

## Putnam North Family Medical Center

### Treatment of Minors

#### **When is parental consent required?**

Usually, a doctor may not treat a person under the age of 18 without parental consent. Parental consent may be given by the minor child's mother or father, by a guardian, or by someone standing in *loco parentis* to the child. A person stands in *loco parentis* to a child when he or she takes on the responsibilities of a parent for the child. For example, a stepparent may stand in *loco parentis* to a child.

#### **What are the exceptions to the rule?**

A doctor may treat a minor child without parental consent under the following conditions.

- The parent, guardian or person standing in *loco parentis* cannot be reached and the minor needs to receive emergency medical treatment.
- The identity of the child is unknown and a delay in giving treatment would endanger the life of the child.
- The effort to contact the child's parents, guardian or a person standing in *loco parentis* would result in a delay that would seriously worsen the condition of the child.
- The parent, guardian or person standing in *loco parentis* refuses to consent to the medical treatment and delay would endanger the life of the child or seriously worsen the child's condition. At least two doctors must agree that medical treatment is necessary to prevent immediate harm to the child.

If surgery is required under any of the four exceptions, the doctor must get an opinion from another doctor that immediate surgery is necessary. A second opinion for surgery is not required if the emergency arises in a community where another doctor is not available.

#### **When is the minor's consent sufficient?**

For certain medical conditions, a minor child may give consent for medical treatment without getting permission from his or her parents. A minor may give consent for the prevention, diagnosis and treatment of:

- venereal disease and other diseases that must be reported by a doctor to the local health director, including AIDS (Acquired Immune Deficiency Syndrome);
- pregnancy;
- alcohol or drug abuse; and
- emotional disturbance.

A doctor may provide services to a minor for any of these conditions without getting permission from the minor's parents. The parents cannot sue the doctor for failing to get their permission.

This law allows minor children to seek medical help for serious conditions they might be afraid or embarrassed to discuss with their parents. Children who are afraid to tell their parents might not get the medical help they need if they are required to get parental consent. The health and well-being of the child is considered more important than the parents' right to know. Nevertheless, many parents dislike this law because they believe it undermines their ability to guide and counsel their children.

### **Can a parent give someone else the power to make health care decisions for a minor child?**

Yes. If your child is planning an out-of-town activity with a school, church or other organized group, give the group leader written consent authorizing emergency medical treatment for your child. Give your child's sitter or day-care personnel written consent authorizing emergency medical treatment, particularly if you will be unavailable or out of town. Give relatives who visit or stay with your children regularly, such as grandparents, the written authority to make health care decisions for your children in your absence.

### **How much power can the parent give to an agent?**

The parent may give the agent broad powers to consent to health care for the minor child. Or, the parent may limit the agent's power. For example, if the child is allergic to penicillin, the parent should restrict the agent's power by denying him or her the right to authorize medical treatment that includes the use of penicillin. The parent may not authorize an agent to consent to the withholding or withdrawal of life sustaining procedures.

### **When does the agent's power end?**

The custodial parent who authorized the agent to make health care decisions for a minor may revoke the power at any time. The revocation is effective when the parent informs the agent that his or her power is revoked.

- The agent's power is revoked automatically in the following situations.
- If the "Authorization to Consent to Health Care for Minor" sets an expiration date, it is revoked on that date.
- It is revoked when the minor reaches age 18, or if a court declares the minor legally an adult.
- It is revoked if the parent who granted the power loses custody of the minor.

**May a health care provider rely on the agent's authority?**

Yes, unless the doctor, dentist, or other health care provider has actual knowledge that the authorization has been revoked or is otherwise invalid. The agent's consent is considered to be legally the same as the parent's consent.