

100-10 CONSENT AND CONFIDENTIALITY RIGHTS OF MINORS**PURPOSE**

To protect the confidentiality rights of minors participating in California Home Visiting Program (CHVP) services.

POLICY

The local CHVP staff must follow all California state laws and regulations pertaining to minor consent for services, release of information and parental notification.

AUTHORITY

California Family Code §§ 6924-6929, California Health and Safety Code §§ 123110, 123115, 124260; California Civil Code §§ 56.10, 56.11; 56.30; California Business and Professional Code §2397.

PROCEDURE

The local CHVP staff must use the following table and resources as a guide to the California consent and confidentiality rights of minors:

CALIFORNIA MINOR CONSENT LAWS

Services Minors May Consent To Without Parent/Guardian Permission		Can Provider Notify Parent/Guardian?
Birth Control (except sterilization)	Minors of any age	NO - Parental Notification is allowed only with Minor Consent
Pregnancy (prevention, diagnosis and treatment) <i>Including inpatient care</i>	Minors of any age	
Abortion	Minors of any age	
STDs including HIV (prevention, diagnosis and treatment)	Minors 12 years or older	
Sexual Assault/ Rape Services and Care	Minors of any age	YES - Under most circumstances, care providers must attempt to contact the minor's parent/guardian. ^{1,2}
Drug and Alcohol Abuse Treatment	Minors 12 years or older ^{3,4}	IT DEPENDS - There are different confidentiality rules under federal and state law. Providers must determine and follow the rules appropriate to their circumstance.
Outpatient Mental Health Services	Minors 12 years or older ⁵	YES - Under most circumstances, care providers must attempt to contact minor's parent/guardian. ⁶
<ol style="list-style-type: none"> 1. A minor may consent to medical care related to the prevention or treatment of pregnancy, except sterilization. 2. The law allows for some exceptions to parental notification which includes suspecting the parent of assault and certain cases of rape. 3. Sexual assault requires a child abuse report, in which case youth should be advised that parents may be notified by law enforcement or child protective services. 4. Parent/guardian can consent over the minor's objection. 5. Parent/guardian's consent is required for methadone treatment. 6. In the opinion of the provider, the minor must be "mature" enough to participate intelligently. 7. For services provided under new minor consent law, Health and Safety Code 124260, enacted 1/1/11, providers must consult with the minor before deciding whether to involve parents. 		

Table was originally adapted from: Understanding Confidentiality and Minor Consent in California: An Adolescent Provider Toolkit, 2011
<http://www.californiateenhealth.org/wp-content/uploads/2011/11/toolkit-ri-Web.pdf>

REFERENCES

CDPH Statement on Minor Consent for STD Prevention Services:

http://www.cdph.ca.gov/programs/std/Documents/Minor_Consent_for_STD_Services.pdf