

Consent =
yes



PA Family Alliance
FOR CHILDREN'S SERVICES
pafamilyalliance.org

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.

Act 147 of 2004 ("Act 147"), 35 P.S. §§ 10101.1-10101.2, addresses who can provide consent to voluntary mental health treatment for minors who are 14 years of age and less than 18 years of age ("minors") in both inpatient and outpatient settings. Act 147 should be read and implemented in conjunction with the Mental Health Procedures Act ("MHPA"), which is mentioned in Act 147 and which applies to involuntary and inpatient treatment. See 50 P.S. § 7103, 55 Pa. Code § 5100.4(a).

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 age 14?

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

For more in depth information on this and other questions related to Mental Health Consent visit:

http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_276794.pdf