

Minor/Dependent Rights and Practice Policies

Outpatient Mental Health Rights of Minors in Wisconsin: The rights of Minors and Dependents are protected by the state of Wisconsin and signed informed consent for outpatient mental health treatment is required by both the Client and parent/guardian for anyone under 18 years of age. If the client is 14 years of age or older, you also must sign consent for outpatient mental health treatment. As a minor over 14, you have a right to prompt and adequate treatment, the right to refuse mental health treatment until a court orders it, right to be told about your treatment and care, right to participate in the planning of your treatment and care, you and your relatives must be informed of any costs that may be incurred for treatment, right to decision making, right to fair treatment, right to view your records, right to release your own mental health records. If you are younger than 14, you have personal rights and may view mental health records with the presence of a parent or guardian.

Outpatient Mental Health Rights of Minors in Minnesota: Signed informed consent is required by the parent/guardian of a minor under the age of 18, but not from the minor client. Minors under age 18, do have the right to be knowledgeable about informed consent of diagnostic information, nature and purpose of treatment, probability that treatment will be successful, feasible treatment alternatives, can make a voluntary choice among the alternatives, and prognosis if treatment is not given.

*Per your request we can provide additional information on WI and MN state law regarding the rights of minors and dependents.

Guidelines for Clients of Divorced/Separated/Never Married Parents: To legally authorize mental health treatment for minors, you must have either sole or joint legal custody of your child. If you are separated or divorced from the other parent of your child, please notify Crescent Moon Counseling immediately. We require you to provide a certified copy of the most recent custody/divorce decree or court order that outlines custody rights and or limitations of you and the other parent, or otherwise demonstrates that you have the right to authorize treatment for your child. Crescent Moon Counseling, LLC requires documentation to protect the client and ensure HIPAA compliancy. Legal documents must be submitted prior to the client's first session. If not received, the client's session will be rescheduled until the decree or court order is given to the therapist. If you are separated or divorced from the child's other parent, please be aware that it is our policy to notify the other parent that the therapist is meeting with your child, unless there are exceptional circumstances.

Parents as Collaterals: A collateral is someone who participates in therapy to assist the identified Client. The collateral is not considered to be the identified Client and is not the subject of treatment. Clinicians specializing in the treatment of children have long recognized the need to treat children in the context of their family. Participation of parents is common and often recommended. The therapist may meet with parents/guardians as collaterals, separately, together, with, or without the client. The therapist's primary responsibility is to the identified Client and must place their interests first. The identified client is not the parents/guardians, nor any siblings, or other family members. If a parent or guardian is participating in therapy with the minor/dependent Client, they should expect the therapist to request that they examine their own attitudes and behaviors to determine if they can make positive changes that will be of benefit to the Client. We highly encourage and may require parent/guardian collaterals to obtain their own therapy while the Client is in individual therapy. Parents may also need couples therapy to improve their relationship so they can function effectively as parents. It is very common for a therapist to advise parents to pursue their own counseling while their child is in therapy to increase treatment outcomes for the child and family.

- In treatment involving children and their parents, access to information is an important and sometimes contentious topic. Particularly for older children (14 years old and up), trust and privacy are crucial to treatment success. It is the therapist's policy to provide parents/guardians with general information about treatment, but NOT to share specific information that your child has disclosed, without the child's agreement. In general, we believe that parents should be informed about the goals of treatment and how the treatment is going and whether the child comes to their appointments. Parents also need to know certain information about the treatment and for this reason, we need to discuss and agree about what information will be shared and what information will remain private. In addition, the therapist will always inform you if they think that your child is in danger or if they are endangering others. More information on parent child disclosures is outlined later in this document.
- The therapist will generally require a written contract between the parent and child concerning communication and access to a child's record. One of our first tasks is to discuss and agree on our shared definition of dangerousness so we are all clear about what will be disclosed. Once the contract is made, it will be treated as legally binding, although it sometimes may be overridden by a judge.
- If you are participating in therapy with your child, you should expect the clinician to request that you examine your own attitudes and behaviors to determine if you can make positive changes that will be of benefit to your child.

- The therapist will make notes of collateral meetings in your child’s treatment records. Know that those notes will be available to any person or entity that has legal access to the child’s treatment record.
- At the end of treatment, the therapist will prepare a summary for the parents.

Disagreements: Disagreement among parents and/or disagreement between parents and the therapist regarding the child’s treatment can occur in therapy. If disagreements occur, your therapist will strive to listen carefully to understand all parties’ perspectives and fully explain the therapist’s perspective. Ultimately, parents decide whether therapy will continue. If either parent decides that therapy should end, your therapist will honor that decision, unless there are extraordinary circumstances. In most cases the therapist will ask that you allow a few closing sessions with your child to appropriately end the therapy relationship.

Mandatory Disclosures of Treatment Information: In some situations, the therapist is required by law or by the guidelines of the field to disclose information. A few examples of such situations are described below. If a Minor or Dependent:

- Describes a plan to cause serious harm or death to themselves, and the therapist believes they have the intent and ability to carry out this threat in the very near future. The therapist must take steps to inform a parent or guardian or others of what the child has said and how serious the threat is to try to prevent such harm.
- Describes a plan to cause serious harm or death to someone else, and the therapist believes they have the intent and ability to carry out this threat. In this situation, the therapist must inform a parent, guardian, or other, and may be required to inform the person who is the target of the threatened harm [and the police].
- Is doing things that could cause serious harm to them or someone else, even if they do not intend to harm themselves or another person. In these situations, the therapist will need to use their professional judgment to decide whether a parent or guardian should be informed.
- Describes or has physical evidence of neglect or abuse (physical, sexual, or emotional) or that it appears that they have been neglected or abused in the past. In this situation, the therapist is required by law to report the alleged abuse to the appropriate state child-protective agency.
- Or if the therapist is ordered by a court to disclose information.

Disclosure of Minor/Dependent Treatment Information to Parents/Guardians: Therapy is most effective when a trusting relationship exists between the therapist and the client. Privacy is especially important to earn and keep that trust. As a result, it is important for minors to have a “zone of privacy” where they feel free to discuss personal matters without fear that their thoughts and feelings will be immediately communicated to their parents. This is particularly true for adolescents who are naturally developing a greater sense of independence and autonomy. It is the therapist’s policy to provide parents/guardians with general information about treatment, but NOT to share specific information that your child has disclosed, without the child’s agreement. This includes activities and behavior that you may not approve of — or might be upset by — but that do not put your child at risk of serious and immediate harm. Expect the therapist to describe the child’s problems in general terms, without using specifics. However, if your child’s risk-taking behavior becomes serious, then the therapist will need to use professional judgment to decide whether your child is in serious and immediate danger of harm. If the therapist feels that your child is in such danger, they will communicate this information to you.

Example: If your child says they have tried alcohol at a few parties, the therapist will keep this information confidential. If your child tells says they are drinking and driving, or is a passenger in a car with a driver who is drunk, the therapist would inform you. If your child says, or if the therapist believes based on things learned in therapy, that your child is addicted to drugs or alcohol, you would be informed.

Example: If your child says they are having voluntary, protected sex with a peer, that information would be kept confidential. If your child says, on several occasions, they have engaged in unprotected sex with strangers or in unsafe situations, you will be informed.

You can always ask the therapist questions about the types of information that would be disclosed. You could ask in the form of “hypothetical situations,” such as: “If a child told you that they were doing _____, would you tell the parents?” Even when we have agreed to keep your child’s treatment information confidential, the therapist may believe that it is important for parents/guardians to know about a particular situation that is going on in the child’s life. In these situations, the therapist will encourage the child to tell parents, and the therapist will help the client find the best way to do so.

Disclosure of Minor’s Treatment Records to Parents: Although the laws of Wisconsin and Minnesota may give parents the right to see any written records kept about your child’s treatment, by signing this agreement, you are agreeing that your child or teen should have a “zone of privacy” in their meetings with their therapist, and you agree not to request access to your child’s written treatment records.

Parent/Guardian Agreement Not to Use Minor's Therapy Information/Records in Custody Litigation: When a family is in conflict, particularly conflict due to custody, parental separation, or divorce, it is very difficult for everyone, particularly for children. The therapist's responsibility is to your child and the therapist's role will be strictly limited to providing treatment to your child. The therapist will not provide a testimony unless legally required. If the therapist is required to testify, they are ethically bound not to give personal opinions about either parent's custody, visitation suitability, or fitness. If the court appoints a custody evaluator, guardian ad litem, or parenting coordinator, the therapist will provide information as needed only if appropriate releases are signed or a court order is provided. The therapist will not make any recommendation about the final decision(s) of custody determinations. Furthermore, if the therapist is required to appear as a witness or to otherwise perform work related to any legal matter, the party responsible for the therapist's participation will be required to reimburse the therapist at the rate of \$200 per hour for time spent traveling, speaking with attorneys, reviewing, and preparing documents, testifying, being in attendance, and any other case-related costs.

***Policies of Crescent Moon Counseling, LLC are subject to change. You will be informed of changes when or if they occur.*