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**SUBSTITUTE HOUSE BILL 1320**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Delvin and Dickerson)

READ FIRST TIME 02/04/03.

1 AN ACT Relating to mental health treatment for minors; and amending  
2 RCW 71.34.042, 71.34.046, 71.34.052, and 71.34.270.

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

4 **Sec. 1.** RCW 71.34.042 and 1998 c 296 s 14 are each amended to read  
5 as follows:

6 (1) A minor (~~(thirteen)~~) sixteen years or older may admit himself  
7 or herself to an evaluation and treatment facility for inpatient mental  
8 treatment, without parental consent. The admission shall occur only if  
9 the professional person in charge of the facility concurs with the need  
10 for inpatient treatment.

11 (2) When, in the judgment of the professional person in charge of  
12 an evaluation and treatment facility, there is reason to believe that  
13 a minor is in need of inpatient treatment because of a mental disorder,  
14 and the facility provides the type of evaluation and treatment needed  
15 by the minor, and it is not feasible to treat the minor in any less  
16 restrictive setting or the minor's home, the minor may be admitted to  
17 an evaluation and treatment facility.

18 (3) Written renewal of voluntary consent must be obtained from the

1 applicant no less than once every twelve months. The minor's need for  
2 continued inpatient treatments shall be reviewed and documented no less  
3 than every one hundred eighty days.

4 **Sec. 2.** RCW 71.34.046 and 1998 c 296 s 16 are each amended to read  
5 as follows:

6 (1) Any minor (~~(thirteen)~~) sixteen years or older voluntarily  
7 admitted to an evaluation and treatment facility under RCW 71.34.042  
8 may give notice of intent to leave at any time. The notice need not  
9 follow any specific form so long as it is written and the intent of the  
10 minor can be discerned.

11 (2) The staff member receiving the notice shall date it  
12 immediately, record its existence in the minor's clinical record, and  
13 send copies of it to the minor's attorney, if any, the county-  
14 designated mental health professional, and the parent.

15 (3) The professional person shall discharge the minor, (~~(thirteen)~~)  
16 sixteen years or older, from the facility upon receipt of the minor's  
17 notice of intent to leave.

18 **Sec. 3.** RCW 71.34.052 and 1998 c 296 s 17 are each amended to read  
19 as follows:

20 (1) A parent may bring, or authorize the bringing of, his or her  
21 minor child, age sixteen or older, to an evaluation and treatment  
22 facility and request that the professional person examine the minor to  
23 determine whether the minor has a mental disorder and is in need of  
24 inpatient treatment.

25 (2) The consent of the minor is not required for admission,  
26 evaluation, and treatment if the parent brings the minor to the  
27 facility.

28 (3) An appropriately trained professional person may evaluate  
29 whether the minor has a mental disorder. The evaluation shall be  
30 completed within twenty-four hours of the time the minor was brought to  
31 the facility, unless the professional person determines that the  
32 condition of the minor necessitates additional time for evaluation. In  
33 no event shall a minor be held longer than seventy-two hours for  
34 evaluation. If, in the judgment of the professional person, it is  
35 determined it is a medical necessity for the minor to receive inpatient  
36 treatment, the minor may be held for treatment. The facility shall

1 limit treatment to that which the professional person determines is  
2 medically necessary to stabilize the minor's condition until the  
3 evaluation has been completed. Within twenty-four hours of completion  
4 of the evaluation, the professional person shall notify the department  
5 if the child is held for treatment and of the date of admission.

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

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

11 (6) Prior to the review conducted under RCW 71.34.025, the  
12 professional person shall notify the minor of his or her right to  
13 petition superior court for release from the facility.

14 (7) For the purposes of this section "professional person" does not  
15 include a social worker, unless the social worker is (~~certified under~~  
16 ~~RCW 18.19.110 and appropriately trained and qualified by education and~~  
17 ~~experience, as defined by the department, in psychiatric social work~~)  
18 a licensed independent clinical social worker who is licensed under RCW  
19 18.225.090.

20 **Sec. 4.** RCW 71.34.270 and 1985 c 354 s 27 are each amended to read  
21 as follows:

22 No public or private agency or governmental entity, nor officer of  
23 a public or private agency, nor the superintendent, or professional  
24 person in charge, his or her professional designee or attending staff  
25 of any such agency, nor any public official performing functions  
26 necessary to the administration of this chapter, nor peace officer  
27 responsible for detaining a person under this chapter, nor any county  
28 designated mental health professional, nor professional person, nor  
29 evaluation and treatment facility, shall be civilly or criminally  
30 liable for performing his or her duties under this chapter with regard  
31 to the decision of whether to admit, release, or detain a person for  
32 evaluation and treatment: PROVIDED, That such duties were performed in  
33 good faith and without gross negligence.

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