

## CONSENT FOR NONEMERGENCY MEDICAL CARE OF A MINOR IN A DISASTER

Prepared by: Office of General Counsel, Texas Department of State Health Services  
April 14, 2006

**ISSUE:** May a health care professional provide nonemergency medical care to a minor during a natural or man-made disaster without first obtaining the consent of the minor's parent, guardian, or managing conservator?

**ANSWER:** Yes, in several specific circumstances.

**DISCUSSION:** A "minor" is a person under 18 years of age who is not and has not been married or who has not been declared an adult by a court for general purposes. *Family Code, §101.003(a)*. If the minor's parent, guardian, or managing conservator cannot be contacted, and has not specifically refused consent for the treatment, adults in several other categories may consent, including (1) grandparents; (2) adult brothers or sisters; (3) adult aunts or uncles; (4) a representative of the minor's school, if the school has previously received written authorization; (5) an adult who has actual care, control, and possession of the minor and has written authorization to consent from the minor's parent, guardian, or managing conservator; (6) a court in which a suit affecting the minor's legal relationship with his or her parents has been filed; (7) an adult responsible for the actual care and control of the minor under the jurisdiction of a juvenile court; or (8) a peace officer who has taken custody of the minor and reasonably believes the minor needs immediate treatment. *Family Code, §32.001(a)*. Nonparent adults in these categories may not consent to the immunization of a minor. *Family Code, §32.001(c)*.

A minor may consent to his or her own medical, dental, psychological, and surgical treatment if the minor (1) is on active duty with the U.S. armed services; (2) is at least 16 years old and lives separate from his or her parent, managing conservative, or guardian and manages his or her own financial affairs; (3) consents to diagnosis and treatment of an infectious, contagious, or communicable disease that must be reported by law; (4) is unmarried and pregnant and consents to treatment related to the pregnancy, other than abortion; (5) consents to examination and treatment for drug or chemical addiction or dependency; or (6) is unmarried, has actual custody of his or her own child, and has consented, as the child's parent, to medical, dental, psychological, or surgical treatment for the child. *Family Code, §32.003(a)*.

A minor 16 years of age or older may request voluntary admission to an inpatient mental health facility or to a facility for chemical dependency treatment without parental consent. *Health & Safety Code, §572.001 and §462.022*.

A minor may consent to, and a physician, psychologist, counselor, or social worker having reasonable grounds to believe the minor has been (1) sexually, physically, or emotionally abused; (2) is contemplating suicide; or (3) is suffering from chemical or drug addiction or dependency may counsel the minor without parental consent. *Family Code, §32.004(b)*.

**WAIVER OF LAW OR RULES:** None.

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