

**Introduced by Senator Leno**February 27, 2009

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An act to amend Section 6924 of the Family Code, relating to minors.

## LEGISLATIVE COUNSEL'S DIGEST

SB 543, as introduced, Leno. Minors: consent to mental health treatment.

Existing law authorizes a minor who is 12 years of age or older to consent to mental health treatment or counseling, except as specified, on an outpatient basis, or to residential shelter services, if two circumstances are satisfied. First, the minor, in the opinion of the attending professional person, must be mature enough to participate intelligently in the outpatient services or residential shelter services. Second, the minor must present a danger of serious physical or mental harm to himself or herself, or others, without the mental health treatment or counseling or residential shelter services, or be the alleged victim of incest or child abuse. Existing law also requires that a professional person offering residential shelter services make his or her best efforts to notify the parent or guardian of the provision of those services. These provisions also require that the mental health treatment or counseling of a minor include the involvement of the minor's parent or guardian unless, in the opinion of the professional person who is treating or counseling the minor, the involvement would be inappropriate.

This bill would instead authorize a minor who is 12 years of age or older to consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, if either circumstance described above is satisfied. The bill would delete the requirement that a professional person offering residential shelter services make his or her best efforts to notify the parent or guardian of the provision of those

services to a minor pursuant to this provision. The bill would also revise the latter provision to require that the mental health treatment or counseling of a minor pursuant to these provisions include the involvement of the minor’s parent or guardian if appropriate, as determined by the professional person or treatment facility treating the minor.

Vote: majority. Appropriation: no. Fiscal committee: no.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6924 of the Family Code is amended to  
 2 read:  
 3 6924. (a) As used in this section:  
 4 (1) “Mental health treatment or counseling services” means the  
 5 provision of mental health treatment or counseling on an outpatient  
 6 basis by any of the following:  
 7 (A) A governmental agency.  
 8 (B) A person or agency having a contract with a governmental  
 9 agency to provide the services.  
 10 (C) An agency that receives funding from community united  
 11 funds.  
 12 (D) A runaway house or crisis resolution center.  
 13 (E) A professional person, as defined in paragraph (2).  
 14 (2) “Professional person” means any of the following:  
 15 (A) A person designated as a mental health professional in  
 16 Sections 622 to 626, inclusive, of Article 8 of ~~Subchapter 3 of~~  
 17 ~~Chapter 3 of~~ *Division 1 of* Title 9 of the California Code of  
 18 Regulations.  
 19 (B) A marriage and family therapist as defined in Chapter 13  
 20 (commencing with Section 4980) of Division 2 of the Business  
 21 and Professions Code.  
 22 (C) A licensed educational psychologist as defined in ~~Article 5~~  
 23 ~~(commencing with Section 4986) of Chapter 13~~ *Chapter 13.5*  
 24 *(commencing with Section 4989.10)* of Division 2 of the Business  
 25 and Professions Code.  
 26 (D) A credentialed school psychologist as described in Section  
 27 49424 of the Education Code.  
 28 (E) A clinical psychologist as defined in Section 1316.5 of the  
 29 Health and Safety Code.

1 (F) The chief administrator of an agency referred to in paragraph  
2 (1) or (3).

3 (G) A marriage and family therapist registered intern, as defined  
4 in Chapter 13 (commencing with Section 4980) of Division 2 of  
5 the Business and Professions Code, while working under the  
6 supervision of a licensed professional specified in subdivision (f)  
7 of Section 4980.40 of the Business and Professions Code *as that*  
8 *subdivision read on January 1, 2003.*

9 (3) “Residential shelter services” means any of the following:

10 (A) The provision of residential and other support services to  
11 minors on a temporary or emergency basis in a facility that services  
12 only minors by a governmental agency, a person or agency having  
13 a contract with a governmental agency to provide these services,  
14 an agency that receives funding from community funds, or a  
15 licensed community care facility or crisis resolution center.

16 (B) The provision of other support services on a temporary or  
17 emergency basis by any professional person as defined in paragraph  
18 (2).

19 (b) A minor who is 12 years of age or older may consent to  
20 mental health treatment or counseling on an outpatient basis, or  
21 to residential shelter services, if ~~both~~ *either* of the following  
22 requirements are satisfied:

23 (1) The minor, in the opinion of the attending professional  
24 person, is mature enough to participate intelligently in the  
25 outpatient services or residential shelter services.

26 (2) The minor (A) would present a danger of serious physical  
27 or mental harm to self or to others without the mental health  
28 treatment or counseling or residential shelter services, or (B) is  
29 the alleged victim of incest or child abuse.

30 ~~(e) A professional person offering residential shelter services,~~  
31 ~~whether as an individual or as a representative of an entity specified~~  
32 ~~in paragraph (3) of subdivision (a), shall make his or her best~~  
33 ~~efforts to notify the parent or guardian of the provision of services.~~

34 ~~(d)~~

35 (c) The mental health treatment or counseling of a minor  
36 authorized by this section shall include involvement of the minor’s  
37 parent or guardian ~~unless, in the opinion of the professional person~~  
38 ~~who is treating or counseling the minor, the involvement would~~  
39 ~~be inappropriate if appropriate, as determined by the professional~~  
40 *person or treatment facility treating the minor.* The professional

1 person who is treating or counseling the minor shall state in the  
2 client record whether and when the person attempted to contact  
3 the minor's parent or guardian, and whether the attempt to contact  
4 was successful or unsuccessful, or the reason why, in the  
5 professional person's opinion, it would be inappropriate to contact  
6 the minor's parent or guardian.

7 (e) The minor's parents or guardian are not liable for payment  
8 for mental health treatment or counseling services provided  
9 pursuant to this section unless the parent or guardian participates  
10 in the mental health treatment or counseling, and then only for  
11 services rendered with the participation of the parent or guardian.  
12 The minor's parents or guardian are not liable for payment for any  
13 residential shelter services provided pursuant to this section unless  
14 the parent or guardian consented to the provision of those services.

15 (f) This section does not authorize a minor to receive convulsive  
16 therapy or psychosurgery as defined in subdivisions (f) and (g) of  
17 Section 5325 of the Welfare and Institutions Code, or psychotropic  
18 drugs without the consent of the minor's parent or guardian.