

RCW 71.34.355 Rights of minors undergoing treatment—Posting—Waiver—Presumption of incompetency. (1) Absent a risk to self or others, minors treated under this chapter have the following rights, which shall be prominently posted in the evaluation and treatment facility:

- (a) To wear their own clothes and to keep and use personal possessions;
- (b) To keep and be allowed to spend a reasonable sum of their own money for canteen expenses and small purchases;
- (c) To have individual storage space for private use;
- (d) To have visitors at reasonable times;
- (e) To have reasonable access to a telephone, both to make and receive confidential calls;
- (f) To have ready access to letter-writing materials, including stamps, and to send and receive uncensored correspondence through the mails;
- (g) To discuss treatment plans and decisions with mental health professionals;
- (h) To have the right to adequate care and individualized treatment;
- (i) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;
- (j) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.34.750 or the performance of electroconvulsive treatment or surgery, except emergency lifesaving surgery, upon him or her, unless ordered by a court under procedures described in RCW 71.05.217(1)(j). The minor's parent may exercise this right on the minor's behalf, and must be informed of any impending treatment;
- (k) Not to have psychosurgery performed on him or her under any circumstances.

(2) (a) Privileges between minors and physicians, physician assistants, psychologists, or psychiatric *advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained minor or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained minor for purposes of a proceeding under this chapter. Upon motion by the detained minor or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained minor so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained minor's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(3) No minor may be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder or substance use disorder, under this chapter or any

prior laws of this state dealing with mental illness or substance use disorders. [2020 c 302 s 68; 2016 c 155 s 18; 2009 c 217 s 15; 1985 c 354 s 16. Formerly RCW 71.34.160.]

***Reviser's note:** The term "advanced registered nurse practitioner" was changed to "advanced practice registered nurse" by 2024 c 239 s 1, effective June 30, 2027.