

## Summary of Legal Authority pertaining to Minor Patient Consent for Medical Treatment.

The provisions of M.G.L. c. 112, § 12F in congruence with the scope of the case law pertaining to the “mature minor” rule and several related statutes listed below, grant minors the capacity to consent to medical treatment concerning a broad range of health issues. There is only one notable exception concerning abortion procedures (as codified in M.G.L. c. 112, § 12S limiting the above authorities). A summary of the scope of the applicable statutory authorities concerning these medical treatments and consent by minors is delineated below.

- 18 is the age of majority in Massachusetts for all purposes, including consent to medical treatment. Children under 18 are minors and the permission of their parents or guardians is required before they receive many kinds of medical treatment. M.G.L. c. 231, § 85P
- Parents or guardians do not have to consent for minors to receive emergency medical treatment. M.G.L. c. 112, § 12F
- Massachusetts recognizes the mature-minor rule, which allows a minor to consent to medical treatment- **except for abortion**- if the doctor believes the minor can give informed consent to the treatment and it is in the minor’s best interest not to notify her parents. Baird v. Attorney Gen., 371 Mass. 741 (1977).
- Minors who are sexually active, of childbearing age, may access family planning services offered through the department of health under M.G.L. c. 111, § 24E. See Baird v. Attorney Gen., 371 Mass. 741 (1977).
- Minors may consent to treatment for HIV and STD’s. M.G.L. c. 112, § 12F; M.G.L. c. 111, § 117 (treatment at public health clinics); 105 CMR 300.100 (for disease listings).
- Minors 12 or older, who have been found drug dependent by at least two doctors may consent to substance abuse treatment. M.G.L. c. 112, § 12E.
- Minors 16 or older may consent to admission to mental health treatment facilities and a provider may choose to provide mental health without notifying the minor’s parents pursuant to the mature minor rule. M.G.L. c. 123, § 10; 104 CMR 27.05; 104 CMR 25.04
- Minor women who are or have been married may consent to any treatment, including abortion. M.G.L. c. 112, § 12F.
- Minors who are living separate and apart from their parents or guardians; who are parents of a child; and/or who are pregnant or believe themselves to be pregnant may consent to any treatment, except abortion. M.G.L. c. 112, § 12F.
  - The above minors must obtain consent of one parent or guardian to obtain an abortion. M.G.L. c. 112, § 12F.
  - If unable to obtain consent from a parent/guardian she may petition a judge of the Superior Court to obtain consent. M.G.L. c. 112, § 12S; Bellotti v. Baird, 443 U.S. 622 (1979); Planned Parenthood League v. AG, 424 Mass. 586 (1997)
  - Massachusetts does not have a formal procedure for granting emancipation, but minors may petition for this status in the appropriate court. Id. Baird v. Attorney General, 371 Mass. 741, 360 N.E.2d 288 (1977). See also, § 27:10. The pregnant minor child, parental consent and abortion, 2 Mass. Prac., Family Law and Practice § 27:10 (4th ed.)