

# The Infants Act, Mature Minor Consent and Immunization

## What is the Infants Act?

The Infants Act explains the legal position of children under 19 years of age.

One of the topics covered in the Infants Act is the health care of children. The Infants Act states that children may consent to a medical treatment on their own as long as the health care provider is sure that the treatment is in the child's best interest, and that the child understands the details of the treatment, including risks and benefits. It is up to the health care provider to assess and ensure the child's understanding of the treatment.

For more information on the Infants Act, visit [www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96223\\_01](http://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96223_01).

## What is "mature minor consent"?

A child under the age of 19 is called a "minor". "Mature minor consent" is the consent a child gives to receive or refuse health care after the child has been assessed by a health care provider as having the necessary understanding to give the consent. A child who is assessed by a health care provider as being capable to give consent is called a "mature minor".

A child who is a mature minor may make their own health care decisions independent of their parents' or guardians' wishes. In B.C. there is no set age when a child is considered capable to give consent.

A health care provider can accept consent from the child and provide health care that is in the child's best interests without getting

consent from the parent or guardian if the health care provider is sure that the child understands:

- The need for the health care
- What the health care involves and
- The benefits and risks of the health care

## How does "mature minor consent" relate to immunization?

In B.C., immunizations for school-aged children are routinely given in grade 6 and grade 9 (and other grades if children are behind in immunization or at risk for certain vaccine-preventable diseases). Most of the time, the vaccines are given by nurses at immunization clinics held at schools. Children may also get vaccines at a health unit, youth clinic, doctor's office or pharmacy. In all of these settings, a child can consent to the vaccine on their own behalf if the health care provider has determined that the child is capable of making this decision.

Although there is no set age for when a child becomes capable, common practice is for parents or guardians of children 12 years of age and younger to give consent for their child to be immunized. However, there may be extenuating circumstances in which a child of this age may provide their own consent. Older children are given the opportunity to consent for themselves. If a child refuses a vaccine for which their parent or guardian has consented, they must be informed of the risks of not having it.

The immunization records of any child who gives their own consent will not be shared with the parent or guardian, unless the child gives permission.

### **How does the health care provider decide if a child is capable to give consent for immunizations?**

Before accepting consent from a child, a health care provider has to give the child information about the vaccine. The health care provider will review the following information with the child using a provincial resource like a HealthLinkBC File:

- Which vaccine they are due to get
- The benefits of getting immunized
- The risk of not getting immunized
- Common and expected side effects
- Rare serious side effects
- Medical reasons to not receive a vaccine

The health care provider will give the child time to read over the information and allow the child to ask questions. The child will then be asked some questions to make sure they understand the information and are ready to make a decision. If the health care provider is

not sure that a child understands, or a child is not ready to make a decision, the child will not be immunized.

### **Can a parent or guardian provide consent for a child in grade 9?**

Consent forms and immunization information such as HealthLinkBC Files for immunizations given in school will be sent home. Parents or guardians and their children are encouraged to review the information, discuss it, and make a decision about immunization together. This can be used as an opportunity for adolescents to start making decisions about their own health. Adolescents will have the opportunity to make their own decision to be immunized whether or not they have a consent form signed by a parent or guardian.

