

**PROSPECT BEHAVIORAL PEDIATRICS AND PSYCHIATRY PLLC | Phone: (828) 552-3504 | Fax: (828) 552-3505**

**Patient Name:** \_\_\_\_\_

**Patient DOB:** \_\_\_\_\_

### **Consent for Minors (cont.)**

Also, please be aware that North Carolina law does allow parents having sole or joint custody to create a written document that permits a certain person or persons to be authorized to make health care decisions for the parent's minor child when the parent is "unavailable for a period of time by reason of travel or otherwise" (NC Gen Statute § 32A-28), and that this form must be notarized. Should this need arise, we would ask that statutory form in NC Gen. Statute § 32A-34 be used.

Any specific circumstance that may lead to having both parents or legal guardians provide written consent for treatment will remain at the discretion of the provider and will be based on circumstances and/or concerns presented at the time of service.

Children under State DHS care and in foster care will be required to present documentation providing evidence of current legal guardianship and this should correspond with DHS ID presented by the guardian who is presenting at the intake appointment and signing consent forms.

Consent for all psychotropic (psychiatric) medications, which includes medicines used for the treatment of ADHD, will be written and a parent or legal guardian will be required to provide written informed consent for any psychiatric medication prescription before medication can be given. In the case of separated, divorced parents or never married parents wherein the other parent's parental rights have not been terminated, again we ask for a consensus between the parents/guardians to ensure an understanding of the diagnosis (or diagnoses) and treatment options. Consent for medications may also be withdrawn at any time by any legal guardian as well, though we strongly encourage an open and frank discussion with your provider about such a choice and/or any concerns before consent is withdrawn.

For children under the age of 16 years, we ask that a parent or legal guardian stay with children/adolescents throughout the duration of the visit, though this can be in the waiting room, should the child prefer or ask to talk alone, or should there be clinical indication to talk with the child alone.

When possible, we encourage both parents/guardians to be present for care and to share in the treatment of their child.

We appreciate and respect the privilege and choice you have made to bring your child to this clinic for care. This clinic and its staff have enacted these policies to ensure that your child is safe and will be safely treated at all times by the providers at this clinic. We strive for this level of stringency in our care to maintain the utmost safety and regard for you and your child, which you and your child deserve.

Please sign below to acknowledge receipt and understanding of this policy, as well as granting consent to evaluate and treat your minor child for behavioral health and/or substance abuse issues. In the special cases (as outlined above) of a minor child consenting legally for his or her own treatment, please also sign below for consent to be evaluated and treated.

**This consent to treat a minor child shall be in force for 1 year from date of first signature/visit. This form is to be updated yearly. In the event of changes of guardianship, a new consent may need to be obtained prior to annual renewal.**

**In addition, I hereby authorize the following person(s) to present my child for subsequent treatment and to discuss such treatments, if the minor child should either be too young to be seen alone or, in the case of older children or adolescents, that they allow the presenting authorized individual to sit in session with him or her and the provider. Note: the person(s) listed does not give authorization to consent for any new medications, and consent will still need to be obtained for any new medications from an authorized parent or legal guardian**

\_\_\_\_\_  
Signature of Parent or Legal Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Parent or Legal Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Minor Child (if applicable): \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Witness: \_\_\_\_\_ Date: \_\_\_\_\_

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**Patient Name:**

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## Consent for Minors

Guardianship of all children and adolescents under 18 years of age will need to be verified before they are able to be seen in the clinic, so that proper legal consent for treatment can be obtained. These requirements will be explained as well at the time of the initial appointment to parent(s)/legal guardian(s). Any parent(s)/legal guardian(s) who present for intake without adequate documentation will need to be rescheduled and will be postponed for intake until adequate legal documentation for consent for treatment can be obtained. Please note that North Carolina state law § 90-21.5 (a) also allows for minors, under certain circumstances, to consent for their own mental health treatment. This may result in our needing to get your minor child's consent as well, if or when applicable. Please also be aware that in these special circumstances, confidentiality of the minor's treatment may reside with your child and we may or may not be able to disclose certain content of treatment. We understand that the legalities of consent for a minor can be confusing, and we hope that this document helps to answer any questions or concerns before your child's first appointment.

***All parent(s)/legal guardian(s) will need to present valid government-issued ID.***

We reserve the right to require certain documents to be presented prior to the initial evaluation appointment to confirm identity of presenting adult and to satisfy the legal requirements for informed consent to evaluate and treat children under 18 years old. These may include the following documents:

- Government issued/registered birth certificate
- Government issued naturalization papers
- Adoption paperwork or revised birth certificate showing adoptive parents recorded on the revised birth certificate
- Adjudicated court decree of guardianship signed by a judge or chancellor
- Adjudicated child custody order signed by a judge or chancellor
- Department of Social Services (DSS) decree of guardianship (e.g. for children in foster care)
- Any other necessary document, not listed above, to establish legal guardianship and jurisdiction over the welfare of the child being presented for evaluation

In the case of married parents or legal guardians, only the presenting parent's or legal guardian's consent is necessary. If parents/legal guardians are divorced they may need to present their divorce documents and child custody order for review. Legal documents are only considered valid if they are the final orders filed in court and signed by a judge or chancellor. A lawyer's filed or unfiled motion or letter is not considered a court order and cannot be accepted.

If legal health care decision authority is shared, as in the case of joint custody after divorce, then we may ask for consent from both parents/legal guardians to ensure good communication and understanding from all parties. A common misconception is that paramount care or primary custody means sole decision-making capacity. However, in the State of North Carolina, please be aware that, as either parent can make decisions regarding treatment of a minor, this then includes the right to refuse treatment or to withdraw treatment consent. This is amongst the reasons that we strive to have both parents involved whenever possible.

If legal health care decision authority is designated to solely to one parent/legal guardian, consent will only need to be obtained from that parent/legal guardian. Reasons for this may include death of natural parent, termination of parental rights of one or more parents, or no father listed on a government-issued birth certificate. If it is the case that one parent's rights have been terminated, a court order for termination of parental rights must also be presented to document this. If a biological father is recorded on the birth certificate and there is no subsequent legal documentation terminating those parental rights or evidence of sole legal health care decision-making authority, we reserve the right to ask for consent for treatment as well from the reported biological father. This may be even if parents were never married, if there is a father's name recorded on an official birth certificate. This is a complex area of North Carolina law and is governed by various statutes and case law precedents, which can be reviewed and discussed, should the need arise.

Please be aware that we can allow for non-parents, non-guardians (e.g. grandparents, aunts/uncles, siblings of driving age or any other responsible, designated party) to present a child for follow-up care with a parental/guardian-signed consent to allow this, but that any changes to treatment will need a parent or legal guardian's consent. Therefore, we ask for availability of a parent or legal guardian by phone at the time of your child's appointment if you cannot bring him or her yourself.

Verbal consent for treatment or medications may be obtained from an absent parent or guardian via phone and by two clinic staff witnesses, and will be documented.