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HOUSE BILL 1965

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Delvin and Hinkle

Read first time 02/18/2003. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to changing the age of consent for minors receiving  
2 outpatient mental health treatment; amending RCW 71.34.030 and  
3 71.34.054; and adding a new section to chapter 71.34 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 71.34.030 and 1998 c 296 s 12 are each amended to read  
6 as follows:

7 Any minor (~~((thirteen))~~) sixteen years or older may request and  
8 receive outpatient treatment without the consent of the minor's parent.  
9 Parental authorization is required for outpatient treatment of a minor  
10 under the age of (~~((thirteen))~~) sixteen.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.34 RCW  
12 to read as follows:

13 (1)(a) A minor may request and receive outpatient treatment by a  
14 mental health treatment program certified by the department without  
15 parental consent or notification if:

16 (i) Requiring consent or notification of a parent or guardian would  
17 cause the minor to reject such treatment;

18 (ii) The provision of such treatment is clinically indicated;

1 (iii) The failure to provide such treatment would be seriously  
2 detrimental to the minor's well-being;

3 (iv) The minor has knowingly and voluntarily sought such treatment;  
4 and

5 (v) In the opinion of the provider of treatment, the minor is  
6 mature enough to participate in the treatment productively.

7 (b) The mental health treatment provider shall document the reason  
8 for any determination made to treat a minor under the age of sixteen  
9 years without the consent or notification of a parent or guardian and  
10 shall include such documentation in the minor's clinical record, along  
11 with a written statement signed by the minor stating that he or she:

12 (i) Is voluntarily seeking such treatment;

13 (ii) Has discussed with the provider the possibility of involving  
14 his or her parent or guardian in the decision to pursue such treatment;

15 (iii) Has determined it is not in his or her best interest to  
16 involve his or her parent or guardian in such decision; and

17 (iv) Has been given adequate opportunity to ask the provider  
18 questions about the course of his or her treatment.

19 (2) After the tenth session of outpatient mental health treatment  
20 provided to the minor under the age of sixteen years pursuant to this  
21 section, the provider of such treatment shall notify the minor that  
22 consent, notification, or involvement of a parent or guardian is  
23 required to continue treatment, unless such a requirement would be  
24 seriously detrimental to the minor's well-being. If the provider  
25 determines such a requirement would be seriously detrimental to the  
26 minor's well-being, he or she shall document such determination in the  
27 minor's clinical record, review such determination every fifth session  
28 thereafter, and document each such review. If the provider determines  
29 such a requirement would no longer be seriously detrimental to the  
30 minor's well-being, he or she shall require the consent, notification,  
31 or involvement of a parent or guardian as a condition of continuing  
32 treatment.

33 (3) No provider shall notify a parent or guardian of treatment  
34 provided pursuant to this section or disclose any information  
35 concerning such treatment to a parent or guardian without the consent  
36 of the minor.

37 (4) A parent or guardian who is not informed of the provision of

1 outpatient mental health treatment shall not be liable for the costs of  
2 the treatment provided.

3 **Sec. 3.** RCW 71.34.054 and 1998 c 296 s 18 are each amended to read  
4 as follows:

5 (1) A parent may bring, or authorize the bringing of, his or her  
6 minor child, age sixteen or older, to a provider of outpatient mental  
7 health treatment and request that an appropriately trained professional  
8 person examine the minor to determine whether the minor has a mental  
9 disorder and is in need of outpatient treatment.

10 (2) The consent of the minor is not required for evaluation if the  
11 parent brings the minor to the provider.

12 (3) The professional person may evaluate whether the minor has a  
13 mental disorder and is in need of outpatient treatment.

14 (4) Any minor admitted to inpatient treatment under RCW 71.34.042  
15 or 71.34.052 shall be discharged immediately from inpatient treatment  
16 upon written request of the parent.

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