

AMENDED IN ASSEMBLY JUNE 25, 2009

AMENDED IN SENATE JUNE 1, 2009

AMENDED IN SENATE MAY 13, 2009

**SENATE BILL**

**No. 543**

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**Introduced by Senator Leno**

February 27, 2009

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An act to amend Section 6924 of the Family Code, relating to minors; add Part 3.9 (commencing with Section 5849.10) to Division 5 of the Welfare and Institutions Code, relating to mental health.

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, as specified. 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. Existing law defines a professional person for purposes of these provisions to include, among other persons, the chief administrator of a governmental or other agency, as specified.

This bill would, *notwithstanding any provision of law, instead, provide that a minor who is 12 years of age or older may consent to mental health services, if in the opinion of the professional person, as defined,*

*the minor is mature enough to participate intelligently in the mental health treatment or counseling services. The bill would expand the definition of a professional person to include a licensed clinical social worker, as specified. The bill would provide that a chief administrator may only provide mental health treatment or counseling to a minor if he or she is a licensed professional, as specified. The bill would 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 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 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. Part 3.9 (commencing with Section 5849.10) is*  
 2     *added to Division 5 of the Welfare and Institutions Code, to read:*  
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 4     *PART 3.9. MENTAL HEALTH SERVICES FOR MINORS*  
 5  
 6     *5849.10. (a) As used in this section:*  
 7     *(1) "Mental health treatment or counseling services" means*  
 8     *the provision of mental health treatment or counseling by a*  
 9     *professional person, as defined in paragraph (2).*  
 10    *(2) "Professional person" means any of the following:*  
 11    *(A) A person designated as a mental health professional in*  
 12    *Sections 622 to 626, inclusive, of Title 9 of the California Code of*  
 13    *Regulations.*  
 14    *(B) A marriage and family therapist as defined in Chapter 13*  
 15    *(commencing with Section 4980) of Division 2 of the Business and*  
 16    *Professions Code.*  
 17    *(C) A licensed educational psychologist as defined in Chapter*  
 18    *13.5 (commencing with Section 4989.10) of Division 2 of the*  
 19    *Business and Professions Code.*

1 (D) A credentialed school psychologist as described in Section  
2 49424 of the Education Code.

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

5 (F) A licensed clinical social worker as defined in Chapter 14  
6 (commencing with Section 4991) of Division 2 of the Business and  
7 Professions Code.

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

14 (b) Notwithstanding any provision of law to the contrary, a  
15 minor who is 12 years of age or older may consent to mental health  
16 treatment or counseling services if, in the opinion of the attending  
17 professional person, the minor is mature enough to participate  
18 intelligently in the mental health treatment or counseling services.

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

30 (d) The minor's parents or guardian are not liable for payment  
31 for mental health treatment or counseling services provided  
32 pursuant to this section unless the parent or guardian participates  
33 in the mental health treatment or counseling, and then only for  
34 services rendered with the participation of the parent or guardian.

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

39 ~~SECTION 1. Section 6924 of the Family Code is amended to~~  
40 ~~read:~~

- 1     ~~6924. (a) As used in this section:~~
- 2     ~~(1) “Mental health treatment or counseling services” means the~~  
3 ~~provision of mental health treatment or counseling on an outpatient~~  
4 ~~basis by any of the following:~~
- 5     ~~(A) A governmental agency.~~
- 6     ~~(B) A person or agency having a contract with a governmental~~  
7 ~~agency to provide the services.~~
- 8     ~~(C) An agency that receives funding from community united~~  
9 ~~funds.~~
- 10    ~~(D) A runaway house or crisis resolution center.~~
- 11    ~~(E) A professional person, as defined in paragraph (2).~~
- 12    ~~(2) “Professional person” means any of the following:~~
- 13    ~~(A) A person designated as a mental health professional in~~  
14 ~~Sections 622 to 626, inclusive, of Article 8 of Chapter 3 of Division~~  
15 ~~1 of Title 9 of the California Code of Regulations.~~
- 16    ~~(B) A marriage and family therapist as defined in Chapter 13~~  
17 ~~(commencing with Section 4980) of Division 2 of the Business~~  
18 ~~and Professions Code.~~
- 19    ~~(C) A licensed educational psychologist as defined in Chapter~~  
20 ~~13.5 (commencing with Section 4989.10) of Division 2 of the~~  
21 ~~Business and Professions Code.~~
- 22    ~~(D) A credentialed school psychologist as described in Section~~  
23 ~~49424 of the Education Code.~~
- 24    ~~(E) A clinical psychologist as defined in Section 1316.5 of the~~  
25 ~~Health and Safety Code.~~
- 26    ~~(F) A licensed clinical social worker as defined in Chapter 14~~  
27 ~~(commencing with Section 4991) of Division 2 of the Business~~  
28 ~~and Professions Code.~~
- 29    ~~(G) The chief administrator of an agency referred to in paragraph~~  
30 ~~(1) or (3). However, a chief administrator may only provide mental~~  
31 ~~health treatment or counseling to a minor if he or she is one of the~~  
32 ~~licensed professionals described in subparagraphs (A) to (F),~~  
33 ~~inclusive.~~
- 34    ~~(H) A marriage and family therapist registered intern, as defined~~  
35 ~~in Chapter 13 (commencing with Section 4980) of Division 2 of~~  
36 ~~the Business and Professions Code, while working under the~~  
37 ~~supervision of a licensed professional specified in subdivision (f)~~  
38 ~~of Section 4980.40 of the Business and Professions Code as that~~  
39 ~~subdivision read on January 1, 2003.~~
- 40    ~~(3) “Residential shelter services” means any of the following:~~

1 ~~(A) The provision of residential and other support services to~~  
2 ~~minors on a temporary or emergency basis in a facility that services~~  
3 ~~only minors by a governmental agency, a person or agency having~~  
4 ~~a contract with a governmental agency to provide these services,~~  
5 ~~an agency that receives funding from community funds, or a~~  
6 ~~licensed community care facility or crisis resolution center.~~

7 ~~(B) The provision of other support services on a temporary or~~  
8 ~~emergency basis by any professional person as defined in paragraph~~  
9 ~~(2).~~

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

14 ~~(1) The minor, in the opinion of the attending professional~~  
15 ~~person, is mature enough to participate intelligently in the~~  
16 ~~outpatient services or residential shelter services.~~

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

21 ~~(c) A professional person offering residential shelter services~~  
22 ~~whether as an individual or as a representative of an entity specified~~  
23 ~~in paragraph (3) of subdivision (a), shall make his or her best~~  
24 ~~efforts to notify the parent or guardian of the provision of services.~~

25 ~~(d) Notwithstanding subdivision (c), notification of a minor's~~  
26 ~~parent or guardian shall not be required when the minor is receiving~~  
27 ~~outpatient mental health treatment or counseling services.~~

28 ~~(e) The mental health treatment or counseling of a minor~~  
29 ~~authorized by this section shall include involvement of the minor's~~  
30 ~~parent or guardian, unless the professional person who is treating~~  
31 ~~or counseling the minor, after consulting with the minor,~~  
32 ~~determines that the involvement would be inappropriate. The~~  
33 ~~professional person who is treating or counseling the minor shall~~  
34 ~~state in the client record whether and when the person attempted~~  
35 ~~to contact the minor's parent or guardian, and whether the attempt~~  
36 ~~to contact was successful or unsuccessful, or the reason why, in~~  
37 ~~the professional person's opinion, it would be inappropriate to~~  
38 ~~contact the minor's parent or guardian.~~

39 ~~(f) The minor's parents or guardian are not liable for payment~~  
40 ~~for mental health treatment or counseling services provided~~

1 ~~pursuant to this section unless the parent or guardian participates~~  
2 ~~in the mental health treatment or counseling, and then only for~~  
3 ~~services rendered with the participation of the parent or guardian.~~  
4 ~~The minor's parents or guardian are not liable for payment for any~~  
5 ~~residential shelter services provided pursuant to this section unless~~  
6 ~~the parent or guardian consented to the provision of those services.~~  
7 ~~(g) This section does not authorize a minor to receive convulsive~~  
8 ~~therapy or psychosurgery as defined in subdivisions (f) and (g) of~~  
9 ~~Section 5325 of the Welfare and Institutions Code, or psychotropic~~  
10 ~~drugs without the consent of the minor's parent or guardian.~~