

SENATE BILL No. 258

April 11, 1991, Introduced by Senators DI NELLO, PRIDNIA,
KOIVISTO and CARL and referred to the Committee on
Family Law, Criminal Law, and Corrections.

A bill to amend section 707 of Act No. 258 of the Public
Acts of 1974, entitled as amended
"Mental health code,"
as added by Act No. 186 of the Public Acts of 1984, being section
330.1707 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 707 of Act No. 258 of the Public Acts of
2 1974, as added by Act No. 186 of the Public Acts of 1984, being
3 section 330.1707 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 707. (1) A minor 14 years of age or older may ~~request~~
6 ~~and receive~~ CONSENT TO THE PROVISION OF mental health services
7 and a mental ~~health~~ HEALTH professional may provide mental
8 health services ~~—~~ TO THE MINOR on an outpatient basis,
9 excluding pregnancy termination referral services and the use of

1 chemotherapy, without the consent ~~or knowledge~~ of the minor's
2 parent, guardian, or person in loco parentis. ~~Except as other-~~
3 ~~wise provided in this section, the minor's parent, guardian, or~~
4 ~~person in loco parentis shall not be informed of the services~~
5 ~~without the consent of the minor unless the mental health profes-~~
6 ~~sional treating the minor determines that there is a compelling~~
7 ~~need for disclosure based on a substantial probability of harm to~~
8 ~~the minor or to other persons, and if~~ THE MENTAL HEALTH PROFES-
9 SIONAL SHALL INFORM THE MINOR'S PARENT, GUARDIAN, OR PERSON IN
10 LOCO PARENTIS OF THE MENTAL HEALTH SERVICES PROVIDED TO THE
11 MINOR. THE MENTAL HEALTH PROFESSIONAL SHALL INFORM the minor ~~is~~
12 ~~notified~~ of the mental health professional's ~~intent~~ DUTY to
13 inform the minor's parent, guardian, or person in loco parentis
14 UNDER THIS SUBSECTION.

15 (2) ~~Services provided~~ A MENTAL HEALTH PROFESSIONAL SHALL
16 PROVIDE MENTAL HEALTH SERVICES to a minor pursuant to this sec-
17 tion ~~shall~~ THAT, to the extent possible, promote the minor's
18 relationship to the parent, guardian, or person in loco parentis,
19 and ~~shall~~ DO not undermine the values that the parent, guardi-
20 an, or person in loco parentis has sought to instill in the
21 minor.

22 (3) ~~Services provided~~ A MENTAL HEALTH PROFESSIONAL SHALL
23 NOT PROVIDE MENTAL HEALTH SERVICES to a minor pursuant to this
24 section ~~shall be limited to not more than~~ THAT EXCEED
25 12 sessions or 4 months per request for MENTAL HEALTH services.
26 After the twelfth session or fourth month of MENTAL HEALTH
27 services, the mental health professional shall terminate the

1 MENTAL HEALTH services or ~~, with the consent of the minor,~~
2 ~~notify~~ CONTACT the MINOR'S parent, guardian, or person in loco
3 parentis to obtain consent to provide further outpatient MENTAL
4 HEALTH services.

5 (4) ~~The~~ A minor's parent, guardian, or person in loco par-
6 entis ~~shall~~ IS not ~~be~~ liable for the costs of MENTAL HEALTH
7 services ~~which~~ THAT are received by a minor under
8 subsection (1).

9 (5) This section ~~shall~~ DOES not relieve a mental health
10 professional from his or her duty to report suspected child abuse
11 or neglect pursuant to section 3 of the child protection law, Act
12 No. 238 of the Public Acts of 1975, being section 722.623 of the
13 Michigan Compiled Laws.

14 (6) As used in this section:

15 (a) "Guardian" means a person with authority for the care
16 and custody of a minor pursuant to an order of the probate court
17 or the circuit court.

18 (b) "Mental health professional" means a mental health pro-
19 fessional as defined in R 330.1001 of the Michigan administrative
20 code.

21 (c) "Person in loco parentis" means a person in loco paren-
22 tis as defined in section 498c.