**PENNSYLVANIA MINOR’S CONSENT ACT**

**SUBSTANCE ABUSE FACT SHEET**

1. CAN A MINOR CONSENT TO SUBSTANCE ABUSE TREATMENT?

* YES. In Pennsylvania, a minor (an individual under the age of 18) can consent to medical care and counseling related to the diagnosis or treatment of a substance abuse problem.
* The consent of the minor’s parent or legal guardian is NOT NECESSARY.
* There is NO AGE LIMIT for giving consent to substance abuse treatment under Pennsylvania law.
* Providers may treat minors who have consented to substance abuse treatment if the consent is both knowing and voluntary.

2. IS PARENTAL NOTIFICATION REQUIRED?

* NO. Under Pennsylvania law, providers may, but are NOT OBLIGATED to inform the minor’s parent or legal guardian about the minor’s substance abuse treatment or need for treatment.
* In addition, if the substance abuse program receives any funding from the federal government, the program may only disclose information to the parent or legal guardian if the minor provides prior written consent. This includes situations when disclosure of information to the minor’s parent or legal guardian is needed to obtain financial reimbursement.

**PENNSYLVANIA MINOR’S CONSENT ACT**

**MENTAL HEALTH FACT SHEET**

**VOLUNTARY INPATIENT TREATMENT:**

1. CAN A MINOR CONSENT TO VOLUNTARY INPATIENT MENTAL HEALTH TREATMENT?

* YES. In Pennsylvania, a minor who is 14 years or older who believes that he or she is in need of treatment and substantially understands the nature of the treatment may consent to voluntary inpatient mental health treatment.
* The minor’s consent must be voluntary and in writing, and must be obtained after the minor is given an explanation of the prospective treatment and his or her rights regarding the treatment.
* The consent of the minor’s parent or legal guardian is NOT NECESSARY. (In addition, the parent or legal guardian cannot invalidate or revoke a minor’s valid consent to treatment.)

2. IS PARENTAL NOTIFICATION REQUIRED?

* YES. Under Pennsylvania law, the provider must promptly notify the minor’s parent or legal guardian that the minor has been admitted to voluntary inpatient mental health treatment.
* The notification must explain the nature of the proposed treatment and must inform the parent or legal guardian that he or she has a right to file an objection in writing with the director of the treatment facility or the county mental health administrator.
* If the parent or legal guardian files an objection, a hearing must be held within 72 hours. At the hearing, a Pennsylvania Court of Common Pleas judge or a mental health review officer appointed by the court will determine whether the voluntary inpatient treatment is in the best interest of the minor.

3. CAN A PARENT OR LEGAL GUARDIAN CONSENT TO INPATIENT MENTAL HEALTH TREATMENT ON BEHALF OF A MINOR?

* YES. A parent or legal guardian can consent to inpatient mental health treatment for minors who are 14 to 17 years old OVER THE OBJECTION OF THE MINOR if the consent is based on the recommendation of a physician who has examined the minor. (A minor may not invalidate or revoke this consent to treatment.)
* A parent or legal guardian who has provided consent to inpatient mental health treatment may revoke that consent, unless the minor aged 14 to 17 has provided his or her own voluntary consent to continued inpatient mental health treatment.
* When a minor aged 14 to 17 has been admitted for inpatient mental health treatment pursuant to a parent or legal guardian’s consent:
* The provider must explain the nature of the proposed treatment to the minor and must inform the minor of his/her right to file a petition objecting to treatment.
* If a minor wishes to object to treatment, the provider must file the petition with the court on behalf of the minor.
* Once a petition is filed, the court must promptly appoint an attorney for the minor and schedule a hearing within 72 hours.
* For treatment to continue against the minor’s wishes, the court must find, by clear and convincing evidence, that:
* The minor has a diagnosed mental disorder;
* The disorder is treatable;
* The disorder can be treated in the facility where treatment is currently taking place; and
* The proposed inpatient treatment represents the least restrictive alternative that is medically appropriate.
* The court can initially order continued treatment for up to 20 days; and at a review hearing, can subsequently order continued treatment for up to 60 days.

4. WHAT ABOUT MINORS UNDER 14 YEARS OF AGE?

* The parent or legal guardian of a minor who is younger than 14 may consent to voluntary inpatient mental health treatment on behalf of the minor. The parent or legal guardian will be deemed as acting for the minor.

**VOLUNTARY OUTPATIENT TREATMENT:**

1. CAN A MINOR CONSENT TO VOLUNTARY OUTPATIENT MENTAL HEALTH TREATMENT?

* YES. A minor who is 14 or older can consent to outpatient mental health treatment.
* The consent of the minor’s parent or legal guardian is NOT NECESSARY. (In addition, the parent or legal guardian cannot invalidate or revoke a minor’s valid consent to outpatient treatment.)

2. CAN A PARENT OR LEGAL GUARDIAN CONSENT TO OUTPATIENT METNAL HEALTH TREATMENT ON BEHALF OF A MINOR?

* YES. A parent or legal guardian can consent to outpatient mental health treatment for a minor who is 14 to 17 years old. The consent of the minor is NOT NECESSARY.
* As opposed to inpatient treatment, there is no process for the minor to object to the outpatient treatment.

3. WHAT ABOUT MINORS UNDER AGE 14?

* Minors under the age of 14 require parental consent to receive outpatient mental health treatment.