



Pattern Forms Committee 71.05 RCW Forms Subcommittee

Tuesday, May 19, 2020

Contact Ashley Tam (ashley.tam@courts.wa.gov) for questions.

Supplemental Information

General Notes:

- Changes to forms primarily made to address the impact of [Session Law 5720](#) (Involuntary Treatment Act—Various Provisions). Sections are effective on various dates, including on 6/11/2020.
- While [Session Law 6259](#) (Indian Behavioral Health System—Various Provisions) impacts the 71.05 RCW forms and is effective 6/11/2020, the Subcommittee will delay any decisions as to whether to create new forms to comply with this law until July/August of 2020. This delay is due to time constraints.
- Throughout the form set, the Subcommittee changed gendered pronouns to more neutral ones (“they” or “themself”).
- Blue underlined text are hyperlinks.

1.

MP 401

Petition for Initial Detention (existing form, not updated)

- **Discussion Item:** This form was not updated by the subcommittee to comply with [Session Law 5720](#). This form is used by Designated Crisis Responder (DCRs) only. The President of Washington Designated Crisis Responders Association informed the Subcommittee that most DCRs use forms developed by their organizations. A modified version (one emergency and another non-emergency situations) is available through [HCA's website](#), but the President didn't think that DCRs were using that version. If the Subcommittee wanted to create a form for the DCRs, then the Subcommittee felt that it would require more input from the DCRs and for them to want us to develop a form for them.
- **Discussion Item:** The existing Petition for Initial Detention is legally inaccurate. It does not distinguish, and in fact, mixes the standards for emergency ([RCW 71.05.153](#)) and non-emergency detentions ([RCW 71.05.150](#)). In addition, it does not fully address/distinguish the requirements for detention of a Juvenile. ([RCW 71.34.710](#)). It would be easier if the form was split into at least two forms to distinguish between the emergency and non-emergency standards. Potentially, Juveniles could be a third form or incorporated into the form that most aligned to its requirements.
- **Discussion Item:** The Subcommittee is deferring to the Pattern Forms Committee as to whether this form needs to be updated, kept on the website “as is,” or to be removed completely.

2.	MP 410	<p>Findings, Conclusions, and Order Committing Respondent for Involuntary Treatment or Less Restrictive Treatment (14-day, 90-day LRA, 90-day AOT)</p> <ul style="list-style-type: none"> ➤ Discussion Item: “Involuntary treatment” is the terminology used in the statute. AOT is the only option that is outpatient. Subcommittee preferred the use of “inpatient treatment,” which they felt was clearer. ➤ See other changes in form.
3.	MP 420	<p>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> <ul style="list-style-type: none"> ➤ Discussion Item: According to Session Law 5720, Section 110 (1): Section 4 and 28 takes effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months and (2) The health care authority must provide written notice of the effective date of section 4 and 28 to affected parties, the chief clerk of the house representatives, the secretary of the senate, the office of the code revisers, and others as deemed appropriate by the authority. The Subcommittee has decided not to incorporate those changes into the form until they are needed. ➤ Discussion Point for PFC: In 2019, Division II published an opinion in Matter of Detention of S.B., 7 Wn.App.2d 337, 433 P.3d 526, holding that a court need not consider voluntary treatment status when making a determination regarding commitment for further treatment under RCW 71.05.280. ➤ See other changes in form.
4.	MP 430	<p>71.05 Findings, Conclusions, Order Authorizing Anti-Psychotic Medication</p> <ul style="list-style-type: none"> ➤ See changes in form.
5.	MP 441	<p>Order of Continuance</p> <ul style="list-style-type: none"> ➤ Discussion Item: Session Law 5720 Sec. 37 (and MPR 1.2) use “proper administration” when the petitioner requests it, and “due administration” when the court requests it. Does it cover all the options? ➤ See other changes in form.
6.	MP 445	<p>Order Setting Trial Date</p> <ul style="list-style-type: none"> ➤ See changes in form.

7.	MP 450	<p>Order for Dismissal</p> <p>➤ Discussion item: In Spring 2019, the Findings of Fact was originally modified to comply with Session Law 5181, Section 1 and 2, and now as RCW 71.05.182 and RCW 9.41.049. To satisfy RCW 9.41.049 (formerly from Session Law 5181). “If the person is not subsequently committed for involuntary treatment under RCW 71.05.240, the court shall forward within three business days of the probable cause hearing a copy of the person's driver's license or identicard, or comparable information, along with the date of release from the facility, to the department of licensing and to the state patrol, who shall forward the information to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159).”</p> <p>The law had several gaps and ambiguities, including which probable cause hearing it meant—one that could occur out of RCW 71.05.150(2)(a)(i) or RCW 71.05.240. At the time, PFC updated the language that the subcommittee sent to account for various interpretations of the law that would trigger the court's responsibility to forward documentation/information to DOL and WSP. The original #1 to #4 were:</p> <ol style="list-style-type: none">1. [] No petition for 14-day commitment was filed.2. [] No probable cause hearing was held.3. [] A probable cause hearing was held and the Petitioner failed to meet their burden of proof. The petition was dismissed.4. [] After a probable cause hearing was held, the court finds an initial detention (72-hour) petition was based on likelihood of serious harm under RCW 71.05.150 or RCW 71.05.153. (Note: If this finding is made, then the court must also order #13 in this <i>Order of Dismissal</i>.) <p>Combinations of #1 and #4 , #3 and #4, or #4 alone triggered (now) #9 in the order to occur.</p> <p>The Subcommittee attempted to consolidate the findings of fact section to streamline it.</p> <p>➤ Discussion Item: #4 in the Findings of Fact used to provide an instruction that if #4 was selected you must select also what is now) #9 in the Order. The instruction is less direct now as written and has moved to #9 in the order.</p> <p>➤ See other changes in form.</p>
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8.	MP 460	<p>Order Revoking Less Restrictive Alternative Treatment/Conditional Release</p> <ul style="list-style-type: none"> ➤ See changes in form.
9.	MP 470	<p>Order after Review under RCW 71.05.235</p> <ul style="list-style-type: none"> ➤ Discussion Item: Analyst is researching whether ORRVH would be a better docket code. Any updates will be shared at the meeting. ➤ See other changes in form.
10.	MP 1.0600	<p>Joel's Law Petition for Initial Detention</p> <ul style="list-style-type: none"> ➤ Discussion Item: "Adult" isn't a defined statutory term, but the Subcommittee needed a term that differentiated between adults and adolescents. Session Law 5720, Section 63, amending RCW 71.34.020. "Adolescent" means a minor thirteen years of age or older. ➤ Discussion Item: Session Law 5720, Section 82, amending RCW 71.34.710 was summarized in the form. ➤ Discussion Item: According to Session Law 5720, Section 110 (1): Section 4 and 28 takes effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months and (2) The health care authority must provide written notice of the effective date of section 4 and 28 to affected parties, the chief clerk of the house representatives, the secretary of the senate, the office of the code revisers, and others as deemed appropriate by the authority. The Subcommittee has decided not to incorporate those changes into the form until they are needed. ➤ See other changes in form.
11.	MP 1.0700	<p>Joel's Law Order for Initial Detention</p> <ul style="list-style-type: none"> ➤ Discussion Item: "Adult" isn't a defined statutory term, but the Subcommittee needed a term that differentiated between adults and adolescents. Session Law 5720, Section 63, amending RCW 71.34.020. "Adolescent" means a minor thirteen years of age or older. ➤ See Discussion Items in the Notice of Rights section. This is a summary of rights noted in the statute. The Subcommittee tried to reconcile the rights of adults and adolescents in the same Notice. Our designated crisis responder representatives noted that a comprehensive Notice of Rights is provided to those individuals detained in addition to what is provided on our form. ➤ See other changes in form.

Superior Court of Washington
County of _____

<p>In re the Detention of:</p> <hr style="width: 80%; margin-left: 0;"/> <p style="text-align: right; margin-right: 20px;">Respondent</p>	<p>Case No. _____</p> <p>Petition for Initial Detention (PTINDT)</p> <p><input type="checkbox"/> Mental Health <input type="checkbox"/> Substance Use</p>
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Pursuant to **chapter** **71.05 RCW** **71.34 RCW**, Petitioner, a Designated Crisis Responder designated by _____ County, alleges under penalty of perjury that the Respondent; as the result of *(check all that apply)*:

- a mental disorder substance use disorder:
 - Presents an imminent likelihood of serious harm:
 - to self
 - to others
 - to property
 - Is in imminent danger because of being gravely disabled:
 - Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety.
 - Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

The Respondent was brought to my attention under the following circumstances:

Consultation with the ER doctor regarding their observations and opinions:

Therefore the Petitioner requests that the Respondent be detained at a(n):
 evaluation and treatment facility **secure withdrawal management and stabilization facility** **approved substance use disorder treatment program for no more than 72 hours (excluding Saturdays, Sundays, and legal holidays) for evaluation and treatment pursuant to ch. 71.05 RCW.**

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (City/Town): _____ (State): _____ on (Date): _____.

Petitioner

Print Name

Name of Agency

Superior Court of Washington
County of _____

In re the Detention of: _____ <p style="text-align: right;">Respondent</p>	Case No. _____ Findings, Conclusions, and Order Committing Respondent for Involuntary Treatment, or Less Restrictive <u>Alternative</u> Treatment, or Assisted Outpatient Behavioral Health Treatment Clerk's Action Required: para. 15 (MI)
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Commented [TA1]: Note to Analyst: Form Name will need to updated.

Commented [TA2]: [RCW 71.05.240](#)(4)(d): If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, is in need of **assisted outpatient behavioral health treatment**, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate **less restrictive alternative course of treatment** not to exceed ninety days.

Commented [TA3]: **Discussion Item:** "Involuntary treatment" is the terminology used in the statute. AOT is the only option that is outpatient. Subcommittee preferred the use of "inpatient treatment," which they felt was clearer.

<u>Select all that apply:</u>		
<input type="checkbox"/> Mental Illness Disorder	<input type="checkbox"/> Substance Use Disorder	
<input type="checkbox"/> 14-day involuntary inpatient treatment commitment (ORDT14S)	<input type="checkbox"/> 14-day inpatient treatment commitment (ORDT14)	<input type="checkbox"/> 14-day inpatient treatment commitment (ORDT14S)
<input type="checkbox"/> 90-day LRA (ORDL90)	<input type="checkbox"/> 90-day LRA (ORDL90S)	
<input type="checkbox"/> 90-day AOT (AOTL90)	<input type="checkbox"/> 90-day AOT (AOTL90S)	
LRA/AOTL Expires on _____.		

Hearing

The court held a hearing on _____ (date) on the:

Petition for 14 days of involuntary treatment OR 90 days of less restrictive alternative treatment.

Petition for 90 days of assisted outpatient behavioral health treatment.

At the hearing:

Respondent ~~[-]~~ appeared in person ~~appeared~~ by video ~~[-]~~ ~~refused to appear~~ and was represented by _____

Respondent waived his/her appearance through counsel.

Separate appearance waiver has been filed.

Respondent ~~has~~ orally waived ~~his/her~~ their appearance ~~to through~~ defense

Commented [TA4]: The Subcommittee combined, change the order, and deleted some individual listed. They removed individuals from the list, if they were not statutorily required to be identified as present at the hearing. These changes are made throughout the 71.05 RCW form set.

counsel, and the court accepts this waiver.

Petitioner appeared in person by video

and was represented by _____

GAL appeared in person appeared by video waived appearance

GAL waived Respondent's appearance

~~Petitioner appeared in person by video and was represented by _____
DPA/AAG who appeared in person by video~~

~~Respondent's Attorney _____ appeared in person by video~~

Witness _____ appeared in person by video or
 under CR 43 by telephone _____

Witness _____ appeared in person by video or
 under CR 43 by telephone _____

~~Agreed order~~

In addition to the findings of fact and conclusions of law written below, the court incorporates by reference the oral findings of fact and conclusions of law.

Commented [TA5]: Duplicative. See #7 in Findings of Fact.

Findings of Fact

The court makes the following findings of fact:

1. **Time of Hearing.** The hearing was held within the time period allowed in RCW 71.05.240.

2. **Firearm Notice.** (Not applicable for substance use disorder treatment.) Before this order was entered, the court and/or the prosecutor notified the Respondent, orally and in writing, that the failure to make a good faith effort to seek voluntary treatment will result in the loss of Respondent's firearm rights if Respondent is detained for involuntary treatment as the result of a mental disorder.

Commented [A6]: [Session Law 5720](#), Section 38. (2) Court or prosecutor may now give notice.

~~3. **Voluntary Treatment.**~~

~~Respondent has not volunteered to undergo treatment.~~

~~Good Faith Voluntary: Respondent has alleged prior to the commencement of the hearing that the person has in good faith volunteered for treatment. Petitioner has proven by a preponderance of the evidence that Respondent has not in good faith volunteered for appropriate treatment.~~

Commented [TA7]: This section would make more sense after the firearm notice section than where it was originally in the form.

Commented [TA8]: Updated definition: [Session Law 5720](#) § 38(3)

34. **Reasons for Commitment.** Petitioner has proven by a preponderance of the evidence that Respondent suffers from the following behavioral health disorder(s). (Select all that apply):^a

substance use disorder: _____

mental disorder: _____

As a result of the above disorder(s) (check the boxes that apply and write facts in support below):

Likelihood of serious harm or gravely disabled:

- There is a substantial risk that Respondent:
 - will inflict harm upon ~~him/herself~~ themselves, as evidenced by threats or attempts to commit suicide or inflict physical harm to ~~him/herself~~themselves.
 - will inflict harm upon another person, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm.
 - will inflict harm to the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.
- Respondent has threatened the physical safety of another and has a history of one or more violent acts.
- Respondent's condition is such that Respondent:
 - is in danger of serious physical harm resulting from the failure to provide for his/her essential needs of health or safety.
 - manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over actions and is not receiving such care as is essential for health and safety. ~~Harmful consequences will follow if involuntary treatment is not ordered and Respondent is unable to make a rational decision regarding the need for treatment.~~

Facts in support:

Commented [TA9]: Removed because not part of definition of "gravely disabled." See [Session Law 5720 § 3\(21\)](#).

Commented [TA10]: Added another "Facts in Support" section. Previously, it wasn't very clear that that the section was supposed to be both for the "Likelihood of serious harm or gravely disabled" and "In need of assisted outpatient behavioral health treatment" sections.

In need of assisted outpatient behavioral health treatment:

- Respondent:
 - has been committed by a court to detention for involuntary behavioral health treatment during the preceding 36 months (excluding confinement as a result of a criminal conviction);
 - is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior;
 - is likely to benefit from less restrictive alternative treatment; **and**

- requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the Respondent presenting a likelihood of serious harm or the Respondent becoming gravely disabled within a reasonably short period of time; ~~and-~~
- ~~does not present a likelihood of serious harm and is not gravely disabled.~~

Commented [TA11]: See [Session Law 5720 § 38\(4\)\(d\)](#).

Facts in support: _____

45. Less Restrictive Alternative Treatment.

Less restrictive alternative treatment is in the best interest of the Respondent or others. *(Explain:)*

OR

Less restrictive alternative treatment is not in the best interest of the Respondent or others. *(Explain:)*

5. Voluntary Treatment.

~~Respondent has not volunteered to undergo treatment.~~

~~Good Faith Voluntary: Petitioner has proven by a preponderance of the evidence that Respondent has not in good faith volunteered for appropriate treatment. The parties addressed the issue. Respondent is not willing or able in good faith to consent to voluntary treatment.~~

Commented [TA12]: Moved up to new #3. Also, Updated definition: [Session Law 5720 § 38\(3\)](#)

6. Adequate space for Respondent's substance use disorder treatment.

A secure withdrawal management and stabilization facility with adequate space for the respondent is available is not available.

An approved substance use disorder treatment program with adequate space for the respondent is available is not available.

7. **Agreed Order.** Respondent, after consultation with counsel, agrees to the entry of this order.

8. **Other.** _____

Conclusions of Law

9. **Jurisdiction.** The court has jurisdiction over the parties and subject matter of this mental illness proceeding.
10. **Criteria.** The Petitioner established by a preponderance of the evidence that the Respondent:
- presents a likelihood of serious harm.
 - is gravely disabled.
 - is in need of assisted outpatient behavioral health treatment and the Respondent does not present a likelihood of serious harm and is not gravely disabled.

The Court Orders

11. **Involuntary Treatment** as follows:

- 14-Day Commitment.** The Respondent is detained for a period not to exceed 14 days of intensive inpatient treatment at the following facility certified to provide treatment by the Department of Health or under RCW 71.05.745:
 Inpatient mental health treatment at: _____

- ~~Secure detoxification facility~~ **Secure withdrawal management and stabilization facility** at: _____

- Approved substance use treatment program at: _____

- Other: _____

Commented [TA13]: [Session Law 5720](#) §38(4)(a)

Commented [TA14]: Updated terminology.

Escape and Recapture. If the Respondent escapes from the treatment facility, any Peace Officer shall apprehend, detain, and return the respondent to this treatment facility or to the evaluation and treatment facility designated by a Designated Crisis Responder (DCR).

- Less Restrictive Treatment** as follows:
 - 90-Day Less Restrictive Alternative Treatment.** The Respondent is released to less restrictive alternative treatment (LRA) for up to 90 days:
 - mental health treatment
 - substance use disorder treatment
 - 90-Day Assisted Outpatient Behavioral Health Treatment.** The Respondent

is released for assisted outpatient treatment on a less restrictive alternative (AOT) for up to 90 days:

mental health treatment substance use disorder treatment

LRA/AOT services and conditions:

_____ (name) is the behavioral mental health service provider responsible for identifying the services the Respondent will receive in accordance with RCW 71.05.585.

Commented [TA15]: Updated terminology. [Session Law 5720](#) § 38(5).

The following treatment conditions or other conditions are in the best interest of the respondent and others:

Respondent must cooperate with the services planned by the mental health service provider.

Violation and Hospitalization. If a treatment agency or facility, or a Designated Crisis Responder (DCR), determines that the Respondent is not following the terms and conditions of this order, or that substantial deterioration in Respondent's functioning has occurred, or substantial decompensation in Respondent's functioning has occurred, or he/she poses a likelihood of serious harm, they may take action to enforce, modify, or revoke the less restrictive alternative. If revocation procedures are begun under RCW 71.05.590(4), a hearing shall be held within five days to address the allegations and determine whether this order should be modified or whether the Respondent should be returned to an evaluation and treatment facility for intensive inpatient treatment for the remainder of the treatment period.

(If the current less restrictive alternative is solely based on the respondent being in need of assisted outpatient behavioral health treatment, then revocation proceedings are under 71.05.590(6)).

12. **Transportation.** The Respondent is remanded into the custody of _____ for transportation and delivery to the treatment facility.
13. **Concurrent Jurisdiction.** The Respondent will be placed in _____ County and that county shall have concurrent jurisdiction with this county to consider any Petition for Revocation of this Order without further order of this court.
14. **Right to Full Hearing or Jury Trial.** If involuntary treatment beyond the ~~14 day~~14-day period or beyond the 90 days of less restrictive treatment is to be sought, Respondent will have the right to a full hearing or jury trial as required by RCW 71.05.310.
15. **Firearms Possession Prohibited** (not applicable for substance use disorder treatment): Respondent shall immediately surrender any concealed pistol licenses and Respondent may not possess a firearm unless Respondent's right to do so is restored by a court of record. The *Notice of Ineligibility to Possess a Firearm* is filed separately.

16. **Notice to Department of Corrections.** If Respondent is, or becomes, subject to supervision by the department of corrections, Respondent must notify the treatment provider and Respondent's mental health treatment information and substance use disorder treatment information must be shared with the department of corrections for the duration of the Respondent's incarceration and supervision, under RCW 71.05.445. Upon a petition by a person who does not have a history of one or more violent acts, the court may, for good cause, find that public safety would not be enhanced by the sharing of this information.

17. **Other:** _____

_____.

Dated _____

Judge / Commissioner

Approved for entry

Approved for entry

Attorney for Petitioner DPA/AAG

Attorney for Respondent

WSBA No. _____

WSBA No. _____

Respondent

Interpreter certifies that s/he has reviewed this order with Respondent.

Interpreter

Superior Court of Washington
County of _____

In re the Detention of:	Case No. _____
_____ Respondent	Findings, Conclusions, and Order Committing Respondent for Involuntary Treatment Or Less Restrictive Treatment
	Clerk's Action Required: para. 13 (M), 15

<input type="checkbox"/> Mental Disorder Illness	<input type="checkbox"/> Substance Use Disorder
<input type="checkbox"/> 90-day inpatient treatment commitment (ORDT90)	<input type="checkbox"/> 90-day commitment inpatient treatment (ORDT90-S)
<input type="checkbox"/> 180-day inpatient treatment commitment (ORDT180)	<input type="checkbox"/> 180-day inpatient treatment commitment (ORDT18S)
<input type="checkbox"/> 90-day LRA (ORDL90)	<input type="checkbox"/> 90-day LRA (ORDL90S)
<input type="checkbox"/> 180-day LRA (ORDL180)	<input type="checkbox"/> 180-day LRA (ORDL18S)
<input type="checkbox"/> One-year LRA (ORDL1Y)	<input type="checkbox"/> One-year LRA (ORDL1YS)
<input type="checkbox"/> 90-day AOT (AOTL90)	<input type="checkbox"/> 90-day AOT (AOTL90S)
<input type="checkbox"/> 180-day AOT (AOTL180)	<input type="checkbox"/> 180-day AOT (AOTL18S)
LRA/AOT L Expires on _____.	

Hearing

The court held a hearing on _____ (date) on the:

- Petition for **90 Days** **180 Days** **1 Year** of involuntary treatment.
- Petition for Assisted Outpatient Behavioral Health Treatment.

At the hearing:

- Respondent appeared in in person appeared by video ~~refused to appear~~ and was represented by _____
- Respondent waived his/her/their appearance through counsel

Commented [A1]: Ashley's Note: Need to convert checkboxes to brackets for accessibility.

Commented [A2]: Discussion Item: (Matches MP 410).

"Involuntary treatment" is the terminology used in the statute. AOT is the only option that is outpatient. Subcommittee preferred the use of "inpatient treatment," which they felt was clearer.

Commented [A3]: The Subcommittee combined, change the order, and deleted some individual listed. They removed individuals from the list, if they were not statutorily required to be identified as present at the hearing. These changes are made throughout the 71.05 RCW form set.

- Separate appearance waiver has been filed.
- Respondent ~~has~~ orally waived ~~his/her/their~~ appearance ~~to through~~ defense counsel, and the court accepts this waiver.

~~Petitioner appeared~~ ~~in person~~ ~~by video~~
~~and was represented by~~ _____

- GAL appeared in person appeared by video waived appearance
- GAL waived Respondent's appearance
- ~~Petitioner appeared~~ ~~in person~~ ~~by video~~ and was represented by _____
~~DPA/AAG who appeared~~ ~~in person~~ ~~by video~~
- ~~Respondent's Attorney~~ _____ appeared ~~in person~~ ~~by video~~
- Witness _____ appeared in person by video or
 under CR 43 by telephone _____
- Witness _____ appeared in person by video or
 under CR 43 by telephone _____

~~Agreed order~~

In addition to the findings of fact and conclusions of law written below, the court incorporates by reference the oral findings of fact and conclusions of law.

Findings of Fact

The court makes the following findings of fact:

1. Reason/s for Commitment. Petitioner has proven by clear, cogent, and convincing evidence that Respondent suffers from a ~~substance use disorder~~ ~~mental disorder~~, the following behavioral health disorder(s). (Select all that apply):

substance use disorder: _____

mental disorder: _____

The diagnosis is:

Felony Charges dismissed.

The Respondent was determined to be incompetent and felony charges were dismissed. Respondent committed the following acts _____

_____ which constitute the felony of _____

As a result of a **behavioral healthmental** disorder, Respondent presents a substantial likelihood of repeating similar acts.

The acts Respondent committed constitute a violent offense under RCW 9.94A.030.

Commented [A4]: Duplicative. See #4 in Findings of Fact.

Commented [A5]: [Session Law 5720](#): Change in terminology.

Commented [A6]: [Session Law 5720](#), Section 41, 45: Change in terminology.

Respondent is in custody pursuant to RCW 71.05.280(3) and continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior.

Commented [A7]: Moved to more appropriate section (see below).

As a result of that substance use disorder mental disorder behavioral health disorder (check the boxes that apply and write facts in support, below):

Commented [A8]: [Session Law 5720](#), Section 4 (57): Change in terminology.

Respondent is in custody pursuant to RCW 71.05.280(3) and continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior

Likelihood of Serious Harm.

After having been taken into custody for evaluation and treatment, Respondent has threatened, attempted, or inflicted physical harm upon the person of another or himself/herself/themself or substantial damage upon the property of another.

Respondent was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm or substantial pain on the person of another or himself/herself/themself, or substantial damage on the property of others.

Commented [A9]: Discussion Item: According to Session Law 5720, Section 110 (1): Section 4 and 28 takes effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months and (2) The health care authority must provide written notice of the effective date of section 4 and 28 to affected parties, the chief clerk of the house representatives, the secretary of the senate, the office of the code revisers, and others as deemed appropriate by the authority.

[Session Law 5720](#), Section 4, adds "or substantial pain."

Facts in support:

Commented [A10]: Discussion Item: See related comment above. [Session Law 5720](#), Section 4, adds "or substantial pain."

Gravely Disabled. Respondent:

is in danger of serious physical harm resulting from the failure to provide for his/her essential needs of health or safety.

manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over actions, is not receiving such care as is essential for health and safety; harmful consequences will follow if involuntary treatment is not ordered and the Respondent, due to a severe deterioration of mental functioning, is unable to make a rational decision regarding the need for treatment.

Commented [A11]: Discussion Item: See related comment above. [Session Law 5720](#), Section 4, changes "in routine functioning" to "from safe behavior."

In need of assisted outpatient behavioral health treatment. Respondent:

- has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months (excluding confinement as a result of a criminal conviction);

- is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the Respondent's current behavior;
- is likely to benefit from less restrictive alternative treatment; and
- requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the Respondent presenting a likelihood of serious harm or the Respondent becoming gravely disabled within a reasonably short period of time.

Facts in support: _____

- An approved substance use disorder treatment program with adequate space for Respondent is available is not available.
- Respondent is being discharged from the hospital. Respondent's previous commitment term was for intensive inpatient treatment in a state hospital.

2. Less Restrictive Alternative Treatment.

- Less restrictive alternative treatment is in the best interest of the Respondent or others.
- OR
- Less restrictive alternative treatment is not in the best interest of the Respondent or others. (*Explain*)

3. Voluntary Treatment

- Respondent has not volunteered to undergo treatment.
- Good Faith Voluntary: The parties addressed the issue. Respondent is not willing or able in good faith to consent to voluntary treatment.

4. **Agreed Order.** The respondent, after consultation with counsel, agrees to the entry of this order.

5. **Other:** _____

Commented [A12]: Discussion Point for PFC: In 2019, Division II published an opinion in [Matter of Detention of S.B., 7 Wn.App.2d 337, 433 P.3d 526](#), holding that a court need not consider voluntary treatment status when making a determination regarding commitment for further treatment under RCW 71.05.280.

Commented [A13R12]: Subcommittee: The voluntary treatment section should be put under consideration for deletion. (This does not match MP 410 purposely because of the court case above.)

Conclusions of Law

- 6. **Jurisdiction.** The court has jurisdiction over the parties and subject matter of this ~~behavioral health disorder/mental illness~~ proceeding.
- 7. **Criteria.** The Petitioner established by clear, cogent, and convincing evidence that the Respondent:
 - presents/continues to present a likelihood of serious harm.
 - presents/continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior.
 - is/continues to be gravely disabled.
 - is in need of assisted outpatient behavioral health treatment.

Commented [A14]: [Session Law 5720](#), Sec 3. Updated terminology.

78. **Agreed Order.** Respondent, after consultation with counsel, agrees to the entry of this order.

Commented [A15]: Consistency across forms. (Match with MP 410.)

89. **Other:** _____

The Court Orders

- 910.** **Involuntary Treatment** as follows:
 - Inpatient Treatment.** The court orders **90 Days** **180 Days** of intensive inpatient treatment. Respondent is remanded into the custody of DSHS or to a facility certified by the Department of Health.
 - Inpatient Mental Health Treatment at:** _____
 - Substance Use Disorder Treatment Program at:** _____
 - Other:** _____

Escape and Recapture. If the Respondent escapes from the treatment facility, any Peace Officer shall apprehend, detain, and return the respondent to this treatment facility or to ~~a the evaluation and treatment~~ facility designated by a Designated Crisis Responder (DCR).

Commented [A16]: [Session Law 5720](#), Sec. 12. The choice is to either delete the reference to E&Ts or add references to the other types of facilities (secure withdrawal management and stabilization facility, approved substance use disorder treatment program).

- Less Restrictive Treatment** as follows:
 - Less Restrictive Alternative Treatment.** The Respondent is released to less restrictive alternative treatment (LRA) for:
 - 90 Days**
 - 180 Days**
 - 1 Year**

Commented [A17R16]: The Subcommittee decided to delete the reference to E&T.

For ~~mental health treatment~~ ~~substance use disorder treatment~~

Commented [A18]: Subcommittee determined this information was unnecessary for this section.

Assisted Outpatient Behavioral Health Treatment. The Respondent is released for assisted outpatient treatment on a less restrictive alternative (AOT) for:

- 90 Days
- 180 Days

For mental health disorder treatment substance use disorder treatment

Commented [A19]: Subcommittee determined this information was unnecessary for this section.

LRA/AOT services and conditions:

_____ (name) is the mental health service provider responsible for identifying the services the Respondent will receive in accordance with RCW 71.05.585.

_____ (name) is the approved substance use disorder treatment program that will provide treatment.

Respondent must cooperate with the treatment planned by the **behavioralmental** health service provider.

Commented [A20]: [Session Law 5720](#), Sec 3. Updated terminology.

Violation and Hospitalization. If a treatment agency or facility, or a Designated Crisis Responder determines that Respondent is not following the terms and conditions of this order, or that substantial deterioration in Respondent's functioning has occurred, or that substantial decompensation in Respondent's functioning has occurred; or that Respondent poses a likelihood of serious harm, they may take action to enforce, modify, or revoke the less restrictive alternative. If revocation procedures are begun under RCW 71.05.590(4), a hearing shall be held within five days to address the allegations and determine whether this order should be modified or whether the Respondent should be returned to an evaluation and treatment facility for intensive inpatient treatment for the remainder of the treatment period ~~or for fourteen days from the revocation hearing under RCW 71.05.590(4)(d).~~

Commented [A21]: See [Session Law 5720](#), Section 54, amending RCW 71.05.590(4)(d).

(If the current less restrictive alternative is solely based on the respondent being in need of assisted outpatient behavioral health treatment then revocation proceedings are under 71.05.590(6)).

10. **Transportation.** The respondent is remanded into the custody of _____ for transportation and delivery to the treatment facility.

11. For Revocation Hearings, **Concurrent Jurisdiction:** The respondent will be placed in _____ County and that county shall have concurrent jurisdiction with this county to consider any Petition for Revocation of this Order without further order of this court.

12. **Right to Full Hearing or Jury Trial.** If a subsequent petition is filed seeking involuntary treatment beyond the 90 day / 180 day / 1 Year period ~~is to be sought~~, Respondent will have the right to a full hearing or jury trial as required by RCW 71.05.310.

Commented [A22]: Changed to clarify: This is referring to a future petition for commitment after this commitment period, not that this commitment period could be longer than a year.

13. **Firearms Possession Prohibited.** (Not applicable for substance use disorder treatment.) Respondent shall immediately surrender any concealed pistol license and Respondent may not possess a firearm unless Respondent's right to do so is restored by a court of record. The *Notice of Ineligibility to Possess a Firearm* is filed separately.

14. **Notice to Department of Corrections.** If Respondent is, or becomes, subject to supervision by the department of corrections, Respondent must notify the treatment provider and

Respondent's mental health treatment information and substance use disorder treatment information must be shared with the department of corrections for the duration of the Respondent's incarceration and supervision, under RCW 71.05.445. Upon a petition by a person who does not have a history of one or more violent acts, the court may, for good cause, find that public safety would not be enhanced by the sharing of this information.

15. The jury trial set in this matter is stricken.

16. Other. _____

Dated _____

Judge / Commissioner

Approved for entry

Approved for entry

Attorney for Petitioner DPA/AAG
WSBA No. _____

Attorney for Respondent
WSBA No. _____

Respondent

Interpreter certifies that he/she has reviewed this order with Respondent

Interpreter

Superior Court of Washington
County of _____

In re the Detention of: _____ Respondent	Case No. _____ Findings, Conclusions, and Order Authorizing Administration of Anti- Psychotic Medications (ORAUMED)
---	---

Hearing

The court held a hearing on the petition to administer anti-psychotic medications filed by

Western State Hospital Eastern State Hospital (~~hospital~~) _____.

At the hearing: _____

- Respondent appeared in person -by video ~~refused to appear~~
and was represented by _____
- Respondent waived ~~his/her/their~~ appearance through counsel
 - Separate appearance waiver has been filed.
 - Respondent ~~has~~ orally waived ~~his/her/their~~ appearance ~~to~~ through defense counsel, and the court accepts this waiver.
- G.A.L. appeared in person by video -waived appearance
- G.A.L. waived Respondent's appearance
- ~~Petitioner appeared and was represented by _____ DPA/AAG-~~
- ~~Respondent's Attorney, _____ appeared-~~
- ~~Other: _____~~
- Witness _____ appeared in person by video or _____
 under CR 43 by telephone _____
- Witness _____ appeared in person by video or _____
 under CR 43 by telephone _____

Commented [A1]: The Subcommittee combined, change the order, and deleted some individual listed. They removed individuals from the list, if they were not statutorily required to be identified as present at the hearing. These changes are made throughout the 71.05 RCW form set.

The court considered the documents filed for this hearing, testimony of witnesses, relevant court records, and argument of counsel. The court makes the following:

Findings of Fact

The court finds by clear, cogent, and convincing evidence that:

1. **Notice:** The Respondent was provided all notice and statements of rights relative to the petition, and that petition was filed on _____.

2. **Consent to treatment**

_____ The Respondent ~~did not refused to~~ consent to treatment with anti-psychotic medications ~~for the following reasons:~~
_____.

Commented [A2]: Subcommittee removed lines, limiting findings to only those required by statute--which is whether the Respondent consented or did not.

~~The Respondent is unable to make a rational and informed decision about consenting to or refusing the proposed treatment.~~

3. **Medication Rights**

The Respondent was advised of the right to refuse medication 24 hours prior to the hearing on this petition and those rights were respected.

~~The involuntary administration of anti~~Anti-psychotic medications were administered 24 hours prior to this hearing over the refusal of the Respondent under circumstances which constituted an emergency.

Commented [A3]: Subcommittee reworded to better clarify.

4. **Reasons for the Use of Anti-psychotic Medication.** The Petitioner/s have a compelling interest in administering anti-psychotic medication to the Respondent because failure to medicate: (check all that apply):

- may result in a likelihood of serious harm.
- may result in substantial deterioration.
- may substantially prolong the length of involuntary commitment.

There is no less intrusive course of treatment than medication in the best interest of Respondent.

Explain:

_____.

5. **Medically acceptable alternative treatment is unavailable.** Anti-Psychotic medication is necessary and effective treatment for the Respondent, as evidenced by Respondent's prognosis with and without the treatment. Medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective because:

_____.

6. **Rational Decision.** The Respondent would consent to being treated with anti-psychotic medication if the Respondent were capable of making a rational and informed decision concerning treatment, and this court is substituting its *judgment for that of the Respondent*.

7. [] Agreed Order. Respondent, after consultation with counsel, agrees to the entry of this order.

Commented [A4]: Consistency across forms. (Match with MP 410.)

78. Other: _____

The court makes the following:

Conclusions of Law

89. Jurisdiction: The court has jurisdiction over the person and subject matter of this cause. The Petition to Administer Anti-Psychotic Medication was filed in a timely manner.

910. The Respondent may be involuntarily treated with anti-psychotic medication and side effect medication at clinically appropriate levels over his/her objections and over his/her express refusal for the period of the current involuntary treatment order, and any interim period during which he/she is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

4011. Other: _____

Order

The court orders that:

1412. Anti-psychotic Medication. The petitioner and the hospital and/or other treatment providers are authorized to administer:

- Anti-psychotic medications as requested in the petition; or
- _____

and side effect medications at clinically appropriate levels to the Respondent over his/her objections and over his/her express refusal.

1213. Duration. Anti-psychotic medication is authorized for the period of the current involuntary treatment order, and any interim period during which the Respondent is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

1314. Other. _____

Dated: _____

Judge / Commissioner

Approved as to form

Approved as to form

Attorney for Petitioner DPA/AAG
WSBA No. _____

Attorney for Respondent
WSBA No. _____

Respondent

Interpreter certifies that he/she has reviewed this order with Respondent

Interpreter

Superior Court of Washington
County of _____

In re the Detention of: <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="text-align: right; margin-right: 20px;">Respondent</div>	Case No. _____ Order of Continuance (ORCNT) New Hearing Date: _____ Type of Hearing: <input type="checkbox"/> 14-day <input type="checkbox"/> 90-day <input type="checkbox"/> 180-day <input type="checkbox"/> 1-Year <input type="checkbox"/> AOT <input type="checkbox"/> Revocation <input type="checkbox"/> Medication <input type="checkbox"/> Trial Setting <input type="checkbox"/> Jury Trial <input type="checkbox"/> Other: _____ (ORCNT)
---	--

The court considered the motion of the:

- Respondent
- Petitioner
- Court

for a continuance, ~~and:~~

- Respondent appeared in person appeared by video refused to appear ~~and was represented by _____~~
- Respondent waived ~~his/her/their~~ appearance through counsel.
 - Separate appearance waiver has been filed.
 - Respondent ~~has~~ orally waived ~~his/her/their~~ appearance ~~to through~~ defense counsel, and the court accepts this waiver.
- ~~Petitioner appeared in person by video and was represented by _____~~
- GAL appeared in person appeared by video waived appearance
- GAL waived Respondent's appearance
- ~~Petitioner appeared in person by video and was represented by _____~~
~~DPA/AAG who appeared in person by video~~
- ~~Respondent's Attorney _____ appeared in person by video~~

Commented [A1]: The Subcommittee combined, change the order, and deleted some individual listed. They removed individuals from the list, if they were not statutorily required to be identified as present at the hearing. These changes are made throughout the 71.05 RCW form set.

Witness _____ appeared in person by video or
 under CR 43 by telephone _____

Witness _____ appeared in person by video or
 under CR 43 by telephone _____

~~The court finds that it is in the best interest of the Respondent to grant an Order of Continuance. The court further finds that a continuance is required in the due administration of justice because:~~

- ~~A less restrictive alternative is being sought~~
- ~~Other: _____~~

~~The court also finds that the parties will not be substantially prejudiced in the presentation of their cases.~~

The court finds that, for the following reason:

- The Respondent requests a continuance and good cause exists to grant the continuance.
- The Petitioner and Respondent agrees to the continuance and good cause exists.
- The continuance is required in the due administration of justice and the Respondent will not be substantially prejudiced.

The court orders that the:

- 14 Day 90 Day 180 Day 1 Year AOT Revocation Medication Trial Setting
- Other _____

hearing is continued until _____ (date) at _____ A.M/P.M.

Respondent shall:

- Remain in more restrictive treatment in the custody of:
 - _____
 - _____
 - _____
 - _____
 - _____
- The Respondent is remanded into the custody of _____ for transportation and delivery to the treatment facility.

Escape and Recapture. ~~If the Respondent escapes from the treatment facility, any Peace Officer shall apprehend, detain, and return the Respondent to the treatment facility or to the a~~
~~evaluation and treatment~~ facility designated by a Designated Crisis Responder.

- Remain in less restrictive treatment on conditions of the less restrictive treatment alternative order, dated _____, pending the hearing and shall appear for the next set court date at: _____.
- Other _____.

Dated _____

Commented [A2]: Discussion Item:
Section rewritten.
[Session Law 5720](#) Sec. 37 (and MPR 1.2) use "proper administration" when the petitioner requests it, and "due administration" when the court requests it. Does it cover all the options?

Commented [A3R2]: Subcommittee:
In the first option, the Respondent requests the continuance, the second option could be when Petitioner requests it, and the third option may fit more than one situation described in the section.

Commented [A4]: [Session Law 5720](#), Sec. 12 and 82.
The choice is to either delete the reference to E&Ts or add references to the other types of facilities (secure withdrawal management and stabilization facility, approved substance use disorder treatment program).

Commented [A5R4]: The Subcommittee removed evaluation and treatment.

Approved as to form

Attorney for Petitioner DPA/AAG
WSBA No. _____

Judge / Commissioner

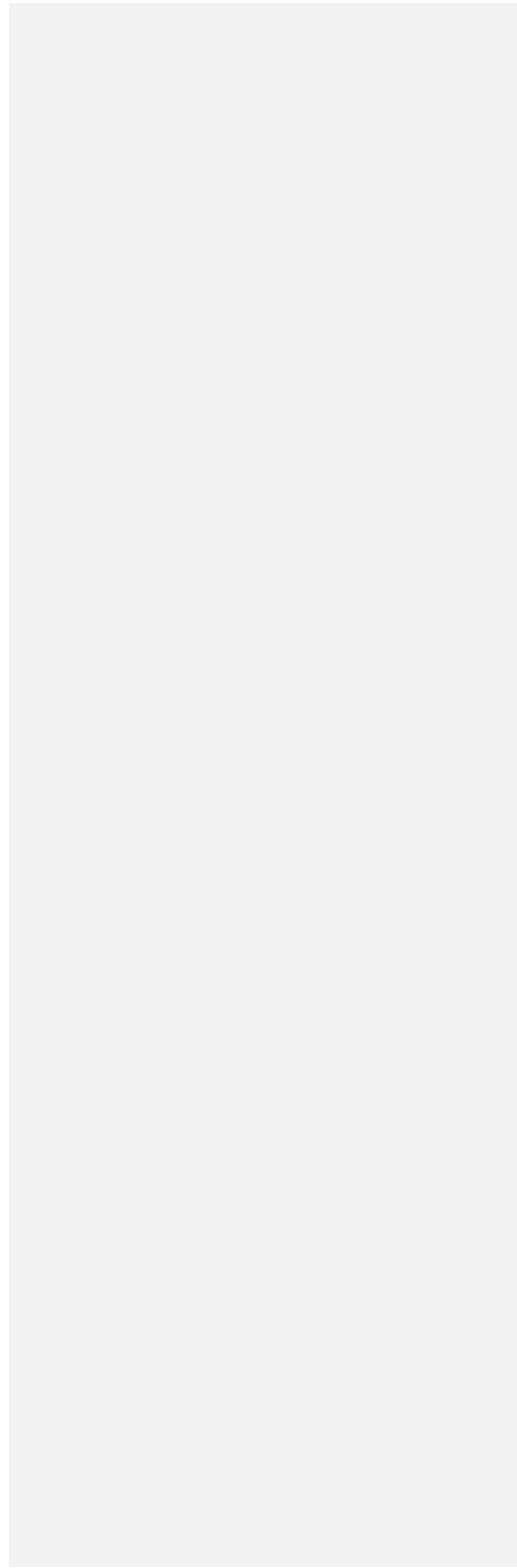
Approved as to form

Attorney for Respondent
WSBA No. _____

Respondent

Interpreter certifies that he/she has reviewed this order with Respondent.

Interpreter



Superior Court of Washington
County of _____

<p>In re the Detention of:</p> <hr style="width: 80%; margin-left: 0;"/> <p style="text-align: right; margin-right: 20px;">Respondent</p>	<p>Case No. _____</p> <p>Order Setting Trial Date (ORSTD)</p> <p>Next Court event:</p> <p>Type: _____</p> <p>Date: _____</p> <p>Time: _____</p> <p>Courtroom: _____</p> <p><input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial</p> <p><input type="checkbox"/> Interpreter Required: (language)</p> <p>_____</p>
--	---

Hearing

A petition for: **90 Days** **180 Days** **1 Year** of Involuntary Treatment
 Assisted Outpatient Behavioral Health Treatment

has been filed in this proceeding. Petitioner requested an order setting trial date and continuing the treatment of the Respondent during this proceeding.

At the hearing:

Respondent ~~+~~ appeared in person ~~appeared~~-by video ~~refused to appear~~
and was represented by _____

Respondent waived his/her appearance through counsel.

Separate appearance waiver has been filed.

Respondent ~~has~~ orally waived ~~his/her~~ their appearance ~~to~~ through defense counsel, and the court accepts this waiver.

Petitioner appeared in person by video

and was represented by _____

Commented [A1]: The Subcommittee combined, change the order, and deleted some individual listed. They removed individuals from the list, if they were not statutorily required to be identified as present at the hearing. These changes are made throughout the 71.05 RCW form set.

GAL appeared in person appeared by video waived appearance

GAL waived Respondent's appearance

Witness _____ appeared in person by video or
_____ under CR 43 by telephone

Witness _____ appeared in person by video or
_____ under CR 43 by telephone

Petitioner appeared in person by video and was represented by _____
DPA/AAG who appeared in person by video

Respondent's Attorney _____
appeared in person by video

Order

The court orders:

1. Trial Date.

A Jury Trial Bench Trial is scheduled as indicated above.

2. Inpatient/Outpatient Treatment. Pending trial or further order of this court, the Respondent shall continue to be detained for involuntary inpatient treatment until released by this treatment facility, or if the Respondent is currently participating in outpatient treatment shall continue to abide by the conditions of the less restrictive alternative treatment order / conditional release dated _____, and shall receive treatment and care as their condition requires.

Commented [A2]: [Session Law 5720](#), Section 25. Added existing language from statute.

Beginning twenty-four hours before a trial or hearing under RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse any other medication previously prescribed by a person licensed under Title 18 RCW or emergency lifesaving treatment, and the individual shall be informed at an appropriate time of their right to refuse.

3. Outpatient Treatment. Pending trial or further order of this court, the Respondent shall ~~continue to abide by the conditions of the less restrictive alternative treatment order / conditional release dated _____.~~

Commented [A3]: Combined with #1 above.

4. Other: _____

Dated: _____

Judge / Commissioner

Approved for entry

Approved for entry

Attorney for Petitioner DPA/AAG

Attorney for Respondent

WSBA No. _____

WSBA No. _____

Respondent

Interpreter certifies that he/she has reviewed this order with Respondent.

Interpreter

Superior Court of Washington
County of _____

In re the Detention of: _____ Respondent	Case No. _____ Order for Dismissal (ORDSM) Clerk's action required: 447, 1 42, 439
--	---

Commented [A1]: FYI: No RCWs in footer. No specific statute for dismissals and too many to try to figure to list that might be applicable.

- A petition was filed in this case for:
- 72-hours 14 Days 90 Days 180 Days 1 Year of involuntary treatment.
 - Revocation of a less restrictive alternative treatment order / conditional release filed in this proceeding.
 - Involuntary administration of anti-psychotic medications.
 - Petitioner requested a voluntary dismissal pursuant to CR 41.
 - Respondent requested a dismissal on the following basis:
 - Petitioner failed to meet the burden of proof.
 - Respondent accepted voluntary treatment.
 - Petitioner did not submit a petition for 14-day involuntary treatment.
 - Other: _____.

The following people were present at the hearing:

- Respondent ~~+~~ appeared in person appeared by video ~~+~~ ~~refused to appear~~ **and was represented by** _____
- Respondent waived ~~his/her~~ their appearance through counsel.
 - Separate appearance waiver has been filed.
 - Respondent ~~has~~ orally waived ~~his/her~~ their appearance ~~to through~~ defense counsel, and the court accepts this waiver.
- Petitioner appeared in person by video **and was represented by** _____
- GAL appeared in person appeared by video waived appearance

Commented [A2]: The Subcommittee combined, change the order, and deleted some individual listed. They removed individuals from the list, if they were not statutorily required to be identified as present at the hearing. These changes are made throughout the 71.05 RCW form set.

GAL waived Respondent's appearance

Petitioner appeared in person by video and was represented by _____
DPA/AAG who appeared in person by video

Respondent's Attorney _____ appeared in person by video

Witness _____ appeared in person by video or
 under CR 43 by telephone

Witness _____ appeared in person by video or
 under CR 43 by telephone

Findings of Fact

The court makes the following findings of fact (check all that apply):

- 1. No petition for 14-day commitment was filed.
- 2. ~~Following a hearing, the Petitioner has failed to meet their burden of proof to establish a need for detention, revocation, involuntary medication, or treatment in a less restrictive alternative.~~
- 23. ~~No probable cause hearing was held. Upon motion, it is appropriate to dismiss the petition without a hearing based on the stipulation of the parties or for the following reason(s):~~

- 3. ~~A probable cause hearing Following a hearing, was held and the Petitioner has failed to meet their burden of proof to establish a need for detention, revocation, involuntary medication, or treatment in a less restrictive alternative. The petition was dismissed.~~
- 4. ~~After a probable cause hearing was held, the court finds on the initial detention (72-hour) petition was based on likelihood of serious harm under RCW 71.05.150 or RCW 71.05.153. (Note: If this finding is made, then the court must also order #13 in this Order of Dismissal.) The Respondent was not committed for involuntary treatment under RCW 71.05.240 and was initially detained on (date) _____ on the ground that the Respondent presents a likelihood of serious harm.~~
- 5. ~~Agreed Order. Respondent, after consultation with counsel, agrees to the entry of this order.~~
- 56. ~~90-day 180-day Less Restrictive Alternative. The Petitioner failed to meet their burden of proof.~~
- 6. ~~90-day 180-day Commitment. The Petitioner failed to meet their burden of proof.~~
- 7. ~~Petitioner failed to meet their burden of proof for revocation.~~
- 8. ~~Revocation petition was dismissed by the Petitioner, and Respondent is reinstated on their Least Restrictive Alternative, entered on: _____.~~
- 9. ~~Petitioner failed to meet their burden of proof as to the Petition for Involuntary Anti-Psychotic Medication.~~
- 40. Other. _____

Commented [A3]: Proofreaders: Please check margin/formatting, it appears the wording is allowed to go outside the margins.

Commented [A4]: Discussion item: In Spring 2019, the Findings of Fact was originally modified to comply with [Session Law 5181](#), Section 1 and 2, and now as [RCW 71.05.182](#) and [RCW 9.41.049](#). To satisfy [RCW 9.41.049](#) (formerly from [Session Law 5181](#)): "If the person is not subsequently committed for involuntary treatment under [RCW 71.05.240](#), the court shall forward within three business days of the probable cause hearing a copy of the person's driver's license or identicard, or comparable information, along with the date of release from the facility, to the department of licensing and to the state patrol, who shall forward the information to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159)."
The law had several gaps and ambiguities, including which probable cause hearing it meant—one that could occur out of [RCW 71.05.150\(2\)\(a\)\(i\)](#) or [RCW 71.05.240](#). At the time, PFC updated the language that the subcommittee sent to account for various interpretations of the law that would trigger the court's responsibility to forward documentation/information to DOL and WSP.

The original #1 to #4 were:
1. No petition for 14-day commitment was filed.
2. No probable cause hearing was held.
3. A probable cause hearing was held and the Petitioner failed to meet their burden of proof. The petition was dismissed.
4. After a probable cause hearing was held, the court finds an initial detention (72-hour) petition was based on **likelihood of serious harm** under RCW 71.05.150 or RCW 71.05.153. (Note: If this finding is made, then the court must also order #13 in this *Order of Dismissal*.)

Combinations of #1 and #4, #3 and #4, or #4 alone triggered (now) #9 in the order to occur.

The Subcommittee attempted to consolidate the findings of fact section to streamline it.

Commented [A5]: Consistency across forms. (Match with MP 410.)

The court orders:

~~4167.~~ [] The petition ~~is~~ dismissed.

~~4278.~~ [] ~~The petition for revocation is dismissed. The A~~ less restrictive alternative treatment order dated _____ ~~remain~~is in effect.

~~4389.~~ [] ~~(Check only if #4 is selected above.)~~ The ~~court clerk is~~ directed ~~the clerk~~ to forward ~~a~~ copy of the respondent's driver's license, ~~or~~ ~~identocard~~, or ~~other~~ comparable information ~~(name, address, and date of birth);~~ and the date of release from the facility to the department of licensing and state patrol.

Submit to: Dept. of Licensing, Business & Professions Firearms Unit,
firearms@dol.wa.gov (PO Box 9649, Olympia, WA 98507-9649), and Washington State
Patrol, ita@wsp.wa.gov (Attn: ACCESS Section, PO Box 42619, Olympia, WA 98501).

~~44910.~~

~~Other~~ _____

Dated _____

Judge / Commissioner

Approved as to form

Approved as to form

Attorney for Petitioner DPA/AAG

Attorney for Respondent

WSBA No. _____

WSBA No. _____

Respondent

Interpreter certifies that s/he has reviewed this order with Respondent.

Interpreter

Commented [A6]: Discussion Item: #4 in the Findings of Fact used to provide an instruction that if #4 was selected you **must** select also what is now) #9 in the Order. The instruction is less direct now as written and has moved to #9 in the order.

Commented [A7]: [Session Law 5720](#), Section 61. (See language in comment above.)

Superior Court of Washington
County of _____

In re the Detention of: _____ Respondent	Case No. _____ Order Revoking Less Restrictive Alternative Treatment / Conditional Release (ORLRAT)
--	---

Hearing

The court held a hearing on the petitioner/s' court's ~~revocation~~ petition/motion in this case.

Commented [A1]: [Session Law 5720](#) p. 91:9

At the hearing:

Respondent ~~+~~ appeared in person ~~appeared~~ by video ~~refused to appear~~
and was represented by _____

Commented [A2]: The Subcommittee combined, change the order, and deleted some individual listed. They removed individuals from the list, if they were not statutorily required to be identified as present at the hearing. These changes are made throughout the 71.05 RCW form set.

Respondent waived ~~his/her/their~~ appearance through counsel.

Separate appearance waiver has been filed.

Respondent ~~has~~ orally waived ~~his/her/their~~ appearance ~~to-through~~ defense counsel, and the court accepts this waiver.

Petitioner appeared in person by video

and was represented by _____

GAL appeared in person appeared by video waived appearance

GAL waived Respondent's appearance

~~Petitioner appeared in person by video and was represented by _____
DPA/AAG who appeared in person by video~~

~~Respondent's Attorney _____ appeared in person by video~~

Witness _____ appeared in person by video or

under CR 43 by telephone _____

Witness _____ appeared in person by video or

under CR 43 by telephone _____

Agreed

In addition to the written findings of fact and conclusions of law, the court incorporates by reference the oral findings of fact and conclusions of law.

Findings of Fact

1. The court reviewed the relevant court file and received testimony, if any, and finds by clear, cogent, and convincing evidence that:
 - Waiver of Hearing.** Respondent waives hearing on the revocation petition and agrees to hospitalization.
 - LRA Based on Felony Charges, Likelihood of Harm, Gravely Disabled:**
 - Violation of Order.** Respondent violated the terms and conditions of the order and judgment for less restrictive alternative treatment/conditional release entered into on _____ by: _____
 - Substantial Deterioration of Functioning.** A substantial deterioration of the Respondent's functioning has occurred.
 - Substantial Decompensation.** Respondent has suffered a substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment.
 - Likelihood of Serious Harm.** Respondent poses a likelihood of serious harm.
 - LRA Based On Assisted Outpatient Behavioral Health Treatment.** As a result of a behavioral health disorder:
 - mental disorder substance use disorder:
 - Likelihood of Serious Harm.** Respondent poses a likelihood of serious harm. There is a substantial risk that Respondent:
 - will inflict harm upon him/herself himself, as evidenced by threats or attempts to commit suicide or inflict physical harm to himself him/herself.
 - will inflict harm upon another person, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm.
 - will inflict harm to the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others
 - Gravely Disabled.** Respondent is gravely disabled.
 - is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety.
 - manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

Treatment. After considering less restrictive alternatives to involuntary detention and treatment, no such alternatives are in the best interests of the Respondent or others. There are no viable

Commented [A3]: [Session Law 5720](#) p. 94:40

Commented [A4]: Added definition for consistency. Gravely disabled is already defined.

modifications to the less restrictive alternative treatment order that are in the best interests of the Respondent or others. The best interests of the Respondent and others would be served if the Respondent was committed for inpatient treatment.

2. Adequate space for Respondent’s substance use disorder treatment.

A secure withdrawal management and stabilization facility with adequate space for the respondent is available is not available.

An approved substance use disorder treatment program with adequate space for the respondent is available is not available.

3. Agreed Order. Respondent, after consultation with counsel, agrees to the entry of this order.

Commented [A5]: Consistency across forms. (Match with MP 410.)

34. Other: _____

Conclusions of Law

The court makes the following conclusions of law:

45. Jurisdiction. The court has jurisdiction over the parties and subject matter of this mental illness proceeding; and

56. Commitment for Inpatient Treatment. The court should order the Respondent committed for a period of inpatient treatment.

67. Other: _____

Orders

The court orders that:

78. Remand and Commitment. Respondent is remanded into the custody of DSHS or to a facility certified by the Department of Health for commitment:

Inpatient mental health treatment at: _____

Secure withdrawal management and stabilization facility at: _____

Approved substance use disorder treatment program at: _____

Other: _____

for a period not to exceed *(select one)*:

~~14 days from (date of revocation hearing): _____ (check only if LRA was based on an IDP or 14-day inpatient treatment/90-day less restrictive treatment petition.)~~

Commented [A6]: [Session Law 5720](#) p. 93:28-34

Formatted: Font: Italic

14 days from (date of revocation hearing): _____

Commented [A7]: [Session Law 5720](#) p. 93:28-34

(number of days remaining on the LRA): _____ days
(check only if LRA was based on a 90-day or 180-day
inpatient treatment or less restrictive treatment petition.)
(number of days remaining on the LRA): _____ days

Commented [A8]: [Session Law 5720](#) p. 93:28-34

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9. _____ days from _____

Escape and Recapture. If the Respondent escapes from the treatment facility, any Peace Officer shall apprehend, detain, and return the Respondent to the treatment facility or to the evaluation and treatment facility designated by a Designated Crisis Responder.

Transportation. The Respondent is remanded into the custody of _____

_____ for transportation and delivery to the treatment facility.

910. **Other:** _____

Dated _____

Judge / Commissioner

Approved for entry

Approved for entry

Attorney for Petitioner DPA/AAG

Attorney for Respondent

WSBA No. _____

WSBA No. _____

Respondent

Interpreter certifies that he/she has reviewed this order with Respondent.

Interpreter

Superior Court of Washington
County of _____

In re the Detention of: _____ Respondent	Case No. _____ Order After Review under RCW 71.05.235 [] (ODCLD [] (ORDRSP) Clerk's action required (if hearing set, page 2)
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Commented [A1]: Discussion Item:
Analyst is researching whether ORRVH would be a better docket code.

Introduction

Respondent was charged with the misdemeanor of _____, a serious offense, in _____ court, case number _____. The court dismissed the charges after finding that the Respondent was incompetent to stand trial.

The court ordered:

- I**the Designated Crisis Responder (DCR) to evaluate Respondent for a civil commitment evaluation under 71.05 RCW. The court reviewed the DCR's transmittal letter dated _____ advising the court of the decision not to detain the Respondent or file a petition for a 90 day less restrictive alternative.

The court determines that:

- Respondent should not be evaluated at an evaluation and treatment facility.
- Respondent should be evaluated at an evaluation and treatment facility because:

The court orders that:

- Respondent will not be detained at an evaluation and treatment facility.
- Respondent is detained at the _____ evaluation and treatment facility for up to 72 hours for evaluation and treatment.
- Respondent is remanded into the custody of _____ for

transportation and delivery to the evaluation and treatment facility.

- ~~If~~ the Respondent was detained at an evaluation and treatment facility for 72 hours for a civil commitment evaluation ~~by a Professional Person~~. The court reviewed ~~the Professional Person's~~ transmittal letter dated _____ advising the court of the recommendation to release the Respondent.

The court determines that:

- Respondent should be unconditionally released.
- Respondent should not be unconditionally released because:

The court orders:

- Respondent is unconditionally released. **(ODCLD)**
- ~~Respondent is released and must appear at the hearing set below.~~
- Respondent is detained at the _____ evaluation and treatment facility for up to 72 hours for evaluation and treatment ~~and must appear at the hearing set below.~~ **(ORDRSP)**
 - Respondent is remanded into the custody of _____ for transportation and delivery to the evaluation and treatment facility. **(ORDRSP)**
- Hearing set:** Respondent must appear at a hearing on _____ at _____ a.m./ p.m. at _____
(If you do not appear at this hearing, the court may order you to be taken into custody and placed in an evaluation and treatment facility.)

Commented [A2]: [Session Law 5720](#) p. 65:12-30

Dated _____

Judge / Commissioner

Approved as to form

Approved as to form

Attorney for Petitioner DPA/AAG
WSBA No. _____

Attorney for Respondent
WSBA No. _____

Respondent

Interpreter certifies that he/she has reviewed this order with Respondent.

Interpreter

Joel's Law Petition for Initial Detention by Family, Guardian, or Conservator

This packet contains the:

- User Guide
- Petition
- Declaration

Mandatory Forms in Washington State Courts



The Committee wishes to thank the ad hoc Joel's Law Petition Workgroup members for their expertise in developing these forms and instructions.

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

~~October-June 2020~~19

User Guide for the Petition for Initial Detention by Family, Guardian, or Conservator

What is a Petition for Initial Detention by Family, Guardian, or Conservator?

If ~~a person thirteen years of age or older~~ ~~somebody~~ has a ~~behavioral health~~ ~~mental disorder or a substance use~~ 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 a person to ask the superior court to review that DCR decision and consider an order to detain that person for initial detention.

Commented [A1]: [Session Law 5720](#), Sec. 63 and 82.

Commented [A2]: [Session Law 5720](#), Sec. 3 and 63.

Commented [A3]: [Session Law 5720](#), Sec. 12 and 82.

Who Can File A Petition for Initial Detention?

An immediate family member, guardian, or conservator of a person can file such a petition with the court. 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.~~

Commented [A4]: [Session Law 5720](#), Sec. 3 and 63.

"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, brother or sister of the person that is the subject of the *Petition for Initial Detention by Family, Guardian, or Conservator*.

A guardian is a person appointed by a court to manage someone's person or estate.

A conservator is a person appointed by a court to manage someone's daily and/or financial affairs.

DCR means a Designated Crisis Responder.

1. You can file a petition if:

- A. You are an immediate family member, guardian, or conservator of the ~~adult~~ person that you seek to have detained; **and**
- B. You or someone else asked for an investigation of the ~~adult~~ 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.

Commented [A5]: [Session Law 5720](#), Sec. 83, allowing for adolescents to use the Joel's Law procedures.

Commented [A6]: [Session Law 5720](#), Sec. 83, allowing for adolescents to use the Joel's Law procedures.

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 information sheet). 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 your petition and declaration under penalty of perjury under the laws of the State of Washington, and you must state the date when signed and place (city and state) where you signed it.

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

- B. In support of your petition, other family members, landlords, neighbors, teachers, school personnel, or anyone else with significant contact and 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 state the date when signed and place (city and state) where they signed it.

Commented [A7]: [Session Law 5720](#), Sec. 80.

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 one 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 one 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 five 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 an adult, the court may issue:
- An order directing the DCR to file a Petition for Assisted Outpatient Behavioral Health Treatment;
- OR
- ~~An order for initial detention for evaluation and treatment for not more than 72 hours; and~~ a
 - A written order of apprehension by law enforcement for delivery to the facility or emergency room 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 72 hours, and an order of apprehension by law enforcement for delivery to the facility 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.

Commented [A8]: Discussion Item: "Adult" isn't a defined statutory term, but the Subcommittee needed a term that differentiated between adults and adolescents. [Session Law 5720](#), Section 63, amending RCW 71.34.020. "Adolescent" means a minor thirteen years of age or older.

Commented [A9]: [Session Law 5720](#), Section 24, amending RCW 71.05.201.(8):
If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a **written** order for apprehension. [deleted by 5720] "of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder."

Commented [A10R9]: The deleted section was moved to the definition of written order of apprehension.

Commented [A11]: Discussion Item: [Session Law 5720](#), Section 82, amending RCW 71.34.710(1)(b) . . . "when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.

(1)(a) When a designated crisis responder receives information that an adolescent as a result of a behavioral health disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing inpatient treatment.

Etc.

Commented [A12R11]: Section 82 was summarized in the form as #4.

**Superior Court of Washington
County of _____**

In re the detention of

Case No.

**Petition for Initial Detention by
Family, Guardian, or Conservator**

(PMIR, PMINE, paragraph 3)
(Cause code – MIF)

Respondent (person to be detained) **DOB**

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

1. *this petition and*
2. *the Declaration in Support of Petition for Initial Detention by Family, Guardian, or Conservator*

You may also file signed declarations from family members, landlords, neighbors, teachers, school personnel, or anyone else with significant contact and history of involvement with the respondent.

Commented [A13]: [Session Law 5720](#), Sec. 80.

I, _____ (name of petitioner), am filing this Petition for Initial Detention to ask the court to detain the respondent for behavioral health disorder mental disorder substance use disorder co-occurring disorder evaluation and treatment.

Commented [A14]: [Session Law 5720](#), Sec. 3 and 63.

1. Petitioner's Relationship to the Respondent

I am the respondent's:

- spouse domestic partner child stepchild parent
 stepparent grandparent brother sister
 guardian* conservator*

*The Guardianship/Conservator case number is _____ and it is filed in _____ County Superior Court.

2. Petitioner's Contact Information

My contact information is:

Telephone: _____

Superior Court of Washington
County of _____

In re the detention of

Case No.:

Declaration in Support of Petition for
Initial Detention by Family, Guardian, or
Conservator
(DCLR)

Respondent (person to be detained) **DOB** _____

My name is: _____.

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

Commented [A15]: [Session Law 5720](#), Sec. 80.

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 mental disorder substance use disorder co-occurring disorder: _____.

Commented [A16]: [Session Law 5720](#), Sec. 3 and 63.

Harm to self: Is there is a substantial risk that physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself (for example, has the respondent recently threatened or attempted to kill or badly hurt themselves him/herself)? yes no don't know

Declaration in Support of Petition for Initial (DCLR) - Page 1 of 6

Detention by Family, Guardian, or Conservator

WPF MP 01.0600 Mandatory Form (03/2018) RCW 71.05.201; [RCW 71.34.710](#)

Harm to others: Is there a substantial risk that physical harm will be inflicted by a 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 hurt someone, and/or threatened or attempted to hurt someone)?
 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 damaged someone's property, and/or threatened or attempted to damage someone's property)? yes no don't know

Gravely disabled (a): Is the respondent, in danger of serious physical harm resulting from a **failure to provide for his or her essential human needs** of health or safety (for example, is the respondent unable to provide for her/his basic needs of food, clothing, shelter, and/or medical care)? yes no don't know

Is there a high probability of serious physical harm within the near future without adequate treatment? yes no don't know

Gravely disabled (b): Does the respondent, manifest severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is the respondent **not receiving such care as is essential for his or her health or safety** (for example, is the respondent's mental control or decision-making ability getting worse and preventing ~~the him/her respondent~~ from receiving care for ~~his/her the~~ basic needs of food, clothing shelter, and/or medical care)?
 yes no don't know

Will harmful consequences occur to the respondent without treatment? yes no don't know

Refused evaluation and treatment: Has the respondent refused or failed to accept evaluation and treatment voluntarily? yes no don't know

Statement

For each question you answered with yes, describe the behavior, starting with the most recent, that caused you to answer yes. Be as detailed in your descriptions as possible and include dates for each event or example, if you can and explain how you know the information (for example, the respondent told you the information, or you saw the respondent do the things you are describing):

Commented [A17]: Discussion Item: According to Session Law 5720, Section 110 (1): Section 4 and 28 takes effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months and (2) The health care authority must provide written notice of the effective date of section 4 and 28 to affected parties, the chief clerk of the house representatives, the secretary of the senate, the office of the code revisers, and others as deemed appropriate by the authority.

The Subcommittee has decided not to incorporate those changes into the form until they are needed.

Past Behaviors or Actions

Does the respondent have a history of one or more violent acts (for example, within the last ten years, has the respondent killed or caused nonfatal injuries to someone, attempted to kill ~~himself or herself~~ themselves, or caused substantial damage to property)? yes no don't know

Are the symptoms and behaviors you described above closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts (for example, is the respondent acting now in a way that ~~s/he~~ the respondent previously acted when: (a) ~~s/he~~ the respondent was detained or committed, (b) had a major worsening of her/his symptoms and/or behavior, or (c) killed or hurt someone, attempted to kill themselves ~~himself or herself~~, or caused substantial damage to property)? yes no don't know

Do the symptoms and behaviors you described above represent a marked and concerning change in the baseline behavior of the respondent (for example, is the respondent's behavior or symptoms worse compared to how the respondent usually acts or behaves)? yes no don't know

Without treatment for the symptoms and behaviors you described above, is the continued deterioration of the respondent probable (for example, will the respondent continue to get worse without help)? yes no don't know

For each question you answered with yes, give recent examples below of the symptoms or behavior that supports the risk, harm, or deterioration that caused you to answer yes. Be as specific in your descriptions as possible. Include dates for each event or example, if possible.

Also, please explain how you know the information you are providing in this declaration (for example, the respondent told you the information, or you saw the respondent do the things you are describing). Attach additional paper (preferably lined paper) if you need more space to write:

Is there any other past behavior, including violent acts, the respondent committed that you want the court to know about? If yes, please give recent examples below of that behavior. Be as specific in your descriptions as possible. Include dates for each event or example, if possible.

Also, please explain how you know the information you are providing in this declaration (for example, the respondent told you the information, or you saw the respondent do the things you are describing). Attach additional paper (preferably lined paper) if you need more space to write:

Prior Court Actions

Has the respondent previously been found to be incompetent or insane by a court? yes
 no don't know

If yes, provide as much information as you can, include the name of court, case number and date:

Has the respondent previously been committed by a court to detention for behavioral health/mental disorder or substance use disorder treatment during the preceding thirty-six months? yes no

Commented [A18]: [Session Law 5720](#), Sec. 3 and 63.

Was the respondent involuntarily committed for behavioral health/mental disorder or substance use disorder treatment more than thirty-six months ago? yes no

Commented [A19]: [Session Law 5720](#), Sec. 3 and 63.

If yes, provide as much information as you can, include the name of court, case number and date:

**Superior Court of Washington
County of _____**

In re the detention of

Respondent (person to be detained) **DOB**

Petitioner

Case No.

Joel's Law

Order

**For DCR to File Petition for
Assisted Outpatient Behavioral
Health Treatment (ORDFAOT)**

**For Initial Detention
(ORDTCOC)**

**Clerk's Action Required: Order,
paragraph 2**

Basis

On _____ (date), a Petition was filed by an immediate family member/guardian, or conservator for the involuntary detention of the Respondent. On _____ (date), the Court found sufficient evidence to support the allegation and ordered the Designated Crisis Responder agency to provide a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to that decision within one judicial day.

Commented [A1]: [Session Law 5720](#), Section 24(1): Can be guardian or conservator too.

Findings of Fact

Jurisdiction: The Court has jurisdiction over the person and subject matter of this action.

The Court has reviewed the following:

- Petition for Initial Detention by Immediate Family Member, Guardian, or Conservator.
- Declaration/s of:

Cause No. _____

- _____

- Written sworn statement of the Designated Crisis Responder.
 - Other:

A review of the Petition shows that there is sufficient evidence to conclude that Petitioner is an immediate family member, the guardian, or the conservator.

A review of the Petition and all of the supporting documentation shows sufficient evidence to support the allegation/s as follows:

The Respondent has a ~~behavioral health mental disorder or substance use~~ disorder history consisting of (insert facts specific to the case):

Commented [A2]: [Session Law 5720](#), Sec. 3 and 63.

An immediate family member, guardian, or conservator of the Respondent filed a Petition in accordance with RCW 71.05.201 or 71.34.710.

- There is probable cause to order the Designated Crisis Responder to file a petition for assisted outpatient behavioral health treatment because the Respondent as a result of a
 - mental disorder
 - substance use disorder
 - ~~co-occurring disorder~~
- Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months;
- Is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment based on a history of nonadherence with threat or in view of the respondent's current behavior;
- Is likely to benefit from less restrictive alternative treatment; and
- Requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the respondent presenting a likelihood of serious harm or the respondent becoming gravely disabled within a reasonably short period of time.

Commented [A3]: [Session Law 5720](#), Sec. 3.

Cause No. _____

There is probable cause to support an order to detain the Respondent pursuant to the petition because the Respondent, as a result of a mental disorder substance use disorder co-occurring disorder;

Commented [A4]: [Session Law 5720](#), Sec. 3.

- presents a likelihood of serious harm to him/herself themselves;
- presents a likelihood of serious harm to others;
- presents a likelihood of serious harm to the property of others; or
- is gravely disabled (*check all that apply*):
 - is in danger of serious physical harm resulting from a failure to provide for his/her their essential human needs of health or safety.
 - manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her their actions and is not receiving such care as is essential for his or her their health or safety.
- The Respondent has refused or failed to accept appropriate evaluation and treatment voluntarily.
- A Designated Crisis Responder has not filed a petition for initial detention of the Respondent under RCW 71.05.150, ~~or~~ 71.05.153, or 71.34.700.

Conclusions of Law

On the basis of the foregoing Findings of Fact, the Court makes the following Conclusions of Law:

1. The Court has jurisdiction over the Respondent and subject matter of this action;
2. Probable cause exists to order:
 - the Designated Crisis Responder to file a petition for assisted outpatient behavioral health treatment (RCW 71.05.201);
 - the Respondent be detained to an evaluation and treatment facility secure withdrawal management and stabilization facility approved substance use disorder treatment program for no more than 72 hours (excluding Saturdays, Sundays, and legal holidays) of evaluation and treatment pursuant to ch. 71.05 or 71.34 RCW;
3. Respondent has refused or failed to accept evaluation and treatment voluntarily.

Commented [A5]: [Session Law 5720](#), Sec. 82.

Order

- The Designated Crisis Responder is directed to File a Petition for Assisted Outpatient Behavioral Health Treatment.
- For Initial Detention of an Adult:
 1. The Respondent shall be detained for initial detention by a Designated Crisis Responder for _____ County and delivered to a facility or emergency room determined by the Designated Crisis Responder (DCR) pursuant to ch. 71.05 RCW.
 2. The clerk of the court is directed to transmit a copy of this Order to the Designated Crisis Responder Agency. Law Enforcement shall apprehend and deliver the Respondent to a

Commented [A6]: Discussion Item: "Adult" isn't a defined statutory term, but the Subcommittee needed a term that differentiated between adults and adolescents. [Session Law 5720](#), Section 63, amending RCW 71.34.020. "Adolescent" means a minor thirteen years of age or older.

Cause No. _____

facility or emergency room determined by the DCR. This Order expires 180 days from the date of issuance.

3. Unless further evaluation and treatment is sought, the Respondent shall be released from the evaluation and treatment facility not more than 72 hours from the time of detention. The ~~computation of such~~ 72 hours shall exclude Saturdays, Sundays, and holidays.
4. At the time the Respondent is taken into custody, the Respondent shall be served with a copy of the original:
 - ~~(1)~~ Petition for Initial Detention and any Declarations filed with the Petition,
 - ~~(2)~~ Declaration of the DCR and any materials filed with ~~said the~~ Declaration/s,
 - ~~(3)~~ this Order and the Order directing action and today's Hearing, and
 - ~~(4)~~ Notice of Rights.

1 For Initial Detention of an Adolescent:

1. The Respondent shall be detained for initial detention by a Designated Crisis Responder for _____ County and delivered to a facility determined by the Designated Crisis Responder (DCR) under ch. 71.34 RCW.
2. The clerk of the court is directed to transmit a copy of this Order to the Designated Crisis Responder Agency. Law Enforcement shall apprehend and deliver the Respondent to a facility determined by the DCR. This Order expires 180 days from the date of issuance.
3. Unless further evaluation and treatment is sought, the Respondent shall be released from the evaluation and treatment facility not more than 72 hours from the time of detention. The 72 hours shall exclude Saturdays, Sundays, and holidays.
4. At the time the Respondent is taken into custody, the Respondent shall be served with a copy of the original:
 - Petition for Initial Detention and any Declarations filed with the Petition,
 - Declaration of the DCR and any materials filed with the Declaration/s,
 - This Order and the Order directing action and today's Hearing, and
 - Notice of Rights.

Commented [A7]: [Session Law 5720](#), Section 24.

Commented [A8]: [Session Law 5720](#), Section 82, amending RCW 71.34.710

Commented [A9]: [Session Law 5720](#), Section 24.

Notice of Rights

THE RESPONDENT IS GIVEN NOTICE OF THE FOLLOWING RIGHTS:

1. You have the right to communicate with an attorney immediately and the right to have an attorney represent you before and at any court hearing and to have such attorney appointed if you cannot afford one and the right to know the name and address of said attorney. You are entitled to contact an attorney of your choosing, or in place thereof, an attorney will be appointed to represent you.
2. You have the right to remain silent, as any statement you make may be used against you.

Commented [A10]: **Discussion Issue:**
This is consistent with amendments made to RCW 71.34.710 (Sec. 82), but inconsistent with amendments made to RCW 71.34.720 (Sec. 85), which states that "[a] minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others."

Commented [A11R10]: Subcommittee believes we would not need to spell out the situation of the emergency situation described above.

Cause No. _____

3. You have the right to present evidence and to cross-examine witnesses who may testify about you at any probable cause hearing.
4. You have the right to a judicial hearing in a court of law within the next 72 hours (excludes Saturday, Sunday, and legal holidays) to determine whether there is probable cause to commit you for further mental health treatment for up to 14 days of inpatient or 90 days of outpatient treatment for the reason that you are a person whose behavioral health/mental disorder presents a likelihood of serious harm to yourself or others or that you are gravely disabled.
(Commitment for 90 days of outpatient treatment is not an option for adolescents detained perunder RCW 71.34.)
5. You have the right to apply for voluntary admission for treatment of a behavioral health/mental disorder.
6. You have the right, within 24 hours of admission, to be examined and evaluated by a licensed physician, physician assistant, or advanced registered nurse practitioner, and a licensed mental health or substance use disorder professional and shall receive such treatment and care as your condition requires for the period that you are detained.
7. You have the right to wear your own clothes and to keep and use your own personal possessions, except when deprivation is essential to protect your safety or the safety of others.
8. You have the right to keep and be allowed to spend a reasonable sum of your own money for canteen expenses and small purchases.
9. You have the right to have access to individual storage space for your private use.
10. You have the right, at the time you are involuntarily admitted to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program that reasonable precautions will be taken to inventory and safeguard your personal property. A copy of the inventory, signed by the staff member making it, will be given to you and will also be open to inspection by any responsible relative, subject to any limitations you may impose. "Responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility will not disclose the contents of the inventory to any other person without your consent or an order of the court.
11. You As an adult, you have the right to dispose of property and sign contracts unless you have been adjudicated incompetent in a court proceeding directed to that particular issue.
12. You have the right to have visitors at reasonable times.
13. You have the right to have reasonable access to a telephone, to both make and receive confidential calls.
14. You have the right to have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mail.
15. You have the right to refuse psychiatric medication, including antipsychotic medications, beginning 24 hours prior to the probable cause hearing, except for adolescents detained per RCW 71.34. You also have the right to refuse the performance of electroconvulsive

Commented [A12]: [Session Law 5720](#), Section 3 and 63.

Commented [A13]: [Session Law 5720](#), Section 88, amending RCW 71.34.730. RCW 71.34 doesn't include an option to a 90 day LRA, but allows 14 or 180. It doesn't talk about a 90-day.

Commented [A14]: [Session Law 5720](#), Section 33 and 91.

Commented [A15]: [Session Law 5720](#), Section 25 and 85. The statute doesn't appear to say "licensed" physician.

Also, in the minor's statute, it says that it's a **psychiatric** advanced registered nurse practitioner.

Commented [A16]: [Discussion Item](#): This qualifier should apply to #8, 9, 12, 13, and 14 as well, but the Subcommittee felt it would be wordy to add it in all. Most impact/harm is in #7.

Commented [A17]: [Session Law 5720](#), Section 69, amending RCW 71.05.220.

Commented [A18]: [Session Law 5720](#), Section 68 says minors may not be presumed incompetent.

Commented [A19]: [Session Law 5720](#), Section 68.

Cause No. _____

therapy or surgery, except emergency lifesaving surgery, unless ordered by a court of competent jurisdiction under the appropriate legal standards and procedures.

16. If antipsychotic medications are administered in an emergency, you have the right to a review of that decision within 24 hours.
17. You have the right not to have psychosurgery performed on yourself under any circumstances.
18. You have the right to receive the necessary papers pursuant to the law.

Dated: _____

Judge / Court Commissioner