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AB665: A DANGEROUS SHELL GAME OF 3 LAWS

[Assembly Bill 665](#) purports to authorize Medi-Cal mental health care for low-income kids. It doesn't. **It steals children from their homes without due process for parents.**

The Premise: Two Laws Authorize Minor Consent, Only One Gives Medi-Cal Coverage

Law #1: "Danger Guardrails" to Counseling & Residential Shelter Services Family Code § 6924(b) (1979)

- Law #1 allows mature children age 12+ to self-consent, without parental knowledge or consent, to mental health counseling *and residential shelters*, but **only if danger is present**: the child is (a) a danger to self or others, or (b) the victim of incest or abuse.
- Medi-Cal **pays** for this counseling and residential shelter services because the "Danger Guardrails" are present and protect parents' inalienable right not to have their children removed from them without notice unless special, exigent circumstances exist.

Law #2: "Non-Danger" Counseling, Only Health & Safety § 124260(b)(1) (SB543, Leno, 2010)

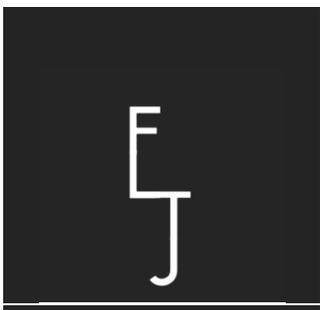
- Law #2 allows mature children age 12+ to self-consent, without parental consent, to mental health counseling without any exigent circumstances. Opting into a residential shelter is **not** provided.
- Medi-Cal does **not** pay for this counseling because of Welfare & Institutions Code.

Law #3: No Medi-Cal Benefits for "Non-Danger" Counseling Welfare & Institutions Code § 14029.8 (2010)

- Law #3 says that Medi-Cal does **not** pay for H&SC § 124260 counseling.

AB665 Intentionally Seeks to Amend the Wrong Law

AB665's stated goal is to expand Medi-Cal coverage to include counseling services to lower-income and – presumably – immigrant and minority children under Health & Safety Code § 124260. What AB665 *actually* does is remove the "danger guardrails" that have been in place for almost 50 years, which ensure that *only* those children most at risk can "self-consent" into residential shelters **without** their parents' or guardians' knowledge or consent, or any allegation—let alone *proof*—of abuse, incest, or danger to themselves or others. Children should not be endangered and healthy, loving parents should not be denied their right to not have their child taken from them because of AB665's attempted end-run around Medi-Cal requirements.



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AB665 Gut and Amend: The Best Path to Authorizing Medi-Cal \$\$\$

The only, most simple, effective, and legal way to *actually* “remove barriers to mental health access” to Medi-Cal recipients, without violating well-settled constitutional rights, is to strike *one word* from Law #2: “not.” By striking “not” from Law #3 (WIC § 14029.8), the law will read that Medi-Cal benefits **shall apply** to all services to all mature minors 12+ in the state and the authors’ stated goal of “mental health parity” will be achieved:

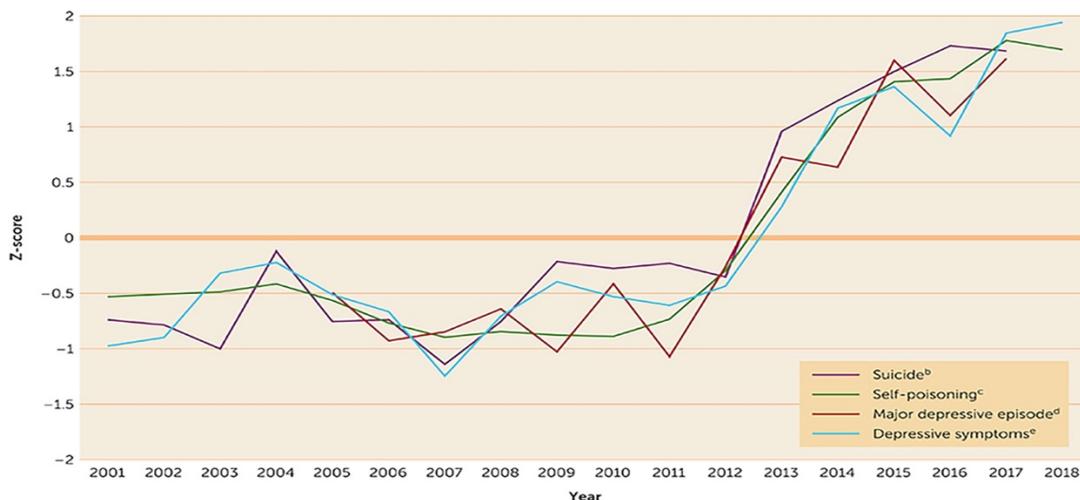
Welfare & Institutions § 14029.8 (Current)

“Section 124260 of the Health & Safety Code **shall not apply** to the receipt of benefits under the Medi-Cal program.”

Welfare & Institutions § 14029.8 (Proposed Amendment)

“Section 124260 of the Health & Safety Code **shall apply** to the receipt of benefits under the Medi-Cal program.”

Neither Code Section Should Be Amended to Allow Greater Access to Mental Health Services without Parental Involvement



This graph from Jean Twenge, the premier researcher in this subject of effects of social media, shows the uptick in mental health problems since minors were permitted to receive mental health services without their parents’ knowledge, consent, or participation. We need to stop this trend.

For these reasons, AB665 should be withdrawn, or gut and amended as provided, above.

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