

Superior Court of Washington, County of _____

In re Detention of:

Respondent (person to be detained) DOB

Petitioner

Case No. _____

**Joel's Law Order for Initial Detention
(ORDTCOC)**

Clerk's Action Required: 9, 10

Basis

1. On (date) _____, a *Petition* for the involuntary detention of the respondent was filed by (choose one):
☐ Family member/s;
☐ Guardian;
☐ Conservator (*only applicable if Respondent is an adolescent*); or
☐ A tribe of which Respondent is a member.
2. On (date) _____, the court found sufficient evidence to support the allegation and ordered the designated crisis responder (DCR) agency to provide a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to that decision within 1 judicial day.

Findings of Fact

3. Jurisdiction: The court has jurisdiction over the person and subject matter of this action.
4. The court has reviewed the following:

☐ *Petition for Initial Detention.*

☐ *Declaration/s of:* _____

[] Written sworn statement of the designated crisis responder.

[] Other: _____

5. A review of the *Petition* shows that there is sufficient evidence to conclude that Petitioner is an immediate family member, the guardian or conservator of the respondent, or a tribe of which the respondent is a member. A review of the *Petition* and all of the supporting documentation shows sufficient evidence to support the allegation/s as follows:

6. The respondent has a behavioral health disorder history consisting of (*insert facts specific to this case*):

7. An immediate family member, guardian or conservator of the respondent, or a tribe of which the respondent is member, filed a petition in accordance with RCW 71.05.201 or RCW 71.34.710.
- ☐ There is probable cause to support an order to detain the respondent pursuant to the *Petition* because (*check all that apply*):
- ☐ The respondent presents a likelihood of serious harm. There is a substantial risk that the respondent, as a result of a ☐ mental disorder ☐ substance use disorder ☐ co-occurring disorder (*check all that apply*):
 - ☐ presents a likelihood of serious physical harm to themselves, as evidenced by threats or attempts to commit suicide or inflict physical harm on themselves;
 - ☐ presents a likelihood of serious physical harm to others, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm;
 - ☐ presents a likelihood of serious physical harm to the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;
 - ☐ The respondent presents a likelihood of serious harm. The person has threatened the physical safety of another and has a history of 1 or more violent acts.
 - ☐ The respondent is gravely disabled, and as a result of a ☐ mental disorder ☐ substance use disorder ☐ co-occurring disorders (*check all that apply*):
 - ☐ is in danger of serious physical harm resulting from a failure to provide for their essential human needs of health or safety.
 - ☐ manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over their actions and is not receiving such care as is essential for their health or safety.
 - ☐ The respondent has refused or failed to accept appropriate evaluation and treatment voluntarily.
 - ☐ A DCR has not filed a *Petition for Initial Detention* of the respondent under RCW 71.05.150, RCW 71.05.153, or RCW 71.34.700.

Conclusions of Law

8. On the basis of the foregoing Findings of Fact, the court makes the following Conclusions of Law:
- The court has jurisdiction over the respondent and subject matter of this action;
 - Probable cause exists to order:
 - ☐ the respondent be detained to an ☐ evaluation and treatment facility ☐ secure withdrawal management and stabilization facility ☐ approved substance use disorder treatment program for no more than 120 hours (excluding Saturdays, Sundays, and legal holidays) of evaluation and treatment pursuant to ch. 71.05 or 71.34 RCW;
 - Respondent has refused or failed to accept evaluation and treatment voluntarily.

Order

9. The court orders the following:

[] For Initial Detention of a Person 18 Years or Older: **(ORDTCOC)**

- The respondent shall be detained for initial detention by a DCR and delivered to a facility or emergency room determined by the DCR pursuant to ch. 71.05 RCW.
- The **clerk of the court** is directed to transmit a copy of this Order to the DCR Agency. Law enforcement shall apprehend and deliver the respondent to a facility or emergency room determined by the DCR. This Order expires 180 days from the date of issuance.
- Unless further evaluation and treatment is sought, the respondent shall be released from the evaluation and treatment facility not more than 120 hours from the time of detention. The 120 hours shall exclude Saturdays, Sundays, and legal holidays.
- At the time the respondent is taken into custody, the respondent shall be served with a copy of the following original documents:
 - *Petition for Initial Detention* and any *Declarations* filed with the Petition,
 - *Declaration of the DCR* and any materials filed with the *Declaration/s*,
 - This *Order*, and the Order directing action and today's hearing, and
 - *Notice of Rights*.

[] For Initial Detention of an Adolescent (age 13-17): **(ORDTCOC)**

- The respondent shall be detained for initial detention by a DCR and delivered to a facility determined by the DCR under ch. 71.34 RCW.
- The **clerk of the court** is directed to transmit a copy of this Order to the DCR Agency. Law enforcement shall apprehend and deliver the respondent to a facility determined by the DCR. This Order expires 180 days from the date of issuance.
- Unless further evaluation and treatment is sought, the respondent shall be released from the evaluation and treatment facility not more than 120 hours from the time of detention. The 120 hours shall exclude Saturdays, Sundays, and legal holidays.
- At the time the respondent is taken into custody, the respondent shall be served with a copy of the following original documents:
 - *Petition for Initial Detention* and any *Declarations* filed with the Petition,
 - *Declaration of the DCR* and any materials filed with the *Declaration/s*,
 - This *Order*, and the Order directing action and today's hearing, and
 - *Notice of Rights*.

10. The **clerk of the court** must share commitment hearing outcomes under ch. 71.05 RCW, including the name of the facility where the person has been committed, with the local behavioral health administrative services organization that serves the region where

the superior court is located. This includes cases where the designated crisis responder investigation occurred outside the region. RCW 71.05.740. (*Name of Facility*):

Notice of Rights

11. The respondent is given notice of the following rights:

- You have the right to communicate with an attorney immediately and the right to have an attorney represent you before and during any court hearing, and to have such attorney appointed if you cannot afford one, and the right to know the name and address of said attorney. You are entitled to contact an attorney of your choosing, or in place thereof, an attorney will be appointed to represent you.
- You have the right to remain silent, as any statement you make may be used against you.
- You have the right to present evidence and to cross-examine witnesses who may testify about you at any probable cause hearing.
- You have the right to a judicial hearing in a court of law within the next 120 hours (excludes Saturday, Sunday, and legal holidays) to determine whether there is probable cause to commit you for further mental health treatment for up to 14 days of inpatient or 90 days of outpatient treatment, as you are a person whose behavioral health disorder presents a likelihood of serious harm to yourself or others, or that you are gravely disabled.

(Commitment for 90 days of outpatient treatment is not an option for adolescents detained under Ch. RCW 71.34.)

- You have the right to apply for voluntary admission for treatment of a behavioral health disorder.
- You have the right, within 24 hours of admission, to be examined and evaluated by a physician, physician assistant, or advanced registered nurse practitioner, and a mental health or substance use disorder professional and you shall receive such treatment and care as your condition requires for the period that you are detained.
- You have the right to have reasonable precautions taken when your personal property is taken for inventory and safeguarding at the time you are involuntarily admitted to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. A copy of the inventory, signed by the staff member making it, will be given to you and will also be open to inspection by any responsible relative, subject to any limitations you may impose. "Responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult sibling of the person. The facility will not disclose the contents of the inventory to any other person without your consent or an order of the court.
- If you are age 18 or older, you have the right to dispose of property and to sign contracts unless you have been adjudicated incompetent in a court proceeding directed to that particular issue.
- You have the right to refuse psychiatric medication, including antipsychotic medication, beginning 24 hours prior to the probable cause hearing, except for

adolescents detained under ch. 71.34 RCW. You also have the right to refuse the performance of electroconvulsive therapy or surgery, except emergency lifesaving surgery, unless ordered by a court of competent jurisdiction under the appropriate legal standards and procedures.

- If antipsychotic medications are administered in an emergency, you have the right to a review of that decision within 24 hours.
- You have the right not to have psychosurgery performed on yourself under any circumstances.
- You have the right to receive the necessary papers pursuant to the law.
- Except when deprivation is essential to protect your safety or the safety of others, you have the right to:
 - Wear your own clothes, and to keep and use your own personal possessions.
 - Keep and be allowed to spend a reasonable sum of your own money for canteen expenses and small purchases.
 - Have access to individual storage space for your private use.
 - Have visitors at reasonable times.
 - Have reasonable access to a telephone, to both make and receive confidential calls.
 - Have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mail.

Dated: _____

Judge/Court Commissioner