

An Overview of Minors' Consent Law

BACKGROUND: The legal ability of minors to consent to a range of sensitive health care services—including sexual and reproductive health care, mental health services and alcohol and drug abuse treatment—has expanded dramatically over the past 30 years. This trend reflects the recognition that, while parental involvement in minors' health care decisions is desirable, many minors will not avail themselves of important services if they are forced to involve their parents. With regard to sexual and reproductive health care, many states explicitly permit all or some minors to obtain contraceptive, prenatal and STI services without parental involvement. Moreover, nearly every state permits minor parents to make important decisions on their own regarding their children. In sharp contrast, the majority of states require parental involvement in a minor's abortion.

In most cases, state consent laws apply to all minors age 12 and older. In some cases, however, states allow only certain groups of minors—such as those who are married, pregnant or already parents—to consent. Several states have no relevant policy or case law; in these states, physicians commonly provide medical care without parental consent to minors they deem mature, particularly if the state allows minors to consent to related services. The following chart contains seven categories of state law that affect a minor's right to consent. Further information on these issues can be obtained by clicking on the column headings.

HIGHLIGHTS:

- *Contraceptive Services:* 26 states and the District of Columbia allow all minors (12 and older) to consent to contraceptive services. 21 states allow only certain categories of minors to consent to contraceptive services. 4 states have no relevant policy or case law.
- *STI Services:* All states and the District of Columbia allow all minors to consent to STI services. 18 of these states allow, but do not require, a physician to inform a minor's parents that he or she is seeking or receiving STI services when the doctor deems it in the minor's best interests.
- *Prenatal Care:* 32 states and the District of Columbia explicitly allow all minors to consent to prenatal care. Another state allows a minor to consent to prenatal care during the 1st trimester; requires parental consent for most care during the 2nd and 3rd trimesters. 13 of these states allow, but do not require, a physician to inform parents that their minor daughter is seeking or receiving prenatal care when the doctor deems it in the minor's best interests. 4 additional states allow a minor who can be considered "mature" to consent. 13 states have no relevant policy or case law.
- *Adoption:* 28 states and the District of Columbia allow all minor parents to choose to place their child for adoption. In addition, 5 states require the involvement of a parent and 5 states require the involvement of legal counsel. The remaining 12 states have no relevant policy or case law.
- *Medical Care for a Child:* 30 states and the District of Columbia allow all minor parents to consent to medical care for their child. The remaining 20 states have no relevant explicit policy or case law.
- *Abortion:* 3 states and the District of Columbia explicitly allow all minors to consent to abortion services. 22 states require that at least one parent consent to a minor's abortion, while 11 states require prior notification of at least one parent. 4 states require both notification of and consent from a parent prior to a minor's abortion. 7 additional states have parental involvement laws that are temporarily or permanently enjoined. 6 states have no relevant policy or case law.



Advancing sexual and reproductive health worldwide through research, policy analysis and public education.

125 Maiden Lane
New York, NY 10038
212.248.1111
www.guttmacher.org
info@guttmacher.org

1301 Connecticut Avenue, N.W.
Washington, DC 20036
202.296.4012
www.guttmacher.org
policyworks@guttmacher.org

© 2009, Guttmacher Institute

CONTINUED

MINORS MAY CONSENT TO:

STATE	CONTRACEPTIVE SERVICES	STI SERVICES	PRENATAL CARE	ADOPTION	MEDICAL CARE FOR MINOR'S CHILD	ABORTION SERVICES
Alabama	All [†]	All*	All	All	All	Parental Consent
Alaska	All	All	All		All	▼ (Parental Consent)
Arizona	All	All		All		Parental Consent
Arkansas	All	All*	All		All	Parental Consent
California	All	All	All	All		▼ (Parental Consent)
Colorado	All	All	All	All	All	Parental Notice
Connecticut	Some	All		Legal counsel	All	All
Delaware	All*	All*	All*	All	All	Parental Notice [‡]
Dist. of Columbia	All	All	All	All	All	All
Florida	Some	All	All		All	Parental Notice
Georgia	All	All*	All	All	All	Parental Notice
Hawaii	All ^{*†}	All ^{*†}	All ^{*†}	All		
Idaho	All	All [†]	All	All	All	Parental Consent
Illinois	Some	All*	All	All	All	Parental Notice
Indiana	Some	All		All		Parental Consent
Iowa	All	All				Parental Notice
Kansas	Some	All*	Some	All	All	Parental Notice
Kentucky	All*	All*	All*	Legal counsel	All	Parental Consent
Louisiana	Some	All*		Parental consent	All	Parental Consent
Maine	Some	All*				All
Maryland	All*	All*	All*	All	All	All
Massachusetts	All	All	All		All	Parental Consent
Michigan	Some	All*	All*	Parental consent	All	Parental Consent
Minnesota	All*	All*	All*	Parental consent	All	Parental Notice
Mississippi	Some	All	All	All	All	Parental Consent
Missouri	Some	All*	All*	Legal counsel	All	Parental Consent
Montana	All*	All*	All*	Legal counsel	All	▼ (Parental Notice)
Nebraska	Some	All				Parental Notice
Nevada	Some	All	Some	All	All	▼ (Parental Notice)
New Hampshire	Some	All [†]	Some	All ^Ω		
New Jersey	Some	All*	All*	All	All	
New Mexico	All	All	All	All		▼ (Parental Consent)
New York	All	All	All	All	All	
North Carolina	All	All	All			Parental Consent
North Dakota		All ^{*†}	ξ*	All		Parental Consent
Ohio		All		All		Parental Consent
Oklahoma	Some	All*	All*	All [†]	All	Parental Consent and Notice
Oregon	All*	All	All ^{*Φ}			
Pennsylvania	All [†]	All	All	Parental notice	All	Parental Consent
Rhode Island		All		Parental consent	All	Parental Consent
South Carolina	All [◇]	All [◇]	All [◇]	All	All	Parental Consent
South Dakota	Some	All				Parental Notice
Tennessee	All	All	All	All	All	Parental Consent
Texas	Some	All*	All*			Parental Consent and Notice
Utah	Some	All	All	All	All	Parental Consent and Notice
Vermont	Some	All		All		
Virginia	All	All	All	All	All	Parental Consent
Washington	All	All [†]	All	Legal counsel		
West Virginia	Some	All	Some	All		Parental Notice
Wisconsin		All				Parental Consent
Wyoming	All	All		All		Parental Consent and Notice
TOTAL	26+DC	50+DC	32+DC	28+DC	30+DC	3+DC

▼ Enforcement permanently or temporarily enjoined by a court order; policy not in effect.

Notes: "All" applies to minors 12 and older unless otherwise noted. "Some" applies to specified categories of minors (those who have a health issue, or are married, pregnant, mature, etc.) The totals include only those states that allow all minors to consent.

* Physicians may, but are not required to, inform the minor's parents.

† Applies to minors 14 and older.

‡ Applies to minors younger than 17.

Ω A court may require parental consent.

ξ A minor may consent to prenatal care during the 1st trimester and for the first visit after the 1st trimester. Parental consent is required for all other visits during the 2nd and 3rd trimesters.

Φ Applies to minors 15 and older.

◇ Applies to mature minors 15 and younger and to minors 16 and older.

The State Policy in Brief series is made possible in part by support from The John Merck Fund.