

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Section 3-501 as
6 follows:

7 (405 ILCS 5/3-501) (from Ch. 91 1/2, par. 3-501)

8 Sec. 3-501. Minors 12 years of age or older request to
9 receive counseling services or psychotherapy on an outpatient
10 basis.

11 (a) Any minor 12 years of age or older may request and
12 receive counseling services or psychotherapy on an outpatient
13 basis. The consent of the minor's ~~his~~ parent, guardian, or
14 person in loco parentis shall not be necessary to authorize
15 outpatient counseling services or psychotherapy. ~~The minor's~~
16 ~~parent, guardian or person in loco parentis shall not be~~
17 ~~informed of such counseling or psychotherapy without the~~
18 ~~consent of the minor unless the facility director believes such~~
19 ~~disclosure is necessary. If the facility director intends to~~
20 ~~disclose the fact of counseling or psychotherapy, the minor~~
21 ~~shall be so informed.~~ However, until the consent of the minor's
22 parent, guardian, or person in loco parentis has been obtained,
23 outpatient counseling services or psychotherapy provided to a

1 minor under the age of 17 shall be initially limited to not
2 more than 8 90-minute sessions ~~5 sessions, a session lasting~~
3 ~~not more than 45 minutes.~~ The service provider shall consider
4 the factors contained in subsection (a-1) of this Section
5 throughout the therapeutic process to determine, through
6 consultation with the minor, whether attempting to obtain the
7 consent of a parent, guardian, or person in loco parentis would
8 be detrimental to the minor's well-being. No later than the
9 eighth session, the service provider shall determine and share
10 with the minor the service provider's decision as described
11 below:

12 (1) If the service provider finds that attempting to
13 obtain consent would not be detrimental to the minor's
14 well-being, the provider shall notify the minor that the
15 consent of a parent, guardian, or person in loco parentis
16 is required to continue counseling services or
17 psychotherapy.

18 (2) If the minor does not permit the service provider
19 to notify the parent, guardian, or person in loco parentis
20 for the purpose of consent after the eighth session the
21 service provider shall discontinue counseling services or
22 psychotherapy and shall not notify the parent, guardian, or
23 person in loco parentis about the counseling services or
24 psychotherapy.

25 (3) If the minor permits the service provider to notify
26 the parent, guardian, or person in loco parentis for the

1 purpose of consent, without discontinuing counseling
2 services or psychotherapy, the service provider shall make
3 reasonable attempts to obtain consent. The service
4 provider shall document each attempt to obtain consent in
5 the minor's clinical record. The service provider may
6 continue to provide counseling services or psychotherapy
7 without the consent of the minor's parent, guardian, or
8 person in loco parentis if:

9 (A) the service provider has made at least 2
10 unsuccessful attempts to contact the minor's parent,
11 guardian, or person in loco parentis to obtain consent;
12 and

13 (B) the service provider has obtained the minor's
14 written consent.

15 (4) If, after the eighth session, the service provider
16 of counseling services or psychotherapy determines that
17 obtaining consent would be detrimental to the minor's
18 well-being, the service provider shall consult with his or
19 her supervisor when possible to review and authorize the
20 determination under subsection (a) of this Section. The
21 service provider shall document the basis for the
22 determination in the minor's clinical record and may then
23 accept the minor's written consent to continue to provide
24 counseling services or psychotherapy without also
25 obtaining the consent of a parent, guardian, or person in
26 loco parentis.

1 (5) If the minor continues to receive counseling
2 services or psychotherapy without the consent of a parent,
3 guardian, or person in loco parentis beyond 8 sessions, the
4 service provider shall evaluate, in consultation with his
5 or her supervisor when possible, his or her determination
6 under this subsection (a), and review the determination
7 every 60 days until counseling services or psychotherapy
8 ends or the minor reaches age 17. If it is determined
9 appropriate to notify the parent, guardian, or person in
10 loco parentis and the minor consents, the service provider
11 shall proceed under paragraph (3) of subsection (a) of this
12 Section.

13 (6) When counseling services or psychotherapy are
14 related to allegations of neglect, sexual abuse, or mental
15 or physical abuse by the minor's parent, guardian, or
16 person in loco parentis, obtaining consent of that parent,
17 guardian, or person in loco parentis shall be presumed to
18 be detrimental to the minor's well-being.

19 (a-1) Each of the following factors must be present in
20 order for the service provider to find that obtaining the
21 consent of a parent, guardian, or person in loco parentis would
22 be detrimental to the minor's well-being:

23 (1) requiring the consent or notification of a parent,
24 guardian, or person in loco parentis would cause the minor
25 to reject the counseling services or psychotherapy;

26 (2) the failure to provide the counseling services or

1 psychotherapy would be detrimental to the minor's
2 well-being;

3 (3) the minor has knowingly and voluntarily sought the
4 counseling services or psychotherapy; and

5 (4) in the opinion of the service provider, the minor
6 is mature enough to participate in counseling services or
7 psychotherapy productively.

8 (a-2) The minor's parent, guardian, or person in loco
9 parentis shall not be informed of the counseling services or
10 psychotherapy without the written consent of the minor unless
11 the service provider believes the disclosure is necessary under
12 subsection (a) of this Section. If the facility director or
13 service provider intends to disclose the fact of counseling
14 services or psychotherapy, the minor shall be so informed and
15 if the minor chooses to discontinue counseling services or
16 psychotherapy after being informed of the decision of the
17 facility director or service provider to disclose the fact of
18 counseling services or psychotherapy to the parent, guardian,
19 or person in loco parentis, then the parent, guardian, or
20 person in loco parentis shall not be notified. Under the Mental
21 Health and Developmental Disabilities Confidentiality Act, the
22 facility director, his or her designee, or the service provider
23 shall not allow the minor's parent, guardian, or person in loco
24 parentis, upon request, to inspect or copy the minor's record
25 or any part of the record if the service provider finds that
26 there are compelling reasons for denying the access. Nothing in

1 this Section shall be interpreted to limit a minor's privacy
2 and confidentiality protections under State law.

3 (b) The minor's parent, guardian, or person in loco
4 parentis shall not be liable for the costs of outpatient
5 counseling services or psychotherapy which is received by the
6 minor without the consent of the minor's parent, guardian, or
7 person in loco parentis.

8 (c) Counseling services or psychotherapy provided under
9 this Section shall be provided in compliance with the
10 Professional Counselor and Clinical Professional Counselor
11 Licensing and Practice Act or the Clinical Psychologist
12 Licensing Act.

13 (Source: P.A. 86-922.)