



# Involuntary Treatment Act Overview

Senate Behavioral Health Subcommittee

Senate Housing Stability & Affordability Committee

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# Involuntary Treatment Act purpose

- Purpose:
  - Protect health and safety of persons with behavioral health disorders (substance use and mental illness)
  - Protect public safety
- Done through the use of parens patriae and police powers of the state

# Involuntary Treatment Act goal

- Stabilize a person's symptoms to point they are no longer at risk; and
- Return them to community where they can get treatment without the loss of their civil rights

## 3 detention levels

- **Imminent Detention:** Serious risk is likely to occur at any moment or near at hand
- **Non-emergent detention:** Risk is serious likelihood of harm
- **Assisted Outpatient Treatment:** No risk except that person might benefit from treatment – but is not likely to volunteer for treatment – and must have had a commitment order in past 36 months

# Voluntary application for behavioral health services

- RCW 71.05.050
- Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily for treatment

# Non-emergent detentions

- RCW 71.05.150
- As result of a mental disorder, substance use disorder, or both, a person presents:
  - Likelihood of serious harm; or
  - Is gravely disabled; and
  - Person will not voluntarily seek appropriate treatment

# Emergency detention

- RCW 71.05.153
- Person, as the result of a behavioral disorder (mental health or substance use disorder) presents:
  - An imminent likelihood of serious harm; or
  - Is in imminent danger because of grave disability

# Detention criteria

- The individual presents a risk
  - Danger to themselves (threatening or acting to intentionally harm themselves)
  - Danger to others (threatening or acting to harm others)
  - Significant danger to other's property (threatening or acting to significantly harm other's property)
  - In danger due to being gravely disabled (not meeting their health and safety needs, or presenting repeated and escalating loss of cognitive and volitional control)

# No one criteria will cause detention

- Designated Crisis Responder explores all less restrictive options before considering detaining the person
  - Safety plan
  - People to monitor the person
  - Follow-up behavioral health care

# Homelessness

- Homelessness not a criteria in and of itself that will result in detention
  - Will be considered in the totality of the person's circumstance
    - Is it likely that the person will be unsuccessful in the state of homelessness; or
    - Person has shown they can survive in the state of homelessness

# Questions?

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