

§ 123115. Representative of minor; mental health records, CA HLTH & S § 123115

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West's Annotated California Codes  
Health and Safety Code (Refs & Annos)  
Division 106. Personal Health Care (Including Maternal, Child, and Adolescent) (Refs & Annos)  
Part 1. General Administration (Refs & Annos)  
Chapter 1. Patient Access to Health Records (Refs & Annos)

West's Ann.Cal.Health & Safety Code § 123115

§ 123115. Representative of minor; mental health records

Effective: January 1, 2023

[Currentness](#)

(a) The representative of a minor shall not be entitled to inspect or obtain copies of the minor's patient records, including clinical notes, in any of the following circumstances:

(1) With respect to which the minor has a right of inspection under [Section 123110](#).

(2) When the health care provider determines that access to the patient records requested by the representative would have a detrimental effect on the provider's professional relationship with the minor patient or the minor's physical safety or psychological well-being. The decision of the health care provider as to whether or not a minor's records are available for inspection or copying under this section shall not attach any liability to the provider, unless the decision is found to be in bad faith.

(3) When records relate to services described in [Section 6924](#), [6925](#), [6926](#), [6927](#), [6928](#), [6929](#), or [6930 of the Family Code](#), or [Section 121020](#) or [124260](#) of this code, when obtained by a patient who has the mental capacity to provide consent and is at or above the minimum age for consenting to the service specified in the respective section.

(b) When a health care provider determines there is a substantial risk of significant adverse or detrimental consequences to a patient in seeing or receiving a copy of mental health records requested by the patient, the provider may decline to permit inspection or provide copies of the records to the patient, subject to the following conditions:

(1) The health care provider shall make a written record, to be included with the mental health records requested, noting the date of the request and explaining the health care provider's reason for refusing to permit inspection or provide copies of the records, including a description of the specific adverse or detrimental consequences to the patient that the provider anticipates would occur if inspection or copying were permitted.

(2)(A) The health care provider shall permit inspection by, or provide copies of the mental health records to, a licensed physician and surgeon, licensed psychologist, licensed marriage and family therapist, licensed clinical social worker, or licensed professional clinical counselor, designated by request of the patient.

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(B) Any person registered as a marriage and family therapist intern, as defined in Chapter 13 (commencing with [Section 4980](#)) of Division 2 of the Business and Professions Code, may not inspect the patient's mental health records or obtain copies thereof, except pursuant to the direction or supervision of a licensed professional specified in [subdivision \(g\) of Section 4980.03 of the Business and Professions Code](#). Prior to providing copies of mental health records to a registered marriage and family therapist intern, a receipt for those records shall be signed by the supervising licensed professional.

(C) Any person registered as a clinical counselor intern, as defined in Chapter 16 (commencing with [Section 4999.10](#)) of Division 2 of the Business and Professions Code, may not inspect the patient's mental health records or obtain copies thereof, except pursuant to the direction or supervision of a licensed professional specified in [subdivision \(h\) of Section 4999.12 of the Business and Professions Code](#). Prior to providing copies of mental health records to a person registered as a clinical counselor intern, a receipt for those records shall be signed by the supervising licensed professional.

(D) A licensed physician and surgeon, licensed psychologist, licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, registered marriage and family therapist intern, or person registered as a clinical counselor intern to whom the records are provided for inspection or copying shall not permit inspection or copying by the patient.

(3) The health care provider shall inform the patient of the provider's refusal to permit them to inspect or obtain copies of the requested records, and inform the patient of the right to require the provider to permit inspection by, or provide copies to, a licensed physician and surgeon, licensed psychologist, licensed marriage and family therapist, licensed clinical social worker, or licensed professional clinical counselor designated by written authorization of the patient.

(4) The health care provider shall indicate in the mental health records of the patient whether the request was made under paragraph (2).

**Credits**

(Added by [Stats.1995, c. 415 \(S.B.1360\)](#), § 8. Amended by [Stats.1997, c. 388 \(S.B.1295\)](#), § 1; [Stats.2000, c. 519 \(A.B.2161\)](#), § 2; [Stats.2006, c. 100 \(A.B.1994\)](#), § 1; [Stats.2009, c. 26 \(S.B.33\)](#), § 25; [Stats.2011, c. 381 \(S.B.146\)](#), § 34; [Stats.2022, c. 888 \(S.B.1419\)](#), § 2, eff. Jan. 1, 2023.)

[Notes of Decisions \(4\)](#)

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Current with urgency legislation through Ch. 10 of 2024 Reg.Sess. Some statute sections may be more current, see credits for details.