

CHAPTER 72.

[H. B. 21.]

COMMITMENT OF INSANE PERSONS.

AN ACT relating to insane persons and hospitals for the insane; also amending section 16 of an act relating to the insane and to the management of hospitals for the insane, pages 482 to 495, Laws of 1889-90, as last amended by section 1, chapter 214, Laws of 1941 (sec. 6930, Rem. Rev. Stat.; sec. 641-27, PPC), also amending section 7, chapter 145, Laws of 1923 (sec. 6930-6, Rem. Rev. Stat.; sec. 641-39, PPC); also repealing sections 3 and 4, chapter 145, Laws of 1923 (secs. 6930-2 and 6930-3, Rem. Rev. Stat.; secs. 641-31 and 641-33, PPC).

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 16 of an act relating to the insane and to the management of hospitals for the insane, pages 482 to 495, Laws of 1889-90, as last amended by section 1, chapter 214, Laws of 1941 (sec. 6930, Rem. Rev. Stat.; sec. 641-27, PPC) is amended to read as follows:

Section 16. The Superior Court of any county in this state, or the judge thereof, upon the application of any person under oath, setting forth that any person, by reason of insanity, is unsafe to be at large, shall cause such person to be brought before him, and he shall summon to appear at the same time and place two (2) or more witnesses, who shall testify, under oath, as to conversations, manners and general conduct upon which said charge of insanity is based; and shall also cause to appear before him, at the time and place, two (2) reputable physicians, before whom the judge shall examine the charge, unless the accused, or anyone in his or her behalf, shall demand a jury to decide upon the question of insanity, and it shall be the duty of the judge so to inform the accused of his right to trial by jury and the appointment or selection of counsel therefor. If such demand be made, the trial shall be by jury. If

Insanity complaint.

Court to summon witnesses.

Two physicians.

Accused may have jury trial and counsel.

no jury is demanded, and the physicians, after a careful hearing of the case, and a personal examination of the alleged insane person, shall certify under oath that the person examined is insane, and the case is of recent or curable character, or that the said insane person is of a homicidal, suicidal or incendiary disposition, or that from any other violent symptoms, the said insane person would be dangerous to his or her own life, or the lives and property of the community in which he or she may live; and if said physicians shall also certify to the name, age, nativity, residence, occupation, length of time in this state, state last from, previous habits, premonitory symptoms, apparent cause, and class of insanity, duration of the disease and present condition, as nearly as can be ascertained by inquiry and examination; and if the judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, and that it is of a recent or curable nature, or of a homicidal, suicidal or incendiary character, or that from the violence of the symptoms the said insane person would be dangerous to his or her own life, or to the lives and property of others if at large, or if the trial has been by jury, and the accused declared insane by said jury, and the insanity be of the character above described, the said insane person shall be ordered by the judge to be sent to a hospital for the insane, upon the following conditions; namely, that at the time of and as a part of such proceedings, the court shall summon the guardian, if any, of such alleged insane person, also the relatives of such alleged insane person, to-wit: husband or wife, parents, children or other interested persons to appear in court. If there is no guardian for such alleged insane person, the court shall appoint such guardian. Such persons shall be examined as witnesses under oath for the purpose of determining

Physicians
to certify
findings.

Nature of
insanity.

Finding of
insanity.

Guardian or
relatives
to be
summoned.

Examination to determine financial ability.

Findings of fact.

Judgment.

Actual costs to be paid.

Computation of costs.

Transportation and court costs.

Remittance to state.

When state to bear costs.

Order of liability of relatives.

the financial ability of said insane person, his estate or relatives, to pay the cost and expense of the care, maintenance, board, lodging and clothing of such insane person in the hospital for the insane to which he may be committed. Findings of fact shall be made relative to the financial ability to pay such costs as above set out and a judgment entered therein against the proper party or estate so found responsible. Every insane person, his estate or relatives, as above set forth, found to have the financial ability to pay the expenses above enumerated, shall pay therefor a sum based upon the actual cost of the previous year taking into consideration the overhead expense of operating the hospital and the expense of maintenance and repair including in both cases all salaries and expense of supervision and management as well as the materials and equipment actually used or expended in operation as computed by the State Department of Finance, Budget and Business or such part thereof as may be directed by order of the Court, and in addition thereto shall pay the cost of transportation of such insane person and all Court costs. The charge shall be made to apply in all cases from the day the insane person is received at the institution. Remittance therefor shall be made to the Director of Finance, Budget and Business in advance on the first day of each calendar month during the time the insane person remains committed. Pending such trial and before judgment, the Court may make such disposition of such alleged insane person as may seem proper. If the Court finds that such insane person or his estate or relatives have not the financial ability to pay said sum, the charges and costs referred to in this section shall be borne by the State of Washington. The relatives of such insane person shall be liable for the cost and expense of the care, maintenance, board, lodging and clothing of such insane person in the following order: first, husband or

wife; second, parents; third, children. Either the insane person's guardian or his relatives or the Department of Finance, Budget and Business may apply for a modification of the order last made by the Court if a proper showing of equitable grounds is made therefor. Not more than one application for modification of the order shall be made by any person in any one calendar year.

Order may
be modified.

SEC. 2. Upon the taking effect of this act, section 16 of an act relating to the insane and to the management of hospitals for the insane, pages 482 to 495, Laws of 1889-90, as amended by this act, shall apply to the inmates of state hospitals for the insane theretofore committed thereto, their guardians, estates and relatives as well as to those thereafter committed thereto, their guardians, estates and relatives.

Applies to
persons
heretofore
committed.

SEC. 3. Upon the taking effect of this act, the Director of Finance, Budget and Business shall give notice to the guardians of inmates of state hospitals for the insane and to those relatives chargeable by law for the cost and expense of the care, maintenance, board, lodging and clothing of those inmates that on and after sixty (60) days from the date of service of said notice, every inmate in a state hospital for the insane shall be kept and maintained therein only upon payment monthly in advance to the Department of Finance, Budget and Business of the amount charged on account of said inmate. This notice shall be served in the manner provided by law for the service of summons in civil actions.

Guardians
and relatives
to be
notified.

Service of
notice.

SEC. 4. Section 7, chapter 145, Laws of 1923 (sec. 6930-6, Rem. Rev. Stat.; sec. 641-39 PPC) is amended to read as follows:

Section 7. Upon an application being made to the Superior Court of the county wherein the order of commitment was entered praying for a modification of the then existing order determining the financial ability of the estate of an inmate of a

Summary
hearing on
modification.

hospital for the insane to pay for the cost and expense of his care, maintenance, board, lodging and clothing or the financial ability of any relative chargeable by law for the payment of such cost and expense, the Court shall summarily proceed to determine the degree of financial ability or the limit in dollars and cents of the monthly charge which may be made against the estate or against any certain relative of the inmate as the case may be.

Procedure.

The Superior Court shall have power to subpoena and examine such persons as he may believe to have knowledge of the facts to be ascertained and may for the purpose of this act conduct such proceedings in the nature of a hearing, upon proceedings supplemental to executions in civil actions. The Superior Court may endorse upon the application the names of persons other than the applicant and thereby make such persons proper or necessary parties to the proceeding. At the conclusion of the hearing the court shall enter its findings of fact which shall be either:

Findings
of fact.

(1) That no person has been found who has the financial ability to pay the charges herein provided or

(2) That some designated guardian or relative has the financial ability to pay the charges herein provided.

Judgment.

If the findings be the second alternative last above referred to, then the court shall enter its order and judgment as provided in this act by original proceedings for commitment and to the same effect.

SEC. 5. Sections 3 and 4, chapter 145, Laws of 1923 (secs. 6930-2 and 6930-3, Rem. Rev. Stat.; secs. 641-31 and 641-33, PPC) are repealed.

Passed by the House February 7, 1947.

Passed by the Senate February 26, 1947.

Approved by the Governor March 5, 1947.