

California Family Codes

(a) A minor may consent to medical care related to the prevention or treatment of pregnancy.

(b) This section does not authorize a minor.

(1) To be sterilized without the consent of the minor's parent or guardian.

(2) To receive an abortion without the consent of a parent or guardian other than as provided in Section 123450 of the Health and Safety Code.

(a) A minor who is 12 years of age or older and who may have come into contact with an infectious, contagious, or communicable disease may consent to medical care related to the diagnosis or treatment of the disease, if the disease or condition is one that is required by law or regulation adopted pursuant to law to be reported to the local health officer, or is a related sexually transmitted disease, as may be determined by the State Director of Health Services.

(b) The minor's parents or guardian are not liable for payment for medical care provided pursuant to this section.

A minor who is 12 years of age or older and who is alleged to have been raped may consent to medical care related to the diagnosis or treatment of the condition and the collection of medical evidence with regard to the alleged rape.

(a) "Sexually assaulted" as used in this section includes, but is not limited to, conduct coming within Section 261, 286, or 288a of the Penal Code.

(b) A minor who is alleged to have been sexually assaulted may consent to medical care related to the diagnosis and treatment of the condition, and the collection of medical evidence with regard to the alleged sexual assault.

(c) The professional person providing medical treatment shall attempt to contact the minor's parent or guardian and shall note in the minor's treatment record the date and time the professional person attempted to contact the parent or guardian and whether the attempt was successful or unsuccessful. This subdivision does not apply if the professional person reasonably believes that the minor's parent or guardian committed

Marriage

Minors under 18 may consent to marriage when both of the

following documents are filed with the county clerk:

(1) The written consent of the minor's parents/parent/guardian.

(2) A court order granting permission to the underage person to marry.

Minors Living Separately and Apart

A minor may consent to his/her own medical or dental care if all of the following conditions are satisfied:

- The minor is at least 15 years old
- The minor is living separate and apart from the minor's parents or guardian, whether with or without the consent of a parent or guardian and regardless of the duration of the separate residence
- The minor is managing his/her own financial affairs, regardless of his/her income source.

The parents or guardian are not liable for medical care or dental care provided pursuant to this section. A physician, surgeon or dentist may, with or without consent of the minor patient, advise the minor's parent or guardian of the treatment given or needed if the physician and surgeon or dentist has reason to know, on the basis of the information given by the minor, the whereabouts of the parent or guardian.

Ref: Calif. Family Codes 6925-6928

Pregnant and Parenting Minors

A minor may consent to pregnancy-related medical services except sterilization.

Pregnancy does not, in and of itself, establish reasonable suspicion of abuse for the purposes of reporting child abuse as mandated by law.

General Medical Care

Unless a specific exception applies, a minor's guardian or parent must consent to medical care. The exceptions include those described below and services related to the prevention and treatment of pregnancy, testing and treatment for reportable communicable or infectious diseases, including STI/STD/HIV, drug and alcohol abuse diagnosis and treatment, outpatient mental health services and rape and sexual assault-related services.

Emergency Medical Care

In an emergency, a professional may provide medical services without minor or parental consent.

Pregnancy/Contraception/Abortion Services

A minor may consent to medical care related to the prevention or treatment of pregnancy, except sterilization.

A minor may consent to an abortion without parental consent or court permission (ruling Cal. Health and Safety Code 123450, requiring minors to obtain parental consent before an abortion, violates the right to privacy guaranteed by the California Constitution).

Excusing Minors from School for Medical Care

The governing board of each school district shall, each academic year, notify pupils in grades 7 to 12, and the parents or guardians of all pupils enrolled in the district, that school authorities may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian.

Public school officials have the authority to excuse a pupil from regularly scheduled classes to obtain medical services, including an abortion. Public school officials are under no legal duty to notify the parents or guardian of a public school pupil who is excused from school early to obtain medical services even if such medical services are the obtaining of an abortion.

A school district may not require that a student obtain written parental consent prior to releasing the student from school to receive confidential medical services. A school district may not adopt a policy pursuant to which the school will notify a parent when a student leaves school to receive confidential medical services.

Ref: Cal. Family Codes 302, 6900, 6922, 6925, 6926, 7002, 7120, 7122, 6925, Cal. Penal Code 11166, Cal. Business & Professional 2397(a)(3)

STD/STI Testing and Treatment

- A minor age 12 or older who may have come into contact with a reportable infectious, contagious or communicable disease, or with a sexually transmitted disease, may consent to medical care for the diagnosis and treatment of the disease/infection.
- A list of reportable diseases, which includes AIDS and certain STDs can be found in Cal. Code Regs. tit. 17, §2500.
- A list of pertinent STDs may be found in Cal. Code Regs. tit. 17, § 5151(a).
- The minor's parents or guardians are not liable for payment for medical care provided pursuant to this section

AIDS/HIV Testing and Treatment

HIV is a reportable communicable disease.

No person shall be tested for HIV without his/her valid written consent.

- A minor younger than 12 is not competent to give consent for an HIV test.
- For an incompetent minor, consent may be obtained from a parent or guardian. If the minor is a dependent of the court, written consent may be obtained from the court. Consent from the court or parent shall only be obtained when it is necessary to render appropriate care or to practice preventative measures.

Sexual Assault Services

Rape involves an act of non-consensual sexual intercourse.

Sexual assault includes unlawful acts of rape, some forms of statutory rape (see "Statutory Rape" below), sodomy, and oral copulation.

A minor who may have been sexually assaulted may consent to medical care related to the diagnosis and treatment of sexual assault and the collection of medical evidence. However, the treating professional shall attempt to contact the minor's parent or guardian and shall note the date and time of the attempted contact and whether it was successful or unsuccessful. This provision does not apply if the treating professional reasonably believes the parent or guardian committed the sexual assault, or if the patient is over 12 and the alleged act is rape.

A minor 12 or older who may have been raped may consent to medical care related to diagnosis or treatment for rape and to the collection of medical evidence.

Ref: Cal. Health & Safety Code 1603.1(c), 120990, 121020, Cal. Penal Code 261, 286,288a, Cal. Family Code 6927, 6928)