

# Rights of Minors: Outpatient Behavioral Health Treatment

## Consent for Mental Health Treatment

If you are younger than 14-years-old, a parent or guardian must agree, in writing, to you receiving outpatient mental health treatment.

If you are 14 years or older, you and your parent or guardian must agree to you receiving outpatient mental health treatment.

If you want treatment but your parent or guardian is unable to agree to it or won't agree to it, you (or someone on your behalf) can petition the county mental health review officer for a review.

If you do not want treatment but your parent/guardian does, the treatment director for the clinic where you are receiving services must petition the mental health review officer for a review.

Regardless of your age, in an emergency, the treatment director for the clinic may allow you to receive outpatient mental health treatment, but no medication, for up to 30 days.

During the 30 days, the treatment director must get informed written consent of your parent or guardian, or file a petition for review for admission with the mental health review officer.

## Consent for Substance Use Treatment

Any minor can consent to substance use treatment at a public facility as long as it is for prevention, intervention, or follow-up.

If you are younger than 12-years-old, you may only get limited substance use treatment (such as detox) without a parent or guardian's consent.

If you are 12 years or older, you can be provided some limited treatment (assessment, counseling, and detox less than 72 hours) without your parent or guardian's consent or knowledge.

If your parent or guardian agrees to it, you can be required to participate in substance use treatment, including assessment and testing.

## Review by Mental Health Review Officer and/or Court

Each juvenile court appoints a mental health review officer for that county. [www.dhs.wisconsin.gov/clientrights/mhro](http://www.dhs.wisconsin.gov/clientrights/mhro)

The juvenile court must ensure assistance is provided in the petition for review.

If you request it and the mental health review officer believes it is in your best interests, review by the mental health review officer can be skipped and the review will be done by the court.

**If the mental health officer does the review**, a hearing must be held within 21 days of the filing of the petition for review. Everyone must get at least a 96-hour notice of the hearing.

To approve your treatment (against your will or despite the refusal of your parent/guardian), the mental health review officer must find that:

- The refusal of consent is unreasonable.
- You are in need of treatment.
- The treatment is appropriate and least restrictive for you.
- The treatment is in your best interests.

If you disagree with the decision of the mental health review officer, you and your parent/guardian will be informed of the right to a judicial review.

**If the court does the review**, within 21 days of the mental health review officer's ruling, you (or someone acting on your behalf) can petition the juvenile court for a judicial review.

A court hearing must be held within 21 days of the petition. Everyone must get at least a 96-hour notice of the hearing.

If you do not want the treatment, the court must appoint you an attorney at least 7 days prior to the hearing.

If it is your parent/guardian who does not want the treatment and you do not already have a lawyer, the court must appoint you one.

To approve your treatment (against your will or despite the refusal of your parent/guardian), the judge must find that:

- The refusal of consent is unreasonable.
- You are in need of treatment.
- The treatment is appropriate and least restrictive for you.
- The treatment is in your best interests.

A court ruling does not mean that you have a mental illness. The court's ruling can be appealed to the Wisconsin Court of Appeals.

## Treatment Rights

You must be provided prompt and adequate treatment.

If you are 14 years or older, you can refuse mental health treatment until a court orders it.

You must be told about your treatment and care.

You have the right to and are encouraged to participate in the planning of your treatment and care.

You and your relatives must be informed of any costs they may have to pay for your treatment.

## Personal Rights

You must be informed of your rights.

Reasonable decisions must be made about your treatment and care.

You cannot be treated unfairly because of your race, national origin, sex, gender expression, religion, disability, or sexual orientation.

## Record Access and Privacy Rights

Staff must keep your treatment information private (confidential). However, it is possible that your parents may see your records.

If you are younger than 14-years-old, you must view your records in the presence of a parent/guardian, attorney, judge, or staff member. You may always see your records on any medications you take. Regardless of your age, staff may limit how much you may see of your records. They must give you reasons for any limits.

If you are at least 14-years-old, you can consent to releasing your own mental health treatment records to others.

If you are at least 12-years-old, you can consent to releasing your substance use treatment records to others.

## Patient Rights Help

- Contact the client rights staff at your treatment provider.
- File a complaint. Client rights staff will look into your complaint.
- Contact Disability Rights Wisconsin at 800-928-8778. Their advocates and attorneys can help you with patient rights questions.

## For More Information

Visit the DHS client rights website at: [www.dhs.wisconsin.gov/clientrights/minors](http://www.dhs.wisconsin.gov/clientrights/minors)