

Treating Children

Avoiding Liability Bulletin - July 2005

... When can a therapist or counselor treat or provide other services to a minor without the knowledge or consent of either parent? The law varies from state to state. One must be careful in this area of practice. While the first instinct of many might be to avoid seeing minors without parental consent, the law in many states allows mental health treatment of minors who have reached a certain age (in California, certain minors who are 12 or over may be treated without parental knowledge or consent). Payment for services will sometimes be a problem with regard to treatment of minors, but not always.

Some state laws specify other requirements or conditions of such treatment. For instance, the law may limit the number of sessions or period of time within which treatment may be rendered, or it may require the therapist to work toward the involvement of the parents and to document the records in a certain manner and to a certain extent. Some state laws may apply to certain agencies or facilities and not to private practice. If a therapist or agency is going to see minors without parental consent, they need to be clear about the parameters of the applicable law. Providing mental health treatment to a minor without appropriate and lawful consent will subject the therapist to liability.

Author:

Richard Leslie