

# Petition for Initial Detention by Family, Guardian, or Conservator

This packet contains the:

- Petition
- Declaration
- Instructions

Mandatory Forms in Washington State Courts



WASHINGTON  
**COURTS**  
ADMINISTRATIVE OFFICE OF THE COURTS

The Committee wishes to thank the ad hoc Joel's Law Petition Workgroup members for their expertise in developing these forms and instructions.

Washington Pattern Forms Committee and the  
Administrative Office of the Courts  
Olympia, Washington  
June 2016

**Superior Court of Washington  
County of \_\_\_\_\_**

In re the detention of

**Case No.:**

**Petition for Initial Detention by  
Family, Guardian, or Conservator**

Respondent (person to be detained) **DOB** \_\_\_\_\_

**(PMIR, PMINE, paragraph 3)  
(Cause code – MIF)**

*To ask the court to detain the respondent, complete and file with the clerk of the court:*

- 1. this petition **and***
- 2. the Declaration in Support of Petition for Initial Detention by Family, Guardian, or Conservator*

*You may also file signed declarations from family members, landlords, neighbors, or anyone else with significant contact and history of involvement with the respondent.*

I, \_\_\_\_\_ (name of petitioner), am filing this Petition for Initial Detention to ask the court to detain the respondent for mental health evaluation and treatment.

**1. Petitioner's relationship to the respondent**

I am the respondent's:

- spouse     domestic partner     child     stepchild     parent  
 stepparent     grandparent     brother     sister  
 guardian\*     conservator\*

\*The Guardianship/Conservator case number is \_\_\_\_\_ and it is filed in \_\_\_\_\_ County Superior Court.

**2. Petitioner's contact information**

My contact information is:

Telephone: \_\_\_\_\_



**Superior Court of Washington  
County of \_\_\_\_\_**

In re the detention of

**Case No.:**

\_\_\_\_\_  
Respondent (person to be detained) **DOB**

**Declaration in Support of Petition for  
Initial Detention by Family, Guardian,  
or Conservator  
(DCLR)**

My name is: \_\_\_\_\_.

My relationship to the respondent is *(for example, spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, brother, sister, guardian/conservator, landlord, neighbor, or friend)*:

\_\_\_\_\_.

My contact information is:

Telephone: \_\_\_\_\_

Email address: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Read carefully and answer each question below:

**Recent Behaviors**

**Harm to self:** Is there is a substantial risk that physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself (for example, has the respondent recently threatened or attempted to kill or badly hurt him/herself)?  yes  no  don't know

**Harm to others:** Is there a substantial risk that physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm (for example, has the respondent recently hurt someone, and/or threatened or attempted to hurt someone)?

yes  no  don't know

**Harm to others' property:** Is there a substantial risk that physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others (for example, has the respondent recently damaged someone's property, and/or threatened or attempted to damage someone's property)?  yes  no  don't know

**Gravely disabled (a):** Is the respondent, as a result of a mental disorder, in danger of serious physical harm resulting from a **failure to provide for his or her essential human needs** of health or safety (for example, is the respondent unable to provide for her/his basic needs of food, clothing, shelter, and/or medical care)?  yes  no  don't know

Is there a high probability of serious physical harm within the near future unless adequate treatment?  yes  no  don't know

**Gravely disabled (b):** Does the respondent, as a result of a mental disorder, manifest severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is the respondent **not receiving such care as is essential for his or her health or safety** (for example, is the respondent's mental control or decision-making ability getting worse and preventing him/her from receiving care for his/her basic needs of food, clothing shelter, and/or medical care)?  yes  no  don't know

Will harmful consequences occur to the respondent without treatment?  yes  no  don't know

**Refused evaluation and treatment:** Has the respondent refused or failed to accept evaluation and treatment voluntarily?  yes  no  don't know

### Statement

For each question you answered with "yes," describe the behavior, starting with the most recent, that caused you to answer yes. Be as detailed in your descriptions as possible and include dates for each event or example, if you can and explain how you know the information (for example, the respondent told you the information, or you saw the respondent do the things you are describing):



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Attach additional paper (preferably lined paper) if you need more space to write.

**Past Behaviors or Actions**

Does the respondent have a history of one or more violent acts (for example, within the last ten years, has the respondent killed or caused nonfatal injuries to someone, attempted to kill himself or herself, or caused substantial damage to property)?:  yes  no  don't know

Are the symptoms and behaviors you described above closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts (for example, is the respondent acting now in a way that s/he previously acted when: (a) s/he was detained or committed, (b) had a major worsening of her/his symptoms and/or behavior, or (c) killed or hurt someone, attempted to kill himself or herself, or caused substantial damage to property)?  yes  no  don't know

Do the symptoms and behaviors you described above represent a marked and concerning change in the baseline behavior of the respondent (for example, is the respondent's behavior or symptoms worse compared to how the respondent usually acts or behaves)?  yes  no  don't know

Without treatment for the symptoms and behaviors you described above, is the continued deterioration of the respondent probable (for example, will the respondent continue to get worse without help)?  yes  no  don't know

For each question you answered with "yes," give recent examples below of the symptoms or behavior that supports the risk, harm, or deterioration that caused you to answer yes. Be as specific in your descriptions as possible. Include dates for each event or example, if possible.

Also, please explain how you know the information you are providing in this declaration (for example, the respondent told you the information, or you saw the respondent do the things you are describing). Attach additional paper (preferably lined paper) if you need more space to write:

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Is there any other past behavior, including violent acts, the respondent committed that you want the court to know about? If yes, please give recent examples below of that behavior. Be as specific in your descriptions as possible. Include dates for each event or example, if possible.

Also, please explain how you know the information you are providing in this declaration (for example, the respondent told you the information, or you saw the respondent do the things you are describing) Attach additional paper (preferably lined paper) if you need more space to write:

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**Prior court actions**

Has the respondent previously been found to be incompetent or insane by a court?  yes  
 no  don't know



## Instructions for the Petition for Initial Detention by Family, Guardian, or Conservator

On July 24, 2015, a new section of Washington State's Mental Illness laws (Chapter 71.05 RCW), called "Joel's Law," became effective. It allows an immediate family member, guardian, or conservator of a person (whom the petition refers to as the "respondent") to file a petition asking the superior court to detain that person for initial involuntary civil commitment. The petition is called the *Petition for Initial Detention by Family, Guardian, or Conservator*. These instructions: (1) tell you what facts must exist in order for you to be able to file the petition, (2) tell you how to file the petition, and (3) explain what happens after you file it.

### I. Facts that must exist to file the petition.

In order for you to be able to file the petition, the following facts must exist:

1. You are an immediate family member,<sup>1</sup> guardian,<sup>2</sup> or conservator<sup>3</sup> of the person that you seek to have detained; **and**
2. Either: (a) a designated mental health professional decided not to detain the person for evaluation and treatment; **or** (b) 48 hours passed since the designated mental health professional received a request for investigation and the designated mental health professional has not taken action to have the person detained.

### II. Instructions on how to file the petition.

1. Fill out the petition (the form begins following the last page of this information sheet). Provide all of the information requested, including: (a) a description of the relationship between you and the person; **and** (b) the date on which an investigation was requested from the designated mental health professional.
2. Fill out the *Declaration in Support of Petition for Initial Detention by Family, Guardian, or Conservator* to describe why the person should be detained. For example, you may describe past behavior, including a history of one or more violent acts, such as behavior that resulted in death, attempted suicide, nonfatal injuries, or substantial damage to property. As another example, you may list prior commitments or determinations of incompetency/insanity.

Your declaration must: (a) state that you certify or declare that the statement is true under penalty of perjury under the laws of the State of Washington; (b) be signed by you; **and** (c) state the date when and place (city and state) where you signed it.

In support of your petition, you may also provide a *Declaration in Support of Petition for Initial Detention by Family, Guardian, or Conservator* signed by family members, landlords, neighbors, or anyone else with significant contact and history of involvement with the person. Their declarations must: (a) state they certify or declare that the statement is true under the laws of the State of Washington; (b) be signed by them; **and** (c) state the date when and place (city and state) where they signed it.

*Complete your petition and your declaration with as much information as you can to describe why you think the respondent should be detained.*

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<sup>1</sup> An immediate family member is the spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, brother or sister of the person that is the subject of the *Petition for Initial Detention by Family, Guardian, or Conservator*.

<sup>2</sup> A guardian is someone a person appointed by a court to manage someone's person or estate.

<sup>3</sup> A conservator is generally a person appointed by a court to manage someone's daily and/or financial affairs.

3. File your petition, your declaration, and any other declarations with the clerk of the superior court in the county where the designated mental health professional asked to perform the investigation, named in paragraph 3 of your petition, is located.

Go to this web page for a list of county courts and clerks offices:

[http://www.courts.wa.gov/court\\_dir/?fa=court\\_dir.county](http://www.courts.wa.gov/court_dir/?fa=court_dir.county)

**Note:** If at any time a designated mental health professional files a petition for the initial detention of the same person you are seeking to have detained, the court will dismiss your petition and the petition filed by the designated mental health professional will move forward.

### **III. What happens after you file your Petition.**

1. A judicial officer (either a judge or commissioner) will review your petition within one judicial day from the day you filed it. That judicial officer will decide whether your petition, your declaration, and any other declaration(s) filed in support raise sufficient evidence to support your request for the detention of the person. *If the judicial officer does not find sufficient evidence exists, that judicial officer will dismiss your petition.* You will receive a copy of the court's dismissal order.
2. If the judicial officer does find sufficient evidence exists, that judicial officer will provide a copy of your petition to the designated mental health professional agency with an order for that agency to file with the court within one judicial day a written sworn statement describing the basis for the decision not to seek the initial detention along with a copy of all information material to that designated mental health professional's current decision.
3. After you filed your petition and before the judicial officer makes a decision, anyone may file a written sworn declaration in support of or opposition to your petition.
4. After reviewing all of the information provided to the court, the judicial officer will issue a final decision on your petition no later than five judicial days from the day you filed it. That judicial officer may enter an order for initial detention if: (a) There is probable cause to support a petition for detention; **and** (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. You will receive a copy of the court's final decision on your petition.
5. If the judicial officer enters an order for initial detention, the court shall provide the order to the designated mental health professional agency. That agency must execute the order without delay and the order remains valid for 180 days from the date the judicial officer enters it. The order will provide for the initial detention of the person to a designated evaluation and treatment facility for not more than a 72 hour evaluation and treatment period.

During the 72 hour evaluation and treatment period, the evaluation and treatment facility may decide not to detain the person, or the person may agree to detention or a less restrictive alternative. Should the facility wish to continue holding the person beyond that 72 hour period, the person will be entitled to a hearing before a judicial officer. At that hearing, the judicial officer will decide whether to dismiss the petition, order a less restrictive alternative, or commit the respondent for up to 14 days.