

SENATE BILL REPORT

SSB 5279

As Passed Senate, March 13, 1999

Title: An act relating to placement of children in mental health care by the department of social and health services.

Brief Description: Regulating the placement of children in mental health treatment by the department of social and health services.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Long, Fairley, Prentice and Winsley).

Brief History:

Committee Activity: Human Services & Corrections: 2/19/99, 3/2/99 [DPS].
Passed Senate, 3/13/99, 44-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5279 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Staff: Joan K. Mell (786-7447)

Background: In Wenatchee, a dependent child was placed in an out-of-state mental health facility, and the child's parents were unaware of the child's location and did not consent to placement of the child out of state.

Summary of Bill: When a dependent child is removed from the home, parental consent to placement in a mental health facility is required or the placement must be ordered by the court after notice to the parents and a court hearing.

The burden of proof for mental health placement is proof by clear, cogent, and convincing evidence. Inpatient mental health hospital admission must be medically necessary based upon an evaluation of the child's case by the responsible Mental Health Regional Support Network pursuant to the criteria set forth in the involuntary commitment statutes. The treatment facility must be compliant with state and federal licensing and closest to the child's home unless the closest facility would jeopardize the health or safety of the child.

The Department of Social and Health Services must provide records needed for treatment to the treating physicians.

The Department of Social and Health Services must maintain a list of all facilities to which minor dependent children may be admitted. The department must report to the Legislature on youth placed in a facility.

Appropriation: None.

Fiscal Note: Requested on January 20, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Parents should have notice and an opportunity to be heard before their children are placed involuntarily into inpatient treatment.

Testimony Against: None.

Testified: Beth Dannitardt, Solutions-WA State Coalition on Women's Substance Abuse Issues (pro); Linda Lillevik, The Public Defender Assn. (pro); Nancy Sutton, Children's Administration (concerns); Jerry Sheehan, ACLU-WA.

House Amendment(s): The House limited the criteria for placement of dependent youth in a facility to available treatment space closest to the family home. The list requirement and other criteria for placement are removed. There is no clear, cogent and convincing standard, nor involvement of the mental health providers.