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AB-3189 Consent by minors to treatment for intimate partner violence. (2017-2018)

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Assembly Bill No. 3189

CHAPTER 1003

An act to add Section 6930 to the Family Code, relating to minors.

[Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3189, Cooper. Consent by minors to treatment for intimate partner violence.

(1) Existing law authorizes a minor who is 12 years of age or older and is alleged to have been raped, or a minor who is alleged to have been sexually assaulted, to consent to medical care related to the diagnosis and treatment of the condition and the collection of medical evidence with regard to the alleged rape or sexual assault.

This bill would authorize a minor who is 12 years of age or older and who states he or she is injured as a result of intimate partner violence, as defined, to consent to medical care related to the diagnosis or treatment of the injury and the collection of medical evidence with regard to the alleged intimate partner violence. The bill would specify that this provision would not apply to a case in which a minor is an alleged victim of rape or is alleged to have been sexually assaulted, in which case the above-described provisions would apply.

(2) Existing law requires a health practitioner who works in a certain type of health facility and provides medical services for a patient he or she knows or reasonably suspects is suffering from an injury caused by a firearm or assaultive or abusive conduct to make a report to a local law enforcement agency about the patient and the extent of the injuries.

This bill would require a health practitioner that believes a report is required pursuant to these provisions, when providing treatment to an above-described minor injured as a result of alleged intimate partner violence, to inform the minor that the report will be made and attempt to contact the minor's parent or guardian and inform him or her of the report, except as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6930 is added to the Family Code, to read:

6930. (a) A minor who is 12 years of age or older and who states he or she is injured as a result of intimate partner violence may consent to medical care related to the diagnosis or treatment of the injury and the collection of medical evidence with regard to the alleged intimate partner violence.

(b) (1) For purposes of this section, "intimate partner violence" means an intentional or reckless infliction of bodily harm that is perpetrated by a person with whom the minor has or has had a sexual, dating, or spousal relationship.

(2) This section does not apply to a case in which a minor is an alleged victim of rape, as defined in Section 261 or 262 of the Penal Code, in which case Section 6927 shall apply, and does not apply to a case in which a minor is alleged to have been sexually assaulted, as described in Section 6928, in which case that section shall apply.

(c) If the health practitioner providing treatment believes that the injuries described in subdivision (a) require a report pursuant to Section 11160 of the Penal Code, the health practitioner shall do both of the following:

(1) Inform the minor that the report will be made.

(2) Attempt to contact the minor's parent or guardian and inform them of the report. The health practitioner shall note in the minor's treatment record the date and time of the attempt to contact the parent or guardian and whether the attempt was successful or unsuccessful. This paragraph does not apply if the health practitioner reasonably believes that the minor's parent or guardian committed the intimate partner violence on the minor.