

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1058

59th Legislature
2005 Regular Session

Passed by the House April 21, 2005
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 21, 2005
Yeas 42 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1058** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1058

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Hinkle, Moeller, Kenney and Darneille)

READ FIRST TIME 02/07/05.

1 AN ACT Relating to mental health treatment for minors; amending RCW
2 71.34.042, 71.34.052, and 71.34.270; adding new sections to chapter
3 71.34 RCW; creating a new section; and recodifying RCW 71.34.010,
4 71.34.020, 71.34.140, 71.34.032, 71.34.250, 71.34.280, 71.34.260,
5 71.34.240, 71.34.230, 71.34.210, 71.34.200, 71.34.225, 71.34.220,
6 71.34.160, 71.34.190, 71.34.170, 71.34.290, 71.34.056, 71.34.800,
7 71.34.805, 71.34.810, 71.34.015, 71.34.027, 71.34.130, 71.34.270,
8 71.34.042, 71.34.044, 71.34.046, 71.34.030, 71.34.052, 71.34.025,
9 71.34.162, 71.34.164, 71.34.035, 71.34.054, 71.34.040, 71.34.050,
10 71.34.060, 71.34.070, 71.34.080, 71.34.090, 71.34.100, 71.34.120,
11 71.34.110, 71.34.150, 71.34.180, 71.34.900, and 71.34.901.

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

13 NEW SECTION. **Sec. 1.** The legislature finds that, despite explicit
14 statements in statute that the consent of a minor child is not required
15 for a parent-initiated admission to inpatient or outpatient mental
16 health treatment, treatment providers consistently refuse to accept a
17 minor aged thirteen or over if the minor does not also consent to
18 treatment. The legislature intends that the parent-initiated treatment

1 provisions, with their accompanying due process provisions for the
2 minor, be made fully available to parents.

3 **Sec. 2.** RCW 71.34.042 and 1998 c 296 s 14 are each amended to read
4 as follows:

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

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

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

24 A minor child shall have no cause of action against an evaluation
25 and treatment facility, inpatient facility, or provider of outpatient
26 mental health treatment for admitting or accepting the minor in good
27 faith for evaluation or treatment under RCW 71.34.052 or 71.34.054
28 based solely upon the fact that the minor did not consent to evaluation
29 or treatment if the minor's parent has consented to the evaluation or
30 treatment.

31 **Sec. 4.** RCW 71.34.052 and 1998 c 296 s 17 are each amended to read
32 as follows:

33 (1) A parent may bring, or authorize the bringing of, his or her
34 minor child to an evaluation and treatment facility or an inpatient
35 facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request

1 that the professional person as defined in RCW 71.05.020(24) examine
2 the minor to determine whether the minor has a mental disorder and is
3 in need of inpatient treatment.

4 (2) The consent of the minor is not required for admission,
5 evaluation, and treatment if the parent brings the minor to the
6 facility.

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

21 (4) No provider is obligated to provide treatment to a minor under
22 the provisions of this section except that no provider may refuse to
23 treat a minor under the provisions of this section solely on the basis
24 that the minor has not consented to the treatment. No provider may
25 admit a minor to treatment under this section unless it is medically
26 necessary.

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

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

32 (7) For the purposes of this section "professional person" (~~does~~
33 ~~not include a social worker, unless the social worker is certified~~
34 ~~under RCW 18.19.110 and appropriately trained and qualified by~~
35 ~~education and experience, as defined by the department, in psychiatric~~
36 ~~social work~~)) means "professional person" as defined in RCW 71.05.020.

1 **Sec. 5.** RCW 71.34.270 and 1985 c 354 s 27 are each amended to read
2 as follows:

3 No public or private agency or governmental entity, nor officer of
4 a public or private agency, nor the superintendent, or professional
5 person in charge, his or her professional designee or attending staff
6 of any such agency, nor any public official performing functions
7 necessary to the administration of this chapter, nor peace officer
8 responsible for detaining a person under this chapter, nor any county
9 designated mental health professional, nor professional person, nor
10 evaluation and treatment facility, shall be civilly or criminally
11 liable for performing (~~(his or her duties under)~~) actions authorized in
12 this chapter with regard to the decision of whether to admit, release,
13 or detain a person for evaluation and treatment: PROVIDED, That such
14 duties were performed in good faith and without gross negligence.

15 NEW SECTION. **Sec. 6.** (1) The code reviser shall recodify, as
16 necessary, the following sections of chapter 71.34 RCW in the following
17 order, using the indicated subchapter headings:

- 18 General
- 19 71.34.010
- 20 71.34.020
- 21 71.34.140
- 22 71.34.032
- 23 71.34.250
- 24 71.34.280
- 25 71.34.260
- 26 71.34.240
- 27 71.34.230
- 28 71.34.210
- 29 71.34.200
- 30 71.34.225
- 31 71.34.220
- 32 71.34.160
- 33 71.34.190
- 34 71.34.170
- 35 71.34.290
- 36 71.34.056
- 37 71.34.800

1 71.34.805
2 71.34.810
3 71.34.015
4 71.34.027
5 71.34.130
6 71.34.270
7 Minor-Initiated Treatment
8 71.34.042
9 71.34.044
10 71.34.046
11 71.34.030
12 Parent-Initiated Treatment
13 71.34.052
14 71.34.025
15 71.34.162
16 71.34.164
17 71.34.035
18 71.34.054
19 Involuntary Commitment
20 71.34.040
21 71.34.050
22 71.34.060
23 71.34.070
24 71.34.080
25 71.34.090
26 71.34.100
27 71.34.120
28 71.34.110
29 71.34.150
30 71.34.180
31 Technical
32 71.34.900
33 71.34.901

34 (2) The code reviser shall correct all statutory references to
35 sections recodified by this section.

36 NEW SECTION. **Sec. 7.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

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