



Monterey County Behavioral Health Policy and Procedure

Policy Number	337
Policy Title	Risk Assessment of Minors in a School Setting
References	Family Code 6924 or Health and Safety Code 124260 Family Code 6929 for substance abuse assessment Welfare and Institutions Code section 5585 et seq.
Form	None
Effective	September 27, 2017

1 Policy

2 3 PURPOSE

4 This policy is intended to provide guidance on conducting a risk-assessment when a student
5 (minor) is experiencing a mental health emergency at school and/or when a school staff member
6 identifies a concern that a student may be experiencing a mental health emergency in a school
7 setting. A risk-assessment may be initiated when a school staff identifies a concern and a referral
8 for a mental health evaluation is made. Generally, school staff have attempted to reach the parent
9 to alert them of the concerns and/or potential dangers to self/others. Documentations standards
10 shall be followed in accordance with policies and procedures.

11 12 Procedures

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14 Consent: If the student is **12 or older**, then outpatient mental health services/counseling is subject
15 to minor consent laws (Family Code 6924 or Health and Safety Code 124260; if substance abuse
16 assessment, then Family Code 6929); parental permission is not required to conduct a risk
17 assessment or to provide additional outpatient counseling treatment. If it is a 5585 situation (civil
18 commitment of minor/inpatient hospitalization per 5150 process), then school should attempt to
19 reach parent immediately and so should mental health counselor (section 5585 et seq. of the W&I
20 Code requires us to notify the parent immediately of the (potential) crisis and need for
21 hospitalization).

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23 If the student is **under the age of 12**, then the outpatient assessment should only be done with
24 consent from the parent (or legal guardian) unless it is an emergency, in which case the
25 assessment may be commenced while attempts are immediately made to notify and involve the
26 parent.

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28 Confidentiality: The referral of the student to County mental health staff for the assessment
29 requires permission from the parent if the student is under the age of 18 per Family Educational
30 Rights and Privacy Act, FERPA, (this is the educational privacy law that the school staff must
31 follow) -- however, most schools obtain this "permission" at the beginning of the school year from

32 all parents (i.e., they get authorization to disclose educational information such as the name and
33 grade of the student, and observed concerns of the school staff, to health care providers in order to
34 provide appropriate and necessary medical care in the absence of the parent; they also get
35 permission to initiate necessary and appropriate medical care if the parent can't be reached). This
36 would include the disclosure of student information (the school staff's "concern") to a healthcare
37 provider who is operating under CA minor consent to medical treatment laws. Note that even
38 though the health care provider has to "involve" the parent unless it would be inappropriate in
39 minor consent situations, there is nothing that would preclude efforts by the teacher/school to also
40 notify the parent of the school staff's concern and referral (the school staff is not disclosing health
41 information and is not subject to HIPAA or CA medical privacy laws).