

Tips for Minor Consent and Mandatory Reporting

Minor Consent for Family Planning Services

Under Federal and California Law, a minor has the right to consent for family planning and pregnancy-related services, and sexually transmitted infection (STI) testing and treatment.

Family planning and pregnancy-related services – There is no lower age limit for a youth to receive services. Minors also have the right to turn down these services.

STI testing and treatment – A minor 12 years old or older can consent for these services. If a minor is under 12 years of age, the parent’s consent is needed.

Confidentiality for Minors

Adolescent clients are very concerned about their confidentiality. Family planning providers must inform clients that all services are provided in a confidential manner and that information related to their visit will remain confidential, except if state or federal law requires the release.

Just as the minor can consent for services, only the minor can authorize the release of their information. In order for the health provider to share information about family planning services or STI testing and treatment with a parent or guardian, the provider must have a signed “authorization” from the minor.

Set the Stage:

- Make sure the area is private when the minor is answering questions or filling out forms. Clinic staff should not discuss client information in common or public areas of the clinic.
- Explain confidentiality policies at the beginning of each visit.
- Discuss mandatory reporting in the context of getting help for the minor. For example, avoid saying that you have to report because the law says you have to. Instead, say that you will need to share this information with other agencies so that your client can get some additional help.
- Collect up-to-date contact information such as their current cell phone number and address and confirm the best way to contact them.
- Ask the minor about safety issues at their place of residence, school or places that the minor frequents. Brainstorm solutions to any safety issues.

Mandatory Reporting – What You Must Report:

If you suspect a minor has experienced child abuse or neglect you must report the abuse as mandated. By law, you must report:

- Physical injury
- Sexual abuse and/or nonconsensual sex
- Neglect
- Willful harming or endangerment
- Unlawful corporal punishment
- Sexual exploitation (such a prostitution, pornography, or sexual coercion)

- Statutory rape – Statutory rape is reportable child abuse based on the minor’s age and the age of the minor’s partner, regardless of whether the sexual intercourse is consensual or not.
 - Minor is less than 14 years old, and partner is 14 years old or older
 - Minor is 14 or 15 years old, and partner is 21 years old or older
- Consensual sexual touching (lewd and lascivious act) based on the minor’s age and the age of the minor’s partner.
 - Minor is less than 14 years old, and partner is 10 years old or older
 - Minor is 14 or 15 years old, and partner is 21 years old or older

A useful chart that details when sexual intercourse with a minor must be reported as child abuse can be found at www.teenhealthlaw.org > Tools & Charts.

How to Report Abuse

Child Abuse Reporting Time Limits:

1. Report a suspected abuse (of reasonable suspicion) **immediately by telephone**
2. You can report to either or both of the following:
 - The Child Welfare Agency (CWA) or Child Protective Services (CPS)
 - Police Department
3. A written report must be sent within **36 hours** (faxed or electronically transmitted)

Child Abuse Reports Must Include:

1. The name of the mandated reporter
2. The capacity that makes the person a mandated reporter
3. The name, address and phone number of the business or agency where the mandated reporter works
4. The information that triggered a reasonable suspicion of child abuse or neglect
5. The source of the information
6. Minor’s name, address, present location, school, grade, and class (if applicable)
7. Name of minor’s parents or guardians as well as addresses and phone numbers
8. Names of the person or persons who might have abused or neglected the minor – include addresses, phone numbers and other relevant information

Resources:

There are several resources that are available to help you learn more about minor consent and mandatory reporting, such as:

Family PACT Webcasts:

www.familypact.org > Providers > Provider Training > Previously Recorded Webcasts

- Minor Consent for Health Care in California
- Mandatory Reporting in California

National Center for Youth Law:

www.teenhealthlaw.org > Publications

- California’s Child Abuse and Neglect Reporting Act: Reporting Rules for Health Care Providers
- Minor Consent, Confidentiality, and Child Abuse Reporting in California
www.teenhealthlaw.org > Tools and Charts
- When Sexual Intercourse is Deemed Child Abuse in California

Adolescent Health Working Group: www.ahwg.net