

PURPOSE: The purpose of this policy to provide guidance for field personnel providing emergency care to minors in the prehospital setting.

AUTHORITY: Health and Safety Code, Division 2.5.1797.220, 1798 et seq., California Code of Regulations, Title 22, Division 9.; California Code of Regulations, Title 13; Family Code Section 6922 through 6929 & 7002; Business & Professions Code Section 2397.

DEFINITIONS:

- A. "Minor" means a person less than eighteen years of age who is not emancipated. Except for specific circumstances prescribed by law, a minor is not legally competent to consent to or refuse medical care.
- B. "Emancipated Minor" means a person less than eighteen years of age who:
 - 1. Is married or previously married.
 - 2. Is on active duty in the military.
 - 3. Is an emancipated minor (decreed by court, identification card by DMV).
- C. "Legal Representative" means a person who is granted custody or conservatorship of another person by a court of law.
- D. "Emergency" means a condition or situation in which an individual has a need for immediate medical attention or where the potential for need is perceived by EMS personnel or a public safety agency.

POLICY:

- I. Voluntary Consent: Treatment or transport of a minor child shall be with the verbal or written consent of the parents or legal representative. If the minor child is legally able to consent, then treatment or transport shall be with the verbal or written consent of the minor.
- II. Implied Consent: In the absence of a parent or legal representative, life or limb threatening emergency treatment and/or transport of a minor child shall be initiated without consent.

PROCEDURE:

- I. Life-threatening situations: If a parent or qualified legal representative is not present, treatment and/or transport to a medical facility shall be initiated immediately in accordance with SJCEMSA Policies

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- II. Non life-threatening situations: If, in the opinion of the base hospital physician, a minor child requires treatment and/or further evaluation at a hospital, EMS personnel should make a reasonable attempt to contact a parent or other legally qualified representative before initiating treatment or transport. However, if a parent or legally qualified representative cannot be reached, EMS personnel will transport the minor to the hospital.
- III. Parental consent is not required before initiating care or transport when:
- A. The minor is emancipated.
 - B. The parent has given written authorization to procure medical care to any adult over 18 years of age taking care of the minor.
 - C. A minor, 12 years or older, consents to the furnishing of hospital, medical and surgical care related to treatment or diagnosis of infectious, contagious or communicable diseases.
 - D. A minor, living separate and apart from parent (for any period of time), managing own economic affairs, regardless of source of income and regardless of whether parent(s), consented to separation. Parents are not liable for care provided pursuant to this section.
 - E. A minor, 12 years or older, is an alleged rape victim.
 - F. A minor, is a victim of a sexual assault (applies to both boys and girls and has no age limit).
 - G. A minor, seeks pregnancy prevention or treatment of pregnancy (does not include sterilization).
 - H. A minor, 12 years or older, seeks medical or hospital care or counseling relating to diagnosis and treatment of drug and alcohol related problem.
- IV. If a minor refuses any indicated treatment or transport, EMS personnel should attempt the following:
- A. To contact base hospital and advise them of the situation.
 - B. To contact the minor's parent(s) or legal representative for permission to treat or transport the minor.
- V. Provided the parent or legal representative is unavailable, contact law enforcement and request the minor be taken into temporary custody in order that treatment and/or transport can begin.

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