



## Minor Consent for Mental Health: A Side-by-Side Comparison of California's Two Laws

California has two different statutes that authorize minors to consent to mental health care under certain conditions. Services can be provided based on a minor's consent if the conditions under either statute are met. A minor does not have to qualify under both to consent to care. There are some important differences between the two statutes. This chart highlights key differences.

|  | <b>Family Code § 6924</b>   | <b>Health and Safety Code § 124260</b>   |
|--|---|--|
| <b>When can a minor consent to services under this statute?</b>                        | <p>A minor can consent to mental health treatment if he or she meets all of the following requirements:</p> <ul style="list-style-type: none"> <li>• Age 12 or older,</li> <li>• The minor is mature enough to participate intelligently in the treatment in the opinion of the attending professional person,</li> <li>• The minor would be in danger of serious physical or mental harm to him/herself or others without treatment, or the minor is the alleged victim of incest or child abuse.</li> </ul> | <p>A minor can consent to mental health treatment if he or she meets both of the following requirements:</p> <ul style="list-style-type: none"> <li>• Age 12 or older,</li> <li>• The minor is mature enough to participate intelligently in the treatment in the opinion of the attending professional person.</li> </ul> |
| <b>What mental health services can minors consent to under this statute?</b>           | <p>A minor can consent to:</p> <ul style="list-style-type: none"> <li>• Outpatient mental health treatment and counseling</li> </ul>  | <p>A minor can consent to:</p> <ul style="list-style-type: none"> <li>• Outpatient mental health treatment and counseling by a "professional person."<sup>1</sup></li> </ul>   |
| <b>What mental health services are not covered by this statute?</b>                    | <p>Minors <i>cannot</i> consent to any of the following services under this statute:</p> <ul style="list-style-type: none"> <li>• Inpatient mental health treatment</li> <li>• Psychotropic drugs</li> <li>• Convulsive therapy</li> <li>• Psychosurgery</li> </ul>   | <p>Minors <i>cannot</i> consent to any of the following services under this statute:</p> <ul style="list-style-type: none"> <li>• Inpatient mental health treatment</li> <li>• Psychotropic drugs</li> <li>• Convulsive therapy</li> <li>• Psychosurgery</li> </ul>  |
| <b>Who can provide mental health services to consenting minors under this statute?</b> | <p>The following agencies and individuals can provide services based on a minor's consent under this law:</p> <ul style="list-style-type: none"> <li>• A professional person<sup>1</sup> as defined by statute (see below)</li> <li>• Government agencies</li> <li>• Agencies contracting with government agencies to provide the services</li> <li>• Agencies receiving community united funds</li> <li>• Runaway or crisis resolution center</li> </ul>   | <p>The following agencies and individuals can provide services based on a minor's consent under this law:</p> <ul style="list-style-type: none"> <li>• A professional person<sup>1</sup> as defined by statute (see below)</li> </ul>  |

|  | <b>Family Code § 6924</b>   | <b>Health and Safety Code § 124260</b>  |
|--|---|---|
| <b>Do parents need to be notified when a minor consents to mental health treatment under this law?</b>             | Parents must be involved in the minor’s treatment, unless the provider determines that their involvement would be inappropriate.<br>Involving parents in treatment will necessitate sharing certain confidential information; however, having them participate does not mean parents have a right to access confidential records. | Parents must be involved in the minor’s treatment, unless the provider determines, after consulting with the minor, that the involvement would be inappropriate.<br>Involving parents in treatment will necessitate sharing certain confidential information; however, having them participate does not mean parents have a right to access confidential records. |
| <b>Do parents have a right to access the mental health records regarding services provided under this statute?</b> | When a minor consents to treatment under this statute, the provider can only share the related mental health records with parents or guardians when the provider has a written authorization from the minor. <sup>2</sup> (But see above regarding parent involvement)  | When a minor consents to treatment under this statute, the provider can only share the related mental health records with parents or guardians when the provider has a written authorization from the minor. <sup>2</sup> (But see above regarding parent involvement)  |
| <b>Are parents financially liable for services?</b>  | The minor’s parents or guardian are not liable for payment for treatment provided under minor consent unless the parent or guardian participates in the treatment.  | The minor’s parents or guardian are not liable for payment for treatment provided under minor consent unless the parent or guardian participates in the treatment.  |
| <b>Are there any differences in the funding sources available for these services?</b>                              | Family Code § 6924 contains no insurance funding restrictions.  | “Section 124260 of the Health and Safety Code shall not apply to the receipt of benefits under the Medi-Cal program.” Welfare and Institutions Code § 14029.8   |

<sup>1</sup> A professional person includes a mental health professional as defined in the California Code of Regulations, a marriage and family therapist as defined in the Business and Professions Code, a licensed educational psychologist as defined in the Business and Professions Code, a credentialed school psychologist as defined in the Education Code, a clinical psychologist as defined in the Health and Safety Code, the chief administrator of an agency defined in 6924, a licensed professional clinical counselor and a person registered as a MFT intern as defined in the Business and Professions code. In addition, Health and Safety Code § 124260 also includes a licensed clinical social worker as defined in the Business and Professions Code and a person registered as a clinical counselor intern. For the exact code sections containing these definitions, see Family Code § 6924(a)(2) and Health and Safety Code § 124260(a)(2).

<sup>2</sup> Cal. Health & Saf. Code §§ 123110(a), 123115(a); Cal. Civ. Code § 56.10(b)(7), 56.11(c); 45 C.F.R. 164.502(g)(3); 45 C.F.R. 164.508(a).