

## Consent to Medical Treatment by a Non-Parent

Texas Kincaid Project - Texas Legal Services Center (<https://texaslawhelp.org/directory/legal-resource/texas-kincaid-project-texas-legal-services-center>) [1]

### Introduction

Section 32.001 of the Texas Family Code (<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.32.htm>) [2] allows certain non-parents to consent to medical treatment of a minor child.



### What does Section 32.001 of the Texas Family Code allow?

Section 32.001 allows certain non-parents to consent to medical, dental, psychological, and surgical treatment of a child “when the person having the right to consent as otherwise provided by law [the natural parent] cannot be contacted and that person has not given actual notice to the contrary.”

### What if an Authorization Agreement has not been signed?

If an Authorization Agreement has not been signed, it may nonetheless be possible, under the above circumstances, for consent to medical, dental, psychological, and/or surgical treatment of a minor child to be given.

### Read the Law

*“When the person having the right to consent as otherwise provided by law [the natural parent] cannot be contacted and that person has not given actual notice to the contrary,” the following persons can consent to medical, dental, psychological, and/or surgical treatment of a child:*

- (1) a grandparent of the child;
- (2) an adult brother or sister of the child
- (3) an adult aunt or uncle of the child
- (4) an educational institution in which the child is enrolled that has received written authorization to consent from a person having the right to consent;
- (5) an adult who has actual care, control, and possession of the child and has written authorization to consent from a person having the right to

consent;

- (6) a court having jurisdiction over a suit affecting the parent-child relationship of which the child is the subject;
- (7) an adult responsible for the actual care, control, and possession of a child under the jurisdiction of a juvenile court or committed by a juvenile court to the care of an agency of the state or county; or
- (8) a peace officer who has lawfully taken custody of a minor, if the peace officer has reasonable grounds to believe the minor is in need of immediate medical treatment. Source: Texas Family Code, Section 32.001(a).



### **Instructions for Consent to Medical Treatment by a Non-Parent**

- At the end of line #1, print the full name of the child. Only one child's name can go on the form. Use a separate form for each child.
- In area #2, mark whichever space describes your relationship to the child. Use a check mark or an "x". If written authorization is available, attach a copy to the form.
- For lines #3 and #4, print the full name of the child's father and the full name of the child's mother.
- In line #5, if a court has appointed someone to be managing conservator of the child or guardian, print the full name of that person. If no person has been courtappointed managing conservator or guardian, print "None" on the line.
- In area #6, print details about the treatment that you will consent to for the child to receive. If more space is needed, you can attach an additional sheet.
- In line #7, print the date that the treatment, for which you are consenting, is to begin.
- In line #8, print your full name. In line #9, sign your name.
- In line #10, print the date when you sign the form.

**The health care provider, who will carry out the treatment you have consented to by the use of this form, will want either the original or a copy of the form. Make sure that you keep a copy of the form in a safe place.**

**Click the link below for the Form**

[CLICK HERE \(HTTPS://TEXASLAWHELP.ORG/FORM/CONSENT-MEDICAL-TF](https://texaslawhelp.org/form/consent-medical-treatment-non-parent)

[3]

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### Links

[1] <https://texaslawhelp.org/directory/legal-resource/texas-kincare-project-texas-legal-services-center>

[2] <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.32.htm>

[3] <https://texaslawhelp.org/form/consent-medical-treatment-non-parent>