



MEMORANDUM

April 6, 2022

TO: Superior Court and District Court Judges and Commissioners, Court Administrators, County Clerks, Prosecuting Attorneys, Defense Attorneys, and Law Libraries

FROM: Natasha Johnson, Sr. Legal Analyst
AOC, Legal Services and Appellate Court Support
Court Services Division (CSD)

RE: Summary of Changes for Behavioral Forms, Based on [Laws of 2022, Ch. 288](#) and [Laws of 2022, Ch. 210](#).

The table below outlines changes to the criminal and civil Behavioral Health forms based upon newly enacted legislation.

Criminal Commitment Forms		
1.	MP 201 Order for Competency Evaluation under RCW 10.77.060	<p><u>Changes:</u></p> <ul style="list-style-type: none"> ▪ Heading: added checkbox for next hearing. Allows courts to clearly find these dates rather than searching through the order. Aids in court admin. work ▪ No. 1: changed “Hospital evaluator” to “DSHS Evaluator”. Hospital evaluator is out of date and inaccurate. ▪ No. 2, second bracket (“Out-of-Custody Evaluation”): updated language to reflect common procedure of across counties. Also, makes it clear that defense and DSHS must work together to get defendant’s evaluated rather than placing that burden solely on defense counsel; under “Inpatient Evaluation”, changed language from “is to occur at the State Hospital” to “shall occur at a state hospital” to align with statutory language; removed “attorney notification” language if defendant’s custody status changes ▪ No. 5: removed <i>Trueblood</i> language because it is no longer necessary with the legislative changes; updated continuance language to align with statutory changes ▪ No. 6: Included statutory language allowing evaluator access to DDA records

		<ul style="list-style-type: none"> ▪ “Contact and Distribution List” updated to include email for DSHS/Child Study and Treatment Center
2.	<p>MP 240 Order for Felony Competency Restoration Treatment</p>	<p><u>Changes:</u></p> <ul style="list-style-type: none"> ▪ Heading: added checkbox for next hearing. Allows courts to clearly find these dates rather than searching through the order. Aids in court admin. work ▪ No. 4, “Nature of Treatment”: added clarity statement to delineate different treatment options; under “Note”, updated second sentence to be more assertive that courts MUST check bed availability prior to ordering treatment; under “Outpatient Treatment”, updated language to align with statutory changes; clarified two options under OT so it is clear that court can order OT through DSHS certified facility or a private entity; under “Treatment Period”, updated to align with statutory language; separated treatment periods based on what applies to inpatient versus outpatient services to better align with statutory changes, clarifies each treatment period ▪ No. 5, third bullet: removed “If the defense provides this information, the prosecuting attorney shall be included in the communication so that duplicate materials are not sent.” Subcommittee agreed this language does not accurately reflect practices, as defense is typically left out of communication, and language is not statutory. ▪ No. 7, “In-Custody Defendant”: removed <i>Trueblood</i> language because it is no longer necessary with the legislative changes; under “Out-of-Custody”, removed “within 2 court days” language because it is not statutory; updated notification language to make it clear that defense and DSHS must work together to get defendant’s evaluated rather than placing that burden solely on defense counsel; added “medical clearance” language to align with legislative changes ▪ No. 8, “Discharge”, second ¶: updated discharge notification language to align with statute such that language is now “commences and expires” instead of “expires by discharge from the treatment facility” as legislation amended discharge procedure to being ordered after a court hearing rather than automatic ▪ No. 9: heading changed from “Next hearing” to “Next Hearing and Presence”, and checkbox options updated to better reflect statutory changes and common practice across counties; and “and/or” option to waiver and remote participation language to align with statutory changes

		<ul style="list-style-type: none"> ▪ “Contact and Distribution List” updated to include email for DSHS/Child Study and Treatment Center
3.	MP 250 Order for Misdemeanor Competency Restoration Treatment	<p><u>Changes:</u></p> <ul style="list-style-type: none"> ▪ Heading: added checkbox for next hearing. Allows courts to clearly find these dates rather than searching through the order. Aids in court admin. work; deleted individual treatment checkboxes because it is duplicative ▪ No. 2 & 3: added “preponderance of the evidence” language ▪ No. 6: under “Outpatient Treatment”, updated language to align with statutory changes; in the “Note” box, updated second sentence to be more assertive that courts MUST check bed availability prior to ordering treatment; clarified two options under OT so it is clear that court can order OT through DSHS certified facility or a private entity; under “Combination of IT and OT” option, included the previous two options so it is clear that court can order OT through DSHS certified facility or a private entity; under “Medication”, clarified the available options based on common practice, modeling language after MP 240 ▪ No. 9, “In-Custody Defendant”: removed <i>Trueblood</i> language because it is no longer necessary with the legislative changes; under “Out-of-Custody”, removed “within 2 court days” language because it is not statutory; updated notification language to make it clear that defense and DSHS must work together to get defendant’s evaluated rather than placing that burden solely on defense counsel; added “medical clearance” language to align with legislative changes ▪ No. 10, “Discharge”, second ¶: updated discharge notification language to align with statute such that language is now “commences and expires” instead of “expires by discharge from the treatment facility” as legislation amended discharge procedure to being ordered after a court hearing rather than automatic ▪ “Contact and Distribution List” updated to include email for DSHS/Child Study and Treatment Center
4.	MP 260 Order Dismissing Felony Charges & Directing Civil Commitment Evaluation	<p><u>Changes:</u></p> <ul style="list-style-type: none"> ▪ No. 5, “Commitment for Civil Commitment Evaluation”: updated language to align with legislative changes ▪ No. 6, “Admission to State Hospital”: updated language to align with legislative changes ▪ “Contact and Distribution List” updated to include email for DSHS/Child Study and Treatment Center

5.	MP 270 Order Dismissing "Serious Nonfelony" Charge & Directing Referral or Release	<u>Changes:</u> <ul style="list-style-type: none"> ▪ No. 1, "Nature of Charges": added "preponderance of the evidence" language ▪ No. 3, "Treatment was Previously Ordered": removed "mental health treatment" language from each option to align with legislative changes ▪ No. 5, "Evaluation at Treatment Facility": restructured options into checkboxes for clarity, updated language based on legislative changes; removed "Any other custody orders on any other cases remain unaffected by this order" and made it a separate order because the language was duplicative
6.	MP 275 Order Dismissing "Nonfelony" Charges – Order to Release or Detain	<u>Changes:</u> <ul style="list-style-type: none"> ▪ No. 1, "Nonserious Offense": style change- "crime(s)" is now "crime/s" ▪ No. 2, "Competency to Stand Trial": Changed to "Incompetency" to align with format change in other forms ▪ Changed pronouns to be gender neutral
7.	MP 282 Order Striking Nonfelony Revocation Proceedings Due to Defendant's Lack of Competency & Immediately Releasing or Detaining Defendant	<u>Changes:</u> <ul style="list-style-type: none"> ▪ Heading: added "Post-Disposition" in title to clarify stage in proceedings where this form is used because as named, it was causing confusion for practitioners and courts ▪ Removed "Agreed" from signature block to align with other forms
Civil Commitment Forms		
1.	MP 410 Findings, Conclusions, and Order Committing Respondent for Involuntary Treatment or Less Restrictive Alternative Treatment, or Assisted Outpatient Behavioral Health Treatment (14-day,	<u>Changes:</u> <ul style="list-style-type: none"> ▪ Removed all language referencing "Assisted Outpatient Behavioral Health Treatment" and all AOT code because subcommittee proposes AOT orders be on a separate form to align with legislative directive to create an AOT petition and for clarity ▪ No. 9: removed "mental illness" ▪ No. 12: updated language to reflect legislative changes ▪ No. 18: added "commitment" to reflect legislative changes as to what hearing outcomes must be shared by the clerk's office

	90-day LRA, 90-day AOT)	
2.	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, 90-day AOT, 180-day AOT)	<p><u>Changes:</u></p> <ul style="list-style-type: none"> ▪ Removed all language referencing “ Assisted Outpatient Behavioral Health Treatment” and all AOT code because subcommittee proposes AOT orders be on a separate form to align with legislative directive to create an AOT petition and for clarity ▪ No. 5: removed “behavioral health disorder” ▪ No. 9: updated language to reflect legislative changes ▪ No. 16: added “commitment” to reflect legislative changes as to what hearing outcomes must be shared by the clerk’s office
3.	MP 430 Findings, Conclusions, and Order Authorizing Administration of Anti-Psychotic Medications	<p><u>Changes:</u></p> <ul style="list-style-type: none"> ▪ No. 14: added “commitment” to reflect legislative changes as to what hearing outcomes must be shared by the clerk’s office
4.	MP 441 Order of Continuance	<p><u>Changes:</u></p> <ul style="list-style-type: none"> ▪ No. 6: added “commitment” to reflect legislative changes as to what hearing outcomes must be shared by the clerk’s office
5.	MP 450 Order for Dismissal	<p><u>Changes:</u></p> <ul style="list-style-type: none"> ▪ Removed no. 10 as it is no longer necessary. Only commitment hearings are reported by the clerks, and this form covers dismissals only.
6.	MP 460 Order Revoking Less Restrictive Alternative Treatment/Condition al Release	<p><u>Changes:</u></p> <ul style="list-style-type: none"> ▪ No. 5: removed “mental illness” ▪ No. 8: reorganized commitment period language to align with legislative changes and provide clarity ▪ No. 10: added “commitment” to reflect legislative changes as to what hearing outcomes must be shared by the clerk’s office ▪ Removed AOT treatment language
7.	MP 470 Order After Review under RCW 71.05.235	<p><u>Changes:</u></p> <ul style="list-style-type: none"> ▪ No. 4: added “commitment” to reflect legislative changes as to what hearing outcomes must be shared by the clerk’s office

8.	MP 01.0600 Joel's Law Petition for Initial Detention by Family, Guardian, Conservator or Federally Recognized Indian Tribe.	<u>Changes:</u> <ul style="list-style-type: none"> ▪ Title: changed to “Joel’s Law Petition for Initial Detention”, removing designation of who may petition ▪ “Who can file....?”: included caveat “A conservator can only apply on behalf of the Respondent if the Respondent is an adolescent” to reflect legislative changes and current ch. 71.34 RCW language ▪ “Definitions”: updated definitions of “guardian” and “conservator” to reflect UGA language ▪ No. 4(D)(3): updated language to reflect legislative changes ▪ Petition Heading: Added place for petitioner/s to write their names; changed title to align with guide’s name change ▪ Bullet no. 2: updated Declaration name to reflect guide and form name ▪ Declaration Heading: changed title to align with guide’s name change
9.	MP 01.0700 Joel's Law Order for Initial Detention	<u>Changes:</u> <ul style="list-style-type: none"> ▪ Heading: changed title to align with petition’s name change; removed check boxes because court’s can no longer order DCRs to file JL petitions; checkbox for “Initial Detention” removed and merged with the title because now all JL petitions are for initial detentions ▪ No. 1: reorganized so the relationship between the petitioner and respondent is in checkbox form, provides better clarity for court and parties as to who it filing ▪ No. 4: first check box, updated petition name ▪ No. 7-9: removed language referencing a DCR filing the petition ▪ No. 10: added “commitment” to reflect legislative changes as to what hearing outcomes must be shared by the clerk’s office
10.	MP 409 Findings, Conclusions, and Order Committing Respondent for Assisted Outpatient Treatment	<u>Changes:</u> <ul style="list-style-type: none"> ▪ New form! (Petition for AOT coming Dec. 2022) ▪ Form to be used when court orders grants AOT