

Consent and Common Pathways for Providing Care to Minors (December 2023)

Category	Name	Description	Citation
Minor's Consent	Minor's consent	A minor with decisional capacity may give consent to a physician (or provider working under the direction of a physician) for the prevention, diagnosis, or treatment of conditions specified in the statute.	G.S. 90-21.5(a)
Urgent/Emergency Care	Urgent/emergency care provided by physicians	A physician (or provider working under the physician's direction) may provide care in certain time-sensitive situations specified in the statute without first obtaining parental consent.	G.S. 90-21.1
	Urgent/emergency care provided by school employees	Public school employees authorized by their local board of education may provide first aid, emergency care, and life saving techniques without first obtaining parental consent.	G.S. 115C-375.1
Non-Parent Authorized to Consent to Care	DSS director consents for minor's care	The DSS director (or her designee) may consent to routine and emergency care, as well as testing and evaluation in exigent circumstances, for a minor in DSS custody. DSS director (or designee) may also consent to other care as set out in a court order.	G.S. 7B-505.1
	Parent authorizes non-parent to consent using a HCPOA	A "custodial parent" may delegate the parent's consenting authority to another person using a health care power of attorney (HCPOA). HCPOA can be broad or narrow in scope and may be time-limited. Note: This is not the exclusive method for a parent to delegate consenting authority to a non-parent.	G.S. 32A, Article 4
Specific Health Care Services	Abortion	In addition to a parent, a grandparent with whom a minor has been living for 6 months can consent to an abortion for the minor. Alternatively, a court may waive the requirement for parental consent to an abortion in limited circumstances. Requirements of G.S. 90, Art. 1I must also still be met.	G.S. 90-21.7, 90-21.8
Parental Consent	Parental consent to treatment	Parent (natural or adoptive parent whose rights have not been limited or terminated by a custody or court order; legal guardian; or person standing <i>in loco parentis</i>) consents to care that meets the definition of "treatment." Consent must be memorialized in writing or otherwise documented.	G.S. 90-21.10A, 21.10B, 21.10C