



TITLE: CARE OF MINORS IN THE FIELD

EMS Policy No. **5108**

PURPOSE: The purpose of this policy to provide guidance for field personnel providing emergency care to minors in the prehospital setting.

AUTHORITY: Health and Safety Code, Division 2.5.1797.220, 1798 et seq., California Code of Regulations, Title 22, Division 9, California Code of Regulations, Title 13; Family Code Section 6922 through 6929 & 7002; Business & Professions Code Section 2397.

DEFINITIONS:

- A. "Minor" means a person less than eighteen years of age who is not emancipated. Except for specific circumstances prescribed by law, a minor is not legally competent to consent to or refuse medical care.
 - 1. "Emancipated Minor" means a person under the age of 18 years that is: 1) Married or previously married; 2) On active military duty; 3) A court decreed emancipated minor, which may be verified by Department of Motor Vehicles (DMV) identification card.
- B. "Legal Guardian" means a person who is granted custody or conservatorship of another person by a court of law.
- C. "Emergency" means a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by EMS personnel or a public safety agency.

POLICY:

- I. Voluntary Consent: Treatment or transport of a minor child shall be with the verbal or written consent of the parents or legal representative. If the minor child is legally able to consent, then treatment or transport shall be with the verbal or written consent of the minor.
- II. Implied Consent: A patient determined by EMS personnel to be experiencing an emergency and does not have medical decision-making capacity, or a patient who is a minor, or a patient who is unconscious or incapacitated shall be treated under implied consent.

PROCEDURE:

- I. Parental consent is not required before initiating care or transport when:
 - A. The minor is emancipated.
 - B. The parent has given written authorization to procure medical care to any adult over 18 years of age taking care of the minor.

Effective: July 1, 2023
Supersedes: January 1, 2009

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- C. A minor, 12 years or older, consents to the furnishing of hospital, medical and surgical care related to treatment or diagnosis of infectious, contagious or communicable diseases.
- D. The minor is living separate and apart from the minor's parents or guardian, whether with or without the consent of a parent or guardian and regardless of the duration of the separate residence.
- E. The minor is managing the minor's own financial affairs, regardless of the source of the minor's income.
- F. A minor, 12 years or older, is an alleged rape victim.
- G. A minor, is a victim of a sexual assault (applies to both boys and girls and has no age limit).
- H. A minor, seeks pregnancy prevention or treatment of pregnancy (does not include sterilization).
- I. A minor, 12 years or older, seeks medical or hospital care or counseling relating to diagnosis and treatment of drug and alcohol related problem.

If a minor or legal guardian refuses any indicated treatment or transport, EMS personnel may contact the Base Hospital Mobile Intensive Care Nurse (MICN) to assist in advising of risk and consequence of denial of treatment.

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