

**Admission of Minors to a Mental Health Facility
for Inpatient Treatment
Draft Recommendations**

Change Age of Admission for Inpatient Treatment from 14 to 16:

Recommendation 1

Amend the *Code of Virginia* § 16.1-338 and § 16.1-339 to raise the age of minor objection from 14 to 16.

Make clarifications to the Psychiatric Treatment of Minors Act:

Recommendation 2

Amend the *Code of Virginia* §16.1-338 and § 16.1-339 to state the age of parent and minor consent for entering inpatient substance use treatment. The current law (14 for minor objection) is not explicitly stated but rather implied.

(and)

Amend the *Code of Virginia* to add clarifying language to §16.1-339 to state that if a minor is being granted admission to a willing facility under the application of a parent, then a temporary detention order (TDO) shall not be required under this section.

Request review of transportation options for youth needing inpatient treatment:

Recommendation 3

Request the Department of Behavioral Health and Developmental Services put together a work group with Virginia Association of Chiefs of Police, Virginia Sheriffs' Association, the Virginia Association of Community Services Boards (VACSB), the Virginia Magistrates Association, Office of the Executive Secretary of the Supreme Court of Virginia, and any other relevant stakeholders to consider options for the transportation of minors that can be admitted under §16.1-339, as is currently done for emergency custody orders and temporary detention orders as described in § 16.1-340.1. DBHDS shall make any recommendations to the Commission on Youth by November 1, 2024.

Improve public guidance for age of admission process:

Recommendation 4

Request (or) Introduce a section one bill to require the Department of Behavioral Health and Developmental Services to provide a page on its website geared towards the public that describes the laws, options, and frequently asked questions as it relates to the Psychiatric Treatment of Minors Act. The information posted shall be done so with the assistance of mental health, substance abuse, and disability experts and advocates.

Update Department of Social Services' guidance:

Recommendation 5

Request the Department of Social Services update guidance and have the Department of Social Services Director send a letter to local departments of social services describing the admission of minors to inpatient treatment process, including §16.1-339.

Provide educational materials to qualified examiners and local CSBs:

Recommendation 6

Request the Department of Behavioral Health and Developmental Services provide educational materials to the Psychiatric Society of Virginia, the Virginia Academy of Clinical Psychologists, and community services boards for further dissemination to their members on the voluntary and involuntary admission's process for minors to a mental health facility for inpatient treatment. DBHDS should consult the Juvenile Law and Practice in Virginia manual, Office of the Executive Secretary of the Supreme Court of Virginia training materials, and information provided by Virginia's medical schools.

Support use of federal funds for higher intensity services:

Recommendation 7

Request the Department of Behavioral Health and Developmental Services work with CSBs to target American Rescue Plan Act (ARPA) and other available one time federal funds towards higher intensity substance use services for minors. These are services ASAM level 2.5 and higher.