

# California Minor Consent and Confidentiality Laws

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**S**exual **H**ealth **E**ducation **P**rogram

# Minor Rights

- **Minors may be considered competent to act on their own in the following circumstances:**
  - The minor is emancipated.
  - The minor is age 12 or older.
  - There is a medical emergency.

# California Minor Consent Laws

- **Family Code 6925**

- Minors of any age may consent to medical care related to prevention or treatment of pregnancy, including abortion, and excluding sterilization.
- Minors of any age may receive birth control without parental consent.

- **Family Code 6928**

- Minors of any age who may have been raped may consent to medical care related to the diagnosis, treatment and the collection of medical evidence related to the rape.

# California Minor Consent Laws

- **Family Code 6926**

- Minors 12 years and older who may have come in contact with an infectious, contagious, or communicable disease may consent to the medical care related to the diagnosis, treatment, or prevention (i.e., HPV vaccine) of the disease.
- Minors 12 years and older who may have come in contact with a sexually transmitted disease may consent to the medical care related to the diagnosis or treatment of the disease.

- **American Academy of Pediatrics v. Lungren (1997)**

- Minors of any age may consent to an abortion without parental consent and without court permission.

# Confidential Medical Care

- **Students may access confidential medical services without parental consent or notification.**
  - Any Age – Medical care for:
    - Reproductive Health
    - Sexual Assault
  - 12 Years and Older – Medical care or counseling for:
    - Alcohol
    - Drugs
    - Mental Health
    - Sexually Transmitted Diseases
- **District is *REQUIRED* to notify parents of this law.**
  - Parents notified in *Facts for Parents*.
  - Students notified during required sex education instruction.
  - Guidelines for Confidential Student Release posted on Sexuality Education website.

# Pregnancy Confidentiality

- **Administrative Procedure 4255**
  - Staff Knowledge of Pregnant Student
    - Knowledge of Pregnancy is **CONFIDENTIAL**.
    - May not be disclosed to anyone or made part of the student's permanent record without student's written consent, unless there is a medical emergency.
    - Staff may offer to meet with student and provide support and guidance as appropriate, but there is no obligation.
    - Staff other than nurse or counselor should report the information to the nurse or counselor but may not disclose the information to anyone else unless there is a medical emergency.
  - Medical Emergency
    - Pregnancy is **NOT** a medical emergency.
    - A school staff member who has knowledge of a pregnant student may inform emergency medical personnel if appropriate and only if the student is unable to communicate the information because of the emergency.

# Pregnancy Confidentiality

- **Administrative Procedure 4255**
  - **Equal Education Access**
    - Pregnant Minors shall have access to the following services:
      - Referral to prenatal and related support services
      - Outreach services and assessment of drug and smoking status
      - Individualized counseling and advocacy services
      - Motivational messages
      - Cessation services, if applicable
      - Incentives to maintain a healthy lifestyle
      - Maintenance and relapse-prevention services
      - Follow-up assessment

# Pregnant Student

- **Implementation**

- Student informs staff member of confirmed/suspected pregnancy and/or consideration of abortion.
- Staff responses shall be consistent with the confidentiality provisions.
- Nurse – Upon request of minor:
  - Advise parent/guardian and student of appropriate medical and community resources.
  - Act as liaison among student, parents/guardians, student's physician, and school personnel.
  - Provide services or furnishes information concerning sources of appropriate help (listed on previous slide).



# Guidelines for Releasing Students

- **Ed Code 46010.1, District Policy H-3500, AP 6156**
  - Student may be referred by site staff or self-refer to the nurse/counselor to be excused for confidential medical services.
  - Release from school must be handled confidentially by nurse, counselor or attendance office.
  - Nurse, counselor or attendance office may require student to verify their absence verbally or in writing.
  - “Absence Excuse for Parent’s Signature” form shall be completed by staff member releasing the student. Original copy goes to student, duplicate to staff member.
  - Staff shall immediately list the student as “detained” for the periods they will be off campus.
  - Student will sign back in to school after the appointment (or the next day) with the same staff member that released them.

# Guidelines for Releasing Students

- **Absence will NOT be recorded in the electronic attendance record.**
  - District staff should continue to encourage students seeking confidential medical services to consult with parent/guardian or another trusted adult.
  - If a parent learns of their child's absence, and questions the staff member, the reason for their absences should NOT be disclosed. Staff member can inform the parent that "their child requested to be released from school for a medical appointment and by law we are required to release them."
  - Students are responsible for making arrangements with their teachers to make up any assignments that they miss due to the absence.

# Student Resources

**California Minor Consent Laws** card distributed to all 6<sup>th</sup>, 8<sup>th</sup>, and high school students during comprehensive sexual health classroom lessons.

**TIPS...**


**FOR YOUTH:**

- **KNOW** your health rights and **USE** your health rights! **KEEP** to this card when you visit your health care provider.

**FOR PROVIDERS:**

- Help youth understand consent and confidentiality at the beginning of each visit.
- A youth is more likely to disclose sensitive information when he/she has time alone with the provider to discuss concerns.
- Even when the youth presents with a non-sensitive issue such as a headache, there may be underlying issues (ex. need for an STI screening) which may only surface if the youth is provided with confidential care.
- In most cases, for services under minor consent, access to a minor's records is only allowed with written consent of the minor.

**California Minor Consent Laws**



*This card provides a snapshot of CA laws. For more information please visit [www.sexyhealthlaw.org](http://www.sexyhealthlaw.org)*

This card does not constitute legal advice or representation. Please visit [www.sexyhealthlaw.org](http://www.sexyhealthlaw.org) for more information. For additional copies of this card please visit [www.aahwg.org](http://www.aahwg.org) or call 415.554.8428. Adapted from National Center for Youth Law materials. [www.sexyhealthlaw.org](http://www.sexyhealthlaw.org) Revised 1/2011

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# Staff Resources

- Please access this PowerPoint on our department's website for future reference.
  - [www.sandiegounified.org/SHEP](http://www.sandiegounified.org/SHEP)
  - → Teacher and Staff Resources
  - → Confidential Medical Care
  - → CA Minor Consent Laws
  - → Minor Consent Laws PowerPoint Presentation