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## Judiciary Committee

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### SSB 6124

**Title:** An act relating to clarifying that court hearings under the involuntary commitment act may be conducted by video.

**Brief Description:** Clarifying that court hearings under the involuntary commitment act may be conducted by video.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Dhingra, Palumbo, Mullet, Frockt, Takko, Darneille, Rolfes, Billig, Cleveland, Kuderer, Wellman, Carlyle, Ranker, Hasegawa, Saldaña, Nelson, Keiser, McCoy, Van De Wege, Chase and O'Ban).

#### Brief Summary of Substitute Bill

- Defines "hearing" in the Involuntary Treatment Act as any proceeding conducted in open court.
- Allows parties in a proceeding to participate either in person or video, subject to certain limitations.

**Hearing Date:** 2/22/18

**Staff:** Ingrid Lewis (786-7289).

#### Background:

A person may be committed by a court for involuntary mental health treatment under the Involuntary Treatment Act (ITA) if he or she, due to a mental disorder, poses a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient treatment.

Generally, the commitment cycle begins with an initial evaluation period of up to 72 hours at an evaluation and treatment facility (E&T) initiated by a designated mental health professional (DMHP). In emergency cases, a DMHP may detain a person without a court order if the likelihood of serious harm or grave disability is imminent. In nonemergency cases where the

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likelihood of serious harm or grave disability is not imminent, a DMHP may detain a person only upon a court order.

Within the initial 72-hour evaluation period, the professional staff of the E&T facility may petition the court to have a person committed for further mental health treatment. Following a hearing, the court may order the person to be involuntarily committed for up to 14 days of additional treatment. Upon subsequent petitions and hearings, a court may order up to an additional 90 days of commitment at a state hospital, followed by successive terms of up to 180 days of commitment.

A person subject to a petition for involuntary treatment is afforded a variety of rights. At a probable cause hearing the person has the following rights:

- to present evidence on his or her behalf;
- to cross-examine witnesses who testify against him or her;
- to be proceeded against by the rules of evidence;
- to remain silent; and
- to view and copy all petitions and reports in the court file.

Beginning April 1, 2018, the ITA is expanded to include commitments for substance use disorders (SUD). A person who meets criteria for involuntary SUD treatment may be detained and committed to a secure detoxification facility or an appropriate SUD treatment program, subject to bed or program availability. Substance use disorder commitments will follow the same procedures, rights, requirements, and timelines as mental health commitments.

### **Summary of Bill:**

"Hearing" is defined as any proceeding conducted in open court. In a hearing pursuant to the Involuntary Treatment Act (ITA), the petitioner, the person subject to the petition for involuntary treatment, witnesses, and the presiding judicial officer may participate either in person or by video, provided that: 1) all parties are able to see, hear, and speak during the hearing; 2) attorneys are able to use exhibits and other materials; and 3) the attorney for the person subject to the petition is in the same location as the person, unless otherwise requested by the person or the attorney. Telephonic testimony by witness is permitted, pursuant to Superior Court Rules.

The court may require all parties to participate in person upon its own motion or motion for good cause by any party. The court may consider whether the person's mental illness affects the person's ability to perceive or participate in the proceeding by video.

The term video includes any functional equivalent.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.