

and may be appraised and sold at public auction to the highest bidder in the manner and form as provided for public sales of personal property, and all moneys realized upon such sale, after deducting the expenses thereof, shall be paid into the general fund of the state treasury.

Proceeds.

Repealing
clause.

SEC. 4. Sections 11.08.100 and 11.08.110, R.C.W., as derived from sections 1 and 2, chapter 113, Laws of 1923, are repealed.

[Rep. R.R.S. § 1363-1 and R.R.S. § 1363-2.]

Passed the House February 21, 1951.

Passed the Senate March 6, 1951.

Approved by the Governor March 15, 1951.

CHAPTER 139.

[H. B. 404.]

THE MENTAL ILLNESS HOSPITALIZATION ACT.

AN ACT relating to the hospitalization of the mentally ill; providing for the establishment and administration of state hospitals therefor, the care and treatment of the mentally ill, charges for hospitalization and other costs, procedures for admission and transfer of patients, and repealing chapter 71.04, R.C.W., and sections 71.12.020 to 71.12.160, R.C.W., both inclusive.

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

Liberal
construction.

SECTION 1. The provisions of this act shall be liberally construed so that persons who are in need of care and treatment for mental illness shall receive humane care and treatment and be restored to normal mental condition as rapidly as possible with an avoidance of loss of civil rights where not necessary, and with as little formality as possible, still preserving all rights and all privileges of the person as guaranteed by the constitution.

SEC. 2. As used in this act, the following terms shall have the following meanings:

"Mentally ill person" shall mean any person found to be suffering from psychosis or other disease impairing his mental health, and the symptoms of such disease are of a suicidal, homicidal, or incendiary nature, or of such nature which would render such person dangerous to his own life or to the lives or property of others. "Mentally ill person."

"Patient" shall mean a person under observation, care or treatment in a state hospital, or a person found mentally ill by the court, and not discharged from a state hospital, or other facility, to which such person had been ordered hospitalized. "Patient."

"Licensed physician" shall mean an individual licensed as a physician under the laws of the state, or a medical officer, similarly qualified, of the government of the United States while in this state in performance of his official duties. "Licensed physician."

"State hospital" shall mean any hospital operated and maintained by the state of Washington for the care of the mentally ill. "State hospital."

"Superintendent" shall mean the superintendent of a state hospital. "Superintendent."

"Court" shall mean the superior court of the state of Washington. "Court."

"Department" shall mean the department of public institutions. "Department."

"Resident" shall mean a resident of the state of Washington who has maintained his domiciliary residence within this state for a period of two years immediately preceding commitment. "Resident."

Wherever used in this act, the masculine shall include the feminine and the singular shall include the plural. Masculine and singular.

SEC. 3. Any person complained against in any application or proceedings started by virtue of the provisions of this act shall not forfeit or suffer any

Pending proceedings; no legal disability.

Competency presumed on discharge.

Examination prior to discharge.

Where prior discharge issued.

Other laws not affected.

"Insane."

Short title.

State hospitals.

Superintendents of state hospitals; qualifications, powers and duties.

legal disability by the reason of the pendency of proceedings under this act, until an order declaring such person to be mentally ill has been entered. A person shall be presumed to be competent to manage his affairs when such person has been certified as discharged as recovered from a state hospital or other facility to which he has been hospitalized as a mentally ill person: *Provided, however,* Before any such discharge shall issue, the mentally ill person must have been examined by the superintendent of a state hospital, or person in charge of such other facility, within thirty days immediately preceding his discharge as recovered. The superintendent of a state hospital shall have authority to receive such persons for the above examination although a prior discharge has been issued.

SEC. 4. Nothing in this act shall be construed as affecting the laws of this state relating to the criminally insane or insane inmates of penal institutions. Where the term "insane" is used in other statutes of this state its meaning shall be synonymous with mental illness as defined in this act.

SEC. 5. The short title of this act shall be cited as "The Mental Illness Hospitalization Act."

SEC. 6. There are hereby permanently located and established the following state hospitals: Western state hospital at Fort Steilacoom, Pierce County; eastern state hospital at Medical Lake, Spokane County; and northern state hospital near Sedro-Woolley, Skagit County.

SEC. 7. The superintendent of a state hospital shall be a skillful practicing physician, and shall reside in the hospital; he shall have control of the medical, therapeutic, and dietetic treatment of the patients, which shall include authority to cause the performance of all necessary surgery. The superintendent, subject to rules and regulations of the

department, shall have control of the internal government and economy of a state hospital, shall appoint and direct all subordinate officers and employees, and shall designate those employees whose residence at the hospital is deemed essential for its proper operation.

Subordinate officers.

SEC. 8. The superintendent shall provide an official seal upon which shall be inscribed the statutory name of the hospital under his charge and the name of the state. He shall affix the seal of the hospital to any notice, order of discharge, or other paper required to be given by him or issued.

Official seal.

SEC. 9. The superintendent shall not be required to attend any court as a witness in a civil or juvenile court proceedings, but parties desiring his testimony can take and use his deposition; nor shall he be required to attend as a witness in any criminal case, unless the court before which his testimony shall be desired shall, upon being satisfied of the materiality of his testimony require his attendance; and he and all other persons employed at the hospital shall be exempt from serving on juries; and, in time of peace, from performing military duty; and the certificate of the superintendent shall be evidence of such employment.

Testimony by deposition.

Employees exempt from jury service and military duty.

SEC. 10. The superintendent is authorized to accept and receive from any person or organization gifts of money or personal property on behalf of the state hospital under his charge, or on behalf of the patients therein. The superintendent is authorized to use such money or personal property for the purposes specified by the donor where such purpose is consistent with law. In the absence of a specified use the superintendent may use such money or personal property for the benefit of the state hospital under his charge or for the general benefit of the patients therein. The superintendent shall keep an

May accept gifts.

Use.

Records of gifts.

accurate record of the amount or kind of gift, the date received, and the name and address of the donor. The superintendent may deposit any money received as he sees fit upon the giving of adequate security. Any increase resulting from such gift may be used for the same purpose as the original gift. Gratuities received for services rendered by a state hospital staff in their official capacity shall be used for the purposes specified in this section.

Gratuities.

Detention of voluntary patients.

SEC. 11. Pursuant to rules and regulations established by the department, the superintendent of a state hospital may receive and detain any person who is, in his opinion, a suitable person for care and treatment as mentally ill, or for observation as to the existence of mental illness, upon the receipt of a written application of the person, or others on his behalf, in accordance with the following requirements:

Application.

Adults.

(1) In the case of an adult person, the application shall be voluntarily made by the person, at a time when he is in such condition of mind as to render him aware of the significance of his act;

Minors.

(2) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody;

Guardian.

(3) In the case of an adult person for whom a guardian of the person has been appointed, such application shall be made by said guardian, when so authorized by proper court order in the guardianship proceedings.

Voluntary patients; no loss of legal competency.

SEC. 12. Any person received and detained in a state hospital pursuant to the above section shall be deemed a voluntary patient and shall not suffer a loss of legal competency by reason of his application and admission. Upon the admission of a voluntary patient to a state hospital the superintendent shall immediately forward to the department the record of such patient showing the name, address, sex, age,

Record forwarded to department.

place of birth, occupation, date of admission, name of nearest relative, and such other information as the department may from time to time require.

SEC. 13. No adult person received into a state hospital under such voluntary application shall be detained therein for more than twelve days after his having given notice in writing to the superintendent of his desire to leave such hospital. No minor person or adult for whom a guardian of the person has been appointed received into a state hospital as a voluntary patient, shall be detained therein for more than twelve days after notice is given in writing to the superintendent by the parents, or the parent or guardian or other person entitled to custody of the minor or adult under guardianship, of their desire to remove him from the hospital. If the superintendent believes that further care, treatment or restraint is required, he shall, within the twelve-day period, start proceedings for the involuntary hospitalization of such patient. A minor received into a state hospital as a voluntary patient shall not be detained after he reaches the age of majority, but such minor upon reaching majority may apply for admission into a state hospital as a voluntary patient: *Provided, however,* If said notice is given within less than eighteen days from date of admission the superintendent shall have the right to detain such voluntary patient for a period not to exceed thirty days from time of admission.

Release within 12 days after request; voluntary patients.

Further care.

Minor; release upon majority.

Detention where notice to leave given within first 18 days.

SEC. 14. It shall be the policy of the department to permit liberal use of the foregoing sections for the admission of those cases that can be benefited by treatment and returned to normal life and mental condition, in the opinion of the superintendent, within a period of six months. No person shall be carried as a voluntary patient for a period of more than one year. No person shall be admitted as a

Foregoing section to be liberally used.

Limitation as voluntary patient.

Residence requirement.

voluntary patient who has not been a resident of the state of Washington for a period of two years immediately preceding application for admission.

Voluntary applicants may be limited.

SEC. 15. If it becomes necessary because of inadequate facilities or staff, the department may limit applicants for voluntary admission in accordance with such rules and regulations as it may establish. The department may refuse all applicants for voluntary admission where lack of adequate facilities or staff make such action necessary.

Payment for hospitalization.

SEC. 16. Payment of hospitalization charges shall not be a necessary requirement for voluntary admission: *Provided, however,* The department may request payment of hospitalization charges, or any portion thereof, from the patient or relatives of the patient within the following classifications: Spouse, parents, or children. Where the patient or relatives within the above classifications refuse to make the payments requested, the department shall have the right to discharge such patient or initiate proceedings for involuntary hospitalization. The maximum charge shall be the same for voluntary and involuntary hospitalization.

Patient and relative responsibility.

Maximum charge.

Application for involuntary hospitalization.

SEC. 17. Any person may make application to the superior court for the county in which an alleged mentally ill person is found, for the involuntary hospitalization of such person. Such application shall be made under oath and shall be to the effect that there is in such county a mentally ill person who by reason of such mental illness is unsafe to be at large and requesting that such person be taken before the superior court for examination. Before accepting said application for filing, the same must be endorsed by the prosecuting attorney of said county, where the court has not designated some other person, to the effect that he has examined the applicant, investigated the merits of the applica-

Endorsed by prosecuting attorney.

tion and believes reasonable grounds exist for filing of same.

SEC. 18. Upon the filing of such application the court shall issue an order setting a date for hearing and examination. Such application may contain a statement to the effect that immediate apprehension and detention is necessary to safeguard the lives and property of the alleged mentally ill person or others. If such statement is contained in the application, the court shall issue an order of apprehension directing that the alleged mentally ill person be immediately apprehended and detained pending hearing and examination. The sheriff or other person as designated by the court, shall execute the order of apprehension. In emergencies requiring immediate apprehension and restraint, or at times when superior courts are not open for business, any sheriff or other peace officer, may, when he shall have reasonable cause to believe any person is so mentally ill as to be unsafe to be at large, apprehend such person without warrant, wherever found, and detain him or her in suitable quarters until an application can be made as above provided.

Order for hearing.

Statement of emergency.

Order of apprehension.

Sheriff to execute.

Emergencies; apprehension without warrant.

SEC. 19. A copy of the application, notice of hearing, and order of apprehension shall be served upon the alleged mentally ill person by the sheriff or other person as designated by the court. The clerk of the court shall cause notice of hearing to be given to the guardian, spouse, or next of kin of the alleged mentally ill person, if known, and in that respective priority, unless such person shall have filed the original application. Such notice shall specify the name of the applicant, date of application, place of detention, and date, time, and place of hearing. Such notice shall also specify the alleged mentally ill person's right to trial by jury and right to be represented by counsel. Notice to the alleged mentally ill person may be eliminated if the court finds

Service of application, notice and order.

Additional notice.

Contents of notice.

that the serving of such notice might be injurious to the health of such person and if a guardian *ad litem* is appointed.

Finding of mental illness.

SEC. 20. If the court shall find after hearing and examination that the person filed against is mentally ill, it shall enter an order directing the hospitalization of such person pursuant to section 25.

Medical testimony required.

SEC. 21. At the hearing on the application the court shall require the testimony of at least two licensed physicians, who shall have made a joint examination of the alleged mentally ill person, and who shall have filed with the court a written report of the facts and circumstances upon which their testimony is based. Such report shall contain a statement as to whether or not the person filed against is mentally ill. The person filed against, his guardian, relatives, or friends, or the court of its own motion, may summon or produce such witnesses and evidence as they may desire. At least two of the testifying physicians must have been appointed by the court for the purpose of examining the alleged mentally ill person.

Written report.

Person filed against may summon witnesses.

Physicians appointed by court.

SEC. 22. If no guardian of the person has been appointed, the court may appoint a guardian *ad litem* to represent the patient during proceedings. The person filed against shall have the right to be represented by an attorney if requested.

Guardian ad litem.

Right to counsel.

SEC. 23. At commencement of hearing the person filed against, his guardian, attorney or guardian *ad litem*, may request a trial by jury. Such request shall be in writing and filed with the court accompanied by the required fee. The court shall then enter an order directing the alleged mentally ill person to be detained pending trial and shall set a date for such trial.

Request for jury trial.

Where trial by jury.

SEC. 24. Where trial is by jury the testimony and evidence required by section 21 shall be pre-

sented. After all the evidence is in the jury shall determine whether or not the person filed against is mentally ill. If the jury finds that such person is mentally ill the court shall enter an order directing the hospitalization of such person in accordance with section 25.

Jury's duty.

Finding of mental illness; order.

SEC. 25. Where a person is found to be mentally ill the court shall:

Same; duties of court.

(1) Order a person hospitalized at a state hospital until released by the superintendent thereof; or

Order person to state hospital; or order eligible persons to federal institution.

(2) Order such person hospitalized by the United States veterans' administration, or other agency of the United States government, where it appears that the mentally ill person is eligible for such treatment, and a certificate of eligibility has been obtained from the veterans' administration, or agency of the United States government, until released by such agency; or

(3) Order such person hospitalized at a private facility for the care and treatment of the mentally ill, where such facility is willing to accept such mentally ill person, until released by the chief officer thereof; or

Order person to private facilities.

(4) Where the mentally ill person is not dangerous to the lives or property of others, and is not dangerous to himself, the court may direct that custody of such person be given to such friends or relatives as are willing and able to care for him.

Order person to care of friends or relatives.

If ordered hospitalized all personal effects, including contents of trunks, boxes and other containers to be transferred with the patient, shall be inventoried by the sheriff or other person making the apprehension and a copy of said inventory shall be given to the representative of the hospital at the time of transfer of the patient.

Disposition of personal effects.

SEC. 26. The United States veterans' administration, or other United States government agency, or

Powers of detaining authority.

the chief officer of a private facility shall have the same powers as are conferred upon the superintendent of a state hospital with reference to retention, transfer, parole, or discharge of mentally ill persons ordered hospitalized in their facilities.

Continuing jurisdiction.

SEC. 27. The court shall retain jurisdiction for the purpose of entering further appropriate orders until such time as a patient is certified as discharged.

Detention wards in county hospitals.

SEC. 28. There shall be set aside in each county of the state of Washington having a county hospital, such portions of such hospital as may be necessary for the detention and observation of those persons detained under the provisions of this act pending further proceedings. In each such hospital there shall be separate detention wards for males and females. The superior court may order the examination of such persons by medical personnel for the purpose of obtaining testimony as to the alleged mentally ill person's condition. Such observation period shall not exceed sixty days unless a jury trial has been demanded: *Provided, however,* That in all counties having no county hospital, the court may designate as a detention ward such other place of detention and treatment as he may deem suitable for the purpose of this act.

Medical examination.

Where no county hospital.

State hospitals designated to accept patients from certain counties.

SEC. 29. Persons found to be mentally ill by the courts of the various counties and in need of hospitalization at a state hospital shall be hospitalized at the following state hospitals: From the counties of Grays Harbor, Clark, Cowlitz, King, Kitsap, Lewis, Mason, Pacific, Pierce, Thurston and Wahkiakum, to the western state hospital; from the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman and Yakima, to the eastern state hospital; from the counties of Clallam, King, Island, Jefferson, San Juan, Skagit,

Snohomish and Whatcom, to the northern state hospital: *Provided, however,* That whenever the department of public institutions shall certify to the superior court of any county that the hospital above specified to receive mentally ill persons from such county is temporarily unable to care for additional patients, and shall designate one of the other hospitals, the court shall order patients hospitalized at such other hospital until further advised by the department: *And provided further,* That if it shall be made to appear to the satisfaction of the court ordering the hospitalization of a mentally ill person, upon the application of the guardian or attorney representing such person, that by reason of climatic conditions, the nature of the mental illness, or location of relatives, it would be to the best interest of the patient to be hospitalized at another state hospital, and such other hospital can accommodate said patient, the court may order such person hospitalized at such other state hospital.

Where facilities not available.

Hospital serving best interest of patient.

SEC. 30. Whenever any person shall be brought before the court for examination and hearing on application for involuntary hospitalization, the court shall, if such person is found mentally ill, inquire into the nationality of such person and may summon witnesses and require the production of documentary evidence for that purpose. If it shall appear that such person is an alien, the court shall cause the clerk to make out and transmit to the United States district director of immigration and naturalization in the state of Washington, and to the superintendent of the state hospital where such patient is to be hospitalized, a report showing the names and addresses of all witnesses who appeared and testified as to the nationality of the mentally ill person, a synopsis of the testimony of each witness and copies of documentary evidence tending to show the nationality found at the hearing.

Involuntary hospitalization.

Nationality inquired of.

Aliens.

Application;
no liability
where made
in good faith.

SEC. 31. Any person making or filing an application alleging a person to be mentally ill under the provisions of this act shall not be rendered civilly or criminally liable where the making and filing of such application was in good faith.

Disposition
of property.

SEC. 32. Any person apprehending an alleged mentally ill person under the provisions of this act shall take reasonable precautions to safeguard the property of such person. At any time after application has been filed the court may make such orders relative to such person's personal property as may seem necessary for his best interests, health and welfare, pending the appointment of a guardian of such person's estate.

Hearings;
where held.

Same; may
be closed.

SEC. 33. For the purpose of conducting hearings and examinations under this act, court may be convened at any time and place within the limits of the county in which the court resides: *Provided*, That hearings and examinations under this act may be closed to the general public unless the guardian, attorney, or guardian *ad litem* representing the alleged mentally ill person demands an open hearing as in other civil actions, or unless a jury is demanded.

Subpoenas.

Witness fees.

SEC. 34. Subpoenas may be issued to compel the attendance of witnesses or the production of evidence in the same manner as in civil cases: *Provided*, That such subpoenas shall be effective within the boundaries of the county of the issuing court. All witnesses shall be allowed witness fees as in criminal cases.

Forms
provided by
department.

SEC. 35. The report of medical testimony, order directing hospitalization, order directing payment of court costs, transportation and hospitalization charges, and order directing disposition or safeguarding of a mentally ill person's property shall be entered on forms provided by the department of public institutions.

SEC. 36. The department of public institutions shall be charged with the execution of orders of hospitalization at state hospitals and orders directing payment of hospitalization charges at such hospitals, including the transportation of persons so hospitalized.

Certain orders to be executed by department.

SEC. 37. A copy of the medical report, order of hospitalization, and order directing payment of hospitalization charges shall be delivered with the patient to the superintendent of the state hospital or officer in charge of veterans' facility, wherein a patient is ordered hospitalized: *Provided, however,* That if said medical report is not filled out legibly and completely, giving essential information pertaining to the patient, the hospital may refuse admission of the patient.

Records and orders to accompany patient.

Admission refused, when.

SEC. 38. All files in these cases shall be closed subject to examination only on court order. Where a person is found mentally ill the clerk shall cause the following facts to be noted in his probate docket: Name and age of such person, date of order of hospitalization, place of hospitalization, date of parole and date of discharge. Where a person is found not to be mentally ill the clerk shall cause such proceedings to be noted in an alphabetically arranged index, which index shall contain the following information: Name of person filed against, date of order dismissing proceedings, and probate cause number. This index shall be open to inspection only under court order. Nothing in this section shall be construed to prevent the forwarding of all case histories, physicians' reports, and other case data to the state hospital or other agency in which a mentally ill person may have been ordered hospitalized.

Closed files.

Duties of clerk.

Inspection of index.

SEC. 39. Applications for involuntary hospitalization shall be handled as a probate matter. Nothing in this act shall be construed as limiting or modifying the powers of the various court commissioners.

Involuntary proceedings as probate matter.

Superintendent shall ascertain history.

SEC. 40. It shall be the duty of the superintendent to ascertain by diligent inquiry and correspondence, the history of each and every patient admitted to his hospital.

Parole.

SEC. 41. Whenever in the judgment of the superintendent of any state hospital, any patient shall have so far recovered as to make it safe for such patient and for the public to allow him to be at large, the superintendent may parole such patient and allow him to leave such hospital, and whenever in the judgment of the superintendent any patient has been restored his mental health and is probably free from danger of relapse or recurrence of mental illness, the superintendent shall discharge such patient from the hospital. The superintendent may parole patients on such terms and conditions as he may deem advisable. Whenever a patient shall have been in a parole status for a period of one year, the superintendent shall review such patient's case relative to the advisability of discharge.

Discharge.

Parole; review after one year.

Parole of indigents.

No indigent patient shall be paroled or discharged without suitable clothing, and the superintendent shall furnish the same, together with such sum of money as he shall deem necessary for the immediate welfare of the patient, not to exceed fifty dollars.

Revocation of parole.

When the superintendent revokes the parole of any patient, he may request the superior court of the county wherein the patient is found to order the apprehension and detention of such patient. The court shall thereupon order the apprehension of such patient and shall detain him until returned to the state hospital by the superintendent. Such detention shall be in facilities set forth in section 28 and subject to time limitations therein stated. The various county welfare departments shall assist the superintendents of the state hospitals in the placement of paroled or discharged patients in suitable surroundings when so requested by said superintendents.

County welfare department.

SEC. 42. Whenever it shall be made to appear to the superior court of any county that any paroled patient found in such county has become unsafe to be at large, said court shall order such patient apprehended and returned to the hospital from which he was paroled and shall direct the sheriff to notify the superintendent of such order, which order of return shall be executed by the department of public institutions. In emergencies requiring immediate apprehension and detention, or at times when superior courts are not open for business, the sheriff may apprehend said parolee and detain him without warrant pending the issuance of a superior court order.

Parolee found to be unsafe.

Order of return.

Emergencies.

SEC. 43. If a patient shall escape from a state hospital the superintendent shall cause immediate search to be made for him and return him to said hospital wherever found. Notice of such escape shall be given to the committing court who may issue an order of apprehension and return directed to any peace officer within the state. Notice may be given to any sheriff or peace officer, who, when requested by the superintendent, may apprehend and detain such escapee or return him to the state hospital without warrant.

Patient escaping.

Notice of escape.

Apprehension.

SEC. 44. Whenever a patient dies, escapes, or is paroled or discharged from a state hospital, the superintendent shall immediately notify the clerk of the court which ordered such patient's hospitalization. A copy of such notice shall be given to the next of kin or next friend of such patient if their names or addresses are known or can, with reasonable diligence, be ascertained. Whenever a patient is discharged the superintendent shall issue such patient a certificate of discharge. Such notice or certificate shall give the date of parole, discharge, or death of said patient, and shall state the reasons for parole or discharge, or the cause of death, and shall be signed by the superintendent.

Change of status; notice.

Certificate of discharge.

Contents.

Sudden or mysterious death.

SEC. 45. In the event of the sudden or mysterious death of any patient at a state hospital, not on parole or escape therefrom, such fact shall be reported by the superintendent thereof to the coroner of the county in which the death occurs.

Minors not to be confined in adult wards.

SEC. 46. No mentally ill person under the age of sixteen years shall be regularly confined in any ward in any state hospital which ward is designed and operated for the care of the adult mentally ill. No person between the ages of sixteen and eighteen shall be placed in any such ward, when in the opinion of the superintendent such placement would be detrimental to the mental condition of such a minor person or would impede his recovery or treatment.

Wards solely for minors.

SEC. 47. The department of public institutions may designate one or more wards at one or more state hospitals as may be deemed necessary for the sole care and treatment of minors admitted under the provisions of this act. Nurses and attendants for such ward or wards shall be selected for their special aptitude and sympathy with such young people, and occupational therapy and recreation shall be provided as may be deemed necessary for their particular age requirements and mental improvement.

Nurses.

Occupational therapy.

Letter writing materials.

SEC. 48. The superintendent shall furnish each patient the material for writing at least one letter per week, if he shall request the same, unless otherwise provided. Patients' letters shall be subject to the inspection of the superintendent, who shall mail to the proper address thereof such of them as in his judgment should be sent, and he shall retain such letters as he considers objectionable. All letters directed to the patients shall be delivered to them if, in the judgment of the superintendent, their contents are not prejudicial to the mental condition of the patient.

Letters inspected.

Superintendent as guardian.

SEC. 49. The superintendent of a state hospital shall be the guardian without compensation of the

estate of a patient involuntarily hospitalized therein, without further proceedings and subject to the following limitations: Limitations.

(1) He is guardian of such personal property as may come into his custody while the patient is under the jurisdiction of the hospital. Personal property in his custody.

(2) As such guardian, the superintendent shall have authority to disburse moneys from the patient's estate for the following purposes only: Disbursements for:

(a) For the personal needs of the patient as may be deemed necessary by the superintendent; and personal needs,

(b) For the hospitalization charges of such patient where his estate contains moneys in the sum of three hundred dollars or more and where in the opinion of the superintendent such patient is not likely to be released within a period of six months. hospitalization charges.

(3) Annual reports of receipts and expenditures shall be forwarded to the department of public institutions, and shall be open to inspection by interested parties. Reports of receipts and expenditures.

(4) The appointment of a guardian for the estate of such patient shall terminate the superintendent's authority as guardian upon the superintendent's receipt of certified copies of letters of guardianship, and the superintendent shall forward any property of the patient remaining in his hands to such guardian on request, together with a final accounting of receipts and expenditures. Termination of superintendent's authority as guardian.

(5) Moneys belonging to patients' estates may be deposited in a single fund. Final account.

(6) The superintendent shall have no authority to sell, mortgage, or invest assets of the patient's estate: *Provided, however,* That he may convert choses in action into cash. Money placed in one fund.

SEC. 50. The superintendent shall also have authority to receive funds for the benefit of individual patients and may disburse such funds according to the instructions of the donor of such funds. Acts prohibited.

SEC. 50. The superintendent shall also have authority to receive funds for the benefit of individual patients and may disburse such funds according to the instructions of the donor of such funds. Receipt of donations for patient.

Inquiry as to ability to pay.

SEC. 51. After a person has been found mentally ill under section 20 of this act, the court shall inquire into the ability of the person's estate, or his spouse, parents or children, or any combination thereof, to pay the charges for transportations and hospitalization in a state hospital, detention pending proceedings, and court costs. If the court finds that the patient's estate or above named relatives, or combination thereof, are able to pay such charges or any part thereof, an order to such effect shall be entered. If the court finds that neither the patient's estate nor said relatives are able to pay the charge for transportation to and hospitalization in a state hospital, such costs shall be borne by the state of Washington. If the court finds that neither the patient's estate nor above relatives can pay charges for detention pending proceedings or court costs, such costs shall be borne by the county. When a patient is a resident of another county, the committing county shall recover from the county of the patient's residence all costs and expenses of the patient's detention and commitment [commitment].

Order requiring payment.

Costs borne by county, when.

Resident of other county.

Basis of charges.

SEC. 52. Charges for hospitalization of patients in state hospitals are to be based on the actual cost of operating such hospitals for the previous year, taking into consideration the overhead expense of operating the hospital and expense of maintenance and repair, including in both cases all salaries of supervision and management as well as material and equipment actually used or expended in operation as computed by the department. Costs of transportation shall be computed by the department.

Existing responsibility to continue.

SEC. 53. Patients' estates and relatives now responsible for the payment of maintenance charges upon the taking effect of this act shall remain so responsible hereunder.

Hospitalization charges; change.

SEC. 54. The department may execute a change in rate for hospitalization charges upon the giving of

sixty days' notice to the parties responsible for payment of such charges. Said notice may be mailed to the parties concerned.

Notice.

SEC. 55. The department shall certify to the various superior courts the rate for hospitalization charges when executing a change in rate, including in said certification the effective date of such change.

Rate to be certified to court.

SEC. 56. Hospitalization charges are payable in advance on the first day of each calendar month, and the department may make all necessary rules and regulations relative to the billing and collection of such charges.

Charges payable in advance.

SEC. 57. Advance remittances of such hospitalization charges may be held by the department in a suspense account for a period not to exceed ninety days in order to make prompt refunds in cases of overpayment. Moneys in such account shall be deposited in such bank or banks as the department may select, and any such depository shall furnish suitable surety bond or collateral for their safekeeping. Such funds shall be transmitted to the state treasurer for deposit in the general fund after being held for the above purpose.

Advance remittances suspense account.

Refunds for over-payment.

Deposit.

SEC. 58. The superior court may, upon petition, modify any existing order entered pursuant to section 51 of this act, where it is shown that the petitioner is unable to continue payment of hospitalization charges. A hearing may be had on such petition in the nature of proceedings supplemental to execution in civil actions. Such petition must be served on the department at least ten days prior to hearing.

Modification of orders relative to charges.

Hearing.

SEC. 59. The department may apply for modification of any existing order where it is shown that there exists some relative within the classification set forth in section 51 of this act who is able to pay hospitalization charges. Such relative must be served with notice of such petition in the same manner as summons is served in civil action.

Same; department may apply for, when.

Notice.

Charges collectible without order.

SEC. 60. The department shall have the right to collect hospitalization and transportation charges from a patient's estate or person legally responsible for the support of a patient without the entry of any order to such effect under section 51 of this act. If the person administering the patient's estate or the person responsible for the support of the patient is unable to pay such charges he shall petition the court for an order declaring such inability pursuant to section 58.

Order declaring inability.

Statutes of limitation.

SEC. 61. No statutes of limitations shall run against the state of Washington for hospitalization charges: *Provided, however,* That periods of limitations for the filing of creditors' claims against probate and guardianship estates shall apply against such claims.

Hospitalization charges; criminally insane.

SEC. 62. Patients hospitalized at state hospitals as criminally insane shall be responsible for payment of hospitalization charges unless an order is obtained pursuant to section 58 of this act.

Charges may be cancelled.

SEC. 63. The department shall have authority to cancel accrued hospitalization charges to the extent of one hundred dollars or less, when a patient has deceased or has been discharged.

Collections; prosecutors.

SEC. 64. The prosecuting attorneys of the various counties shall assist the department in the collection of hospitalization charges.

Contracts with federal government.

SEC. 65. The department shall have the power, in the name of the state, to enter into contracts with any duly authorized representative of the United States government, providing for the admission to, and the separate or joint observation, maintenance, care, treatment and custody in, state hospitals of persons entitled to or requiring the same, at the expense of the United States, and contracts providing for the separate or joint maintenance, care, treatment or custody of such persons hospitalized in the

manner provided by law, and to execute and perform such contracts, which contracts shall provide that all payments due the state of Washington from the United States for services rendered under said contracts shall be paid to the department of public institutions.

SEC. 66. No case of idiocy, imbecility, harmless chronic mental unsoundness, or acute mania a potu shall be hospitalized in a state hospital; and whenever, in the opinion of the superintendent after careful examination of the case of any person hospitalized, it shall be ascertained that such person comes within the rule of exemptions provided for by this section the superintendent shall have the authority to discharge such person and return him to the county from which he was ordered hospitalized, at the expense of said county.

Idiocy, etc., cases excluded from state hospitals.

SEC. 67. Non-residents of this state conveyed or coming herein while mentally ill shall not be hospitalized in a state hospital, but this prohibition shall not prevent the hospitalization and temporary care in said hospitals of such persons stricken with mental illness while traveling or temporarily sojourning in this state, or sailors attacked with mental illness upon the high seas and first arriving thereafter in some port within this state.

Non-residents excluded.

Exception.

SEC. 68. Whenever it appears to be to the best interests of the patients concerned, the department of public institutions shall have the authority to transfer such patients among the various state hospitals pursuant to rules and regulations established by said department. The superintendent of a state hospital shall also have authority to transfer patients eligible for treatment to the veterans' administration or other United States government agency where such transfer is satisfactory to such agency. Such agency shall possess the same authority over such

Transfer to serve best interests of patient.

Transfer to federal agency.

patients as the superintendent would have possessed had the patient remained in a state hospital.

Repealing
clause.

SEC. 69. Chapter 71.04, R.C.W.; sections 71.12.020 to 71.12.160, both inclusive, R.C.W., as derived from section 5, page 37, of an act entitled "An Act to Amend Chapter CX (110) of the Code Relating to Idiots and Insane, and Section 2267, Chapter CLXVI (166), Entitled Hospital for the Insane," approved November 24, 1883, Laws of 1883; section 1, page 141, of an act entitled "An Act to Provide for the Permanent Location and Construction of a Hospital for the Insane at Fort Steilacoom in Washington Territory," approved February 3, 1886, Laws of 1886; section 1, chapter LX (60), Laws of 1888; sections 8, 9, 13, 15 to 19, inclusive, 26, and 29 to 40, inclusive, page 482, of an act entitled "An Act in Relation to the Insane of the State of Washington, and Making Appropriations for the Maintenance Thereof, and Declaring an Emergency," approved March 13, 1890, Laws of 1890; section 8, chapter CXIX (119), Laws of 1901; sections 1, 2, 3 and 4, chapter 110, Laws of 1903; sections 3 and 5, chapter 222, Laws of 1909; sections 1 to 8, inclusive, chapter 81, Laws of 1915; chapters 105 and 109, Laws of 1915; chapter 48, Laws of 1921; chapter 145, Laws of 1923; chapter 77, Laws of 1931; chapter 179, Laws of 1947; and sections 1 to 19, inclusive, chapter 198, Laws of 1949, are repealed.

[R.C.W. 71.04, herein repealed, is Rem. Supp. 1947, §§ 6930, 6930a, 6930b, 6930c; R.R.S. § 6930-1; R.R.S. § 6930-4; Rem. Supp. 1947, § 6930-6; R.R.S. § 6930-7; R.R.S. § 6930-8; R.R.S. § 6931; R.R.S. § 6932; Rem. Supp. §§ 6933-6936 incl., R.R.S. §§ 6937 and 6938; R.R.S. §§ 6941 to 6946 incl., R.R.S. § 6952; R.R.S. § 6953.]

[R.C.W. 71.12.020 to 71.12.160, incl., herein repealed, are Rem. Supp. 1949, §§ 6953-4 to 6953-14 incl., and Rem. Supp. 1949, §§ 6953-16 to 6953-19 incl.]

Partial
invalidity.

SEC. 70. If any section or part thereof of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid pro-

visions, and to this end the provisions of this act are declared to be severable.

Passed the House March 2, 1951.

Passed the Senate March 6, 1951.

Approved by the Governor March 15, 1951.

CHAPTER 140

[H. B. 443.]

STATE PATROL RETIREMENT SYSTEM.

AN ACT relating to the Washington state patrol retirement system; amending sections 43.43.120, 43.43.130, 43.43.220, 43.43.250, 43.43.260, 43.43.270, 43.43.280, 43.43.300 and 43.43.310, R.C.W., and amending chapter 43.43, R.C.W., by adding thereto a new section.

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

SECTION 1. Section 43.43.120, R.C.W., as derived from section 1, chapter 250, Laws of 1947, is amended to read as follows: Amendment.

As used in the following sections:

(a) "Retirement System" means the Washington state patrol retirement system. "Retirement System."

(b) "Retirement Fund" means the Washington state patrol retirement fund. "Retirement Fund."

(c) "State Treasurer" means the treasurer of the state of Washington. "State Treasurer."

(d) "Member" means any person included in the membership of the retirement fund. "Member."

(e) "Employee" means any commissioned employee of the Washington state patrol. "Employee."

(f) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter. "Beneficiary."

(g) "Regular Interest" means interest compounded annually at such rates as may be determined by the retirement board. "Regular Interest."