
A BILL FOR AN ACT

RELATING TO AGE OF CONSENT FOR ADOLESCENT MENTAL HEALTH SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 577, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§577- Mental health services relating to minors;
5 diagnosis, counseling, and related activities. (a)
6 Notwithstanding any other law to the contrary, a minor who is
7 fourteen years of age or older may consent to mental health
8 treatment or counseling services provided by a licensed mental
9 health professional if, in the opinion of the licensed mental
10 health professional, the minor is mature enough to participate
11 intelligently in the mental health treatment or counseling
12 services.

13 (b) The mental health treatment or counseling services of
14 a minor authorized by this section shall include involvement of
15 the minor's parent or guardian, unless the licensed mental
16 health professional, after consulting with the minor, determines



1 that the involvement would be inappropriate. The licensed
2 mental health professional shall state in the client record
3 whether and when the licensed mental health professional
4 attempted to contact the minor's parent or guardian and whether
5 the attempt to contact was successful or unsuccessful or the
6 reason why, in the licensed mental health professional's
7 opinion, it would be inappropriate to contact the minor's parent
8 or guardian.

9 (c) A minor may not abrogate consent provided by a parent
10 or legal guardian on the minor's behalf, nor may a parent or
11 legal guardian abrogate consent given by the minor on the
12 minor's own behalf.

13 (d) If a minor consents to receive mental health treatment
14 or counseling services pursuant to this section, the minor shall
15 not be liable for payment.

16 (e) The minor's parents or guardian shall not be liable
17 for payment for mental health treatment or counseling services
18 provided pursuant to this section unless the parent or guardian
19 participates in the mental health treatment or counseling
20 services, and then only for services rendered with the
21 participation of the parent or guardian.



1 (f) As used in this section:
2 "Licensed mental health professional" means any of the
3 following:
4 (1) A person designated as a licensed mental health
5 counselor pursuant to section 453D-1;
6 (2) A person designated as a licensed marriage and family
7 therapist pursuant to section 451J-1;
8 (3) A clinical social worker licensed pursuant to chapter
9 467E;
10 (4) A person licensed in the practice of psychology
11 pursuant to chapter 465; and
12 (5) A board certified, or board eligible, psychiatrist.
13 "Mental health treatment or counseling services" means the
14 provision of outpatient mental health treatment or counseling by
15 a licensed mental health professional."

16 SECTION 2. New statutory material is underscored.

17 SECTION 3. This Act shall take effect on July 1, 2070.



Report Title:

Mental Health Services; Age of Consent

Description:

Authorizes a minor who is fourteen years of age or older to consent to mental health treatment or counseling services by a licensed mental health professional if the professional deems the minor is mature enough to participate intelligently in the treatment or services. (HB2357 HD1)

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