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SENATE BILL 6218

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State of Washington

52nd Legislature

1992 Regular Session

By Senator Roach

Read first time 01/22/92. Referred to Committee on Children & Family Services.

1 AN ACT Relating to mental health services for minors; amending RCW  
2 71.34.010; and adding new sections to chapter 71.34 RCW.

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

4 **Sec. 1.** RCW 71.34.010 and 1985 c 354 s 1 are each amended to read  
5 as follows:

6 It is the purpose of this ((legislation)) chapter to ensure that  
7 minors in need of mental health care and treatment receive an  
8 appropriate continuum of culturally relevant care and treatment, ((and  
9 to enable treatment decisions to be made in response to clinical needs  
10 and in accordance with sound professional judgment while also  
11 recognizing parents' rights to participate in treatment decisions for  
12 their minor children, and to protect minors against needless  
13 hospitalization and deprivations of liberty)) from prevention and early  
14 intervention to involuntary treatment. To facilitate the continuum of

1 care and treatment to minors in out-of-home placements, all divisions  
2 of the department that provide mental health services to minors shall  
3 jointly plan and deliver those services.

4 It is also the purpose of this chapter to protect the rights of  
5 minors against needless hospitalization and deprivations of liberty and  
6 to enable treatment decisions to be made in response to clinical needs  
7 in accordance with sound professional judgment. The mental health care  
8 and treatment providers shall encourage the use of voluntary services  
9 and, whenever clinically appropriate, the providers shall offer less  
10 restrictive alternatives to inpatient treatment. Additionally, all  
11 mental health care and treatment providers shall ensure that minors'  
12 parents are given an opportunity to participate in the treatment  
13 decisions for their children. The mental health care and treatment  
14 providers shall, to the extent possible, offer services that involve  
15 minors' parents or family.

16 NEW SECTION. Sec. 2. A new section is added to chapter 71.34 RCW  
17 to read as follows:

18 The department shall ensure that the provisions of this chapter are  
19 applied by the counties in a consistent and uniform manner. The  
20 department shall also ensure that the county-designated mental health  
21 professionals are specifically trained in adolescent mental health  
22 issues, the mental health civil commitment laws, and the criteria for  
23 civil commitment.

24 NEW SECTION. Sec. 3. A new section is added to chapter 71.34 RCW  
25 to read as follows:

26 Whenever a county-designated mental health professional makes a  
27 determination under RCW 71.34.050 that a minor, thirteen years or  
28 older, does not meet the criteria for an involuntary detention at an

1 evaluation and treatment facility, the county-designated mental health  
2 professional shall:

3 (1) Provide written notice to the minor's parent of the parent's  
4 right to file petitions and obtain services available under chapter  
5 13.32A RCW;

6 (2) Provide written notice to the minor's parent of the parent's  
7 right to file a petition, as provided in section 4 of this act, to seek  
8 a review of the decision not to detain the minor at an evaluation and  
9 treatment facility;

10 (3) Provide a written evaluation to the minor's parent detailing  
11 the county-designated mental health professional's reasons for not  
12 detaining the minor at an evaluation and treatment facility. The  
13 evaluation shall include the specific facts investigated, the  
14 credibility of the person or persons providing the information, and the  
15 criteria for an involuntary detention; and

16 (4) Refer the minor and the parents to other available services.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 71.34 RCW  
18 to read as follows:

19 (1) Whenever a county-designated mental health professional makes  
20 a determination under RCW 71.34.050 that a minor, thirteen years of age  
21 or older, does not meet the criteria for an involuntary admission at an  
22 evaluation and treatment facility, the minor's parent may file a  
23 petition in the superior court seeking a review of the county-  
24 designated mental health professional's decision not to detain the  
25 minor.

26 (2) The following documents shall be filed with the petition:

27 (a) An affidavit of the parent which states the reasons why the  
28 parent disagrees with the evaluation conducted by the county-designated

1 mental health professional and includes the specific facts alleged  
2 which indicate the need for the minor's detention;

3 (b) Any other relevant affidavits signed by persons with knowledge  
4 of the specific facts alleged that indicate the need for the minor's  
5 detention at an evaluation and treatment facility; and

6 (c) The county-designated mental health professional's written  
7 evaluation provided under section 3(3) of this act.

8 (3) If after reviewing the petition, affidavits, and supporting  
9 documentation, the court finds that the minor, as a result of a mental  
10 disorder, presents a likelihood of serious harm or is gravely disabled,  
11 the court shall issue a warrant for the detention of the minor at an  
12 evaluation and treatment facility. The warrant shall be served with a  
13 statement of the minor's rights as delineated in RCW 71.34.050(3),  
14 which includes the immediate right to an attorney.

15 (4) All other provisions contained in this chapter relating to the  
16 detention, evaluation, and treatment shall apply.