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## Judiciary Committee

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### HB 1162

**Title:** An act relating to requirements for providing notice regarding court review of initial detention decisions under the involuntary treatment act.

**Brief Description:** Concerning requirements for providing notice regarding court review of initial detention decisions under the involuntary treatment act.

**Sponsors:** Representatives Kilduff, Muri, Rodne, Jinkins, Orwall and McDonald.

#### Brief Summary of Bill

- Revises the requirements for a designated mental health professional (DMHP) or DMHP agency to inform an immediate family member, guardian, or conservator about the process to petition for court review of an initial detention decision under the Involuntary Treatment Act.

**Hearing Date:** 1/18/17

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

#### Background:

Under the Involuntary Treatment Act (ITA), a person may be detained and ordered to undergo involuntary mental health treatment if the person, as a result of a mental disorder, poses a likelihood of serious harm or is gravely disabled. Designated mental health professionals (DMHPs) are responsible for investigating and determining whether to detain an individual who may be in need of involuntary treatment. In emergency situations where the likelihood of serious harm or grave disability is imminent, the DMHP may detain a person without a court order for up to 72 hours. In nonemergent situations, the DMHP may detain a person only upon a court order.

Prior to pursuing initial detention, the DMHP must assess the credibility of the information received and attempt to interview the person about whom the information has been provided.

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The DMHP must consider all reasonably available information from credible witnesses and records regarding any history of one or more violent acts, prior commitments under the ITA, prior determinations of incompetency or insanity, and prior recommendations for evaluation for incompetency or insanity in criminal proceedings. The DMHP cannot seek initial detention for involuntary treatment unless satisfied that the allegations are true, and the person will not voluntarily seek appropriate treatment.

When a DMHP decides not to detain a person for evaluation and treatment, or does not take action to have a person detained within 48 hours of a request for investigation, the person's immediate family member, guardian, or conservator may petition the superior court for the person's initial detention. Immediate family members include spouses, domestic partners, children, stepchildren, parents, stepparents, grandparents, and siblings. The court may enter an order for initial detention if it finds, upon review of all information provided, that there is probable cause to support a petition for initial detention and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court must provide the order to the DMHP agency, which must execute the order without delay. The order expires 180 days from issuance.

Upon receiving a request for an investigation for an initial detention of a person, a DMHP or DMHP agency must inquire whether the request is from an immediate family member, guardian, or conservator. If the DMHP decides not to detain the person, or if the person is not detained within 48 hours, the DMHP or DMHP agency must inform the immediate family member, guardian, or conservator of the process for petitioning the court for detention.

Effective April 1, 2018, DMHPs are replaced with designated crisis responders as a result of legislation enacted in 2016 to integrate the mental health and chemical dependency involuntary treatment systems.

**Summary of Bill:**

A designated mental health professional (DMHP) or DMHP agency must provide an immediate family member, guardian, or conservator with written information about the process to petition for court review when the DMHP fails to detain, or fails to take action to detain, a person after a request for investigation. The DMHP must document the date on which the written information was provided to the immediate family member, guardian, or conservator. Beginning April 1, 2018, designated crisis responders are responsible for providing this written notification to an immediate family member, guardian, or conservator.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 2, which because of a prior delayed effective date, takes effect April 1, 2018.