

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2808**

Chapter 107, Laws of 2016

64th Legislature  
2016 Regular Session

INVOLUNTARY TREATMENT--PETITION BY FAMILY--VENUE

EFFECTIVE DATE: 6/9/2016

Passed by the House March 8, 2016  
Yeas 96 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate March 2, 2016  
Yeas 48 Nays 0

BRAD OWEN

**President of the Senate**

Approved March 31, 2016 11:19 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2808** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

**Chief Clerk**

FILED

April 1, 2016

**Secretary of State  
State of Washington**

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HOUSE BILL 2808

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AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

State of Washington                      64th Legislature                      2016 Regular Session

By Representatives Jenkins and Kilduff

Read first time 01/21/16. Referred to Committee on Judiciary.

1            AN ACT Relating to amending the process for a person's immediate  
2 family member, guardian, or conservator to petition the court for the  
3 person's initial detention under the involuntary treatment act; and  
4 amending RCW 71.05.201.

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

6            **Sec. 1.** RCW 71.05.201 and 2015 c 258 s 2 are each amended to  
7 read as follows:

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

16            (2)(a) The petition must be filed in the county in which the  
17 designated mental health professional investigation occurred or was  
18 requested to occur and must be submitted on forms developed by the  
19 administrative office of the courts for this purpose. The petition  
20 must be accompanied by a sworn declaration from the petitioner, and  
21 other witnesses if desired, describing why the person should be

1 detained for evaluation and treatment. The description of why the  
2 person should be detained may contain, but is not limited to, the  
3 information identified in RCW 71.05.212.

4 (b) The petition must contain:

5 (i) A description of the relationship between the petitioner and  
6 the person; and

7 (ii) The date on which an investigation was requested from the  
8 designated mental health professional.

9 (3) The court shall, within one judicial day, review the petition  
10 to determine whether the petition raises sufficient evidence to  
11 support the allegation. If the court so finds, it shall provide a  
12 copy of the petition to the designated mental health professional  
13 agency with an order for the agency to provide the court, within one  
14 judicial day, with a written sworn statement describing the basis for  
15 the decision not to seek initial detention and a copy of all  
16 information material to the designated mental health professional's  
17 current decision.

18 (4) Following the filing of the petition and before the court  
19 reaches a decision, any person, including a mental health  
20 professional, may submit a sworn declaration to the court in support  
21 of or in opposition to initial detention.

22 (5) The court shall dismiss the petition at any time if it finds  
23 that a designated mental health professional has filed a petition for  
24 the person's initial detention under RCW 71.05.150 or 71.05.153 or  
25 that the person has voluntarily accepted appropriate treatment.

26 (6) The court must issue a final ruling on the petition within  
27 five judicial days after it is filed. After reviewing all of the  
28 information provided to the court, the court may enter an order for  
29 initial detention if the court finds that: (a) There is probable  
30 cause to support a petition for detention; and (b) the person has  
31 refused or failed to accept appropriate evaluation and treatment  
32 voluntarily. The court shall transmit its final decision to the  
33 petitioner.

34 (7) If the court enters an order for initial detention, it shall  
35 provide the order to the designated mental health professional  
36 agency, which shall execute the order without delay. An order for  
37 initial detention under this section expires one hundred eighty days  
38 from issuance.

39 (8) Except as otherwise expressly stated in this chapter, all  
40 procedures must be followed as if the order had been entered under

1 RCW 71.05.150. RCW 71.05.160 does not apply if detention was  
2 initiated under the process set forth in this section.

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

Passed by the House March 8, 2016.

Passed by the Senate March 2, 2016.

Approved by the Governor March 31, 2016.

Filed in Office of Secretary of State April 1, 2016.

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