

Maintaining Access to Crisis Mental Health Services for Minors SB 166 / HB 173



This information is designed to help legislative leaders better understand the serious implications of **repealing Florida Statute 394.4784**, which currently grants minors (age 13 and older) limited and time-restricted access to crisis mental health services without prior parental consent. Constituents and mental health professionals are concerned that **Section 4 of SB 166 / HB 173 would fully eliminate this access**, reducing minors' safety during times of emotional crisis.

What do these bills do:

SB 166 / HB 173 includes a provision (Section 4) that **fully repeals FS 394.4784**, a long-standing statute that allows minors aged 13+ to receive short-term outpatient crisis evaluation and counseling under the following controlled conditions:

- Up to **two visits** without parental consent
- **No medication** or invasive/somatic treatments permitted
- Services provided **only by licensed mental health professionals**
- Parents are **not financially responsible** unless they participate
- Professionals are **not required** to provide such services—strictly voluntary

The intent of the statute is narrowly focused: **To allow a minor to receive immediate, short-term crisis support when the minor perceives a risk to their own safety or emotional functioning.**

What Repeal Would Mean

Repeal would eliminate a youth's ability to privately reach out to a mental health professional in times of acute emotional distress—including suicidal ideation, abuse disclosure, or severe anxiety—**even for a brief crisis conversation.**

Why FS 394.4784 Exists

The statute balances:

- **Parental rights,**
- **Youth safety,** and
- **Professional responsibility**

by allowing two crisis visits before parental permission is required. It serves as a safety valve that prevents tragedy by allowing licensed mental health professionals to stabilize a minor long enough to involve parents safely and appropriately.

Risks Posed by Repealing the Statute (as proposed by SB 166/HB 173)

1. Preventing Crisis Stabilization in Emergencies

If a minor presents with active distress, a mental health professional could not even speak with them without prior parental approval

Analogy:

If a minor enters an emergency room with a severe bleeding wound, medical staff would stop the bleeding immediately, then contact the guardian before performing surgery. Mental health crisis response functions similarly: **immediate stabilization first, parental involvement next.** Repeal would prohibit this critical stabilization step.

2. Silencing Children Who Need Help the Most

Repeal affects nearly every environment where children are present:

- Schools
- After-school programs
- Athletic programs

- Camps
- Religious youth activities
- Community programs

Under repeal, if a minor discloses suicidal thinking, intense anxiety, emotional crisis, or abuse, **a professional would be prohibited from even speaking with them until a parent is contacted first.**

This has severe consequences:

- Minors in abusive homes **may never be able to safely disclose abuse**
- A teen experiencing suicidal thoughts may **not seek help because their parent will be contacted immediately**
- Professionals lose the ability to provide **brief, essential guidance** to help a minor tell their parents what is wrong
- Teachers, counselors, and youth program staff are placed in an impossible position in which they must **ignore a crisis** until parental permission is obtained

3. Unintended Legal and Liability Consequences

Repeal creates risk for:

- Schools
- Licensed clinicians
- Youth organizations
- After-school programs
- Crisis centers

Professionals could be forced to choose between:

1. **Violating the law** by offering brief crisis support, or
2. **Violating ethical standards** and child-safety mandates by refusing to communicate with a distressed minor

This uncertainty substantially increases organizational liability and creates unsafe conditions for minors.

4. Creating Gaps in Mandatory Reporting for Abuse

Children/teens often seek out a trusted adult to disclose abuse. The proposed change undermines Florida's child protection responsibilities.

Repeal would mean:

- A minor **cannot speak privately** with a professional before parental notice
- A youth may be too fearful to report abuse if their abuser must be notified beforehand
- Mandatory reporters are **hamstrung** by not being able to gather adequate information to file a proper report

What We Recommend

Keep FS 394.4784 Intact - Repealing FS 394.4784 would remove a critical safeguard for Florida's youth and place mental health professionals in an untenable position. The current statute is narrow in scope, time-limited, clinically appropriate, and designed to stabilize a minor just long enough to bring parents into the process safely.

The current statute provides a carefully balanced framework that:

- Protects minors in crisis
- Respects parental rights
- Limits services to two short-term crisis visits
- Requires parental involvement for ongoing treatment
- Ensures no medication or invasive treatment can be provided

Florida should not eliminate this lifeline for minors experiencing emotional crises. **We strongly recommend preserving Florida Statute 394.4784 to ensure minors have access to brief, essential crisis intervention when they most need it.**

