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SENATE BILL 5269

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State of Washington

64th Legislature

2015 Regular Session

By Senators O'Ban, Darneille, Rolfes, Dandel, Miloscia, Pearson, Bailey, Padden, Becker, Frockt, Habib, and Pedersen

Read first time 01/16/15. Referred to Committee on Human Services, Mental Health & Housing.

1 AN ACT Relating to court review of detention decisions under the  
2 involuntary treatment act; and adding new sections to chapter 71.05  
3 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 71.05  
6 RCW to read as follows:

7 (1) If a designated mental health professional decides not to  
8 detain a person for evaluation and treatment under RCW 71.05.150 or  
9 71.05.153 or forty-eight hours have elapsed since the designated  
10 mental health professional received notice of such person and has not  
11 taken action to have the person detained, an immediate family member  
12 or guardian or conservator of the person may petition the superior  
13 court for review of the designated mental health professional's  
14 decision.

15 (2) The petitioner shall serve, or cause to be served, a notice  
16 of the petition on the designated mental health professional. Within  
17 twenty-four hours of receiving notice of the petition, the designated  
18 mental health professional must:

19 (a) Notify the court that the person has been detained for  
20 evaluation and treatment or that the person has agreed to voluntarily

1 accept appropriate evaluation and treatment, in which case the court  
2 shall dismiss the petition; or

3 (b) Provide the court with a written explanation of the basis for  
4 the decision not to seek initial detention and a copy of the  
5 information collected during the investigation.

6 (3) If upon review the court finds: (a) That there is probable  
7 cause to support a petition for initial detention, taking into  
8 consideration any information provided by the petitioner; and (b)  
9 that the person has refused or failed to accept appropriate  
10 evaluation and treatment voluntarily; the court may enter an order  
11 for initial detention under RCW 71.05.150(2).

12 (4) For purposes of this section, "immediate family member" means  
13 a spouse, domestic partner, child, stepchild, parent, stepparent,  
14 grandparent, or sibling.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.05  
16 RCW to read as follows:

17 (1) The department and each regional support network or agency  
18 employing designated mental health professionals shall publish  
19 information in an easily accessible format describing the process for  
20 an immediate family member, guardian, or conservator to petition for  
21 court review of a detention decision under section 1 of this act.

22 (2) A designated mental health professional or designated mental  
23 health professional agency that receives a complaint about a failure  
24 to detain a person must inform the complainant about the process to  
25 petition for court review under section 1 of this act.

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