

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5106 ESSB	Title: Involuntary Treatment Act	Agency: 055 – Admin Office of the Courts (AOC)
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
Total:					

Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
STATE					
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

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.

Legislative Contact:	Phone:	Date:
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 3/27/2017
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would provide that a petition for initial detention filed by a family member, guardian or conservator must be filed within ten calendar days following a designated mental health professional's investigation or request for investigation. If more than ten days have elapsed, the family member, guardian, or conservator must request a new mental health professional investigation.

The bill would provide that if a court enters an order for an initial detention, the court must issue a written order for apprehension of the person by law enforcement for delivery of the person to a facility or emergency room. The order of detention would be required to contain the advisement of rights the person would receive if the person were detained by a designated mental health professional. The designated mental health professional serving in the jurisdiction of the court would be required to collaborate and coordinate with law enforcement in the apprehension and detention of the person.

The bill would require that by December 15, 2017, the Administrative Office of the Courts (AOC) must develop a user guide to assist pro se litigants in the preparation and filing of a petition for initial detention and develop a model order of detention that contains an advisement of rights for the detained person. The AOC would be required to collaborate with judges, prosecutors, defense attorneys, the Department of Social and Health Services (DSHS), behavioral health advocates, and families in the development of the user guide.

The bill would require that a petition for revocation of a less restrictive alternative order and order for apprehension and detention must be filed with the court of the county where the person is currently located or being detained. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court of revocation, within two days of the person's detention.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

This bill would require revisions to existing forms, petitions, and related processes. Notice of the filing must be provided to the court that originally ordered commitment, if a different county, within two judicial days of the person's detention. This would require changes to existing RCW 71.05 forms and a possible new form for notice to the court that originally ordered the commitment. In addition to the possible new notice to courts, this bill would add a "Petition to Modify." The current order is for revocation, only. Either existing order revoking would need to be revised to include the modifying order, or a new modifying order will need to be developed. There is already a docket code for "Petition to Modify or Revoke Less Restrictive Alternative", so a petition would not need a new docket code. Likewise, there is already a docket code for a modifying order. No new docket codes would be required.

Court education will be required in regards to initial detention investigations. If a person is subject to an evaluation under RCW 71.05.150 or RCW 71.05.153 and the person is in an emergency room, the designated mental health professional responder conducting the evaluation would be required to take serious consideration of the observations and opinions by an examining room registered nurse practitioner or physician assistant in addition to the physician. Judicial officer education will be required.

The AOC would be required to draft and present by December 15, 2017, in consultation with stakeholders: (1) a user's guide for the "Joel's Law" petition, and (2) a model order of detention under RCW 71.05.201.

These impacts can be managed within existing resources.