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**Juvenile Justice & Family Law  
Committee**

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**HB 2371**

**Brief Description:** Changing the age of consent for minors receiving chemical dependency and mental health treatment.

**Sponsors:** Representative Delvin.

**Brief Summary of Bill**

- Requires parental consent for mental health and chemical dependency treatment of minors under the age of 16.

**Hearing Date:** 1/23/02

**Staff:** Tracey Taylor (786-7196).

**Background:**

The traditional common law view of minors and consent to treatment was that a minor could not consent to medical or surgical treatment. A physician was obliged to obtain the consent of the child's parents or of someone standing in loco parentis to the minor. The only acceptable exception was if there was an emergency and it was either impracticable to obtain parental consent or any delay would unduly endanger the minor's life.

The legislature has modified this common law approach and current law allows for treatment of minors without parental consent under certain circumstances and specific conditions.

*Inpatient Chemical Dependency Treatment*

A parent may bring a minor child to a certified chemical dependency treatment program and request that within 24 hours, a trained professional examine and determine whether the minor is in need of inpatient treatment. The consent of the minor is not required for admission, evaluation or treatment. If more time is needed to evaluate the child is needed, he or she may be held up to 72 hours.

A minor seeking inpatient chemical dependency treatment must have parental consent if the minor is under the age of 13 and meets the definition of a child in need of services.

### *Outpatient Chemical Dependency Treatment*

A minor child who is age 13 or older may request and receive outpatient chemical dependency treatment without the consent of his or her parents. Providers of chemical dependency treatment to minors age 13 or older must notify the parents of the minor's request for treatment if the minor signs written consent authorizing disclosure or if the program director determines the minor lacks capacity to make a rational choice regarding consenting to disclosure. Parents of a minor child are not liable for payment of inpatient or outpatient chemical dependency treatment unless the parent has joined in the consent to treatment.

### *Inpatient Mental Health Treatment*

A parent may bring his or her minor child to an evaluation and treatment facility and request that within 24 hours, a trained professional examine and determine whether the minor has a mental disorder and is in need of inpatient treatment. This does not require the consent of the minor and the minor may be held for up to 72 hours.

A minor child, age 13 or older, may admit him or herself to an inpatient mental health evaluation and treatment facility without parental consent so long as the professional in charge of the facility concurs with the need for inpatient treatment. The parents shall be notified that the minor child voluntarily admitted him or herself to inpatient mental health treatment. The minor child may give written notice of intent to leave at any point in the treatment and such a request must be honored by the facility.

### *Outpatient Mental Health Treatment*

A parent may bring their minor child to a provider of outpatient mental health treatment and request a trained professional examine the minor and determine whether the minor has a mental disorder and is in need of outpatient treatment. The consent of the minor is not required.

A minor child, age 13 or older, may request and receive outpatient mental health treatment without the consent of his or her parents.

### **Summary of Bill:**

Parental consent to treatment for chemical dependency is required for all minors under the age of 16.

Parental consent to mental health treatment is required for all minors under the age of 16. A minor, age 16 or older, who is voluntarily admitted for inpatient mental health treatment shall be discharged by the facility upon receipt of the minor's notice of intent to leave.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2002.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.