

PA Mental Health Consent Law FAQ

What is inpatient treatment?

Mental health treatment that involves full-time overnight care inside a mental health facility.

What is outpatient treatment?

Treatment that is NOT overnight in a mental health facility; the patient goes home in between treatments, like a typical doctor appointment.

What makes inpatient treatment consent different?

If either the minor or the legal guardian rejects inpatient treatment they can file an objection with the facility and there will be a hearing scheduled. The court would hear the case and then decide whether or not the care is in the best interest of the minor.

What about parental disagreement to inpatient treatment?

If a parent who has legal custody rights disagrees with the other parent about consent to a child's inpatient treatment, they can file a petition in the court of common pleas and a hearing will take place within 72 hours of the filing.

Read 2020 Act 65

ALLOWING MINORS TO CONSENT TO
MEDICAL CARE - MENTAL HEALTH
TREATMENT AND RELEASE OF MEDICAL
RECORDS Act of Jul. 23, 2020, P.L. , No. 65Cl.
35Session of 2020No. 2020-65
HB 672

https://www.legis.state.pa.us/cfdocs/legis/li/uc_onsCheck.cfm?yr=2020&sessInd=0&act=65

Who can consent to a minor receiving mental health treatment?

- Parents or legal guardians
- A minor between the ages of 14-17

I Agree ☐

Can a parent refuse to allow treatment once a child (age 14-17) has consented?

no

Can a child (age 14-17) refuse treatment once a parent has consented?

no

What happens if a child (age 14 - 17) takes away their consent?

The treatment will be stopped UNLESS a parent or legal guardian gives their consent; in that case the treatment will continue.



What about children under the age of 14?

Parental consent is required for children under age 14 to receive mental health treatment

This document updated July 2020

PA Parent and Family Alliance is here when you need support or have concerns about your child (to age 26).

Contact us at 888-273-2361