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Juvenile Justice & Family Law  
Committee

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HB 1718

**Brief Description:** Revising provisions relating to treatment of minors.

**Sponsors:** Representatives Carrell, Delvin, Hinkle, Eickmeyer and Upthegrove.

**Brief Summary of Bill**

- Requires parental consent for chemical dependency treatment of minors under the age of 16 and permits the parent-initiated alternative for treatment of minors 16 years of age and older.

**Hearing Date:** 2/18/03

**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.

*Inpatient Chemical Dependency Treatment*

(a) Voluntary Treatment: Parental consent is required for all chemical dependency inpatient treatment unless the minor is over 13 years of age and meets the definition of a child in need of services.

(b) Parent-Initiated: A parent may bring his or her child into a mental health facility and have the child evaluated and treated without the consent of the minor. The facility must

follow the statutory guidelines for the evaluation and notification of the Department of Social and Health Services. Once notified the Department must conduct an independent evaluation of the minor's need for treatment. The minor also has the option of seeking a court review. The minor may be held under this option up to 30 days.

**Summary of Bill:**

Parental consent is required for inpatient chemical dependency treatment of a minor under the age of 16. However, a minor 13 to 16 years of age may receive chemical dependency treatment without parental consent if the minor qualifies as a child in need of services and an order is entered by the court authorizing the services.

The parent-initiated alternative for inpatient chemical dependency treatment of a minor is applicable to minors age sixteen and older.

The persons listed in the liability limitation section may not be civilly or criminally liable for the decision to admit, release, or detain a person for evaluation and treatment if they acted in good faith and without gross negligence.

**Appropriation:** None.

**Fiscal Note:** Requested on February 17, 2003.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.