 improve experiences and outcomes for patients. The focus groups
23 should include individuals who have been civilly committed under
24 chapter 71.05 RCW on the basis of a mental disorder and on the basis
25 of a substance use disorder. The Washington state health care
26 authority shall issue a report to the governor and the relevant
27 committees of the legislature on the recommendations by December 1,
28 2024.

29 NEW SECTION. Sec. 8. The Washington state health care authority
30 shall contract with an organization to develop a proposal for a
31 statewide network of secure, trauma-informed transport for patients
32 civilly committed under chapter 71.05 RCW that is provided by a
33 nonambulance service and available in each behavioral health
34 administrative services organization. The contracted organization
35 must consult with people with lived experiences of receiving
36 transport in connection with a civil commitment under chapter 71.05
37 RCW. The Washington state health care authority shall issue a report

1 to the governor and the relevant committees of the legislature on the
2 recommendations by December 1, 2024.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 71.05
4 RCW to read as follows:

5 The authority must contract with an association that represents
6 designated crisis responders in Washington to develop and begin
7 delivering by July 1, 2025, a training program for social workers
8 licensed under chapter 18.225 RCW who practice in an emergency
9 department with responsibilities related to civil commitments under
10 this chapter. The training must include instruction emphasizing
11 standards and procedures relating to the civil commitment of persons
12 with substance use disorders. Each hospital shall ensure that, by
13 July 1, 2026, or within three months of hire, all social workers
14 employed in the emergency department with responsibilities relating
15 to civil commitments under this chapter complete the training every
16 three years.

17 **Sec. 10.** RCW 71.05.201 and 2022 c 210 s 8 are each amended to
18 read as follows:

19 (1) If a designated crisis responder decides not to detain a
20 person for evaluation and treatment under RCW 71.05.150 or 71.05.153
21 or (~~forty-eight~~) 48 hours have elapsed since a designated crisis
22 responder received a request for investigation and the designated
23 crisis responder has not taken action to have the person detained,
24 (~~an immediate family member or guardian of the person, or a~~
25 ~~federally recognized Indian tribe if the person is a member of such~~
26 ~~tribe,~~) the following persons may petition the superior court for
27 the person's initial detention: A family or household member of the
28 person; a guardian or conservator of the person; a representative of
29 a federally recognized Indian tribe if the person is a member of such
30 a tribe; a representative of a human services provider that has
31 provided services to the person; and any person authorized to file a
32 petition under RCW 71.05.148.

33 (2) A petition under this section must be filed within (~~ten~~) 10
34 calendar days following the designated crisis responder investigation
35 or the request for a designated crisis responder investigation. If
36 more than (~~ten~~) 10 days have elapsed, (~~the immediate family~~
37 ~~member, guardian, or conservator~~) a person authorized to file a

1 petition under this section may request a new designated crisis
2 responder investigation.

3 (3) (a) The petition must be filed in the county in which the
4 designated crisis responder investigation occurred or was requested
5 to occur and must be submitted on forms developed by the
6 administrative office of the courts for this purpose. The petition
7 must be accompanied by a sworn declaration from the petitioner, and
8 other witnesses if desired, describing why the person should be
9 detained for evaluation and treatment. The description of why the
10 person should be detained may contain, but is not limited to, the
11 information identified in RCW 71.05.212.

12 (b) The petition must contain:

13 (i) A description of the relationship between the petitioner and
14 the person; and

15 (ii) The date on which an investigation was requested from the
16 designated crisis responder.

17 (4) The court shall, within one judicial day, review the petition
18 to determine whether the petition raises sufficient evidence to
19 support the allegation. If the court so finds, it shall provide a
20 copy of the petition to the designated crisis responder agency with
21 an order for the agency to provide the court, within one judicial
22 day, with a written sworn statement describing the basis for the
23 decision not to seek initial detention and a copy of all information
24 material to the designated crisis responder's current decision.

25 (5) Following the filing of the petition and before the court
26 reaches a decision, any person, including a mental health
27 professional, may submit a sworn declaration to the court in support
28 of or in opposition to initial detention.

29 (6) The court shall dismiss the petition at any time if it finds
30 that a designated crisis responder has filed a petition for the
31 person's initial detention under RCW 71.05.150 or 71.05.153 or that
32 the person has voluntarily accepted appropriate treatment.

33 (7) The court must issue a final ruling on the petition within
34 five judicial days after it is filed. After reviewing all of the
35 information provided to the court, the court may enter an order for
36 initial detention if the court finds that: (a) There is probable
37 cause to support a petition for detention; and (b) the person has
38 refused or failed to accept appropriate evaluation and treatment
39 voluntarily. The court shall transmit its final decision to the
40 petitioner.

1 (8) If the court enters an order for initial detention, it shall
2 provide the order to the designated crisis responder agency and issue
3 a warrant. The designated crisis responder agency serving the
4 jurisdiction of the court must collaborate and coordinate with law
5 enforcement regarding apprehensions and detentions under this
6 subsection, including sharing of information relating to risk and
7 which would assist in locating the person. A person may not be
8 detained to jail pursuant to a warrant issued under this subsection.
9 An order for detention under this section should contain the
10 advisement of rights which the person would receive if the person
11 were detained by a designated crisis responder. An order for initial
12 detention under this section expires (~~one hundred eighty~~) 180 days
13 from issuance.

14 (9) Except as otherwise expressly stated in this chapter, all
15 procedures must be followed as if the order had been entered under
16 RCW 71.05.150. RCW 71.05.160 does not apply if detention was
17 initiated under the process set forth in this section.

18 (10) (~~For purposes of this section, "immediate family member"~~
19 ~~means a spouse, domestic partner, child, stepchild, parent,~~
20 ~~stepparent, grandparent, or sibling~~) The definitions in the
21 subsection apply throughout this section unless the context clearly
22 requires otherwise.

23 (a) "Family or household member" includes: Persons related by
24 blood, marriage, domestic partnership, or adoption; persons who
25 currently reside together or formerly resided together; and persons
26 who have a biological or legal parent-child relationship, including
27 stepparents and stepchildren and grandparents and grandchildren.

28 (b) "Human services provider" means an organization that provides
29 behavioral health services, case management, housing and homelessness
30 services, food or economic assistance, or other similar programs.

31 **Sec. 11.** RCW 71.05.203 and 2021 c 264 s 5 are each amended to
32 read as follows:

33 (1) The authority and each behavioral health administrative
34 services organization or agency employing designated crisis
35 responders shall publish information in an easily accessible format
36 describing the process for (~~an immediate family member, guardian, or~~
37 ~~conservator, or a federally recognized Indian tribe if the person is~~
38 ~~a member of such tribe, to~~) a petition for court review of a
39 detention decision under RCW 71.05.201.

1 (2) A designated crisis responder or designated crisis responder
2 agency that receives a request for investigation for possible
3 detention under this chapter must inquire whether the request comes
4 from ~~((an immediate family member, guardian, or conservator, or a~~
5 ~~federally recognized Indian tribe if the person is a member of such~~
6 ~~tribe, who would be))~~ a person who is eligible to petition under RCW
7 71.05.201. If the designated crisis responder decides not to detain
8 the person for evaluation and treatment under RCW 71.05.150 or
9 71.05.153 or ~~((forty-eight))~~ 48 hours have elapsed since the request
10 for investigation was received and the designated crisis responder
11 has not taken action to have the person detained, the designated
12 crisis responder or designated crisis responder agency must inform
13 the ~~((immediate family member, guardian, or conservator, or a~~
14 ~~federally recognized Indian tribe if the person is a member of such~~
15 ~~tribe,))~~ eligible petitioner who made the request for investigation
16 about the process to petition for court review under RCW 71.05.201
17 and, to the extent feasible, provide the ~~((immediate family member,~~
18 ~~guardian, or conservator, or a federally recognized Indian tribe if~~
19 ~~the person is a member of such tribe,))~~ eligible petitioner with
20 written or electronic information about the petition process.
21 Information provided to a federally recognized Indian tribe shall be
22 sent to the tribal contact listed in the authority's tribal crisis
23 coordination plan. If provision of written or electronic information
24 is not feasible, the designated crisis responder or designated crisis
25 responder agency must refer the ~~((immediate family member, guardian,~~
26 ~~or conservator, or a federally recognized Indian tribe if the person~~
27 ~~is a member of such tribe,))~~ eligible petitioner to a website where
28 published information on the petition process may be accessed. The
29 designated crisis responder or designated crisis responder agency
30 must document the manner and date on which the information required
31 under this subsection was provided ~~((to the immediate family member,~~
32 ~~guardian, or conservator, or a federally recognized Indian tribe if~~
33 ~~the person is a member of such tribe))~~ .

34 (3) A designated crisis responder or designated crisis responder
35 agency must, upon request, disclose the date of a designated crisis
36 responder investigation under this chapter to an ~~((immediate family~~
37 ~~member, guardian, or conservator, or a federally recognized Indian~~
38 ~~tribe if the person is a member of such tribe, of a person))~~ eligible
39 petitioner to assist in the preparation of a petition under RCW
40 71.05.201.

1 **Sec. 12.** RCW 71.34.710 and 2021 c 264 s 31 are each amended to
2 read as follows:

3 (1) (a) (i) When a designated crisis responder receives information
4 that an adolescent as a result of a behavioral health disorder
5 presents a likelihood of serious harm or is gravely disabled, has
6 investigated the specific facts alleged and of the credibility of the
7 person or persons providing the information, and has determined that
8 voluntary admission for inpatient treatment is not possible, the
9 designated crisis responder may take the adolescent, or cause the
10 adolescent to be taken, into custody and transported to an evaluation
11 and treatment facility, secure withdrawal management and
12 stabilization facility, or approved substance use disorder treatment
13 program providing inpatient treatment.

14 (ii) A secure withdrawal management and stabilization facility or
15 approved substance use disorder treatment program must be available
16 and have adequate space for the adolescent.

17 (b) (i) If a designated crisis responder decides not to detain an
18 adolescent for evaluation and treatment under RCW 71.34.700(2), or
19 (~~forty-eight~~) 48 hours have elapsed since a designated crisis
20 responder received a request for investigation and the designated
21 crisis responder has not taken action to have the adolescent
22 detained, (~~an immediate family member or guardian or conservator of~~
23 ~~the adolescent, or a federally recognized Indian tribe if the person~~
24 ~~is a member of such tribe,~~) the following persons may petition the
25 superior court for the adolescent's detention using the procedures
26 under RCW 71.05.201 and 71.05.203(~~;~~ ~~however,~~): A family or
27 household member of the adolescent; a guardian or conservator of the
28 adolescent; a representative of a federally recognized Indian tribe
29 if the adolescent is a member of such a tribe; a representative of a
30 human services provider that has provided services to the adolescent;
31 and any person authorized to file a petition under RCW 71.05.148.
32 However, when the court enters an order of initial detention, except
33 as otherwise expressly stated in this chapter, all procedures must be
34 followed as if the order has been entered under (a) of this
35 subsection.

36 (ii) For the purposes of this subsection (1)(b), "family or
37 household member" and "human services provider" have the same
38 meanings as defined in RCW 71.05.201.

39 (c) The interview performed by the designated crisis responder
40 may be conducted by video provided that a licensed health care

1 professional or professional person who can adequately and accurately
2 assist with obtaining any necessary information is present with the
3 person at the time of the interview.

4 (2) (a) Within (~~twelve~~) 12 hours of the adolescent's arrival at
5 the evaluation and treatment facility, secure withdrawal management
6 and stabilization facility, or approved substance use disorder
7 treatment program, the designated crisis responder shall serve or
8 cause to be served on the adolescent a copy of the petition for
9 initial detention, notice of initial detention, and statement of
10 rights. The designated crisis responder shall file with the court on
11 the next judicial day following the initial detention the original
12 petition for initial detention, notice of initial detention, and
13 statement of rights along with an affidavit of service. The
14 designated crisis responder shall commence service of the petition
15 for initial detention and notice of the initial detention on the
16 adolescent's parent and the adolescent's attorney as soon as possible
17 following the initial detention.

18 (b) The facility or program may serve the adolescent, notify the
19 adolescent's parents and the adolescent's attorney, and file with the
20 court on the next judicial day following the initial detention the
21 original petition for initial detention, notice of initial detention,
22 and statement of rights along with an affidavit of service when
23 filing with the court at the request of the designated crisis
24 responder.

25 (3) (a) At the time of initial detention, the designated crisis
26 responder shall advise the adolescent both orally and in writing that
27 if admitted to the evaluation and treatment facility, secure
28 withdrawal management and stabilization facility, or approved
29 substance use disorder treatment program for inpatient treatment, a
30 commitment hearing shall be held within (~~one hundred twenty~~) 120
31 hours of the adolescent's provisional acceptance to determine whether
32 probable cause exists to commit the adolescent for further treatment.

33 (b) The adolescent shall be advised that he or she has a right to
34 communicate immediately with an attorney and that he or she has a
35 right to have an attorney appointed to represent him or her before
36 and at the hearing if the adolescent is indigent.

37 (4) Subject to subsection (5) of this section, whenever the
38 designated crisis responder petitions for detention of an adolescent
39 under this chapter, an evaluation and treatment facility, secure
40 withdrawal management and stabilization facility, or approved

1 substance use disorder treatment program providing (~~one hundred~~
2 ~~twenty~~) 120 hour evaluation and treatment must immediately accept on
3 a provisional basis the petition and the person. Within (~~twenty-~~
4 ~~four~~) 24 hours of the adolescent's arrival, the facility must
5 evaluate the adolescent's condition and either admit or release the
6 adolescent in accordance with this chapter.

7 (5) A designated crisis responder may not petition for detention
8 of an adolescent to a secure withdrawal management and stabilization
9 facility or approved substance use disorder treatment program unless
10 there is a secure withdrawal management and stabilization facility or
11 approved substance use disorder treatment program available and that
12 has adequate space for the adolescent.

13 (6) If an adolescent is not approved for admission by the
14 inpatient evaluation and treatment facility, secure withdrawal
15 management and stabilization facility, or approved substance use
16 disorder treatment program, the facility shall make such
17 recommendations and referrals for further care and treatment of the
18 adolescent as necessary.

19 (7) Dismissal of a commitment petition is not the appropriate
20 remedy for a violation of the timeliness requirements of this
21 section, based on the purpose of this chapter under RCW 71.34.010,
22 except in the few cases where the facility staff or the designated
23 crisis responder have totally disregarded the requirements of this
24 section.

25 (8) Tribal court orders for involuntary commitment shall be
26 recognized and enforced in accordance with superior court civil rule
27 82.5.

28 (9) In any investigation and evaluation of a juvenile under this
29 section in which the designated crisis responder knows, or has reason
30 to know, that the juvenile is an American Indian or Alaska Native who
31 receives medical or behavioral health services from a tribe within
32 this state, the designated crisis responder shall notify the tribe
33 and the Indian health care provider regarding whether or not a
34 petition for initial detention or involuntary outpatient treatment
35 will be filed. Notification shall be made in person or by telephonic
36 or electronic communication to the tribal contact listed in the
37 authority's tribal crisis coordination plan as soon as possible but
38 no later than three hours subject to the requirements in RCW
39 70.02.230 (2)(ee) and (3). A designated crisis responder may restrict

1 the release of information as necessary to comply with 42 C.F.R. Part
2 2.

3 **Sec. 13.** RCW 71.34.710 and 2021 c 264 s 32 are each amended to
4 read as follows:

5 (1)(a) When a designated crisis responder receives information
6 that an adolescent as a result of a behavioral health disorder
7 presents a likelihood of serious harm or is gravely disabled, has
8 investigated the specific facts alleged and of the credibility of the
9 person or persons providing the information, and has determined that
10 voluntary admission for inpatient treatment is not possible, the
11 designated crisis responder may take the adolescent, or cause the
12 adolescent to be taken, into custody and transported to an evaluation
13 and treatment facility, secure withdrawal management and
14 stabilization facility, or approved substance use disorder treatment
15 program providing inpatient treatment.

16 (b) (i) If a designated crisis responder decides not to detain an
17 adolescent for evaluation and treatment under RCW 71.34.700(2), or
18 (~~forty-eight~~) 48 hours have elapsed since a designated crisis
19 responder received a request for investigation and the designated
20 crisis responder has not taken action to have the adolescent
21 detained, (~~(an immediate family member or guardian or conservator of~~
22 ~~the adolescent, or a federally recognized Indian tribe if the person~~
23 ~~is a member of such tribe,~~) the following persons may petition the
24 superior court for the adolescent's detention using the procedures
25 under RCW 71.05.201 and 71.05.203(~~;~~ ~~however,~~): A family or
26 household member of the adolescent; a guardian or conservator of the
27 adolescent; a representative of a federally recognized Indian tribe
28 if the adolescent is a member of such a tribe; a human services
29 provider that has provided services to the adolescent; and any person
30 authorized to file a petition under RCW 71.05.148. However, when the
31 court enters an order of initial detention, except as otherwise
32 expressly stated in this chapter, all procedures must be followed as
33 if the order has been entered under (a) of this subsection.

34 (ii) For the purposes of this subsection (1)(b), "family or
35 household member" and "human services provider" have the same
36 meanings as defined in RCW 71.05.201.

37 (c) The interview performed by the designated crisis responder
38 may be conducted by video provided that a licensed health care
39 professional or professional person who can adequately and accurately

1 assist with obtaining any necessary information is present with the
2 person at the time of the interview.

3 (2) (a) Within (~~twelve~~) 12 hours of the adolescent's arrival at
4 the evaluation and treatment facility, secure withdrawal management
5 and stabilization facility, or approved substance use disorder
6 treatment program, the designated crisis responder shall serve or
7 cause to be served on the adolescent a copy of the petition for
8 initial detention, notice of initial detention, and statement of
9 rights. The designated crisis responder shall file with the court on
10 the next judicial day following the initial detention the original
11 petition for initial detention, notice of initial detention, and
12 statement of rights along with an affidavit of service. The
13 designated crisis responder shall commence service of the petition
14 for initial detention and notice of the initial detention on the
15 adolescent's parent and the adolescent's attorney as soon as possible
16 following the initial detention.

17 (b) The facility or program may serve the adolescent, notify the
18 adolescent's parents and the adolescent's attorney, and file with the
19 court on the next judicial day following the initial detention the
20 original petition for initial detention, notice of initial detention,
21 and statement of rights along with an affidavit of service when
22 filing with the court at the request of the designated crisis
23 responder.

24 (3) (a) At the time of initial detention, the designated crisis
25 responder shall advise the adolescent both orally and in writing that
26 if admitted to the evaluation and treatment facility, secure
27 withdrawal management and stabilization facility, or approved
28 substance use disorder treatment program for inpatient treatment, a
29 commitment hearing shall be held within (~~one hundred twenty~~) 120
30 hours of the adolescent's provisional acceptance to determine whether
31 probable cause exists to commit the adolescent for further treatment.

32 (b) The adolescent shall be advised that he or she has a right to
33 communicate immediately with an attorney and that he or she has a
34 right to have an attorney appointed to represent him or her before
35 and at the hearing if the adolescent is indigent.

36 (4) Whenever the designated crisis responder petitions for
37 detention of an adolescent under this chapter, an evaluation and
38 treatment facility, secure withdrawal management and stabilization
39 facility, or approved substance use disorder treatment program
40 providing (~~one hundred twenty~~) 120 hour evaluation and treatment

1 must immediately accept on a provisional basis the petition and the
2 person. Within (~~twenty-four~~) 24 hours of the adolescent's arrival,
3 the facility must evaluate the adolescent's condition and either
4 admit or release the adolescent in accordance with this chapter.

5 (5) If an adolescent is not approved for admission by the
6 inpatient evaluation and treatment facility, secure withdrawal
7 management and stabilization facility, or approved substance use
8 disorder treatment program, the facility shall make such
9 recommendations and referrals for further care and treatment of the
10 adolescent as necessary.

11 (6) Dismissal of a commitment petition is not the appropriate
12 remedy for a violation of the timeliness requirements of this
13 section, based on the purpose of this chapter under RCW 71.34.010,
14 except in the few cases where the facility staff or the designated
15 crisis responder have totally disregarded the requirements of this
16 section.

17 (7) Tribal court orders for involuntary commitment shall be
18 recognized and enforced in accordance with superior court civil rule
19 82.5.

20 (8) In any investigation and evaluation of a juvenile under this
21 section in which the designated crisis responder knows, or has reason
22 to know, that the juvenile is an American Indian or Alaska Native who
23 receives medical or behavioral health services from a tribe within
24 this state, the designated crisis responder shall notify the tribe
25 and the Indian health care provider regarding whether or not a
26 petition for initial detention or involuntary outpatient treatment
27 will be filed. Notification shall be made in person or by telephonic
28 or electronic communication to the tribal contact listed in the
29 authority's tribal crisis coordination plan as soon as possible but
30 no later than three hours subject to the requirements in RCW
31 70.02.230 (2) (ee) and (3). A designated crisis responder may restrict
32 the release of information as necessary to comply with 42 C.F.R. Part
33 2.

34 NEW SECTION. **Sec. 14.** Sections 2, 4, and 12 of this act expire
35 July 1, 2026.

1 NEW SECTION. **Sec. 15.** Sections 3, 5, and 13 of this act take
2 effect July 1, 2026.

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