

[Pediatrics Committee on Medical Liability, 2003](#)). Parents also have a right to withdraw consent later.

### Evidence of Consent

Regulations on obtaining informed consent vary from state to state, and policies differ at each health care facility. It is the physician's legal responsibility to explain the procedure, risks, benefits, and alternatives. The nurse witnesses the patient's, parent's, or legal guardian's signature on the consent form and may reinforce what the patient has been told. A signed consent form is the legal document that signifies that the process of informed consent has occurred. If parents are unavailable to sign consent forms, verbal consent may be obtained via the telephone in the presence of two witnesses. Both witnesses record that informed consent was given and by whom. Their signatures indicate that they witnessed the verbal consent.

### Informed Consent of Mature and Emancipated Minors

State laws differ with regard to the age of majority, the age at which a person is considered to have all the legal rights and responsibilities of an adult. In most states, 18 years old is the age of majority. Competent adults can give informed consent on their own behalf. An **emancipated minor** is one who is legally under the age of majority but is recognized as having the legal capacity of an adult under circumstances prescribed by state law, such as pregnancy, marriage, high school graduation, independent living, or military service. A **mature minor** exception to consent laws is recognized in a few states for children 14 years old and older who can understand all elements of informed consent and make a choice based on the information; legal action may be required for designation as a mature minor.

### Treatment Without Parental Consent

Exceptions to requiring parental consent before treating minor children occur in situations in which children need urgent medical or surgical treatment and a parent is not readily available to give consent or refuses to give consent. For example, a child may be brought to an emergency department accompanied by a grandparent, child care provider, teacher, or others. In the absence