
HOUSE BILL 1922

State of Washington

66th Legislature

2019 Regular Session

By Representatives Shea and McCaslin

Read first time 02/06/19. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to ensuring a parent or guardian has the
2 authority to admit and keep a minor child in a treatment facility for
3 substance use disorder treatment for fourteen days; and amending RCW
4 13.40.042, 71.34.530, 71.34.510, 71.34.500, 71.34.600, 71.34.650, and
5 71.34.620.

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 71.34.530 and 2006 c 93 s 4 are each amended to read
22 as follows:

23 Any minor thirteen years or older may request and receive
24 outpatient treatment without the consent of the minor's parent or
25 guardian. Parental authorization, authorization from a guardian, or
26 authorization from a person who may consent on behalf of the minor
27 pursuant to RCW 7.70.065, is required for outpatient treatment of a
28 minor under the age of thirteen. A parent or guardian of a minor
29 child has the authority to: (1) Admit the minor child to an approved
30 substance use disorder treatment program; and (2) keep the minor
31 child in an approved substance use disorder treatment program for
32 fourteen days.

33 **Sec. 3.** RCW 71.34.510 and 1998 c 296 s 15 are each amended to
34 read as follows:

35 (1) The administrator of the treatment facility shall provide
36 notice to the parents or guardians of a minor when the minor is
37 voluntarily admitted to inpatient treatment under RCW 71.34.500. The
38 notice shall be in the form most likely to reach the parent or

1 guardian within twenty-four hours of the minor's voluntary admission
2 and shall advise the parent or guardian: ~~((1))~~ (a) That the minor
3 has been admitted to inpatient treatment; ~~((2))~~ (b) of the location
4 and telephone number of the facility providing such treatment;
5 ~~((3))~~ (c) of the name of a professional person on the staff of the
6 facility providing treatment who is designated to discuss the minor's
7 need for inpatient treatment with the parent or guardian; and ~~((4))~~
8 (d) of the medical necessity for admission.

9 (2) A parent or guardian of a minor child has the authority to:

10 (a) Admit the minor child to an approved substance use disorder
11 treatment program; and (b) keep the minor child in an approved
12 substance use disorder treatment program for fourteen days.

13 **Sec. 4.** RCW 71.34.500 and 2016 sp.s. c 29 s 261 are each amended
14 to read as follows:

15 (1) A minor thirteen years or older may admit himself or herself
16 to an evaluation and treatment facility for inpatient mental health
17 treatment or an approved substance use disorder treatment program for
18 inpatient substance use disorder treatment without parental or
19 guardian consent. The admission shall occur only if the professional
20 person in charge of the facility concurs with the need for inpatient
21 treatment. Parental authorization, authorization from a guardian, or
22 authorization from a person who may consent on behalf of the minor
23 pursuant to RCW 7.70.065, is required for inpatient treatment of a
24 minor under the age of thirteen.

25 (2) When, in the judgment of the professional person in charge of
26 an evaluation and treatment facility or approved substance use
27 disorder treatment program, there is reason to believe that a minor
28 is in need of inpatient treatment because of a mental disorder or
29 substance use disorder, and the facility provides the type of
30 evaluation and treatment needed by the minor, and it is not feasible
31 to treat the minor in any less restrictive setting or the minor's
32 home, the minor may be admitted to the facility.

33 (3) Written renewal of voluntary consent must be obtained from
34 the applicant no less than once every twelve months. The minor's need
35 for continued inpatient treatments shall be reviewed and documented
36 no less than every one hundred eighty days.

37 (4) A parent or guardian of a minor child has the authority to
38 keep the minor child in an approved substance use disorder treatment
39 program providing inpatient treatment for fourteen days.

1 **Sec. 5.** RCW 71.34.600 and 2018 c 201 s 5013 are each amended to
2 read as follows:

3 (1) A parent or guardian may bring, or authorize the bringing of,
4 his or her minor child to:

5 (a) An evaluation and treatment facility or an inpatient facility
6 licensed under chapter 70.41, 71.12, or 72.23 RCW and request that
7 the professional person examine the minor to determine whether the
8 minor has a mental disorder and is in need of inpatient treatment; or

9 (b) A secure detoxification facility or approved substance use
10 disorder treatment program and request that a substance use disorder
11 assessment be conducted by a professional person to determine whether
12 the minor has a substance use disorder and is in need of inpatient
13 treatment.

14 (2) The consent of the minor is not required for admission,
15 evaluation, and treatment if the parent or guardian brings the minor
16 to the facility.

17 (3) An appropriately trained professional person may evaluate
18 whether the minor has a mental disorder or has a substance use
19 disorder. The evaluation shall be completed within twenty-four hours
20 of the time the minor was brought to the facility, unless the
21 professional person determines that the condition of the minor
22 necessitates additional time for evaluation. In no event shall a
23 minor be held longer than seventy-two hours for evaluation. If, in
24 the judgment of the professional person, it is determined it is a
25 medical necessity for the minor to receive inpatient treatment, the
26 minor may be held for treatment. A parent or guardian of the minor
27 has the authority to keep the minor in an approved substance use
28 disorder treatment program providing inpatient treatment for fourteen
29 days. The facility shall limit treatment to that which the
30 professional person determines is medically necessary to stabilize
31 the minor's condition until the evaluation has been completed. Within
32 twenty-four hours of completion of the evaluation, the professional
33 person shall notify the authority if the child is held for treatment
34 and of the date of admission.

35 (4) No provider is obligated to provide treatment to a minor
36 under the provisions of this section except that no provider may
37 refuse to treat a minor under the provisions of this section solely
38 on the basis that the minor has not consented to the treatment. No
39 provider may admit a minor to treatment under this section unless it
40 is medically necessary.

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

3 (6) Prior to the review conducted under RCW 71.34.610, the
4 professional person shall notify the minor of his or her right to
5 petition superior court for release from the facility.

6 (7) For the purposes of this section "professional person" means
7 "professional person" as defined in RCW 71.05.020.

8 **Sec. 6.** RCW 71.34.650 and 2016 sp.s. c 29 s 265 are each amended
9 to read as follows:

10 (1) A parent or guardian may bring, or authorize the bringing of,
11 his or her minor child to:

12 (a) A provider of outpatient mental health treatment and request
13 that an appropriately trained professional person examine the minor
14 to determine whether the minor has a mental disorder and is in need
15 of outpatient treatment; or

16 (b) A provider of outpatient substance use disorder treatment and
17 request that an appropriately trained professional person examine the
18 minor to determine whether the minor has a substance use disorder and
19 is in need of outpatient treatment.

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

22 (3) The professional person may evaluate whether the minor has a
23 mental disorder or substance use disorder and is in need of
24 outpatient treatment.

25 (4) Any minor admitted to inpatient treatment under RCW 71.34.500
26 or 71.34.600 shall be discharged immediately from inpatient treatment
27 upon written request of the parent or guardian.

28 **Sec. 7.** RCW 71.34.620 and 1998 c 296 s 19 are each amended to
29 read as follows:

30 Following the review conducted under RCW 71.34.610, a minor child
31 may petition the superior court for his or her release from the
32 facility. The petition may be filed not sooner than five days
33 following the review. The court shall release the minor unless it
34 finds, upon a preponderance of the evidence, that it is a medical
35 necessity for the minor to remain at the facility or if the parent or

1 guardian of the minor child requests that the minor child be kept at
2 the facility.

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