

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 392

(Chair, Judiciary Committee)

(By Request – Departmental – Juvenile Services)

Judiciary

Juvenile Services - Mental Health and Substance Abuse Screenings for Detained Youth

This departmental bill authorizes youth detained by the Department of Juvenile Services to consent to mental health and substance abuse screenings without parental consent.

Fiscal Summary

State Effect: The bill's changes could be handled with existing resources. DJS already performs mental health and substance abuse screenings on detained youth, with parental consent.

Local Effect: None.

Small Business Effect: The Department of Juvenile Services has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: A minor has the same capacity as an adult to consent to medical treatment if the minor is married or is the parent of a child. In addition, the minor can consent to medical or psychological treatment if the attending physician believes the life or health of the minor would be harmed by delaying treatment to obtain consent of another individual.

A minor can consent to treatment for or advice about • drug abuse; • alcoholism; • venereal disease; • pregnancy; and • contraception other than sterilization. A minor can also consent to physical examinations and related treatments for the purpose of treating injuries from or obtaining evidence of an alleged rape or sexual offense. Lastly, a minor can consent to initial medical screening and physical examination on and after admission into a detention center.

Background: Detained youth are those who are admitted into DJS residential programs. In 2007, 9,720 youth were admitted into residential programs. Of the youth admitted that year, 62% received substance abuse screenings and 63% received mental health screenings.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Juvenile Services, Department of Health and Mental Hygiene, Department of Legislative Services

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