



Consent to Treatment

In most situations, a parent must consent to any medical treatment for a child, from routine medical care to more serious treatment or emergency care. Under some circumstances, however, a minor may consent to his or her own treatment without consent of the parent. In these special circumstances, the individual's right to privacy outweighs the parent's right to make decisions on behalf of the child.

Parental consent is not needed for a minor to obtain:

- Contraceptives or abortion
- Pregnancy services or prenatal care
- Treatment for drug or alcohol abuse
- Treatment for venereal disease or sexual assault
- Treatment for HIV/AIDS if the minor is at least 13 years old and thinks s/he may be infected
- Temporary outpatient behavioral health services if the minor is at least 16 years old and believes s/he needs treatment for mental illness or emotional disorders. This does not include the administration of medication, which still requires parental consent.

In some circumstances, even though parental consent is not needed, the doctor may notify the parent that treatment has been provided.

- State law requires a minor's parents to be notified if the minor seeks treatment for sexual assault, unless the doctor believes it is in the best interests of the minor not to do so.

- Parental notification is not required for other treatment to which the minor may consent, such as pregnancy-related treatment, abortion or contraceptives.

- If a doctor or other medical personnel believe that it is necessary; however, they may notify the parent of a minor's treatment without the consent of the minor, even over the objections of the minor.

Treatment for drug or alcohol dependency, and behavioral or mental health treatment create some special circumstances:

- Treatment for drug and alcohol abuse, and behavioral or mental health treatment and considered confidential, and neither the minor or his doctor, treatment provider, or facility shall be required to report such treatment.

- Although a minor may consent to drug or alcohol treatment, treatment programs are not required to admit minors and may set their own admission criteria, which may include parental notification and involvement.

- State law allows a provider to discontinue behavioral or mental health treatment to a minor, if in the professional's judgment, the consent or participation of the minor's parents is necessary for proper care of the minor.

Relevant statute: NJSA 9:17A-4