 administrative office of the courts

June 29, 2018

**TO:** Judicial and Legal Communities

**FROM:** Merrie Gough, Sr. Legal Analyst

**RE:** Draft Updates to the 71.05 RCW Involuntary Civil Commitment Orders

The Washington Pattern Forms Committee updated the 71.05 RCW Involuntary Civil Commitment Orders. The updates implement:

* Laws of 2018, ch. 305 (SSB 6124), Involuntary Commitment Act – Court Hearings by Video, Effective June 7 2018.
* Laws of 2018, ch. 201 (2ESHB 1388), §§ 3001 - 3037, Behavioral Health Authority – Transfer, Effective July 1, 2018.
* Laws of 2016, ch. 29 (E3SHB 1713), Ricky Garcia’s law effective April 1, 2018.

Please note: The transfer of authority, the primary purpose of Laws of 2018, ch. 201, can be summarized as follows:

* The Health Care Authority is the state’s behavioral health authority;
* The Department of Social and Health Services operates the state hospitals; and
* The Department of Health licenses and certifies behavioral health providers and facilities. (*See Laws of 2018, ch. 201, §3025*.)

The table below contains detailed descriptions of the changes:

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| **MP 410** | **Findings, Conclusions, and Order Committing Respondent for Involuntary Treatment or Less Restrictive Treatment***(For 14-day commitment or 90-day LRA or 90-day AOT)*On the first page, below the major heading “Hearing” and below the subheading “At the hearing,” to implement Laws of 2018, ch. 305, change the relevant check box options to reflect the option to appear by video and for witnesses the option to appear by telephone, as follows: “[ ]  Respondent [ ]  appeared in person [ ]  appeared by video [ ]  refused to appear[ ]  GAL [ ]  appeared in person [ ]  appeared by video [ ]  waived appearance[ ]  Petitioner appeared [ ]  in person [ ]  by video and was represented by DPA/AAG who appeared [ ]  in person [ ]  by video[ ]  Respondent's Attorney appeared [ ]  in person [ ]  by video[ ]  Witness appeared [ ]  in person [ ]  by video or  [ ]  under CR 43 by [ ]  telephone [ ]  \_\_\_\_[ ]  Witness appeared [ ]  in person [ ]  by video or  [ ]  under CR 43 by [ ]  telephone [ ]  \_\_\_\_”In paragraph 6, in the first check box option, change “detox” to “detoxification.”In paragraph 11, “Involuntary Treatment,” to implement Laws of 2018, ch. 201 §§ 3001, 3009, and 3010, change the first check box option as follows:“**14-Day Commitment.** The Respondent is detained for a period not to exceed 14 days of intensive inpatient treatment at this facility certified to provide treatment by the Department of Health:”In the same “14-Day Commitment” check box section, in the second sub-check box, change “detox” to “detoxification.” |
| **MP 420** | **Findings, Conclusions, and Order Committing Respondent for Involuntary Treatment Or Less Restrictive Treatment** *(90-day, 180-day, 90-day LRA, 180-day LRA, 1-year LRA)*On the first page, below the major heading “Hearing” and below the subheading “At the hearing,” to implement Laws of 2018, ch. 305, change the relevant check box options to reflect the option to appear by video and for witnesses the option to appear by telephone, as follows: “[ ]  Respondent [ ]  appeared in person [ ]  appeared by video [ ]  refused to appear[ ]  GAL [ ]  appeared in person [ ]  appeared by video [ ]  waived appearance[ ]  Petitioner appeared [ ]  in person [ ]  by video and was represented by DPA/AAG who appeared [ ]  in person [ ]  by video[ ]  Respondent's Attorney appeared [ ]  in person [ ]  by video[ ]  Witness appeared [ ]  in person [ ]  by video or  [ ]  under CR 43 by [ ]  telephone [ ]  \_\_\_\_[ ]  Witness appeared [ ]  in person [ ]  by video or  [ ]  under CR 43 by [ ]  telephone [ ]  \_\_\_\_”Below the heading “**The Court Orders**,” in section 9, to implement Laws of 2018, ch. 201 §§ 3001, 3012, and 3013, change the text of the first check box option as follows:**“****[ ]  Inpatient Treatment.** The court orders [ ]  **90 Days** [ ]  **180 Days** of intensive inpatient treatment. Respondent is remanded into the custody of DSHS or to a facility certified by ~~DSHS~~the Department of Health.” |
| **MP 441** | **Order of Continuance**On the first page, below “for a continuance, and,” to implement Laws of 2018, ch. 305, change the relevant check box options to reflect the option to appear by video, and for witnesses the option to also appear by telephone, as follows: “[ ]  Respondent [ ]  appeared in person [ ]  appeared by video [ ]  refused to appear[ ]  GAL [ ]  appeared in person [ ]  appeared by video [ ]  waived appearance[ ]  Petitioner appeared [ ]  in person [ ]  by video and was represented by DPA/AAG who appeared [ ]  in person [ ]  by video[ ]  Respondent's Attorney appeared [ ]  in person [ ]  by video[ ]  Witness appeared [ ]  in person [ ]  by video or  [ ]  under CR 43 by [ ]  telephone [ ]  \_\_\_\_[ ]  Witness appeared [ ]  in person [ ]  by video or  [ ]  under CR 43 by [ ]  telephone [ ]  \_\_\_\_” |
| **MP 445** | **Order Setting Trial Date and Committing Adult for Involuntary Treatment Pending Trial**Below the heading “**Hearing**,” and below the sub-heading “At the hearing,” to implement Laws of 2018, ch. 305, change the relevant check box options to reflect the option to appear by video, and for witnesses the option to also appear by telephone, as follows: “[ ]  Respondent [ ]  appeared in person [ ]  appeared by video [ ]  refused to appear[ ]  GAL [ ]  appeared in person [ ]  appeared by video [ ]  waived appearance[ ]  Petitioner appeared [ ]  in person [ ]  by video and was represented by DPA/AAG who appeared [ ]  in person [ ]  by video[ ]  Respondent's Attorney appeared [ ]  in person [ ]  by video”In section 2, in the paragraph beginning with “Escape and Recapture,” change:“Designated Mental Health Professional” to “Designated Crisis Responder.” |
| **MP 450** | **Order for Dismissal**On the first page, below the subheading “The following people were present at the hearing,” to implement Laws of 2018, ch. 305, change the last two boxes as follows:“[ ]  Petitioner appeared [ ]  in person [ ]  by video and was represented by DPA/AAG who appeared [ ]  in person [ ]  by video [ ]  Respondent's Attorney appeared [ ]  in person [ ]  by video”  |
| **MP460** | **Order Revoking Less Restrictive Alternative Treatment/Conditional Release**Below the heading “**Hearing**,” and below the subheading “At the hearing,” to implement Laws of 2018, ch. 305, change the relevant check box options to reflect the option to appear by video, and for witnesses the option to also appear by telephone, as follows: “[ ]  Respondent [ ]  appeared in person [ ]  appeared by video [ ]  refused to appear[ ]  GAL [ ]  appeared in person [ ]  appeared by video [ ]  waived appearance[ ]  Petitioner appeared [ ]  in person [ ]  by video and was represented by DPA/AAG who appeared [ ]  in person [ ]  by video[ ]  Respondent's Attorney appeared [ ]  in person [ ]  by video[ ]  Witness appeared [ ]  in person [ ]  by video or  [ ]  under CR 43 by [ ]  telephone [ ]  \_\_\_\_[ ]  Witness appeared [ ]  in person [ ]  by video or  [ ]  under CR 43 by [ ]  telephone [ ]  \_\_\_\_”In paragraph 2 “Adequate space for Respondent’s substance use disorder treatment,” in the first check box, change “detox” to “detoxification.”In paragraph 7. **Remand and Commitment**, to implement Laws of 2018, ch. 201, change the text of the first check box option as follows:“**Remand and Commitment.** Respondent is remanded into the custody of DSHS or to a facility certified by ~~DSHS~~ the Department of Health for commitment:”Below the heading “Remand and Commitment,” in the second check box option, change “detox” to “detoxification.” |
| **MP 470** | **Order After Review under RCW 71.05.235**On the first page, below “Introduction” and below “The court ordered,” in the first check box option, change:“Designated Mental Health Professional” to “Designated Crisis Responder,” and change “DMHP” to “DCR.” |