

SENATE BILL REPORT

SB 5257

As Reported By Senate Committee On:
Human Services & Corrections, February 14, 2005

Title: An act relating to mental health treatment for minors.

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

Sponsors: Senators Hargrove, Stevens and Delvin.

Brief History:

Committee Activity: Human Services & Corrections: 1/25/05, 2/14/05 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5257 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and McAuliffe.

Staff: Fara Daun (786-7459)

Background: Current law permits a parent to admit his or her minor child to outpatient mental health treatment and to inpatient evaluation and treatment facilities without the consent of the minor. Current law also permits a minor who is at least 13 years old to consent independently to mental health treatment. This process for parent-initiated admission to inpatient evaluation and treatment facilities includes a review by the Department of Social and Health Services (DSHS) and a subsequent ability for the child to petition the court for release from inpatient treatment.

Despite the statutory provisions for parent-initiated treatment, there has been testimony that inpatient treatment facilities could be held liable if they admit a minor over the age of 12 on the parent's consent if the minor has not also consented.

Summary of Substitute Bill: When a parent brings his or her minor child to an evaluation and treatment facility or an inpatient facility to determine whether the child has a mental disorder and is in need of treatment, the treatment provider may not refuse to treat the minor based solely on the minor's lack of consent.

A minor who is admitted to treatment under the parent-initiated treatment provisions may not sue the facility or treatment provider based solely on the minor's lack of consent.

Statutory references to social workers certified under previously repealed law are removed.

Substitute Bill Compared to Original Bill: A parent may also bring his or her child to an inpatient facility under the parent-initiated admission provisions.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: None.

Testimony Against: None.

Who Testified: No one.