
Judiciary Committee

HB 2808

Title: An act relating to amending the process for a person's immediate family member, guardian, or conservator to petition the court for the person's initial detention under the involuntary treatment act.

Brief Description: Amending the process for a person's immediate family member, guardian, or conservator to petition the court for the person's initial detention under the involuntary treatment act.

Sponsors: Representatives Jenkins and Kilduff.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires a petition for court review of a designated mental health professional's decision not to seek a person's detention under the Involuntary Treatment Act to be filed in the county in which the person who is the subject of the petition is located.
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Hearing Date: 1/26/16

Staff: Omeara Harrington (786-7136).

Background:

The Involuntary Treatment Act (ITA) sets forth the procedures, rights, and requirements for involuntary civil commitment. Designated mental health professionals (DMHPs) are responsible for investigating whether or not a person should be detained for an evaluation for involuntary mental health treatment under the ITA.

When a DMHP decides not to detain a person for evaluation and treatment, or does not take action to have a person detained within 48 hours of a request for investigation, the person's immediate family member, guardian, or conservator may petition the superior court for the person's initial detention. A petition must be submitted on a form developed by the courts and must be accompanied by a sworn declaration of the petitioner, and other witnesses if desired,

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detailing the relationship between the petitioner and the person, the date on which the investigation was requested, and a description of why the person should be detained for evaluation and treatment.

The court must review the petition for sufficient evidence within one judicial day. If sufficient evidence is found, the court must order the DMHP to provide the court with a detailed statement within one judicial day that describes the investigation and the decision not to file for initial detention, along with a copy of all information material to the DMHP's decision.

The court must render a final decision within five days of the petition being filed. An order for initial detention may be entered if the court finds, upon review of all provided information, that there is probable cause to support a petition for initial detention and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

Summary of Bill:

The process for filing a petition for court review of a DMHP's decision not to seek a person's detention under the ITA is amended to require that the petition is filed in the county in which the person who is the subject of the petition is located.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.