

Overview of Act 147 of 2004

What is Act 147 of 2004?



- Act 147 determines who can provide consent for voluntary mental health treatment of minors, in both inpatient and outpatient settings.
- Act 147 also determines who can consent to the release of a minor's medical and mental health records.

Who Can Consent ?



- Minors between the ages of 14 and 18 can consent to inpatient or outpatient mental health treatment for themselves without parental consent.
 - Upon the acceptance of an application for examination and treatment by a minor, the director of the facility must promptly notify the minor's parents, guardian, or person standing in loco parentis, and shall inform them of the right to be heard upon the filing of an objection.
- A parent or legal guardian of a minor under the age 18 can also consent to voluntary inpatient or outpatient mental health treatment of a minor.
 - A parent or legal guardian can consent to voluntary outpatient mental health treatment of their minor without the recommendation of a physician.
 - A parent or legal guardian can consent to voluntary inpatient mental health treatment with the recommendation of a physician who has examined the minor.

Who Can Abrogate?



- A parent or legal guardian cannot abrogate consent given by a minor.
- A minor cannot abrogate consent given by a parent or guardian.
- If a minor provides consent then later revokes it, the parent or legal guardian can provide consent for the treatment to continue, and vice versa.
- However, if no additional consent is provided, the facility must discharge the minor unless it files a petition for involuntary commitment.

Who Can Object?



- A minor or parent/ legal guardian can object to voluntary inpatient treatment to which either has consented.
- A nonconsenting parent or legal guardian can object to the consent given by the other parent or legal guardian for inpatient mental health treatment, as long as the nonconsenting parent or legal guardian has legal custody rights of the minor.
- Act 147 is silent on whether a minor or parent/legal guardian can object to voluntary outpatient treatment to which either has consented.

How Can a Minor Object?



- A minor can object to inpatient treatment by requesting for modification of or withdrawal from inpatient mental health treatment.
- The director of the facility or their designee shall provide a form for the minor to request for modification of or withdrawal from treatment.
- The director of the facility or their designee shall file the petition for modification or withdrawal with the court.
- The minor must be assigned an attorney and a hearing must be held within 72 hours of filing the petition.

- For inpatient treatment to continue against a minor's wishes, the following evidence must be met:
 - The minor has a diagnosed mental disorder
 - The disorder is treatable
 - The disorder can be treated in the particular facility where the treatment is taking place
 - The proposed inpatient treatment setting represents the least restrictive alternative that is medically appropriate
- The initial court order can be for up to 20 days of inpatient mental health treatment. Subsequent orders can be for 60 day periods until the minor is determined to no longer need inpatient mental health treatment.

How Can a Parent/ Legal Guardian Object?



- A parent or legal guardian can file a petition with the court of common pleas in the county where the child resides to object to the voluntary inpatient mental health treatment for a minor.
- A hearing must be held within 72 hours of filing the petition.

Release of Medical Records



- Parents or legal guardians have the right to be provided with information necessary to inform their consent for the minor's mental health treatment.
- When a parent or legal guardian has consented to the mental health treatment of a minor, the parent or legal guardian can also consent to the release of the minor's :
 - Medical records to the minor's current mental health provider
 - Prior mental health records to the minor's current mental health treatment provider, if the information is relevant
 - Mental health records to the primary care, if the current mental health treatment provider determines that the release will not be detrimental to the minor
- Release of records with the consent of a parent or legal guardian are limited to direct release from a mental health treatment provider to another treatment provider or to a primary care provider.

Release of Medical Records



- In all other situations, minors control the release of their mental health treatment records.

Questions regarding Act 147 can be directed to:
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