

AMENDED IN SENATE JUNE 2, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1808

Introduced by Assembly Member Wood

February 8, 2016

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 *treatment or counseling* services.

Existing law authorizes a minor who is 12 years of age or older to consent to *outpatient* mental health treatment or counseling services on an outpatient basis, or to residential shelter services, when certain requirements are satisfied, including a determination that the minor, *services, notwithstanding any provision of law to the contrary, if*, in the opinion of the attending professional person, ~~as specified, the minor~~ 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: notify his or her supervisor or an on-call supervisor, as specified, at the site where the trainee volunteers or is employed within 24 hours of treating or counseling a minor. The bill would require the trainee, if upon the initial assessment of the minor the trainee believes that the minor is a danger to self or to others, to notify the supervisor, as specified, immediately after the treatment or counseling session. The bill would also make a technical, nonsubstantive change.

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.~~

1 ~~(E) A clinical psychologist as defined in Section 1316.5 of the~~
2 ~~Health and Safety Code.~~

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

5 ~~(G) A person registered as a marriage and family therapist intern,~~
6 ~~or a marriage and family therapist trainee, as defined in Chapter~~
7 ~~13 (commencing with Section 4980) of Division 2 of the Business~~
8 ~~and Professions Code, while working under the supervision of a~~
9 ~~licensed professional specified in subdivision (g) of Section~~
10 ~~4980.03 of the Business and Professions Code.~~

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

14 ~~(I) A person registered as a clinical counselor intern, or a clinical~~
15 ~~counselor trainee, as defined in Chapter 16 (commencing with~~
16 ~~Section 4999.10) of Division 2 of the Business and Professions~~
17 ~~Code, while working under the supervision of a licensed~~
18 ~~professional specified in subdivision (h) of Section 4999.12 of the~~
19 ~~Business and Professions Code.~~

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

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

27 ~~(B) The provision of other support services on a temporary or~~
28 ~~emergency basis by any professional person as defined in paragraph~~
29 ~~(2).~~

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

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

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

1 ~~(e) A marriage and family therapist trainee or a clinical~~
2 ~~counselor trainee, as specified in paragraph (2) of subdivision (a);~~
3 ~~shall consult with his or her supervisor, as soon as reasonably~~
4 ~~possible, when assessing the maturity of the minor pursuant to~~
5 ~~paragraph (1) of subdivision (b).~~

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

10 ~~(e) The mental health treatment or counseling of a minor~~
11 ~~authorized by this section shall include involvement of the minor's~~
12 ~~parent or guardian unless, in the opinion of the professional person~~
13 ~~who is treating or counseling the minor, the involvement would~~
14 ~~be inappropriate. The professional person who is treating or~~
15 ~~counseling the minor shall state in the client record whether and~~
16 ~~when the person attempted to contact the minor's parent or~~
17 ~~guardian, and whether the attempt to contact was successful or~~
18 ~~unsuccessful, or the reason why, in the professional person's~~
19 ~~opinion, it would be inappropriate to contact the minor's parent~~
20 ~~or guardian.~~

21 ~~(f) The minor's parents or guardian are not liable for payment~~
22 ~~for mental health treatment or counseling services provided~~
23 ~~pursuant to this section unless the parent or guardian participates~~
24 ~~in the mental health treatment or counseling, and then only for~~
25 ~~services rendered with the participation of the parent or guardian.~~
26 ~~The minor's parents or guardian are not liable for payment for any~~
27 ~~residential shelter services provided pursuant to this section unless~~
28 ~~the parent or guardian consented to the provision of those services.~~

29 ~~(g) This section does not authorize a minor to receive convulsive~~
30 ~~treatment or psychosurgery as defined in subdivisions (f) and (g)~~
31 ~~of Section 5325 of the Welfare and Institutions Code, or~~
32 ~~psychotropic drugs without the consent of the minor's parent or~~
33 ~~guardian.~~

34 ~~SEC. 2.~~

35 *SECTION 1.* Section 124260 of the Health and Safety Code is
36 amended to read:

37 124260. (a) As used in this section:

38 (1) "Mental health treatment or counseling services" means the
39 provision of outpatient mental health treatment or counseling by
40 a professional person, as defined in paragraph (2).

- 1 (2) “Professional person” means any of the following:
2 (A) A person designated as a mental health professional in
3 Sections 622 to 626, inclusive, of Title 9 of the California Code
4 of Regulations.
5 (B) A marriage and family therapist, as defined in Chapter 13
6 (commencing with Section 4980) of Division 2 of the Business
7 and Professions Code.
8 (C) A licensed educational psychologist, as defined in Chapter
9 13.5 (commencing with Section 4989.10) of Division 2 of the
10 Business and Professions Code.
11 (D) A credentialed school psychologist, as described in Section
12 49424 of the Education Code.
13 (E) A clinical psychologist, as defined in Section 1316.5 of the
14 Health and Safety Code.
15 (F) A licensed clinical social worker, as defined in Chapter 14
16 (commencing with Section 4991) of Division 2 of the Business
17 and Professions Code.
18 (G) A person registered as a marriage and family therapist intern,
19 or a marriage and family therapist trainee, as defined in Chapter
20 13 (commencing with Section 4980) of Division 2 of the Business
21 and Professions Code, while working under the supervision of a
22 licensed professional specified in subdivision (g) of Section
23 4980.03 of the Business and Professions Code.
24 (H) A board certified, or board eligible, psychiatrist.
25 (I) A licensed professional clinical counselor, as defined in
26 Chapter 16 (commencing with Section 4999.10) of Division 2 of
27 the Business and Professions Code.
28 (J) A person registered as a clinical counselor intern, or a clinical
29 counselor trainee, as defined in Chapter 16 (commencing with
30 Section 4999.10) of Division 2 of the Business and Professions
31 Code, while working under the supervision of a licensed
32 professional specified in subdivision (h) of Section 4999.12 of the
33 Business and Professions Code.
34 (b) (1) Notwithstanding any provision of law to the contrary,
35 a minor who is 12 years of age or older may consent to mental
36 health treatment or counseling services if, in the opinion of the
37 attending professional person, the minor is mature enough to
38 participate intelligently in the mental health treatment or counseling
39 services.

1 ~~(2) A marriage and family therapist trainee or a clinical~~
2 ~~counselor trainee, as specified in paragraph (2) of subdivision (a);~~
3 ~~shall consult with his or her supervisor, as soon as reasonably~~
4 ~~possible, when assessing the maturity of the minor pursuant to~~
5 ~~paragraph (1).~~

6 *(2) A marriage and family therapist trainee or a clinical*
7 *counselor trainee, as specified in paragraph (2) of subdivision (a),*
8 *shall notify his or her supervisor or, if the supervisor is*
9 *unavailable, an on-call supervisor at the site where the trainee*
10 *volunteers or is employed within 24 hours of treating or counseling*
11 *a minor pursuant to paragraph (1). If upon the initial assessment*
12 *of the minor the trainee believes that the minor is a danger to self*
13 *or to others, the trainee shall notify the supervisor or, if the*
14 *supervisor is unavailable, the on-call supervisor immediately after*
15 *the treatment or counseling session.*

16 *(3) Nothing in paragraph (2) is intended to supplant, alter,*
17 *expand, or remove any other reporting responsibilities required*
18 *of trainees under law.*

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

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

36 (e) This section does not authorize a minor to receive convulsive
37 treatment or psychosurgery, as defined in subdivisions (f) and (g)
38 of Section 5325 of the Welfare and Institutions Code, or

- 1 psychotropic drugs without the consent of the minor's parent or
- 2 guardian.

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