

**RCW 71.05.245 Determination of grave disability, likelihood of serious harm, or need of assisted outpatient treatment—Use of recent history evidence.** (1) In making a determination of whether a person is gravely disabled, presents a likelihood of serious harm, or is in need of assisted outpatient treatment in a hearing conducted under RCW 71.05.240 or 71.05.320, the court must consider the symptoms and behavior of the respondent in light of all available evidence concerning the respondent's historical behavior.

(2) Symptoms or behavior which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient treatment, when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is probable.

(3) In making a determination of whether there is a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, the court shall give great weight to any evidence before the court regarding whether the person has: (a) A recent history of one or more violent acts; or (b) a recent history of one or more commitments under this chapter or its equivalent provisions under the laws of another state which were based on a likelihood of serious harm. The existence of prior violent acts or commitments under this chapter or its equivalent shall not be the sole basis for determining whether a person presents a likelihood of serious harm.

For the purposes of this subsection "recent" refers to the period of time not exceeding three years prior to the current hearing. [2022 c 210 s 14; 2018 c 291 s 14; 2015 c 250 s 8; 2010 c 280 s 3; 1999 c 13 s 6; 1998 c 297 s 14.]

**Effective date—2013 c 335; 2011 2nd sp.s. c 6; 2010 c 280 ss 2 and 3:** See note following RCW 71.05.212.

**Purpose—Construction—1999 c 13:** See note following RCW 10.77.010.

**Effective dates—Severability—Intent—1998 c 297:** See notes following RCW 71.05.010.