

Mature Minor Doctrine, Tennessee

An emancipated minor is someone under the age of 18 who is independent of parental control and support. Legally, an emancipated minor is treated the same as an adult and can make his own health care decisions. He can also appoint a health care agent or surrogate.

For a minor who is not emancipated, the underlying rule is that a physician must get parental (or guardian) consent before rendering medical treatment, except in cases of emergency. However, the legislature and the courts have carved out exceptions to this rule that allow a minor to consent to medical treatment under certain conditions.

By statute in Tennessee, a physician can treat a minor without parental consent for certain health issues, such as drug abuse, venereal disease (STD/STI), contraception, and prenatal care. Also by statute, a physician may render emergency care to a minor without parental consent. After a reasonable effort has been made to contact a minor's parent or guardian, a physician may render emergency medical treatment to a minor without parental consent if the physician has a good faith belief that the emergency treatment is necessary to save the life of the minor or prevent further deterioration of the minor's condition. In Tennessee, an un-emancipated minor cannot obtain an abortion without parental consent or judicial bypass.

The courts in Tennessee have also adopted the "mature minor" doctrine that allows a physician to treat a mature minor without parental consent. In determining who is a "mature minor", Tennessee follows the "Rule of Sevens."

- Under the age of 7 there is no capacity, and the physician must have parental consent to treat (unless a statutory exception applies).
- Between the ages of 7 and 14, there is a rebuttable presumption that there is no capacity, and a physician generally should get parental consent before treating (unless a statutory exception applies).
- Between the ages of 14 and 18, there is a rebuttable presumption of capacity, and the physician may treat without parental consent unless the physician believes that the minor is not sufficiently mature to make his or her own health care decisions.