

**Disability Rights Maryland**  
Testimony before the Senate Finance Committee  
February 2, 2021

**Senate Bill 41** – Health – Mental and Emotional Disorders – Consent (Mental Health Access Initiative)

**POSITION: SUPPORT**

Disability Rights Maryland (DRM) is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. DRM advocates for systemic reforms and policies that improve services and supports for persons with psychiatric disabilities, and ensures that their rights are protected. DRM is here today to support Senate Bill 41, which would lower the age of consent for mental health treatment from 16 to 12 years of age. DRM supports this bill because it expands access to mental health care and treatment and brings Maryland's age of consent to mental health treatment in line with other sensitive areas of consent law: substance abuse advice and treatment, sexual health and contraception, pregnancy care, and HIV/AIDs testing and treatment.

While DRM believes that parent and guardian involvement is generally desirable, it is undeniable that some youth will avoid seeking needed mental health treatment if parent or guardian consent is required first. It is more important for a young person to have access to needed mental health services than it is to require parental/guardian consent. Maryland law continues to provide that the provider may inform parents be of their child's receipt of services, at the provider's discretion. Mental health providers should not be prevented from providing needed mental health care to youth who desire it solely because a parent is unable or reluctant to authorize such care.

DRM advocates for children with emotional and mental health disabilities in Maryland's Residential Treatment Centers for Youth. Eliminating the requirement for parents and guardians to have to provide affirmative consent for mental health treatment would eliminate a potential source of conflict for these families.

**For these reasons, DRM recommends that Senate Bill 41 be given a favorable report.**