

## INVOLUNTARY COMMITMENT COSTS

### PROPOSED SCOPE AND OBJECTIVES

DECEMBER 1, 2011



STATE OF WASHINGTON  
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REVIEW COMMITTEE

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## Why a JLARC Study of Involuntary Commitment Judicial Costs

With the passage of SSB 5531 (2011), the Legislature directed JLARC to assess the direct costs counties incur when providing judicial services associated with involuntary commitments for mental health evaluations and treatment.

### Current Law Allows Involuntary Civil Commitments

When a person is gravely disabled due to a mental disorder and presents a likelihood of serious harm to themselves or others, Washington's Involuntary Treatment Act (1973) permits a designated mental health professional to commit the individual for 72 hours, against their will, to a mental hospital or center for evaluation and treatment. For a person to be held longer, an involuntary civil commitment hearing or trial in a court is required.

### Counties Provide Judicial Services Related to Involuntary Commitments

Judicial services, as part of the involuntary commitment process, are typically provided in Superior Courts at the county level by judges or mental health court commissioners, court clerks, prosecuting attorneys, and public defenders.

According to data supplied by the state Administrative Office of the Courts, there were more than 8,900 involuntary treatment commitment hearings and trials in Washington State in 2010. However, only 12 counties have mental health evaluation and treatment beds and all but 5 of the involuntary commitment proceedings were held in these 12 counties.

### 2011 Legislation Provided Process for Reimbursement of County Judicial Costs

The Legislature stated that the intent of SSB 5531 is to "prevent the burden of these costs from falling disproportionately on the counties or regional support networks where the commitments are most likely to occur." Effective July 1, 2012, the legislation creates a process for the state to reimburse counties, through the RSNs, for reasonable direct costs for judicial services. A county is allowed to bill the RSN

in which it is located for reasonable, direct judicial costs associated with involuntary commitments. In turn, if the individual is a resident of a county in a different RSN, the RSN where the commitment occurs is entitled to reimbursement from the RSN where the individual resides.

## Study Scope

As mandated by statute, JLARC will review the judicial costs associated with involuntary civil commitments and analyze cost differences across counties. Additionally, JLARC will investigate methods for and identify factors associated with the periodic updating of judicial costs.

## Study Objectives

This study will address the following three questions:

- 1) What are the estimated direct costs for judicial services provided in counties where more than 20 involuntary treatment civil commitment cases were filed in 2010?
- 2) What are the reasons for differences in civil commitment judicial costs among counties?
- 3) How can the estimated judicial costs be updated to reflect changes over time?

## Timeframe for the Study

Staff will present its preliminary report at the May 16, 2012, JLARC meeting and the proposed final report at the June 20, 2012, JLARC meeting.

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