

RCW 71.05.310 Time for hearing—Due process—Jury trial—Continuation of treatment. The court shall set a hearing on the petition for ninety-day or one hundred eighty-day treatment within five judicial days of the trial setting hearing, or within ten judicial days for a petition filed under RCW 71.05.280(3). The court may continue the hearing in accordance with RCW 71.05.236. If the person named in the petition requests a jury trial, the trial must be set within ten judicial days of the next judicial day after the date of filing the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person has the right to be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence under RCW 71.05.217.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court or discharged by the behavioral health service provider. If the hearing has not commenced within thirty days after the filing of the petition, not including extensions of time ordered under RCW 71.05.236, the detained person shall be released. [2020 c 302 s 44; 2012 c 256 s 8; 2005 c 504 s 709; 1987 c 439 s 9; 1975 1st ex.s. c 199 s 8; 1974 ex.s. c 145 s 22; 1973 1st ex.s. c 142 s 36.]

Purpose—Effective date—2012 c 256: See notes following RCW 10.77.068.

Findings—Intent—Severability—Application—Construction—Captions, part headings, subheadings not law—Adoption of rules—Effective dates—2005 c 504: See notes following RCW 71.05.027.

Alphabetization—Correction of references—2005 c 504: See note following RCW 71.05.020.