

FINAL BILL REPORT

SHB 1058

C 371 L 05

Synopsis as Enacted

Brief Description: Revising provisions relating to mental health treatment for minors.

Sponsors: By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Hinkle, Moeller, Kenney and Darneille).

House Committee on Juvenile Justice & Family Law
Senate Committee on Human Services & Corrections

Background:

Traditionally, parental consent has been required before any medical treatment could be provided to a minor. The only acceptable exception to this rule 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 Washington Legislature has modified this common law approach, and current law permits a minor who is over the age of 13 to consent to inpatient mental health treatment. The consent of the minor's parent or guardian is not required. If the child is over the age of 13 and does not consent to mental health treatment a parent may only obtain mental health treatment for the child through the parent-initiated alternative.

Under the parent-initiated alternative, a parent may bring a child into a mental health evaluation and treatment facility and have the child evaluated and treated without the consent of the minor even if the minor is over the age of 13. The facility must follow the statutory guidelines for the evaluation and notification of the Department of Social and Health Services (Department). Once notified, the Department must conduct an independent evaluation. The minor also has the option of seeking a court review. The minor may be held under this option for 30 days.

Summary:

Parental authorization is required for inpatient treatment of a minor under the age of thirteen. A parent is permitted to bring a minor child into an evaluation and treatment facility, or an inpatient facility, for a mental health evaluation and treatment.

A minor is prohibited from bringing a cause of action against a facility for accepting the minor for an evaluation or treatment when the minor does not consent, but the parent provides consent for the evaluation or treatment. A facility may not refuse to treat a minor solely on the basis that the minor has refused to consent to treatment.

A liability limitation is added for mental health provider decisions to admit, detain, or release a minor for evaluation and treatment, so long as the duties were performed in good faith and without gross negligence.

The statutes pertaining to mental health treatment for minors are divided into categories and organized under headings to identify the different alternatives for mental health treatment of minors.

A severability clause is added and the definition of "professional person" is clarified for the purposes of the parent-initiated alternative for mental health treatment of minors.

Votes on Final Passage:

House	96	0	
Senate	42	0	(Senate amended)
House			(House refused to concur)
Senate	42	1	(Senate amended)
House	97	0	(House concurred)

Effective: July 24, 2005