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California bill on youth mental health services distorted on social media

BY KARENA PHAN

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CLAIM: A proposed California bill would allow school mental health professionals to remove minors from the custody of their parents or guardians who don't consent to the child receiving gender-affirming surgeries.

AP'S ASSESSMENT: False. The legislation, [AB 665](#), would amend an existing law that allows minors 12 and older to receive mental health counseling or therapy without parental consent. Currently, the law applies only to youth covered by private health insurance. It contains no language that would allow school mental health professionals to remove children from the custody of their parents or guardians. The bill does not authorize any gender-affirming surgeries without parental consent.

THE FACTS: A social media post is misrepresenting a California bill that aims to expand access to mental health services on an outpatient basis for youth between the ages of 12 and 17. Opponents of the bill claim that, if passed, it would allow mental health professionals to remove a minor from their parents' custody or "provide 'gender affirming' surgery to children without parental consent."

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“If the bill becomes law; children who wish to seek ‘gender affirming’ surgery who have parents that will not permit such mutilations, will be able to be removed from the custody of their parents,” reads the post on Instagram sharing the false claim.

Another section of the post falsely claims that a mental health professional would be able to unilaterally place a “child” in “a residential facility” without any evidence the “child” is a risk to themselves or others, or if the minor didn’t make allegations of abuse against a parent.

However, the bill does not authorize the state to remove minors from the custody of their parents, said Assemblywoman Wendy Carrillo, the bill’s Democratic sponsor, in an email. “This bill makes no changes to the processes of the child welfare system in California and no changes to the processes of removal,” she explained.

Legal experts agreed, telling The Associated Press that while it’s true the bill allows minors to seek mental health services to discuss gender identity without parental consent, minors would still need such consent for any medical procedures.

The proposed measure, which is currently in the state Senate, amends existing law around access to mental health care for minors over the age of 12 years old. The bill would allow young recipients of Medi-Cal, the state Medicaid program that provides health coverage to eligible low-income residents, to receive mental health services without parental consent.

The current law only applies to those with private health insurance and the proposed bill is written to include Medi-Cal recipients. AB 665 doesn’t change existing law and would just amend [SB 543](#), Carrillo explained. The earlier legislation, which granted minors aged 12-17 the ability to access outpatient mental health treatment, was signed in 2010 by Gov. Arnold Schwarzenegger.

“AB 665 is about creating equity for Medi-Cal insured youth, who unlike their peers with private insurance, were left out of the original policy due to a recession,” Carrillo said. “The state of California cannot continue to restrict access to critical mental healthcare services based on socioeconomic background.”

The bill would also remove a requirement in the existing law that to receive mental health services the youth must be in danger or present a danger to others, or that there be an allegation of abuse or incest. However, it notes that the mental health provider is required to discuss with the minor whether parental involvement is appropriate.

The bill does not make any changes in custody laws, said Scott Altman, a family law professor at the University of Southern California. “Allowing a counselor to provide counseling without your consent is not taking your kid away.”

The same social media post also alleges that under the proposed measure a mental health professional could unilaterally remove a youth from the custody of their parents or guardians to a “residential facility.” But that is not the case.

Under [existing law](#), minors between the ages of 12 and 17 may seek residential shelter services, such as those offered at a licensed community care facility or crisis resolution center. In those instances, the law requires professionals to “make their best efforts to notify the parent or guardian.” The proposed measure does not change this provision and has nothing to do with custody, explained Mary Kelly Persyn, a family lawyer and founder and principal attorney of Persyn Law & Policy.

“Termination of parental rights, including custody (legal and/or physical), requires a court order, a proceeding in juvenile dependency court that is entirely separate from a child receiving care in a residential facility; the two have nothing to do with each other,” Persyn said in an email.

Legal experts emphasized that while mental health care could include counseling related to gender identity, the bill doesn't allow for any invasive medical or surgical treatment. The bill would only apply to mental health services such as counseling or mental health therapists, who can't prescribe medication, Persyn explained.

“California law requires parental consent for a minor to receive medical gender-affirming care in the form of puberty blockers or exogenous hormones,” she added.

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