

JAN 22 2016

A BILL FOR AN ACT

RELATING TO YOUTH.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to part XV to be appropriately
3 designated and to read as follows:

4 "§321- Consent by minors for mental health services.

5 (a) Notwithstanding any other law to the contrary, a minor who
6 is twelve years of age or older may consent to mental health
7 treatment or counseling services if, in the opinion of the
8 attending professional person, the minor is mature enough to
9 participate intelligently in the mental health treatment or
10 counseling services.

11 (b) Notwithstanding any other law to the contrary, the
12 mental health treatment or counseling of a minor authorized by
13 this section shall include involvement of the minor's parent or
14 guardian, unless the professional person who is treating or
15 counseling the minor, after consulting with the minor,
16 determines that the involvement would be inappropriate or
17 counterproductive to the minor's treatment or counseling. The



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1 professional person treating or counseling the minor shall state
2 in the client record whether and when the person attempted to
3 contact the minor's parent or guardian, and whether the attempt
4 to contact was successful or unsuccessful, or the reason why, in
5 the professional person's opinion, it would be inappropriate to
6 contact the minor's parent or guardian.

7 (c) The minor's parent or guardian shall not be liable for
8 payment for mental health treatment or counseling services
9 provided pursuant to this section unless the parent or guardian
10 participates in the mental health treatment or counseling, and
11 then only for services rendered with the participation of the
12 parent or guardian.

13 (d) As used in this section:

14 "Mental health treatment or counseling services" means the
15 provision of outpatient mental health treatment or counseling by
16 a professional person.

17 "Professional person" means any of the following:

18 (1) A person designated as a licensed mental health
19 counselor pursuant to section 453D-1;

20 (2) A person designated as a licensed marriage and family
21 therapist pursuant to 451J-1;



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- 1 (3) A clinical social worker licensed pursuant to chapter
- 2 467E;
- 3 (4) A person licensed in the practice of psychology
- 4 pursuant to chapter 465; and
- 5 (5) A board certified, or board eligible, psychiatrist."

6 SECTION 2. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

8

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 Greene
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Report Title:

Mental Health Services; Consent; Minors

Description:

Allows minors who are twelve years of age or older to consent to outpatient mental health services if, in the opinion of a professional person, the minor is mature enough to participate intelligently in the mental health or counseling services.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

