

Confidentiality/Minor Consent Laws

PARENT/GUARDIAN CONSENT EXCEPTIONS

A parent or guardian* must provide consent on behalf of a minor (under age 18) before health care services are provided, with several important exceptions. These exceptions are based on a minor's **status**, the **type of service** requested, or the clinic's **funding source**.

Minor Consent Based on Status: A minor can consent to health care services without a parent or guardian if they are:

- Married -OR-
- On active duty in the armed services -OR-
- Serving in an adult prison -OR-
- 16 years old or older, living apart from parents or guardians *and* managing their own financial affairs.

Minor Consent Based on Service: Patients under 18 may consent to the following WITHOUT parental consent:

- Pregnancy testing and prenatal care, other than abortion
- Non-prescription contraceptives such as condoms or over-the-counter emergency contraception
- STI testing and treatment (for reportable STIs such as Chlamydia, Gonorrhea, HIV, Syphilis)
- Counseling and treatment for suicide prevention or substance abuse
- Inpatient mental health care, if the minor is age 16 or older
- Counseling and treatment for suspected abuse or neglect

Minor Consent Based on Funding Source (Medicaid or Title X):

- Patients of child-bearing age (i.e. past the age of puberty) may receive all FDA-approved contraceptive methods (except for sterilization) without parental consent. Minors with Medicaid who are accessing contraception have a right to confidentiality under federal law.
- Almost all children in foster care are covered through Medicaid and therefore may consent to their own contraception, including long-acting methods such as the implant or IUD.

A provider may choose (but is not obligated) to tell the parents about any care provided to the minor patient.

MINORS NEED A PARENT/GUARDIAN'S* PERMISSION FOR:

- Vaccines, including HPV (Note: a minor who is pregnant or a parent may consent to certain vaccinations)
- Mental health treatment and medications other than for suicide prevention
- Inpatient mental health treatment (if under the age of 16)
- Prescription contraception, unless the minor is covered by Medicaid or seeking care in a Title X clinic
- An abortion (unless a judicial bypass is obtained)

**If a parent or guardian cannot be located, other adult relatives such as grandparents, siblings, aunts, or uncles may provide consent. An adult or educational institution with written permission from the parents may also provide consent. See Texas Family Code Chapters 32 and 266 for laws regarding consent to care for children in custody of law enforcement, the juvenile justice system, or foster care.*

HEALTH CARE PROVIDERS MUST OVERRIDE THE MINOR'S CONFIDENTIALITY AND REPORT IF:

- There is suspicion of abuse or neglect by an adult
- The minor is a risk to themselves or someone else
- The minor is under age 14 and has been sexually active, regardless of the age of their partner
- The minor is under the age of 17, not married, and has been sexually active, and *any of the following* are true:
 - Their partner is more than three years older -OR-
 - Their partner is of the same sex -OR-
 - Force was involved -OR-
 - Their partner is a registered sex offender.

Reports should be made within 48 hours to a local law enforcement agency or the Texas Department of Family and Protective Services (DFPS) at 1-800-252-5400. For more information, see www.txabusehotline.org.