
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; provided that the consent of the minor's parent or
13 legal guardian shall be required to prescribe medication to the
14 minor or to place the minor into an out-of-home or residential
15 treatment program.

16 (b) The mental health treatment or counseling services
17 provided to a minor as authorized by this section shall include



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

11 (c) A minor may not abrogate consent provided by a parent
12 or legal guardian on the minor's behalf. A parent or legal
13 guardian may not abrogate consent given by the minor on the
14 minor's own behalf.

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

18 (e) The minor's parent or legal guardian is not liable for
19 payment for mental health treatment or counseling services
20 provided pursuant to this section unless the parent or guardian
21 participates in the mental health treatment or counseling



1 services, and then only for services rendered with the
2 participation of the parent or guardian.

3 (f) As used in this section:

4 "Mental health treatment or counseling services" means the
5 provision of outpatient mental health treatment or counseling by
6 a licensed mental health professional.

7 "Licensed mental health professional" means any of the
8 following:

9 (1) A person licensed as a mental health counselor
10 pursuant to chapter 453D;

11 (2) A person licensed as a marriage and family therapist
12 pursuant to chapter 451J;

13 (3) A clinical social worker licensed pursuant to chapter
14 467E;

15 (4) A person licensed as a psychologist pursuant to
16 chapter 465; or

17 (5) A board certified, or board eligible, licensed
18 psychiatrist."

19 SECTION 2. New statutory material is underscored.

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



Report Title:

Adolescent Mental Health Services; Age of Consent

Description:

Reduces barriers to accessing mental health services for minors by lowering the age of consent to receive treatment and services, other than prescription medication or out-of-home or residential treatment, from eighteen years of age to fourteen years. (CD1)

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