



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 204
[2017 Assembly Bill 848]

**Emergency Outpatient Mental
Health Treatment for Minors**

Generally, under Wisconsin law, the informed consent of a parent or guardian must be obtained before mental health treatment may be provided to a minor. Section 51.14, Stats., provides an exception for outpatient mental health treatment of a minor, in certain cases. It allows a minor 14 years of age or older, or a person acting on the minor's behalf, to petition for review of a refusal or inability of a parent or guardian to provide informed consent to treatment. The statute also requires the treatment director of a facility to petition for review of the informed consent of a parent or guardian to treatment of a minor despite the refusal of the minor. A review is conducted by a court-designated mental health review officer, based on procedures specified in the statutes. The officer may issue an order regarding the appropriateness of the treatment, notwithstanding the refusal or inability of the parent or guardian or refusal of the minor, under certain circumstances.

2017 Wisconsin Act 204 creates a new exception to the requirement to obtain the informed consent of a parent or guardian before providing mental health treatment to a minor. The Act creates an exception for outpatient mental health treatment of a minor in emergency situations. Under the Act, the treatment director of an outpatient mental health treatment provider may provide outpatient mental health treatment to a minor for 30 days, without first obtaining informed consent of a parent or guardian, if both of the following apply:

- Potential harm will come to the minor or others if treatment is not initiated before consent is obtained and either an emergency situation exists, or time and distance requirements preclude obtaining consent before beginning outpatient mental health treatment.
- A reasonable effort was made to obtain consent from a parent or guardian before initiating treatment.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

The Act prohibits prescribing medications to the minor or admitting the minor to certain specified facilities without the informed consent of a parent or guardian. It also requires that, during the 30-day period the minor is receiving outpatient mental health treatment without informed consent, the treatment director must either obtain the informed consent or, if consent is not obtained, file a petition for a review by a court-designated mental health review officer, as described above. The treatment director must also obtain the minor's consent before billing a third party for services provided without the informed consent of a parent or guardian. If the minor does not consent to billing a third party, the minor is responsible for paying for the services under procedures specified in the Act.

Effective date: April 5, 2018

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April 30, 2018

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