



Sexual and Reproductive Health Care for Foster Youth: Minor Consent Law in California

FOSTER YOUTH OF ANY AGE MAY CONSENT	LAW/DETAILS	MAY/MUST THE HEALTH CARE PROVIDER INFORM A SOCIAL WORKER OR CAREGIVER ABOUT THIS CARE OR DISCLOSE RELATED MEDICAL INFORMATION TO THEM?
PREGNANCY	“A minor may consent to medical care related to the prevention or treatment of pregnancy,” except sterilization. (Cal. Family Code § 6925).	The health care provider is not permitted to inform a social worker or caregiver without the minor’s consent. The provider can only share the minor’s medical information with them with a signed authorization from the minor. (Cal. Health & Safety Code §§ 123110(a), 123115(a)(1); Cal. Civ. Code §§ 56.10, 56.11).
CONTRACEPTION	“A minor may consent to medical care related to the prevention or treatment of pregnancy,” except sterilization. (Cal. Family Code § 6925).	
ABORTION	A minor may consent to an abortion. (Cal. Family Code § 6925; <i>American Academy of Pediatrics v. Lungren</i> , 16 Cal.4 th 307 (1997)).	The health care provider is not permitted to inform a social worker or caregiver without the minor’s consent. The provider can only share the minor’s medical information with them with a signed authorization from the minor. (<i>American Academy of Pediatrics v. Lungren</i> , 16 Cal.4 th 307 (1997); Cal. Health & Safety Code §§ 123110(a), 123115(a)(1); Cal. Civ. Code §§ 56.10, 56.11).
SEXUAL ASSAULT¹ SERVICES and RAPE² SERVICES FOR MINORS UNDER 12 YRS³ <p>²Rape is defined in Cal. Penal Code § 261. ³See also “Rape Services for Minors 12 and Over” on page 3 of this chart ¹For the purposes of minor consent alone, sexual assault includes acts of oral copulation, sodomy, and other crimes of a sexual nature.</p>	<p>“A minor who [may] have been sexually assaulted may consent to medical care related to the diagnosis,...treatment and the collection of medical evidence with regard to the ...assault.” (Cal. Family Code § 6928).</p>	<p>The health care provider must attempt to contact the minor’s guardian and note in the minor’s record the day and time of the attempted contact and whether it was successful. This provision does not apply if the treating professional reasonably believes that the parent/guardian committed the assault. (Cal. Family Code § 6928).</p> <p>Both rape and sexual assault of a minor are considered child abuse under California law and must be reported as such to the appropriate authorities by mandated reporters following mandated reporting procedures. Reporting to a youth’s child welfare case worker does not satisfy this obligation. (See Cal. Penal § 11167 and 11167.5.)</p>

MINORS 12 YEARS OF AGE OR OLDER MAY CONSENT	LAW/DETAILS	MAY/MUST THE HEALTH CARE PROVIDER INFORM A SOCIAL WORKER OR CAREGIVER ABOUT THIS CARE OR DISCLOSE RELATED MEDICAL INFORMATION TO THEM?
<p align="center">SEXUALLY TRANSMITTED DISEASES (PREVENTIVE CARE, DIAGNOSIS, TREATMENT)</p>	<p>A minor 12 years of age or older who may have come into contact with a sexually transmitted disease may consent to medical care related to the prevention, diagnosis or treatment of the disease. (Cal. Family Code § 6926).</p>	<p>The health care provider is not permitted to inform a social worker or caregiver without the minor’s consent. The provider can only share the minor’s medical information with them with a signed authorization from the minor. (Cal. Health & Safety Code §§ 123110(a), 123115(a)(1); Cal. Civ. Code §§ 56.10, 56.11).</p>
<p align="center">RAPE SERVICES FOR MINORS 12 and OVER</p>	<p>“A minor who is 12 years of age or older and who is alleged to have been raped may consent to medical care related to the diagnosis or treatment of the condition and the collection of medical evidence with regard to the alleged rape.” (Cal. Family Code § 6927).</p>	<p>The health care provider is not permitted to inform a social worker or caregiver without the minor’s consent. The provider can only share the minor’s medical information with them with a signed authorization from the minor. (Cal. Health & Safety Code §§ 123110(a), 123115(a)(1); Cal. Civ. Code §§ 56.10, 56.11).</p> <p>Both rape and sexual assault of a minor are considered child abuse under California law and must be reported as such to the appropriate authorities by mandated reporters following mandated reporting procedures. Reporting to a youth’s social worker does not satisfy this obligation. (See Cal. Penal § 11167 and 11167.5.)</p>