
HOUSE BILL 2808

State of Washington 64th Legislature 2016 Regular Session

By Representatives Jenkins and Kilduff

Read first time 01/21/16. Referred to Committee on Judiciary.

1 AN ACT Relating to amending the process for a person's immediate
2 family member, guardian, or conservator to petition the court for the
3 person's initial detention under the involuntary treatment act; and
4 amending RCW 71.05.201.

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

6 **Sec. 1.** RCW 71.05.201 and 2015 c 258 s 2 are each amended to
7 read as follows:

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

16 (2)(a) The petition must be filed in the county in which the
17 person who is the subject of the petition is located and must be
18 submitted on forms developed by the administrative office of the
19 courts for this purpose. The petition must be accompanied by a sworn
20 declaration from the petitioner, and other witnesses if desired,
21 describing why the person should be detained for evaluation and

1 treatment. The description of why the person should be detained may
2 contain, but is not limited to, the information identified in RCW
3 71.05.212.

4 (b) The petition must contain:

5 (i) A description of the relationship between the petitioner and
6 the person; and

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

9 (3) The court shall, within one judicial day, review the petition
10 to determine whether the petition raises sufficient evidence to
11 support the allegation. If the court so finds, it shall provide a
12 copy of the petition to the designated mental health professional
13 agency with an order for the agency to provide the court, within one
14 judicial day, with a written sworn statement describing the basis for
15 the decision not to seek initial detention and a copy of all
16 information material to the designated mental health professional's
17 current decision.

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

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

26 (6) The court must issue a final ruling on the petition within
27 five judicial days after it is filed. After reviewing all of the
28 information provided to the court, the court may enter an order for
29 initial detention if the court finds that: (a) There is probable
30 cause to support a petition for detention; and (b) the person has
31 refused or failed to accept appropriate evaluation and treatment
32 voluntarily. The court shall transmit its final decision to the
33 petitioner.

34 (7) If the court enters an order for initial detention, it shall
35 provide the order to the designated mental health professional
36 agency, which shall execute the order without delay. An order for
37 initial detention under this section expires one hundred eighty days
38 from issuance.

39 (8) Except as otherwise expressly stated in this chapter, all
40 procedures must be followed as if the order had been entered under

1 RCW 71.05.150. RCW 71.05.160 does not apply if detention was
2 initiated under the process set forth in this section.

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

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