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**HOUSE BILL 2958**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representative Shea

AN ACT Relating to ensuring a parent or guardian has the authority to admit and keep a minor child into a treatment facility for chemical dependency treatment for fourteen days; and amending RCW 13.40.042, 70.96A.095, 70.96A.230, 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.250, and 70.96A.255.

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

**Sec.**  RCW 13.40.042 and 2014 c 128 s 4 are each amended to read as follows:

(1) When a police officer has reasonable cause to believe that a juvenile has committed acts constituting a nonfelony crime that is not a serious offense as identified in RCW 10.77.092, and the officer believes that the juvenile suffers from a mental disorder, and the local prosecutor has entered into an agreement with law enforcement regarding the detention of juveniles who may have a mental disorder or may be suffering from chemical dependency, the arresting officer, instead of taking the juvenile to the local juvenile detention facility, may take the juvenile to:

(a) An evaluation and treatment facility as defined in RCW 71.34.020 if the juvenile suffers from a mental disorder and the facility has been identified as an alternative location by agreement of the prosecutor, law enforcement, and the mental health provider;

(b) A facility or program identified by agreement of the prosecutor and law enforcement; or

(c) A location already identified and in use by law enforcement for the purpose of a behavioral health diversion.

(2) For the purposes of this section, an "alternative location" means a facility or program that has the capacity to evaluate a youth and, if determined to be appropriate, develop a behavioral health intervention plan and initiate treatment.

(3) If a juvenile is taken to any location described in subsection (1)(a) or (b) of this section, the juvenile may be held for up to ((~~twelve hours~~)) fourteen days and must be examined by a mental health or chemical dependency professional within three hours of arrival. If the mental health or chemical dependency professional determines that it is appropriate to release the juvenile, the professional must notify the juvenile's parent or guardian. The juvenile's parent or guardian has the authority to request that the juvenile be kept at any location described in subsection (1)(a) or (b) of this section.

(4) The authority provided pursuant to this section is in addition to existing authority under RCW 10.31.110 and 10.31.120.

**Sec.**  RCW 70.96A.095 and 1998 c 296 s 23 are each amended to read as follows:

Any person thirteen years of age or older may give consent for himself or herself to the furnishing of outpatient treatment by a chemical dependency treatment program certified by the department. Parental authorization is required for any treatment of a minor under the age of thirteen. A parent or guardian has the authority to (1) admit any minor child to a chemical dependency treatment program and (2) keep a minor child in a chemical dependency treatment program for fourteen days.

**Sec.**  RCW 70.96A.230 and 1998 c 296 s 24 are each amended to read as follows:

Any provider of outpatient treatment who provides outpatient treatment to a minor thirteen years of age or older shall provide notice of the minor's request for treatment to the minor's parents ((~~if: (1) The minor signs a written consent authorizing the disclosure; or (2) the treatment program director determines that the minor lacks capacity to make a rational choice regarding consenting to disclosure~~)) or guardian. The notice shall be made within seven days of the request for treatment, excluding Saturdays, Sundays, and holidays, and shall contain the name, location, and telephone number of the facility providing treatment, and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for treatment with the parent or guardian. A parent or guardian has the authority to (1) admit any minor child to a chemical dependency treatment program and (2) keep a minor child in a chemical dependency treatment program for fourteen days.

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

Parental consent or the consent of a guardian is required for inpatient chemical dependency treatment of a minor, unless the child meets the definition of a child in need of services in RCW 13.32A.030((~~(4)~~)) (5)(c) as determined by the department: PROVIDED, That parental or guardian consent is required for any treatment of a minor under the age of thirteen. A parent or guardian has the authority to keep a minor child in an inpatient chemical dependency treatment program for fourteen days.

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

**Sec.**  RCW 70.96A.240 and 1998 c 296 s 26 are each amended to read as follows:

(1) The parent or guardian of a minor is not liable for payment of inpatient or outpatient chemical dependency treatment unless the parent has joined in the consent to the treatment. A parent or guardian has the authority to keep a minor child in an inpatient chemical dependency treatment program for fourteen days.

(2) The ability of a parent or guardian to apply to a certified treatment program for the admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.

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

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

(2) The consent of the minor is not required for admission, evaluation, and treatment if the parent or guardian brings the minor to the program.

(3) An appropriately trained professional person may evaluate whether the minor is chemically dependent. The evaluation shall be completed within twenty-four hours of the time the minor was brought to the program, unless the professional person determines that the condition of the minor necessitates additional time for evaluation. In no event shall a minor be held longer than seventy-two hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be held for treatment. A parent or guardian has the authority to keep a minor child in an inpatient chemical dependency treatment program for fourteen days. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the minor's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the department if the child is held for treatment and of the date of admission.

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

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

**Sec.**  RCW 70.96A.250 and 1998 c 296 s 29 are each amended to read as follows:

(1) A parent or guardian may bring, or authorize the bringing of, his or her minor child to a provider of outpatient chemical dependency treatment and request that an appropriately trained professional person examine the minor to determine whether the minor has a chemical dependency and is in need of outpatient treatment.

(2) The consent of the minor is not required for evaluation if the parent or guardian brings the minor to the provider.

(3) The professional person in charge of the program may evaluate whether the minor has a chemical dependency and is in need of outpatient treatment. A parent or guardian has the authority to keep a minor child in an inpatient chemical dependency treatment program for fourteen days.

(4) Any minor admitted to inpatient treatment under RCW 70.96A.245 shall be discharged immediately from inpatient treatment upon written request of the parent or guardian.

**Sec.**  RCW 70.96A.255 and 1998 c 296 s 30 are each amended to read as follows:

Following the review conducted under RCW 70.96A.097, a minor child may petition the superior court for his or her release from the facility. The petition may be filed not sooner than five days following the review. The court shall release the minor unless it finds, upon a preponderance of the evidence, that it is a medical necessity for the minor to remain at the facility or if the parent or guardian of the minor child requests that the minor child be kept at the facility.

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