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HOUSE BILL 1718

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Carrell, Delvin, Hinkle, Eickmeyer and Upthegrove

Read first time 02/05/2003.      Referred to Committee on Juvenile  
Justice & Family Law.

1            AN ACT Relating to the treatment of minors; amending RCW 70.96A.235  
2 and 70.96A.245; adding a new section to chapter 70.96A RCW; and  
3 creating a new section.

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

5            NEW SECTION.    **Sec. 1.** The legislature recognizes that minors often  
6 have multiple needs and it is important to provide uniform and  
7 compatible treatment to minors for their mental, emotional, and  
8 physical needs. There is a need to provide uniform prevention and  
9 treatment services for the needs of minors who are suffering from  
10 illness or other destructive patterns of behavior such as alcohol or  
11 drug addiction.

12            **Sec. 2.** RCW 70.96A.235 and 1998 c 296 s 25 are each amended to  
13 read as follows:

14            Parental consent is required for inpatient chemical dependency  
15 treatment of a minor under the age of sixteen, unless the child meets  
16 the definition of a child in need of services in RCW 13.32A.030((+4))  
17 (5)(c) as determined by the department:    PROVIDED, That parental

1 consent is required for any treatment of a minor under the age of  
2 thirteen.

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

4 **Sec. 3.** RCW 70.96A.245 and 1998 c 296 s 27 are each amended to  
5 read as follows:

6 (1) A parent may bring, or authorize the bringing of, his or her  
7 minor child, age sixteen or older, to a certified treatment program and  
8 request that a chemical dependency assessment be conducted by a  
9 professional person to determine whether the minor is chemically  
10 dependent and in need of 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 program.

14 (3) An appropriately trained professional person may evaluate  
15 whether the minor is chemically dependent. The evaluation shall be  
16 completed within twenty-four hours of the time the minor was brought to  
17 the program, 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 program based solely on his or her request.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.96A RCW  
34 to read as follows:

35 No public or private agency or governmental entity, nor officer of  
36 a public or private agency, nor the professional person in charge, his

1 or her professional designee or attending staff of any such agency, nor  
2 any public official performing functions necessary to the  
3 administration of this chapter, nor peace officer responsible for  
4 detaining a person under this chapter, nor any designated chemical  
5 dependency specialist, nor treatment program, shall be civilly or  
6 criminally liable for performing his or her duties under this chapter  
7 with regard to the decision of whether to admit, release, or detain a  
8 person for evaluation and treatment: PROVIDED, That such duties were  
9 performed in good faith and without gross negligence.

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