

# HOUSE BILL REPORT

## HB 2808

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### As Passed Legislature

**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.

### Brief History:

#### Committee Activity:

Judiciary: 1/26/16, 1/28/16 [DP].

#### Floor Activity:

Passed House: 2/11/16, 96-0.

Senate Amended.

Passed Senate: 3/2/16, 48-0.

House Concurred.

Passed House: 3/8/16, 96-0.

Passed Legislature.

### Brief Summary of Bill

- Requires a petition for court review of a designated mental health professional's (DMHP's) decision not to seek a person's detention under the Involuntary Treatment Act to be filed in the county in which the DMHP's investigation occurred or was requested to occur.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 13 members: Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Kuderer, Muri, Orwall and Stokesbary.

**Staff:** Omeara Harrington (786-7136).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**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, 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 DMHP's investigation occurred or was requested to occur.

**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.

**Staff Summary of Public Testimony:**

(In support) This law makes the current process clearer by letting a person's family members know where to file a petition. There was one incident in which a family tried to file a petition in Spokane, when the person who was the subject of the petition was in King County. This bill addresses serious due process concerns. Without the change the bill makes, a person may have to travel far from where they live to defend against the petition. A lot of people affected by these petitions do not have the capacity to travel.

(Opposed) None.

**Persons Testifying:** Representative Jenkins, prime sponsor; and Cassandra Ando, National Alliance on Mental Illness Washington.

**Persons Signed In To Testify But Not Testifying:** None.