

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1808**

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**Introduced by Assembly Member Wood**

February 8, 2016

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An act to amend Section 6924 of the Family Code, and to amend Section 124260 of the Health and Safety Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1808, as amended, Wood. Minors: mental health services.

Existing law authorizes a minor who is 12 years of age or older to consent to mental health treatment or counseling services on an outpatient basis, or to residential shelter services, ~~under when~~ certain circumstances, ~~where those services are provided by any one of specified professionals, including requirements are satisfied, including a determination that the minor, in the opinion of the attending professional person, as specified, is mature enough to participate intelligently in those services.~~ Existing law defines "professional person," for the purposes of those provisions, to include, among others, a marriage and family therapist, a marriage and family therapist intern, a professional clinical counselor, and a clinical counselor intern.

This bill would additionally authorize a marriage and family therapist trainee and a clinical counselor trainee, while working under the supervision of certain licensed professionals, to provide those services. *The bill would require the marriage and family therapist trainee or the clinical counselor trainee to consult with his or her supervisor, as soon as reasonably possible, when assessing the maturity of the minor.* The bill would also make technical changes.

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 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.  
 21 (C) A licensed educational psychologist as defined in Chapter  
 22 13.5 (commencing with Section 4989.10) of Division 2 of the  
 23 Business and Professions Code.  
 24 (D) A credentialed school psychologist as described in Section  
 25 49424 of the Education Code.  
 26 (E) A clinical psychologist as defined in Section 1316.5 of the  
 27 Health and Safety Code.  
 28 (F) The chief administrator of an agency referred to in paragraph  
 29 (1) or (3).  
 30 (G) A person registered as a marriage and family therapist intern,  
 31 or a marriage and family therapist trainee, as defined in Chapter  
 32 13 (commencing with Section 4980) of Division 2 of the Business  
 33 and Professions Code, while working under the supervision of a  
 34 licensed professional specified in subdivision (g) of Section  
 35 4980.03 of the Business and Professions Code.

1 (H) A licensed professional clinical counselor, as defined in  
2 Chapter 16 (commencing with Section 4999.10) of Division 2 of  
3 the Business and Professions Code.

4 (I) A person registered as a clinical counselor intern, or a clinical  
5 counselor trainee, as defined in Chapter 16 (commencing with  
6 Section 4999.10) of Division 2 of the Business and Professions  
7 Code, while working under the supervision of a licensed  
8 professional specified in subdivision (h) of Section 4999.12 of the  
9 Business and Professions Code.

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

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

17 (B) The provision of other support services on a temporary or  
18 emergency basis by any professional person as defined in paragraph  
19 (2).

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

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

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

31 *(c) A marriage and family therapist trainee or a clinical*  
32 *counselor trainee, as specified in paragraph (2) of subdivision (a),*  
33 *shall consult with his or her supervisor, as soon as reasonably*  
34 *possible, when assessing the maturity of the minor pursuant to*  
35 *paragraph (1) of subdivision (b).*

36 ~~(e)~~

37 (d) A professional person offering residential shelter services,  
38 whether as an individual or as a representative of an entity specified  
39 in paragraph (3) of subdivision (a), shall make his or her best  
40 efforts to notify the parent or guardian of the provision of services.

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

13     ~~(e)~~  
 14     (f) The minor’s parents or guardian are not liable for payment  
 15 for mental health treatment or counseling services provided  
 16 pursuant to this section unless the parent or guardian participates  
 17 in the mental health treatment or counseling, and then only for  
 18 services rendered with the participation of the parent or guardian.  
 19 The minor’s parents or guardian are not liable for payment for any  
 20 residential shelter services provided pursuant to this section unless  
 21 the parent or guardian consented to the provision of those services.

22     ~~(f)~~  
 23     (g) This section does not authorize a minor to receive convulsive  
 24 treatment or psychosurgery as defined in subdivisions (f) and (g)  
 25 of Section 5325 of the Welfare and Institutions Code, or  
 26 psychotropic drugs without the consent of the minor’s parent or  
 27 guardian.

28     SEC. 2. Section 124260 of the Health and Safety Code is  
 29 amended to read:

30     124260. (a) As used in this section:

31     (1) “Mental health treatment or counseling services” means the  
 32 provision of outpatient mental health treatment or counseling by  
 33 a professional person, as defined in paragraph (2).

34     (2) “Professional person” means any of the following:

35     (A) A person designated as a mental health professional in  
 36 Sections 622 to 626, inclusive, of Title 9 of the California Code  
 37 of Regulations.

38     (B) A marriage and family therapist, as defined in Chapter 13  
 39 (commencing with Section 4980) of Division 2 of the Business  
 40 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  
10 and Professions Code.

11 (G) A person registered as a marriage and family therapist intern,  
12 or a marriage and family therapist trainee, as defined in Chapter  
13 13 (commencing with Section 4980) of Division 2 of the Business  
14 and Professions Code, while working under the supervision of a  
15 licensed professional specified in subdivision (g) of Section  
16 4980.03 of the Business and Professions Code.

17 (H) A board certified, or board eligible, psychiatrist.

18 (I) A licensed professional clinical counselor, as defined in  
19 Chapter 16 (commencing with Section 4999.10) of Division 2 of  
20 the Business and Professions Code.

21 (J) A person registered as a clinical counselor intern, or a clinical  
22 counselor trainee, as defined in Chapter 16 (commencing with  
23 Section 4999.10) of Division 2 of the Business and Professions  
24 Code, while working under the supervision of a licensed  
25 professional specified in subdivision (h) of Section 4999.12 of the  
26 Business and Professions Code.

27 (b) (1) Notwithstanding any provision of law to the contrary,  
28 a minor who is 12 years of age or older may consent to mental  
29 health treatment or counseling services if, in the opinion of the  
30 attending professional person, the minor is mature enough to  
31 participate intelligently in the mental health treatment or counseling  
32 services.

33 (2) *A marriage and family therapist trainee or a clinical*  
34 *counselor trainee, as specified in paragraph (2) of subdivision (a),*  
35 *shall consult with his or her supervisor, as soon as reasonably*  
36 *possible, when assessing the maturity of the minor pursuant to*  
37 *paragraph (1).*

38 (c) Notwithstanding any provision of law to the contrary, the  
39 mental health treatment or counseling of a minor authorized by  
40 this section shall include involvement of the minor's parent or

1 guardian, unless the professional person who is treating or  
2 counseling the minor, after consulting with the minor, determines  
3 that the involvement would be inappropriate. The professional  
4 person who is treating or counseling the minor shall state in the  
5 client record whether and when the person attempted to contact  
6 the minor's parent or guardian, and whether the attempt to contact  
7 was successful or unsuccessful, or the reason why, in the  
8 professional person's opinion, it would be inappropriate to contact  
9 the minor's parent or guardian.

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

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