
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 twelve 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 legal guardian, unless the licensed mental
16 health professional, after consulting with the minor, determines
17 that the involvement would be inappropriate. The licensed



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

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

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

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

21 (f) As used in this section:



1 "Mental health treatment or counseling services" means the
2 provision of outpatient mental health treatment or counseling by
3 a licensed mental health professional.

4 "Licensed mental health professional" means any of the
5 following:

- 6 (1) A person designated as a licensed mental health
7 counselor pursuant to section 453D-1;
- 8 (2) A person designated as a licensed marriage and family
9 therapist pursuant to 451J-1;
- 10 (3) A clinical social worker licensed pursuant to chapter
11 467E;
- 12 (4) A person licensed in the practice of psychology
13 pursuant to chapter 465; or
- 14 (5) A board certified, or board eligible, psychiatrist."

15 SECTION 2. New statutory material is underscored.

16 SECTION 3. This Act shall take effect on July 1, 2016.

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Report Title:

Adolescent Mental Health Services; Age of Consent

Description:

Reduces barriers in accessing mental health care for adolescents by lowering the age of consent to receive treatment from 18 years old to 12 years old. (SD1)

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