



## Psychiatry & Behavioral Science Section – 2010

### I15 The Rights of Minors to Refuse Antipsychotic Medication

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By attending this presentation, attendees will learn: the legal basis underlying minors' ability/inability to refuse antipsychotic medication; the rights of parents in the process of consenting to/dissenting from the administration of antipsychotic medication to their children; the California *Riese* hearing process and its applicability to minors.

This presentation will impact the forensic science community by addressing whether or not minors are afforded the same rights as adult to refuse antipsychotic medication.

Involuntarily medicating psychiatric patients has been an issue of considerable debate in psychiatry and the law. Currently, California law requires a "*Riese* hearing" (from the 1989 California Supreme Court case *Riese v. St. Mary's Hospital*) to determine if a patient has the capacity to refuse psychiatric medications. Patients who are judicially determined to

lack to this capacity may be involuntarily medicated in non-emergent situations. It is not clear whether or this standard applies to both minors and adults.

This presentation will also address the ethical implications of minors' ability or inability to understand, while on an inpatient setting, the basis for recommended antipsychotic treatment. The differing rights of minors under dependency or delinquency court jurisdiction (compared with those residing with custodial parents) will also be discussed. These differences could have an impact on the current psychotropic medication authorization process in California.

This presentation will attempt to answer the following questions:

1. What is a *Riese* hearing?
2. Are minors entitled to a *Riese* hearing?
3. Can inpatient psychiatric treatment facilities involuntarily medicate minors with antipsychotic medications against their will in non-emergent situations?
4. What happens in inpatient treatment facilities when minors refuse antipsychotic medications?

There are non-emergent circumstances under which antipsychotic medication is required to decrease mental suffering and improve functioning. How are inpatient treatment facilities or juvenile justice facilities to proceed with care of the minor if he/she orally refuses antipsychotic medication? What if the parent refuses consent? These are situations which occur in the many inpatient treatment facilities. Is it ethical for the patient to remain untreated until they become self-injurious, dangerous to others, or "gravely disabled" (i.e., unable to provide for their food, clothing, or shelter)? There is considerable variability in state law with regard to procedures for involuntarily hospitalizing minors and adults. Does state law vary with regard to minors' rights to refuse antipsychotic medication?

**Antipsychotic Refusal, Minors Rights, Riese and Minors**