

CHAPTER 833

S.B. No. 1122

An Act relating to the consent of minors and others to treatment by a physician, psychologist, counselor, or social worker in cases involving sexual abuse, physical abuse, or suicide prevention; adding Subsection (g) to Section 35.03, Family Code, as amended.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 35.03, Family Code, as amended, is amended by adding Subsection (g) to read as follows:

“(g) A minor may consent to counseling by a physician, psychologist, counselor, or social worker licensed or certified by this state, within the scope of the professional’s license, if the minor consents to treatment for sexual abuse, physical abuse, or suicide prevention.

“(1) Except as provided in Subdivision (4) of this subsection, a physician, psychologist, counselor, or social worker licensed or certified by this state having reasonable grounds to believe that a child has been sexually or physically abused and/or is contemplating suicide may counsel the child without consent of the child’s parents, managing conservator, or guardian.

“(2) A physician, psychologist, counselor, or social worker licensed or certified by this state may, with or without the consent of a minor who is a client, advise the parents, managing conservator, or guardian of the minor of the treatment given or needed by the minor.

“(3) A physician, psychologist, counselor, or social worker licensed or certified by this state may rely on the written statement of the minor containing the grounds on which the minor has capacity to consent to his or her own treatment under this section.

“(4) Unless consent is obtained as otherwise allowed by law, a physician, psychologist, counselor, or social worker licensed or certified by this state may not counsel a child if consent is refused by an order of a court.

“(5) A physician, psychologist, counselor, or social worker licensed or certified by this state and counseling a child under the authority of this section is not liable for damages except those damages resulting from his or her negligence or wilful misconduct.

“(6) A parent, managing conservator, or guardian is not obligated to compensate a physician, psychologist, counselor, or social worker for counseling services rendered under Subsection (g) of this section without the prior consent of the parent, managing conservator, or guardian.”

SECTION 2. This Act takes effect September 1, 1985.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 6, 1985, by a viva-voce vote; passed the House on May 24, 1985, by a non-record vote.

Approved: June 15, 1985

Effective: September 1, 1985