

FINAL BILL REPORT

SSB 6124

C 305 L 18

Synopsis as Enacted

Brief Description: Clarifying that court hearings under the involuntary commitment act may be conducted by video.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Dhingra, Palumbo, Mullet, Frockt, Takko, Darneille, Rolfes, Billig, Cleveland, Kuderer, Wellman, Carlyle, Ranker, Hasegawa, Saldaña, Nelson, Keiser, McCoy, Van De Wege, Chase and O'Ban).

Senate Committee on Human Services & Corrections

House Committee on Judiciary

Background: The Involuntary Treatment Act (ITA) provides for the civil commitment of persons who are found to have a mental disorder, and as a result of the mental disorder, to present a likelihood of serious harm or to be gravely disabled. Other requirements include that the person will not voluntarily cooperate with treatment and that there is no less restrictive alternative available that will meet the needs of health and safety.

Likelihood of serious harm means a substantial risk that a person:

- will inflict physical harm upon their own person, evidenced by threats or attempts to commit suicide or inflict physical harm on themselves;
- will inflict physical harm upon another, evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or
- will inflict physical harm upon the property of others, evidenced by behavior which has caused substantial loss or damage to the property of others.

Likelihood of serious harm may also be established if the person has threatened the physical safety of another and has a history of one or more violent acts.

Gravely disabled means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals:

- is in danger of serious physical harm resulting from a failure to provide for the individual's essential human needs of health or safety; or
- manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over their actions and is not receiving such care as is essential for their health or safety.

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.

A person may be initially detained for investigation for civil commitment by a designated mental health professional (DMHP) for up to 12 hours. If the DMHP finds a basis for commitment, the DMHP may detain the person for up to 72 hours, excluding weekends and state holidays, to an evaluation and treatment facility (E&T), or if an E&T cannot be located, to a facility which is willing and able to provide timely and appropriate mental health treatment under a single bed certification. If neither an E&T bed nor a single bed certification can be located within the 12-hour initial detention period, the DMHP may not detain the person. During the 72-hour detention period, the facility providing detention may file a court petition for authorization of an additional 14 days of involuntary treatment. At this point, the person is provided with counsel and is provided with a judicial hearing, including the right to present evidence and confront witnesses. If detention continues past this stage, further petitions may be filed for 90 or 180 additional days of involuntary treatment.

The ITA is expanded to include detention based on a substance use disorder as well as a mental health disorder, effective April 1, 2018. At this time, DMHPs will be renamed designated crisis responders.

Summary: The term hearing, under the ITA, is defined as any proceeding conducted in open court. At an ITA hearing, the petitioner, the respondent, any witnesses, and the presiding judicial officer may be present and participate either in person or by video, or by any equivalent technology, provided that all parties must be able to see, hear, and speak, and attorneys must be able to use exhibits or other materials. Witnesses may provide testimony telephonically. The court determines if all parties are required to participate in the hearing in person rather than by video. The court may consider if the individuals alleged mental illness affects their ability to perceive or participate by video. The respondent's counsel shall be in the same location as their client unless otherwise requested by the respondent or their counsel.

Votes on Final Passage:

Senate	46	2
House	97	0

Effective: June 7, 2018