

Parent Plan

There might be an instance where the minor client’s parents are no longer married. There are certain legalities surrounding how minor consent and records are handled between divorced parents.

Parents are Divorced: Parent are Separated: Parent are Married:

In the state of Texas, the primary care giver of the minor client, according to the divorce decree, is the personal representative of the minor.

Please list for this counselor, the personal representative(s) of the minor seeking therapeutic treatment:

Client Name: _____ Birthdate of Client: _____

Today’s Date: _____

The following is(are) personal representatives of the minor client listed above, and are in FULL AGREEMENT about his/her child receiving these services:

_____	_____
Name	Relation to Minor Client
_____	_____
Name	Relation to Minor Client
_____	_____
Name	Relation to Minor Client

Major decisions regarding each child shall be made as follows:

	Parent 1	Parent 2	Joint
Educational decisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Non-emergency health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religious upbringing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extracurricular activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Payment of Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Responsible for Client’s Appointments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The HIPAA Privacy Rule generally allows a parent to have access to the medical records about his or her child, as his or her minor child’s personal representative when such access is not inconsistent with State or other law. There are three situations when the parent would not be the minor’s personal representative under the Privacy Rule. These exceptions are: 1. When the minor is the one who

consents to care and the consent of the parent is not required under State or other applicable law; 2. When the minor obtains care at the direction of a court or a person appointed by the court; and 3. When, and to the extent that, the parent agrees that the minor and the health care provider may have a confidential relationship. However, even in these exceptional situations, the parent may have access to the medical records of the minor related to this treatment when State or other applicable law requires or permits such parental access. Parental access would be denied when State or other law prohibits such access. If State or other applicable law is silent on a parent's right of access in these cases, the licensed health care provider may exercise his or her professional judgment to the extent allowed by law to grant or deny parental access to the minor's medical information. Finally, as is the case with respect to all personal representatives under the Privacy Rule, a provider may choose not to treat a parent as a personal representative when the provider reasonably believes, in his or her professional judgment, that the child has been or may be subjected to domestic violence, abuse or neglect, or that treating the parent as the child's personal representative could endanger the child. Please know that the state of Texas does not legitimize the right of step-parents as it relates to minor client records, appointments, or confidentiality.

If there is a court order to restrict one parent from knowing anything about the minor client, briefly explain this situation: _____

Please note that if both parents have equal legal authority to provide consent and one is opposed to this counselor treating his/her child then this counselor will refrain from taking the child on as a client/patient until this is resolved. This must be inwriting, to maintain in the client's chart.

_____ I agree to provide a copy of the divorce decree, as it relates to the mental health/health care of this minor child receiving therapeutic services at The Mustard Seed, by the third scheduled appointment.