

AMENDED IN ASSEMBLY JULY 7, 2009
AMENDED IN ASSEMBLY JUNE 25, 2009
AMENDED IN SENATE JUNE 1, 2009
AMENDED IN SENATE MAY 13, 2009

SENATE BILL

No. 543

Introduced by Senator Leno

February 27, 2009

An act to 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.

This bill would, notwithstanding any provision of law, instead, provide that a minor who is 12 years of age or older may consent to *outpatient* 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.

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:

3

4 PART 3.9. MENTAL HEALTH SERVICES FOR MINORS

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6 5849.10. (a) As used in this section:

7 (1) “Mental health treatment or counseling services” means the
8 provision of *outpatient* mental health treatment or counseling by
9 a 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
13 of Regulations.

14 (B) A marriage and family therapist as defined in Chapter 13
15 (commencing with Section 4980) of Division 2 of the Business
16 and 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.

20 (D) A credentialed school psychologist as described in Section
21 49424 of the Education Code.

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

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

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

33 (b) Notwithstanding any provision of law to the contrary, a
34 minor who is 12 years of age or older may consent to mental health
35 treatment or counseling services if, in the opinion of the attending
36 professional person, the minor is mature enough to participate
37 intelligently in the mental health treatment or counseling services.

1 (c) The mental health treatment or counseling of a minor
2 authorized by this section shall include involvement of the minor's
3 parent or guardian, unless the professional person who is treating
4 or counseling the minor, after consulting with the minor,
5 determines that the involvement would be inappropriate. The
6 professional person who is treating or counseling the minor shall
7 state in the client record whether and when the person attempted
8 to contact the minor's parent or guardian, and whether the attempt
9 to contact was successful or unsuccessful, or the reason why, in
10 the professional person's opinion, it would be inappropriate to
11 contact the minor's parent or guardian.

12 (d) The minor's parents or guardian are not liable for payment
13 for mental health treatment or counseling services provided
14 pursuant to this section unless the parent or guardian participates
15 in the mental health treatment or counseling, and then only for
16 services rendered with the participation of the parent or guardian.

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