

# HOUSE BILL REPORT

## HB 1010

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**As Reported by House Committee On:**  
Juvenile Justice & Family Law

**Title:** An act relating to discharge of a minor from a mental health facility.

**Brief Description:** Changing provisions relating to discharge of a minor from a mental health facility.

**Sponsors:** Representatives Dickerson, Delvin, Kenney, Sullivan and Darneille.

**Brief History:**

**Committee Activity:**

Juvenile Justice & Family Law: 1/28/03, 2/4/03 [DPA].

**Brief Summary of Amended Bill**

- Changes the time of discharge from an inpatient mental health facility when a minor who was voluntarily admitted requests release.

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### HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell, Eickmeyer, Hinkle and Upthegrove.

**Staff:** Sonja Hallum (786-7092).

**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 responsible person before providing treatment. 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 the current law allows for treatment of minors without parental consent under certain circumstances and specific conditions. One of the occasions when a minor may receive treatment is if the minor is

age 13 or older and consents to inpatient mental health treatment. The minor may be admitted and treated in an inpatient mental health facility without parental consent.

If the minor, age 13 or older, consents and is voluntarily admitted into an inpatient mental health facility, the minor may request to leave the facility at any time. The professional person at the facility must release the minor as soon as they receive the minor's written notice of intent to leave the facility.

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**Summary of Amended Bill:**

When a minor consents to inpatient mental health treatment, and is voluntarily admitted into an inpatient mental health facility, the minor may give notice of intent to leave the facility. The professional person at the inpatient mental health facility must release the minor by the second judicial day following the receipt of the minor's notice of intent to leave the facility.

**Amended Bill Compared to Original Bill:**

The bill was amended to state that the professional person at the inpatient mental health facility must release the minor by the second judicial day, instead of on the second judicial day, following the receipt of the minor's notice of intent to leave the facility. This allows the mental health facility the discretion to release the minor prior to the second day if appropriate.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** There is a need for proper planning for discharge of a minor who decides to leave a mental health facility. Under current law, a minor could be put out on the street without any kind of planning at all. This would allow for some more time to plan for the child, especially for minors who do not have parents readily available to pick them up.

**Testimony Against:** None.

**Testified:** (In support) Representative Dickerson, prime sponsor.