

A Bill for an Act Relating to Counseling Services for Minors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding the following Section to be appropriately designated and to read as follows:

“Sec. - Alcohol or drug abuse relating to minors; diagnosis, counseling, and related activities. (a) A counselor, certified, licensed, or otherwise

authorized by law to engage in the practice of counseling services in either or both the public and private sector, may inform the spouse, parent, custodian, or guardian of any minor who requests, is referred for, or received counseling services relating to alcohol or drug abuse.

(b) If a minor consents to receive counseling services for alcohol or drug abuse, the spouse, parent, custodian, or guardian of the minor shall not be liable for the legal obligations resulting from the furnishing of such counseling services provided by the counselor. A minor who consents to the provision of counseling services under this section shall assume financial responsibility for the costs of such services, if any.

(c) Notwithstanding any other law to the contrary, no spouse, parent, custodian, or guardian, whose consent has not been obtained or who has no prior knowledge that the minor has consented to the provision of such counseling services for alcohol or drug shall be liable for the costs incurred by virtue of the minor's consent.

(d) Notwithstanding any other law to the contrary, any action to recover any debt founded upon any contract, obligation or liability under this section shall not commence until a minor has reached the age of majority; provided that said action shall commence within two years of date a minor reaches the age of majority.

(e) The consent to the provision of furnishing counseling services for alcohol or drug abuse by the counselor when executed by a minor who is or professes to suffer from alcohol or drug abuse, shall be valid and binding as if the minor had achieved his majority; that is, the minor who is or professes to suffer from alcohol or drug abuse, shall be deemed to have, and shall have the same legal capacity, the infancy of the minor and any contrary provisions of law notwithstanding, and such consent shall not be subject to later disaffirmance by reason of such minority; and the consent of no other person (including but not limited to a spouse, parent, custodian, or guardian) shall be necessary in order to authorize such counseling services to such a minor.

(f) In the provision of counseling services for alcohol or drug abuse, the counselor shall seek to open the lines of communication between the minor and the spouse, parent, custodian, or guardian; provided such action is deemed beneficial in achieving the desired counseling objectives.

SECTION 2. This Act shall take effect upon its approval.

(Approved June 2, 1978.)