

Judicial Impact Fiscal Note

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| Bill Number: 1258 HB | Title: Detention decision review | Agency: 055-Admin Office of the Courts |
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

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| OFM Review: | Phone: | Date: |

Request # 1258 HB-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

A new section would be added to RCW 71.05 that would:

- 1) Allow an immediate family member or guardian or conservator of the person to petition the superior court for review of a designated mental health professional's decision not to detain a person for evaluation and treatment.
- 2) Allow the petitioner to serve or cause to be served, a notice of the petition on the designated mental health professional. Within twenty-four hours of receiving notice of the petition, the designated mental health professional must:
 - a) Notify the court that the person has been detained for evaluation and treatment or that the person has agreed to voluntarily accept appropriate evaluation and treatment, in which case the court shall dismiss the petition; or
 - b) Provide the court with a written explanation of the basis for the decision not to seek initial detention and a copy of the information collected during the investigation.
- 3) If upon review the court finds: a) That there is probable cause to support a petition for initial detention and b) that the person has refused or failed to accept appropriate evaluation and treatment voluntarily; the court may enter an order for initial detention under RCW 71.05.150(2).

II. B - Cash Receipts Impact

There may be additional filing fees collected by the county clerks as the bill does not waive those fees. The number of times that family members will petition to override the designated mental health professional is not known.

II. C - Expenditures

Data provided by DSHS staff estimates that of the approximately 19,000 to 20,000 cases seen by designated mental health professionals each year, approximately 12,000 are not detained. Program staff at DSHS estimate that 50 families would seek to petition the court each year. Input from the courts suggest that the number of petitions would be higher. There is no data available to estimate the fiscal impact of this bill. However, it is assumed that the impact would be greater than \$50,000 per year. The \$50,000 expenditure level represents approximately 84 hours (0.07 FTE) of superior court judicial officer time and associated support staff and operational costs.

This bill would require modifications to the Judicial Information System (JIS) to add codes for use with the new petition. These modifications are estimated to take 100 hours of AOC staff time which equates to a one-time cost of \$5,300. It is important to note that the passage of several bills requiring JIS modifications would have a cumulative impact and could exceed current resources.

Part III: Expenditure Detail

Part IV: Capital Budget Impact