



CNA HealthPro

FAQs – Consent for Minors

Q. I have a 16-year-old patient who needs her wisdom teeth extracted. She is living with her boyfriend's family, as her mother is deceased and her father, with whom she has virtually no contact, lives in another town 100 miles away. Can her boyfriend's mother sign the consent form?

A. No. The boyfriend's mother is not the girl's legal guardian and therefore is not legally permitted to provide consent for the minor patient.

The girl has two options. She can:

- contact her estranged father and request that he give you consent for the extractions
- petition the court to become an emancipated minor

Minors seeking emancipation must demonstrate to the court that they are financially independent of their parents. If the court grants emancipation, the minor is issued a document declaring him or her a legal adult. Make sure you keep a copy of the emancipation ruling in the patient's chart to preclude further guardian and consent confusion if the need for additional care arises.

An exception to the requirement for parental or guardian consent is when a minor needs emergency care and the parent or guardian is not available to give consent. If this occurs, address emergency issues only and defer non-emergent treatment until the patient's parent or guardian can be reached.

Particularly in this era of blended families, it is important to distinguish

- who the legal guardian is. It may be a biological parent, step-parent, grandparent, foster parent or a combination.
- who the financially responsible party is. This may be a different person than the legal guardian.
- who can accompany the child to the surgery or procedure as the "responsible adult." This is the least restrictive category of the three.

When treating a minor, clarify all relationships before beginning treatment and document the information carefully. This can help ensure the validity of the informed consent process and prevent later legal or financial disputes.

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