



Dear Hope Team,

State Laws regarding a minor child and access to counseling:

Please ensure that you have the signature on the consent to treat from the child's parents (both) and /or court paperwork documenting medical/mental health decision making rights (make and upload a copy to the client's file). If a case ever arises where counseling services are deemed an emergency (Sec. 32.001 (1-3)) please ensure the child submits a written statement containing the grounds on which the child has the capacity to consent. In the event you are unsure about your need to treat, most malpractice insurance policies allow for and provide legal counsel free of charge via phone regarding these matters.

Sec. 32.004. CONSENT TO COUNSELING.

(a) A child may consent to counseling for:

- (1) suicide prevention;
- (2) chemical addiction or dependency; or
- (3) sexual, physical, or emotional abuse.

(b) A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused, is contemplating suicide, or is suffering from a chemical or drug addiction or dependency may:

- (1) counsel the child without the consent of the child's parents or, if applicable, managing conservator or guardian;
- (2) with or without the consent of the child who is a client, advise the child's parents or, if applicable, managing conservator or guardian of the treatment given to or needed by the child; and
- (3) rely on the written statement of the child containing the grounds on which the child has capacity to consent to the child's own treatment under this section.

(c) Unless consent is obtained as otherwise allowed by law, a physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order.

(d) A physician, psychologist, counselor, or social worker counseling a child under this section is not liable for damages except for damages resulting from the person's negligence or wilful misconduct.

(e) A parent, or, if applicable, managing conservator or guardian, who has not consented to counseling treatment of the child is not obligated to compensate a physician, psychologist, counselor, or social worker for counseling services rendered under this section.

Amended by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. April 20, 1995.

<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.32.htm>