

INCLUDING CHILDREN IN DECISIONS

Parents have the hard job of making decisions for another person—their child. Making important life and death decisions is always hard, but it seems even harder when it's about someone else's life. Sometimes that is what parents need to do. The basic idea is to include the person or their view as much as possible in guiding the decision.

When we make decisions for another person, we try to know what that person would want. Many families need to make decisions for an older parent or grandparent who is ill. When that happens, we try to know what that person wants. We talk to them if we can, or think about what they have told us they want in life. Sometimes they have told us directly by using a health care directive or some direct instruction. Sometimes we estimate based on past talks or what was important to that person. The decision is made based on what that person would want, and is called a substituted judgment decision.

If we can't know what a person would choose for themselves, we often try to understand what would be best for that person. That is called a best interest decision. It is the kind of decision used when a person has never had a chance to know what they would want, or has never let anyone know in any way. This is what we need to do with young children.

At age 18 the law says children are legally competent and gives them the right to make decisions about their own health care. Before age 18 children are considered minors, and their parents are responsible for them. One of the hard things about decisions for children is knowing how to include them when they are in between an infant, who can't tell us anything, and an 18-year-old competent adult who makes their own decisions.

Because the decisions parents make are for another person, the views of that person should be included as much as possible. For a 5-year-old that usually means looking at their behavior and attitude about treatment to understand what they want as well as talking to them. For a 10-year-old that usually means some explaining and talking as well as looking at how the decision fits. For a 15-year-old, it usually means taking time to help them understand and think through issues, helping them form a realistic opinion. For a 17-year-old, it usually means relying mostly on what they think, since they are close to making their own decision.

Age isn't the only thing to think about. Some children have developmental or mental health problems that make it harder for them to understand or have a viewpoint. Some children will never be able to make their own decisions, so they will need a legal guardian appointed at age 18. If your child is in that situation, we encourage you to start planning for that a few years before they turn 18.

There are many other things to think about. Different families and different cultures start with different beliefs about how decisions are made or the age at which children should make their own decisions. While this is important, the legal system in the U.S. is the same for each child and family, and talking carefully about how these go together is important.

There is also a law in Minnesota (the Minor Consent Law) that allows minors to give consent for their own care related to substance abuse, pregnancy, sexually transmitted diseases, or emergencies. Minors can also make decisions on their own after they are married, have given birth to a child, or are living away from home and supporting themselves. Find out if there are similar or different laws that might apply in your state. Your social worker can help you get this information.

These are important issues that the health care team is happy to talk to you about. We start by seeing parents as the guardians for their child, and knowing that parents want to do what is best for their child. It is hard to make a decision for another person. That decision is easier when we know we have done as much as we can to know what the other person would want. Trying to find ways to understand what children think is both the right thing to do and helps them cooperate with complicated treatment.