



Advisory Guide for Providing Health Services to Minors in South Carolina

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Disclaimer: This advisory guide does not constitute specific legal advice, nor does it establish an attorney-client relationship. It merely is compiled to educate the reader on relevant provisions in the SC Code of Laws that are current as of August, 2020. This document is educational and intended to provide guidance to health care service providers about the scope of services they are legally allowed or prohibited to provide to minors, and a brief overview of other SC Code provisions to consider. Any specific legal questions about actual instances should be directed to your organization's attorney.

SC Minor's Consent Laws for Health Services

South Carolina Code of Laws

Section 63-5-340 Minor's consent to health services

Any minor who has reached the age of **sixteen years** may **consent to any health services** from a person authorized by law to render the particular health service for himself and the consent of no other person shall be necessary **unless such involves an operation** which shall be performed only if such is **essential to the health or life of such child** in the opinion of the performing physician and a consultant physician if one is available.

South Carolina Code of Laws

Section 63-5-350 Health services to minors without parental consent

Health services **of any kind** may be rendered to minors **of any age without** the consent of a parent or legal guardian **when, in the judgment of a person authorized by law to render a particular health service,** such services are deemed necessary unless such involves an **operation** which shall be performed only if such is essential to the health or life of such child in the opinion of the performing physician and a consultant physician if one is available.

SC Mandatory Reporter Law

Section 63-7-310. Persons required to report.

(A) A **physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professional,** member of the clergy including a Christian Science Practitioner or religious healer, school teacher, counselor, principal, assistant principal, school attendance officer, **social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility,** foster parent, police or law enforcement officer, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, or a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA **must report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20.**

(B) If a person required to report pursuant to subsection (A) **has received information in the person's professional capacity** which gives the person **reason to believe** that a **child's physical or mental health or welfare has been or may be adversely affected** by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare, **the reporter must make a report to the appropriate law enforcement agency.**

(C) Except as provided in subsection (A), a person, including, but not limited to, a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA, who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report, and is encouraged to report, in accordance with this section.

(D) **Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child resides or is found.**

SC Romeo & Juliet Clause

South Carolina Code of Laws

Section 16-3-655 (B)(2)

(2) the actor engages in sexual battery with a victim who is **at least fourteen years of age but who is less than sixteen years of age** and the actor is in a position of familial, custodial, or official authority to coerce the victim to submit or is older than the victim. **However**, a person may not be convicted of a violation of the provisions of this item if he is **eighteen years of age or less when he engages in consensual sexual conduct with another person who is at least fourteen years of age**.

Discussion Scenarios:

1. Samantha, a 16-year old, comes in to your clinic. She wants a Nexplanon insertion. Can you provide this service without receiving parental consent? Would your answer change if she was 14?
2. Later that week, Samantha's Mom calls your clinic wanting to know why her daughter came in for services. She says she is very concerned about her well-being, and wants to do everything she can to support Samantha. Can you tell Mom why Samantha came in? Why or why not?
3. 6-months later, Samantha, aged 16, comes back to your clinic complaining about break-through bleeding caused by the Nexplanon device. Can you remove the device without receiving parental consent?
4. Mom thinks Samantha is sexually active, and brings her in to the clinic. Mom wants Samantha to get on birth control; Samantha does not want to go on birth control. Must you prescribe Samantha birth control?
5. Sarah is 15, and dating Adam, who is also 15. Sarah tells you this when she comes in for services requesting birth control. Can you provide Sarah birth control without parental consent? Are there any other considerations? Would your answer change if Sarah and Sam were both 13, and Sarah came in for the same services with the same request?
6. Sylvia is 13, and comes to your clinic alone and requests an intra-uterine device (IUD). Do you need parental consent to provide the insertion? What other factors must you consider?