

Policy: MINOR'S ABILITY TO CONSENT TO MEDICAL SERVICES

Indiana State law:

IC 16-36-1-1As used in this chapter, "health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition. The term includes admission to a health care facility.

IC 16-36-1-3.5

(a) This section does not apply to consent to the provision of an abortion or completion of a POST form.

(b) A minor who:

(1) is at least sixteen (16) years of age; and

(2) is:

(A) pregnant;

(B) in labor; or

(C) postpartum for a sixty (60) day period after the birth;

is competent to give consent for the minor's medical or hospital care and treatment with respect to the pregnancy, delivery, and postpartum care of the minor.

(c) Before a health care provider may provide care to a minor described in subsection (b), the health care provider shall, before or at the initial appointment for treatment, make a reasonable effort to contact the minor's parent or guardian for consent to provide the treatment and document in writing each attempt the health care provider made to contact the parent or guardian of the minor. If, after the health care provider has made a reasonable attempt to contact the minor's parent or guardian before or at the initial appointment for treatment, either:

(1) the health care provider is unable to make contact; or

(2) the parent or guardian of the minor refuses to provide consent for treatment;

the health care provider shall act in the manner that is in the best interests of the minor and the fetus.

(d) If, after the initial appointment or treatment, the health care provider determines that additional care is in the best interest of the minor and the fetus, the health care provider shall make one (1) additional attempt to contact the parent or guardian of the minor for consent, if applicable, before:

(1) the provision of prenatal care;

(2) the delivery of the baby; and

(3) the provision of postpartum care.

IC 16-36-1-3

(a) Except as provided in subsections (b) through (d), unless incapable of consenting under section 4 of this chapter, an individual may consent to the individual's own health care if the individual is:

(1) an adult; or

(2) a minor and:

(A) is emancipated;

(B) is:

(i) at least fourteen (14) years of age;

(ii) not dependent on a parent or guardian for support;

(iii) living apart from the minor's parents or from an individual in loco parentis; and

(iv) managing the minor's own affairs;

(C) is or has been married;

(D) is in the military service of the United States;

- (E) meets the requirements of section 3.5 of this chapter; or
- (F) is authorized to consent to the health care by any other statute.

(b) A person at least seventeen (17) years of age is eligible to donate blood in a voluntary and noncompensatory blood program without obtaining permission from a parent or guardian.

(c) A person who is sixteen (16) years of age is eligible to donate blood in a voluntary and noncompensatory blood program if the person has obtained written permission from the person's parent or guardian.

(d) An individual who has, suspects that the individual has, or has been exposed to a venereal disease is competent to give consent for medical or hospital care or treatment of the individual.

Pregnancy Choices Policy on testing for Pregnancy:

1. As to testing and treatment for pregnancy, a minor age 16 and above may consent to medical services provided at Pregnancy Choices; **however**, the health care provider must make a reasonable effort to contact the parent for consent before or at the initial appointment. If the parent cannot be contacted or if the parent refuses to consent, the health care provider "shall act in the manner that is in the best interests of the minor and the fetus".
2. As to treatment for pregnancy, a minor age 15 or younger may not consent to medical services provided at Pregnancy Choices without parental consent.
3. As to treatment for STI services, an individual who has, suspects that the individual has, or has been exposed to a venereal disease is competent to give consent for medical or hospital care or treatment of the individual.
4. A minor cannot be forced to have an abortion. In fact, a forced abortion would constitute child abuse. In the event that parents are forcing their minor to obtain an abortion, you should immediately contact legal counsel who should talk to the minor and plan a course of legal action. Very helpful resources are available from the Justice Foundation at www.thejusticefoundation.org/cafa.¹
5. See CHILD ABUSE REPORTING policy for information on reporting requirements in the event of abuse or neglect.

Pregnancy Choices Policy on STI testing

1. NO HIV testing for any minor (less than 18 years old) **without** parental consent
2. STI testing **allowed** on minors ages 14 and over **without** parental consent
3. STI education **only** given to 12- and 13-year-olds **without** parent consent

¹ NIFLA *Legal Tips*, November 2013, "Preventing Forced Abortions."