

## **FAMILY AND ILLNESS TOPIC: CONSENT WHEN PARENTS ARE SEPARATED.**

When a child is primarily in the care of one parent, remember that the non-custodial parent still equally shares guardianship responsibilities (even if access is not frequent) unless there is a Family Court Order to the contrary. It is an essential part of any history to document the custody and guardianship arrangements.

While there is probably no legal requirement to get consent for medical procedures from more than one guardian, we cannot assume that the custodial parent (the parent the child lives with for most of the time) will communicate about the child's medical condition to the non-custodial parent (even though it might be argued that it is the custodial parent's responsibility to do so).

*A 12 year-old boy with appendicitis had been in hospital for two days prior to having his appendix removed. His father did not know of his admission until post-operatively, when his son had developed some minor post-operative complications. The father was hostile and litigious towards the hospital. He said that while he accepted that he had not been contacted urgently on admission there had been ample time to contact him before the operation. Distress to the boy and indirectly to his son and the rest of the family could have been avoided.*

Good clinical practice requires consultation with the non-custodial guardian. This does not require consent from the custodial parent, though in almost all circumstances it is appropriate to let them know our intentions.