

Consent Requirements for the Treatment of Minors

Some questions have arisen regarding the consent requirements for medical treatment of minors. The following represents a table of basic guidelines to follow when treating minors.

If Minor is:	Is parental consent required?	Are Parents responsible for costs? †	Is Minor's Consent Sufficient?	May M.D. inform parents of treatment without minor's consent???
Unmarried, no special circumstances	Yes	Yes	No	Yes
Unmarried, emergency care and parents not available [Business and Professions Code § 2397]	No	Yes	Yes, if capable	Yes
Married or previously married [Family Code § 7002]	No	No	Yes	No
Emancipated (declaration by court, identification card from DMV) [Family Code §§ 7002, 7050, 7140]	No	¹	Yes	No
Self-sufficient (15 or older, not living at home, manages own financial affairs) [Family Code § 6922]	No	No	Yes	¹
Not married, care related to prevention or treatment of pregnancy, except sterilization [Family Code § 6925]	No	No	Yes	No
Not married, seeking abortion	No	No	Yes	No
Not married, pregnant, care not related to prevention or treatment of pregnancy and no other special circumstances	Yes	Yes	No	Yes
On active duty with Armed Forces [Family Code § 7002]	No	No	Yes	No
12 or older, care for communicable reportable disease or condition [Family Code § 6926]	No	No	Yes	Probably not

12 or older, care for rape [Family Code § 6927]	No	No	Yes	Yes, usually
Care for sexual assault ¹ [Family Code § 6928]	No	No	Yes	Yes, usually
12 or older, care for alcohol or drug abuse ¹ [Family Code § 6929]	No ²	Only if parents are participating in counseling	Yes	Yes, usually
12 or older, care for mental health treatment, outpatient only [Family Code § 6924]	No	Only if parents are participating in counseling	Yes	Yes, usually
17 or older, blood donation only [Health and Safety Code § 1607.5]	No	No	Yes	Yes, usually

¹Special requirements apply. See *Chapter 2* of the *Consent Manual* or *Chapter 4* of *Minors and Health Care Law*.

²Parental consent *is* required for a minor's participation in replacement narcotic abuse treatment (such as methadone, LAAM or buprenorphine products) in a program licensed pursuant to Health and Safety Code § 11875 *et. seq.* [Family Code § 6929(e)]

Minors are defined as all persons less than 18 years of age.

The above information is provided by the California Hospital Association, 1215 K Street, Suite 800, Sacramento, CA 95814 – (916) 443-7401 - www.calhospital.org