
SENATE BILL 5257

State of Washington

59th Legislature

2005 Regular Session

By Senators Hargrove, Stevens and Delvin

Read first time 01/19/2005. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to mental health treatment for minors; amending RCW
2 71.34.052; adding new sections to chapter 71.34 RCW; creating a new
3 section; and recodifying RCW 71.34.010, 71.34.020, 71.34.140,
4 71.34.032, 71.34.250, 71.34.280, 71.34.260, 71.34.240, 71.34.230,
5 71.34.210, 71.34.200, 71.34.225, 71.34.220, 71.34.160, 71.34.190,
6 71.34.170, 71.34.290, 71.34.056, 71.34.800, 71.34.805, 71.34.810,
7 71.34.015, 71.34.027, 71.34.130, 71.34.270, 71.34.042, 71.34.044,
8 71.34.046, 71.34.030, 71.34.052, 71.34.025, 71.34.162, 71.34.164,
9 71.34.035, 71.34.054, 71.34.040, 71.34.050, 71.34.060, 71.34.070,
10 71.34.080, 71.34.090, 71.34.100, 71.34.120, 71.34.110, 71.34.150,
11 71.34.180, 71.34.900, and 71.34.901.

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

13 NEW SECTION. **Sec. 1.** The legislature finds that, despite explicit
14 statements in statute that the consent of a minor child is not required
15 for a parent-initiated admission to inpatient or outpatient mental
16 health treatment, treatment providers consistently refuse to accept a
17 minor aged thirteen or over if the minor does not also consent to
18 treatment. The legislature intends that the parent-initiated treatment

1 provisions, with their accompanying due process provisions for the
2 minor, be made fully available to parents.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.34 RCW
4 to read as follows:

5 A minor child shall have no cause of action against an evaluation
6 and treatment facility or provider of outpatient mental health
7 treatment for admitting or accepting the minor in good faith for
8 evaluation or treatment under RCW 71.34.052 or 71.34.054 (as recodified
9 by this act) based solely upon the minor's lack of consent if the
10 minor's parent has consented to the evaluation or treatment.

11 **Sec. 3.** RCW 71.34.052 and 1998 c 296 s 17 are each amended to read
12 as follows:

13 (1) A parent may bring, or authorize the bringing of, his or her
14 minor child to an evaluation and treatment facility and request that
15 the professional person examine the minor to determine whether the
16 minor has a mental disorder and is in need of inpatient treatment.

17 (2) The consent of the minor is not required for admission,
18 evaluation, and treatment if the parent brings the minor to the
19 facility.

20 (3) An appropriately trained professional person may evaluate
21 whether the minor has a mental disorder. The evaluation shall be
22 completed within twenty-four hours of the time the minor was brought to
23 the facility, unless the professional person determines that the
24 condition of the minor necessitates additional time for evaluation. In
25 no event shall a minor be held longer than seventy-two hours for
26 evaluation. If, in the judgment of the professional person, it is
27 determined it is a medical necessity for the minor to receive inpatient
28 treatment, the minor may be held for treatment. The facility shall
29 limit treatment to that which the professional person determines is
30 medically necessary to stabilize the minor's condition until the
31 evaluation has been completed. Within twenty-four hours of completion
32 of the evaluation, the professional person shall notify the department
33 if the child is held for treatment and of the date of admission.

34 (4) No provider is obligated to provide treatment to a minor under
35 the provisions of this section except that no provider may refuse to
36 treat a minor under the provisions of this section solely on the basis

1 that the minor has not consented to the treatment. No provider may
2 admit a minor to treatment under this section unless it is medically
3 necessary.

4 (5) No minor receiving inpatient treatment under this section may
5 be discharged from the facility based solely on his or her request.

6 (6) Prior to the review conducted under RCW 71.34.025 (as
7 recodified by this act), the professional person shall notify the minor
8 of his or her right to petition superior court for release from the
9 facility.

10 (~~((7) For the purposes of this section "professional person" does~~
11 ~~not include a social worker, unless the social worker is certified~~
12 ~~under RCW 18.19.110 and appropriately trained and qualified by~~
13 ~~education and experience, as defined by the department, in psychiatric~~
14 ~~social work.))~~)

15 NEW SECTION. Sec. 4. (1) The code reviser shall recodify, as
16 necessary, the following sections of chapter 71.34 RCW in the following
17 order, using the indicated subchapter headings:

- 18 General
- 19 71.34.010
- 20 71.34.020
- 21 71.34.140
- 22 71.34.032
- 23 71.34.250
- 24 71.34.280
- 25 71.34.260
- 26 71.34.240
- 27 71.34.230
- 28 71.34.210
- 29 71.34.200
- 30 71.34.225
- 31 71.34.220
- 32 71.34.160
- 33 71.34.190
- 34 71.34.170
- 35 71.34.290
- 36 71.34.056
- 37 71.34.800

1 71.34.805
2 71.34.810
3 71.34.015
4 71.34.027
5 71.34.130
6 71.34.270
7 Minor-Initiated Treatment
8 71.34.042
9 71.34.044
10 71.34.046
11 71.34.030
12 Parent-Initiated Treatment
13 71.34.052
14 71.34.025
15 71.34.162
16 71.34.164
17 71.34.035
18 71.34.054
19 Involuntary Commitment
20 71.34.040
21 71.34.050
22 71.34.060
23 71.34.070
24 71.34.080
25 71.34.090
26 71.34.100
27 71.34.120
28 71.34.110
29 71.34.150
30 71.34.180
31 Technical
32 71.34.900
33 71.34.901
34 (2) The code reviser shall correct all statutory references to
35 sections recodified by this section.

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