

NATMED'S TEN TAKEAWAYS



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Informed Consent Series Part 3 of 10: Special rules for children (minors)

- 1 Minors may need parental consent for medical treatment, but in specific circumstances they may validly consent on their own to medical treatment. Anyone under the age of 18 is a minor.
- 2 A child of 12 years or older with sufficient maturity is allowed to consent to their own medical treatment or to treatment for their own child. In the case of a surgical operation, children must be assisted by a parent or legal guardian.
- 3 With regard to termination of pregnancy, only the pregnant woman's consent is required – in the case of a minor, the healthcare practitioner must advise the pregnant child to consult with parents, guardians or family members regarding the termination but may not refuse the termination of pregnancy if the minor chooses not to consult with them. There is no minimum age limit for this consent to be valid.
- 4 Condoms may be provided to children over 12 on request, without parental consent. Contraceptives other than condoms may be provided to a child over 12 without parental consent if proper medical advice is given to the child and a medical exam is carried out on the child to determine whether there are any medical reasons why a specific contraceptive should not be provided. A child who obtains contraceptives is entitled to confidentiality.
- 5 A child may give consent to HIV testing if they are 12 years or older, or if they are younger than 12 but show sufficient maturity and understanding of the implications of the test. For HIV testing of children younger than 12 who do not have sufficient maturity to consent, consent of the parent, guardian, court or other legal authority (whichever is relevant in the specific circumstances) is needed.
- 6 Female circumcision is prohibited regardless of the age of the patient. Male circumcision is allowed for males under the age of 16 for religious or medical reasons only. Males over the age of 16 may consent to circumcision after they have received counselling and have given consent to the procedure. Taking into consideration the child's age, maturity and stage of development, every male child has the right to refuse circumcision.
- 7 The medical practitioner must assess whether a minor has sufficient maturity to consent on their own. The child has to understand the benefits, risks and implications of the treatment in order to be seen as a child of sufficient maturity. If you are unsure of a minor's capacity, always consult with a senior colleague. When relaying information to a minor in order to obtain their informed consent, you need to take into account their level of maturity and explain all information on their level.
- 8 Where children do not possess sufficient maturity or are below the age of 12, consent must be given by a parent or legal guardian, or the superintendent or person in charge of a hospital, the Minister of Health, or a High Court or Children's Court.
- 9 If a parent or guardian will have to pay for the medical services, they have to give consent to pay for it, except in cases of emergency or where the procedure or treatment is necessary and in the best interest of the child.
- 10 No parent may withhold consent for medical treatment by reason of religious beliefs, unless the parent can show that there are medically accepted alternatives.

Natmed's Top Ten Takeaways series is a first stop point of reference for busy healthcare practitioners and healthcare facility operators and intended to be referenced in conjunction with the Natmed "What If?" series, Natmed's Medical Defence Review and the Natmedipedia.



NATMED'S MEDICAL DEFENCE REVIEW



NATMED'S WHAT IF SERIES



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