

2 **SSB 5279** - H COMM AMD **ADOPTED 04/06/99**

3 By Committee on Children & Family Services

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature that  
8 minor children in the care and custody of the department of social and  
9 health services under chapter 13.34 RCW be provided the most  
10 appropriate possible mental health care consistent with the child's  
11 best interests, family reconciliation, the child's medical need for  
12 mental health treatment, available state and community resources, and  
13 professional standards of medical care. The legislature intends that  
14 admission of such minors for mental health hospitalization be made  
15 pursuant to the criteria and standards for mental health services for  
16 minors established in chapter 71.34 RCW, and that minor children in the  
17 care and custody of the department in need of mental health  
18 hospitalization shall retain all rights set forth therein. The  
19 legislature specifically intends that this act may not be construed to  
20 affect the standards or procedures established for the involuntary  
21 commitment of minors under chapter 71.34 RCW.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34 RCW  
23 to read as follows:

24 The department shall obtain the prior consent of a child's parent,  
25 legal guardian, or legal custodian before a dependent child is admitted  
26 into an inpatient mental health treatment facility. If the child's  
27 parent, legal guardian, or legal custodian is unavailable or does not  
28 agree with the proposed admission, the department shall request a  
29 hearing and provide notice to all interested parties to seek prior  
30 approval of the juvenile court before such admission. In the event  
31 that an emergent situation creating a risk of substantial harm to the  
32 health and welfare of a child in the custody of the department does not  
33 allow time for the department to obtain prior approval or to request a  
34 court hearing before consenting to the admission of the child into an  
35 inpatient mental health hospital, the department shall seek court

1 approval by requesting that a hearing be set on the first available  
2 court date.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.34 RCW  
4 to read as follows:

5 A dependent child who is admitted to an inpatient mental health  
6 facility shall be placed in a facility, with available treatment space,  
7 that is closest to the family home, unless the department, in  
8 consultation with the admitting authority finds that admission in the  
9 facility closest to the child's home would jeopardize the health or  
10 safety of the child.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34 RCW  
12 to read as follows:

13 For minors who cannot consent to the release of their records with  
14 the department because they are not old enough to consent to treatment,  
15 or, if old enough, lack the capacity to consent, or if the minor is  
16 receiving treatment involuntarily with a provider the department has  
17 authorized to provide mental health treatment under section 2 of this  
18 act, the department shall disclose, upon the treating physician's  
19 request, all relevant records, including the minor's passport, in the  
20 department's possession that the treating physician determines contain  
21 information required for treatment of the minor. The treating  
22 physician shall maintain all records received from the department in a  
23 manner that distinguishes the records from any other records in the  
24 minor's file with the treating physician and the department records may  
25 not be disclosed by the treating physician to any other person or  
26 entity absent a court order."

27 Correct the title.

EFFECT: Limits the scope of the legislation to dependent children  
in the care and custody of the department of social and health  
services. The requirement that the secretary of DSHS determine by  
clear, cogent, and convincing evidence that certain conditions exist if  
removed. The requirement that DSHS maintain a list of inpatient mental  
health facilities that may receive dependent children is removed.

--- END ---