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Treating Adolescents: Legal and Ethical Considerations

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Adolescent Medicine

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Treating Adolescents
Legal and Ethical Considerations

The legal status of adolescents differs markedly from that of both younger children and adults. Adolescents who are "minors," i.e., under the age of majority (in Alabama, Nebraska, and Wyoming, the age of majority is 19^{10, 67, 102}; in the other 47 states, it is 18), continue to be legally dependent upon their parents in many respects, and their ability to function independently of their parents or other adults is legally restricted to a significant degree.³⁸ Nonetheless, the law has granted to adolescents who are legally minors a much greater degree of autonomy, particularly in the health care arena, than younger children customarily enjoy.^{38, 45, 63} The developmental status of adolescents raises many ethical dilemmas that health care professionals are required to confront in treating this age group.²⁴ These dilemmas are often particularly acute for special groups of adolescents, such as runaway and homeless youth, adolescents in foster care, or incarcerated youth.

LEGAL AND ETHICAL ISSUES

The legal status of adolescents is significant because it has a direct impact on the ability of health care professionals to treat adolescents without the involvement of parents or other adults.⁴⁵ The following are the major legal issues that routinely confront physicians and other practitioners: Whose consent is required for treating an adolescent? What information is confidential, and under what circumstances may it be disclosed? What are the possible sources of payment for an adolescent's care?

Each of these issues involves both legal and ethical considerations. The controlling legal principles are frequently a matter of state law, so practitioners should take care to familiarize themselves with the law in their own states.^{30, 38, 39, 63} Some of the ethical concerns are addressed in the codes of ethics for each profession.^{11, 12, 14-19, 66} Many others must be addressed in the policies and protocols of specific treatment settings or on a case-by-case basis.

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