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**AB-866 Juveniles: care and treatment.** (2023-2024)

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**Assembly Bill No. 866**

**CHAPTER 936**

An act to amend Section 369 of the Welfare and Institutions Code, relating to juveniles.

[ Approved by Governor September 29, 2024. Filed with Secretary of State September 29, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 866, Blanca Rubio. Juveniles: care and treatment.

Existing law authorizes a minor to consent to medical and other treatment under certain circumstances, including the diagnosis and treatment of sexual assault, medical care relating to the prevention or treatment of pregnancy, treatment of infectious, contagious, and communicable diseases, mental health treatment, and treatment for alcohol and drug abuse.

Existing law establishes the jurisdiction of the juvenile court, which may adjudge a child to be a dependent or ward of the court under certain circumstances. Under existing law, if a minor has been, or has a petition filed with the court to be, adjudged a dependent child of the court, the court may authorize, or order that a social worker may authorize, medical and other care for the minor, as prescribed. Under existing law, a social worker may, without court order, authorize medical and other care for a minor in emergency situations, as specified.

This bill would authorize a dependent child of the juvenile court who is 16 years of age or older to consent to receive medications for opioid use disorder from a licensed narcotic treatment program as replacement narcotic therapy without the consent of their parent, guardian, person standing in loco parentis, or social worker, and without a court order, only if, and to the extent, expressly permitted by federal law. The bill would authorize a dependent child of the juvenile court who is 16 years of age or older to consent to opioid use disorder treatment that uses buprenorphine at a physician's office, clinic, or health facility, by a licensed physician and surgeon or other health care provider, as specified, whether or not the minor has the consent of their parent, guardian, person standing in loco parentis, or social worker and without a court order.

Existing law authorizes a social worker to inform a dependent child 12 years of age or older of their right to consent to receive specified health services, including, among other things, the diagnosis and treatment of sexual assault and medical care relating to the prevention or treatment of pregnancy. Existing law also authorizes a social worker to provide a dependent child with access to age-appropriate, medically accurate information about sexual development, reproductive health, and the prevention of unplanned pregnancies and sexually transmitted infections.

This bill would instead authorize a social worker to inform a dependent child 10 years of age or older of their right to consent to receive those health services and would also authorize a social worker to inform a dependent child of their confidentiality rights regarding those services. The bill would additionally authorize a social worker to provide a dependent child with information on how to access reproductive and sexual health care services and to facilitate access to that care, as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 369 of the Welfare and Institutions Code is amended to read:

**369.** (a) (1) If a person is taken into temporary custody under Article 7 (commencing with Section 305) and is in need of medical, surgical, dental, or other remedial care, the social worker may, upon the recommendation of the attending physician and surgeon or, if the person needs dental care and there is an attending dentist, the attending dentist, authorize the performance of the medical, surgical, dental, or other remedial care.

(2) The social worker shall notify the parent, guardian, or person standing in loco parentis of the person, if any, of the care found to be needed before that care is provided, and if the parent, guardian, or person standing in loco parentis objects, that care shall be given only upon order of the court in the exercise of its discretion.

(b) If it appears to the juvenile court that a person concerning whom a petition has been filed with the court is in need of medical, surgical, dental, or other remedial care, and that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize the remedial care or treatment for that person, the court, upon the written recommendation of a licensed physician and surgeon or, if the person needs dental care, a licensed dentist, and after due notice to the parent, guardian, or person standing in loco parentis, if any, may make an order authorizing the performance of the necessary medical, surgical, dental, or other remedial care for that person.

(c) If a dependent child of the juvenile court is placed by order of the court within the care and custody or under the supervision of a social worker of the county where the dependent child resides and it appears to the court that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize medical, surgical, dental, or other remedial care or treatment for the dependent child, the court may, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that the social worker may authorize the medical, surgical, dental, or other remedial care for the dependent child, by licensed practitioners, as necessary.

(d) (1) If it appears that a child otherwise within subdivision (a), (b), or (c) requires immediate emergency medical, surgical, or other remedial care in an emergency situation, that care may be provided by a licensed physician and surgeon or, if the child needs dental care in an emergency situation, by a licensed dentist, without a court order and upon authorization of a social worker.

(2) The social worker shall make reasonable efforts to obtain the consent of, or to notify, the parent, guardian, or person standing in loco parentis prior to authorizing emergency medical, surgical, dental, or other remedial care.

(3) For purposes of this subdivision, "emergency situation" means a child requires immediate treatment for the alleviation of severe pain or an immediate diagnosis and treatment of an unforeseeable medical, surgical, dental, or other remedial condition or contagious disease that, if not immediately diagnosed and treated, would lead to serious disability or death.

(e) If the court orders the performance of a medical, surgical, dental, or other remedial care pursuant to this section, the court may also make an order authorizing the release of information concerning that care to a social worker, parole officer, or other qualified individual or agency caring for or acting in the interest and welfare of the child under order, commitment, or approval of the court.

(f) (1) Notwithstanding any other provision within this section, a dependent child of the juvenile court who is 16 years of age or older may consent to receive medications for opioid use disorder from a licensed narcotic treatment program as replacement narcotic therapy without the consent of their parent, guardian, person standing in loco parentis, or social worker, and without a court order, only if, and to the extent, expressly permitted by federal law.

(2) Notwithstanding any other law, a dependent child of the juvenile court who is 16 years of age or older may consent to opioid use disorder treatment that uses buprenorphine at a physician's office, clinic, or health facility, by a licensed physician and surgeon or other health care provider acting within the scope of their practice, whether or not they have the consent of their parent, guardian, person standing in loco parentis, or social worker and without a court order.

(g) This section does not limit the right of a parent, guardian, or person standing in loco parentis, who has not been deprived of the custody or control of the child by order of the court, in providing a medical, surgical, dental, or other remedial treatment recognized or permitted under the laws of this state.

(h) (1) The parent of a person described in this section may authorize the performance of medical, surgical, dental, or other remedial care provided for in this section notwithstanding their age or marital status.

(2) In a nonemergency situation, the parent authorizing the care shall notify the other parent prior to the administration of that care.



(i) (1) This section does not limit the rights of a dependent child, pursuant to Chapter 3 (commencing with Section 6920) of Part 4 of Division 11 of the Family Code, to consent to, among other things, the diagnosis and treatment of sexual assault, medical care relating to the prevention or treatment of pregnancy, including contraception, abortion, and prenatal care, treatment of infectious, contagious, or communicable diseases, mental health treatment, and treatment for alcohol and drug abuse.

(2) If a dependent child is 10 years of age or older, their social worker is authorized to inform the child of their right as a minor to consent to and receive those health services, as necessary, and their confidentiality rights regarding those services.

(3) A social worker for a dependent child may do either or both of the following:

(A) Provide access to age-appropriate, medically accurate information about sexual development, reproductive health, and prevention of unplanned pregnancies and sexually transmitted infections and how to access reproductive and sexual health care services.

(B) Facilitate access to the care described in subparagraph (A), including assisting with any barriers to care.