



Minors

Informed Consent

As per the provincial and territorial legislation which governs consent to medical treatment, in Alberta, the age of consent to healthcare is 18. It is important for psychologists to consider two things while providing service to minors:

- Ability to consent
- Limits to confidentiality

Except for an emergency intervention, psychologists must determine whether the minor can consent to services. This is determined by a variety of factors and the evaluation of their maturity.

“Mature Minor” doctrine must be proof that the child has sufficient maturity and intelligence to understand the services being offered. It is important to consider that age itself is not the sole determinant of maturity, but the nature and extent of the minor’s dependence on the parents or guardians and the nature and complexity of treatment should also be considered. There are situations where it becomes complicated if the minor is unable or does not want to obtain parental consent for services. Case law (J.S.C. and C.H.C. v Wren, Alberta Court decisions) has established that mature minors can provide their own consent, providing that they have sufficient knowledge and maturity to understand fully what is being proposed.

Public sector agencies and institutions may also make treatment decisions on behalf of minors in some circumstances (FOIPPA).

Child protection legislation allows for court-ordered treatment if refusal by parents/guardians and it is deemed to be necessary.

Further exceptions may apply to psychologists working in the school system. A review of the Education Act and School Act will shed some light on it.

Confidentiality

Confidentiality can be complicated with minors. It is important to discuss and clarify with parents/guardians and the minor (client) as much as possible about the limits of confidentiality and to continue this discussion throughout the services.

However, legally the parent/guardian has the right to know what is occurring during the services provided.

Confidentiality is also largely based on the minor (client) understanding and capacity. If a minor client requests confidentiality, this can only be upheld if the minor (client) capacity is sufficient and therefore removes the parent/guardians' rights to confidential information.

It is important to clarify with the minor (client) the limits of confidentiality in language and terms they understand.

[Duty to Report](#)

In Canada, it is mandatory to report a child in need of protection when it is reasonably assumed that they are being harmed. The summary on [Alberta's Mandated Reporting Laws](#) provides some clarity around it.

References:

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