

SUBJECT: PROTOCOLS FOR PRESENTATION OF LESS RESTRICTIVE ORDER

EFFECTIVE DATE OF CURRENT POLICY OR REVISION: NOVEMBER 7, 2005 (JUDGES COMMITTEE)

REVISION DATE: New

PROTOCOLS FOR PRESENTATION OF LESS RESTRICTIVE ORDER

These protocols for Less Restrictive Alternative (LRA) orders have been promulgated to clarify the Court's expectations for LRA orders including extensions of LRA orders filed with the Court. These rules are consistent with the requirements of the Superior Court Mental Proceeding Rules (MPR), Civil Rules (CR) and the Involuntary Treatment Act, RCW 71.05 et seq. The protocols are designed to facilitate meaningful adjudication and the particularized fact finding required by the Court under the statute.

1. Respondent shall be present in Court absent an Order Waiving Presence based upon a finding of good cause.
2. The Court shall also be provided a written Motion or Petition for Less Restrictive Order. The Motion or Petition for Less Restrictive Order must be signed by the physician(s) or physician and mental health professional. CR 11 shall be complied with in all cases. CR 11 requires that every pleading, motion and legal memorandum of a represented party be signed by the attorney of record.
3. The written motion shall contain a sworn statement that sets forth the basis and conditions for the proposed LRA including:
 - a. the Respondent is ready clinically for a Less Restrictive Order (LRA);
 - b. the LRA provides a residential placement which is appropriate;
 - c. the LRA provides appropriate safeguards to the community;

RCW 71.05.240, RCW 71.05.245, RCW 71.05.237, RCW 71.05.280 AND RCW 71.05.285.

- d. whether any medication override petitions have been filed during the preceding 12 months;
 - e. the hospital has complied with RCW 71.05 232, where applicable;
 - f. all known behaviors on the part of the Respondent that may jeopardize the safety of the public have been disclosed, even if the behavior has not resulted in an arrest or criminal charges being filed.
4. The motion shall contain the Respondent's recent (at least 36 months) history of hospitalizations including all unauthorized leave from a hospital; and all LRAs including revocations;
5. The motion shall contain certification that the criminal history of the Respondent has been reviewed; the information obtained from the review; the information sources reviewed to obtain criminal history and shall include verification that there are no outstanding bench warrants;
6. Any active antiharassment orders; domestic violence orders; and no contact orders (including no hostile contact orders) in which the Respondent is a party shall be listed;
7. A verification that the Respondent has been accepted for placement by the RSN and that the outpatient facility and case manager designated in the LRA have agreed to assume treatment responsibility for the Respondent.