

---

**Juvenile Justice & Family Law  
Committee**

---

**HB 1058**

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

**Sponsors:** Representatives Dickerson, Hinkle, Moeller, Kenney and Darneille.

**Brief Summary of Bill**

- Codifies common law by statutorily permitting a parent or guardian to consent to a mental health evaluation and/or treatment of a minor under the age of 13 without the minor's consent.
- Specifies that parent-initiated mental health treatment for minors is permitted only for minors over the age of 13 and changes the time for review of the decisions to hold the minor.
- Adds a liability limitation for providers.

**Hearing Date:** 1/21/05

**Staff:** Sonja Hallum (786-7092).

**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. Therefore, if the child is over the age of 13, and is not consenting to mental health treatment, by statute the only means a parent has for obtaining mental health treatment for the child is 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. The following is an outline of the current time frames under which the process must occur:

**Initial evaluation:** The initial evaluation of the minor must take place within 24-72 hours from the time the minor was brought into the facility.

**Department review:** The review by the Department must occur between *7 and 14 days* following the date the minor was brought into the facility.

**Judicial review:** The minor may seek a judicial review of the Department's decision to hold the minor. The petition for judicial review may be filed *five days* after the Department review.

### **Summary of Bill:**

#### **I. Minor under the age of 13:**

The bill codifies common law by specifically authorizing a parent to obtain mental health treatment for his or her child who is under the age of 13.

#### **II. Minor over the age of 13:**

The permissible time limits for review of a decision to hold a minor under the parent-initiated alternative for mental health treatment are decreased. Under the bill, the review of the decision to hold a minor must occur sooner than what is currently required. The following is the outline of the time frames under which the parent-initiated process must occur under the bill:

**Initial evaluation:** The initial evaluation of the minor must take place within 24-72 hours from the time the minor was brought into the facility.

**Department review:** The review by the Department must occur between *three and seven days* following the date the minor was brought into the facility.

**Judicial review:** The minor may seek a judicial review of the Department's decision to hold the minor. The petition for judicial review may be filed *at any time* following the Department review.

#### **III. Liability limitation:**

The bill adds evaluation and treatment facilities, as well as physicians and mental health professionals who are empowered to make admission and discharge decisions for the evaluation and treatment facility, to the statute providing a liability limitation. Under the statute, decisions to admit, release, or detain a person for evaluation and treatment cannot be the basis for a civil or criminal suit against the listed entities so long as the decisions were made in good faith and without gross negligence.

**Appropriation:** None.

**Fiscal Note:** Requested on January 12, 2005.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.