

AMENDED IN SENATE JUNE 12, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 665**

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**Introduced by Assembly Member Wendy Carrillo**  
(Principal coauthor: Senator Wiener)

February 13, 2023

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An act to ~~amend~~ *amend, repeal, and add* Section 6924 of the Family Code, relating to minors.

LEGISLATIVE COUNSEL’S DIGEST

AB 665, as amended, Wendy Carrillo. Minors: consent to mental health services.

Existing law, for some purposes, authorizes a minor who is 12 years of age or older to consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, if the minor is mature enough to participate intelligently in the outpatient services or residential shelter services, as specified, and either the minor would present a danger of serious physical or mental harm to themselves or to others or if the minor is the alleged victim of incest or child abuse. For other purposes, existing law authorizes a minor who is 12 years of age or older to consent to mental health treatment or counseling services if the minor is mature enough to participate intelligently in the outpatient services or counseling services.

This bill would align the existing laws by removing the additional requirement that, in order to consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, the minor must present a danger of serious physical or mental harm to themselves or to others, or be the alleged victim of incest or child abuse.

Existing law, for some purposes, requires that the mental health treatment or counseling include involvement of the minor's parent or guardian unless the professional person treating or counseling the minor determines that the involvement would be inappropriate. For other purposes, existing law requires the involvement of the parent or guardian unless the professional person who is treating or counseling the minor, after consulting with the minor, determines that the involvement would be inappropriate.

This bill would also align the existing laws by requiring the professional person treating or counseling the minor to consult with the minor before determining whether involvement of the minor's parent or guardian would be inappropriate.

*Existing law defines professional person for these purposes to include, among other things, a mental health professional, a marriage and family therapist, a licensed educational psychologist, a clinical psychologist, the chief administrator of an agency, and a licensed professional clinical counselor, as defined.*

*This bill would add a registered psychologist, a registered psychological assistant, a psychological trainee, an associate clinical social worker, a social work intern, a clinical counselor trainee working under the supervision of a licensed professional, and a board-certified psychiatrist to the definition of professional person for these purposes.*

*This bill would make all of the above changes operative on July 1, 2024.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is failing on children's mental health and
- 4 preventive care. According to the most recent Commonwealth
- 5 Fund Scorecard on State Health System Performance, our state
- 6 ranks 48th in the nation for providing children with needed mental
- 7 health care.
- 8 (b) Roughly one-half of California's children are covered by
- 9 Medi-Cal, the vast majority of whom are Black and children of
- 10 color.

1 (c) Less than 19 percent of low-income teenagers on Medi-Cal  
2 received screenings for depression and a followup plan in 2020.  
3 This is despite the reality that nearly one in three adolescents in  
4 California reported symptoms that meet the criteria for serious  
5 psychological distress.

6 (d) Less than 9 percent of Indigenous youth on Medi-Cal  
7 received a screening and plan, the lowest of any racial or ethnic  
8 group.

9 (e) Despite an overall decrease in the suicide rate in California,  
10 in 2020, youth, particularly Black and Latinx youth, and girls all  
11 showed disproportionate increases in suicide. A shocking 78  
12 percent of LGBTQ+ youth who were surveyed shared they had  
13 considered suicide, with the vast majority of those who had  
14 considered suicide sharing they had done so in the last year, and  
15 nearly one-third had made an attempt in the past year.

16 (f) Seeking care for mental health issues is complicated by  
17 pervasive social stigma and centuries of systemic oppression by  
18 government programs that create legitimate fears for families to  
19 engage in services.

20 (g) Youth, especially youth of color, express significant  
21 trepidation about needing to disclose to parents their mental health  
22 concerns and their need to access services. Without access to a  
23 trained professional, youth report they turn to mostly free resources  
24 of mixed quality that they access without parental intervention or  
25 adult assistance, such as social media accounts and online videos.

26 (h) For LGBTQ+ youth, the rejection from parents, harassment  
27 in school, and the overall ~~LGBTQ~~ *LGBTQ*+ negativity present in  
28 society can lead to depression, anxiety, drug and alcohol use, and  
29 other negative outcomes. Over one-half of surveyed LGBTQ+  
30 youth reported that not being able to get permission from their  
31 parents or guardians was sometimes or always a barrier to accessing  
32 mental health services.

33 (i) Providers, particularly school-based providers, find that  
34 obtaining parental consent for a youth who needs support is  
35 complicated by the parent or caretakers' beliefs and stigma about  
36 mental health care.

37 (j) Most states allow youth under 18 years of age to consent to  
38 receiving mental health care on their own.

39 (k) In California, existing law in both Section 124260 of the  
40 Health and Safety Code and the Section 6924 of the Family Code

1 ~~establishes~~ *establish* that a minor who is 12 years of age or older  
2 may consent to mental health treatment or counseling on an  
3 outpatient basis, or to residential shelter services, if the minor is  
4 mature enough to participate intelligently in the outpatient services  
5 or residential shelter services; however, such services cannot be  
6 billed to Medi-Cal.

7 (l) Existing law in the Family Code authorizes providers to bill  
8 Medi-Cal if the above requirements are met and either the minor  
9 would present a danger of serious physical or mental harm to  
10 themselves or to others, or the minor is the alleged victim of incest  
11 or child abuse.

12 (m) Two laws with different standards are challenging for  
13 providers to implement and challenging for youth and families to  
14 understand, creating a chilling effect on their willingness to seek  
15 out care.

16 (n) This fundamentally inequitable policy is ultimately at odds  
17 with the state's commitment to racial, ethnic, and health equity as  
18 demonstrated through ongoing efforts of the Children and Youth  
19 Behavioral Health Initiative and CalAIM, which are state efforts  
20 to advance the goal of greater early intervention to address the  
21 mental health needs of youth.

22 (o) Requiring young people from low-income families to delay  
23 sensitive treatment until they are in serious distress places youth  
24 at unnecessary risk of not seeking care, increasing the likelihood  
25 of suicide, self-harm, or substance overdose, and contributing to  
26 the alarming disparities in mental health outcomes for youth from  
27 marginalized communities.

28 ~~SEC. 2. Section 6924 of the Family Code is amended to read:~~

29 ~~6924. (a) As used in this section:~~

30 ~~(1) "Mental health treatment or counseling services" means the~~  
31 ~~provision of mental health treatment or counseling on an outpatient~~  
32 ~~basis by any of the following:~~

33 ~~(A) A governmental agency.~~

34 ~~(B) A person or agency having a contract with a governmental~~  
35 ~~agency to provide the services.~~

36 ~~(C) An agency that receives funding from community united~~  
37 ~~funds.~~

38 ~~(D) A runaway house or crisis resolution center.~~

39 ~~(E) A professional person, as defined in paragraph (2).~~

40 ~~(2) "Professional person" means any of the following:~~

1     ~~(A) A person designated as a mental health professional in~~  
2     ~~Sections 622 to 626, inclusive, of Article 8 of Subchapter 3 of~~  
3     ~~Chapter 1 of Title 9 of the California Code of Regulations.~~

4     ~~(B) A marriage and family therapist as defined in Chapter 13~~  
5     ~~(commencing with Section 4980) of Division 2 of the Business~~  
6     ~~and Professions Code.~~

7     ~~(C) A licensed educational psychologist as defined in Article 5~~  
8     ~~(commencing with Section 4986) of Chapter 13 of Division 2 of~~  
9     ~~the Business and Professions Code.~~

10    ~~(D) A credentialed school psychologist as described in Section~~  
11    ~~49424 of the Education Code.~~

12    ~~(E) A clinical psychologist as defined in Section 1316.5 of the~~  
13    ~~Health and Safety Code.~~

14    ~~(F) The chief administrator of an agency referred to in paragraph~~  
15    ~~(1) or (3).~~

16    ~~(G) A person registered as an associate marriage and family~~  
17    ~~therapist, as defined in Chapter 13 (commencing with Section~~  
18    ~~4980) of Division 2 of the Business and Professions Code, while~~  
19    ~~working under the supervision of a licensed professional specified~~  
20    ~~in subdivision (g) of Section 4980.03 of the Business and~~  
21    ~~Professions Code.~~

22    ~~(H) A licensed professional clinical counselor, as defined in~~  
23    ~~Chapter 16 (commencing with Section 4999.10) of Division 2 of~~  
24    ~~the Business and Professions Code.~~

25    ~~(I) A person registered as an associate professional clinical~~  
26    ~~counselor, as defined in Chapter 16 (commencing with Section~~  
27    ~~4999.10) of Division 2 of the Business and Professions Code, while~~  
28    ~~working under the supervision of a licensed professional specified~~  
29    ~~in subdivision (h) of Section 4999.12 of the Business and~~  
30    ~~Professions Code.~~

31    ~~(3) “Residential shelter services” means any of the following:~~

32    ~~(A) The provision of residential and other support services to~~  
33    ~~minors on a temporary or emergency basis in a facility that services~~  
34    ~~only minors by a governmental agency, a person or agency having~~  
35    ~~a contract with a governmental agency to provide these services,~~  
36    ~~an agency that receives funding from community funds, or a~~  
37    ~~licensed community care facility or crisis resolution center.~~

38    ~~(B) The provision of other support services on a temporary or~~  
39    ~~emergency basis by any professional person as defined in paragraph~~  
40    ~~(2).~~

~~(b) A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, if the minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services.~~

~~(c) A professional person offering residential shelter services, whether as an individual or as a representative of an entity specified in paragraph (3) of subdivision (a), shall make their best efforts to notify the parent or guardian of the provision of services.~~

~~(d) The mental health treatment or counseling of a minor authorized by this section shall include involvement of the minor's parent or guardian unless, the professional person who is treating or counseling the minor, after consulting with the minor, determines that the involvement would be inappropriate. The professional person who is treating or counseling the minor shall state in the client record whether and when the person attempted to contact the minor's parent or guardian, and whether the attempt to contact was successful or unsuccessful, or the reason why, in the professional person's opinion, it would be inappropriate to contact the minor's parent or guardian.~~

~~(e) The minor's parents or guardian are not liable for payment for mental health treatment or counseling services provided pursuant to this section unless the parent or guardian participates in the mental health treatment or counseling, and then only for services rendered with the participation of the parent or guardian. The minor's parents or guardian are not liable for payment for any residential shelter services provided pursuant to this section unless the parent or guardian consented to the provision of those services.~~

~~(f) This section does not authorize a minor to receive convulsive therapy or psychosurgery as defined in subdivisions (f) and (g) of Section 5325 of the Welfare and Institutions Code, or psychotropic drugs without the consent of the minor's parent or guardian.~~

*SEC. 2. Section 6924 of the Family Code is amended to read:*

6924. (a) As used in this section:

(1) "Mental health treatment or counseling services" means the provision of mental health treatment or counseling on an outpatient basis by any of the following:

(A) A governmental agency.

(B) A person or agency having a contract with a governmental agency to provide the services.

1 (C) An agency that receives funding from community united  
2 funds.

3 (D) A runaway house or crisis resolution center.

4 (E) A professional person, as defined in paragraph (2).

5 (2) “Professional person” means any of the following:

6 (A) A person designated as a mental health professional in  
7 Sections 622 to 626, inclusive, of Article 8 of Subchapter 3 of  
8 Chapter 1 of Title 9 of the California Code of Regulations.

9 (B) A marriage and family therapist as defined in Chapter 13  
10 (commencing with Section 4980) of Division 2 of the Business  
11 and Professions Code.

12 (C) A licensed educational psychologist as defined in ~~Article 5~~  
13 ~~(commencing with Section 4986) of Chapter 13~~ *Chapter 13.5*  
14 *(commencing with Section 4989.10)* of Division 2 of the Business  
15 and Professions Code.

16 (D) A credentialed school psychologist as described in Section  
17 49424 of the Education Code.

18 (E) A clinical psychologist as defined in Section 1316.5 of the  
19 Health and Safety Code.

20 (F) The chief administrator of an agency referred to in paragraph  
21 (1) or (3).

22 (G) A person registered as an associate marriage and family  
23 therapist, as defined in Chapter 13 (commencing with Section  
24 4980) of Division 2 of the Business and Professions Code, while  
25 working under the supervision of a licensed professional specified  
26 in subdivision (g) of Section 4980.03 of the Business and  
27 Professions Code.

28 (H) A licensed professional clinical counselor, as defined in  
29 Chapter 16 (commencing with Section 4999.10) of Division 2 of  
30 the Business and Professions Code.

31 (I) A person registered as an associate professional clinical  
32 counselor, as defined in Chapter 16 (commencing with Section  
33 4999.10) of Division 2 of the Business and Professions Code, while  
34 working under the supervision of a licensed professional specified  
35 in subdivision (h) of Section 4999.12 of the Business and  
36 Professions Code.

37 (3) “Residential shelter services” means any of the following:

38 (A) The provision of residential and other support services to  
39 minors on a temporary or emergency basis in a facility that services  
40 only minors by a governmental agency, a person or agency having

1 a contract with a governmental agency to provide these services,  
2 an agency that receives funding from community funds, or a  
3 licensed community care facility or crisis resolution center.

4 (B) The provision of other support services on a temporary or  
5 emergency basis by any professional person as defined in paragraph  
6 (2).

7 (b) A minor who is 12 years of age or older may consent to  
8 mental health treatment or counseling on an outpatient basis, or  
9 to residential shelter services, if both of the following requirements  
10 are satisfied:

11 (1) The minor, in the opinion of the attending professional  
12 person, is mature enough to participate intelligently in the  
13 outpatient services or residential shelter services.

14 (2) The minor (A) would present a danger of serious physical  
15 or mental harm to self or to others without the mental health  
16 treatment or counseling or residential shelter services, or (B) is  
17 the alleged victim of incest or child abuse.

18 (c) A professional person offering residential shelter services,  
19 whether as an individual or as a representative of an entity specified  
20 in paragraph (3) of subdivision (a), shall make their best efforts to  
21 notify the parent or guardian of the provision of services.

22 (d) The mental health treatment or counseling of a minor  
23 authorized by this section shall include involvement of the minor's  
24 parent or guardian unless, in the opinion of the professional person  
25 who is treating or counseling the minor, the involvement would  
26 be inappropriate. The professional person who is treating or  
27 counseling the minor shall state in the client record whether and  
28 when the person attempted to contact the minor's parent or  
29 guardian, and whether the attempt to contact was successful or  
30 unsuccessful, or the reason why, in the professional person's  
31 opinion, it would be inappropriate to contact the minor's parent  
32 or guardian.

33 (e) The minor's parents or guardian are not liable for payment  
34 for mental health treatment or counseling services provided  
35 pursuant to this section unless the parent or guardian participates  
36 in the mental health treatment or counseling, and then only for  
37 services rendered with the participation of the parent or guardian.  
38 The minor's parents or guardian are not liable for payment for any  
39 residential shelter services provided pursuant to this section unless  
40 the parent or guardian consented to the provision of those services.



(f) This section does not authorize a minor to receive convulsive therapy or psychosurgery as defined in subdivisions (f) and (g) of Section 5325 of the Welfare and Institutions Code, or psychotropic drugs without the consent of the minor's parent or guardian.

(g) *This section shall become inoperative on July 1, 2024, and, as of January 1, 2025, is repealed.*

SEC. 3. *Section 6924 is added to the Family Code, to read:*

6924. (a) *As used in this section:*

(1) *"Mental health treatment or counseling services" means the provision of mental health treatment or counseling on an outpatient basis by any of the following:*

(A) *A governmental agency.*

(B) *A person or agency having a contract with a governmental agency to provide the services.*

(C) *An agency that receives funding from community united funds.*

(D) *A runaway house or crisis resolution center.*

(E) *A professional person, as defined in paragraph (2).*

(2) *"Professional person" means either of the following:*

(A) *A professional person as defined in Section 124260 of the Health and Safety Code.*

(B) *The chief administrator of an agency referred to in paragraph (1) or (3).*

(3) *"Residential shelter services" means any of the following:*

(A) *The provision of residential and other support services to minors on a temporary or emergency basis in a facility that services only minors by a governmental agency, a person or agency having a contract with a governmental agency to provide these services, an agency that receives funding from community funds, or a licensed community care facility or crisis resolution center.*

(B) *The provision of other support services on a temporary or emergency basis by any professional person as defined in paragraph (2).*

(b) *A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, if the minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services.*

1     (c) A professional person offering residential shelter services,  
2     whether as an individual or as a representative of an entity  
3     specified in paragraph (3) of subdivision (a), shall make their best  
4     efforts to notify the parent or guardian of the provision of services.

5     (d) The mental health treatment or counseling of a minor  
6     authorized by this section shall include involvement of the minor's  
7     parent or guardian unless the professional person who is treating  
8     or counseling the minor, after consulting with the minor,  
9     determines that the involvement would be inappropriate. The  
10    professional person who is treating or counseling the minor shall  
11    state in the client record whether and when the person attempted  
12    to contact the minor's parent or guardian, and whether the attempt  
13    to contact was successful or unsuccessful, or the reason why, in  
14    the professional person's opinion, it would be inappropriate to  
15    contact the minor's parent or guardian.

16    (e) The minor's parents or guardian are not liable for payment  
17    for mental health treatment or counseling services provided  
18    pursuant to this section unless the parent or guardian participates  
19    in the mental health treatment or counseling, and then only for  
20    services rendered with the participation of the parent or guardian.  
21    The minor's parents or guardian are not liable for payment for  
22    any residential shelter services provided pursuant to this section  
23    unless the parent or guardian consented to the provision of those  
24    services.

25    (f) This section does not authorize a minor to receive convulsive  
26    therapy or psychosurgery as defined in subdivisions (f) and (g) of  
27    Section 5325 of the Welfare and Institutions Code, or psychotropic  
28    drugs without the consent of the minor's parent or guardian.

29    (g) This section shall become operative on July 1, 2024.