



College of Alberta Psychologists

Practice Alert: Mature Minors

The College issues Practice Alerts to guide members in critical or complex practice areas.

Informed consent is required before providing services to any client. When a psychologist is providing psychological services to a minor, generally the psychologist must obtain informed consent from the minor's legal guardian. However, there are exceptions to the general rule. If the minor is a mature minor, a psychologist may provide services to the minor by obtaining consent directly from the mature minor without obtaining informed consent from their guardian.

Determining whether a minor is a mature minor

The common law recognizes that mature minors can provide their own consent, provided that they have sufficient understanding and cognitive skills to enable them to understand fully what is being proposed. Although chronological age is only one of several factors to be considered, court precedent suggests a benchmark: a minor would likely not be considered a mature minor before the age of 15. However, not all minors over the age of 15 will be mature minors. Psychologists must consider a variety of factors before treating a minor as a mature minor, including:

- Ψ What is the nature, purpose and utility of the recommended treatment? What are the risks and benefits?
- Ψ Does the minor demonstrate the intellectual capacity and sophistication to understand the information relevant to making the decision, and to appreciate the potential consequences?
- Ψ Is there reason to believe that the minor's views are stable and a true reflection of their core values and beliefs?
- Ψ What is the potential impact of the minor's lifestyle, family relationships and broader social affiliations on their ability to exercise independent judgment?
- Ψ Does the minor have any emotional or psychiatric vulnerabilities?
- Ψ Does the minor's condition or illness have an impact on their decision-making ability?
- Ψ Is any relevant information available from adults, such as teachers or doctors, who know the minor?

The list is not intended to be exhaustive or formulaic. Its objective is to assist in assessing the extent to which a minor's wishes reflect true, stable and independent choices. The mature minor's decision to consent should be a genuinely independent one, reflecting a real understanding and appreciation of the decision and its potential consequences. To assess independence, the minor ought to have life or developmental experience that would allow the minor to question their beliefs. The psychologist may need to seek advice from colleagues, the College of Alberta Psychologists or legal counsel before proceeding.

Documentation

The College's *Standards of Practice* and the *Canadian Code of Ethics for Psychologists* require psychologists to document their informed consent process.

Where a psychologist has provided services to a minor without obtaining consent from the minor's legal guardian, the psychologist should ensure that the reasons for proceeding without such consent are carefully documented. If the psychologist has determined that the minor is a "mature minor," such that consent from the legal guardian is unnecessary, the psychologist should carefully document all of the factors considered and the reasons for concluding that the "mature minor" exception applies.

The psychologist is responsible for making a determination as to whether a minor is a mature minor and therefore able to consent on their own behalf without requiring the consent of a legal guardian. The psychologist's decision in this regard may be subject to court review if legal proceedings commence around the question. While legal proceedings on this question are rare, psychologists should take care to ensure that their records and reasoning are well-documented and reflect a thorough consideration prior to proceeding with services for the minor without a legal guardian's consent.

Additionally, psychologists should document their informed consent discussions with the mature minor, including discussions surrounding any potential limitations to confidentiality. When a client is a mature minor, the psychologist generally cannot disclose information to their guardian without the mature minor's consent. However, exceptions to this may occur if the information is ordered for release by a court, or under other limited exceptions permitted by law.