



Independence, consent and confidentiality for parents and carers of young people.

As young people move toward adulthood it is important for them to take a more active role in their healthcare. This means that parents/carers need to take a few steps back.

It is important that parents/carers do this at a pace your young person is comfortable with as they become more independent.

Young people have said that concerns about confidentiality can stop them from accessing healthcare, especially relating to mental health, substance abuse and sexual activity.¹

Young people are often more likely to seek health care and return for review if they know that their health concerns will not be revealed to other third parties, including their parents.²

Research has shown that confidential health care promotes disclosure by young people about health risk behaviours.³

It is important that young people have the opportunity to speak with a health professional without fear of getting in to trouble or feeling embarrassed. It is also an important step in developing their skills and confidence to talk to health professionals on their own and take more responsibility for their health care. Being able to raise and discuss issues with their doctor, take on treatment plans and recommendations and put them in to action are essential skills to learn as they move toward independence.

Parents/carers can still encourage young people to talk with them about important issues relating to their health and wellbeing. Some young people may wish for their parents to be involved in some or all of their healthcare discussions and this can change over time.

Consent and confidentiality in adolescent healthcare is standard practice.

Key points of consent and confidentiality

- In Australia, a person is recognised as an adult when they turn 18.
- Generally, a young person under the age of 18 years can⁴:
 - consent to medical treatment and make other healthcare decisions
 - authorise the sharing of his or her confidential information
 - demand confidentiality (in relation to anyone including his or her parents or guardian) if assessed to be sufficiently mature and intelligent to make such decisions on his or her own behalf.

The law in Australia recognises the concept of the 'mature minor', which is founded in common law. Health workers must assess each young person's competence on a case-by-case basis, informed by appropriate resources.⁴

- There may be times when a young person's confidential information may need to be shared, and young people should be informed of this from the outset. This includes:
 - when a young person is at risk of harm or of harming others (e.g. risk of self-harm or victim of abuse)
 - there is a legal requirement for disclosure (e.g. court proceedings)
 - it is necessary for a young person's wellbeing (e.g. urgent communication in an emergency)

Medicare Australia

When a young person turns 15, they can get their own Medicare Card. A Medicare card gives them access to a range of medical services and prescriptions at a lower cost. At 15, your child can choose to transfer to their own card or stay on your card and copy to a new card.

- If they choose to transfer to their own card, they'll no longer be on your card.
- If they choose to copy to a new card, they'll stay active on your card and get their own card.

Parents/guardians cannot obtain information about their young person's Medicare claims history after the young person has turned 14. Explicit consent would be required.

My Health Record

My Health Record is an online summary of a person's key health information. When a young person turns 15, parents/legal guardian will no longer have access to their My Health Record unless invited to by the child.

References:

1. Consumer and Community Health Research Network. WA's Young People Have A Say: Community conversations report; 2017
2. Sanci LA, Sawyer SM, Kang M S-L, et al. Confidential health care for adolescents: reconciling clinical evidence with family values. *MJA* 2005;183:410–414.
3. Ford CA, Millstein SG, Halpern-Felsher BL, et al. Influence of physician confidentiality assurances on adolescent's willingness to disclose information and seek future health care. A randomised controlled trial. *JAMA* 1997;278:1029–1034.
4. Department of Health Western Australia. Working with Youth – A legal resource for community based health workers. Perth: Department of Health, Western Australia; 2007 (revised 2013).

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