

Introduced by Senator Leno

February 27, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

SB 543, as amended, 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, *as defined*, 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 expand the definition of a professional person to include a licensed clinical social worker, as specified.* The bill would ~~delete~~ *qualify* 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 *by providing that notification of a minor's parent or guardian shall not be required when the minor is receiving outpatient mental health treatment or counseling services.* 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~~ *unless the professional person who is treating or counseling the minor, after consulting with the minor, determines that the involvement would be inappropriate.*

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 Chapter 3 of Division
17 1 of Title 9 of the California Code of Regulations.
18 (B) A marriage and family therapist as defined in Chapter 13
19 (commencing with Section 4980) of Division 2 of the Business
20 and Professions Code.

1 (C) A licensed educational psychologist as defined in Chapter
2 13.5 (commencing with Section 4989.10) of Division 2 of the
3 Business and Professions Code.

4 (D) A credentialed school psychologist as described in Section
5 49424 of the Education Code.

6 (E) A clinical psychologist as defined in Section 1316.5 of the
7 Health and Safety Code.

8 (F) *A licensed clinical social worker as defined in Chapter 14*
9 *(commencing with Section 4991) of Division 2 of the Business and*
10 *Professions Code.*

11 ~~(F)~~

12 (G) The chief administrator of an agency referred to in paragraph
13 (1) or (3). *However, a chief administrator may only provide mental*
14 *health treatment or counseling to a minor if he or she is one of the*
15 *licensed professionals described in subparagraphs (A) to (F),*
16 *inclusive.*

17 ~~(G)~~

18 (H) A marriage and family therapist registered intern, as defined
19 in Chapter 13 (commencing with Section 4980) of Division 2 of
20 the Business and Professions Code, while working under the
21 supervision of a licensed professional specified in subdivision (f)
22 of Section 4980.40 of the Business and Professions Code as that
23 subdivision read on January 1, 2003.

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

25 (A) The provision of residential and other support services to
26 minors on a temporary or emergency basis in a facility that services
27 only minors by a governmental agency, a person or agency having
28 a contract with a governmental agency to provide these services,
29 an agency that receives funding from community funds, or a
30 licensed community care facility or crisis resolution center.

31 (B) The provision of other support services on a temporary or
32 emergency basis by any professional person as defined in paragraph
33 (2).

34 (b) A minor who is 12 years of age or older may consent to
35 mental health treatment or counseling on an outpatient basis, or
36 to residential shelter services, if either of the following
37 requirements are satisfied:

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

1 (2) The minor (A) would present a danger of serious physical
2 or mental harm to self or to others without the mental health
3 treatment or counseling or residential shelter services, or (B) is
4 the alleged victim of incest or child abuse *and the minor, in the*
5 *opinion of the attending professional person, is mature enough to*
6 *participate intelligently in the outpatient services or residential*
7 *shelter services.*

8 (c) *A professional person offering residential shelter services*
9 *whether as an individual or as a representative of an entity*
10 *specified in paragraph (3) of subdivision (a), shall make his or*
11 *her best efforts to notify the parent or guardian of the provision*
12 *of services.*

13 (d) *Notwithstanding subdivision (c), notification of a minor's*
14 *parent or guardian shall not be required when the minor is*
15 *receiving outpatient mental health treatment or counseling services.*

16 (e)

17 (e) The mental health treatment or counseling of a minor
18 authorized by this section shall include involvement of the minor's
19 parent or guardian if appropriate, ~~as determined by the professional~~
20 ~~person or treatment facility treating the minor. The professional,~~
21 *unless the professional person who is treating or counseling the*
22 *minor, after consulting with the minor, determines that the*
23 *involvement would be inappropriate. The professional person who*
24 *is treating or counseling the minor shall state in the client record*
25 *whether and when the person attempted to contact the minor's*
26 *parent or guardian, and whether the attempt to contact was*
27 *successful or unsuccessful, or the reason why, in the professional*
28 *person's opinion, it would be inappropriate to contact the minor's*
29 *parent or guardian.*

30 (e)

31 (f) The minor's parents or guardian are not liable for payment
32 for mental health treatment or counseling services provided
33 pursuant to this section unless the parent or guardian participates
34 in the mental health treatment or counseling, and then only for
35 services rendered with the participation of the parent or guardian.
36 The minor's parents or guardian are not liable for payment for any
37 residential shelter services provided pursuant to this section unless
38 the parent or guardian consented to the provision of those services.

39 (f)

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

O