

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure the budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and well-being.

Testimony before the House Health & Government Operations and Ways & Means Committees
*HB0065– Public Schools – Medical and Psychological Treatment in School-Based Health Centers and
Public Schools – Parental Notice*

March 13, 2024

Position: OPPOSE

The Coalition to Protect Maryland's Children (CPMC) is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform. CPMC urges an unfavorable report on HB0065– Public Schools – Medical and Psychological Treatment in School-Based Health Centers and Public Schools – Parental Notice.¹

HB0065 would require that school health staff in Maryland public schools provide to a student's parent or legal guardian information about consultation, diagnosis, or treatment provided to the student. The requirement would apply to school health practitioners, health care practitioners, or certified school psychologists employed by or under contract with a school-based health center, local school system, or local health department to provide school health services at a public school.

The requirements for parental notification conflict with several state laws regarding minors' consent to health care. Minors in Maryland may consent to their own treatment if they are married, the parent of a child, or living separately and apart from their parents and are self-supporting.² Minors can also consent to treatment or advice for substance misuse, sexually transmitted infections, contraception, and pregnancy.³ Minors who are 16 years of age or older can consent to consultation, diagnosis, and treatment of a mental health disorder.⁴ These laws are in place specifically so that minors can seek necessary health care services in situations where a parent or legal guardian is unable or unwilling to assist the minor in seeking care. Such measures also enable minors to seek care without notifying the parent in situations when notification of the parent could place youth at risk.

There are some specific situations for when physical or mental health care services are needed in which mandated parental notification would be harmful to the minor. For a youth seeking help because of physical or sexual abuse by a parent or legal guardian, notification of the caregiver could put that youth in physical or emotional danger. A teenager who is suicidal and lives with parents who do not believe in mental health care could be left without support or treatment if parents are notified and try to prevent further care. For youth experiencing dating violence, mandated notification of a parent or legal guardian may lead to fewer disclosures of sexual assault or abuse to health care professionals and less support for the survivors. As experts in the field of child welfare advocacy, we recognize that mandated parental notification of services can result in the termination of the ongoing support sought by youth experiencing a significant degree of neglect, abuse, and/or dysfunction within their families - resulting in a consent mandate, rather than a disclosure of services provided.

For these reasons, we urge an unfavorable committee report on HB0065 – Public Schools – Medical and Psychological Treatment in School-Based Health Centers and Public Schools – Parental Notice.

¹ Members of CPMC in opposition to HB0065 include Center for Hope, Citizens Review Board for Children, Franklin Law Group, P.C., Maryland Chapter of the American Academy of Pediatrics, Maryland Coalition Against Sexual Assault, MOMCares, National Association of Social Workers – Maryland, and Diana Philip (individual).

² MD Code, Health-General § 20-102

³ MD Code, Health-General § 20-102

⁴ MD Code, Health-General § 20-102 (d)