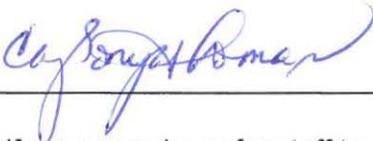


**County of San Bernardino
Department of Behavioral Health**

Consent to Treat a Minor: Procedures for Parents/Legal Guardians

Effective Date 09/23/14
Approval Date 09/23/14  CaSonya Thomas, Director

Purpose To establish uniform procedures for staff to ensure appropriate consents are obtained for providing outpatient mental health treatment services to minors.

Definition **Guardian** is a Legal Guardian who has the same right as a parent having legal custody of a child to give consent to medical treatment and require the minor to receive treatment. Exceptions include surgery, which requires the minor's consent, and a Court Order, or except in an emergency involving loss of life or serious bodily injury. A Guardian must have proof of a Court Order of guardianship which contains language indicating the person has the right to consent to outpatient mental health treatment.

Parent is the adult responsible for the minor and may be a biological parent or adoptive parent. NOTE: Step-parents, either through marriage or registered domestic partnerships, do not have authority to consent for treatment unless they are also an adoptive parent.

Adjusting Consent for Treatment During Course of Care refers to obtaining informed consent after the onset of treatment in reaction to an event (e.g., client has 18th birthday, divorce of parents, client is removed from home).

Basic Procedure for Parents/Legal Guardians

Staff shall follow the steps below to obtain consent from parents/legal guardians to provide outpatient treatment services to a minor.

Step	Action				
1	<p>Determine who is authorized to sign the consent form as follows:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">If...</th> <th style="text-align: left;">Then...</th> </tr> </thead> <tbody> <tr> <td>Biological or Adoptive Parent is present and responsible for minor,</td> <td>Obtain the signature of biological or adoptive parent. Note: Ensure Parent/Legal Guardian is capable of providing Informed Consent, as defined in policy.</td> </tr> </tbody> </table>	If...	Then...	Biological or Adoptive Parent is present and responsible for minor,	Obtain the signature of biological or adoptive parent. Note: Ensure Parent/Legal Guardian is capable of providing Informed Consent, as defined in policy.
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Biological or Adoptive Parent is present and responsible for minor,	Obtain the signature of biological or adoptive parent. Note: Ensure Parent/Legal Guardian is capable of providing Informed Consent, as defined in policy.				

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Consent to Treat a Minor: Procedures for Parents/Legal Guardians, Continued

Basic Procedure for Parents/Legal Guardians
(continued)

Step	Action	
1 Con't	Determine who is authorized to sign the consent form as follows:	
	If...	Then...
	Neither a biological or adoptive parent is available, but minor is under the care of a "qualified relative"	Obtain a Caregiver's Authorization Affidavit review to ensure adult present is a "qualified relative"
	No qualified relative is available, but minor is: <ul style="list-style-type: none"> ○ 12 years of age or older, and ○ Mature enough to participate intelligently in treatment 	Consult with policy on consent for treatment by minor. If appropriate, obtain the signature of minor client. Notes: <ul style="list-style-type: none"> • Ensure minor client is capable of providing Informed Consent, as defined in policy. • Every effort should be made to involve parents or legal guardians in outpatient mental health treatment of a minor unless, in the opinion of the treating professional person, the involvement would be inappropriate. Parent/Legal Guardian involvement must be re-evaluated on an ongoing basis. • Insurance (e.g., Medi-Cal) may not be billed, so use not-billable-to Medi-Cal codes for services. See Consent for the Treatment of Minor's Policy, Guidelines Regarding Consent, section.

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Basic Procedure for Parents/Legal Guardians
(continued)

Step	Action
2	Review the Consent for Outpatient Treatment (Spanish) document and planned treatment with the individual authorized to sign the consent form and with client to ensure informed consent as defined in policy is obtained.
3	Obtain the proper signature on the Consent for Outpatient Treatment (Spanish) document.
4	Provide or obtain the signature of a witness defined in policy, on the Consent for Outpatient Treatment (Spanish) document.
5	Record appropriate additional information in the chart, such as: <ul style="list-style-type: none"> • Logic behind acceptance of authorization • Court documents used for confirmation • Attempts to contact parents, if minor is consenting on his/her own behalf • Any unusual circumstances, particularly against potential litigation • Any of the reasoning behind decisions of the attending professional person
6	Should treatment involve a significant risk of severe adverse consequences, confer with DBH supervision/management to determine if County Counsel consultation is appropriate prior to proceeding with treatment.

Adjusting Consent for Treatment During Course of Care

If...	Then...
Client is now 18 years of age	Review all information and obtain the signature client. Review potential need for and obtain authorization to release information between DBH and parent Note: Ensure client is capable of providing Informed Consent, as defined in policy.
A biological or adoptive parent has indicated that treatment should not continue, against the wishes of the other biological or adoptive parent	Consult with supervisor. Although you generally should discontinue any treatment authorized by one parent when the other parent so indicates, there is a possibility that services should be continued upon the request and consent of the minor client. Review Policy for consent for treatment by minor.

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Consent to Treat a Minor: Procedures for Parents/Legal Guardians, Continued

Adjusting Consent for Treatment During Course of Care
(continued)

If...	Then...
Adult previously consenting for treatment no longer meets criteria to consent (e.g., divorce court documentation stipulation)	Consult Consent for the Treatment of Minor Policy for most appropriate means to obtain informed consent and take appropriate actions. Note: Advise divorced Parents/Legal Guardian of the minor to show the court order which specifies which parent(s) must sign for health care decisions. It is not appropriate for DBH to retain copies of confidential court documents, but it may be necessary to confirm the information for treatment purposes.
Minor client, through dependency proceedings, is removed from the physical custody of Parent/Guardian previously consenting for treatment (i.e., Children and Family Services (CFS) removes client)	DBH staff are not permitted to release mental health records or disclose mental health information to, or based upon the authority of, the Parent/Guardian unless the juvenile court has issued an order authorizing the Parent/Guardian to such authority. Since such disclosure is essential in obtaining informed consent, contact the minor clients' CFS Caseworker and obtain appropriate consent from the Supervising Social Service Practitioner (SSSP).
Client is no longer a dependent of the court (i.e., Foster Youth)	Determine who is authorized to sign the consent form (Step 1 of "Basic Procedure for Parents/Legal Guardians" in table above.)

References

California Family Code, Sections 6910, 6924(b), 6927, 6928
California Health and Safety Code, Section 12460(b)
California Civil Code, Section 56.106

Related Policy or Procedure

- DBH Standard Practice Manual
- CHD0303-1: [Child Abuse Reporting Procedure](#)
 - CLP0811: [Consent for the Treatment of Minors Policy](#)
 - CLP0811-2: [Consent to Treat a Dependent Minor Procedure](#)
 - CLP0818: [Policies Regarding Authorization and Designation Pursuant to the LPS Act](#)