

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5269 E 2S SB AMH JUDI H2362.3	<b>Title:</b> Detention decision review	<b>Agency:</b> 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:

STATE	FY 2016	FY 2017	2015-17	2017-19	2019-21
State FTE Staff Years					
<b>Account</b>					
General Fund-State 001-1	117,146	111,846	228,992	223,692	223,692
State Subtotal \$	117,146	111,846	228,992	223,692	223,692
COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years					
<b>Account</b>					
Local - Counties	489,117	489,117	978,234	978,234	978,234
Counties Subtotal \$	489,117	489,117	978,234	978,234	978,234
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years					
<b>Account</b>					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$	489,117	489,117	978,234	978,234	978,234
Total Estimated Expenditures \$	606,263	600,963	1,207,226	1,201,926	1,201,926

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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Request # E2SSB 5269-1

## Part II: Narrative Explanation

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

In the amendment to the second engrossed substitute bill, the courts are mandated to review a petition within one judicial day. While this is not a quantifiable change to the fiscal impact, there is an additional judicial impact. In past years, the court has been directed many times to give priority to many matters, such as relocation of children, college support for youth, and dependency matters. When new priorities are mandated, other civil matters move lower on the list of demands on judicial time. To timely address the petitions that will be filed under E2SSB 5269's striking amendment, courts must either postpone already scheduled matters, some of which may have competing and equal priority, or the court must have a judicial officer sitting by in the event a petition comes in, a situation that no court can afford.

Past versions of the bill:

The difference between the original bill and the engrossed bill are:

In the new section that would be added to RCW 71.05, (2) would include that the petition forms must be developed by the courts for this purpose. In addition, the information that is required to be on the forms is specified. The engrossed second substitute does not include the requirement that within twenty-four hours of receiving notice of the petition, the designated mental health professional must provide information to the court.

The engrossed second substitute bill would direct the courts regarding the review of the petitions and would mandate the turnaround time for the court's action. It would also mandate that the court shall transmit its final decision to the petitioner when it is made.

Another new section would be added to RCW 71.05 that says that if a person is not detained within forty-eight hours, the designated mental health professional or designated mental health professional agency must inform the immediate family member, guardian, or conservator about the process to petition for court review under section 1 of this act.

A section would be added to RCW 71.05 that reads: This act may be known and cited as Joel's law.

The original bill would:

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

Additional data has been 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. They also estimate that 204-510 families would seek to petition the court each year. Based on input from the courts there would be an increase in proceedings and associated judicial workload, which would have to be done on an emergent basis, with priority over other pending matters. It is conceivable that courts would have to add a judicial officer to address these additional hearings. Also based on input from the courts, some of the hearings could be lengthy with one estimate of a full day in court.

For the purposes of this judicial impact note, the calculations are for the statewide impact. While some courts may be more affected than others, there is no way to predict which courts will have the biggest impact. For the purposes of this note, the mid-range of 204-510 families will be used, creating an additional 357 hearings. Because some of the hearings may not take all day, 3 hours court time is used. Based on 357 hearings at 3 hours each, the potential cost to the courts is \$600,963. This equates to .95 FTE judicial officer, 2.31 superior court staff and 3.05 clerk staff. The cost to the state would be \$111,846 and the cost to the counties would be \$489,117.

In past years, the court has been directed many times to give priority to many matters, such as relocation of children, college support for youth, and dependency matters. When new priorities are mandated, other civil matters move lower on the list of demands on judicial time. To timely address the petitions that will be filed under E2SSB 5269's striking amendment, courts must either postpone already scheduled matters, some of which may have competing and equal priority, or the court must have a judicial officer sitting by in the event a petition comes in, a situation that no court can afford.

The requirement for courts to draft a petition would be absorbed within each court.

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

### III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Wages	74,151	74,151	148,302	148,302	148,302
Employee Benefits	37,695	37,695	75,390	75,390	75,390
Professional Service Contracts					
Goods and Other Services	5,300		5,300		
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
<b>Total \$</b>	<b>117,146</b>	<b>111,846</b>	<b>228,992</b>	<b>223,692</b>	<b>223,692</b>

### III. B - Expenditure By Object or Purpose (County)

<i>County</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits	365,325	365,325	730,650	730,650	730,650
Capital					
Other	123,792	123,792	247,584	247,584	247,584
<b>Total \$</b>	<b>489,117</b>	<b>489,117</b>	<b>978,234</b>	<b>978,234</b>	<b>978,234</b>

**III. C - Expenditure By Object or Purpose (City)**

<i>City</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

**Part IV: Capital Budget Impact**