

San Mateo County Health System
Behavioral Health and Recovery Services
Minor Client Legal Status and Implications for Consent

Status	Comments
Voluntary Child	Either Custodial parent(s) has right to consent to treatment and medications.
Voluntary Child pending being named Dependent of Court	Until Court takes action, parent(s) retain right to consent to treatment and medication. Court may order treatment if parents are unable or unwilling to do so.
Voluntary child with divorced parents	Joint legal custody – either parent can consent. Otherwise, only parent who has custody can sign consents.
Voluntary child with Guardian	Guardian may or may not have legal authority to sign for medical treatment. Official certified letters of guardianship will establish whether guardian has this authority.
Voluntary Adult	Has right to consent or refuse treatment and medications – even with court order.
Dependent Child (Sec. 300) – Treatment	When referred by Social Worker, no signed consent for treatment is necessary.
Dependent Child – Medications	Court must consent to psychotropic medications.
Dependent Child with Court Appointed Attorney	Treatment issues may be discussed with child’s attorney.
Children in Foster Care	These children are by definition “dependents of the court”.
Minor who is Parent re: own services	Parenthood is not an emancipating event. If living with own parents, may not consent to own medical treatment.
Minor who is Parent re: child’s services	A minor who is a parent may consent for her own voluntary child’s treatment, so long as the minor parent has the capacity to understand what is being asked. The concept of “informed consent” applies here.
Minor parent (married)	If married now or ever – is “emancipated” and can sign own or voluntary child’s consents.
Self-sufficient Minor	15 years of age or older; lives apart from own parents or legal guardian; managing own financial affairs (will be responsible for any charges for MH Treatment). Can sign own or voluntary child’s consents.
Emancipated Minor	Minor 14 years of age and older can petition the court for emancipation. Can sign own or voluntary child’s consents.