Policy for Treatment of Minors at Student Health and Counseling

New York State law requires parental consent for mental health treatment of a minor student when parental consent is readily available and not deemed to be detrimental to the student’s well-being. The definition of a minor is someone who is under the age of 18, not married, not the parent of a child, or not legally emancipated.

Minor students can obtain healthcare at SHAC without parental consent for certain conditions. Parental consent is not required for treatment relating to pregnancy, sexually transmitted infections (STIs), HIV and AIDS, sexual assault, substance use, and mental health.

1. Mental Health Hygiene Law
   The Mental Health Hygiene Law of New York * authorizes the provision of outpatient mental health services to a minor under the following circumstances:
   
   - Minor is knowingly and voluntarily seeking counseling services; and
   - Provision of the services is clinically indicated and necessary to the minor’s well-being; and one or more of the following pertains:
     - Parent or guardian is not reasonably available.
     - Seeking parental or guardian consent or involvement would have a detrimental effect on the course of outpatient treatment/counseling (which includes the possibility that the minor will not seek services if he/she is forced to involve a parent).
     - Parental consent has been denied and treatment is necessary and in the best interests of the minor.

2. Service Provision
   - At the time of the Triage or Intake, staff must verify the student’s age. A student under the age of eighteen, who is voluntarily seeking services, may undergo Triage and Intake (in contrast to ongoing counseling), without pursuit of parental or guardian consent, as the law pertains to treatment, not assessment.
     - As Triage sessions are brief and the first step in the assessment process, an Intake session may be scheduled to provide more detailed assessment and to ascertain whether counseling services are warranted.
   - In the course of the Triage and Intake, the Counselor must introduce the standard for obtaining parental consent for counseling and will determine how to proceed based on the client’s response:
     - If the client agrees to parental contact, the Counselor will have the client sign a release, will make contact with the client’s parent/guardian to obtain consent, and will document such in the client’s record.
     - If the client does not agree to parental contact, the Counselor may determine that the student may receive services without parental/guardian consent, the rationale for which must be documented in the client’s record (as outlined in above criteria). The client will then sign the Minor Consent for Counseling in the student health portal, or a physical form which will be scanned and uploaded into the client’s record.
   - The Associate Dean of Student Health and Counseling is to be notified of any students below the age of eighteen who have undergone a Triage or Intake.
   - In an emergency, we assume we have the permission of parents to intervene as necessary. However, every effort to reach parents of a minor, as soon as possible, must be made.