

SENATE BILL REPORT

SB 5546

As Reported by Senate Committee On:
Human Services & Corrections, February 20, 2009

Title: An act relating to access to a minor's mental health treatment information by a parent, guardian, or custodian.

Brief Description: Regarding parental or guardian access to juvenile records.

Sponsors: Senators Haugen, Kauffman and Keiser.

Brief History:

Committee Activity: Human Services & Corrections: 2/13/09, 2/20/09 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

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

Staff: Kevin Black (786-7747)

Background: Under state law, information or records pertaining to the provision of counseling, psychological, psychiatric, or medical services to a juvenile aged 13 to 17 may not be disclosed to the parents of the juvenile unless the juvenile provides informed consent to the disclosure. A juvenile aged 13 to 17 may consent to receive such services without the consent of a parent.

Summary of Bill: The parents, guardian, or custodian of a juvenile must be given access to information or records pertaining to mental health treatment provided to the juvenile, with or without the consent of the juvenile. Information or records may still be withheld if the agency holding the record determines that release of the information is likely to cause severe psychological or physical harm to the juvenile or to the juvenile's parents, subject to court order.

Appropriation: None.

Fiscal Note: Not requested.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: When a child is mentally ill, it is hard for that child to make the right decision. This is targeted to protect the children and parents. My son was given a medication without my knowledge, and he had a psychotic reaction and tried to kill himself. Afterwards, I could not believe I was not allowed to see him or obtain any information from his doctors. It was frustrating, traumatic, and humiliating. When a child does something dangerous, and is in an altered state of mind, parents need to have access to information.

Persons Testifying: PRO: Senator Haugen, prime sponsor; Heidi Lewis-McDonald, citizen.