

Joel's Law Petition for Initial Detention

This packet contains the:

- User Guide
- Petition
- Declaration

Mandatory Forms in Washington State Courts



WASHINGTON
COURTS
ADMINISTRATIVE OFFICE OF THE COURTS

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

December 2024

User Guide for the *Joel's Law Petition for Initial Detention*

What is a *Joel's Law Petition for Initial Detention*?

If a person 13 years of age or older has a behavioral health disorder and is a danger to themselves, others, property, or is gravely disabled, and a designated crisis responder (DCR) does not act to detain that person for evaluation and treatment or secure withdrawal management and stabilization services, then this petition allows an immediate family member, guardian, or conservator of the person, or a tribe, if the person is a member of the tribe, to ask the superior court to review that DCR's decision and consider an order to detain that person for initial detention.

Who Can File A Petition for Initial Detention?

An immediate family member, guardian, or conservator of a person, or a tribe, if the person is a member of the tribe, can file such a petition with the court. **A conservator can only apply on behalf of the respondent if the respondent is an adolescent (ages 13–17).** The person filing the petition is called the petitioner, and the person for whom detention and treatment is sought is called the respondent.

How Do I File a Petition for Initial Detention?

Follow these instructions. They will: (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 the petition.

Definitions

"Behavioral health disorder" means either a mental disorder, a substance use disorder, or a co-occurring mental disorder and substance use disorder.

"Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions.

"Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substance.

An "immediate family member" is the spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling of the person that is the subject of the *Joel's Law Petition for Initial Detention*.

A "guardian" is a person appointed by the court to make decisions with respect to the personal affairs of an individual.

A "conservator" is a person appointed by a court to make decisions with respect to the property or financial affairs of an individual subject to conservatorship.

"Designated crisis responder" (DCR) is a mental health professional appointed by the county, by an entity appointed by the county, or by the Washington State Health Care Authority in consultation with a tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in chapter 71.05 RCW.

1. You Can File a Joel's Law Petition If:

- A. You are an immediate family member, guardian, or conservator of the person that you seek to have detained, or a tribe, if the person is a member of the tribe; **and**
- B. You or someone else asked for an investigation of the person that you seek to have detained; **and**
- C. Either:
 1. A DCR conducted the Involuntary Treatment Act (ITA) investigation and decided not to detain the person for evaluation and treatment; **or**
 2. 48 hours passed since the DCR received the request for investigation and the DCR has not taken action to have the person detained; **and**
- D. You file your petition within 10 calendar days following the:
 1. DCR ITA investigation; **or**
 2. Request for investigation, if the DCR has not taken any action to have the person detained.

If it has been more than 10 calendar days, you cannot file a petition but you may request a new DCR investigation. How can you find out the date? If you ask the DCR or agency for the date of the investigation, they must give you the date to help you prepare the petition.

2. How to Complete the Petition:

- A. Fill out the *Petition* (the form begins following the last page of this user guide).
Provide all of the information requested, including:
 1. A description of the relationship between you and the person; **and**
 2. The date on which an investigation was requested from the DCR; **and**
 3. The date of the DCR investigation, if there was one.
 4. Fill out the *Declaration* to describe why the person should be detained (this *Declaration* will be part of the *Petition* once complete). For each category, check yes, no, or don't know.
 - For each question that you answer yes, provide a description of the person's behavior in the space provided on the form. Be as detailed as you can.
For example, you may describe a history of one or more violent acts, such as behavior that resulted in death, attempted suicide, nonfatal injuries, or substantial damage to property.
 - If you have any documents that support the petition, list the documents and attach copies.
 5. You must sign the *Petition* and *Declaration* under penalty of perjury under the laws of the State of Washington, and you must include the date when signed and place (city and state) where you signed it.

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

- B. In support of the *Petition*, other family members, landlords, neighbors, teachers, school personnel, or anyone else with significant contact and a history of involvement with the person may also provide a declaration. They must sign their declaration under penalty of perjury under the laws of the State of Washington, and they must include the date when signed and place (city and state) where they signed it.

3. Where Do You File Your Petition?

File your petition and any witness declarations with the clerk of the superior court in the county where the DCR ITA investigation:

- occurred; **or**
- was requested to occur.

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

Note: If at any time a DCR 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 DCR will move forward.**

4. What Happens After You File the Petition?

- A. Within 1 judicial day, a judicial officer (either a judge or commissioner) will review your petition and any other declarations. That judicial officer will decide whether the documents raise sufficient evidence to support your request for the detention of the person.
1. If there is not sufficient evidence, the judicial officer will dismiss your petition. You will receive a copy of the court's dismissal order.
 2. If there is sufficient evidence, the judicial officer will provide a copy of the petition to the DCR agency. The court will order the agency, within 1 judicial day, to file a written sworn statement describing the basis for the decision not to seek the initial detention. The agency must provide documents supporting its decision.
- B. After you file your petition and before the judicial officer makes a decision, anyone may file a written sworn declaration in support of, or in opposition to, your petition.
- C. The judicial officer will review all information provided to the court.
- D. No later than 5 judicial days after the date you file the petition, the judicial officer will issue a final decision.
1. If there is insufficient probable cause to support the petition, the court will deny the petition. You will receive a copy of the court's dismissal order.
 2. If there is probable cause to support the petition, and the person refuses or does not accept voluntary evaluation and treatment, the court will grant the petition.
 3. If the person is 18 or older, the court may issue an order for initial detention for evaluation and treatment for not more than 120 hours, and a warrant for law enforcement to apprehend and deliver the person to the facility or emergency room as determined by the DCR.
 4. If the person is an adolescent, the court must issue an order for initial detention for evaluation and treatment for not more than 120 hours, and a warrant for law

enforcement to apprehend and deliver the person to the facility as determined by the DCR.

5. The initial detention order remains valid for up to 180 days.
6. You will receive a copy of the court's order/s.

Superior Court of Washington, County of _____

In re Detention of:

Respondent (person to be detained) DOB

Petitioner

Case No. _____

**Joel's Law Petition for Initial
Detention**

(PMIR, PMINE, paragraph 3)

(Cause code – MIF)

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

- this *Petition and*
- the *Declaration in Support of Joel's Law Petition for Initial Detention.*

You may also file signed declarations from family members, landlords, neighbors, teachers, school personnel, or anyone else with significant contact and a 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 behavioral health disorder evaluation and treatment.

1. Petitioner's Relationship to the Respondent

I am the respondent's:

spouse domestic partner child stepchild

parent sibling stepparent grandparent

guardian conservator (*only applicable if Respondent is an adolescent, age 13-17*)

The Guardianship or Conservatorship case number is _____

and it is filed in (*county name*) _____ County Superior Court.

I am an authorized representative of a tribe, of which the respondent is a member.

Name of the tribe: _____

2. Petitioner’s Contact Information

My contact information is:

Telephone: _____

Email address: _____

Mailing address: _____

3. Information about the Designated Crisis Responder (DCR) Investigation

An investigation by a DCR was requested on (date) _____ in (county name) _____ County.

Name of DCR and agency: _____

Telephone number: _____

What happened:

(PMIR) [] The DCR investigated the respondent on (date) _____ and decided not to detain the respondent for evaluation and treatment.

or

(PMINE) [] 48 hours or more have passed since the DCR received a request for investigation and the DCR has not taken any action to detain the respondent.

4. Time for Filing the Petition

I am filing this petition within 10 calendar days following the DCR investigation, or following the request for DCR investigation if the DCR has not taken any action.

5. Correct County

I am filing the petition in this county because this is where the DCR investigation occurred or where the investigation was requested to occur.

Petitioner Signs Here:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at _____ Date: _____
City State

▶ _____
Petitioner signs here Print name Date

Petitioner’s lawyer (if any) fills out below:

▶ _____
Petitioner’s lawyer signs here Print name and WSBA No. Date

Superior Court of Washington, County of _____

In re Detention of:

Case No. _____

Respondent (person to be detained) DOB

**Declaration in Support of Joel's Law
Petition for Initial Detention
(DCLR)**

My name is: _____

My relationship to the respondent is (for example: spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, sibling, guardian, landlord, neighbor, teacher, school personnel, or friend): _____

My contact information is:

Telephone: _____

Email address: _____

Mailing address: _____

Read carefully and answer each question below:

Recent Behaviors

As a result of a behavioral health disorder:

Harm to self: Is there a substantial risk that physical harm will be inflicted by a person upon themselves, as evidenced by threats or attempts to commit suicide or inflict physical harm on themselves (for example, has the respondent recently threatened or attempted to kill, or badly and physically hurt themselves)? (check one): Yes No Don't know.

Harm to others: Is there a substantial risk that physical harm will be inflicted by this 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 physically hurt someone, and/or threatened or attempted to physically hurt someone)? (check one): 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 physically damaged someone's property, and/or threatened or attempted to physically damage someone's property)? (check one): Yes No Don't know.

Document/s to Support Your Petition

If you have any documents to support your petition, list them below and attach copies. These documents may include police reports, prior mental disorder or competency evaluations, prior substance use disorder evaluations, prior recommendations to have an evaluation for civil involuntary treatment commitment, prior civil or criminal involuntary treatment commitment orders, or photographs.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at _____ Date: _____
City State

▶ _____
Sign here Print name