

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED
AMENDMENTS TO THE MENTAL
PROCEEDINGS RULES (MPR)

)
)
)
)
)

ORDER

NO. 25700-A-1521

The Superior Court Judges' Association, having recommended the suggested amendments to the Mental Proceedings Rules (MPR), and the Court having approved the suggested amendments for publication on an expedited basis;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as attached hereto are to be published expeditiously for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than August 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or

Page 2

ORDER

IN THE MATTER OF THE SUGGESTED AMENDMENTS TO THE MENTAL
PROCEEDINGS RULES (MPR)

supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500

words.

DATED at Olympia, Washington this 8th day of June, 2023.

For the Court


González, C.J.

GR 9 COVER SHEET

Suggested Amendment to the SUPERIOR COURT MENTAL PROCEEDINGS RULES (MPR)

MPR 1.1 – 6.5A

Submitted by the Superior Court Judges' Association

- A. Name of Proponent:** Superior Court Judges' Association
- B. Spokesperson:** Judge Jennifer Forbes, President
Superior Court Judges' Association

C. Purpose:

In 2020 the Legislature passed 2E2SSB 5720, the Involuntary Treatment Act (ITA). This bill resulted in significant amendments to RCW 71.05 concerning the treatment of adults with behavioral health disorders and RCW 71.34 concerning juveniles with behavioral health disorders. In response to these and other statutory provision changes that address behavioral health matters, the Superior Court Judges' Association's Civil Rules Committee (Committee) undertook a review of the Superior Court Mental Proceeding Rules to determine whether the MPRs needed to be rescinded, retained or retained with amendments to accord with the amended laws. The Committee solicited participation in the review process by several judicial officers with expertise in civil commitment proceedings. The Committee's review was completed on November 29, 2022.

The Committee determined that the enactment of the ITA largely vitiated the need for the Mental Proceedings Rules by codifying circumstances in which involuntary commitment is permitted and specifying procedures for such commitments (*see, e.g.*, Chapters 71.05 and 71.34 RCW). Accordingly, the Superior Court Judges' Association, upon recommendation from the Committee, proposes that the MPRs be rescinded in their entirety with the following exceptions:

- 1) The rule set title should be retained, but changed from "Superior Court Mental Proceedings Rules" to "Superior Court Civil Commitment Rules" ["CCRs"] to be consistent with the Involuntary Treatment Act and other applicable authorities.
- 2) The individual rule numbers and titles should be retained to provide a framework for local jurisdictions that may want to develop local civil commitment proceedings rules, but with "MPR" changed to "CCR" for

each such rule, and with “Reserved” inserted in each rule in place of the current text.

- 3) MPRs 3.3 [Jury Demand], 3.4 [90/180-Day Hearings], and 4.5 [Hearings for Conditional Release and Revocation or Modification] should be retained but amended.

Specific recommended amendments to the MPRs are attached.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

Proposed Amended MPRs (now “CCRs)

Superior Court Mental Proceedings Rules **Superior Court Civil Commitment Rules (CCR)**

Introduction

1 General

- 1.1 Notice--General [Reserved]
- 1.2 Continuance or Postponement [Reserved]
- 1.3 Reserved
- 1.4 Alternative Less Restrictive Treatment [Reserved]

2 Proceedings for Initial Detention

- 2.1 Summons [Reserved]
- SID Standards for Indigent Defense [Reserved]
- 2.2 Authorization and Notice of Detention [Reserved]
- 2.2A Notice of Emergency Detention [Reserved]
- 2.3 Right to Copy Court Files [Reserved]
- 2.4 Probable Cause Hearing [Reserved]
- 2.5 Rescinded

3 Proceedings for Ninety or One Hundred Eighty-Day Commitment

- 3.1 First Court Appearance [Reserved]
- 3.2 Preliminary Appearance [Reserved]
- 3.3 Jury Demand
- 3.4 Hearing
- 3.5 Notice of Restrictions [Reserved]

4 Proceedings for Conditional Release and Revocation or Modification

- 4.1 Notice of Conditions [Reserved]
- 4.2 Authorization for Apprehension and Detention [Reserved]
- 4.3 Petition and Order of Apprehension and Detention--Service [Reserved]
- 4.4 Petition for Initial Detention [Reserved]
- 4.5 Hearing

5 Venue

- 5.1 General [Reserved]
- 5.2 Conditional Release Hearing [Reserved]
- 5.3 Release of Records [Reserved]
- 5.4 Reserved

6 Petitions [Reserved]

- 6.1 Petition for Initial Detention [Reserved]
- 6.1A Petition for Initial Detention of a Minor [Reserved]

- 6.2 Petition for Fourteen-Day Involuntary Treatment [Reserved]
- 6.2A Petition for Fourteen-Day Commitment of Minors [Reserved]
- 6.3 Petition for Ninety-Day Involuntary Treatment [Reserved]
- 6.4 Petition for One Hundred Eighty-Day Involuntary Treatment [Reserved]
- 6.4A Petition for One Hundred Eighty-Day Involuntary Treatment of a Minor [Reserved]
- 6.5 Petition for Revocation of Conditional Release or Less Restrictive Treatment [Reserved]
- 6.5A Petition for Revocation of Conditional Release or Less Restrictive Treatment of a Minor [Reserved]

INTRODUCTION

~~The following rules have been designed and promulgated to give full force and effect to Laws of 1973, 1st Ex. Sess., ch. 142. Any future amendments which may be enacted will be dealt with in rules as the need may arise.~~

~~Section 62 of the act directs the Supreme Court to adopt rules with respect to court procedures and proceedings. Adoption of these rules is not to be construed as approval of what could be a breach of the separation of powers of government. While the Legislature may recommend rulemaking as to particular matters, it may not mandate rulemaking which is an inherent power of the judicial branch.~~

~~Although the courts generally do not pass upon the wisdom or the workability of statutes, they are concerned with their constitutionality. The adoption of these rules, which are merely designed to give effect to the statute as it is written, does not in any manner indicate an opinion of the court that the statute is or is not constitutional in any respect. In promulgating them, the court does not in any manner obviate further consideration of any portion of the statute or these rules in a proper case.~~

~~Because of the complicated nature of the statute necessitating these rules and the need that they be effective January 1, 1974, the court has promulgated them without submitting them for comment, and now invites comment from the bench and bar.~~

The enactment of the Involuntary Treatment Act (ITA) has largely vitiated the need for the prior Mental Proceedings Rules (MPR) by codifying circumstances in which involuntary commitment is permitted and specifying procedures for such commitments (see, e.g., Chapters 71.05 and 71.34 RCW). Accordingly, the MPR were rescinded in their entirety effective _____, except that the title to the rule set and individual rule numbers and titles were reserved to provide a framework to jurisdictions seeking to adopt local commitment rules consistent with the ITA. The rule set was also retitled as the "Superior Court Civil Commitment Rules" ("CCR") for consistency with applicable statutory enactments.

1. General

MPR CCR 1.1 NOTICE—GENERAL

[RESERVED]

~~Whenever any notice or document pursuant to the provisions of RCW 71.05 is required to be served on a person who is detained or committed, such notice or document shall be provided to the person's attorney, guardian, if any, and, if the person is under 18 years of age,~~

~~to any person, entity, or institution having actual custody, in addition to any other person provided by statute.~~

~~(a) **Notice to Prosecutor.** In any judicial proceeding under RCW 71.05 for involuntary commitment or detention in which the prosecuting attorney is required to represent a party (see RCW 71.05.130), the prosecuting attorney for the county in which the proceeding is initiated shall be served with written notice of the proceedings and copies of the initiating papers by the party initiating the proceedings.~~

~~(b) **Notice to Attorney General.** In any judicial proceeding under RCW 71.05 for involuntary commitment or detention in which the Attorney General is required to represent a party (see RCW 71.05.130), the Attorney General shall be served with written notice of the proceedings and copies of the initiating papers by the party initiating the proceedings.~~

~~(c) **Notice of Release.** Whenever a person committed or detained under RCW 71.05 is released or conditionally released, the court ordering such commitment shall be notified immediately in writing of the release by the superintendent or professional person in charge of the facility from which the person is released.~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1975; January 1, 1981.]~~

MPR CCR 1.2 CONTINUANCE OR POSTPONEMENT

[RESERVED]

~~In any judicial proceeding for involuntary commitment or detention held pursuant to RCW 71.05 the court may continue or postpone such proceeding for a reasonable time, subject to RCW 71.05.210 and RCW 71.05.240, on the following grounds:~~

~~(a) On motion of the respondent if there is a showing of good cause;~~

~~(b) On motion of the prosecuting attorney or the Attorney General if:~~

~~(1) The respondent expressly consents to a continuance or delay and there is a showing of good cause; or~~

~~(2) Required in the proper administration of justice and the respondent will not be substantially prejudiced in the presentation of respondent's case.~~

~~(c) The court on its own motion may continue the case when required in the due administration of justice and when the respondent will not be substantially prejudiced in the presentation of his case.~~

~~An order granting continuance shall state whether detention will be extended and the grounds therefor.~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1975; January 1, 1981].~~

MPR CCR 1.3

[RESERVED]

~~[Adopted effective January 1, 1974; Amended effective April 30, 2013].~~

MPR CCR 1.4 ALTERNATIVE LESS RESTRICTIVE TREATMENT

[RESERVED]

~~(a) As an alternative to detention, where the court makes a finding or a special verdict is returned that the respondent should receive less restrictive alternative treatment, the court may order such less restrictive alternative treatment for no longer than the period for which the respondent could have been committed at the hearing.~~

~~(b) If the court orders less restrictive alternative treatment, the order shall specify the terms and conditions of the alternative treatment and a copy shall be delivered to the respondent.~~

~~(c) If the conditions of the alternative treatment are not adhered to, the designated mental health professional may order the respondent apprehended according to the procedure defined by rules 4.1 through 4.5.~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1981.]~~

2. Proceedings for Initial Detention

MPR CCR 2.1 SUMMONS

[RESERVED]

~~The summons issued pursuant to RCW 71.05.150 shall include the following:~~

~~(a) The date and time for appearance, not less than 24 hours from the time at which the summons is served, at an evaluation and treatment facility.~~

~~(b) The address of the evaluation and treatment facility.~~

~~(c) The business address and business telephone number of the designated mental health professional.~~

~~(d) A statement that the person summoned may be detained at the evaluation and treatment facility for up to 72 hours excluding Saturdays, Sundays, and holidays.~~

~~(e) A statement whether the 72-hour evaluation period is on outpatient or inpatient status.~~

~~(f) A statement that if the person summoned fails to appear at the evaluation and treatment facility on or before the date and time indicated, he may be taken into custody.~~

~~(g) A statement that an attorney will be appointed for the person summoned unless the person has retained his own attorney.~~

~~(h) The name, business address and business telephone number of the designated attorney.~~

~~(i) The summons shall be in substantially the following form:~~

~~THE STATE OF WASHINGTON TO (name of person to be detained)~~

~~It is alleged that because of mental disorder you present a likelihood of serious harm to yourself, other persons, or the property of other persons, or are gravely disabled.~~

~~You are hereby required to appear in person at (address of evaluation and treatment facility) in (city), Washington, on or before (hour) on (month, day, year) for evaluation and possible treatment. You may be detained without court order for evaluation and possible treatment for not more than 72 hours, not including Saturdays, Sundays, or holidays. If you fail to appear in person on or before the date stated above, you may be taken into custody.~~

~~You have the right to have an attorney. (Name, address, telephone number) will be appointed as your attorney unless you make arrangements to be represented by another attorney.~~

~~Dated this _____ day of _____, 19 _____~~

~~(Signed) _____
Mental Health Professional
(name) County, Washington
Address: _____
Telephone: _____~~

~~[Adopted effective January 1, 1974; Amended effective January 1, 1981].~~

MPR CCR STANDARDS FOR INDIGENT DEFENSE (SID)

[RESERVED]

Preamble

~~The Washington Supreme Court adopts the following Standards to address certain basic elements of public defense practice related to the effective assistance of counsel. The Certification of Appointed Counsel of Compliance with Standards Required by CrR 3.1/CrRLJ 3.1/JuCR 9.2/MPR 2.1 references specific "Applicable Standards." The court adopts additional Standards beyond those required for certification as guidance for public defense attorneys in addressing issues identified in State v. A.N.J., 168 Wn.2d 91 (2010), including the suitability of contracts that public defense attorneys may negotiate and sign. To the extent that certain Standards may refer to or be interpreted as referring to local governments, the Court recognizes the authority of its Rules is limited to attorneys and the courts. Local courts and clerks are encouraged to develop protocols for procedures for receiving and retaining Certifications.~~

~~[Adopted effective February 1, 2021.]~~

Standard 1. Compensation

Standard 2. Duties and Responsibilities of Counsel

Standard 3. Caseload Limits and Types of Cases

~~Standard 3.1. [The contract or other employment agreement shall specify the types of cases for which representation shall be provided and the maximum number of cases which each attorney shall be expected to handle.~~

~~[Adopted effective October 1, 2012.]~~

~~Standard 3.2. The caseload of public defense attorneys shall allow each lawyer to give each client the time and effort necessary to ensure effective representation. Neither defender organizations, county offices, contract attorneys, nor assigned counsel should accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation. As used in this Standard, "quality representation" is intended to describe the minimum level of attention, care, and skill that Washington citizens would expect of their state's criminal justice system.~~

~~[Adopted effective October 1, 2012.]~~

~~Standard 3.3. General Considerations. Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases of average complexity and effort in each case type specified. Caseload limits assume a reasonably even distribution of cases throughout the year.~~

~~The increased complexity of practice in many areas will require lower caseload limits. The maximum caseload limit should be adjusted downward when the mix of case assignments is weighted toward offenses or case types that demand more investigation, legal research and writing, use of experts, use of social workers, or other expenditures of time and resources. Attorney caseloads should be assessed by the workload required, and cases and types of cases should be weighted accordingly.~~

~~If a defender or assigned counsel is carrying a mixed caseload including cases from more than one category of cases, these standards should be applied proportionately to determine a full caseload. In jurisdictions where assigned counsel or contract attorneys also maintain private law practices, the caseload should be based on the percentage of time the lawyer devotes to public defense.~~

~~The experience of a particular attorney is a factor in the composition of the case types in the attorney's caseload, but it is not a factor in adjusting the applicable numerical caseload limits except as follows: attorneys with less than six months of full time criminal defense experience as an attorney should not be assigned more than two-thirds of the applicable maximum numerical caseload limit. This provision applies whether or not the public defense system uses case weighting.~~

~~The following types of cases fall within the intended scope of the caseload limits for criminal and juvenile offender cases in standard 3.4 and must be taken into account when assessing an attorney's numerical caseload: partial case representations, sentence violations, specialty or therapeutic courts, transfers, extraditions, representation of material witnesses,~~

~~petitions for conditional release or final discharge, and other matters that do not involve a new criminal charge.~~

~~Definition of case. A case is defined as the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation. In courts of limited jurisdiction multiple citations from the same incident can be counted as one case.~~

~~[Adopted effective October 1, 2012; Amended effective January 1, 2015.]~~

~~*Standard 3.4. Caseload Limits.* The caseload of a full-time public defense attorney or assigned counsel should not exceed the following:~~

~~150 felonies per attorney per year; or
300 misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case weighting system as described in this standard, 400 cases per year; or~~

~~250 juvenile offender cases per attorney per year; or~~

~~80 open juvenile dependency cases per attorney; or~~

~~250 civil commitment cases per attorney per year; or~~

~~1 active death penalty trial court case at a time plus a limited number of non-death-penalty cases compatible with the time demand of the death penalty case and consistent with the professional requirements of standard 3.2; or~~

~~36 appeals to an appellate court hearing a case on the record and briefs per attorney per year. (The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average transcript length is greater than 350 pages, the caseload should be accordingly reduced.)~~

~~Full-time rule 9 interns who have not graduated from law school may not have caseloads that exceed twenty-five percent (25%) of the caseload limits established for full-time attorneys.~~

~~In public defense systems in which attorneys are assigned to represent groups of clients at first appearance or arraignment calendars without an expectation of further or continuing representation for cases that are not resolved at the time (except by dismissal) in addition to individual case assignments, the attorneys' maximum caseloads should be reduced proportionally recognizing that preparing for and appearing at such calendars requires additional attorney time. This provision applies both to systems that employ case weighting and those that do not.~~

~~Resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case. This provision applies both to systems that employ case weighting and those that do not.~~

~~In public defense systems in which attorneys are assigned to represent groups of clients in routine review hearing calendars in which there is no potential for the imposition of sanctions, the attorneys' maximum caseloads should be reduced proportionally by the amount of time they spend preparing for and appearing at such calendars. This provision applies whether or not the public defense system uses case weighting.~~

~~[Adopted effective October 1, 2013, except paragraph 3, regarding misdemeanor caseload limits, effective January 1, 2015; Amended effective January 1, 2015.]~~

~~*Standard 3.5. Case Counting and Weighting.* Attorneys may not count cases using a case weighting system, unless pursuant to written policies and procedures that have been adopted and published by the local government entity responsible for employing, contracting with, or appointing them. A weighting system must:~~

~~A. recognize the greater or lesser workload required for cases compared to an average case based on a method that adequately assesses and documents the workload involved;~~

~~B. be consistent with these Standards, professional performance guidelines, and the Rules of Professional Conduct;~~

~~C. not institutionalize systems or practices that fail to allow adequate attorney time for quality representation;~~

~~D. be periodically reviewed and updated to reflect current workloads; and~~

~~E. be filed with the State of Washington Office of Public Defense.~~

~~Cases should be assessed by the workload required. Cases and types of cases should be weighted accordingly. Cases which are complex, serious, or contribute more significantly to attorney workload than average cases should be weighted upward. In addition, a case weighting system should consider factors that might justify a case weight of less than one case.~~

~~[Adopted effective October 1, 2012; Amended effective January 1, 2015.]~~

~~*Standard 3.6. Case Weighting Examples.* The following are some examples of situations where case weighting might result in representations being weighted as more or less than one case. The listing of specific examples is not intended to suggest or imply that representations in such situations should or must be weighted at more or less than one case, only that they may be, if established by an appropriately adopted case weighting system.~~

~~A. Case Weighting Upward. Serious offenses or complex cases that demand more than average investigation, legal research, writing, use of experts, use of social workers, and/or expenditures of time and resources should be weighted upward and counted as more than one case.~~

~~B. Case Weighting Downward. Listed below are some examples of situations where case weighting might justify representations being weighted less than one case. However, care must be taken because many such representations routinely involve significant work and effort and should be weighted at a full case or more.~~

i. Cases that result in partial representations of clients, including client failures to appear and recommencement of proceedings, preliminary appointments in cases in which no charges are filed, appearances of retained counsel, withdrawals or transfers for any reason, or limited appearances for a specific purpose (not including representations of multiple cases on routine dockets).

ii. Cases in the criminal or offender case type that do not involve filing of new criminal charges, including sentence violations, extraditions, representations of material witnesses, and other matters or representations of clients that do not involve new criminal charges. Noncomplex sentence violations should be weighted as at least 1/3 of a case.

iii. Cases in specialty or therapeutic courts if the attorney is not responsible for defending the client against the underlying charges before or after the client's participation in the specialty or therapeutic court. However, case weighting must recognize that numerous hearings and extended monitoring of client cases in such courts significantly contribute to attorney workload and in many instances such cases may warrant allocation of full case weight or more.

iv. Representation of a person in a court of limited jurisdiction on a charge which, as a matter of regular practice in the court where the case is pending, can be and is resolved at an early stage of the proceeding by a diversion, reduction to an infraction, stipulation on continuance, or other alternative noncriminal disposition that does not involve a finding of guilt. Such cases should be weighted as at least 1/3 of a case.

[Adopted effective October 1, 2012; Amended effective January 1, 2015.]

Related Standards

~~ABA STANDARDS FOR CRIMINAL JUSTICE: PROSECUTION FUNCTION AND DEFENSE FUNCTION Defense Function std. 4-1.2 (3d ed. 1993)~~

~~ABA STANDARDS FOR CRIMINAL JUSTICE: PROVIDING DEFENSE SERVICES std. 5-4.3 (3d ed. 1992)~~

~~AM. BAR ASS'N, GUIDELINES FOR THE APPOINTMENT AND PERFORMANCE OF DEFENSE COUNSEL IN DEATH PENALTY CASES (rev. ed. 2003)~~

~~ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 06-441 (2006) (*Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere With Competent and Diligent Representation*)~~

~~Am. Council of Chief Defenders, *Statement on Caseloads and Workloads* (Aug. 24, 2007)~~

~~ABA House of Delegates, *Eight Guidelines of Public Defense Related to Excessive Caseloads* (Aug. 2009)~~

~~TASK FORCE ON COURTS, NAT'L ADVISORY COMM'N ON CRIMINAL STANDARDS & GOALS, COURTS std. 13.12 (1973)~~

~~MODEL CODE OF PROF'L RESPONSIBILITY DR 6-101.~~

~~ABA House of Delegates, *The Ten Principles of a Public Defense Delivery System* (Feb. 2002)~~

~~ABA House of Delegates, *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases* (Feb. 1996)~~

~~Nat'l Legal Aid & Defender Ass'n, Am. Council of Chief Defenders, Ethical Opinion 03-01 (2003).~~

~~Nat'l Legal Aid & Defender Ass'n, *Standards for Defender Services* std. IV-1 (1976)~~

~~Nat'l Legal Aid & Defender Ass'n, *Model Contract for Public Defense Services* (2000)~~

Nat'l Ass'n of Counsel for Children, *NACC Recommendations for Representation of Children in Abuse and Neglect Cases* (2001)

Seattle Ordinance 121501 (June 14, 2004)

Indigent Defense Servs. Task Force, Seattle King County Bar Ass'n, *Guidelines for Accreditation of Defender Agencies* Guideline 1 (1982)

Wash. State Office of Pub. Defense, *Parents Representation Program Standards of Representation* (2009)

BUREAU OF JUDICIAL ASSISTANCE, U.S. DEP'T OF JUSTICE, INDIGENT DEFENSE SERIES NO. 4, KEEPING DEFENDER WORKLOADS MANAGEABLE (2001) (NCJ 185632)

Standard 4. Responsibility of Expert Witnesses

Standard 5. Administrative Costs

Standard 5.1.

Standard 5.2.

A. ~~Contracts for public defense services should provide for or include administrative costs associated with providing legal representation. These costs should include but are not limited to travel; telephones; law library, including electronic legal research; financial accounting; case management systems; computers and software; office space and supplies; training; meeting the reporting requirements imposed by these standards; and other costs necessarily incurred in the day-to-day management of the contract.~~

B. ~~Public defense attorneys shall have (1) access to an office that accommodates confidential meetings with clients and (2) a postal address, and adequate telephone services to ensure prompt response to client contact.~~

~~[Adopted effective October 1, 2012.]~~

Standard 6. Investigators

~~*Standard 6.1.* Public defense attorneys shall use investigation services as appropriate.~~

~~[Adopted effective October 1, 2012.]~~

Standards 7-12

Standard 13. Limitations on Private Practice

~~Private attorneys who provide public defense representation shall set limits on the amount of privately retained work which can be accepted. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent.~~

~~[Adopted effective October 1, 2012].~~

Standard 14. Qualifications of Attorneys

~~Standard 14.1. In order to assure that indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, attorneys providing defense services shall meet the following minimum professional qualifications:~~

~~A. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court; and~~

~~B. Be familiar with the statutes, court rules, constitutional provisions, and caselaw relevant to their practice area; and~~

~~C. Be familiar with the Washington Rules of Professional Conduct; and~~

~~D. Be familiar with the Performance Guidelines for Criminal Defense Representation approved by the Washington State Bar Association; and when representing youth, be familiar with the Performance Guidelines for Juvenile Defense Representation approved by the Washington State Bar Association; and when representing respondents in civil commitment proceedings, be familiar with the Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings approved by the Washington State Bar Association; and~~

~~E. Be familiar with the Washington State Guidelines for Appointed Counsel in Indigent Appeals; and~~

~~F. Be familiar with the consequences of a conviction or adjudication, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction; and~~

~~G. Be familiar with mental health issues and be able to identify the need to obtain expert services; and~~

~~H. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.~~

~~[Adopted effective October 1, 2012; Amended effective April 24, 2018; September 1, 2021.]~~

~~Standard 14.2. Attorneys' qualifications according to severity or type of case¹:~~

~~A. Death Penalty Representation. Each attorney acting as lead counsel in a criminal case in which the death penalty has been or may be decreed and which the decision to seek the death penalty has not yet been made shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1; and~~

~~ii. At least five years' criminal trial experience; and~~

~~iii. Have prior experience as lead counsel in no fewer than nine jury trials of serious and complex cases which were tried to completion; and~~

¹Attorneys working toward qualification for a particular category of cases under this standard may associate with lead counsel who is qualified under this standard for that category of cases.

- ~~iv. Have served as lead or co-counsel in at least one aggravated homicide case; and~~
- ~~v. Have experience in preparation of mitigation packages in aggravated homicide or persistent offender cases; and~~
- ~~vi. Have completed at least one death penalty defense seminar within the previous two years; and~~
- ~~vii. Meet the requirements of SPRC 2.2.²~~

~~The defense team in a death penalty case should include, at a minimum, the two attorneys appointed pursuant to SPRC 2, a mitigation specialist, and an investigator. Psychiatrists, psychologists, and other experts and support personnel should be added as needed.~~

~~B. Adult Felony Cases—Class A. Each attorney representing a defendant accused of a Class A felony as defined in RCW 9A.20.020 shall meet the following requirements:~~

- ~~i. The minimum requirements set forth in Section 1; and~~
 - ~~ii. Either:~~
 - ~~a. has served two years as a prosecutor; or~~
 - ~~b. has served two years as a public defender; or two years in a private criminal practice;~~
- ~~and~~

²SPRC 2

APPOINTMENT OF COUNSEL

At least two lawyers shall be appointed for the trial and also for the direct appeal. The trial court shall retain responsibility for appointing counsel for trial. The Supreme Court shall appoint counsel for the direct appeal. Notwithstanding RAP 15.2(f) and (h), the Supreme Court will determine all motions to withdraw as counsel on appeal.

A list of attorneys who meet the requirements of proficiency and experience, and who have demonstrated that they are learned in the law of capital punishment by virtue of training or experience, and thus are qualified for appointment in death penalty trials and for appeals will be recruited and maintained by a panel created by the Supreme Court. All counsel for trial and appeal must have demonstrated the proficiency and commitment to quality representation which is appropriate to a capital case. Both counsel at trial must have five years' experience in the practice of criminal law (and) be familiar with and experienced in the utilization of expert witnesses and evidence, and not be presently serving as appointed counsel in another active trial level death penalty case. One counsel must be, and both may be, qualified for appointment in capital trials on the list, unless circumstances exist such that it is in the defendant's interest to appoint otherwise qualified counsel learned in the law of capital punishment by virtue of training or experience. The trial court shall make findings of fact if good cause is found for not appointing list counsel. At least one counsel on appeal must have three years' experience in the field of criminal appellate law and be learned in the law of capital punishment by virtue of training or experience. In appointing counsel on appeal, the Supreme Court will consider the list, but will have the final discretion in the appointment of counsel.

~~iii. Has been trial counsel alone or with other counsel and handled a significant portion of the trial in three felony cases that have been submitted to a jury.~~

~~C. Adult Felony Cases—Class B Violent Offense. Each attorney representing a defendant accused of a Class B violent offense as defined in RCW 9A.20.020 shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1; and~~

~~ii. Either;~~

~~a. has served one year as a prosecutor; or~~

~~b. has served one year as a public defender; or one year in a private criminal practice;~~
and

~~iii. Has been trial counsel alone or with other counsel and handled a significant portion of the trial in two Class C felony cases that have been submitted to a jury.~~

~~D. Adult Sex Offense Cases. Each attorney representing a client in an adult sex offense case shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1 and Section 2(C); and~~

~~ii. Has been counsel alone of record in an adult or juvenile sex offense case or shall be supervised by or consult with an attorney who has experience representing juveniles or adults in sex offense cases.~~

~~E. Adult Felony Cases—All Other Class B Felonies, Class C Felonies, Probation or Parole Revocation. Each attorney representing a defendant accused of a Class B felony not defined in Section 2(C) or (D) above or a Class C felony, as defined in RCW 9A.20.020, or involved in a probation or parole revocation hearing shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1, and~~

~~ii. Either:~~

~~a. has served one year as a prosecutor; or~~

~~b. has served one year as a public defender; or one year in a private criminal practice;~~
and

~~iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two criminal cases that have been submitted to a jury; and~~

~~iv. Each attorney shall be accompanied at his or her first felony trial by a supervisor if available.~~

~~F. Persistent Offender (Life Without Possibility of Release) Representation. Each attorney acting as lead counsel in a “two strikes” or “three strikes” case in which a conviction will~~

~~result in a mandatory sentence of life in prison without parole shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1;³ and~~

~~ii. Have at least:~~

~~a. four years' criminal trial experience; and~~

~~b. one year's experience as a felony defense attorney; and~~

~~c. experience as lead counsel in at least one Class A felony trial; and~~

~~d. experience as counsel in cases involving each of the following:~~

~~1. Mental health issues; and~~

~~2. Sexual offenses, if the current offense or a prior conviction that is one of the predicate cases resulting in the possibility of life in prison without parole is a sex offense; and~~

~~3. Expert witnesses; and~~

~~4. One year of appellate experience or demonstrated legal writing ability.~~

~~G. Juvenile Cases—Class A.~~

~~H. Juvenile Cases—Classes B and C. Each attorney representing a juvenile accused of a Class B or C felony shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1; and~~

~~ii. Either:~~

~~a. has served one year as a prosecutor; or~~

~~b. has served one year as a public defender; or one year in a private criminal practice,~~
and

~~iii. Has been trial counsel alone in five misdemeanor cases brought to a final resolution;~~
and

~~iv. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor if available.~~

~~I. Juvenile Sex Offense Cases. Each attorney representing a client in a juvenile sex offense case shall meet the following requirements:~~

³RCW 10.101.060(1)(a)(iii) provides that counties receiving funding from the state Office of Public Defense under that statute must require "attorneys who handle the most serious cases to meet specified qualifications as set forth in the Washington state bar association endorsed standards for public defense services or participate in at least one case consultation per case with office of public defense resource attorneys who are so qualified. The most serious cases include all cases of murder in the first or second degree, persistent offender cases, and class A felonies."

i. The minimum requirements set forth in Section 1 and Section 2(H); and

ii. Has been counsel alone of record in an adult or juvenile sex offense case or shall be supervised by or consult with an attorney who has experience representing juveniles or adults in sex offense cases.

J. Juvenile Status Offenses Cases. Each attorney representing a client in a “Becca” matter shall meet the following requirements:

i. The minimum requirements as outlined in Section 1; and

ii. Either:

a. have represented clients in at least two similar cases under the supervision of a more experienced attorney or completed at least three hours of CLE training specific to “status offense” cases; or

b. have participated in at least one consultation per case with a more experienced attorney who is qualified under this section.

K. Misdemeanor Cases. Each attorney representing a defendant involved in a matter concerning a simple misdemeanor or gross misdemeanor or condition of confinement, shall meet the requirements as outlined in Section 1.

L. Dependency Cases. Each attorney representing a client in a dependency matter shall meet the following requirements:

i. The minimum requirements as outlined in Section 1; and

ii. Attorneys handling termination hearings shall have six months’ dependency experience or have significant experience in handling complex litigation.

iii. Attorneys in dependency matters should be familiar with expert services and treatment resources for substance abuse.

iv. Attorneys representing children in dependency matters should have knowledge, training, experience, and ability in communicating effectively with children, or have participated in at least one consultation per case either with a state Office of Public Defense resource attorney or other attorney qualified under this section.

M. Civil Commitment Cases. Each attorney representing a respondent shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and

ii. Each staff attorney shall be accompanied at his or her first 90 or 180 day commitment hearing by a supervisor; and

iii. Shall not represent a respondent in a 90 or 180 day commitment hearing unless he or she has either:

- ~~a. served one year as a prosecutor; or~~
- ~~b. served one year as a public defender; or one year in a private civil commitment practice, and~~
- ~~c. been trial counsel in five civil commitment initial hearings; and~~
- ~~iv. Shall not represent a respondent in a jury trial unless he or she has conducted a felony jury trial as lead counsel; or been co-counsel with a more experienced attorney in a 90 or 180 day commitment hearing.~~

~~N. Sex Offender "Predator" Commitment Cases. Generally, there should be two counsel on each sex offender commitment case. The lead counsel shall meet the following requirements:~~

- ~~i. The minimum requirements set forth in Section 1; and~~
- ~~ii. Have at least:~~
 - ~~a. Three years' criminal trial experience; and~~
 - ~~b. One year's experience as a felony defense attorney or one year's experience as a criminal appeals attorney; and~~
 - ~~c. Experience as lead counsel in at least one felony trial; and~~
 - ~~d. Experience as counsel in cases involving each of the following:~~
 - ~~1. Mental health issues; and~~
 - ~~2. Sexual offenses; and~~
 - ~~3. Expert witnesses; and~~
 - ~~e. Familiarity with the Civil Rules; and~~
 - ~~f. One year of appellate experience or demonstrated legal writing ability.~~

~~Other counsel working on a sex offender commitment case should meet the minimum requirements in Section 1 and have either one year's experience as a public defender or significant experience in the preparation of criminal cases, including legal research and writing and training in trial advocacy.~~

~~O. Contempt of Court Cases. Each attorney representing a respondent shall meet the following requirements:~~

- ~~i. The minimum requirements set forth in Section 1; and~~
- ~~ii. Each attorney shall be accompanied at his or her first three contempt of court hearings by a supervisor or more experienced attorney, or participate in at least one consultation per~~

~~case with a state Office of Public Defense resource attorney or other attorney qualified in this area of practice.~~

~~P. Specialty Courts. Each attorney representing a client in a specialty court (e.g., mental health court, drug diversion court, homelessness court) shall meet the following requirements:~~

- ~~i. The minimum requirements set forth in Section 1; and~~
- ~~ii. The requirements set forth above for representation in the type of practice involved in the specialty court (e.g., felony, misdemeanor, juvenile); and~~
- ~~iii. Be familiar with mental health and substance abuse issues and treatment alternatives.~~

[Adopted effective October 1, 2012.]

~~*Standard 14.3. Appellate Representation.* Each attorney who is counsel for a case on appeal to the Washington Supreme Court or to the Washington Court of Appeals shall meet the following requirements:~~

- ~~A. The minimum requirements as outlined in Section 1; and~~
- ~~B. Either:
 - ~~i. has filed a brief with the Washington Supreme Court or any Washington Court of Appeals in at least one criminal case within the past two years; or~~
 - ~~ii. has equivalent appellate experience, including filing appellate briefs in other jurisdictions, at least one year as an appellate court or federal court clerk, extensive trial level briefing, or other comparable work.~~~~
- ~~C. Attorneys with primary responsibility for handling a death penalty appeal shall have at least five years' criminal experience, preferably including at least one homicide trial and at least six appeals from felony convictions, and meet the requirements of SPRC 2.~~

~~RALJ Misdemeanor Appeals to Superior Court: Each attorney who is counsel alone for a case on appeal to the Superior Court from a court of limited jurisdiction should meet the minimum requirements as outlined in Section 1, and have had significant training or experience in either criminal appeals, criminal motions practice, extensive trial level briefing, clerking for an appellate judge, or assisting a more experienced attorney in preparing and arguing a RALJ appeal.~~

[Adopted effective October 1, 2012.]

~~*Standard 14.4. Legal Interns.*~~

- ~~A. Legal interns must meet the requirements set out in APR 9.~~
- ~~B. Legal interns shall receive training pursuant to APR 9, and in offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held.~~

[Adopted effective October 1, 2012.]

Standards 15-18

[RESERVED]

CERTIFICATION OF COMPLIANCE

[RESERVED]

For criminal and juvenile offender cases, and civil commitment proceedings under Chapter 71.05 RCW, a signed Certification of Compliance with Applicable Standards must be filed by an appointed attorney by separate written certification on a quarterly basis in each court in which the attorney has been appointed as counsel.

The certification must be in substantially the following form:

SEPARATE CERTIFICATION FORM

[RESERVED]

<p>_____ Court of Washington For _____ State of Washington _____, _____ Plaintiff vs. _____ _____ Defendant</p>	<p><input type="checkbox"/> No. _____ <input type="checkbox"/> Administrative Filing CERTIFICATION OF APPOINTED COUNSEL OF COMPLIANCE WITH STANDARDS REQUIRED BY CrR 3.1/CrRLJ 3.1/JuCR 9.2/MPR 2.1</p>
--	---

The undersigned attorney hereby certifies:

1. Approximately _____% of my total practice time is devoted to indigent defense cases.
2. I am familiar with the applicable Standards adopted by the Supreme Court for attorneys appointed to represent indigent persons and that:

a. Basic Qualifications: I meet the minimum basic professional qualifications in Standard 14.1.

b. Office: I have access to an office that accommodates confidential meetings with clients, and I have a postal address and adequate telephone services to ensure prompt response to client contact, in compliance with Standard 5.2.

~~**c. Investigators:** I have investigators available to me and will use investigative services as appropriate, in compliance with Standard 6.1.~~

~~**d. Caseload:** I will comply with Standard 3.2 during representation of the defendant in my cases. [Effective October 1, 2013 for felony and juvenile offender caseloads; effective January 1, 2015 for misdemeanor caseloads; effective February 21, 2021 for civil commitment caseloads. I should not accept a greater number of cases (or a proportional mix of different case types) than specified in Standard 3.4, prorated if the amount of time spent for indigent defense is less than full time, and taking into account the case counting and weighting system applicable in my jurisdiction.]~~

~~**e. Case Specific Qualifications:** I am familiar with the specific case qualifications in Standard 14.2, Sections B-K (criminal) and Section M (civil commitment) and will not accept appointment in a case as lead counsel unless I meet the qualifications for that case.~~

~~[Effective October 1, 2013; effective February 1, 2021 for civil commitment cases.]~~

Signature, WSBA No. _____ Date _____

2. Proceedings for Initial Detention

MPR CCR 2.1 SUMMONS

[RESERVED]

MPR CCR 2.2 AUTHORIZATION AND NOTICE OF DETENTION

[RESERVED]

_____ At the time when any person is taken into custody or as soon as possible thereafter pursuant to RCW 71.05.150(1)(d) or RCW 71.05.150(2) regardless of whether a summons has been issued pursuant to rule 2.1 written authorization to do so shall be served upon such person. A copy of the authorization and a notice of detention shall be filed with the court. The authorization and notice of detention shall include:

~~(a) The name of the person to be taken into custody.~~

~~(b) A statement that the person authorized to take custody is authorized pursuant to RCW 71.05.150(1)(d) or RCW 71.05.150(2).~~

~~(c) A statement that the person is to be taken into custody for the purpose of delivering that person to an evaluation and treatment facility for a period of up to 72 hours excluding Saturdays, Sundays, and holidays. The 72-hour period begins when the evaluation and treatment facility provisionally accepts the person as provided in RCW 71.05.170.~~

~~(d) A statement specifying the name and location of the evaluation and treatment facility where such person will be detained.~~

~~(e) The authorization and notice of detention shall be in substantially the following form:~~

~~TO: ANY PEACE OFFICER OR MENTAL HEALTH PROFESSIONAL~~

~~(Name of person) _____ has failed to appear in response to summons issued by me pursuant to RCW 71.05.150 a copy of which is attached, or _____ as a result of mental disorder:-~~

- ~~_____ presents an imminent likelihood of serious harm to him/herself~~
- ~~_____ presents an imminent likelihood of serious harm to others~~
- ~~_____ presents an imminent likelihood of serious harm to the property of others~~
- ~~_____ is in imminent danger because he/she is gravely disabled~~

~~You are notified to take or to cause such person to be taken into custody forthwith and placed in (name and location of evaluation and treatment facility) for evaluation and treatment for not more than 72 hours, or for such additional time as a court may order. The 72-hour period begins when the person is provisionally accepted at the evaluation and treatment facility and excludes Saturdays, Sundays, and holidays.~~

~~Dated: _____ (signed) _____
Mental Health Professional
(name) County, Washington~~

~~Respondent has been detained in (name and location of evaluation and treatment facility).~~

~~Dated: _____ Time: _____
(signed) _____
____ Peace Officer or _____ Mental
Health Professional, (name) County,
Washington~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1981.]~~

MPR CCR 2.2A NOTICE OF EMERGENCY DETENTION

[RESERVED]

~~The notice of emergency detention required to be filed with the court and served upon the designated attorney of the detained person pursuant to RCW 71.05.160 shall include a statement specifying the name and location of the evaluation and treatment facility where the person taken into custody has been detained.~~

~~The notice of emergency detention shall be in substantially the following form:~~

~~(Respondent) has been detained in (name of evaluation and treatment facility).~~

~~Dated: _____ Time of provisional acceptance:-
(signed) _____
Mental Health Professional
(name) County, Washington~~

~~[Adopted effective July 1, 1974; Amended effective July 1, 1974; January 1, 1981.]~~

MPR CCR 2.3 RIGHT TO COPY COURT FILES

[RESERVED]

~~Prior to and at the hearing provided for in RCW 71.05.200, 71.05.240, and 71.05.250, the attorney for any detained person who will be a respondent at such hearing shall be permitted to view and copy all documents relating to the detained person which have been filed with the court.~~

~~[Adopted effective January 1, 1974.]~~

MPR CCR 2.4 PROBABLE CAUSE HEARING

[RESERVED]

~~(a) **Notice.** If notice to the court and the prosecuting attorney of the probable cause hearing as required by RCW 71.05.150(1)(c) includes the date and time of the provisional acceptance of any person involuntarily detained, no additional notice to the court shall be required pursuant to RCW 71.05.170.~~

~~(b) **Procedure.**~~

~~(1) The probable cause hearing provided in RCW 71.05.200(1) shall be held in accordance with the provisions of RCW 71.05.200(1), 71.05.240, and 71.05.250, except that under the circumstances defined by RCW 10.77.090, the prosecuting attorney may be the petitioner.~~

~~(2) The probable cause hearing shall proceed as in other civil actions, except that the court, in its discretion, may dispense with opening statements and final arguments.~~

~~(3) The court shall be advised of any medications administered to the respondent within the prior 24-hour period, and if it appears that the person detained has refused medication 24 hours before the hearing, but was nevertheless forced to receive medication during that period, the court may continue the hearing for 24 hours, and may order that no medication shall be administered to the person detained during such period.~~

~~(4) At the conclusion of the hearing, the court shall make written findings of fact and conclusions of law, and enter an order for release or for detention for an additional 14 days in an evaluation and treatment facility, or such lesser treatment as shall to the court appear proper. A copy of the order shall be served upon the evaluation and treatment facility and on the mental health professional who signed the petition.~~

~~[Adopted effective January 1, 1974; Amended effective January 1, 1981.]~~

MPR CCR 2.5

~~[Rescinded. See RCW 71.34.]~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974; Rescinded effective December 19, 1986.]~~

3. Proceedings for Ninety or One Hundred Eighty-Day Commitment

MPR CCR 3.1 FIRST COURT APPEARANCE

[RESERVED]

~~For purposes of proceedings for 90-day commitment, the phrase "first court appearance" provided in RCW 71.05.310, shall refer to the appearance provided for in RCW 71.05.300 of that act.~~

~~[Adopted effective January 1, 1974.]~~

MPR CCR 3.2 PRELIMINARY APPEARANCE

[RESERVED]

~~Prior to the hearing provided for in RCW 71.05.320(2), the committed person shall be brought before the court for an appearance which shall be the same as that provided in RCW 71.05.300 of that act.~~

~~[Adopted effective January 1, 1974.]~~

MPR CCR 3.3 JURY DEMAND

~~(a) **When Available.** A jury is available only in a hearing for 90- or 180-day commitment proceedings pursuant to RCW 71.05.300 and RCW 71.05.320.~~

~~(b) **Procedure for Demand.** Within two (2) judicial days after the person detained is advised in open court on the record of his the right to a jury trial as provided in RCW 71.05.300, the person detained may demand a trial by jury in the hearing on the petition for 90-day or 180-day detention by serving upon the prosecuting attorney a demand therefor in writing, by and filing the demand therefor with the clerk. No jury fee shall be required. If no party, within the time above specified, serves and files a demand for a jury trial, the matter shall be heard without a jury. If no party, within the time above specified, serves or files a demand that the matter be tried by a jury of 12, it shall be tried by a jury of 6 members, with concurrence of 5 being required to reach a verdict.~~

MPR CCR 3.4 HEARING

~~(a) **Procedure.** The hearing shall be proceeded with as in any other civil action.~~

~~(b) **Findings and Conclusions.** Unless the matter is tried to a jury, the court shall make and enter findings of fact and conclusions of law.~~

1. **Verdict.** If the matter is tried to a jury, the court shall instruct the jury to bring in a special verdict, which shall ~~be in terms of the issues specified in RCW 71.05.320.~~ include, as relevant, findings regarding whether:
 1. The respondent has a behavioral health disorder, mental disorder, substance use disorder, and/or a co-occurring mental disorder and substance use disorder;
 2. The respondent is gravely disabled as a result of the behavioral health disorder;
 3. The respondent, after having been taken into custody for evaluation and treatment, or during the current period of court ordered treatment, threatened, attempted, or inflicted physical harm upon self or another, or substantial damage upon the property of another;
 4. The respondent, as a result of the behavioral health disorder, presents or continues to present a likelihood of serious harm to self or others or the property of others;
 5. The respondent was taken into custody as a result of conduct in which the respondent attempted or inflicted physical harm upon self or the person of another, or substantial damage upon the property of another;
 6. Criminal charges against the respondent have been dismissed due to a finding of incompetence, the respondent has been determined to be incompetent, and the respondent committed acts constituting a felony;
 7. The respondent, as a result of the behavioral health disorder, presents a substantial likelihood of repeating similar acts; and
 8. The petitioner has proved that less restrictive treatment will not serve the best interest of the respondent or others.

MPR CCR 3.5 NOTICE OF RESTRICTIONS

[RESERVED]

~~(a) Record of Notice Requirements.~~ A record of the notice of ineligibility to possess a firearm required by RCW 9.41.047, RCW chapter 71.05, RCW chapter 71.34 and RCW chapter 10.77 shall be made. Within three judicial days of entry of the order of commitment, the clerk of

the court shall forward a copy of the notice of ineligibility to possess a firearm to the Department of Licensing, Business & Professions Firearms Unit and to the National Instant Criminal Background Check System (NICS) either by mail or electronic means.

(b) Form. The notice shall be in substantially the following form:

<p>Superior Court of Washington County of</p> <p>In re the Detention of:</p> <p>_____</p> <p>_____ Petitioner,</p> <p>and</p> <p>_____</p> <p>_____ Respondent.</p>	<p>No.</p> <p>Notice of Ineligibility to Possess a Firearm (NTIPF)</p> <p>Clerk's Action Required</p>
---	--

To the Respondent:

_____ You are hereby advised that the court committed you for mental health treatment under chapter 71.05 RCW, chapter 71.34 RCW, or chapter 10.77 RCW.

You are required to immediately surrender any concealed pistol license. You may not possess a firearm until your right to do so has been restored by a court of record.

The information below has been filled in by the State based on available information.

The date of commitment: _____.

A copy of the Respondent's Driver's License or identicard is attached, or

Respondent's _____ Last Name. _____ First Name, _____ Middle Name
List any Aliases:
Residential Address (Street) _____ (City) _____ (State) _____ (Zip)
Date of Birth (month/date/year) _____ Driver's License/ID Number
Race: _____ Sex: _____ Weight: _____ Height
Eyes: _____ Hair: _____ Court NCIC No.

Submit to: Dept. of Licensing, Business & Professions Firearms Unit, PO Box 9649, Olympia, WA 98507-9649 and to the National Instant Criminal Background Check System (NICS)

~~[Adopted effective December 1, 2009.]~~

4. Proceedings for Conditional Release and Revocation or Modification

MPR CCR 4.1 NOTICE OF CONDITIONS

[RESERVED]

~~Any person conditionally released pursuant to RCW 71.05.340 shall be notified in writing of the terms and conditions of the release and shall be notified in writing of any modifications of such terms and conditions. Such notification shall also be given in writing to the court which ordered the person's commitment.~~

~~[Adopted effective January 1, 1974.]~~

MPR CCR 4.2 AUTHORIZATION FOR APPREHENSION AND DETENTION

[RESERVED]

~~At the time of taking any person into custody for failure to adhere to the terms and conditions of release under RCW 71.05.340 or of an alternative treatment under RCW 71.05.320, an authorization for apprehension and detention shall be served upon the person. The authorization for apprehension and detention shall include:~~

~~(a) The name of the person taken into custody;~~

~~(b) A statement that it is issued pursuant to the suspension of conditional release or alternative treatment;~~

~~(c) The date on which the order of commitment or order for alternative treatment was entered and the number of days, if any, for which the person was ordered committed.~~

~~(d) The authorization shall be in substantially the following form:~~

~~TO: ANY PEACE OFFICER OR MENTAL HEALTH PROFESSIONAL~~

~~You are authorized to take or cause to be taken (name of person) into custody and place such person in (name and location of evaluation and treatment facility) for detention pursuant to ___ RCW 71.05.340 (suspension of conditional release) or ___ RCW 71.05.320 (suspension of alternative treatment). The named person was ___ conditionally released from an order of commitment or ___ originally placed on alternative treatment, the conditions of which have been violated. The named person's commitment to inpatient treatment or alternative treatment was originally ordered for (number) days by (name of court) on (date).~~

Date: _____ (signed) _____
____ Secretary, Department of Social and
Health Services, State of Washington, or His Designee,
____ Mental Health Professional
(name) County, Washington

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1981.]~~

**MPR CCR 4.3 PETITION AND ORDER OF APPREHENSION
AND DETENTION—SERVICE**

[RESERVED]

~~Unless otherwise ordered by the court, the petition and order of apprehension and detention required in RCW 71.05.340, shall be served on the person to be apprehended and detained at the time of apprehension, and on his guardian, if any, and his attorney, if any, as soon as possible.~~

~~Where no order of apprehension and detention has been issued, a petition shall be filed with the court within 72 hours and the person, his attorney, if any, and his guardian, if any, shall be served with a copy of the petition within 24 hours after the petition is filed with the court. At the time the petition is served on the person, notice shall be filed with the court and served on the person that a hearing will be held within 15 days.~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974.]~~

MPR CCR 4.4 PETITION FOR INITIAL DETENTION

[RESERVED]

~~A mental health professional may commence new proceedings for 72-hour detention pursuant to RCW 71.05.150, notwithstanding an order of less restrictive alternative treatment under RCW 71.05.320 or a grant of conditional release pursuant to RCW 71.05.340.~~

~~[Adopted effective January 1, 1974; Amended effective January 1, 1981.]~~

MPR CCR 4.5 Hearing BURDEN OF PROOF

~~(a) — **Burden of Proof.** Before entering an order returning any person for involuntary treatment on an inpatient basis as a result of failure to adhere to the terms and conditions of conditional release pursuant to RCW 71.05.340 or less restrictive alternative treatment under RCW 71.05.320, the court shall find at the hearing that there is clear, cogent, and convincing evidence that such person did not adhere to the terms and conditions of release or less restrictive alternative treatment, that the terms of such release or treatment should not be modified, and that the person should be returned to inpatient treatment.~~

~~(b) — **Waiver.** Waiver of the hearing provided for in RCW 71.05.340 shall be in writing signed by all persons required to waive under that section. A copy of the waiver shall be filed with the court in which the notice of apprehension and detention was filed.~~

5. Venue

MPR CCR 5.1 GENERAL

[RESERVED]

~~Proceedings pursuant to RCW 71.05 shall be brought in the superior court of the county in which the person is being detained. The court, for good cause, may transfer a proceeding to the county of respondent's residence, or to the county in which the alleged conduct evidencing need for treatment occurred.~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974.]~~

MPR CCR 5.2 CONDITIONAL RELEASE HEARING

[RESERVED]

~~The notice of apprehension and detention and the petition for hearing required in RCW 71.05.340, shall be filed in the county ordering the commitment from which the person was conditionally released. Upon motion for good cause, the court may order the proceeding transferred to the court in the county in which the person was receiving outpatient care or the county of the person's residence.~~

~~[Adopted effective January 1, 1974.]~~

MPR CCR 5.3 RELEASE OF RECORDS

[RESERVED]

~~—A proceeding for the release of records or files pursuant to RCW 71.05.390 shall be in the court maintaining such records or files.~~

MPR CCR 5.4

[RESERVED]

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974.]~~

6. Petitions [RESERVED]

MPR CCR 6.1 PETITION FOR INITIAL DETENTION

[RESERVED]

~~The petition for initial detention shall contain the following:~~

~~(a) Identification of the petitioner as a peace officer or designated mental health professional.~~

~~(b) A statement describing the circumstances under which the condition of the respondent was brought to the petitioner's attention.~~

~~(c) A statement that as a result of the petitioner's personal observation or investigation, the petitioner believes that the actions of the respondent constitute a likelihood of harm to the respondent, others, or to the property of others, or that the respondent is gravely disabled.~~

~~(d) A statement of the specific facts known to the petitioner upon which he bases his belief that respondent should be detained for the purposes and under the authority of RCW 71.05.~~

~~(e) A request that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour treatment and evaluation period.~~

~~(f) The date and the signature of the petitioner.~~

~~(g) The petition shall be in substantially the following form:~~

~~SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY~~

~~In re the Detention of: _____)
_____) No. _____
_____)
Petitioner: _____) PETITION FOR INITIAL
and _____) DETENTION
_____)
Respondent: _____) RCW _____~~

~~Pursuant to RCW 71.05 petitioner _____ a peace officer or _____ mental health professional designated by the county alleges under penalty of perjury that:~~

~~Respondent, _____, was brought to my attention under the following circumstances:

_____~~

~~As a result of my personal observation or investigation I believe that the actions of the respondent constitute a likelihood of serious harm to the respondent, others, or to the property of others, or that the respondent is gravely disabled.~~

~~The specific facts known to me as a result of personal observation or investigation, upon which I base the belief that the respondent should be detained for the purposes and under the authority of RCW 71.05 are:~~

~~_____
_____~~

~~Therefore the petitioner requests that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour evaluation and treatment period, excluding Saturdays, Sundays, and holidays~~

Dated this _____ day of _____, 19____.

Petitioner

Sworn and Subscribed on _____

Notary Public for the State of
Washington Residing at _____
My commission expires on _____

[Adopted effective January 1, 1974; Amended effective January 1, 1981.]

MPR CCR 6.1A PETITION FOR INITIAL DETENTION OF A MINOR

[RESERVED]

_____ The petition for initial detention shall contain the following:

_____ (a) Identification of the petitioner as a designated mental health professional.

_____ (b) A statement describing the circumstances under which the condition of the respondent was brought to the petitioner's attention.

_____ (c) A statement that as a result of the petitioner's personal observation or investigation, the petitioner believes that the actions of the respondent constitute a likelihood of serious harm to the respondent, others, or to the property of others, or that the respondent is gravely disabled.

_____ (d) A statement of the specific facts known to the petitioner upon which he bases his belief that respondent should be detained for the purposes and under the authority of RCW 71.34.

_____ (e) A request that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour treatment and evaluation period.

_____ (f) A statement that voluntary admission for inpatient treatment is not possible.

_____ (g) The date and the signature of the petitioner.

_____ (h) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY

In re the Detention of: _____)

_____) No. _____

_____)
Petitioner: _____) PETITION FOR INITIAL

and _____)
_____) DETENTION OF A MINOR
Respondent _____) RCW 71.34.050

____ Pursuant to RCW 71.34 petitioner, a mental health professional designated by the county, alleges under penalty of perjury that:

____ Respondent, _____, was brought to my attention under the following circumstances:

____ As a result of my personal observation or investigation I believe that the actions of the respondent constitute a likelihood of serious harm or that the respondent is gravely disabled.

____ The specific facts known to me as a result of personal observation or investigation, upon which I base the belief that the respondent should be detained for the purposes and under the authority of RCW 71.34 are:

____ Voluntary admission is not possible. Therefore the petitioner requests that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour evaluation and treatment period, excluding Saturdays, Sundays, and holidays.

____ Dated this _____ day of _____, 19____.

Petitioner

____ Sworn and Subscribed on _____

Notary Public for the State of Washington
Residing at _____
My commission expires on _____

[Adopted effective July 1, 1974; Amended effective July 1, 1974; December 19, 1986; July 31, 1987; Rescinded effective _____.]

MPR CCR 6.2 PETITION FOR FOURTEEN-DAY INVOLUNTARY TREATMENT

[RESERVED]

____ The petition for 14-day involuntary treatment shall contain the following:

____ (a) The name and address of the petitioner(s).

____ (b) The name of the person alleged, as a result of mental disorder, to present a likelihood of serious harm to him/herself, others, or the property of others, or to be gravely disabled, and, if known to the petitioner, the address, age, sex, marital status and occupation of the person. Such person shall be denominated the respondent.

_____ ~~(c) The facts upon which the allegations of the petition are based.~~

_____ ~~(d) The name of every person known or believed by the petitioner to be legally responsible for the care, support, and maintenance of the person alleged, as a result of mental disorder, to present a likelihood of serious harm to others or himself, or to be gravely disabled, and the address of each such person if known to the petitioner.~~

_____ ~~(e) A statement that the professional staff of the evaluation and treatment facility has examined and analyzed respondent's condition and finds that as a result of mental disorder respondent presents a likelihood of serious harm to himself or others or is gravely disabled.~~

_____ ~~(f) A statement that the respondent has been advised of the need for voluntary treatment and that the professional staff of the facility has evidence that he has not in good faith volunteered.~~

_____ ~~(g) A statement that the facility providing intensive treatment is certified to provide such treatment by the Department of Social and Health Services of the State of Washington.~~

_____ ~~(h) A statement that there is no less restrictive alternative to detention in the best interests of respondent or others, or that a less restrictive alternative is sought and a specification of what that alternative is.~~

_____ ~~(i) A demand that a probable cause hearing be held within 72 hours after provisional acceptance at the evaluation and treatment facility, excluding Saturdays, Sundays, and holidays, unless the person is sooner released, on the issue of whether the respondent shall be detained for an additional 14 days' involuntary treatment or whether such person shall be treated under less restrictive alternatives.~~

_____ ~~(j) The petition shall be in substantially the following form:~~

SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY

In re the Detention of: _____)		No. _____
_____)		
_____)		PETITION FOR FOURTEEN-
_____)		DAY INVOLUNTARY
_____)		TREATMENT
_____)		
Respondent _____)		RCW _____

_____ (Petitioner(s)), _____ mental health professional for _____ County, _____ member(s) of professional staff of _____ (agency or facility), _____ prosecuting attorney for _____ County pursuant to RCW 10.77.090, alleges that:—

_____ (Respondent), residing at (address) in (city or town), is a _____ single _____ married _____ widowed _____ divorced _____ male _____ female age _____.

~~(Respondent's) occupation is _____~~

~~The professional staff of the evaluation agency or facility has examined respondent's condition and finds that as a result of mental disorder (respondent) presents:~~

- ~~_____ a likelihood of serious harm to him/herself,~~
- ~~_____ a likelihood of serious harm to others,~~
- ~~_____ a likelihood of serious harm to the property of others,~~
- ~~_____ is gravely disabled.~~

~~The facts upon which the allegations of this petition are based are as follows:~~

~~(use back of page if necessary)~~

~~The person(s) legally responsible for the care, support, and maintenance of (respondent) and their relationship to him are, so far as known to the petitioner, as follows: (Give names, addresses, and relationship of persons named as respondents.)~~

~~(use back of page if necessary)~~

~~The respondent has been advised of the need for, but has not accepted voluntary treatment.~~

~~The facility providing intensive treatment is certified to provide such treatment by the Department of Social and Health Services.~~

~~The petitioner(s) request(s) that a hearing be held before (time and date) unless the respondent is sooner released, to determine whether (respondent)____ shall be detained for 14 days' involuntary treatment because there is no less restrictive alternative to detention in the best interest of respondent or others, or ____ shall be required to comply with the following less restrictive alternative:~~

~~Dated this _____ day of _____, 19____.~~

~~Petitioner Physician MHP Prosecuting Attorney~~

~~Petitioner Physician MHP Prosecuting Attorney~~

~~Address~~

~~Sworn and Subscribed on~~

~~Notary Public for the State of Washington~~
~~Residing at _____~~

My commission expires on _____

[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1976; January 1, 1981.]

MPR CCR 6.3 PETITION FOR NINETY-DAY INVOLUNTARY TREATMENT

[RESERVED]

_____ The petition for 90-day involuntary treatment shall contain the following:

_____ ~~(a) The name and address of the petitioner.~~

_____ ~~(b) The name and address of the person alleged, as a result of mental disorder, to present a likelihood of serious harm to him/herself or others because such person (1) has threatened, attempted, or inflicted physical harm upon the person of another or him/herself or substantial damage upon the property of another after having been taken into custody for evaluation and treatment, or (2) was taken into custody as a result of conduct in which he/she attempted or inflicted physical harm upon the person of another or him/herself, or (3) is gravely disabled, or (4) has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.090(3) and has committed acts constituting a felony, and presents substantial likelihood of repeating similar acts. Such person shall be denominated the respondent.~~

_____ ~~(c) A statement that petitioner is the professional person in charge of the treatment facility in which the respondent is detained pursuant to court order or his professional designee, or the county mental health professional of (name) County.~~

_____ ~~(d) The name of the court ordering 14 day involuntary treatment or finding the respondent incompetent pursuant to RCW 10.77.090(3) and the date on which such order or finding was entered.~~

_____ ~~(e) A summary of the facts supporting the allegations of the petition.~~

_____ ~~(f) A demand that a hearing be held within 5 judicial days of the first court appearance after the probable cause hearing unless the person named in the petition requests a jury trial, in which case trial shall commence within 10 judicial days of the filing of the petition for 90-day treatment on the issue of whether the person alleged, as a result of mental disorder, to present a likelihood of serious harm, to himself or others, shall be detained for involuntary treatment for a period not to exceed 90 days.~~

_____ ~~(g) A statement that the petition is supported by accompanying affidavits and the names of the persons signing such affidavits.~~

_____ ~~(h) The petition shall be in substantially the following form:~~

SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY

In re the Detention of: _____) No. _____
_____)

_____) _____ PETITION FOR NINETY-DAY
_____) _____ INVOLUNTARY TREATMENT
_____) _____
Respondent. _____) _____ RCW _____

_____(Petitioner), _____ the professional person in charge, or _____ his professional designee, or _____ the county mental health professional for (name) county, of (name of facility) in which (respondent) is detained for (number) days pursuant to an order of (name of court) entered on (date) alleges that:

_____(Respondent), residing at (address) in (city or town), is a _____ single _____ married _____ widowed _____ divorced _____ male _____ female age _____.

_____ As a result of mental disorder (respondent) presents a likelihood of serious harm to him/herself or others because respondent _____ has threatened, attempted, or inflicted physical harm upon the person of another or him/herself or substantial damage upon the property of another after having been taken into custody for evaluation and treatment, or _____ was taken into custody as a result of conduct in which respondent threatened, attempted or inflicted physical harm upon the person of another or him/herself, or _____ is gravely disabled, or _____ has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.090(3), and has committed acts constituting a felony, and as a result of mental disorder, presents a substantial likelihood of repeating similar acts.

_____ The facts upon which the allegations of this petition are based are summarized as follows:

_____ The allegations are supported by the accompanying affidavits signed by

_____ The petitioner requests that a hearing be held to determine whether (respondent) shall be detained for involuntary treatment for a period not to exceed 90 days.

_____ Dated this _____ day of _____, 19____.

_____ Petitioner

_____ Sworn and Subscribed on _____

_____ Notary Public for the State of Washington
Residing at _____
My commission expires on _____

[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1976; January 1, 1981.]

MPR CCR 6.4 PETITION FOR ONE HUNDRED EIGHTY-DAY INVOLUNTARY TREATMENT

[RESERVED]

~~_____ The petition for 180-day involuntary treatment shall contain the following:~~

~~_____ (a) The name and address of the person filing the petition and the statement that the petitioner is the superintendent or professional person in charge of the facility in which the person who is alleged, as a result of mental disorder, to present a likelihood of serious harm to others, is detained, or in the event that the defendant has received involuntary treatment but has not been committed to a treatment facility or has been conditionally released from such a facility, a statement that the petitioner is the county mental health professional of (name) County.~~

~~_____ (b) The name and address of the person alleged, as a result of a mental disorder, to present a likelihood of serious harm to others because such person (1) during his/her current period of court ordered treatment has threatened, attempted or actually inflicted physical harm on another or substantial damage upon the property of another, or (2) was taken into custody as a result of conduct in which he/she attempted or inflicted serious physical harm upon the person of another and continues to present, as a result of mental disorder, a likelihood of serious harm to others, or (3) is in custody pursuant to RCW 71.05.280(3) (acts constituting a felony) and as a result of mental disorder presents a substantial likelihood of repeating similar acts, or (4) continues to be gravely disabled. Such person shall be denominated the respondent.~~

~~_____ (c) The name of the court ordering involuntary treatment for which the respondent is presently detained, and the date on which such order was entered.~~

~~_____ (d) A summary of the facts supporting the allegations of the petition.~~

~~_____ (e) A demand that a hearing be held within 5 judicial days of the first court appearance after the probable cause hearing unless the person named in the petition requests a jury trial, in which case trial shall commence within 10 judicial days of the filing of the petition for 180-day treatment on the issue of whether the person alleged, as a result of mental disorder, to present a likelihood of serious harm to others, shall be detained for involuntary treatment for a period not to exceed 180 days.~~

~~_____ (f) A statement that a form of treatment less restrictive than involuntary detention is not in the best interest of the respondent or others.~~

~~_____ (g) The petition shall be in substantially the following form:~~

~~SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY~~

~~In re the Detention of: _____) No. _____
_____) PETITION FOR ONE HUNDRED
_____) EIGHTY-DAY INVOLUNTARY
_____) TREATMENT
_____)
Respondent _____) RCW _____~~

~~_____ (Petitioner), the superintendent or professional person in charge of (name of facility) in which (respondent) is detained for (number) days pursuant to an order of (name of court) entered on (date) alleges that:~~

~~_____ (Respondent), residing at (address) in (city or town), is a _____ single _____ married _____ widowed _____ divorced _____ male _____ female age _____.~~

~~_____ (Respondent) _____ has threatened, attempted or actually inflicted harm on another person, or substantial damage upon the property of another during respondent's current period of court ordered treatment and as a result of mental disorder presents a likelihood of serious harm to others, or _____ was taken into custody as a result of conduct in which respondent attempted or inflicted serious physical harm upon the person of another and continues to present as a result of mental disorder a likelihood of serious harm to others, or _____ is in custody pursuant to RCW 71.05.280(3) (acts constituting a felony) and as a result of mental disorder presents a substantial likelihood of repeating similar acts, or _____ continues to be gravely disabled.~~

~~_____ The facts upon which the allegations of this petition are based are as follows:

_____~~

~~_____ A form of treatment less restrictive than involuntary detention is not in the best interest of the respondent or others.~~

~~_____ The petitioner requests that a hearing be held to determine whether (respondent) shall be detained for involuntary treatment for a period not to exceed 180 days.~~

~~_____ Dated this _____ day of _____, 19____

_____ Petitioner~~

~~_____ Sworn and Subscribed on _____

_____ Notary Public for the State of Washington
Residing at _____
My commission expires on _____~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1976; January 1, 1981.]~~

MPR CCR 6.4A PETITION FOR ONE HUNDRED EIGHTY-DAY INVOLUNTARY TREATMENT OF A MINOR

[RESERVED]

~~_____ The petition for 180-day involuntary treatment of a minor shall contain the following:~~

~~_____ (a) The name and address of the person filing the petition and the statement that the petitioner is the professional person in charge of the facility in which the person who is alleged, as a result of mental disorder, to present a likelihood of serious harm to others or is gravely disabled, is detained, or in the event that the defendant has received involuntary treatment but has not been committed to a treatment facility or has been conditionally released from such a facility, a statement that the petitioner is the county mental health professional of (name) County.~~

~~_____ (b) The name and address and age of the minor alleged, as a result of a mental disorder, to present a likelihood of serious harm to him/herself, others, or property or continues to be disabled. Such minor shall be denominated the respondent.~~

~~_____ (c) The name of the court ordering involuntary treatment for which the respondent is presently detained, and the date on which such order was entered.~~

~~_____ (d) A summary of the facts supporting the allegations of the petition.~~

~~_____ (e) A demand that a hearing be held within 7 days of the filing of the petition for 180-day treatment on the issue of whether the minor alleged, as a result of mental disorder, to present a likelihood of serious harm or is gravely disabled, shall be detained for involuntary treatment for a period not to exceed 180 days.~~

~~_____ (f) A statement that the minor is in need of further treatment that can only be provided in a 180-day commitment and this treatment is in the minors best interests.~~

~~_____ (g) A statement that less restrictive alternative treatment is/is not available and/or appropriate.~~

~~_____ (h) The petition shall be supported by accompanying affidavits signed by two examining physicians, one of whom shall be a child psychiatrist, or by one examining physician and one children's mental health specialist.~~

~~_____ (i) The petition shall be in substantially the following form:~~

~~SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY~~

~~In re the Detention of: _____) No. _____
_____)
_____) PETITION FOR ONE HUNDRED
_____) EIGHTY-DAY INVOLUNTARY
_____) TREATMENT OF A MINOR
_____)
Respondent. _____) RCW 71.34.090~~

~~_____ (Petitioner), professional person in charge of (name of facility) in which (respondent) is detained for (number) days pursuant to an order of (name of court) entered on (date) alleges that:~~

~~_____ (Respondent), residing at (address) in (city or town), is a _____ single _____ married _____ widowed _____ divorced _____ male _____ female age _____.~~

~~_____ (Respondent) _____ presents a likelihood of serious harm to him/herself or _____ presents a likelihood of serious harm to others or _____ presents a likelihood of serious harm to property or _____ is gravely disabled.~~

~~_____ (Respondent) _____ has threatened, attempted or actually inflicted harm on another person, or substantial damage upon the property of another during respondent's current period of court ordered treatment and as a result of mental disorder presents a likelihood of serious harm to other, or _____ was taken into custody as a result of conduct in which respondent attempted or inflicted serious physical harm upon the person of another and continues to present as a result of mental disorder a likelihood of serious harm to others, or _____ is in custody pursuant to RCW 71.05.280(3) (acts constituting a felony) and as a result of mental disorder presents a substantial likelihood of repeating similar acts, or _____ continues to be gravely disabled.~~

~~_____ Summary of facts supporting the petition: _____

_____~~

~~_____ A form of treatment less restrictive than involuntary detention _____ is or _____ is not in the best interest of the respondent or others.~~

~~_____ The petitioner requests that a hearing be held to determine whether (respondent) shall be detained for involuntary treatment for a period not to exceed 180 days.~~

~~_____ Dated this _____ day of _____, 19 _____.~~

~~_____
_____ Petitioner (MD)~~

~~_____
_____ Petitioner (MD/MHP)~~

~~_____ Sworn and Subscribed on _____~~

~~_____
_____ Notary Public for the State of Washington
Residing at _____
My commission expires on _____~~

~~[Adopted effective January 1, 1974; Amended effective July 31, 1987.]~~

MPR CCR 6.5 PETITION FOR REVOCATION OF CONDITIONAL RELEASE OR LESS RESTRICTIVE TREATMENT

[RESERVED]

~~_____ The petition for revocation of conditional release or less restrictive treatment shall contain the following:~~

~~_____ (a) The name and address of the petitioner and the statement that petitioner is the Secretary of the Department of Social and Health Services, State of Washington, or is the county mental health professional for (name) County.~~

_____ (b) ~~The name and address of the person alleged to have failed to adhere to the terms and conditions of release or less restrictive treatment. Such person shall be denominated the respondent.~~

_____ (c) ~~The facts upon which the allegations of the petition are based.~~

_____ (d) ~~A statement that the respondent was released under terms and conditions of a court-ordered less restrictive treatment or under terms and conditions set by an evaluation and treatment facility, and that a copy of the terms and conditions is attached to the petition. The statement shall also contain the date the order was entered, number of days for which effective, and the court entering such order.~~

_____ (e) ~~The date, time and place of detention of the respondent if he is detained pursuant to an order of the secretary, or whether such an order has been or will be issued.~~

_____ (f) ~~A demand that a hearing be held within 5 days of the date on which respondent was detained pursuant to an order of the secretary, or not less than 15 days from the date of service of the petition on the respondent, on the issues of whether the respondent failed to adhere to the terms and conditions of release or less restrictive treatment, whether the conditions of the release should be modified, or whether the person should be placed in an involuntary treatment facility.~~

_____ (g) ~~The petition shall be in substantially the following form, with a copy of the terms and conditions attached:~~

SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY

In re the Detention of: _____) No. _____
_____)
_____) PETITION FOR REVOCATION
_____) OF CONDITIONAL RELEASE
_____)
Respondent _____) RCW _____

_____ (Petitioner), _____ Secretary of the Department of Social and Health Services, State of Washington, or _____ county mental health professional for (name) County alleges that:-

_____ (Respondent), residing at (address) in (city or town), is a _____ single _____ married _____ widowed _____ divorced _____ male _____ female age _____.

_____ Pursuant to an order of (name) court entered on (date), respondent was detained for involuntary treatment for a period not to exceed (number) days in (name of facility), or was placed on less restrictive alternative treatment.

_____ (Respondent) was conditionally released from inpatient care at (name of facility) prior to expiration of the court-ordered period of detention, under terms and conditions for such release copies of which, including modifications, are attached and were filed in (name) court on (date(s)) or _____ respondent was placed on less restrictive treatment under terms and conditions copies of which, including modifications, are attached.

~~_____ During the period of conditional release or less restrictive treatment, respondent was receiving outpatient care from (name of facility) located in (city or town), (name) County.~~

~~_____ Pursuant to RCW _____, petitioner _____ has _____ has not issued an order for the apprehension and detention of respondent and respondent _____ is not detained _____ is detained in (name of facility) located in (city, town), (name) county.~~

~~_____ (Respondent) has failed to adhere to the terms and conditions of respondent's release from involuntary detention or less restrictive alternative treatment and _____ the conditions of release or less restrictive treatment should be modified or _____ the person should be placed in an involuntary treatment facility.~~

~~_____ The facts upon which the allegations of this petition are based are as follows:~~

~~_____

_____~~

~~_____ The petitioner requests that a hearing be held to determine whether respondent has failed to adhere to the terms and conditions of release or less restrictive treatment, and whether the respondent shall be placed on involuntary treatment on an inpatient basis or whether the terms and conditions of release or less restrictive treatment shall be modified.~~

~~_____ Dated this _____ day of _____, 19____.~~

~~_____
_____ Petitioner~~

~~_____ Sworn and Subscribed on _____~~

~~_____
_____ Notary Public for the State of Washington
Residing at _____
My commission expires on _____~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1981;
Rescinded effective _____.]~~

MPR CCR 6.5A PETITION FOR REVOCATION OF CONDITIONAL RELEASE OR LESS RESTRICTIVE TREATMENT OF A MINOR

[RESERVED]

~~_____ The petition for revocation of conditional release or less restrictive treatment shall contain the following:~~

~~_____ (a) The name and address of the petitioner and the statement that petitioner is the Secretary of the Department of Social and Health Services, State of Washington, or is the county mental health professional for (name) County.~~

~~_____ (b) The name and address of the person alleged to have failed to adhere to the terms and conditions of release or less restrictive treatment or whose functioning has substantially deteriorated. Such person shall be denominated the respondent.~~

~~_____ (c) The facts upon which the allegations of the petition are based.~~

~~_____ (d) A statement that the respondent was released under terms and conditions of a court ordered less restrictive treatment or under terms and conditions set by an evaluation and treatment facility, and that a copy of the terms and conditions is attached to the petition, or that substantial deterioration of the minors functioning has occurred. The statement shall also contain the date the order was entered, number of days for which effective, and the court entering such order.~~

~~_____ (e) The date, time and place of detention of the respondent if he/she is detained pursuant to an order of the secretary, or whether such an order has been or will be issued.~~

~~_____ (f) A demand that a hearing be held within 7 days of the date on which respondent was detained.~~

~~_____ (g) The petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation.~~

~~_____ (h) The petition shall be in substantially the following form, with a copy of the terms and conditions attached:~~

~~SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY~~

~~In re the Detention of: _____) No. _____
_____)
_____) PETITION FOR REVOCATION
_____) OF CONDITIONAL RELEASE
_____) OR LESS RESTRICTIVE
_____) ALTERNATIVE TREATMENT
_____)
_____ Respondent. _____) RCW 71.34.110~~

~~_____ (Petitioner), _____ Secretary of the Department of Social and Health Services, State of Washington, or _____ county mental health professional for (name) County alleges that:~~

~~_____ (Respondent), residing at (address) in (city or town), is a _____ single _____ married _____ widowed _____ divorced _____ male _____ female age _____.~~

~~_____ Pursuant to an order of (name) court entered on (date), respondent was detained for involuntary treatment for a period not to exceed (number) days in (name of facility), or was placed on less restrictive alternative treatment.~~

~~_____ (Respondent) was conditionally released from inpatient care at (name of facility) prior to expiration of the court ordered period of detention, under terms and conditions for such release copies of which, including modifications, are attached and were filed in (name) court on (date(s)) or _____ respondent was placed on less restrictive treatment under terms and conditions copies of which, including modifications, are attached.~~

~~_____ During the period of conditional release or less restrictive treatment, respondent was receiving outpatient care from (name of facility) located in (city or town), (name) County.~~

~~_____ Pursuant to RCW _____, petitioner _____ has _____ has not issued an order for the apprehension and detention of respondent and respondent _____ is not detained _____ is detained in (name of facility) located in (city or town), (name) County.~~

~~_____ (Respondent) has failed to adhere to the terms and conditions of respondent's release from involuntary detention or less restrictive alternative treatment, the minors routine functioning has substantially deteriorated and _____ the conditions of release or less restrictive treatment should be modified or _____ the person should be placed in an involuntary treatment facility.~~

~~_____ The facts upon which the allegations of this petition are based are as follows:~~

~~_____

_____~~

~~_____ The petitioner requests that a hearing be held to determine whether respondent has failed to adhere to the terms and conditions of release or less restrictive treatment, or whether the minors routine functioning has substantially deteriorated, and whether the respondent shall be placed on involuntary treatment on an inpatient basis or whether the terms and conditions of release or less restrictive treatment shall be modified.~~

~~_____ Dated this _____ day of _____, 19 _____~~

~~_____
_____~~

~~Petitioner~~

~~_____ Sworn and Subscribed on _____~~

~~_____
_____~~

~~Notary Public for the State of Washington~~

~~Residing at _____~~

~~_____ My commission expires on _____~~

~~[Adopted effective January 1, 1974; Amended effective July 31, 1987.]~~