
Juvenile Justice & Family Law
Committee

HB 1320

Brief Description: Changing provisions relating to provision of mental health treatment for minors.

Sponsors: Representatives Delvin and Dickerson.

Brief Summary of Bill

- Changes the age of consent for inpatient mental health treatment.
- Adds a liability limitation for mental health treatment providers.

Hearing Date: 1/23/03

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 mental health treatment of minors without parental consent under certain circumstances and specific conditions.

Inpatient Mental Health Treatment:

(a) Voluntary Treatment: A minor, age 13 or older, may consent to inpatient mental health treatment. Parental consent is not required for inpatient mental health treatment for a minor over the age of 13.

(b) Parent-Initiated: A parent may bring a child into a mental health 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. 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 of Bill:

The age of consent for inpatient mental health treatment is changed from 13 to 16 years of age. The parent-initiated option for mental health treatment is clarified to apply to minors over the age of 16. A technical change is made to the parent-initiated option for mental health treatment. The reference to a previously repealed statute is removed.

A liability limitation is added to provide that a professional person acting under the mental health provisions will not be civilly liable for any act performed in good faith and without negligence in the course of his or her duties.

Appropriation: None.

Fiscal Note: Not Requested.

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