
HOUSE BILL 2371

State of Washington

57th Legislature

2002 Regular Session

By Representative Delvin

Read first time 01/16/2002. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to changing the age of consent for minors receiving
2 chemical dependency and mental health treatment; and amending RCW
3 70.96A.095, 70.96A.230, 70.96A.235, 71.34.030, 71.34.040, 71.34.042,
4 71.34.046, and 71.34.050.

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

6 **Sec. 1.** RCW 70.96A.095 and 1998 c 296 s 23 are each amended to
7 read as follows:

8 Any person (~~((thirteen))~~) sixteen years of age or older may give
9 consent for himself or herself to the furnishing of outpatient
10 treatment by a chemical dependency treatment program certified by the
11 department. Parental authorization is required for any treatment of a
12 minor under the age of (~~((thirteen))~~) sixteen.

13 **Sec. 2.** RCW 70.96A.230 and 1998 c 296 s 24 are each amended to
14 read as follows:

15 Any provider of outpatient treatment who provides outpatient
16 treatment to a minor (~~((thirteen))~~) sixteen years of age or older shall
17 provide notice of the minor's request for treatment to the minor's
18 parents if: (1) The minor signs a written consent authorizing the

1 disclosure; or (2) the treatment program director determines that the
2 minor lacks capacity to make a rational choice regarding consenting to
3 disclosure. The notice shall be made within seven days of the request
4 for treatment, excluding Saturdays, Sundays, and holidays, and shall
5 contain the name, location, and telephone number of the facility
6 providing treatment, and the name of a professional person on the staff
7 of the facility providing treatment who is designated to discuss the
8 minor's need for treatment with the parent.

9 **Sec. 3.** RCW 70.96A.235 and 1998 c 296 s 25 are each amended to
10 read as follows:

11 Parental consent is required for inpatient chemical dependency
12 treatment of a minor, unless the child meets the definition of a child
13 in need of services in RCW 13.32A.030(~~((+4))~~) (5)(c) as determined by
14 the department: PROVIDED, That parental consent is required for any
15 treatment of a minor under the age of (~~((thirteen))~~) sixteen.

16 This section does not apply to petitions filed under this chapter.

17 **Sec. 4.** RCW 71.34.030 and 1998 c 296 s 12 are each amended to read
18 as follows:

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

23 **Sec. 5.** RCW 71.34.040 and 1985 c 354 s 4 are each amended to read
24 as follows:

25 If a minor, (~~((thirteen))~~) sixteen years or older, is brought to an
26 evaluation and treatment facility or hospital emergency room for
27 immediate mental health services, the professional person in charge of
28 the facility shall evaluate the minor's mental condition, determine
29 whether the minor suffers from a mental disorder, and whether the minor
30 is in need of immediate inpatient treatment. If it is determined that
31 the minor suffers from a mental disorder, inpatient treatment is
32 required, the minor is unwilling to consent to voluntary admission, and
33 the professional person believes that the minor meets the criteria for
34 initial detention set forth herein, the facility may detain or arrange
35 for the detention of the minor for up to twelve hours in order to
36 enable a county-designated mental health professional to evaluate the

1 minor and commence initial detention proceedings under the provisions
2 of this chapter.

3 **Sec. 6.** RCW 71.34.042 and 1998 c 296 s 14 are each amended to read
4 as follows:

5 (1) A minor (~~(thirteen)~~) sixteen years or older may admit himself
6 or herself to an evaluation and treatment facility for inpatient mental
7 treatment, without parental consent. The admission shall occur only if
8 the professional person in charge of the facility concurs with the need
9 for inpatient treatment.

10 (2) When, in the judgment of the professional person in charge of
11 an evaluation and treatment facility, there is reason to believe that
12 a minor is in need of inpatient treatment because of a mental disorder,
13 and the facility provides the type of evaluation and treatment needed
14 by the minor, and it is not feasible to treat the minor in any less
15 restrictive setting or the minor's home, the minor may be admitted to
16 an evaluation and treatment facility.

17 (3) Written renewal of voluntary consent must be obtained from the
18 applicant no less than once every twelve months. The minor's need for
19 continued inpatient treatments shall be reviewed and documented no less
20 than every one hundred eighty days.

21 **Sec. 7.** RCW 71.34.046 and 1998 c 296 s 16 are each amended to read
22 as follows:

23 (1) Any minor (~~(thirteen)~~) sixteen years or older voluntarily
24 admitted to an evaluation and treatment facility under RCW 71.34.042
25 may give notice of intent to leave at any time. The notice need not
26 follow any specific form so long as it is written and the intent of the
27 minor can be discerned.

28 (2) The staff member receiving the notice shall date it
29 immediately, record its existence in the minor's clinical record, and
30 send copies of it to the minor's attorney, if any, the county-
31 designated mental health professional, and the parent.

32 (3) The professional person shall discharge the minor, (~~(thirteen)~~)
33 sixteen years or older, from the facility upon receipt of the minor's
34 notice of intent to leave.

35 **Sec. 8.** RCW 71.34.050 and 1995 c 312 s 53 are each amended to read
36 as follows:

1 (1) When a county-designated mental health professional receives
2 information that a minor, (~~thirteen~~) sixteen years or older, as a
3 result of a mental disorder presents a likelihood of serious harm or is
4 gravely disabled, has investigated the specific facts alleged and of
5 the credibility of the person or persons providing the information, and
6 has determined that voluntary admission for inpatient treatment is not
7 possible, the county-designated mental health professional may take the
8 minor, or cause the minor to be taken, into custody and transported to
9 an evaluation and treatment facility providing inpatient treatment.

10 If the minor is not taken into custody for evaluation and
11 treatment, the parent who has custody of the minor may seek review of
12 that decision made by the county designated mental health professional
13 in court. The parent shall file notice with the court and provide a
14 copy of the county designated mental health professional's report or
15 notes.

16 (2) Within twelve hours of the minor's arrival at the evaluation
17 and treatment facility, the county-designated mental health
18 professional shall serve on the minor a copy of the petition for
19 initial detention, notice of initial detention, and statement of
20 rights. The county-designated mental health professional shall file
21 with the court on the next judicial day following the initial detention
22 the original petition for initial detention, notice of initial
23 detention, and statement of rights along with an affidavit of service.
24 The county-designated mental health professional shall commence service
25 of the petition for initial detention and notice of the initial
26 detention on the minor's parent and the minor's attorney as soon as
27 possible following the initial detention.

28 (3) At the time of initial detention, the county-designated mental
29 health professional shall advise the minor both orally and in writing
30 that if admitted to the evaluation and treatment facility for inpatient
31 treatment, a commitment hearing shall be held within seventy-two hours
32 of the minor's provisional acceptance to determine whether probable
33 cause exists to commit the minor for further mental health treatment.

34 The minor shall be advised that he or she has a right to
35 communicate immediately with an attorney and that he or she has a right
36 to have an attorney appointed to represent him or her before and at the
37 hearing if the minor is indigent.

38 (4) Whenever the county designated mental health professional
39 petitions for detention of a minor under this chapter, an evaluation

1 and treatment facility providing seventy-two hour evaluation and
2 treatment must immediately accept on a provisional basis the petition
3 and the person. Within twenty-four hours of the minor's arrival, the
4 facility must evaluate the minor's condition and either admit or
5 release the minor in accordance with this chapter.

6 (5) If a minor is not approved for admission by the inpatient
7 evaluation and treatment facility, the facility shall make such
8 recommendations and referrals for further care and treatment of the
9 minor as necessary.

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