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HOUSE BILL 1320

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Delvin and Dickerson

Read first time 01/22/2003. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to mental health treatment for minors; amending RCW  
2 71.34.042 and 71.34.052; and adding a new section to chapter 71.34 RCW.

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 71.34.052 and 1998 c 296 s 17 are each amended to read  
5 as follows:

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

11 (2) The consent of the minor is not required for admission,  
12 evaluation, and treatment if the parent brings the minor to the  
13 facility.

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

28 (4) No provider is obligated to provide treatment to a minor under  
29 the provisions of this section. No provider may admit a minor to  
30 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 facility based solely on his or her request.

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

36 (7) For the purposes of this section "professional person" does not

1 include a social worker(~~(, unless the social worker is certified under~~  
2 ~~RCW 18.19.110 and appropriately trained and qualified by education and~~  
3 ~~experience, as defined by the department, in psychiatric social work)~~).

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.34 RCW  
5 to read as follows:

6 The professional person providing evaluation and treatment to a  
7 minor under this chapter shall not be civilly liable for any act  
8 performed in accordance with this chapter which is done in good faith  
9 and without negligence in the course of his or her duties.

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