

Age of consent for behavioral health treatment in Washington

Overview

According to Washington law, a minor who is 13 years old or older may initiate an evaluation and treatment for outpatient and/or inpatient mental health services, substance use disorder (SUD) treatment, or withdrawal management without parental consent. The minor has the right to receive services in the least restrictive setting. A youth is admitted for inpatient treatment only if the professional in charge of the facility concurs with the need for treatment and the youth meets criteria for this level of care.

Behavioral health treatment **Outpatient treatment**

Any minor 13 years old or older may receive outpatient mental health and/or SUD treatment without the consent of the minor's parent/guardian

Inpatient/residential treatment

A minor 13 years old or older may admit themselves to an evaluation and treatment (E&T) facility, inpatient mental health treatment, or inpatient SUD treatment program without parental consent. The professional person in charge determines if the minor needs inpatient treatment. The administrator of the treatment facility provides notice to the parent(s) of a minor when the minor is voluntarily admitted to inpatient treatment within 24 hours. Any minor voluntarily admitted may give notice of intent to leave at any time.

Involuntary Treatment Act (ITA)

Ricky's Law became effective April 1, 2018, integrating detention and commitment processes for

mental health and SUD by incorporating SUD into RCW 71.05 and RCW 71.34.

If a minor is brought to an E&T facility, secure withdrawal management facility with available space, or hospital emergency room, the professional person in charge shall evaluate the minor. If it is determined the minor suffers from a mental health and/or SUD, is in need of immediate inpatient treatment, and the minor is unwilling to consent to treatment, a designated crisis responder (DCR) can evaluate the minor and commence initial detention proceedings if minor meets criteria. The facility must inform the minor's parent or guardian of the availability of Parent Initiated Treatment (PIT) as well.

Parent Initiated Treatment (PIT)

A parent or guardian may bring their minor child to an outpatient behavioral health provider, E&T, inpatient facility, secure withdrawal management facility, or approved SUD treatment program requesting an assessment to determine if the minor is in need of mental health and/or SUD treatment. The consent of the minor is not required. If a parent or guardian requests the youth be discharged under PIT, the treatment agency must discharge the youth. No provider is obligated to provide treatment to a minor under the provisions of PIT.

Eligibility requirements

Minors 13-17 years of age.

Authority

RCW 71.34

Budget

Behavioral health services for minors are considered a covered service under Medicaid, and are authorized



based on determination that the minor meets medical necessity criteria to receive mental health, SUD, or co-occurring treatment services.

Partners

Youth, parent or guardian; behavioral health organizations (BHOs), managed care organizations (MCOs), behavioral health administrative services organizations (BH-ASOs), mental health and SUD treatment providers, hospitals, school-based professionals, the Department of Children, Youth and Families (DCYF).

For more information

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