Age of Consent – Montana

When executed by a minor, the consent to the providing of psychiatric or psychological counseling by a physician or psychologist licensed to practice in this state, under circumstances when the need for the counseling is urgent in the opinion of the physician or psychologist involved because of danger to the life, safety, or property of a minor or of another person or persons and the consent of the spouse, parent, custodian, or guardian of the minor cannot be obtained within a reasonable time to offset the danger to life or safety, is as valid and binding as if the minor had achieved majority.  The minor has the same legal capacity to act and the same legal obligations with regard to the giving of consent as a person of full legal age and capacity, and the consent is not subject to disaffirmance by reason of minority.  The consent of another person, including but not limited to a spouse, parent, custodian, or guardian, is not necessary in order to authorize the psychiatric or psychological counseling of the minor.  However, a parent may not be obligated for the cost of the counseling without the parent's consent.

Montana Title 41. Minors § 41-1-406. Psychiatric or psychological counseling under urgent circumstances - last updated April 27, 2021 | <https://codes.findlaw.com/mt/title-41-minors/mt-code-ann-sect-41-1-406.html>

Montana Code Annotated 2021

TITLE 41. MINORS

CHAPTER 1. RIGHTS AND OBLIGATIONS OF MINORS

Part 4. Consent for Health Services

Validity Of Consent Of Minor For Health Services

**41-1-402. Validity of consent of minor for health services.** (1) This part does not limit the right of an emancipated minor to consent to the provision of health services or to control access to protected health care information under applicable law.

(2) The consent to the provision of health services and to control access to protected health care information by a health care facility or to the performance of health services by a health professional may be given by a minor who professes or is found to meet any of the following descriptions:

(a) a minor who professes to be or to have been married or to have had a child or graduated from high school;

(b) a minor who professes to be or is found to be separated from the minor's parent, parents, or legal guardian for whatever reason and is providing self-support by whatever means;

(c) a minor who professes or is found to be pregnant or afflicted with any reportable communicable disease, including a sexually transmitted disease, or drug and substance abuse, including alcohol. This self-consent applies only to the prevention, diagnosis, and treatment of those conditions specified in this subsection. The self-consent in the case of pregnancy, a sexually transmitted disease, or drug and substance abuse also obliges the health professional, if the health professional accepts the responsibility for treatment, to counsel the minor or to refer the minor to another health professional for counseling.

(d) a minor who needs emergency care, including transfusions, without which the minor's health will be jeopardized. If emergency care is rendered, the parent, parents, or legal guardian must be informed as soon as practical except under the circumstances mentioned in this subsection (2).

(3) A minor who has had a child may give effective consent to health service for the child.

(4) A minor may give consent for health care for the minor's spouse if the spouse is unable to give consent by reason of physical or mental incapacity.