

MINOR CONSENT TO ROUTINE MEDICAL CARE¹

ALABAMA	Ala. Code §§22-8-4; 22-8-7: Youth age 14 or over may consent to any legally authorized medical, dental, health or mental health services.
ALASKA	Alaska Stat. § 25.20.025: A minor living apart from his or her parents and who is managing his or her own financial affairs may give consent for medical or dental services
ARIZONA	A.R.S. § 44-132: Any emancipated minor, any minor who has contracted a lawful marriage or any homeless minor may give consent to the furnishing of hospital, medical and surgical care to such minor, and such consent shall not be subject to disaffirmance because of minority. The consent of the parent, or parents, of such a person is not necessary in order to authorize hospital, medical and surgical care.
ARKANSAS	A.C.A. § 20-9-602(7): Any one of the following persons may consent, either orally or otherwise, to any surgical or medical treatment or procedure not prohibited by law that is suggested, recommended, prescribed, or directed by a licensed physician: (7) Any unemancipated minor of sufficient intelligence to understand and appreciate the consequences of the proposed surgical or medical treatment or procedures, for himself or herself; (14) a McKinney-Vento homeless liaison for unaccompanied homeless youth.
CALIFORNIA	Cal Fam Code § 6922 Consent by minor 15 or older living separately (a) A minor may consent to the minor's medical care or dental care if all of the following conditions are satisfied:

¹ July 2019. This document includes states with laws allowing minors, including unaccompanied homeless minors, to consent for routine health care. It does not address state laws that empower minors to consent for substance abuse treatment, mental health care, treatment for contagious diseases or reproductive health. Please contact Patricia Julianelle at patricia@schoolhouseconnection.org to share information about other state laws allowing minors to consent for routine health care.

	<p>(1) The minor is 15 years of age or older.</p> <p>(2) The minor is living separate and apart from the minor's parents or guardian, whether with or without the consent of a parent or guardian and regardless of the duration of the separate residence.</p> <p>(3) The minor is managing the minor's own financial affairs, regardless of the source of the minor's income.</p> <p>(c) A physician and surgeon or dentist may, with or without the consent of the minor patient, advise the minor's parent or guardian of the treatment given or needed if the physician and surgeon or dentist has reason to know, on the basis of the information given by the minor, the whereabouts of the parent or guardian.</p>
COLORADO	<p>Colo. Rev. Stat. 13-22-103</p> <p>A minor eighteen years of age or older, or a minor fifteen years of age or older who is living separate and apart from his or her parent, parents, or legal guardian, with or without the consent of his or her parent, parents, or legal guardian, and is managing his or her own financial affairs, regardless of the source of his or her income, or any minor who has contracted a lawful marriage may give consent to organ or tissue donation or the furnishing of hospital, medical, dental, emergency health, and surgical care to himself or herself.</p>
FLORIDA	<p>Fla. Stat. § 743.067:</p> <p>Unaccompanied homeless youth 16 and older can consent for their or their children's medical, dental, psychological, substance abuse and surgical diagnosis and treatment. Unaccompanied homeless status can be documented by a school district homeless liaison, shelter, social worker, or court.</p>
HAWAII	<p>What are their needs?</p> <p>Basic needs - shelter, food, showering facilities, clean clothes</p> <p>Ability to make decisions for themselves. Protect themselves.</p> <p>Access to care to treat drug use, pregnancy, social skills, etc.</p> <p>No alternative educational pathways for homeless youth who can't or won't attend regular school.</p> <p>Alternative credit accrual, no seat time</p> <p>How to disenroll from school without parent—but not get exempted from compulsory attendance (form 4140)</p> <p>Level of autonomy over their own educational journey</p> <p>HI state education laws do not address UHY. Just through a caregiver form, but the caregiver has to be related or has lived with student at least 6 months.</p>

	<p>Medications, immunizations, leaving campus, etc.</p> <p>There is a good shelter/service consent law.</p> <p>There is a decent mental health consent law (14 and older can consent; provider can opt not to contact parents)</p> <p>14 and older STDs and pregnancy</p> <p>14 or older not under care or control of parent, and provider believes minor understands procedure. But minor assumes financial responsibility</p>
IDAHO	<p>Idaho Code § 39-4503. PERSONS WHO MAY CONSENT TO THEIR OWN CARE:</p> <p>Any person of ordinary intelligence and awareness sufficient for him or her generally to comprehend the need for, the nature of and the significant risks ordinarily inherent in, any contemplated hospital, medical, dental or surgical care, treatment or procedure is competent to consent thereto on his or her own behalf. Any health care provider may provide such health care and services in reliance upon such a consent if the consenting person appears to the health care provider securing the consent to possess such requisite intelligence and awareness at the time of giving the consent.</p>
ILLINOIS	<p>410 ILCS §210/1.5</p> <p>Minor can consent for primary care services if:</p> <p>(1) the health care professional reasonably believes the minor understands the benefits and risks of services; and</p> <p>(2) the minor is identified in writing as a “minor seeking care” by an adult relative, homeless service agency, attorney, school district homeless liaison or social worker, youth-serving social service agency, religious organization,</p> <p>“Minor seeking care” must be at least 14 years old, living separate from parents or legal guardian with or without consent, and managing his/her own financial affairs.</p>
INDIANA	<p>Burns Ind. Code Ann. § 16-36-1-3</p> <p>(a) Except as provided in subsections (b) and (c), unless incapable of consenting under section 4 [IC 16-36-1-4] of this chapter, an individual may consent to the individual's own health care if the individual is:</p> <p>(2) A minor and:</p> <p>(B) Is:</p> <p>(i) At least fourteen (14) years of age;</p>

	<p>(ii) Not dependent on a parent for support;</p> <p>(iii) Living apart from the minor's parents or from an individual in loco parentis; and</p> <p>(iv) Managing the minor's own affairs;</p>
KANSAS	<p>Kan. Stat. Ann. § 38-123b Consent by minor 16 or over to hospital, medical or surgical treatment or procedures.</p> <p>Notwithstanding any other provision of the law, any minor sixteen (16) years of age or over, where no parent or guardian is immediately available, may give consent to the performance and furnishing of hospital, medical or surgical treatment or procedures and such consent shall not be subject to disaffirmance because of minority. The consent of a parent or guardian of such a minor shall not be necessary in order to authorize the proposed hospital, medical or surgical treatment or procedures.</p>
KENTUCKY	<p>Ky. Rev. Stat. § 214.185: Diagnosis and treatment of disease, addictions, or other conditions of minor.</p> <p>(5) The consent of a minor who represents that he may give effective consent for the purpose of receiving medical, dental, or other health services but who may not in fact do so, shall be deemed effective without the consent of the minor's parent or legal guardian, if the person rendering the service relied in good faith upon the representations of the minor.</p>
LOUISIANA	<p>La. R.S. 40:1095 § 40:1095. Medical treatment</p> <p>A. (1) Consent to the provision of medical or surgical care or services by a hospital or public clinic, or to the performance of medical or surgical care or services by a physician, licensed to practice medicine in this state, when executed by a minor who is or believes himself to be afflicted with an illness or disease, shall be valid and binding as if the minor had achieved his majority. Any such consent shall not be subject to a later disaffirmance by reason of his minority.</p>
MAINE	<p>22 Me. Rev. Stat. § 1503:</p> <p>A minor may give consent to all medical, mental, dental and other health counseling and services if the minor:</p> <ol style="list-style-type: none"> 1. Is living separately from parents or legal guardians and is independent of parental support;

MARYLAND	<p>Md. HEALTH-GENERAL Code Ann. § 20-102 (a) and (c)</p> <p>(a) A minor has the same capacity as an adult to consent to medical or dental treatment if the minor: ...</p> <p>(3) (i) Is living separate and apart from the minor's parent, parents, or guardian, whether with or without consent of the minor's parent, parents, or guardian; and</p> <p>(ii) Is self-supporting, regardless of the source of the minor's income.</p> <p>(c) Consent for specific treatment. -- A minor has the same capacity as an adult to consent to:</p> <p>(1) Treatment for or advice about drug abuse;</p> <p>(2) Treatment for or advice about alcoholism;</p> <p>(3) Treatment for or advice about venereal disease;</p> <p>(4) Treatment for or advice about pregnancy;</p> <p>(5) Treatment for or advice about contraception other than sterilization;</p> <p>(6) Physical examination and treatment of injuries from an alleged rape or sexual offense;</p> <p>(7) Physical examination to obtain evidence of an alleged rape or sexual offense; and</p> <p>(8) Initial medical screening and physical examination on and after admission of the minor into a detention center.</p>
MASSACHUSETTS	<p>Mass. Gen. Law ch. 112, § 12F</p> <p>Any minor may give consent to his medical or dental care at the time such care is sought if</p> <p>(v) he is living separate and apart from his parent or legal guardian, and is managing his own financial affairs</p>
MINNESOTA	<p>Minn. Stat. § 144.341 LIVING APART FROM PARENTS AND MANAGING FINANCIAL AFFAIRS</p> <p>Notwithstanding any other provision of law, any minor who is living separate and apart from parents or legal guardian, whether with or without the consent of a parent or guardian and regardless of the duration of such separate residence, and who is managing personal financial affairs, regardless of the source or extent of the minor's income, may give effective consent to personal medical, dental, mental and other health services, and the consent of no other person is required.</p>
MISSOURI	<p>R.S.Mo. § 431.056:</p> <p>A minor shall be qualified and competent to obtain medical care, if:</p>

	<p>(1) The minor is sixteen or seventeen years of age; and</p> <p>(2) The minor is homeless or a victim of domestic violence, unless the child is under the supervision of the children's division or the jurisdiction of the juvenile court; and</p> <p>(3) The minor is self-supporting, such that the minor is without the physical or financial support of a parent or legal guardian; and</p> <p>(4) The minor's parent or legal guardian has consented to the minor living independent of the parents' or guardians' control. Consent may be expressed or implied, such that:</p> <p>(a) Expressed consent is any verbal or written statement made by the parents or guardian of the minor displaying approval or agreement that the minor may live independently of the parent's or guardian's control;</p> <p>(b) Implied consent is any action made by the parent or guardian of the minor that indicates the parent or guardian is unwilling or unable to adequately care for the minor.</p>
MONTANA	<p>Mont. Code Ann. § 41-1-402 Validity of consent of minor for health services.</p> <p>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:</p> <p>(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;</p>
NEVADA	<p>Nev. Rev. Stat. Ann. § 129.030 Consent for examination and treatment.</p> <p>1. Except as otherwise provided in NRS 450B.525, a minor may give consent for the services provided in subsection 2 for himself or for his child, if he is:</p> <p>(a) Living apart from his parents or legal guardian, with or without the consent of the parent, parents or legal guardian, and has so lived for a period of at least 4 months;</p>
NEW MEXICO	<p>N.M. Stat. § 24-7A-6.2:</p>

	<p>An unemancipated minor fourteen years of age or older who has capacity to consent may give consent for medically necessary health care; provided that the minor is:</p> <ul style="list-style-type: none"> (1) living apart from the minor's parents or legal guardian; or (2) the parent of a child.
OKLAHOMA	<p>63 Okl. St. § 2602</p> <p>Notwithstanding any other provision of law, the following minors may consent to have services provided by health professionals in the following cases:</p> <ul style="list-style-type: none"> 1. Any minor who is married, has a dependent child or is emancipated; 2. Any minor who is separated from his parents or legal guardian for whatever reason and is not supported by his parents or guardian;
OREGON	<p>Or. Rev. Stat. § 109.640: Right to medical or dental treatment without parental consent; provision of birth control information and services to any person.</p> <p>Any physician or nurse practitioner may provide birth control information and services to any person without regard to the age of the person. A minor 15 years of age or older may give consent to hospital care, medical or surgical diagnosis or treatment by a physician licensed by the Oregon Medical Board, and dental or surgical diagnosis or treatment by a dentist licensed by the Oregon Board of Dentistry, without the consent of a parent or guardian, except as may be provided by ORS 109.660. A minor 15 years of age or older may give consent to diagnosis and treatment by a nurse practitioner who is licensed by the Oregon State Board of Nursing under ORS 678.375 and who is acting within the scope of practice for a nurse practitioner, without the consent of a parent or guardian of the minor.</p>
PENNSYLVANIA	<p>35 P.S. § 10104:</p> <p>Medical, dental and health services may be rendered to minors of any age without the consent of a parent or legal guardian when, in the physician's judgment, an attempt to secure consent would result in delay of treatment which would increase the risk to the minor's life or health.</p>
RHODE ISLAND	<p>R.I. Gen. Law § 23-4.6-1:</p> <p>Consent to medical and surgical care. Any person of the age of 16 or over or married may consent to routine emergency medical or surgical care.</p>

SOUTH CAROLINA	<p>S.C. Code Ann. §63-5-350:</p> <p>Health services of any kind may be rendered to minors of any age without the consent of a parent or legal guardian when, in the judgment of a person authorized by law to render a particular health service, such services are deemed necessary unless such involves an operation which shall be performed only if such is essential to the health or life of such child in the opinion of the performing physician and a consultant physician if one is available.</p>
TEXAS	<p>Tex. Fam. Code § 32.003: Consent to Treatment by Child</p> <p>(a) A child may consent to medical, dental, psychological, and surgical treatment for the child by a licensed physician or dentist if the child:</p> <p>(2) is:</p> <p>(A) 16 years of age or older and resides separate and apart from the child's parents, managing conservator, or guardian, with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of the residence; and</p> <p>(B) managing the child's own financial affairs, regardless of the source of the income;</p>
UTAH	<p>Utah Code §78B-3-406(6)(k) (2017).</p> <p>An unaccompanied homeless minor, as that term is defined in the McKinney-Vento Homeless Assistance Act of 1987, who is 15 years of age or older, may consent to any health care not prohibited by law.</p>
WYOMING	<p>Wyo. Stat. § 14-1-101: Age of majority; rights on emancipation.</p> <p>(b) A minor may consent to health care treatment to the same extent as if he were an adult when:</p> <p>(iv) The minor is living apart from his parents or guardian and is managing his own affairs regardless of his source of income</p>