

# SENATE BILL REPORT

## HB 2808

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As of February 25, 2016

**Title:** An act relating to amending the process for a person's immediate family member, guardian, or conservator to petition the court for the person's initial detention under the involuntary treatment act.

**Brief Description:** Amending the process for a person's immediate family member, guardian, or conservator to petition the court for the person's initial detention under the involuntary treatment act.

**Sponsors:** Representatives Jinkins and Kilduff.

**Brief History:** Passed House: 2/11/16, 96-0.

**Committee Activity:** Human Services, Mental Health & Housing: 2/25/16.

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### SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

**Staff:** Kevin Black (786-7747)

**Background:** In 2015, the Legislature passed Engrossed Second Substitute Senate Bill 5269, know as Joel's Law. This law allows an immediate family member, guardian, or conservator of a person to petition the superior court to review the decision of a designated mental health professional (DMHP) to not detain a person for involuntary treatment under the Involuntary Treatment Act (ITA). The court is required to review the petition to determine whether sufficient evidence is presented or whether the petition should be dismissed without a hearing. If it finds sufficient evidence, the court must order the DMHP to provide information related to the decision to not detain the person. The court may enter an order of initial detention within five judicial days if the appropriate criteria are met. Joel's Law was effective starting July 24, 2015.

The ITA allows for the detention of a person if, based on a mental disorder, the person presents a likelihood of serious harm or is gravely disabled. Periods of detention escalate from 72 hours to 14, 90, and 180 days, if the superior court finds that the person continues to meet civil detention criteria; an order for involuntary treatment in the community is also possible pursuant to an less restrictive alternative order.

Data supplied by the Administrative Office of the Courts at the request of Legislative staff indicates that 56 Joel's Law petitions were filed between July 24, 2015 and February 19,

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*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.*

2016, in 14 counties. Of these filings, 31 petitions were dismissed, three were granted, six were denied after a hearing, five reached an uncontested resolution, two were incorrectly filed, and nine were still pending as of February 19.

**Summary of Bill:** A petition under Joel's Law must be filed in the county in which the person who is the subject of the petition is located.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Joel's parents continue to get feedback from other parents who attempt to use this law. They brought this idea to us to solve an issue that arose in Spokane and also to create judicial efficiency.

**Persons Testifying:** PRO: Representative Jenkins, Prime Sponsor.

**Persons Signed In To Testify But Not Testifying:** No one.