

SEXUAL AND REPRODUCTIVE RIGHTS OF YOUTH IN ALBERTA

INFORMATION FOR PARENTS AND GUARDIANS

1. If my child needs counselling or treatment about sexual health, can my child seek medical treatment without my permission?

Sexual health matters such as the prescribing of birth control pills are treated no differently than any other medical treatment. Before your child can receive any medical treatment, a physician must first get informed consent.

Your child is considered a minor if he or she is under 18 years of age. Under Alberta law, there is no set age that allows a minor to consent to medical treatment. The health care professional that your child goes to see must decide if your child is a “mature minor”. If so, your child can consent to the medical treatment. If not, the health care professional will need to get informed consent from you as the legal guardian.

2. What would make my child a “mature minor”?

A health care professional will decide that your child is a “mature minor” if your child understands the nature of the particular medical treatment as well as the consequences of going ahead with the medical treatment or refusing it. Whether or not your child is a mature minor is determined on a case-by-case basis. A 14 year old can be a mature minor while a 16 year old may not be. Similarly, your child might be mature enough to consent to one medical treatment but not another.

3. If my child seeks sexual health medical treatment, will the information they share with the health care professional remain confidential?

Can I access the information?

Whether or not your child is a mature minor, the health care professional owes your child a duty of confidentiality. If your informed consent is needed, you would be contacted. Your child, however, may decide not to go ahead with the medical treatment. In this case, there may be no reason for the health care professional to contact you.

There are some general exceptions to the duty of confidentiality — times when a health care professional can share your child’s health information with others without your consent and without your child’s consent. Alberta’s Health Information Act is an important law that sets out many of these exceptions. For an online version of this law see: www.qp.gov.ab.ca/documents/acts/H05.cfm.

Another important law is the *Public Health Act*. Under this law, if a health care professional learns that your child has a reportable communicable disease, including some sexually transmitted infections, the health care professional must report this information about your child to the Medical Officer of Health.

Access

If your child is a mature minor, you can only access the information shared with a health care professional if you have your child’s consent. If your child is not a mature minor, you can generally access information your child shared with their health care professional. Regardless of whether or not your child is a mature minor, in certain situations the health care professional may choose *not* to release information. For example, information might not be released if it:

- harms your child’s mental or physical health or safety,
- threatens the mental or physical health or safety of another individual, or
- identifies a person who provided information in confidence.

4. If my child seeks counselling from a teacher or school counsellor about sexual health, will the information they share remain confidential?

Can I access the information?

Teachers and counsellors also owe your child a duty of confidentiality. The exceptions to this duty are a little different than those for health care professionals.

The *Freedom of Information and Protection of Privacy Act* is an important law that allows, in some situations, teachers and psychologists to share recorded personal information about

your child with others without your consent and without your child’s consent. For example, information may be shared with police where a criminal investigation is happening or about to happen. For an online version of this law see: http://www3.gov.ab.ca/foip/legislation/foip_act/index.cfm.

Another law that may require a breach of confidentiality is the *Child Welfare Act*. Under this law, every person, including teachers and counsellors, who believe that a child is in need of protective services must report that information to the Director of Child Welfare.

Access

Counselling records and teachers’ notes about your child’s sexual health are not usually included in your child’s school record. As a parent you may only access this information if doing so would not be an unreasonable invasion of your child’s privacy. A teacher or school counsellor can only share non-recorded information about your child with you if the law requires that the information be shared or if the teacher or school counsellor believes it is in your child’s best interest.

DISCLAIMER: THIS DOCUMENT SHOULD NOT BE CONSTRUED AS OR RELIED UPON AS LEGAL ADVICE. A LEGAL PROFESSIONAL OR HEALTH PROFESSIONAL, OR BOTH, SHOULD BE CONSULTED FOR PARTICULAR SITUATIONS RELATING TO SEXUAL HEALTH AND MINORS.

5. Can my child purchase condoms or other sexual health products without my permission?

Stores do not need to check identification before selling your child condoms, spermicides or contraceptive sponges. Unlike cigarettes, for example, in Alberta there is no age restriction for purchasing condoms.

Sexual health products such as spermicides and sponges may be kept on the store shelves or behind the pharmacy counter. These products may be kept behind the pharmacy counter due to legal requirements, pharmacist preference and/or lack of shelf space. The pharmacist usually interacts with your child regarding the use of a sexual health product when such products are kept behind the counter. If your child gets a prescription filled for the birth control pill or the emergency contraceptive pill, pharmacists will usually review usage instructions and answer any questions, as they do when they dispense any prescription medication.



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