

March 30, 2018

**TO:** Judicial Community and Legal Community

**FROM:** Merrie Gough, Sr. Legal Analyst

**RE:** Updates to the 71.05 RCW Joel’s Law petition packet and order

The Washington Pattern Forms Committee updated the Joel’s Law Petition for Initial Detention by Family, Guardian, or Conservator packet and Joel’s Law Order to implement changes that went into effect April 1, 2018. The changes are based upon Ricky Garcia’s Act, Laws of 2016 ch. 29 (E3SHB 1713) and ESSB 6491, and recommended changes.

The table below includes detailed descriptions of the changes:

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| **MP 01.0600** | **Joel’s Law Petition for Initial Detention by Family, Guardian, or Conservator packet**  On the cover, change the effective date to March 2018.  Throughout the packet, delete references to “Designated Mental Health Professional” and “DMHP.” |
|  | **User Guide for the Petition for Initial Detention by Family, Guardian, or Conservator**  After the question, “**What is a Petition for Initial Detention by Family, Guardian, or Conservator?**,” change the first line as follows:  “If somebody has a mental ~~illness~~ disorder or a substance use disorder and is a danger to themselves, others, property or is gravely disabled…”  Below the heading “Definitions,” add two new rows at the top of the table with definitions and add the following new definitions:  ““Mental disorder” means any organic, mental, or emotional impairment which has substantial adverse effects on a person’s cognitive or volitional functions.”  ““Substance use disorder” means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substance.”  In the last row, change the definition to:  “DCR means a Designated Crisis Responder.”  In section 2., “**How to complete the petition**,” in the second and third lines, delete “designated mental health professional” and replace it with “DCR.”  In A. 2. of section 4, “**What Happens After You File the Petition,**” change “designated mental health professional / designated crisis responder” to “DCR” agency.  In section 4. D., change 2 as follows:  2. If there is probable cause to support the petition, and the person refuses or does not accept voluntary evaluation and treatment, the court will grant the petition. The court may issue:   * An order directing the DCR to file a Petition for Assisted Outpatient Behavioral Health Treatment; ~~You will receive a copy of the court’s orders, which include:~~   OR   * An order for initial detention for evaluation and treatment for not more than 72 hours; and * An order of apprehension by law enforcement for delivery to the facility or emergency room determined by the ~~DMHP /~~ DCR.   + ~~3. The court’s final orders~~The initial detention order remains valid for up to 180 days. * You will receive a copy of the court’s order/s. |
|  | **Petition for Initial Detention by Family, Guardian, or Conservator**  On page one, change the sentence that begins with “I, \_\_\_ (name of petitioner)” as follows:  I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of petitioner), am filing this Petition for Initial Detention to ask the court to detain the respondent for  mental health  substance use disorder evaluation and treatment.  On page two, change the heading of paragraph 3 as follows:  **Information about the Designated ~~Mental Health Professional~~Crisis Responder (~~DMHP~~DCR) Investigation**  In the rest of the page, change “DMHP” to “DCR.” |
|  | **Declaration in Support of Petition for Initial Detention by Family, Guardian, or Conservator**  On page one, immediately below the heading “**Recent Behaviors**,” insert:  “As are result of a  mental disorder  substance use disorder:”  On page two, after the headings “Gravely disabled (a)” and “Gravely disabled (b),” delete “as a result of a mental disorder.”  Below the heading “Prior Court Actions,” and near the top of page six, add a new question and change the question about prior involuntary commitment as follows:  Has the respondent previously been committed by a court to detention for mental disorder or substance use disorder treatment during the preceding 36 months?  yes  no  ~~Has~~ Was the respondent ~~previously been~~ involuntarily committed for mental disorder or substance use disorder treatment more than three years ago?  yes  no  Under the heading “**Document/s to Support Your Petition**,” change the text as follows:  “…These documents may include police reports, prior mental health or competency evaluations, prior substance use disorder evaluations, prior recommendations to have an evaluation for civil involuntary treatment commitment…” |
| **MP 01.0700** | **Joel’s Law**  **Order**  **For DCR to File Petition for Assisted Outpatient Behavioral Health Treatment (ORDFAOT)**  **For Initial Detention (ORDTCOC)**  Change the title as indicated above.  On page three, immediately below the sentence, “An Immediate family member, guardian or conservator of the Respondent filed a Petition in accordance with RCW 71.05.201,” insert the following new check box options:  There is probable cause to order the Designated Crisis Reponder to file a pettion for assisted outpatient health treatment because the Respondent as a result of a mental disorder or substance abuse disorder:  Has been committed by a court to detention for involuntary behavioral health treatment during the prceding thirty-six months;  Is unlikely to voluntarily partiparticipat in outpatient treatment withouan order for less restrictive altnerative treatment based on a history of nonadherence with threat or in view of the person’s current behavior  Is likely to benefit from less restrictive alternative treatment; and  Requires less restrictive alternative treatment to prvent a relapses, decompensation, or deterioration that is likely to resturle in the person presentating a likelihood of serious servious harm ot he person become gravely disbable with a resonable short period of time.  Add a check box before the sentence beginning with “There is probable cause to support… .”  Below the heading “**Conclusions of Law**” in paragraph 2, immediately below “Probable cause exists to order,” insert:  the Designated Crisis Responder to file a petition for assisted outpatient health treatment pursuant to RCW 71.05.  In the same paragraph 2, add a box before the sentence that begins with “the Respondent detained… .”  Below the heading “Order,” insert the following:  “ For the Designated Crisis Reponder to File a Petition for Assisted Outpatient Behavioral Health Treatment.  For Initial Detention:” [followed by provisions 1 – 4.]  Indent the “Notice of Rights” so they are part of the second check box option for the “Order for Initial Detention.” |