

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5269

Chapter 258, Laws of 2015

64th Legislature
2015 Regular Session

INVOLUNTARY TREATMENT--DETENTION DECISIONS--COURT REVIEW

EFFECTIVE DATE: 7/24/2015

Passed by the Senate April 22, 2015
Yeas 45 Nays 2

BRAD OWEN

President of the Senate

Passed by the House April 22, 2015
Yeas 92 Nays 5

FRANK CHOPP

Speaker of the House of Representatives

Approved May 14, 2015 11:30 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5269** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 14, 2015

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5269

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington **64th Legislature** **2015 Regular Session**

By Senate Ways & Means (originally sponsored by Senators O'Ban, Darneille, Rolfes, Dansel, Miloscia, Pearson, Bailey, Padden, Becker, Frockt, Habib, and Pedersen)

1 AN ACT Relating to court review of detention decisions under the
2 involuntary treatment act; amending RCW 71.05.130; adding new
3 sections to chapter 71.05 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as Joel's
6 Law.

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

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

17 (2)(a) The petition must be submitted on forms developed by the
18 administrative office of the courts for this purpose. The petition
19 must be accompanied by a sworn declaration from the petitioner, and
20 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.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.05
7 RCW to read as follows:

8 (1) The department and each regional support network or agency
9 employing designated mental health professionals shall publish
10 information in an easily accessible format describing the process for
11 an immediate family member, guardian, or conservator to petition for
12 court review of a detention decision under section 2 of this act.

13 (2) A designated mental health professional or designated mental
14 health professional agency that receives a request for investigation
15 for possible detention under this chapter must inquire whether the
16 request comes from an immediate family member, guardian, or
17 conservator who would be eligible to petition under section 2 of this
18 act. If the designated mental health professional decides not to
19 detain the person for evaluation and treatment under RCW 71.05.150 or
20 71.05.153 or forty-eight hours have elapsed since the request for
21 investigation was received and the designated mental health
22 professional has not taken action to have the person detained, the
23 designated mental health professional or designated mental health
24 professional agency must inform the immediate family member,
25 guardian, or conservator who made the request for investigation about
26 the process to petition for court review under section 2 of this act.

27 **Sec. 4.** RCW 71.05.130 and 1998 c 297 s 7 are each amended to
28 read as follows:

29 In any judicial proceeding for involuntary commitment or
30 detention except under section 2 of this act, or in any proceeding
31 challenging (~~such~~) involuntary commitment or detention, the
32 prosecuting attorney for the county in which the proceeding was
33 initiated shall represent the individuals or agencies petitioning for
34 commitment or detention and shall defend all challenges to such
35 commitment or detention(~~:-PROVIDED~~), except that the attorney
36 general shall represent and provide legal services and advice to
37 state hospitals or institutions with regard to all provisions of and
38 proceedings under this chapter (~~except in~~) other than proceedings

1 initiated by such hospitals and institutions seeking fourteen day
2 detention.

Passed by the Senate April 22, 2015.

Passed by the House April 22, 2015.

Approved by the Governor May 14, 2015.

Filed in Office of Secretary of State May 14, 2015.