
Human Services Committee

HB 1486

Brief Description: Concerning proceedings involving persons with mental illnesses.

Sponsors: Representatives Green, Hinkle, Bailey, Cody and O'Brien.

Brief Summary of Bill

- Requires a designated mental health professional in the courts of an evaluation of a person for whom a petition for civil commitment has been filed to include pertinent information submitted by the person's relative, in addition to the other information considered.
- Permits a relative to provide pertinent information to a court at a probable cause hearing for a 14-day commitment.
- Permits a relative to provide the court with pertinent information at a trial held pursuant to a petition for 90 days of treatment.

Hearing Date: 2/5/09

Staff: Linda Merelle (786-7092)

Background:

The provisions of the Involuntary Treatment Act (ITA) are set out in RCW 71.05. These provisions contain the procedures, rights, and obligations that are afforded to and required of the respondent, the court, mental health professionals, attorneys, and other relevant parties. There are generally three types of civil commitment: (1) the initial 72-hour hold for evaluation and treatment by a designated mental health professional; (2) a 14-day involuntary commitment; and (3) a 90-day involuntary commitment or an order for a less restrictive treatment alternative (LRA). A longer, 180-day commitment may be ordered for a person who has been determined to be incompetent to stand trial.

Evaluation and Treatment.

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.

Under the ITA, a designated mental health professional conducting an evaluation shall include:

- prior recommendations for evaluation of the need for civil commitments when made pursuant to an evaluation conducted to determine whether a person is competent to stand trial as a result of criminal allegations;
- history of one or more violent acts;
- prior determinations of incompetency or insanity under the provisions for evaluating whether a person is competent to stand trial as a result of criminal allegations; and
- prior determinations of incompetency under the ITA.

Probable Cause Hearing.

If a petition is filed for a 14-day commitment or a 90-day LRA, a probable cause hearing must be held within 72 hours of the initial detention. If the petition is for a 14-day commitment, and the court finds by a preponderance of the evidence that, as a result of a mental disorder, the person presents a likelihood of serious harm or is gravely disabled and that a less restrictive alternative is not in the best interests of the person or others.

Hearing on 90-day Petition.

The court must conduct a hearing on a petition for 90 days of treatment within five judicial days of the first court appearance after the probable cause hearing. The respondent, the person named in the petition, has the right to request a jury trial. A trial, by judge or jury, must comply with the constitutional guarantees of due process and the rules of evidence, which means that the respondent may present witnesses on his or her behalf.

Summary of Bill:

Any pertinent information submitted by the respondent's relative shall be considered by the designated mental health professional or a professional person when performing an evaluation of the respondent. A relative may provide the court with pertinent information at the probable cause hearing for the 14-day commitment and at any trial for a 90-day commitment. The term "relative" alone is not defined in Chapter 71A. There are several provisions that define "responsible relative." Included in that list are: (1) guardians, (2) conservators, (3) attorneys, (4) spouses, (5) parents, (6) adult children, or (7) adult brothers or sisters.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.