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## Judiciary Committee

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### SSB 5531

**Title:** An act relating to the judicial costs of commitments for involuntary mental health treatment.

**Brief Description:** Reimbursing counties for providing judicial services involving mental health commitments.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators King, Prentice, Keiser and Shin).

#### Brief Summary of Substitute Bill

- Provides that the Department of Social and Health Services must reimburse counties for the costs of judicial services for civil commitment proceedings out of funds withheld from the annual appropriation to the Regional Support Networks.
- Prohibits the imposition or collection of a filing fee for civil commitment cases subject to reimbursement.
- Removes the requirement under the Involuntary Treatment Act that the costs of providing appointed counsel to indigent persons is born by the county in which the proceeding is held.
- Requires local maintenance of effort funds devoted to civil commitment judicial services that are reimbursed to be expended for other mental health or chemical dependency treatment purposes.

**Hearing Date:** 3/16/11

**Staff:** Edie Adams (786-7180).

#### Background:

Involuntary civil commitment laws allow for the commitment of individuals by court order to hospitals or other facilities for mental health treatment under specified legal standards. Under

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the Involuntary Treatment Act (ITA), a person can be detained and ordered to undergo treatment at an inpatient psychiatric facility when the person, as a result of a mental disorder, presents a likelihood of serious harm or is gravely disabled. An initial commitment may last for up to 72 hours, but individuals can be committed by a court for additional periods of 14, 90, or 180 days if necessary for further treatment. Minors are also subject to involuntary commitment under another statute which provides similar standards and procedures for commitment proceedings, although after a 14-day commitment, a minor may be subject to additional periods of involuntary treatment of 180 days.

Under the involuntary treatments statutes, Regional Support Networks (RSNs) are responsible for investigating and detaining people who are in need of involuntary treatment. Investigations are conducted by designated mental health professionals (DMHPs). When a DMHP or court determines that a person meets the standards for involuntary treatment, the person is detained in a local evaluation and treatment facility (E&T), which can be either a freestanding facility or a hospital certified to provide inpatient involuntary treatment services.

There are currently only 12 counties that have E&Ts certified to accept involuntary treatment patients. As a result, counties that have these facilities often serve patients who were initially investigated outside the county and RSN where the E&T facility is located. Some, but not all, RSNs reimburse counties for their costs in providing judicial services for civil commitment proceedings for those patients who are from outside the county. In 2010, RSNs reported reimbursing counties for civil commitment judicial services in an amount of \$6.5 million. In addition to direct reimbursement, counties may also receive indirect reimbursement from the filing fee for instituting civil commitment cases. The filing fee is \$230, of which \$30 is a temporary surcharge that expires July 1, 2011. The remaining \$200 of the filing fee is split between the state and counties, with 54 percent retained by the county and 46 percent transmitted to the state.

### **Summary of Bill:**

A county may apply to the Department of Social and Health Services (DSHS) for reimbursement of its costs in providing judicial services for civil commitments. The DSHS must reimburse each county for its costs per commitment case based on the average of the expenditures for judicial services within the county over the past three years. If there is no significant history of similar cases within the county, the DSHS must approve a reasonable rate of reimbursement that is comparable to the average costs incurred in similar counties.

A "case" includes all judicial hearings related to a single episode of hospitalization, or less restrictive alternative detention, except that the filing of a 180-day petition under the adult commitment laws or a successive 180-day petition under the minor commitment laws, is considered a new case regardless of whether there has been a break in detention. "Judicial services" refers to a county's reasonable cost in providing the following services for civil commitments: prosecution services; assigned counsel and defense services; court services; and court clerk services.

The county can apply at reasonable intervals for an increase in the reimbursement rate based on a change in the actual cost of delivering services.

The DSHS must reimburse the counties out of funds withheld from the annual appropriation to the RSNs. Funds distributed to the RSNs may not be used to reimburse counties for the costs of judicial services.

A filing fee may not be charged or collected for civil commitment proceedings subject to reimbursement. The requirement that a county pay for appointed counsel for an indigent person who is subject to civil commitment proceedings is eliminated.

Local maintenance of effort funds devoted to judicial services related to involuntary commitment that are now reimbursed under the act must be used for other purposes that further treatment for mental health and chemical dependency disorders.

The DSHS must adopt rules to implement the act in consultation with affected parties.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on July 1, 2012.