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State Senator - Senate District 28

Senate Committee on Health and Human Services
January 9, 2014
Senate Bill 126 and Assembly Bill 435

Good afternoon committee members. I had the pleasure serving as Chair of the Joint Legislative Council Special Study Committee on Review of Emergency Detention and Admission of Minors under Chapter 51. The Study Committee met eight times between August 31, 2010, and October 30, 2012. Senate Bill 126 (SB 126) and Assembly Bill 435 (AB 435) improve the procedure for obtaining Chapter 51 in-patient treatment for minors.

Current law requires the treatment of a minor be preceded by a petition for review before mental health or substance abuse treatment may commence involuntarily. The petition includes reasons the petitioner believes the minor does not consent to treatment. A parent may bypass this requirement by signing an application for treatment for short term inpatient treatment not to exceed 12 days. If a minor is 14 or older, the minor must consent to the short term treatment to avoid the petition for review process. Current law limits the number of short term inpatient treatment to one 12 day period every 120 days.

Testimony provided to the Joint Legislative Council indicated some areas of the state found these provisions confusing and were not utilizing the procedures to provide the most efficient care to minors. SB 126 and AB 435 streamline the process.

First, SB 126 and AB 435 eliminate the need to file a petition for review for a minor under 14 years old. Parents or guardians of minors under 14 may admit the minor for treatment without the minor's consent. Because the parents' ability to obtain treatment already exists, the requirement of filing a petition for review is unnecessary.

Second, SB 126 and AB 435 eliminate the need to file a petition for minors between the ages of 14 and 17 consenting to treatment. SB 126 and AB 435 also allows the minor to withdraw the request and seek discharge of inpatient treatment.

Third, SB 126 and AB 435 removes impediments to treatment by removing the requirement a petition be filed for voluntary treatment that exceeds 12 days, and removes the limit of one voluntary short term placement in a 120 day period.

SB 126 and AB 435 clarify treatment may be provided while maintaining the same civil liberty protections available to minors under current law. The end result will be a system more receptive to providing treatment to minors in a simplified, dignified manner.

I ask the committee approve SB 126 and AB 435. Thank you for your attention to SB 126 and AB 435.