

## **Family Guide to Involuntary Treatment**

Designated Crisis Responders can be reached at (425) 388-7215 on a 24-hour, 7-day a week basis.

If a family member has been involuntarily detained, you may have some questions about Washington State's Involuntary Treatment Act (ITA). The information in this brochure is a guide through the involuntary commitment process to help you understand the system, the patient's rights and your involvement. **Initial Evaluation:** Designated Crisis Responders (DCRs) are called upon to evaluate individuals who are exhibiting signs of an acute mental disorder/substance use disorder and may pose an imminent danger to self, others or property or are gravely disabled (unable to care for their basic needs).

The referral can be initiated by anyone who has first-hand knowledge of the person and the concerning behaviors. The DCR will evaluate an individual to determine if legal criteria for involuntary psychiatric/secure detox treatment as a result of a mental /substance disorder use are met. The DCR will arrange for or refer to voluntary treatment if it seems more appropriate. DCRs are obligated to exhaust all less restrictive alternatives prior to filing a petition for detention.

**Designated Crisis Responder:** In Snohomish County, a Designated Crisis Responder (DCR) is a person who has an advanced degree in mental health, at least two years of experience working in the field and is licensed to practice independently in the state of Washington has been designated by Snohomish County as having the authority to authorize 72-hour detentions/petitions for relocation/assisted outpatient treatment.

**Legal Definition of Mental Disorder:** Any organic, mental, or emotional impairment that has substantial adverse effects upon an individual's cognitive (thought) or volitional (action) behavior. Criteria for Commitment: The person must have a mental disorder as defined above and, as a result of the mental disorder... ..presents a danger to self, others or property and/or ...is unable to provide for basic needs of safety or health (gravely disabled).

**Legal Definition of Substance Use Disorder:** 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 substances;

**Initial Detention & placement:** Individuals assessed as meeting the criteria for commitment under mental disorder can be detained at a psychiatric evaluation and treatment facility, up to 72 hours (excluding weekends and holidays). Detentions usually take place at the Snohomish County Evaluation and Treatment Facility in Mukilteo, Swedish Hospital in Edmonds, Fairfax in Everett or Monroe or Smokey Point Behavioral Health. If no local resources are available the DCR will exhaust statewide

resources. If no E&T beds are available statewide and if the hospital where the individual is at agrees to accept them, they will be detained to that facility. Currently, only one facility in Snohomish County does not provide the required treatment in order to obtain a single bed certification.

Individuals assessed as meeting the criteria for commitment under substance use can be detained to either a facility in Chehalis or Spokane, provided they have beds, accept the individual and the DCR is able to get an ambulance to transport.

**Further treatment:** A psychiatrist or advanced registered nurse practitioner (ARNP) will evaluate the patient within 24 hours of the detention. They will also determine if the individual requires further involuntary treatment. Within 72 hours it will be determined whether a probable cause hearing for up to 14 days of involuntary treatment will be held. Per direction of the psychiatrist or psychiatric ARNP the court evaluators will complete an additional evaluation. Court evaluators (in Snohomish County a DCR) conduct independent assessments to determine if the individual meets the criteria for commitment as the result of a mental/substance use disorder. If appropriate, a petition for up to 14 days of additional involuntary treatment will be filed. If the petition is granted, the individual will be detained for up to 14 days and can be released at any time at the discretion of the provider.

**Legal Counsel & court hearings:** Each respondent has the right to legal counsel and is assigned a public defender who will meet with him/her prior to court and represent their wishes at the hearing. The public defender has the right to cross-examine all witnesses. Family members may be contacted to provide testimony at the Probable Cause Hearing. In Snohomish County, Probable Cause Hearings occur at the facility where the individual is being treated. If someone is detained to a different county, the location and details for the hearing will be determined by that county.

**Four Possible Outcomes of a Probable Cause Hearing:**

1. The petition can be dropped for lack of evidence and the patient released
2. The Judge can dismiss the case and release the patient
3. The patient is judged committable and can be held for short-term commitment (14 days) at a psychiatric treatment facility
4. The Judge can accept the patient's agreement to enter treatment voluntarily.

**Additional Commitment:**

If it is determined the patient is in need of further treatment beyond the 14-day period; a 90-day petition will be filed with the court. At this hearing the patient can be ordered by the court for further inpatient (restrictive) or outpatient (less-restrictive) treatment. A 90 day inpatient order is only available for psychiatric facilities.

**Less Restrictive Treatment:** Less restrictive treatment means that the person must enter outpatient treatment as the court order dictates. The order will specify where

person must participate in recommended treatment and that they are required to take psychiatric medications as prescribed. It may also stipulate where she/he has to live – for instance, at home or in a residential facility. If the person on a less restrictive court order does not follow through, a DCR may file a petition for revocation which returns the individual to the hospital for up to five days pending a revocation hearing. These orders are not intended to be punitive. An investigating DCR will look for substantial deterioration and/or dangerousness in addition to the individual having violated conditions of the order.

**Elopement:** Involuntary patients do not have the right to leave the facility unless they are discharged by the physician or ARNP. Each facility has a protocol on how to handle elopements.

**Confidentiality:** The law allows for release of information concerning involuntary patients between qualified professionals.

**Financial Responsibility:** The patient and her/his parent/legal guardian are responsible for the cost of hospitalization. Individuals will be billed for involuntary treatment and ambulance transportation. Additional questions can be directed to the Social Worker at the facility where the patient is being held or to a supervisor at the DCR office.