

RCW 71.05.240 Petition for up to 14 days of involuntary treatment or 90 days or 18 months of less restrictive alternative treatment—Probable cause hearing. (Effective until July 1, 2026.)

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

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

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

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

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

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

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

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

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

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

(8) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3). [2022 c 210 § 12; 2021 c 264 § 8; 2020 c 302 § 39; (2020 c 302 § 38 expired January 1, 2021); 2019 c 446 § 11. Prior: 2018 c 291 § 7; 2018 c 201 § 3009; prior: 2016 sp.s. c 29 § 232; 2016 c 45 § 2; 2015 c 250 § 7; 2009 c 293 § 4; 1997 c 112 § 19; 1992 c 168 § 3; 1987 c 439 § 5; 1979 ex.s. c 215 § 13; 1974 ex.s. c 145 § 16; 1973 1st ex.s. c 142 § 29.]

Expiration date—2022 c 210 §§ 5, 12, 17, and 23: See note following RCW 71.05.150.

Expiration date—2021 c 264 §§ 1, 3, 6, 8, 10, 14, 31, and 33: See note following RCW 71.05.150.

Expiration date—2020 c 302 §§ 12, 15, 25, 31, 33, 35, 38, 54, 75, 82, 85, 88, and 91: See note following RCW 71.05.150.

Effective date—2020 c 302 §§ 13, 16, 19-23, 26, 32, 34, 36, 39, 55, 59, 76, 83, 86, 89, and 92: See note following RCW 71.05.150.

Expiration date—2020 c 302 §§ 13, 16, 26, 39, 45, 55, 78, 83, 86, 92, 94, and 97: See note following RCW 71.05.150.

Expiration date—2019 c 446 §§ 4, 6, 8, 11, 14, 30, 32, 34, 37, 39, and 41: See note following RCW 71.05.150.

Effective date—2018 c 291 §§ 1-4, 6, 7, 9, 11, 12, 13, and 15: See note following RCW 71.05.020.

Expiration date—2018 c 291 §§ 4, 7, and 9: See note following RCW 71.05.150.

Expiration date—2018 c 201 §§ 3009, 3012, 3026, 5017, and 5020: "Sections 3009, 3012, 3026, 5017, and 5020 of this act expire July 1, 2026." [2018 c 201 § 11004.]

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Effective dates—2016 sp.s. c 29: See note following RCW 71.05.760.

Short title—Right of action—2016 sp.s. c 29: See notes following RCW 71.05.010.

Severability—1992 c 168: See note following RCW 9.41.070.

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Effective date—2022 c 210 §§ 6, 13, 18, and 24: See note following RCW 71.05.150.

Effective date—2021 c 264 §§ 2, 4, 7, 9, 11, 15, 32, and 34: See note following RCW 71.05.150.

Expiration date—2020 c 302 §§ 12, 15, 25, 31, 33, 35, 38, 54, 75, 82, 85, 88, and 91: See note following RCW 71.05.150.

Effective date—2020 c 302 §§ 14, 17, 27, 40, 46, 56, 79, 84, 87, 93, 95, and 98: See note following RCW 71.05.150.

Effective date—2019 c 446 §§ 5, 7, 9, 12, 15, 31, 33, 35, 38, 40, and 42: See note following RCW 71.05.150.

Effective date—2018 c 291 §§ 5, 8, and 10: See note following RCW 71.05.150.

Effective date—2018 c 201 §§ 3010, 3013, 3027, 5018, and 5021: "Sections 3010, 3013, 3027, 5018, and 5021 of this act take effect July 1, 2026." [2018 c 201 § 11005.]

Findings—Intent—2018 c 201: See note following RCW 41.05.018.

Effective dates—2016 sp.s. c 29: See note following RCW 71.05.760.

Short title—Right of action—2016 sp.s. c 29: See notes following RCW 71.05.010.

Severability—1992 c 168: See note following RCW 9.41.070.