

Sample Legislative Language for Minor Consent

Definitions

"Mature minor" means a person less than 18 years of age who reasonably demonstrates the capacity to make reasonable health care decisions on his or her own behalf

Consent for Outpatient Treatment

A mature minor can consent to:

Medical or health services needed in outpatient care, treatment, or rehabilitation for substance abuse or;

Medical or health services needed in the case of outpatient care, treatment, or rehabilitation for mental illness or emotional disturbance

It is the intent of the Legislature that the state shall respect the right of a parent or legal guardian to seek medical care and counseling for mental health a drug- or alcohol-related problem of a minor child when the child does not consent to the medical care and counseling, and nothing in this section shall be construed to restrict or eliminate this right.

Consent for Inpatient Treatment

(1) An adolescent may admit himself or herself to an evaluation and treatment facility for inpatient mental health treatment or an approved substance use disorder treatment program for inpatient substance use disorder treatment without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment.

(1) The professional person in charge of an evaluation and treatment facility shall provide notice to the parent of an adolescent when the adolescent is voluntarily admitted to inpatient treatment, unless the professional person has a compelling reason to believe that such disclosure would be detrimental to the adolescent or contact cannot be made, in which case the professional person must document the reasons in the adolescent's medical record.

(1) A parent may bring, or authorize the bringing of, his or her adolescent child to:

(a) An evaluation and treatment facility or an inpatient facility and request that the professional person examine the adolescent to determine whether the adolescent has a mental disorder and is in need of inpatient treatment; or

(b) A secure withdrawal management and stabilization facility or approved substance use disorder treatment program and request that a substance use disorder assessment be conducted by a professional person to determine whether the adolescent has a substance use disorder and is in need of inpatient treatment.

(2) The consent of the adolescent is not required for admission, evaluation, and treatment if a parent provides consent.

(5) No adolescent receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.