

ADMISSION OF MINORS TO A MENTAL HEALTH FACILITY FOR INPATIENT TREATMENT

DRAFT STUDY PLAN

Study Mandate

- In a letter dated April 1, 2023, Delegate Rob B. Bell, Chair of the House Courts of Justice Committee, requested that the Commission on Youth review House Bill 1923, *Minors; admission to mental health facility for inpatient treatment* (Tata) and the concepts it addresses and make recommendations for the 2024 Session of the General Assembly.

Background

- During the 2023 General Assembly Session, Delegate Anne Ferrell Tata introduced House Bill 1923.
- This bill was written to make the following amendments to the *Code of Virginia*:
 - Increase from 14 years of age to 16 years of age the minimum age requiring the consent of a minor prior to his or her admission to a mental health facility for inpatient treatment
 - Increase from 14 years of age to 16 years of age the minimum age for a minor who objects to his or her admission to a mental health facility to be admitted to such mental health facility for up to 120 hours upon the application of such minor's parent
 - Add addiction as a reason for a minor to be admitted to a mental health facility for inpatient treatment
- This bill was passed by indefinitely with a letter by the House Courts of Justice Committee. In the letter, Delegate Rob B. Bell, Chair of the House Courts of Justice Committee, requested that the Commission on Youth review House Bill 1923, *Minors; admission to mental health facility for inpatient treatment* and the concepts it addresses.

Identified Issues

- Under current law, *Code of Virginia* § 16.1-338, a minor younger than 14 years of age may be admitted to a willing mental health facility for inpatient treatment upon application and with the consent of a parent. A minor 14 years of age or older may be admitted to a willing mental health facility for inpatient treatment upon the joint application and consent of the minor and the minor's parent.
- House Bill 1923 sought to address the issue of a child who is 14 or 15 years old and who refuses to consent to inpatient treatment that the parent consents to the child receiving.
- In 2015, the Joint Commission on Health Care did a study that looked at options to allow a minor to consent for inpatient treatment at a mental health facility without the consent of the minor's parent. That study looked at ways to address the problem of a child wanting inpatient treatment and a parent objecting. No action was taken on that study's policy options.
- Under current law, *Code of Virginia* § 54.1-2969, a minor shall be deemed an adult for the purpose of consenting to outpatient care, treatment or rehabilitation for mental illness or emotional disturbance.

Study Activities

- Review and analyze Virginia’s laws, policies, and procedures related to the following:
 - Virginia’s Psychiatric Treatment of Minors Act
 - Youth’s decision making consent ages in other relevant areas
- Conduct background and literature reviews:
 - Other states’ youth mental health decision making consent statutes and policies
 - Mature Minor Doctrine
 - Federal laws and regulations regarding minor inpatient treatment
- Interview impacted stakeholders:
 - Community Services Boards
 - Inpatient Mental Health Facility Treatment Providers
 - Office of the Attorney General
 - Virginia Department of Behavioral Health and Developmental Services
 - Virginia Poverty Law Center
 - Virginia’s Court Improvement Program – Supreme Court of Virginia
 - Youth and Families
 - Youth Mental Health Treatment Advocates
- Present findings and recommendations to the Commission on Youth.
- Receive public comment.
- Prepare final report.