

1 professional investigation. If more than ten days have elapsed, the
2 immediate family member, guardian, or conservator must request a new
3 designated mental health professional investigation.

4 (3)(a) The petition must be filed in the county in which the
5 designated mental health professional investigation occurred or was
6 requested to occur and must be submitted on forms developed by the
7 administrative office of the courts for this purpose. The petition
8 must be accompanied by a sworn declaration from the petitioner, and
9 other witnesses if desired, describing why the person should be
10 detained for evaluation and treatment. The description of why the
11 person should be detained may contain, but is not limited to, the
12 information identified in RCW 71.05.212.

13 (b) The petition must contain:

14 (i) A description of the relationship between the petitioner and
15 the person; and

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

18 ((+3)) (4) The court shall, within one judicial day, review the
19 petition to determine whether the petition raises sufficient evidence
20 to support the allegation. If the court so finds, it shall provide a
21 copy of the petition to the designated mental health professional
22 agency with an order for the agency to provide the court, within one
23 judicial day, with a written sworn statement describing the basis for
24 the decision not to seek initial detention and a copy of all
25 information material to the designated mental health professional's
26 current decision.

27 ((+4)) (5) Following the filing of the petition and before the
28 court reaches a decision, any person, including a mental health
29 professional, may submit a sworn declaration to the court in support
30 of or in opposition to initial detention.

31 ((+5)) (6) The court shall dismiss the petition at any time if
32 it finds that a designated mental health professional has filed a
33 petition for the person's initial detention under RCW 71.05.150 or
34 71.05.153 or that the person has voluntarily accepted appropriate
35 treatment.

36 ((+6)) (7) The court must issue a final ruling on the petition
37 within five judicial days after it is filed. After reviewing all of
38 the information provided to the court, the court may enter an order
39 for initial detention if the court finds that: (a) There is probable
40 cause to support a petition for detention; and (b) the person has

1 refused or failed to accept appropriate evaluation and treatment
2 voluntarily. The court shall transmit its final decision to the
3 petitioner.

4 ~~((+7))~~ (8) If the court enters an order for initial detention,
5 it shall provide the order to the designated mental health
6 professional agency(~~(, which shall execute the order without delay)~~)
7 and issue a written order for apprehension of the person by a peace
8 officer for delivery of the person to a facility or emergency room
9 determined by the designated mental health professional. The
10 designated mental health agency serving the jurisdiction of the court
11 must collaborate and coordinate with law enforcement regarding
12 apprehensions and detentions under this subsection, including sharing
13 of information relating to risk and which would assist in locating
14 the person. A person may not be detained to jail pursuant to a
15 written order issued under this subsection. An order for detention
16 under this section should contain the advisement of rights which the
17 person would receive if the person were detained by a designated
18 mental health professional. An order for initial detention under this
19 section expires one hundred eighty days from issuance.

20 ~~((+8))~~ (9) Except as otherwise expressly stated in this chapter,
21 all procedures must be followed as if the order had been entered
22 under RCW 71.05.150. RCW 71.05.160 does not apply if detention was
23 initiated under the process set forth in this section.

24 ~~((+9))~~ (10) For purposes of this section, "immediate family
25 member" means a spouse, domestic partner, child, stepchild, parent,
26 stepparent, grandparent, or sibling.

27 **Sec. 2.** RCW 71.05.201 and 2016 sp.s. c 29 s 222 and 2016 c 107 s
28 1 are each reenacted and amended to read as follows:

29 (1) If a designated crisis responder decides not to detain a
30 person for evaluation and treatment under RCW 71.05.150 or 71.05.153
31 or forty-eight hours have elapsed since a designated crisis responder
32 received a request for investigation and the designated crisis
33 responder has not taken action to have the person detained, an
34 immediate family member or guardian or conservator of the person may
35 petition the superior court for the person's initial detention.

36 (2) A petition under this section must be filed within ten
37 calendar days following the designated crisis responder investigation
38 or the request for a designated crisis responder investigation. If
39 more than ten days have elapsed, the immediate family member,

1 guardian, or conservator must request a new designated crisis
2 responder investigation.

3 (3)(a) The petition must be filed in the county in which the
4 designated ((mental—health—professional)) crisis responder
5 investigation occurred or was requested to occur and must be
6 submitted on forms developed by the administrative office of the
7 courts for this purpose. The petition must be accompanied by a sworn
8 declaration from the petitioner, and other witnesses if desired,
9 describing why the person should be detained for evaluation and
10 treatment. The description of why the person should be detained may
11 contain, but is not limited to, the information identified in RCW
12 71.05.212.

13 (b) The petition must contain:

14 (i) A description of the relationship between the petitioner and
15 the person; and

16 (ii) The date on which an investigation was requested from the
17 designated crisis responder.

18 ((+3)) (4) The court shall, within one judicial day, review the
19 petition to determine whether the petition raises sufficient evidence
20 to support the allegation. If the court so finds, it shall provide a
21 copy of the petition to the designated crisis responder agency with
22 an order for the agency to provide the court, within one judicial
23 day, with a written sworn statement describing the basis for the
24 decision not to seek initial detention and a copy of all information
25 material to the designated crisis responder's current decision.

26 ((+4)) (5) Following the filing of the petition and before the
27 court reaches a decision, any person, including a mental health
28 professional, may submit a sworn declaration to the court in support
29 of or in opposition to initial detention.

30 ((+5)) (6) The court shall dismiss the petition at any time if
31 it finds that a designated crisis responder has filed a petition for
32 the person's initial detention under RCW 71.05.150 or 71.05.153 or
33 that the person has voluntarily accepted appropriate treatment.

34 ((+6)) (7) The court must issue a final ruling on the petition
35 within five judicial days after it is filed. After reviewing all of
36 the information provided to the court, the court may enter an order
37 for initial detention if the court finds that: (a) There is probable
38 cause to support a petition for detention; and (b) the person has
39 refused or failed to accept appropriate evaluation and treatment

1 voluntarily. The court shall transmit its final decision to the
2 petitioner.

3 ~~((7))~~ (8) If the court enters an order for initial detention,
4 it shall provide the order to the designated crisis responder
5 agency(~~(, which shall execute the order without delay)~~) and issue a
6 written order for apprehension of the person by a peace officer for
7 delivery of the person to a facility or emergency room determined by
8 the designated crisis responder. The designated crisis responder
9 agency serving the jurisdiction of the court must collaborate and
10 coordinate with law enforcement regarding apprehensions and
11 detentions under this subsection, including sharing of information
12 relating to risk and which would assist in locating the person. A
13 person may not be detained to jail pursuant to a written order issued
14 under this subsection. An order for detention under this section
15 should contain the advisement of rights which the person would
16 receive if the person were detained by a designated crisis responder.
17 An order for initial detention under this section expires one hundred
18 eighty days from issuance.

19 ~~((8))~~ (9) Except as otherwise expressly stated in this chapter,
20 all procedures must be followed as if the order had been entered
21 under RCW 71.05.150. RCW 71.05.160 does not apply if detention was
22 initiated under the process set forth in this section.

23 ~~((9))~~ (10) For purposes of this section, "immediate family
24 member" means a spouse, domestic partner, child, stepchild, parent,
25 stepparent, grandparent, or sibling.

26 **Sec. 3.** RCW 71.05.203 and 2015 c 258 s 3 are each amended to
27 read as follows:

28 (1) The department and each ~~((regional support network))~~
29 behavioral health organization or agency employing designated mental
30 health professionals shall publish information in an easily
31 accessible format describing the process for an immediate family
32 member, guardian, or conservator to petition for court review of a
33 detention decision under RCW 71.05.201.

34 (2) A designated mental health professional or designated mental
35 health professional agency that receives a request for investigation
36 for possible detention under this chapter must inquire whether the
37 request comes from an immediate family member, guardian, or
38 conservator who would be eligible to petition under RCW 71.05.201. If
39 the designated mental health professional decides not to detain the

1 person for evaluation and treatment under RCW 71.05.150 or 71.05.153
2 or forty-eight hours have elapsed since the request for investigation
3 was received and the designated mental health professional has not
4 taken action to have the person detained, the designated mental
5 health professional or designated mental health professional agency
6 must inform the immediate family member, guardian, or conservator who
7 made the request for investigation about the process to petition for
8 court review under RCW 71.05.201.

9 (3) A designated mental health professional or designated mental
10 health professional agency must, upon request, disclose the date of a
11 designated mental health professional investigation under this
12 chapter to an immediate family member, guardian, or conservator of a
13 person to assist in the preparation of a petition under RCW
14 71.05.201.

15 **Sec. 4.** RCW 71.05.203 and 2016 sp.s. c 29 s 223 are each amended
16 to read as follows:

17 (1) The department and each behavioral health organization or
18 agency employing designated crisis responders shall publish
19 information in an easily accessible format describing the process for
20 an immediate family member, guardian, or conservator to petition for
21 court review of a detention decision under RCW 71.05.201.

22 (2) A designated crisis responder or designated crisis responder
23 agency that receives a request for investigation for possible
24 detention under this chapter must inquire whether the request comes
25 from an immediate family member, guardian, or conservator who would
26 be eligible to petition under RCW 71.05.201. If the designated crisis
27 responder decides not to detain the person for evaluation and
28 treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have
29 elapsed since the request for investigation was received and the
30 designated crisis responder has not taken action to have the person
31 detained, the designated crisis responder or designated crisis
32 responder agency must inform the immediate family member, guardian,
33 or conservator who made the request for investigation about the
34 process to petition for court review under RCW 71.05.201.

35 (3) A designated crisis responder or designated crisis responder
36 agency must, upon request, disclose the date of a designated crisis
37 responder investigation under this chapter to an immediate family
38 member, guardian, or conservator of a person to assist in the
39 preparation of a petition under RCW 71.05.201.

1 NEW SECTION. **Sec. 5.** By December 15, 2017, the administrative
2 office of the courts, in collaboration with stakeholders, including
3 but not limited to judges, prosecutors, defense attorneys, the
4 department of social and health services, behavioral health
5 advocates, and families, shall: (1) Develop a user's guide to assist
6 pro se litigants in the preparation and filing of a Joel's law
7 petition; and (2) develop a model order of detention under RCW
8 71.05.201 which contains an advisement of rights for the detained
9 person.

10 NEW SECTION. **Sec. 6.** Sections 1 and 3 of this act expire April
11 1, 2018.

12 NEW SECTION. **Sec. 7.** Sections 2 and 4 of this act take effect
13 April 1, 2018.

14 **Part Two - Less Restrictive Alternative Revocations**

15 **Sec. 8.** RCW 71.05.590 and 2015 c 250 s 13 are each amended to
16 read as follows:

17 (1) Either an agency or facility designated to monitor or provide
18 services under a less restrictive alternative order or conditional
19 release order, or a designated mental health professional, may take
20 action to enforce, modify, or revoke a less restrictive alternative
21 or conditional release order ~~((if))~~. The agency, facility, or
22 designated mental health professional ~~((determines))~~ must determine
23 that:

24 (a) The person is failing to adhere to the terms and conditions
25 of the court order;

26 (b) Substantial deterioration in the person's functioning has
27 occurred;

28 (c) There is evidence of substantial decompensation with a
29 reasonable probability that the decompensation can be reversed by
30 further evaluation, intervention, or treatment; or

31 (d) The person poses a likelihood of serious harm.

32 (2) Actions taken under this section must include a flexible
33 range of responses of varying levels of intensity appropriate to the
34 circumstances and consistent with the interests of the individual and
35 the public in personal autonomy, safety, recovery, and compliance.

1 Available actions may include, but are not limited to, any of the
2 following:

3 (a) To counsel, advise, or admonish the person as to their rights
4 and responsibilities under the court order, and to offer appropriate
5 incentives to motivate compliance;

6 (b) To increase the intensity of outpatient services provided to
7 the person by increasing the frequency of contacts with the provider,
8 referring the person for an assessment for assertive community
9 services, or by other means;

10 (c) To request a court hearing for review and modification of the
11 court order. The request must be made to the court with jurisdiction
12 over the order and specify the circumstances that give rise to the
13 request and what modification is being sought. The county prosecutor
14 shall assist the agency or facility in requesting this hearing and
15 issuing an appropriate summons to the person. This subsection does
16 not limit the inherent authority of a treatment provider to alter
17 conditions of treatment for clinical reasons, and is intended to be
18 used only when court intervention is necessary or advisable to secure
19 the person's compliance and prevent decompensation or deterioration;

20 (d) To cause the person to be transported by a peace officer,
21 designated mental health professional, or other means to the agency
22 or facility monitoring or providing services under the court order,
23 or to a triage facility, crisis stabilization unit, emergency
24 department, or evaluation and treatment facility for up to twelve
25 hours for the purpose of an evaluation to determine whether
26 modification, revocation, or commitment proceedings are necessary and
27 appropriate to stabilize the person and prevent decompensation,
28 deterioration, or physical harm. Temporary detention for evaluation
29 under this subsection is intended to occur only following a pattern
30 of noncompliance or the failure of reasonable attempts at outreach
31 and engagement, and may occur only when in the clinical judgment of a
32 designated mental health professional or the professional person in
33 charge of an agency or facility designated to monitor less
34 restrictive alternative services temporary detention is appropriate.
35 This subsection does not limit the ability or obligation to pursue
36 revocation procedures under subsection (4) of this section in
37 appropriate circumstances; and

38 (e) To initiate revocation procedures under subsection (4) of
39 this section.

1 (3) The facility or agency designated to provide outpatient
2 treatment shall notify the secretary or designated mental health
3 professional when a person fails to adhere to terms and conditions of
4 court ordered treatment or experiences substantial deterioration in
5 his or her condition and, as a result, presents an increased
6 likelihood of serious harm.

7 (4)(a) A designated mental health professional or the secretary
8 may upon their own motion or notification by the facility or agency
9 designated to provide outpatient care order a person subject to a
10 court order under this section to be apprehended and taken into
11 custody and temporary detention in an evaluation and treatment
12 facility in or near the county in which he or she is receiving
13 outpatient treatment, or initiate proceedings under this subsection
14 (4) without ordering the apprehension and detention of the person.

15 (b) A person detained under this subsection (4) must be held
16 until such time, not exceeding five days, as a hearing can be
17 scheduled to determine whether or not the person should be returned
18 to the hospital or facility from which he or she had been released.
19 If the person is not detained, the hearing must be scheduled within
20 five days of service on the person. The designated mental health
21 professional or the secretary may modify or rescind the order at any
22 time prior to commencement of the court hearing.

23 (c) The designated mental health professional or secretary shall
24 ~~((notify the court that originally ordered commitment within two~~
25 ~~judicial days of a person's detention and))~~ file a revocation
26 petition and order of apprehension and detention with the court
27 ~~((and))~~ of the county where the person is currently located or being
28 detained. The designated mental health professional shall serve the
29 person and their attorney, guardian, and conservator, if any. The
30 person has the same rights with respect to notice, hearing, and
31 counsel as in any involuntary treatment proceeding, except as
32 specifically set forth in this section. There is no right to jury
33 trial. The venue for proceedings ~~((regarding a petition for~~
34 ~~modification or revocation must be in))~~ is the county ~~((in which))~~
35 where the petition ((was)) is filed. Notice of the filing must be
36 provided to the court that originally ordered commitment, if
37 different from the court of revocation, within two judicial days of
38 the person's detention.

39 (d) The issues for the court to determine are whether: (i) The
40 person adhered to the terms and conditions of the court order; (ii)

1 substantial deterioration in the person's functioning has occurred;
2 (iii) there is evidence of substantial decompensation with a
3 reasonable probability that the decompensation can be reversed by
4 further inpatient treatment; or (iv) there is a likelihood of serious
5 harm; and, if any of the above conditions apply, whether the court
6 should reinstate or modify the person's less restrictive alternative
7 or conditional release order or order the person's detention for
8 inpatient treatment. The person may waive the court hearing and allow
9 the court to enter a stipulated order upon the agreement of all
10 parties. If the court orders detention for inpatient treatment, the
11 treatment period may be for no longer than the period authorized in
12 the original court order.

13 (e) Revocation proceedings under this subsection (4) are not
14 allowable if the current commitment is solely based on the person
15 being in need of assisted outpatient mental health treatment. In
16 order to obtain a court order for detention for inpatient treatment
17 under this circumstance, a petition must be filed under RCW 71.05.150
18 or 71.05.153.

19 (5) In determining whether or not to take action under this
20 section the designated mental health professional, agency, or
21 facility must consider the factors specified under RCW 71.05.212 and
22 the court must consider the factors specified under RCW 71.05.245 as
23 they apply to the question of whether to enforce, modify, or revoke a
24 court order for involuntary treatment.

25 **Sec. 9.** RCW 71.05.590 and 2016 sp.s. c 29 s 242 are each amended
26 to read as follows:

27 (1) Either an agency or facility designated to monitor or provide
28 services under a less restrictive alternative order or conditional
29 release order, or a designated crisis responder, may take action to
30 enforce, modify, or revoke a less restrictive alternative or
31 conditional release order ~~((if))~~. The agency, facility, or designated
32 crisis responder ~~((determines))~~ must determine that:

33 (a) The person is failing to adhere to the terms and conditions
34 of the court order;

35 (b) Substantial deterioration in the person's functioning has
36 occurred;

37 (c) There is evidence of substantial decompensation with a
38 reasonable probability that the decompensation can be reversed by
39 further evaluation, intervention, or treatment; or

1 (d) The person poses a likelihood of serious harm.

2 (2) Actions taken under this section must include a flexible
3 range of responses of varying levels of intensity appropriate to the
4 circumstances and consistent with the interests of the individual and
5 the public in personal autonomy, safety, recovery, and compliance.
6 Available actions may include, but are not limited to, any of the
7 following:

8 (a) To counsel, advise, or admonish the person as to their rights
9 and responsibilities under the court order, and to offer appropriate
10 incentives to motivate compliance;

11 (b) To increase the intensity of outpatient services provided to
12 the person by increasing the frequency of contacts with the provider,
13 referring the person for an assessment for assertive community
14 services, or by other means;

15 (c) To request a court hearing for review and modification of the
16 court order. The request must be made to the court with jurisdiction
17 over the order and specify the circumstances that give rise to the
18 request and what modification is being sought. The county prosecutor
19 shall assist the agency or facility in requesting this hearing and
20 issuing an appropriate summons to the person. This subsection does
21 not limit the inherent authority of a treatment provider to alter
22 conditions of treatment for clinical reasons, and is intended to be
23 used only when court intervention is necessary or advisable to secure
24 the person's compliance and prevent decompensation or deterioration;

25 (d) To cause the person to be transported by a peace officer,
26 designated crisis responder, or other means to the agency or facility
27 monitoring or providing services under the court order, or to a
28 triage facility, crisis stabilization unit, emergency department, or
29 to an evaluation and treatment facility if the person is committed
30 for mental health treatment, or to a secure detoxification facility
31 with available space or an approved substance use disorder treatment
32 program with available space if the person is committed for substance
33 use disorder treatment. The person may be detained at the facility
34 for up to twelve hours for the purpose of an evaluation to determine
35 whether modification, revocation, or commitment proceedings are
36 necessary and appropriate to stabilize the person and prevent
37 decompensation, deterioration, or physical harm. Temporary detention
38 for evaluation under this subsection is intended to occur only
39 following a pattern of noncompliance or the failure of reasonable
40 attempts at outreach and engagement, and may occur only when in the

1 clinical judgment of a designated crisis responder or the
2 professional person in charge of an agency or facility designated to
3 monitor less restrictive alternative services temporary detention is
4 appropriate. This subsection does not limit the ability or obligation
5 to pursue revocation procedures under subsection (4) of this section
6 in appropriate circumstances; and

7 (e) To initiate revocation procedures under subsection (4) of
8 this section.

9 (3) The facility or agency designated to provide outpatient
10 treatment shall notify the secretary or designated crisis responder
11 when a person fails to adhere to terms and conditions of court
12 ordered treatment or experiences substantial deterioration in his or
13 her condition and, as a result, presents an increased likelihood of
14 serious harm.

15 (4)(a) A designated crisis responder or the secretary may upon
16 their own motion or notification by the facility or agency designated
17 to provide outpatient care order a person subject to a court order
18 under this chapter to be apprehended and taken into custody and
19 temporary detention in an evaluation and treatment facility in or
20 near the county in which he or she is receiving outpatient treatment
21 if the person is committed for mental health treatment, or, if the
22 person is committed for substance use disorder treatment, in a secure
23 detoxification facility or approved substance use disorder treatment
24 program if either is available in or near the county in which he or
25 she is receiving outpatient treatment and has adequate space.
26 Proceedings under this subsection (4) may be initiated without
27 ordering the apprehension and detention of the person.

28 (b) A person detained under this subsection (4) must be held
29 until such time, not exceeding five days, as a hearing can be
30 scheduled to determine whether or not the person should be returned
31 to the hospital or facility from which he or she had been released.
32 If the person is not detained, the hearing must be scheduled within
33 five days of service on the person. The designated crisis responder
34 or the secretary may modify or rescind the order at any time prior to
35 commencement of the court hearing.

36 (c) The designated crisis responder or secretary shall (~~notify~~
37 ~~the court that originally ordered commitment within two judicial days~~
38 ~~of a person's detention and~~) file a revocation petition and order of
39 apprehension and detention with the court (~~and~~) of the county where
40 the person is currently located or being detained. The designated

1 crisis responder shall serve the person and their attorney, guardian,
2 and conservator, if any. The person has the same rights with respect
3 to notice, hearing, and counsel as in any involuntary treatment
4 proceeding, except as specifically set forth in this section. There
5 is no right to jury trial. The venue for proceedings (~~regarding a~~
6 ~~petition for modification or revocation must be in~~) is the county
7 (~~in which~~) where the petition (~~was~~) is filed. Notice of the
8 filing must be provided to the court that originally ordered
9 commitment, if different from the court of revocation, within two
10 judicial days of the person's detention.

11 (d) The issues for the court to determine are whether: (i) The
12 person adhered to the terms and conditions of the court order; (ii)
13 substantial deterioration in the person's functioning has occurred;
14 (iii) there is evidence of substantial decompensation with a
15 reasonable probability that the decompensation can be reversed by
16 further inpatient treatment; or (iv) there is a likelihood of serious
17 harm; and, if any of the above conditions apply, whether the court
18 should reinstate or modify the person's less restrictive alternative
19 or conditional release order or order the person's detention for
20 inpatient treatment. The person may waive the court hearing and allow
21 the court to enter a stipulated order upon the agreement of all
22 parties. If the court orders detention for inpatient treatment, the
23 treatment period may be for no longer than the period authorized in
24 the original court order. A court may not issue an order to detain a
25 person for inpatient treatment in a secure detoxification facility or
26 approved substance use disorder treatment program under this
27 subsection unless there is a secure detoxification facility or
28 approved substance use disorder treatment program available and with
29 adequate space for the person.

30 (e) Revocation proceedings under this subsection (4) are not
31 allowable if the current commitment is solely based on the person
32 being in need of assisted outpatient mental health treatment. In
33 order to obtain a court order for detention for inpatient treatment
34 under this circumstance, a petition must be filed under RCW 71.05.150
35 or 71.05.153.

36 (5) In determining whether or not to take action under this
37 section the designated crisis responder, agency, or facility must
38 consider the factors specified under RCW 71.05.212 and the court must
39 consider the factors specified under RCW 71.05.245 as they apply to

1 the question of whether to enforce, modify, or revoke a court order
2 for involuntary treatment.

3 **Sec. 10.** RCW 71.05.590 and 2016 sp.s. c 29 s 243 are each
4 amended to read as follows:

5 (1) Either an agency or facility designated to monitor or provide
6 services under a less restrictive alternative order or conditional
7 release order, or a designated crisis responder, may take action to
8 enforce, modify, or revoke a less restrictive alternative or
9 conditional release order ~~((if))~~. The agency, facility, or designated
10 crisis responder ~~((determines))~~ must determine that:

11 (a) The person is failing to adhere to the terms and conditions
12 of the court order;

13 (b) Substantial deterioration in the person's functioning has
14 occurred;

15 (c) There is evidence of substantial decompensation with a
16 reasonable probability that the decompensation can be reversed by
17 further evaluation, intervention, or treatment; or

18 (d) The person poses a likelihood of serious harm.

19 (2) Actions taken under this section must include a flexible
20 range of responses of varying levels of intensity appropriate to the
21 circumstances and consistent with the interests of the individual and
22 the public in personal autonomy, safety, recovery, and compliance.
23 Available actions may include, but are not limited to, any of the
24 following:

25 (a) To counsel, advise, or admonish the person as to their rights
26 and responsibilities under the court order, and to offer appropriate
27 incentives to motivate compliance;

28 (b) To increase the intensity of outpatient services provided to
29 the person by increasing the frequency of contacts with the provider,
30 referring the person for an assessment for assertive community
31 services, or by other means;

32 (c) To request a court hearing for review and modification of the
33 court order. The request must be made to the court with jurisdiction
34 over the order and specify the circumstances that give rise to the
35 request and what modification is being sought. The county prosecutor
36 shall assist the agency or facility in requesting this hearing and
37 issuing an appropriate summons to the person. This subsection does
38 not limit the inherent authority of a treatment provider to alter
39 conditions of treatment for clinical reasons, and is intended to be

1 used only when court intervention is necessary or advisable to secure
2 the person's compliance and prevent decompensation or deterioration;

3 (d) To cause the person to be transported by a peace officer,
4 designated crisis responder, or other means to the agency or facility
5 monitoring or providing services under the court order, or to a
6 triage facility, crisis stabilization unit, emergency department, or
7 to an evaluation and treatment facility if the person is committed
8 for mental health treatment, or to a secure detoxification facility
9 or an approved substance use disorder treatment program if the person
10 is committed for substance use disorder treatment. The person may be
11 detained at the facility for up to twelve hours for the purpose of an
12 evaluation to determine whether modification, revocation, or
13 commitment proceedings are necessary and appropriate to stabilize the
14 person and prevent decompensation, deterioration, or physical harm.
15 Temporary detention for evaluation under this subsection is intended
16 to occur only following a pattern of noncompliance or the failure of
17 reasonable attempts at outreach and engagement, and may occur only
18 when in the clinical judgment of a designated crisis responder or the
19 professional person in charge of an agency or facility designated to
20 monitor less restrictive alternative services temporary detention is
21 appropriate. This subsection does not limit the ability or obligation
22 to pursue revocation procedures under subsection (4) of this section
23 in appropriate circumstances; and

24 (e) To initiate revocation procedures under subsection (4) of
25 this section.

26 (3) The facility or agency designated to provide outpatient
27 treatment shall notify the secretary or designated crisis responder
28 when a person fails to adhere to terms and conditions of court
29 ordered treatment or experiences substantial deterioration in his or
30 her condition and, as a result, presents an increased likelihood of
31 serious harm.

32 (4)(a) A designated crisis responder or the secretary may upon
33 their own motion or notification by the facility or agency designated
34 to provide outpatient care order a person subject to a court order
35 under this chapter to be apprehended and taken into custody and
36 temporary detention in an evaluation and treatment facility in or
37 near the county in which he or she is receiving outpatient treatment
38 if the person is committed for mental health treatment, or, if the
39 person is committed for substance use disorder treatment, in a secure
40 detoxification facility or approved substance use disorder treatment

1 program if either is available in or near the county in which he or
2 she is receiving outpatient treatment. Proceedings under this
3 subsection (4) may be initiated without ordering the apprehension and
4 detention of the person.

5 (b) A person detained under this subsection (4) must be held
6 until such time, not exceeding five days, as a hearing can be
7 scheduled to determine whether or not the person should be returned
8 to the hospital or facility from which he or she had been released.
9 If the person is not detained, the hearing must be scheduled within
10 five days of service on the person. The designated crisis responder
11 or the secretary may modify or rescind the order at any time prior to
12 commencement of the court hearing.

13 (c) The designated crisis responder or secretary shall (~~notify~~
14 ~~the court that originally ordered commitment within two judicial days~~
15 ~~of a person's detention and~~) file a revocation petition and order of
16 apprehension and detention with the court (~~and~~) of the county where
17 the person is currently located or being detained. The designated
18 crisis responder shall serve the person and their attorney, guardian,
19 and conservator, if any. The person has the same rights with respect
20 to notice, hearing, and counsel as in any involuntary treatment
21 proceeding, except as specifically set forth in this section. There
22 is no right to jury trial. The venue for proceedings (~~regarding a~~
23 ~~petition for modification or revocation must be in~~) is the county
24 (~~in which~~) where the petition (~~was~~) is filed. Notice of the
25 filing must be provided to the court that originally ordered
26 commitment, if different from the court of revocation, within two
27 judicial days of the person's detention.

28 (d) The issues for the court to determine are whether: (i) The
29 person adhered to the terms and conditions of the court order; (ii)
30 substantial deterioration in the person's functioning has occurred;
31 (iii) there is evidence of substantial decompensation with a
32 reasonable probability that the decompensation can be reversed by
33 further inpatient treatment; or (iv) there is a likelihood of serious
34 harm; and, if any of the above conditions apply, whether the court
35 should reinstate or modify the person's less restrictive alternative
36 or conditional release order or order the person's detention for
37 inpatient treatment. The person may waive the court hearing and allow
38 the court to enter a stipulated order upon the agreement of all
39 parties. If the court orders detention for inpatient treatment, the

1 treatment period may be for no longer than the period authorized in
2 the original court order.

3 (e) Revocation proceedings under this subsection (4) are not
4 allowable if the current commitment is solely based on the person
5 being in need of assisted outpatient mental health treatment. In
6 order to obtain a court order for detention for inpatient treatment
7 under this circumstance, a petition must be filed under RCW 71.05.150
8 or 71.05.153.

9 (5) In determining whether or not to take action under this
10 section the designated crisis responder, agency, or facility must
11 consider the factors specified under RCW 71.05.212 and the court must
12 consider the factors specified under RCW 71.05.245 as they apply to
13 the question of whether to enforce, modify, or revoke a court order
14 for involuntary treatment.

15 **Part Three - Initial Detention Investigations**

16 **Sec. 11.** RCW 71.05.154 and 2013 c 334 s 1 are each amended to
17 read as follows:

18 ((A)) (1) If a person subject to evaluation under RCW 71.05.150
19 or 71.05.153 is located in an emergency room at the time of
20 evaluation, the designated mental health professional conducting
21 ((an)) the evaluation ((of a person under RCW 71.05.150 or 71.05.153
22 must consult with any examining emergency room physician regarding
23 the physician's observations and opinions relating to the person's
24 condition, and whether, in the view of the physician, detention is
25 appropriate. The designated mental health professional)) shall take
26 serious consideration of observations and opinions by an examining
27 emergency room physician((s)), advanced registered nurse
28 practitioner, or physician assistant in determining whether detention
29 under this chapter is appropriate. The designated mental health
30 professional must document ((the)) his or her consultation with ((an
31 examining emergency room physician)) this professional, ((including))
32 if the professional is available, or his or her review of the
33 ((physician's)) professional's written observations or opinions
34 regarding whether detention of the person is appropriate.

35 (2) This section does not create an exception to the general rule
36 under RCW 71.05.010, which creates a presumption that courts should
37 decide petitions under this chapter on their merits in light of the

1 state's parens patriae or police power interest in protecting the
2 safety of individuals and the public.

3 **Sec. 12.** RCW 71.05.154 and 2016 sp.s. c 29 s 214 are each
4 amended to read as follows:

5 ((A)) (1) If a person subject to evaluation under RCW 71.05.150
6 or 71.05.153 is located in an emergency room at the time of
7 evaluation, the designated crisis responder conducting ((a)) the
8 evaluation ((of a person under RCW 71.05.150 or 71.05.153 must
9 consult with any examining emergency room physician regarding the
10 physician's observations and opinions relating to the person's
11 condition, and whether, in the view of the physician, detention is
12 appropriate. The designated crisis responder)) shall take serious
13 consideration of observations and opinions by an examining emergency
14 room physician((s)), advanced registered nurse practitioner, or
15 physician assistant in determining whether detention under this
16 chapter is appropriate. The designated crisis responder must document
17 ((the)) his or her consultation with ((an examining emergency room
18 physician)) this professional, ((including)) if the professional is
19 available, or his or her review of the ((physician's)) professional's
20 written observations or opinions regarding whether detention of the
21 person is appropriate.

22 (2) This section does not create an exception to the general rule
23 under RCW 71.05.010, which creates a presumption that courts should
24 decide petitions under this chapter on their merits in light of the
25 state's parens patriae or police power interest in protecting the
26 safety of individuals and the public.

27 **Part Four - Technical**

28 NEW SECTION. **Sec. 13.** Sections 8 and 11 of this act expire
29 April 1, 2018.

30 NEW SECTION. **Sec. 14.** Sections 9 and 12 of this act take effect
31 April 1, 2018.

32 NEW SECTION. **Sec. 15.** Section 9 of this act expires July 1,
33 2026.

1 NEW SECTION. **Sec. 16.** Section 10 of this act takes effect July
2 1, 2026.

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