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HOUSE BILL 2958

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State of Washington

64th Legislature

2016 Regular Session

By Representative Shea

Read first time 02/01/16. Referred to Committee on Judiciary.

1 AN ACT Relating to ensuring a parent or guardian has the  
2 authority to admit and keep a minor child into a treatment facility  
3 for chemical dependency treatment for fourteen days; and amending RCW  
4 13.40.042, 70.96A.095, 70.96A.230, 70.96A.235, 70.96A.240,  
5 70.96A.245, 70.96A.250, and 70.96A.255.

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

7 **Sec. 1.** RCW 13.40.042 and 2014 c 128 s 4 are each amended to  
8 read as follows:

9 (1) When a police officer has reasonable cause to believe that a  
10 juvenile has committed acts constituting a nonfelony crime that is  
11 not a serious offense as identified in RCW 10.77.092, and the officer  
12 believes that the juvenile suffers from a mental disorder, and the  
13 local prosecutor has entered into an agreement with law enforcement  
14 regarding the detention of juveniles who may have a mental disorder  
15 or may be suffering from chemical dependency, the arresting officer,  
16 instead of taking the juvenile to the local juvenile detention  
17 facility, may take the juvenile to:

18 (a) An evaluation and treatment facility as defined in RCW  
19 71.34.020 if the juvenile suffers from a mental disorder and the  
20 facility has been identified as an alternative location by agreement  
21 of the prosecutor, law enforcement, and the mental health provider;

1 (b) A facility or program identified by agreement of the  
2 prosecutor and law enforcement; or

3 (c) A location already identified and in use by law enforcement  
4 for the purpose of a behavioral health diversion.

5 (2) For the purposes of this section, an "alternative location"  
6 means a facility or program that has the capacity to evaluate a youth  
7 and, if determined to be appropriate, develop a behavioral health  
8 intervention plan and initiate treatment.

9 (3) If a juvenile is taken to any location described in  
10 subsection (1)(a) or (b) of this section, the juvenile may be held  
11 for up to (~~twelve hours~~) fourteen days and must be examined by a  
12 mental health or chemical dependency professional within three hours  
13 of arrival. If the mental health or chemical dependency professional  
14 determines that it is appropriate to release the juvenile, the  
15 professional must notify the juvenile's parent or guardian. The  
16 juvenile's parent or guardian has the authority to request that the  
17 juvenile be kept at any location described in subsection (1)(a) or  
18 (b) of this section.

19 (4) The authority provided pursuant to this section is in  
20 addition to existing authority under RCW 10.31.110 and 10.31.120.

21 **Sec. 2.** RCW 70.96A.095 and 1998 c 296 s 23 are each amended to  
22 read as follows:

23 Any person thirteen years of age or older may give consent for  
24 himself or herself to the furnishing of outpatient treatment by a  
25 chemical dependency treatment program certified by the department.  
26 Parental authorization is required for any treatment of a minor under  
27 the age of thirteen. A parent or guardian has the authority to (1)  
28 admit any minor child to a chemical dependency treatment program and  
29 (2) keep a minor child in a chemical dependency treatment program for  
30 fourteen days.

31 **Sec. 3.** RCW 70.96A.230 and 1998 c 296 s 24 are each amended to  
32 read as follows:

33 Any provider of outpatient treatment who provides outpatient  
34 treatment to a minor thirteen years of age or older shall provide  
35 notice of the minor's request for treatment to the minor's parents  
36 (~~(if: (1) The minor signs a written consent authorizing the~~  
37 ~~disclosure; or (2) the treatment program director determines that the~~  
38 ~~minor lacks capacity to make a rational choice regarding consenting~~

1 ~~to disclosure~~) or guardian. The notice shall be made within seven  
2 days of the request for treatment, excluding Saturdays, Sundays, and  
3 holidays, and shall contain the name, location, and telephone number  
4 of the facility providing treatment, and the name of a professional  
5 person on the staff of the facility providing treatment who is  
6 designated to discuss the minor's need for treatment with the parent  
7 or guardian. A parent or guardian has the authority to (1) admit any  
8 minor child to a chemical dependency treatment program and (2) keep a  
9 minor child in a chemical dependency treatment program for fourteen  
10 days.

11 **Sec. 4.** RCW 70.96A.235 and 1998 c 296 s 25 are each amended to  
12 read as follows:

13 Parental consent or the consent of a guardian is required for  
14 inpatient chemical dependency treatment of a minor, unless the child  
15 meets the definition of a child in need of services in RCW  
16 13.32A.030(~~(+4)~~) (5)(c) as determined by the department: PROVIDED,  
17 That parental or guardian consent is required for any treatment of a  
18 minor under the age of thirteen. A parent or guardian has the  
19 authority to keep a minor child in an inpatient chemical dependency  
20 treatment program for fourteen days.

21 This section does not apply to petitions filed under this  
22 chapter.

23 **Sec. 5.** RCW 70.96A.240 and 1998 c 296 s 26 are each amended to  
24 read as follows:

25 (1) The parent or guardian of a minor is not liable for payment  
26 of inpatient or outpatient chemical dependency treatment unless the  
27 parent has joined in the consent to the treatment. A parent or  
28 guardian has the authority to keep a minor child in an inpatient  
29 chemical dependency treatment program for fourteen days.

30 (2) The ability of a parent or guardian to apply to a certified  
31 treatment program for the admission of his or her minor child does  
32 not create a right to obtain or benefit from any funds or resources  
33 of the state. However, the state may provide services for indigent  
34 minors to the extent that funds are available therefor.

35 **Sec. 6.** RCW 70.96A.245 and 1998 c 296 s 27 are each amended to  
36 read as follows:

1 (1) A parent or guardian may bring, or authorize the bringing of,  
2 his or her minor child to a certified treatment program and request  
3 that a chemical dependency assessment be conducted by a professional  
4 person to determine whether the minor is chemically dependent and in  
5 need of inpatient treatment.

6 (2) The consent of the minor is not required for admission,  
7 evaluation, and treatment if the parent or guardian brings the minor  
8 to the program.

9 (3) An appropriately trained professional person may evaluate  
10 whether the minor is chemically dependent. The evaluation shall be  
11 completed within twenty-four hours of the time the minor was brought  
12 to the program, unless the professional person determines that the  
13 condition of the minor necessitates additional time for evaluation.  
14 In no event shall a minor be held longer than seventy-two hours for  
15 evaluation. If, in the judgment of the professional person, it is  
16 determined it is a medical necessity for the minor to receive  
17 inpatient treatment, the minor may be held for treatment. A parent or  
18 guardian has the authority to keep a minor child in an inpatient  
19 chemical dependency treatment program for fourteen days. The facility  
20 shall limit treatment to that which the professional person  
21 determines is medically necessary to stabilize the minor's condition  
22 until the evaluation has been completed. Within twenty-four hours of  
23 completion of the evaluation, the professional person shall notify  
24 the department if the child is held for treatment and of the date of  
25 admission.

26 (4) No provider is obligated to provide treatment to a minor  
27 under the provisions of this section. No provider may admit a minor  
28 to treatment under this section unless it is medically necessary.

29 (5) No minor receiving inpatient treatment under this section may  
30 be discharged from the program based solely on his or her request.

31 **Sec. 7.** RCW 70.96A.250 and 1998 c 296 s 29 are each amended to  
32 read as follows:

33 (1) A parent or guardian may bring, or authorize the bringing of,  
34 his or her minor child to a provider of outpatient chemical  
35 dependency treatment and request that an appropriately trained  
36 professional person examine the minor to determine whether the minor  
37 has a chemical dependency and is in need of outpatient treatment.

38 (2) The consent of the minor is not required for evaluation if  
39 the parent or guardian brings the minor to the provider.

1 (3) The professional person in charge of the program may evaluate  
2 whether the minor has a chemical dependency and is in need of  
3 outpatient treatment. A parent or guardian has the authority to keep  
4 a minor child in an inpatient chemical dependency treatment program  
5 for fourteen days.

6 (4) Any minor admitted to inpatient treatment under RCW  
7 70.96A.245 shall be discharged immediately from inpatient treatment  
8 upon written request of the parent or guardian.

9 **Sec. 8.** RCW 70.96A.255 and 1998 c 296 s 30 are each amended to  
10 read as follows:

11 Following the review conducted under RCW 70.96A.097, a minor  
12 child may petition the superior court for his or her release from the  
13 facility. The petition may be filed not sooner than five days  
14 following the review. The court shall release the minor unless it  
15 finds, upon a preponderance of the evidence, that it is a medical  
16 necessity for the minor to remain at the facility or if the parent or  
17 guardian of the minor child requests that the minor child be kept at  
18 the facility.

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