
**Juvenile Justice & Family Law
Committee**

HB 1965

Brief Description: Changing the age of consent for minors receiving outpatient mental health treatment.

Sponsors: Representatives Delvin and Hinkle.

Brief Summary of Bill

- Requires parental consent for outpatient mental health treatment of minors under the age of 16.

Hearing Date: 2/26/03

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. One of the legislative modifications to common law in Washington has been to permit a minor, age 13 or older, to consent to outpatient mental health treatment. Parental consent is not required for outpatient mental health treatment for a minor over the age of 13.

Summary of Bill:

The age of consent for outpatient mental health treatment is changed to 16 years of age. It adds an exception to this rule that the treatment provider may provide treatment to a minor under the age of 16 without parental consent if the provider determines the following:

- (a) Requiring consent or notification of a parent or guardian would cause the minor to reject such treatment;
- (b) The provision of such treatment is clinically indicated;
- (c) The failure to provide such treatment would be seriously detrimental to the minor's well-being;
- (d) The minor has knowingly and voluntarily sought such treatment; and
- (e) In the opinion of the provider of treatment, the minor is mature enough to participate in the treatment productively.

If these conditions are met the provider may conduct up to 10 outpatient sessions with the minor. Subsequent sessions may be permissible without parental consent if the provider determines that it would be seriously detrimental to the minor to notify his or her parent.

The bill also authorizes a parent to bring his or her minor child into an outpatient mental health facility and request the minor be evaluated to determine whether the minor has a mental disorder and is in need of outpatient treatment.

Appropriation: None.

Fiscal Note: Not Requested.

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