

**HB 2808** - S COMM AMD

By Committee on Human Services, Mental Health & Housing

**ADOPTED 03/02/2016**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 71.05.201 and 2015 c 258 s 2 are each amended to  
4 read as follows:

5 (1) If a designated mental health professional decides not to  
6 detain a person for evaluation and treatment under RCW 71.05.150 or  
7 71.05.153 or forty-eight hours have elapsed since a designated mental  
8 health professional received a request for investigation and the  
9 designated mental health professional has not taken action to have  
10 the person detained, an immediate family member or guardian or  
11 conservator of the person may petition the superior court for the  
12 person's initial detention.

13 (2)(a) The petition must be filed in the county in which the  
14 designated mental health professional investigation occurred or was  
15 requested to occur and must be submitted on forms developed by the  
16 administrative office of the courts for this purpose. The petition  
17 must be accompanied by a sworn declaration from the petitioner, and  
18 other witnesses if desired, describing why the person should be  
19 detained for evaluation and treatment. The description of why the  
20 person should be detained may contain, but is not limited to, the  
21 information identified in RCW 71.05.212.

22 (b) The petition must contain:

23 (i) A description of the relationship between the petitioner and  
24 the person; and

25 (ii) The date on which an investigation was requested from the  
26 designated mental health professional.

27 (3) The court shall, within one judicial day, review the petition  
28 to determine whether the petition raises sufficient evidence to  
29 support the allegation. If the court so finds, it shall provide a  
30 copy of the petition to the designated mental health professional  
31 agency with an order for the agency to provide the court, within one

1 judicial day, with a written sworn statement describing the basis for  
2 the decision not to seek initial detention and a copy of all  
3 information material to the designated mental health professional's  
4 current decision.

5 (4) Following the filing of the petition and before the court  
6 reaches a decision, any person, including a mental health  
7 professional, may submit a sworn declaration to the court in support  
8 of or in opposition to initial detention.

9 (5) The court shall dismiss the petition at any time if it finds  
10 that a designated mental health professional has filed a petition for  
11 the person's initial detention under RCW 71.05.150 or 71.05.153 or  
12 that the person has voluntarily accepted appropriate treatment.

13 (6) The court must issue a final ruling on the petition within  
14 five judicial days after it is filed. After reviewing all of the  
15 information provided to the court, the court may enter an order for  
16 initial detention if the court finds that: (a) There is probable  
17 cause to support a petition for detention; and (b) the person has  
18 refused or failed to accept appropriate evaluation and treatment  
19 voluntarily. The court shall transmit its final decision to the  
20 petitioner.

21 (7) If the court enters an order for initial detention, it shall  
22 provide the order to the designated mental health professional  
23 agency, which shall execute the order without delay. An order for  
24 initial detention under this section expires one hundred eighty days  
25 from issuance.

26 (8) Except as otherwise expressly stated in this chapter, all  
27 procedures must be followed as if the order had been entered under  
28 RCW 71.05.150. RCW 71.05.160 does not apply if detention was  
29 initiated under the process set forth in this section.

30 (9) For purposes of this section, "immediate family member" means  
31 a spouse, domestic partner, child, stepchild, parent, stepparent,  
32 grandparent, or sibling."

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33 On page 1, line 3 of the title, after "act;" strike the remainder  
34 of the title and insert "and amending RCW 71.05.201."

EFFECT: The petition must be filed in the county in which the designated mental health professional investigation occurred or was requested to occur.

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