

Brief Case Study on Consent Issues in Adolescents Seeking Medical Care

Informed Consent in Pediatrics

- Parents substitute their judgment for child's, acting in best interest of child
- Minor is age <18 yo
- Common Law states a provider must obtain informed Parental Permission

What are Exceptions?

- Emergency (most states have laws supporting this, AAP guideline supports this)
- Mature Minor (14 or older)
 - **Not emancipated** but deemed to have decision making capacity
 - Consider each patient and complexity of decision
 - Many (some) States have "Mature Minor Doctrine"
 - BUT not Connecticut !! *and 34 other states
- Emancipated Minors (16 or older)
 - Married
 - Pregnant or parent
 - However, in CT a pregnant teenager has a right to confidentiality with regards to their prenatal care, but not to anything else that is not protected. So for their well child visits, flu shots, any additional testing non-pregnancy related, all during her pregnancy she still needs her parent's consent for even while she is pregnant. As long as it doesn't disclose to the parent she is pregnant.
 - Once she has the child, she is the parent of that child and makes all medical decisions for her child. But, if the mother is still a minor, under the age of 18, then her parent still needs to make all medical decisions for her (but not the baby) until she turns 18 except for situations such as reproductive health, mental health and substance abuse.
 - Active duty
 - Living independently or self-supporting
 - Court declared independent
- Specific Circumstances
 - Parental Permission burdensome
 - Adolescents would not seek care if parents notified
 - Medical conditions based on public health concerns that are exempt from the parental permission requirements (reproductive health, mental health, psychiatric issues)
 - STD's
 - Pregnancy, OCP's
 - Abortion (if under 16yo, must have counseling to discuss parental involvement)
 - Alcohol or Drug Abuse
 - Mental Health

- HIV testing or treatment
- **14 yo girl with lower abdominal pain, vaginal discharge**
 - Reports sexual intercourse with 1 partner, occasionally uses condoms. No hx pregnancy or STD's
 - She is accompanied by her sister, no parent is with her
- 1. Can you test and treat her for an STI without parental consent?
 - Test and treat any adolescent with STD's (all 50 states have this exception)
 - Encourage patient to inform partners about +STD test
 - If parents aren't involved, child may have to pay for visit on their own
- 2. Mom of this patient rushes into ED 1 week later with an insurance bill for her daughter's visit. She demands to see medical records for visit. Does she have right to access child's medical information?
 - if the parent comes asking to see the medical records pertaining to the services they received, you as the medical provider cannot give that information to the parent. But unfortunately the parents often do get the bill from their insurance company or can request a medical record which ideally would be devoid of the reproductive health info but often isn't (in general when parental consent isn't obtained the parents are not obligated to pay)
 - Often the hospital/clinic eats this cost
- 3. When should you report this to DCF (AGE OF CONSENT IN CT is 16)
 - Child under 13 - must report to DCF/police
 - Child b/t 13-15 engaged in consensual sexual relationship w/partner 21 & over - must report to DCF/police
 - Child under 18 in non-consensual/coerced sexual activity - must report to DCF/police (they up the age because if its is a coach or teacher, teens are more vulnerable to coercion)
 - Child b/t 13-15 engaged in consensual sexual relationship w/partner under 21 - not mandated to report per se
 - Child under 18 engaged in sexual relations with family member – must report to DCF
- 4. Is this statutory Rape?
 - In Connecticut, a person commits statutory rape when he or she engages in sexual activity with a minor (1) more than three younger if the younger person is at least age 13 but under age 16 or (2) under age 13 if the actor is more than two years older (CGS § 53a-73a). This law took effect on October 1, 2007
- 5. Now she wants to discuss birth control? Can you prescribe her birth control without parental consent?
 - Any person in the State of Connecticut, regardless of the person's age, can receive confidential birth control