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Rep. Loudenbeck: Authors bill allowing emergency access to mental health treatment for homeless unaccompanied youth

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For Immediate Release

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Loudenbeck Authors Bill Allowing Emergency Access to Mental Health Treatment for Homeless Unaccompanied Youth

Madison – This week, Representative Amy Loudenbeck (R-Clinton) introduced a bipartisan bill to allow minors to access mental health treatment in emergency situations without the written consent of a parent or guardian.

LRB-5104 waives the requirement for informed consent for outpatient mental health treatment of minors in emergency situations or where time and distance requirements preclude obtaining written consent before beginning treatment and a determination is made that potential harm may come to the patient or others before written consent is obtained. LRB-5104 requires that before this waiver could be used, the provider must have made an effort to obtain written consent from a

parent or guardian of a minor patient and limits the waiver to 30 days.

“Advocates for unaccompanied and homeless youth in my district have asked for additional flexibility so that vulnerable youth can access mental health treatment in a timely fashion. I am pleased with the level of bipartisan support from my colleagues across Wisconsin and hope that the bill can get passed this session so these vulnerable youth can access essential mental health services and support,” said Loudenbeck.

“With the increasing availability of school-based mental health services, students may be referred for mental health treatment by a teacher or school counselor, or they may seek mental health treatment on their own. However, current law in Wisconsin requires written, informed parental (or guardian) consent in order for a minor to receive outpatient mental health treatment,” stated Loudenbeck. “This can be a barrier to treatment for youth who are not living with a parent or guardian. For example, a minor living with a friend or relative because their parent(s) is/are incarcerated, drug addicted, mentally ill, deceased, or otherwise unavailable or absent from the home would not be able to readily obtain written, informed parental consent for outpatient mental health treatment.”

Under current law a minor who is 14 or older may petition a mental health review officer (MHRO) to review a parent’s refusal or inability to consent to the minor’s mental health treatment. “This is a quasi-judicial process that can take several weeks to complete. My office has been working with local advocates and stakeholders to increase the use of the MHRO process, but concerns remain regarding the health and well-being of an unaccompanied minor in between the time of referral and the determination of the MHRO,” said Loudenbeck.

According to Education for Homeless Youth and Children Data a total of 2,235 “Unaccompanied Homeless Youth” were identified by all local education agencies in Wisconsin for the 2016-2017 school year.[1] Under Federal law (the McKinney-Vento Homeless Assistance Act), an individual must meet both of the following criteria to be classified as “Unaccompanied Homeless Youth”.

1. The child’s or youth’s living arrangement meets the Act’s definition of*homeless*, and
2. The child or youth is not in the physical custody of a parent or guardian.[2]

The bill will be formally introduced in the Senate and Assembly this week. It will

then be referred to committee to have public hearings.