
**Juvenile Justice & Family Law
Committee**

HB 1010

Brief Description: Changing provisions relating to discharge of a minor from a mental health facility.

Sponsors: Representatives Dickerson, Delvin, Kenney, Sullivan and Darneille.

Brief Summary of Bill

- Changes the time of discharge from an inpatient mental health facility when a minor who was voluntarily admitted requests release.

Hearing Date: 1/28/03

Staff: Sonja Hallum (786-7092).

Background:

The traditional common law view of minors and consent to treatment was that a minor could not consent to medical or surgical treatment. A physician was obliged to obtain the consent of the child's parents or responsible person before providing treatment. The only acceptable exception 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 legislature has modified this common law approach and the current law allows for treatment of minors without parental consent under certain circumstances and specific conditions. One of the occasions when a minor may receive treatment is if the minor is age 13 or older and consents to inpatient mental health treatment. The minor may be admitted and treated in an inpatient mental health facility without parental consent.

If the minor, age 13 or older, consents and is voluntarily admitted into an inpatient mental health facility, the minor may request to leave the facility at any time. The professional person at the facility must release the minor as soon as they receive the minor's written notice of intent to leave the facility.

Summary of Bill:

When a minor consents to inpatient mental health treatment, and is voluntarily admitted into an inpatient mental health facility, the minor may give notice of intent to leave the facility. The professional person at the inpatient mental health facility must release the minor on the second judicial day following the receipt of the minor's notice of intent to leave the facility.

Appropriation: None.

Fiscal Note: Not Requested.

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