



**Los Angeles County Department of Health Services**

<b>Policy &amp; Procedure Title:</b>		Providing Care to Minors	
<b>Category:</b>	300-399 Operation Policy	<b>Policy No.:</b>	314.1
<b>Originally Issued:</b>	6/1/2000	<b>Update (U)/Revised (R):</b>	10/01/2019 (R)
<b>DHS Division/Unit of Origin:</b>	DHS Chief Medical Office		
<b>Policy Contact – Employee Name, Title and DHS Division:</b>			
Shannon Thyne, MD, Director of Pediatric Services			
<b>Contact Phone Number(s):</b>	(747) 210-3035		
<b>Distribution: DHS-wide</b>	<input checked="" type="checkbox"/>	<b>If not DHS-wide, other distribution:</b>	

**PURPOSE:**

To establish a policy to give minors access to quality healthcare for primary, preventive, acute and post-acute general disorders, including access to confidential or "sensitive services" and, in those situations where minors cannot consent for themselves, to establish who may consent for services on behalf of a minor, and how verification of relationship is established between the minor and the adult accompanying the minor.

Under California law, the following persons have the legal capacity to consent on behalf of a minor:

1. In certain circumstances, the minor themselves;
2. A parent, legal guardian or person with legal custody; or,
3. A "qualified relative" as defined in this policy and CA Family Code Section 6550.

**POLICY:**

As an overarching principle, all minors, whether accompanied by an adult or unaccompanied, are entitled to share medical concerns privately with a member of the nursing or clinical care team.

- A. Minor Consent/"Sensitive Services": There are certain conditions under which a minor may give consent to medical care themselves. If any of these conditions apply, the parent, guardian or person having legal custody of a minor is not to be billed for the care provided or otherwise informed about the care unless the minor consents to those actions, even in cases where the minor seeks services in the company of the parent, guardian or person having legal custody.

---

*The mission of the Los Angeles County Department of Health Services is to ensure access to high-quality, patient-centered, cost-effective health care to Los Angeles County residents through direct services at DHS facilities and through collaboration with community and university partners.*

---

Revision/Review Dates: 06/01/2000 11/01/2010 10/01/2019  
 Department Head/Designee Approval:

One or more of the following conditions must apply for a minor to be able to consent for themselves:

- Minors on active duty with the United States Armed Forces (CA Family Code Section 7002)
- Minors receiving pregnancy care, except sterilization (CA Family Code Section 6925)
- Minors 12 years or older suffering from a reportable disease (CA Family Code Section 6926)
- Minor rape victims 12 years or older (CA Family Code Section 6927)
- Emancipated minor (CA Family Code Sections 7002, 7120, 7122)
- Minors 12 years or older undergoing sexually transmitted disease (STD) diagnosis and treatment, including HIV (CA Family Code 6926 (a))
- Minor sexual assault victims of any age, diagnosis and treatment/collection of medical evidence (CA Family Code Section 6928 (b))
- Minors 12 years or older in need of mental health outpatient treatment, if they meet certain criteria (CA Family Code Section 6924 (3)(B)(b)). Does not include convulsive therapy, psychosurgery, or psychotropic drugs. (CA Family Code Section 6924(f)).
- Minors 12 years or older with drug or alcohol-related problems (CA Family Code Section 6929 (4)(b))
- Minors, married or previously married (CA Family Code Section 7002)
- Self-sufficient minors 15 years or older, not living at home, managing own financial affairs (CA Family Code Section 6922)
- Minors, emergency and parents not available (CA Business and Professions Code Section 2397)
- Minors of any age seeking abortion (American Academy of Pediatrics v. Lundgren, 16 Cal. 4th 307, 383 (1997); CA Family Code Section 6925)
- Minors between 15 to 17, if emancipated, making an anatomical gift (CA Health and Safety Code Section 7150.15)
- Minors between 15 to 17, if emancipated, making a donation of blood (CA Health and Safety Code Section 1607.5)
- Minor age 17, even if not emancipated, making a donation of blood (CA Health and Safety Code Section 1607.5)

B. Adults who may sign a consent for services on behalf of a minor are as follows:  
(NOTE: adults are not required to produce photo identification of themselves for the minor to receive services):

1) **A parent.**

- a. Verification of the parent's relationship to the minor may be done verbally and does not require documentation.

2) **A legal guardian.** A legal guardian is defined as a court appointed adult responsible for the care of a minor.

- a. Verification of a legal guardianship should be done with a copy of the letters of guardianship which are to be scanned into the minor's medical record. If the guardian does not have letters of guardianship, please speak with someone in Medical Administration for further instructions.

- 3) **A "qualified relative"** In the absence of a parent or legal guardian, the County shall provide preventive, acute, and post-acute services for persons who are minors as authorized by Section 6550 of the California Family Code. A qualified relative is defined in the law as an adult family member, who must be at least 18 years of age or older, is living with the minor and is one of the following in relationship to the minor:

- spouse
- stepparent
- brother
- sister
- stepbrother
- stepsister
- half-sister
- half-brother
- uncle
- aunt
- nephew
- niece
- first cousin
- any person denoted by the prefix "grand" or "great," such as a grandparent or great-grandparent, or
- the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

- a. Verification of the qualified relative's ability to give consent is to be done in one of three ways (**NOTE:** this section does not apply to "sensitive services". Please go to Paragraph A above if obtaining consent for sensitive services):
  - i. A note signed by the parent or legal guardian that specifically names the qualified relative is authorized to consent for care, or
  - ii. A verbal authorization (by phone) from the parent or the legal guardian to confirm the qualified relative is authorized to consent for care, or
  - iii. A "Caregiver's Authorization Affidavit" signed by the qualified relative. The affidavit is valid for only one year from the date of the signature.
- b. The qualified relative must advise the parent of the proposed medical treatment and the parent must have no objection thereto, or the adult must be unable to contact the parent/legal guardian(s).

- c. Authorization for care applies only to the child receiving medical care and does not relieve the parent/legal guardian from any financial obligation.
- C. If a minor requires treatment and the emergency exception is not applicable, or the minor may not consent pursuant to any of the statutory exceptions stated above, and no qualified relative is available to sign for consent for services, communication with the parent(s), legal guardian(s), or caregiver by telephone or fax to obtain necessary consent must be vigorously pursued. If this communication is unsuccessful, case-by-case exceptions may be granted by Medical Administration.
- D. Identification of a minor consenting for themselves and of adults consenting on a minor's behalf shall be done in accordance with DHS Policy Number 370.1, Patient Identity Verification.

Such services shall be provided by:

- County hospitals
- County outpatient clinics
- County home health programs

#### **REFERENCE(S)/AUTHORITY:**

DHS Policy Nos:

- 370.1 Patient Identity Verification
- 515.1 Patient Address Verification
- 516 Non-Emergency Medical Care Services Requirements – Los Angeles County Patients
- 516.1 Non-Emergency Medical Care Services Requirements – Out-of-County and Out-of-Country/Foreign Visitor and Non-Immigrant Persons

California Health & Safety Code

California Family Code

California Business & Professions Code

California Hospital Association (CHA) Consent Manual

American Academy of Pediatrics v. Lundgren, 16 Cal. 4th 307, 383 (1997)