

**STATE LAW SURVEY FOR USE IN APPLYING THE PERSONAL  
REPRESENTATIVE FOR MINOR SECTION OF THE HIPAA  
PRIVACY RULE, 45 CFR § 164.502(g)(3)**

**Version 4.0, October 2011**

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**DISCLAIMER:** This survey was developed for discussion purposes only, and it is not intended to provide legal advice. Each covered entity must consult with its own attorney. The content of the chart is not guaranteed and obviously it is subject to change. Please direct any suggested revisions to David Ermer, [dermer@ermerlaw.com](mailto:dermer@ermerlaw.com).

**Instructions for use.**

(1) **What is the general rule?:** The HIPAA Privacy Rule generally requires covered entities to safeguard an individual's protected health information ("PHI"). The individual is either the person who is the subject of the PHI or that person's personal representative. According to the Privacy Rule, 45 C.F.R § 164.502(g)(3), a parent, guardian, or other person in loco parentis with authority under local law to make health care decisions about an unemancipated minor shall be treated as the minor's personal representative, except in three circumstances identified under heading (4) below. Furthermore, parents, guardians, and other persons in loco parentis generally hold the authority to make health care decisions about their unemancipated minor children. "In loco parentis" is a Latin phrase meaning "in the position or place of a parent."

(2) **Who is an Unemancipated Minor?:** A minor is a person who is under the age of majority, and an unemancipated minor is a minor who has not exercised his or her right to independence from parental authority, if any, under applicable state law. The second column of this chart provides the age of majority and identifies the circumstances under which a minor can become emancipated in U.S. jurisdictions.

(3) **Which State's rules do I use?:** The chart organizes the U.S. States and D.C. in alphabetical order followed by the outlying U.S. jurisdictions. Apply the law of the place of treatment. See 15A C.J.S. § 58 "Conflicts of Law in Infancy" (2002): "As to a right acquired by law or a legal remedy given, the general rule is that the law of the jurisdiction in which the right is acquired or the remedy is given governs."

(4) **What are the Three Exceptions to the General Rule.** The Privacy Rule recognizes the following three circumstances in which an unemancipated minor must be treated as the individual: (A) when the parent, guardian, or other person in loco parentis consents to such independence, (B) when the applicable state/local law permits the minor to exercise independent consent (and the minor

exercises such authority), and (C) when applicable law permits a third party such as a court to grant consent on the minor's behalf and does so.

**(5) How do I find these Exceptions Using the Survey?:** Columns three through ten of the chart identify the circumstances in which a minor or a third party acting for a minor (usually found under the "Abortion Services" heading) can exercise independent consent in a particular U.S. state or other U.S. jurisdiction. If a parent, guardian or other person in loco parentis inquires about an unemancipated minor's PHI in one of these exceptional circumstances, the plan should confirm the parent's personal representative status before providing the PHI. Obtain confirmation by asking the child's health care provider whether or not the parents are making the child's health care decisions. If the provider responds affirmatively, the parents are the child's personal representatives. Document such discussions.

**(6) What are the Special Disclosure Rules?:** The HIPAA Privacy Rule permits a covered entity when authorized by applicable law to disclose an unemancipated minor's PHI to the parent, guardian, or other person in loco parentis who is not acting as a personal representative. The chart uses the leading phrase "Disclosure Advisory" to inform the reader of the circumstances under which a certain covered entity may make such a disclosure. In all the jurisdictions that we have identified, only the treating doctor (MD) has the express authority to make such disclosures to the parent. Where the law is ambiguous, a covered entity only may make the disclosure upon a licensed health care professional's advice. The HIPAA Privacy Rule requires covered entities to defer to state/local laws that prohibit the covered entity from disclosing a minor's protected health information to his/her parents or guardian when they are not acting as personal representative. These circumstances are identified in the chart with the leading phrase "Warning." Plans must comply with these prohibitions.

**(7) When in Doubt –** Use your professional judgment in difficult situations. The HIPAA Privacy Rule provides that regardless of State law or the other HIPAA Privacy Rule requirements outlined above, a covered entity may elect not to treat a person as a personal representative if (1) the covered entity has a reasonable belief that : either (a) the individual has been subjected to domestic violence, abuse, or neglect by such person, or (b) or treating such person as the personal representative could endanger the individual, and (2) the covered entity, in the exercise of professional judgment, decides that it is not in the individual's best interest to treat such person as the individual's personal representative.

The covered entity may require any disclosure request to be made in accordance with its policies and procedures for the individual to examine his or her PHI under 45 C.F.R. § 164.524. In other words, you may ask a caller to place the request in writing, provided that request is consistent with the covered entity's privacy policies and procedures and notice of privacy practices.

Jurisdiction	Age of Majority/ Emancipation Methods (if any)	Contraceptive Services	Prenatal Services	STD/HIV Services	Alcohol/Drug Abuse Treatment	Mental Health Services	General Medical Health Services	Abortion Services	Miscellaneous
Alabama	19 [Ala. Code § 26-1-1 (2011)]/  Leave of court. <i>Id.</i> §§ 26-13-1, 2, 4-6. <sup>1</sup>	No law but see General Medical Health Services section.	Minor may consent independently. Ala Code § 22-8-6.	Minor may consent independently. Ala. Code § 22-8-6.	Minor may consent independently. Ala. Code § 22-8-6.	Minor may consent independently. Ala Code § 22-8-6.	Any minor who is: 14 years of age or older, a high school graduate, married, divorced, or pregnant may consent to medical care. Ala. Code § 22-8-4.	Parental consent required – Court may waive requirement upon motion by minor. Ala. Code § 26-21-3.  Exception for medical emergency. <i>Id.</i> § 26-21-5.  <b>DISCLOSURE ADVISORY:</b> Physicians immune for disclosing abortion info to parent(s). <i>Id.</i> § 26- 21-7. <sup>2</sup>	Emergency treatment – minor may consent independently. Ala. Code § 22-8-3.  Treatment of self and child – any minor who is married, divorced, or has borne a child may consent independently to medical care for both self and the child. Ala. Code § 22-8-5.
Alaska	18 [Alaska Stat. § 25.20.010 (2010)]/  Marriage or Leave of Court. <i>Id.</i> § 25.20.020. <sup>3</sup>	Minor may consent independently. Alaska Stat. § 25.20.025(4).	Minor may consent independently. Alaska Stat. § 25.20.025(4).	Minor may consent independently. Alaska Stat. § 25.20.025(4).	No law – but see General Medical Health Services section.	No law – but see General Medical Health Services section	Minor may consent if living apart from parents/guardian and managing own financial affairs; minor may consent after physician counseling if parent/guardian is unable/unwilling to consent. Alaska Stat. § 25.20.025. <sup>4</sup>	Parental notice <sup>5</sup> , parental consent, or a court order authorizing the unemancipated minor to independently consent is required where woman seeking abortion is under age 18. Alaska Stat. §§ 18.16.010–030. <sup>6</sup>	Treatment of self and child – a minor who is the parent of a child may consent independently to medical care for both self and the child. Alaska Stat. § 25.20.025(3).
Arizona	18 [Ariz. Rev. Stat. Ann. § 1-215 (West 2011)]/  Leave of Court on petition of a minor who is at least 16, is a resident of AZ, and is financially self-sufficient. <i>Id.</i> § 12-2451; Recognition of emancipation from another jurisdiction. <i>Id.</i> §12-2455. <sup>7</sup>	No law	No law	Minor may consent independently. Ariz. Rev. Stat. Ann. § 44-132.01.	Minor may independently apply to a facility for evaluation and treatment of alcoholism. Ariz. Rev. Stat. Ann. § 36-2024.  Minor over 12 "is considered as having consented" to emergency treatment if such treatment is deemed necessary because minor is under the influence of a dangerous or narcotic drug. <i>Id.</i> § 44-133.01.	No law	Emancipated, married, and homeless minors may independently consent to hospital, medical, or surgical care. Ariz. Rev. Stat. Ann. § 44-132	Written parental consent or court order required. Ariz. Rev. Stat. Ann. § 36- 2152.	Written parental consent required for surgical procedures (unless emergency or minor is already emancipated). Ariz. Rev. Stat. Ann. §§ 36-2271 & 44-132.  In general, if any emergency medical treatment is needed and consent of a minor's parents cannot be obtained, consent from anyone acting in loco parentis of the minor is sufficient. <i>Id.</i> § 44- 133.  Written parental consent is required for minors aged 16- 17 to donate blood. <i>Id.</i> § 44-134.

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<b>Arkansas</b>	18 [Ark. Code Ann. § 9-25-101 (2011)]/ Leave of court. <i>Id.</i> § 9-26-104. <sup>8</sup>	Minor may consent independently. Ark. Code Ann. § 20-9-602.	Minor may consent independently. Ark. Code Ann. § 20-9-602.	Minor may consent independently. Ark. Code Ann. § 20-16-508. <b>DISCLOSURE ADVISORY:</b> Physician may disclose information about treatment to parent over the express objection of the minor. <i>Id.</i>	No law – but see General Medical Health Services section.	No law – but see General Medical Health Services section.	Any minor of sufficient intelligence to understand and appreciate the proposed medical treatment may consent independently. Ark. Code Ann. § 20-9-602.	Written parental consent or court order required. Ark. Code Ann. § 20-16-801, 804 – 805, 808. <sup>9</sup>	A minor parent may independently consent to medical treatment for his or her minor child. Ark. Code Ann. § 20-9-602(2)(A).
<b>California</b>	18 [Cal. Fam. Code §§ 6501–02 (West 2011)]/ Marriage; Military service; Leave of court. <i>Id.</i> § 7002. <sup>10</sup>	Minor may consent independently. Cal. Fam. Code § 6925. <sup>11</sup>	Minor may consent independently. Cal. Fam. Code § 6925.	STDs: Minor (12 or older) may consent independently. Cal. Fam. Code § 6926(a). HIV/AIDS: Minor (12 or older) may consent independently. <i>Id.</i> ; see also Cal. Health & Safety Code § 121020(a)(1). <b>DISCLOSURE ADVISORY:</b> Test results may be disclosed to specified classes of individuals. <i>Id.</i> § 121010. <sup>12</sup>	Minor (12 or older) may consent independently – but <b>DISCLOSURE ADVISORY:</b> Treatment plan shall involve parent unless physician determines parental involvement to be inappropriate. Cal. Fam. Code § 6929.	Minor (12 or older) may consent independently – with certain conditions. <b>DISCLOSURE ADVISORY:</b> Parents must be notified <u>unless</u> physician feels it would be detrimental. Cal. Fam. Code § 6924(b). <sup>13</sup>	Minor (15 or older) may independently consent if s/he is living separate and apart from the minor's parents or guardian and s/he is managing own financial affairs. Cal. Fam. Code § 6922. <b>DISCLOSURE ADVISORY:</b> Physician may inform parent about treatment without minor's consent. <i>Id.</i> Also by Leave of Court. <i>Id.</i> § 6911. <sup>14</sup>	Written parental consent or court order required. Cal. Health & Safety Code § 123450 THIS LAW IS NOT ENFORCED; it was held to violate the CA state constitution in <i>American Academy of Pediatrics v. Lungren</i> , 940 P.2d 797 (Cal. 1997).	Minor 12 or older may independently consent to diagnosis or treatment of rape. Cal. Fam. Code § 6927. Minor may independently consent to medical care related to the diagnosis or treatment of sexual assault. Cal. Fam. Code § 6928.
<b>Colorado</b>	18 [Colo. Rev. Stat. Ann. § 13-22-101 (West 2011)]/ None	Minor may consent independently. Colo. Rev. Stat. Ann. § 13-22-105.	Minor may consent independently. Colo. Rev. Stat. Ann. § 13-22-105; <i>Id.</i> § 13-22-103.5.	Minor may consent independently. Colo. Rev. Stat. Ann. § 25-4-402(4).	Minor may apply directly to an approved treatment facility. Colo. Rev. Stat. Ann. § 27-81-109 (Alcohol Treatment); <i>Id.</i> § 27-82-105 (Drug Treatment). Also, minor may consent independently for treatment related to addiction to or use of drugs. <i>Id.</i> § 13-22-102.	Minor (15 or older) may consent independently. <b>DISCLOSURE ADVISORY:</b> Physician may advise parents. Colo. Rev. Stat. Ann. § 27-65-103.	Minor who is married or minor (15 or older) who is living separate from parents and managing his/her own financial affairs may consent independently. Colo. Rev. Stat. Ann. § 13-22-103.	No abortion until 48 hours after parental notification. Colo. Rev. Stat. Ann. § 12-37.5-104. <sup>15</sup> Judicial bypass. <i>I</i> § 12-37.5-107.	Minor (16 or older) may consent to give blood if parent authorizes such consent. Colo. Rev. Stat. Ann. § 13-22-104(4). Minor parents may consent to medical treatment for their children. <i>Id.</i> § 13-22-103(3).
<b>Connecticut</b>	18 [Conn. Gen. Stat. Ann. § 1-1d (West 2011)]/ Leave of court, <i>Id.</i> § 46b-150.	No law	No law	HIV/AIDS: Only with consent of parents – unless physician believes obtaining parental consent would result in treatment being denied or if minor requests they not be informed. Conn. Gen. Stat. Ann. § 19a-592. STDs: No law	An alcohol- or drug-dependent minor may apply directly to a state treatment facility for such dependency. Conn. Gen. Stat. Ann. § 17a-682. <b>WARNING:</b> PHYSICIAN MAY NOT DISCLOSE DRUG OR ALCOHOL TREATMENT TO PARENTS. <i>Id.</i> § 17a-688(d).	Minor may consent independently; however, <b>DISCLOSURE ADVISORY:</b> after six visits, the provider must notify parents unless seriously detrimental to child. Conn. Gen. Stat. Ann. § 19a-14c.	No law	Minor over 16 may consent independently; Minor (15 or younger) may consent but physician required to provide “information and counseling.” Conn. Gen. Stat. Ann. § 19a-600 et. seq.	

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<b>Delaware</b>	18 [Del. Code Ann. tit. 1, § 701 (2011)] / None.	Minor (12 or older) may consent independently. Del. Code Ann. tit. 13, § 710. <b>DISCLOSURE ADVISORY:</b> Physician, in his/her sole discretion, <u>may</u> inform parents of treatment if deemed appropriate; however physician <u>must</u> disclose to parent any intent to operate on minor. <i>Id.</i>	Minor (12 or older) may consent independently. Del. Code Ann. tit. 13, § 710. <b>DISCLOSURE ADVISORY:</b> Physician, in his/her sole discretion, <u>may</u> inform parents of treatment if deemed appropriate; however physician <u>must</u> disclose to parent any intent to operate on minor. <i>Id.</i>	See General Medical Health Services section (consent to STD/HIV treatment is governed by Del. Code Ann. tit. 13, § 707-708). Del. Code Ann. tit. 16, § 710. <sup>16</sup>	Minor (14 or older) may consent independently to nonresidential treatment. Del. Code Ann. tit. 16, § 2210.	See General Medical Health Services section	Parents (including minor parents), married minors or their spouses, or relative caregivers with valid affidavit may consent to minor's medical (including mental health) treatment. Del. Code Ann. tit. 13, § 707-708.  Minor may independently consent if it is an emergency and reasonable attempt to obtain parental consent was made. <i>Id.</i>	24 hours' notice to specific individuals is required where minor is under 16. Del. Code Ann. tit. 24, § 1783. <sup>17</sup> Judicial waiver. <i>Id.</i> §1783-84. Medical emergency exception. <i>Id.</i> § 1787.	Minor 17 or older may consent independently to giving blood. Del. Code Ann. tit. 13, § 709.
<b>District of Columbia</b>	18 [D.C. Code Ann. § 46-101. (2011)] / None.	Minor may consent independently (except for sterilization). D.C. Mun. Regs. tit. 22-B, §§ 600.7-8, 603.1.	Minor may consent independently D.C. Mun. Regs. tit. 22-B, §§ 600.7.	Minor may consent to AIDS and STD testing. D.C. Mun. Regs. tit. 22-B, §§ 600.7, D.C. Code § 7-1605.	Minor may consent independently. D.C. Mun. Regs. tit. 22-B, §§ 600.7.	Minor may consent independently. D.C. Mun. Regs. tit. 22-B, §§ 600.7.	Emergency exception to the general rule that parental consent is required, unless otherwise waived by law. D.C. Mun. Regs. tit. 22-B, §§ 600.4-5.	Minor may consent independently. D.C. Mun. Regs. tit. 22-B, §§ 600.7.	Minor (17 or older) may independently consent to giving blood. D.C. Mun. Regs. tit. 22-B, §§ 600.2.  Minor parent may consent to medical treatment of his/her child. <i>Id.</i> § 600.3
<b>Florida</b>	18 [Fla. Stat. Ann. § 743.07 (West 2011)]/  Marriage. <i>Id.</i> § 743.01; Leave of Court if minor is 16 or older. <i>Id.</i> § 743.015.	Minor may consent to non-surgical services independently if married, parent, pregnant, or otherwise would suffer hazards. Fla. Stat. Ann § 381.0051.	Minor may consent independently. Fla. Stat. Ann. § 743.065.	Minor may consent independently. <b>WARNING:</b> physician may not inform parent of minor's treatment for an STD. Fla. Stat. Ann. § 384.30.	Minor may consent independently. Fla. Stat. Ann. §§ 394.499.	Minor may consent independently. Fla. Stat. Ann. § 394.499.	Minor may <u>not</u> consent independently for general medical care. Fla. Stat. Ann. §§ 743.0645 & 743.064. <sup>18</sup>	Parental notification required. Physician must give 48 hours' written notice. Fla. Stat. Ann. §§ 390.01114 (notice requirement waived in emergency, or if minor is married or already a parent).  Judicial waiver. <i>Id.</i> § 390.01114(4)	Minor may consent in emergency. Fla. Stat. Ann. § 743.064. <b>DISCLOSURE ADVISORY:</b> Parents, guardian, or legal custodian must be notified as soon as possible following emergency treatment.  Minor (17 or older) may consent independently to the donation of blood. Fla. Stat. Ann. § 743.06.
<b>Georgia</b>	18 [Ga. Code Ann. § 39-1-1 (2011)]/  Marriage; Military Active Duty; Leave of Court by petition of minor who is at	See Pre-natal Services section; specifically, see also Ga. Code Ann. § 49-7-3.	Any female, regardless of age or marital status, may consent independently for treatment related to pregnancy, the prevention thereof, or childbirth. Ga.	Minor may consent independently. Ga. Code Ann. § 31-17-7. <b>DISCLOSURE ADVISORY:</b> At physician's discretion, results may be disclosed to parent. <i>Id.</i> <sup>20</sup> Where a minor is at risk of	Minor may consent independently. Ga. Code Ann. § 37-7-8. <b>DISCLOSURE ADVISORY:</b> At physician's discretion, results may be disclosed to	Minor over age 12 may self-admit for observation and diagnosis. Ga. Code Ann. § 37-3-20(a)  Written parental consent required for	No law	No abortions for unemancipated minors, unless: (1) parent/guardian accompanies the minor and signs statement of their notification; (2) physician gives	

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	least 16. <i>Id.</i> § 15-11-200-202. <sup>19</sup>		Code. Ann. § 31-9-2(a)(5); see also <i>Id.</i> § 49-7-3.	HIV infection, such risk may be disclosed to parent/guardian at physician's discretion. <i>Id.</i> § 24-9-47(k). <sup>21</sup>	parent. <i>Id.</i>	treatment. <i>Id.</i>		parent 24 hours' actual notice in person or by telephone; or (3) physician gives 48 hours' written notice in accordance with statute. Ga. Code Ann. § 15-11-112. <sup>22</sup>	
<b>Hawaii</b>	18 [Haw. Rev. Stat. Ann. § 577-1 (Michie 2006)]/  Marriage. Haw. Rev. Stat. Ann. § 577-25 (Michie 2006).	Minor (14 or older) may consent independently. Haw. Rev. Stat. Ann. § 577A-2 <b>DISCLOSURE ADVISORY:</b> MD may disclose results after consultation with the minor. Haw. Rev. Stat. Ann. § 577A-3	Minor (14 or older) may consent independently. Haw. Rev. Stat. Ann. § 577A-2 <b>DISCLOSURE ADVISORY:</b> MD may disclose results after consultation with the minor. Haw. Rev. Stat. Ann. § 577A-3	Minor (14 or older) may consent independently. Haw. Rev. Stat. Ann. § 577A-2.  <b>DISCLOSURE ADVISORY:</b> MD may disclose results after consultation with the minor. Haw. Rev. Stat. Ann. § 577A-3	Minor may consent independently. Haw. Rev. Stat. Ann. § 577-26 <b>DISCLOSURE ADVISORY:</b> MD may disclose results after consultation with the minor. Haw. Rev. Stat. Ann. § 577-26(a)	No law	"Minor without support" <sup>23</sup> may consent to primary medical care services if MD reasonably believes that minor understands the risks and benefits of the medical treatment, the treatment is for the minor's benefit, and minor can provide informed consent. Haw. Rev. Stat. Ann. § 577D-2	No law	
<b>Idaho</b>	18 [Idaho Code § 32-101 (Michie 2005)]/  Marriage. <i>Id.</i> <sup>24</sup>	No law but see General Medical Health Services section.	No law but see General Medical Health Services section.	Minor (14 or older) may consent independently. Idaho Code §§ 39-3801  <b>DISCLOSURE ADVISORY:</b> MD must report case to the Dep't of Health and Welfare. Idaho Code § 39-602.	Minor may consent independently. Idaho Code § 37-3102.  <b>WARNING:</b> If minor is 16 years of age or older, information about such treatment may NOT be disclosed to parents or legal guardian without minor patient's consent. <i>Id.</i>	No law but see General Medical Health Services section.	Minor of ordinary intelligence and awareness may consent to medical services ("any person of ordinary intelligence and awareness"). Idaho Code §§ 39-4503. <sup>25</sup>	Written parental consent or court order. Idaho Code §§ 18-609A. <sup>26</sup>	Infectious, contagious, or communicable disease – Minor (14 or older) may consent independently to treatment. Idaho Code 39-3801.
<b>Illinois</b>	18 [750 Ill. Comp. Stat. Ann. 30/3-1 (West 2005)]/  Leave of Court. 750 Ill. Comp. Stat. Ann. 30/7. <sup>27</sup>	Minor may consent independently in certain circumstances. 325 Ill. Comp. Stat. Ann. 10/1. <sup>28</sup>	Minor may consent independently. 325 Ill. Comp. Stat. Ann. 10/1.	Minor (12 or older) may consent independently. 410 Ill. Comp. Stat. Ann. 210/4 (West 2005). <b>DISCLOSURE ADVISORY:</b> Such treatment must be disclosed to the Dept. of Public Health. Also, such treatment may, at the MD's discretion, be disclosed to parents or legal guardian. <i>Id.</i> and 410 Ill. Comp. Stat. Ann. 210/5.	Minor (12 or older) may consent independently. 410 Ill. Comp. Stat. Ann. 210/4 (West 2005). <b>WARNING:</b> Information about such treatment may NOT be disclosed except with consent of the minor patient. <i>Id.</i> and 410 Ill. Comp. Stat. Ann. 210/5.	Minor (12 or older) may consent independently for outpatient treatment and (15 or older) may self-admit to a facility. <sup>29</sup> <b>WARNING:</b> Information about such treatment may NOT be disclosed except with consent of the minor patient. 405 Ill. Comp. Stat. Ann. 5/3-501.	Minor may consent independently if they are: married, a parent themselves, pregnant, or have parental consent. 410 Ill. Comp. Stat. Ann. 210/1.	Advance notice to an adult family member – whether actual or constructive – is required. 750 Ill. Comp. Stat. 70/15.	Minor may consent independently in emergencies and in cases of sexual assault. 410 Ill. Comp. Stat. Ann. 210/3.
<b>Indiana</b>	18 [Ind. Code Ann. § 1-1-4-5(a) (Michie	No law but see General Medical Health Services section.	No law but see General Medical Health Services section.	Minor may consent independently. Ind. Code Ann. § 16-36-1-3(d).	No law but see General Medical Health Services section.	No law but see General Medical Health Services section.	Minor may consent if emancipated, married, divorced, in the military, authorized by statute, or age 14 and living apart from	Parental consent or court order required, except in emergency. Ind. Code Ann. § 16-34-	<b>DISCLOSURE ADVISORY:</b> A party authorized to make health care decisions for another is

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	2005)]/ Leave of Court. Ind. Code Ann. § 31-34- 20-6. <sup>30</sup>						parents. Ind. Code Ann. § 16-36-1-3(a)(2).	2-4.	authorized to receive information relevant to the treatment and to consent to the disclosure of health care records. Ind. Code Ann. § 16-36-1- 11.  Minors who are at least 17 may consent to donate blood under a volunteer program; minors under 17 may donate blood, but must have parental consent. Ind. Code Ann. § 16-36-1-3(b)- (c).
Iowa	18 [Iowa Code. § 135L.1 (2005)] / Marriage or Criminal Conviction as an adult. Iowa Code § 599.1.	No law	No law	Minor may consent independently. Iowa Code § 139A.35.  <b>DISCLOSURE ADVISORY:</b> Positive HIV test results must be disclosed to parents. Iowa Code Ann. § 141A.7(3).	Minor may consent independently. <b>WARNING:</b> Information about such treatment may not be disclosed to parents w/out minor's consent. Iowa Code. § 125.33.	No law	No law	Parental notification required (notice = 48 hours in writing) or court order, except in case of emergency. Iowa Code § 135L.3. <sup>31</sup>	<b>DISCLOSURE ADVISORY FOR HIV TESTING:</b> Information shall be made available for release to the following individuals: 1. To the subject of a test or the subject's legal guardian; or 2. To any person who secures a written release. Iowa Code § 141A.9(2)(a)-(b).
Kansas	18 [Kan. Stat. Ann. § 38-101 (2005)] / Marriage (if also age 16). <i>Id.</i>	No law but see General Medical Health Services section.	Minor may consent independently when no parent or guardian is available. Kan. Stat. Ann. § 38- 123.	Minor may consent independently. Kan. Stat. Ann. § 65-2892.	Minor may consent independently. Kan. Stat. Ann. § 65-2892a.	No law but see General Medical Health Services section.	Minor may consent if over age 16 where parent or guardian is not immediately available. Kan. Stat. Ann. § 38-123b.	Parental notification or court order required. Kan. Stat. Ann. § 65-6705. <sup>32</sup>	Minor may consent to emergency care. Kan. Stat. Ann. § 65- 2891. Minor (age 16 or older) may consent to donate blood. Kan. Stat. Ann. § 38- 123a.
Kentucky	18 [Ky. Rev. Stat. Ann. § 2.015 (2005)] / None.	Minor may consent independently. Ky. Rev. Stat. Ann. § 214.185(1).	Minor may consent independently. Ky. Rev. Stat. Ann. § 214.185(1).	Minor may consent independently. Ky. Rev. Stat. § 214.185(1).	Minor may consent independently. Ky. Rev. Stat. Ann. § 214.185(1).	Minor (16 or older) may consent independently to outpatient care. Ky. Rev. Stat. Ann. § 214.185(2).	Minor who is emancipated, married, divorced, or has a child may give consent; medical professional may render treatment without parental/guardian consent if delay caused by obtaining consent would harm minor's health. Ky. Rev. Stat. Ann. § 214.185(3) – (4).	Parental consent or court order. Ky. Rev. Stat. Ann. § 311.732.	
Louisiana	18 [La. Civ. Code art. 29 (2005)] / Marriage. La. Civ.	No law	No law	Minor may consent independently. La. Rev. Stat. § 40:1095.	Minor may consent independently. La. Rev. Stat. § 40:1096.	No law	Minor may consent independently. La. Rev. Stat. § 40:1095.	Parental consent or court order. La. Rev. Stat. § 40:1299.35.5. <sup>33</sup>	Non-parental consent situations: La. Rev. Stat. § 40:1299.53 lists persons who may consent to treatment for minors

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	Code art. 367; or Court order (16 years or older). La. Civ. Code art. 366; or authentic act of limited emancipation. La. Civ. Code art. 368.								where no person in prior class is reasonably available.
<b>Maine</b>	18 [1 Me. Rev. Stat. Ann. §§ 72, 73 (2005)] / None.	Minor may consent independently if married, a parent, or otherwise may suffer health hazards. 22 Me. Rev. Stat. Ann. §1908.	No law	Minor may consent independently. 22 Me. Rev. Stat. Ann. § 1502, 1823.	Minor may consent independently. 22 Me. Rev. Stat. Ann. § 1502, 1823.	Minor may consent independently. 22 Me. Rev. Stat. Ann. § 1502.	No law	Family member consent or court order. 22 Me. Rev. Stat. Ann. § 1597-A.	Minor may consent to forensic exam after sexual assault. 22 Me. Rev. Stat. Ann. § 1507.
<b>Maryland</b>	18 [Md. Code, Article 1, § 24 (2005)]/ None.	Minor may consent independently. Md. Code, Health General, § 20-102.	Minor may consent independently. Md. Code, Health General, § 20-102.	Minor may consent independently. Md. Code, Health General, § 20-102.	Minor may consent independently. Md. Code, Health General, § 20-102.	Minor may consent independently. If, in the judgment of the attending physician or a psychologist, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual. Md. Code, Health General, § 20-102(d).	Minor may consent if married (or divorced - "has contracted a lawful marriage") or has a child. Md. Code, Health General, § 20-102.	Parental notification required. (Exceptions: (1) Minor does not live with parent and reasonable effort to provide parental notice is unsuccessful; (2) Notice might lead to physical or emotional abuse of the minor; (3) Minor is mature and able to give informed consent; (4) Notice is not in minor's best interest. Md. Code, Health General, § 20-103.)	Minor may also consent to: emergency treatment or treatment of injuries (collection of evidence) in sexual assault case or initial exam following admission to a detention center. Md. Code, Health General, § 20-102.  <b>DISCLOSURE ADVISORY:</b> MD may inform parents of treatment, even over minor's express objection, except in case of abortion. Md. Code, Health General § 20-102(f).
<b>Massachusetts</b>	18 [Mass. Gen. Laws Ann., Ch. 231 § 85P (2006)]/ None.	No law	Minor may consent independently. Mass. Gen. Laws Ann., Ch. 112, § 12F.	Minor may consent independently. Mass. Gen. Laws Ann., Ch. 111 § 117; Ch. 112, § 12F.	Minor (12 or older) may consent independently. Mass. Gen. Laws Ann., Ch. 112, § 12E.	No law	Minor may consent if married or divorced, in the military, living apart from parents, or parent of a child. Right does not extend to sterilization or abortion unless married or divorced. Gen. Laws Ann., Ch. 112, § 12F.	Parental consent or court order required. Mass. Gen. Laws Ann., Ch. 112, § 12S.	
<b>Michigan</b>	18 [Mich. Comp. Laws § 722.4 (2005)]/ Marriage; service in armed forces; court order. Mich. Comp.	No law	Minor may consent independently. Mich. Comp. Laws § 333.9132(1). <b>DISCLOSURE ADVISORY:</b> For medical reasons,	Minor may consent independently. Mich. Comp. Laws § 333.5127.	Minor may consent independently. Mich. Comp. Laws § 333.6121.	Minor (14 or older) may consent to outpatient care independently. Mich. Comp. Laws § 330.1707(1). See also Miscellaneous. <b>WARNING:</b> Such	No law	Parental consent or court order required. Mich. Comp. Laws § 722.903-904.	Minor (14 or above) may consent to hospitalization for mental health care if s/he is found to be "suitable for hospitalization." Mich. Comp. Laws

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	Laws § 722.4.		treating MD may disclose care to putative father, spouse, or parent <i>Id.</i>			treatment may not be disclosed to parent unless there is a compelling need for disclosure. <i>Id.</i> <sup>34</sup>			§§ 330.1498 c(b) <sup>35</sup> and 330.1498 d(4).
<b>Minnesota</b>	18  [Minn. Stat. Ann § 645.451(3)]/  Marriage or parent of child. Minn. Stat. Ann § 144.342. Living independently. <i>Id.</i> § 144.341.	No law	Minor may consent independently. Minn. Stat. Ann § 144.343.	Minor may consent independently. Minn. Stat. Ann § 144.343.	Minor may consent independently. Minn. Stat. Ann § 144.343.	No law	No law	48 hours' advance notice to parents or court order required except (1) when such notice may endanger minor's health or (2) minor alleges parental abuse. Minn. Stat. Ann § 144.343.	Minor may consent independently to hepatitis B vaccination. Minn. Stat. Ann § 144.344.  Emergencies. Minn. Stat. Ann § 144.3441.
<b>Mississippi</b>	21  Except in case of medical consent for abortion, where it is 18 [Miss. Code §§ 1-3-27, 41-41-3, 41-41-51 (2005)]/  Marriage or Court order. <i>Id.</i> § 41-41-51(b).	Minor may consent if s/he is a parent, married, has consent of parent/guardian, or has been referred for such service by another physician, clergyman, family planning clinic, school or institution of higher learning, or state agency. Miss. Code § 41-42-7.	Minor may consent independently. Miss. Code § 41-41-3.	Minor may consent independently. Miss. Code § 41-41-13, 16.	Minor (15 or older) may consent independently. Miss. Code § 41-41-14.  <b>DISCLOSURE ADVISORY:</b> For medical reasons, treating MD may disclose care to spouse or parent, even over minor patient's express objection. <i>Id.</i>	No law	Minor may not give consent for general medical treatment. Miss. Code § 41-41-3.	Parental consent or court order required. Miss. Code § 41-41-53, 55.	Implied consent of minor to emergency care. Miss. Code § 41-41-7.
<b>Missouri</b>	18  [Mo. Rev. Stats. § 431.055 (2011)]/  Marriage or parenthood. <i>Id.</i> § 431.061(3); living independently of parents. <i>Id.</i> § 431.056.	No law	Minor may consent independently. Mo. Rev. Stats. § 431.061(4)(a).	Minor may consent independently. Mo. Rev. Stats. § 431.061(4)(b).	Minor may consent independently. Mo. Rev. Stats. § 431.061(4)(c).	No law	Minor (16 and older) living independently of parents may consent to medical services. Mo. Rev. Stats. § 431.061.	Parental consent or court order required. Mo. Rev. Stats. § 188.028.	Minor can donate blood at 17 yrs. Mo. Rev. Stats. § 431.068(1).
<b>Montana</b>	18  [Mont. Code Ann. § 41-1-101(2011)]/  Court Order (if 16 or older) Mont. Code Ann. § 41-1-501.	No law but see General Medical Health Services section	Minor may consent independently. Mont. Code Ann. § 41-1-402(c). <b>DISCLOSURE ADVISORY:</b> MD may inform parents. <i>Id.</i> § 41-1-403.	Minor may consent independently. Mont. Code Ann. § 41-1-402(c). <b>DISCLOSURE ADVISORY:</b> MD may inform parents. <i>Id.</i> § 41-1-403.	Minor may consent independently. Mont. Code Ann. § 41-1-402(c). <b>DISCLOSURE ADVISORY:</b> MD may inform parents. Mont. Code Ann. § 41-1-403.	Minor may consent in case of urgent need for care. Mont. Code Ann. § 41-1-406. See also <i>Id.</i> § 41-1-405.	Minor may consent to medical or surgical care if married; has had a child; graduated from high school. Mont. Code Ann. § 41-1-402(2)(a). <b>DISCLOSURE ADVISORY:</b> MD may inform parents. <i>Id.</i> § 41-1-403.	Parental notification required. Mont. Code Ann. §§ 41-1-405(4), 50-20-204. THIS LAW IS NOT ENFORCED. <i>Wicklund v. State</i> , ADV-97-671 (Mon. Dist. Ct Feb 25, 1999).	Emergency care - Minor may consent independently. Mont. Code Ann. § 41-1-402. <b>DISCLOSURE ADVISORY:</b> MD may inform parents. <i>Id.</i> § 41-1-403. NOTE: MD not required to treat a minor on the minor's own consent.

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									<i>Id.</i> § 41-1-407.
<b>Nebraska</b>	19  [Neb. Stat. § 43-2101 (2011)]/  Marriage. <i>Id.</i> § 43-2101.	No law	No law	Minor may consent independently. Neb. Stat. § 71-504.	No law.	No law	No law	Parental consent or court order required. Neb. Stat. § 71-6902; 6903. Exception -- when a grave risk to the life or health of the mother exists and insufficient time is available to contact the parents. <i>Id.</i> § 71-6906(1).	
<b>Nevada</b>	18  Nev. Rev. Stat. § 129.010/  Minor (16 or older) who is married or living apart from parents can obtain court order. <i>Id.</i> § 129.080. Method not exclusive. <i>Id.</i> § 129.140.	No law but see General Medical Health Services section	No law but see General Medical Health Services section	Minor may consent independently. Nev. Rev. Stat. § 129.060.	Minor may consent independently. Nev. Rev. Stat. § 129.050. <b>DISCLOSURE ADVISORY:</b> MD must make every reasonable effort to report the treatment to parents. <i>Id.</i> § 129.050(3).	Minor may not consent to sterilization. Nev. Rev. Stat. § 129.030(4)	Minor may consent to treatment if: (a) living apart from parent/guardian for at least 4 months; (b) married or divorced; (c) has borne a child; and understands the nature and purpose of the proposed examination and its probable outcome. Nev. Rev. Stat. § 129.030. <b>DISCLOSURE ADVISORY:</b> MD must make prudent and reasonable efforts to obtain the consent of the minor to communicate with parent/guardian.	Parental notification required. Nev. Rev. Stat. § 442.255(1). Or court order. <i>Id.</i> § 442.255(2).	Minors may consent in emergencies if reasonable efforts have been made to contact parents. Nev. Rev. Stat. § 129.030. In addition, anyone in loco parentis may give consent in emergencies. <i>Id.</i> § 129.040.
<b>New Hampshire</b>	18  [N.H. Rev. Stat. Ann. § 21:44 (2005)]  If emancipated in another state. N.H. Rev. Stat. Ann. § 21-B:2. <sup>36</sup>	No law	No law	Minor (14 or older) may consent independently. N.H. Rev. Stat. Ann. § 141-C:18(II) (2011). <b>DISCLOSURE ADVISORY:</b> MD may disclose positive results of AIDS test to minor's parents. <i>Id.</i> § 141-F:7(III).	Minor (12 or older) may consent independently. N.H. Rev. Stat. Ann. § 318-B:12-a.	Minor may consent independently at a state facility. N.H. Rev. Stat. Ann. § 135-C:12(II).  <b>DISCLOSURE ADVISORY:</b> Treatment info may be disclosed. N.H. Rev. Stat. Ann. § 135-C:19-a (2002).	No law, but see N.H. Rev. Stat. Ann. § RSA 318-B:12 (Nothing contained herein shall be construed to mean that any minor of sound mind is legally incapable of consenting to medical treatment provided that such minor is of sufficient maturity to understand the nature of such treatment and the consequences thereof).	48 hours' advance parental notification or court order required unless life-threatening condition exists and insufficient time exists to notify parents. N.H. Rev. Stat. Ann. § 132.32, 34.	No parental consent required for emergency care. N.H. Rev. Stat. Ann. § 135:21-b.
<b>New Jersey</b>	18  [N.J. Stat. Ann. 9:17B-3 (2011)]/  <i>Bishop v. Bishop</i> , 287 N.J. Super. 593, 598 (Ch. Div. 1995) (child deemed emancipated when a child moves beyond the sphere of influence and responsibility exercised by a	No law	Minor may consent independently. NJ Rev. Stat 9:17A-1. <b>DISCLOSURE ADVISORY:</b> MD may inform parents. <i>Id.</i>	Minor (13 or older) may consent independently. NJ Rev. Statutes 9:17A-4. <b>DISCLOSURE ADVISORY:</b> MD may inform parents. NJ Rev. Stat 9:17A-5. M.D. must inform parents of sexual assault on minor. <i>Id.</i> § 9:17A-4.	Minor may consent independently. NJ Rev. Statutes 9:17A-4. <b>DISCLOSURE ADVISORY:</b> MD may inform parents. NJ Rev. Stat 9:17A-5.	No law	Minor who is married or pregnant may consent independently. N.J. Stat. Ann. § 9:17A-1.	48 hours' advance parental notification required or court ordered waiver. N.J. Rev. Stat. §§ 9.17A-1.4, 9.17A-1.7. THIS LAW IS NOT ENFORCED. <i>Planned Parenthood v. Farmer</i> , 762 A.2d 620 (N.J. 2000).	Minor may consent to treatment in case of sexual assault. NJ Stat. Ann 9:17A-4. <b>DISCLOSURE ADVISORY:</b> MD must notify parents of sexual assault. <i>Id.</i>  <b>DISCLOSURE ADVISORY:</b> Parents are statutorily entitled to have access to unemancipated minor's medical records. NJ Stat.

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	parent and obtains an independent status on his or her own).								Ann. § 9:2-4.2.
<b>New Mexico</b>	18 [N.M. Stat. Ann. § 28-6-1]/ If 16, then emancipation by:  Marriage, active duty in armed forces, or court order (if living separate from parents and managing finances). Id. §§ 32A-21-3, 32A-21-5.	Family planning services should be readily accessible to all who want and need them. N.M. Stat. Ann. §§ 24-8-3, 24-8-5.	Minor may consent independently. N.M. Stat. Ann. §§ 24-1-13 & 24-1-13.1.	Minor may consent independently. N.M. Stat. Ann. § 24-1-9. <b>DISCLOSURE ADVISORY:</b> MD may inform parents. Id. § 24-1-9.4.	No law	Minor (14 or under) may consent to initial assessment limited to verbal therapy. N.M. Stat. Ann. § 32A-6A-14. Minor (14 or older) may consent independently. Id. § 32A-6A-15; N.M. Admin. Code § 7.20.11.7(BW). <b>DISCLOSURE ADVISORY:</b> M.D. must notify parents of psychotropic medications. N.M. Stat. Ann. § 32A-6A-14; Parent of minor under 14 entitled to medical records. Id. § 32A-6A-24.	Minor (14 or older) may consent independently to medically necessary treatment if living apart from parents/guardian or if is the parent of a child. N.M. Stat. Ann. § 24-7A-6.2.	Parental consent required. N.M. Stat. Ann. § 30-5-1(C). THIS LAW IS NOT ENFORCED. Op. Att'y Ge'l No. 90-19 (1990).	Consent by anyone standing in loco parentis for emergencies. N.M. Stat. Ann. § 24-10-2. Minor (17 or older) may consent to donate blood. § 24-10-6.
<b>New York</b>	18 [N.Y. Gen. Oblig. § 3-101(1) (2011)], N.Y. Pub Health § 2504(1)/  Parent, Marriage. N.Y. Pub. He. § 2504.	No law	Minor may consent independently. N.Y. Pub. Health § 2504(4).	Minor may consent independently. N.Y. Pub. Health § 2305(2).	Minor may consent independently. N.Y. Ment. Hyg. § 22.11.	Minor may consent independently in certain circumstances. <sup>37</sup> N.Y. Ment Hyg § 33.21(c). Minor (16 or older) may consent to psychotropic medication under certain circumstances. <sup>38</sup> N.Y. Ment Hyg § 33.21(e). <b>DISCLOSURE ADVISORY:</b> MD must notify parent of this decision.	Minor who is married or a parent may consent independently; services may be rendered without consent of parent where emergency exists and attempt to get consent would result in a delay of treatment which would increase risk to life or health. N.Y. Pub. Health § 2504(1), (4).	No law	Minor may consent independently in emergencies. N.Y. Pub. He. § 2504.
<b>North Carolina</b>	18 [N.C. Gen. Stat. § 90-21.6. (2005)]/  Marriage. <i>Id.</i>  Minor aged 16 or older may petition a court for emancipation. <i>Id.</i> § 7B-3500. <sup>39</sup>	No law	Minor may consent independently. N.C. Gen. Stat. § 90-21.5.	Minor may consent independently. N.C. Gen. Stat. § 90-21.5.	Minor may consent independently. N.C. Gen. Stat. § 90-21.5.	Minor may consent independently. N.C. Gen. Stat. § 32A-32.	No law	Parental consent required. N.C. Gen. Stat. §§ 90-21.5 to 90-21.10.	

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<b>North Dakota</b>	18 [N.D. Cent. Code § 14-10-01 (2005)]/ None.	No law	Minor may consent for pregnancy testing, prenatal care, and pain management.  [N.D. Cent. Code § 14-10-19 (2009)]	Minor (14 or older) may consent independently. N.D. Cent. Code § 14-10-17.	Minor (14 or older) may consent independently. N.D. Cent. Code § 14-10-17.	No law	No law	Parental consent required (unless married or court order). N.D. Cent. Code § 14-02.1-03.1	Minor may consent independently in emergencies. N.D. Cent. Code § 14-10-17.1.  Emancipated (married) minors can also consent to treatment.
<b>Ohio</b>	18 [Oh. Rev. Code § 2151.01.1 (2005)]/  Marriage or entry into military service.	No law	No law	Minor may consent independently. Oh. Rev. Code § 3701.24.2.	Minor (12 or older) may consent independently. Oh. Rev. Code § 3719.01.2.	Minor (14 or older) may consent independently for limited services. Oh. Rev. Code § 5122.04.36. <sup>40</sup>  <b>WARNING:</b> MD may not inform parents w/o minor's consent. <i>Id.</i> Medications are not allowed without the consent of parents. <i>Id.</i>	No law	Parental notification or court order required. Oh. Rev. Code §§ 2151.85, 2505.07.3, & 2919.12.	
<b>Oklahoma</b>	18 [Okla. Stat. Ann. Tit. 63, § 2601(2002)]/  Armed forces, court order. Okla. Stat. Ann. Tit. 63, § 2602 & Tit. 10, § 91.  Married, parent, or separated from parents. Okla. Stat. Ann. Tit. 63, § 2602.	No law	Minor may consent independently; <b>DISCLOSURE ADVISORY:</b> MD may inform parents. Okla. Stat. Ann. Tit. 63, § 2602.	Minor may consent independently; <b>DISCLOSURE ADVISORY:</b> MD may inform parents, unless the minor is not pregnant. Okla. Stat. Ann. Tit. 63, § 2602.	Minor may consent independently; <b>DISCLOSURE ADVISORY:</b> MD may inform parents, unless the minor is disease free. Okla. Stat. Ann. Tit. 63, § 2602.	Minor (16 or older) may consent independently or mental health treatment. Okla. Stat. Ann. Tit. 43A, § 5-503.	No law	No law	Emergency care – Minor may consent independently; MD may inform parents. Okla. Stat. Ann. Tit. 63, § 2602.
<b>Oregon</b>	18 [Or. Rev. Stat. § 109.510 (2005)]/  Court Order. Or. Rev. Stat. § 419B.558(1)(a) – (c). <sup>41</sup>	Minor may consent independently. Or. Rev. Stat. § 109.640. MD shall involve the parents. Or. Rev. Stat. § 109.650 (2001).	Minor (15 or older) may consent independently ; Or. Rev. Stat. § 109.640. (2010).	Minor may consent independently. Or. Rev. Stat. § 109.610.	Minor (14 or older) may consent independently. MD shall involve the parents. Or. Rev. Stat. § 109.675(1) & (2).	Minor (14 or older) may consent to such treatment, but parents should be involved. Or. Rev. Stat. §§ 109.675 (2)(a) & (b) & 109.680.	Minor (15 or older) may consent independently. Or. Rev. Stat. § 109.640 (2001). <b>DISCLOSURE ADVISORY</b> MD shall involve the parents.	No law	Parent may delegate authority to consent on behalf of minor for 6 months or less. Or. Rev. Stat. § 109.056(1).
<b>Pennsylvania</b>	21 [1 Pa. Cons. Stat. § 1991 (2005)]/  Court order, 428	No law but see General Medical Health Services section.	Minor may consent independently. 35 Pa. Stat. §§ 10102 & 10103.	Minor may consent independently. 35 Pa. Stat. § 521.14a; Pa. Code § 27.97.	Minor may consent independently; <b>DISCLOSURE ADVISORY:</b> MD may notify parents. 71 Pa. Stat.	Minor (14 or older) may consent. 50 Pa. Stat. § 7201 (2002);  <b>DISCLOSURE ADVISORY:</b> MD must notify parents if	Minor over 18 years old, or who has graduated from high school, has married or has been pregnant may consent independently. 35 Stat. § 10101.	Parental consent or court order required. 18 Pa. Cons. Stat. § 3206 (A) & (C).	A physician may render medical, dental and health services to a minor without parental consent if withholding such treatment until

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	A.2d 615 (1993).				§ 1690.112 (2002).	the minor is under 18 years old. 50 Pa. Stat. § 7204.			consent is obtained would increase the risk to the minor's life or health. 35 Pa. Stat. § 10104.
<b>Rhode Island</b>	18 [R.I. Gen. Laws § 15-12-1 (2005)]/ Leave of court. R.I. Gen. Laws § 14-1-59.1.	No law but see General Medical Health Services section	No law but see General Medical Health Services section	Minor may consent independently. R.I. Gen. Laws § 23-8-1.1.	Parental consent required, unless MD determines it to be deleterious to treatment. R.I. Gen. Laws §§ 14-5-3, 14-5-4.  <b>WARNING:</b> MD may not disclose to parents without minor's consent. <i>Id.</i> § 14-5-4.	No law but see General Medical Health Services section	Minor (16 or older, married, or parent) may consent. A minor parent may consent to treatment of his or her child. R.I. Gen. Laws § 23-4.6-1.	Parental consent or court order required. R.I. Gen. Laws § 23-4.7-6.	
<b>South Carolina</b>	18 [S.C. Code Ann. § 20-7-30 (2005)]/ If married, may consent to health care. S.C. Code Ann. § 20-7-270.	Minor (16 or older) may consent independently. S.C. Code Ann. § 20-7-280 & 290.	No law but see General Medical Health Services section	Minor (16 or older) may consent independently. S.C. Code Ann. § 20-7-280 & 290.	Minor (16 or older) may consent independently. S.C. Code Ann. §§ 20-7-280, 20-7-290.	No law – but see General Medical Services section.	Minor (16 or older) may consent independently to general medical treatment (other than operations); Medical professional may render treatment to minor of any age without parental or guardian consent when physician deems treatment necessary. S.C. Code Ann. §§ 20-7-280, 20-7-290.	Where minor is under 17 – Parental consent or court order required. S.C. Code Ann. § 44-41-10(m), 44-41-30(C), 44-41-31(A), & 44-41-32.	
<b>South Dakota</b>	18 [S.D. Cod. Laws Ann. § 26-1-1 (2005)]/ Marriage, Armed Forces, Court order. S.D. Codified Laws Ann. § 25-5-24.	No law	No law	Minor may consent independently. S.D. Cod. Laws Ann. § 34-23-17.	Minor may consent independently. S.D. Cod. Laws Ann. § 34-20A-50.	No law	No law	Parental notification (or court order) required. S.D. Cod. Laws Ann. § 34-23A-7.	Emergency medical or surgical treatment (does not apply to elective abortion, sterilization or birth control). S.D. Cod. Laws Ann. § 20-9-4.2. <sup>42</sup>
<b>Tennessee</b>	18 [Tenn. Code § 37-1-102 (2005)]/ Marriage, court order or otherwise been freed from the care, custody and control of parents. Tenn. Ann. § 39-11-106 (2009).	Minor (who is pregnant, married, or is referred by clergy/counselor) may consent independently. Tenn. Code Ann. § 68-34-107 (2001).	Medical professional may treat minor without parental consent. Tenn. Code Ann. § 63-6-223.	Minors may consent independently. Tenn. Code Ann. § 68-10-104(c).	Minor may consent independently. Tenn. Code § 63-6-220.	No law.	Minor may not consent to general medical treatment. Tenn. <sup>43</sup>	Parental consent required. Tenn. Code § 37-10-303. Does not apply in emergencies. Tenn. Code § 37-10-305.	MD may perform emergency services on a minor without parent's consent where delay to obtain consent would harm minor. Tenn. Code. § 63-6-222.
<b>Texas</b>	18 [Tex. Family Code § 101.003 (2005)]/	No law	Minor may consent independently. Tex. Fam. Code	Minor may consent independently. Tex. Fam. Code § 32.003(a)(3).	Minor may consent independently. Tex. Fam. Code §§ 32.003(a)(5)	Minor may consent independently. Tex. Fam. Code §§ 32.003(5) &	A minor on Active Duty age or 16 that lives apart from parents and manages his/her own finances may consent independently Tex.	Parental notification required. Tex. Fam. Code § 33.001, et. seq.	

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	Armed services, marriage, by parent, or by court order if 16 or older and living apart from parents. Tex. Fam. Code § 32.003.		§ 32.003(a)(4).		& 32.004.	32.004.	Family Code. §§ 32.003(a)(1)-(2).		
<b>Utah</b>	18 [Utah Code § 15-2-1 (2005)] Marriage.	<b>DISCLOSURE ADVISORY:</b> Parental notification required whenever possible. Utah Code § 76-7-325.	Minor female may consent independently.  Utah Code Ann. 78B-3-406(f)(f).	Minor may consent independently. Utah Code § 26-6-18.	No law	No law	Parent may consent for minor child. Utah Code Ann. § 78B-3-406(a).	Parental notification required. Utah Code § 76-7-304.	
<b>Vermont</b>	18 [33 Vt. Stat. Ann. § 1101 (2005)]  Pregnant. <i>Id.</i> Married, active duty in military, or court order. Vt. Code R. § 7151.	No law	Minor may consent independently (pregnant woman is NOT a minor). 33 Vt. Stat. Ann. § 1101	Minor may consent independently. 18 Vt. Stat. Ann. § 4226.  <b>DISCLOSURE ADVISORY:</b> MD shall notify parent if such treatment requires immediate hospitalization. <i>Id.</i>	Minor may consent independently. 18 Vt. Stat. Ann. § 4226.  <b>DISCLOSURE ADVISORY:</b> MD shall notify parent if such treatment requires immediate hospitalization. <i>Id.</i>	No law	No law	No law	
<b>Virginia</b>	18 [Va. Code Ann. § 1-207 (2005)]  With court order upon marriage, active duty military, or living apart from parents, independent and managing own financial affairs. Va. Code Ann. §§ 16.1-331 & 16.1-333. <sup>44</sup>	Minor may consent independently (except sterilization). Va. Code Ann. § 54.1-2969(E)(2) .	Minor may consent independently (except sterilization). Va. Code Ann. § 54.1-2969(E)(2) .	Minor may consent independently. § 54.1-2969(E)(1).  <b>DISCLOSURE ADVISORY:</b> MD may release test results to parents/guardian. Va. Code Ann. § 32.1-36.1(10).	Minor may consent independently. Va. Code Ann. § 54.1-2969(E)(3) – “substance abuse” defined: Va. Code Ann. § 37.1-203.	Minor may consent independently. Va. Code Ann. § 54.1-2969(E)(4).	Minor may not consent independently; however, a court may authorize treatment without parent or guardian consent. Va. Code Ann. § 54-1-2969A(1)-(6), (B).	Parental notification required or Court order. Va. Code Ann. § 16.1-241(V). <sup>45</sup>	
<b>Washington</b>	18 [Wash. Rev. Code § 26.28.010 (2005)]  16 or older with court order. § 13.64.010 Marriage to an adult.  § 26.28.020.	No law	No law	Minor (14 or older) may consent independently. Wash. Rev. Code. § 70.24.110.	Minor (13 or older) may consent independently. Wash. Rev. Code. § 70.96A.095. <sup>46</sup>	Minor (13 or older) may consent independently to outpatient treatment. Wash. Rev. Code. § 71.34.500. See also Miscellaneous.	No law	No law	Minor (13 or older) may consent to inpatient mental health treatment without parental consent. Wash. Rev. Code. § 71.34.042. Parents must be notified within 24 hours of admission to facility. Wash. Rev. Code. § 71.34.044.

Jurisdiction	Age of Majority/ Emancipation Methods (if any)	Contraceptive Services	Prenatal Services	STD/HIV Services	Alcohol/Drug Abuse Treatment	Mental Health Services	General Medical Health Services	Abortion Services	Miscellaneous
<b>West Virginia</b>	18 [W. Va. Code § 2-3-1 (2006)]/  16 or older with court order. <sup>47</sup> W. Va. Code § 49-7-27.	No law	No law	Minor may consent independently. W. Va. Code § 16-4-10 and W. Va. Code § 16-3C-2.	Minor may consent independently. W. Va. Code § 60A-5-504	No law	No law	Parental notification required. W. Va. Code § 16-2F-1, et. seq.	
<b>Wisconsin</b>	18 [Wis. Stat. § 48.02 (2006)]/  Marriage. Wis. Stat. §§ 54.46, 765.02.	No law	No law	Minor may consent independently. Wis. Stat. § 252.11.	Minor (14 or older) may consent independently – parental consent required in 4 situations. Wis. Stat. § 51.47(1) & (2).	Minor (14 or older) may consent to inpatient treatment with a court order or in an emergency. Wis. Stat. § 51.13	No law	Parental consent (or court order) required. Wis. Stat. § 48.375.	
<b>Wyoming</b>	18 [Wyo. Stat. § 14-1-101(a) (2006)]/ Court order; marriage; military service. Wyo. Stat. §§ 14-1-201 and 14-1-202.	Dept of Health may provide birth control info/services to "any person who may benefit." Wyo. Stat. § 42-5-101.	No law	Minor may consent independently. Wyo. Stat. § 35-4-131.	No law	No law	Minor may consent independently in several situations. <sup>48</sup> Wyo. Stat. § 14-1-101(b).	Parental consent required. Wyo. Stat. § 35-6-118.	
<b>Guam</b>	18 [19 Guam Code Ann. § 1101 (2011)]/ None.	No law	Minor may consent independently. 19 Guam Code Ann. § 1111(b).  <b>WARNING:</b> Physician shall not inform parent of treatment w/out specific consent from patient. <i>Id.</i> § 1111(c).	Minor may consent independently. 19 Guam Code Ann. § 1111(b).  <b>WARNING:</b> Physician shall not inform parent of treatment w/out specific consent from minor patient. <i>Id.</i> § 1111(c).	Minor may consent independently. 19 Guam Code Ann. § 1111(b).  <b>WARNING:</b> Physician shall not inform parent of treatment w/out specific consent from minor patient. <i>Id.</i> § 1111(c).	No law	No law	No law	
<b>Northern Mariana Islands</b>	18 [8 C.M.C. § 1106]	No law	No law	No law	No law	No law	No law	No law	No law
<b>Puerto Rico</b>	18 [24 LPRA § 6152b]/  By parent, marriage or court order. 51 LPRA § 901.	No law	Minor may consent independently. 24 LPRA § 3211.	Minor may consent independently. 24 LPRA. § 577.	No law	Minor (14 and older) may consent independently for up to six outpatient sessions. Parental consent required for inpatient treatment. 24 LPRA. § 6158e.  <b>DISCLOSURE ADVISORY:</b> MD must notify parents if condition will seriously jeopardize the minor's health or	No law	No law	Emergency mental health treatment without parental consent. 24 LPRA. § 6158e.  Bill of Rights for Children:  T.1 § 412(20) – children have the right to "adequate medical care."  T.1 § 412(17) – child

Jurisdiction	Age of Majority/ Emancipation Methods (if any)	Contraceptive Services	Prenatal Services	STD/HIV Services	Alcohol/Drug Abuse Treatment	Mental Health Services	General Medical Health Services	Abortion Services	Miscellaneous
						if the condition creates potential harm to others. <i>Id.</i>			is entitled to "confidentiality of [child's] name and circumstances that identify it in situations where its honor or reputation could be tarnished."
Virgin Islands	18 [T.16 § 261 (2006)] Marriage and court order. See T.16 §§ 241, 251, and 253.	Minor may consent independently. T. 19 § 291. <b>DISCLOSURE ADVISORY:</b> MD may disclose treatment info to parents without consent from minor. T.19 § 292(c).	Minor may consent independently. T. 19 § 291. <b>DISCLOSURE ADVISORY:</b> MD may disclose treatment info to parents without consent from minor. T.19 § 292(c).	Minor may consent independently. T. 19 § 291. <b>DISCLOSURE ADVISORY</b> MD may disclose treatment info to parents without consent from minor. T.19 § 292(c).	Minor may consent independently. T. 19 § 291. <b>DISCLOSURE ADVISORY</b> MD may disclose treatment info to parents without consent from minor. T.19 § 292(c).	No law	Minor may consent independently if 17 or older and living independently; in military service; married or otherwise emancipated. 19 V.I.C. § 203.	Minor may consent independently. T. 19 § 291. <b>DISCLOSURE ADVISORY</b> MD may disclose treatment info to parents without consent from minor. T.19 § 292(c).	Minor may consent to care in emergency. T. 19 § 291. <b>DISCLOSURE ADVISORY</b> MD may disclose treatment info to parents without consent from minor. T.19 § 292(c).

<sup>1</sup> Juvenile Courts are permitted to emancipate minors over age 18 if: 1) a parent petitions the court to emancipate the minor and the court finds that such emancipation is in the best interest of the minor; 2) a minor petitions, provided that the minor either has no parents, the parent(s) are legally insane, or the parent(s) have abandoned the minor for one year; or 3) a minor whose parent(s) are dead, insane, or have abandoned him/her for one year, and his/her guardian jointly petition, and the court is satisfied that emancipation and is in the best interest of the minor.

<sup>2</sup> Where physician complies with the consent requirements, s/he is not liable for disclosing information regarding the minor's condition to parents, provided that such disclosure has not previously been prohibited by a court order.

<sup>3</sup> Emancipation may be obtained through: 1) marriage, or 2) petition by a minor or the legal custodian of the minor, if minor is living separately from his/her parents, managing his/her financial affairs, and has reached age 16. AK ST § 09.55.590.

<sup>4</sup> Except as prohibited under AK ST § 18.16.010(a)(3), a minor who is living apart from the minor's parents/guardians and who manages his own financial affairs may consent to medical services; also may consent where parent is unavailable or unwilling to consent; a minor parent may consent to treatment of that minor's child.

<sup>5</sup> A prior version of this statute that lacked the parental notice option was held to unconstitutionally invade minors' privacy in the case of *State v. Planned Parenthood of Alaska*, 171 P.3d 577 (2007).

<sup>6</sup> No abortion may be performed until 48 hours after notice of such abortion has been given to the parents of the minor seeking the abortion. Notice may be addressed and made by certified mail. Exceptions: leave of court, to prevent pregnant minor's death, written authorization from parents, minor declares she is a victim of child abuse or neglect, parent out of contact for 1 year, or minor swears by affidavit that the parent has committed incest, rape, or sexual abuse of the minor.

<sup>7</sup> Additionally, the following individuals who have not reached 18 are "not under legal disability by reason of minority to make any contract": 1) veterans entitled to health benefits under the serviceman's readjustment act of 1944; 2) spouses of such veterans; or 3) one who is married to an adult. A.R.S. § 44-131.

<sup>8</sup> A person who has reached age 16 may petition the circuit court for emancipation in the jurisdiction where they reside.

<sup>9</sup> Parental consent not required in the case of medical emergency, where the whereabouts of both parents are unknown, or where minor has only one living parent and that parent has sexually abused the minor. Note that Arkansas differs from most states in that, if the minor has two living parents, parental consent is still required even where one parent has impregnated the minor.

<sup>10</sup> A person under the age of 18 is an emancipated minor if any one of the following conditions is met: 1) The person entered into a valid marriage, whether or not it has been dissolved; 2) the person is on active duty with the armed forces of the United States; or 3) the person has received a declaration of emancipation pursuant to Cal. Fam. Code §§ 7120 and 7122.

<sup>11</sup> Exceptions (where parental consent is required): 1) sterilization of a minor; or 2) abortion.

<sup>12</sup> Notwithstanding Section 120975 or 120980 of the California Health and Safety Code, the results of a blood test to detect antibodies to the probable causative agent of AIDS may be disclosed to any of the following persons without written authorization of the subject of the test: (a) To the subject of the test or the subject's legal representative, conservator, or to any person authorized to consent to the test pursuant to subdivision (b) of Section 120990 (b) To a test subject's provider of health care, as defined in subdivision (d) of Section 56.05 of the Civil Code, except that for purposes of this section, "provider of health care" does not include a health care service plan regulated pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2. (c) To an agent or employee of the test subject's provider of health care who provides direct patient care and treatment. (d) To a provider of health care who procures, processes, distributes, or uses a human body part donated pursuant to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7). (e) (1) To the designated officer of an emergency response employee, and from that designated officer to an emergency response employee regarding possible exposure to HIV or AIDS, but only to the extent necessary to comply with provisions of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (P.L. 101-381; 42 U.S.C. § 201). (2) For purposes of this subdivision, "designated officer" and "emergency response employee" has the same meaning as these terms are used in the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (P.L. 101-381; 42 U.S.C. § 201). (3) The designated

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officer shall be subject to the confidentiality requirements specified in Section 120980, and may be personally liable for unauthorized release of any identifying information about the HIV results. Further, the designated officer shall inform the exposed emergency response employee that the employee is also subject to the confidentiality requirements specified in Section 120980, and may be personally liable for unauthorized release of any identifying information about the HIV test results.

<sup>13</sup> A minor (12 years or older) may consent to outpatient psychiatric treatment, if: 1) the attending professional believes that the minor is intelligent and mature enough to participate; or 2) the minor would present a danger of serious physical or mental harm to self or others; or 3) the minor is the alleged victim of incest or child abuse.

<sup>14</sup> Upon minor's application, court may grant consent if: (1) the minor is 16 or older and resides in California, and (2) parental consent is required and the minor has no parent or guardian to provide such consent.

<sup>15</sup> Note that this statute was held unconstitutional by Planned Parenthood of Rocky Mountain Services Corp. v. Owens, 287 F.3d 910 (2002) for lack of an emergency health exception, where the notification requirements could be waived if the pregnancy significantly threatened the health of the pregnant minor.

<sup>16</sup> According to Del. Code Ann. Tit. 16, § 710, Del. Code Ann. Tit. 13, §§ 707-708—which require parental or guardian consent for unmarried minors—govern consent for STD/HIV treatment of a minor. However, this seems to conflict with Del. Code Ann. Tit. 13, § 710, which authorizes minors 12 or older to consent independently to treatment of “contagious, infectious or communicable diseases within the meaning of Chapters 5 and 7 of Title 16,” which includes STDs.

<sup>17</sup> Physician must provide 24 hours' notice of intention to perform abortion to one of the following people: (1) one or both parents (either custodial or non-custodial); (2) a grandparent; (3) a licensed mental health professional; or (4) the legal guardian of the pregnant minor. If the person notified is not the minor's parent or legal guardian, the notified person must inform the pregnant minor that adoption, abortion, and full-term pregnancy are all available options.

<sup>18</sup> Two-tier process of obtaining consent for medical treatment of minor: (1) physician must make good faith effort to obtain consent of parent, guardian, or legal custodian; (2) if not able to obtain such consent, a person who has power of attorney to provide minor's medical consent, minor's stepparent, grandparent, adult brother or sister, or adult aunt or uncle must consent. Fla. Stat. Ann. §§ 743.0645 & 743.064. Only in the case of emergency can physician perform medical services without consent from any of the listed parties. Fla. Stat. Ann. § 743.064.

<sup>19</sup> Proposed legislation.

<sup>20</sup> Such disclosure is made upon the advice and direction of the treating physician, and may be given over the express objection of the minor patient.

<sup>21</sup> This statute is repealed effective January 1, 2013, and replaced by Ga. Code Ann., § 24-12-21. The relevant law will remain the same.

<sup>22</sup> Where the abortion is to be performed after notice to parent, the child must sign a consent form. Judicial waiver of notice requirement may also be obtained (*Id.* § 15-11-112(b)), and abortions may be performed in cases of emergency (Ga. Code Ann. § 15-11-116). In 2005, Georgia enacted the Women's Right to Know Act (codified at Ga. Code § 31-9A-1 et seq.). No abortion can be performed, absent an emergency, unless the pregnant female is informed 24 hours before the abortion procedure of medical risks, gestational age of fetus, state medical assistance benefits for prenatal care, and that the father is liable for child support payments. The female must sign a statement that she received this information.

<sup>23</sup> “Minor without support” means a person who is at least fourteen years of age but less than eighteen years of age who is not under the care, supervision, or control of a parent, custodian, or legal guardian. Haw. Rev. Stat. Ann. § 577D-1.

<sup>24</sup> Any individual who has been married is deemed competent to: enter a contract, mortgage, deed of trust, or bill of sale and conveyance, and to sue or be sued.

<sup>25</sup> The broad language of Idaho Code § 39-4503 suggests that minors do not need to obtain parental consent prior to undergoing medical procedures. 98 Op. Att'y Gen. 1 (1998).

<sup>26</sup> Prior version of this law was held unconstitutional by Planned Parenthood of Idaho, Inc. v. Wasden, 376 F.3d 908 (9th Cir. 2004), for lack of a medical emergency exception. The amended version, which includes a medical emergency exception to the parental consent or court order requirement, is now enforceable.

<sup>27</sup> A person between the ages of 16 and 18 may become emancipated upon petitioning the court where he/she resides; the breadth of the emancipation is set out in the court order.

<sup>28</sup> Birth control services and information may be rendered by doctors to any minor who is married, is a parent, is pregnant, who has the consent of his parent or legal guardian, is in danger of serious health hazard without medical care, or who is referred for such services by a physician, clergyman or planned parenthood agency.

<sup>29</sup> Minor may consent independently to outpatient counseling, however the counseling or psychotherapy provided to a minor under the age of 17 shall be limited to not more than 5 sessions, a session lasting not more than 45 minutes.

<sup>30</sup> Juvenile court has power to emancipate minor upon finding of specific statutory grounds – medical care is among the powers for which an emancipated minor may petition the court.

<sup>31</sup> Such notice is not required where: 1) the minor provides written authorization by parent, or 2) minor provides a written statement containing reasons for not notifying a parent but instead of notifying one of the minor's grandparents.

<sup>32</sup> This statute was amended by 2011 Kansas session laws to require written parental consent in most circumstances, certain specific counseling of the minor prior to obtaining consent, and to often require an evaluation of the minor by a psychiatrist, psychologist, or clinical social worker. See 2011 Kansas Laws Ch. 44 (H.B. 2035).

<sup>33</sup> Section B(5) of this law was held unconstitutional by Causeway Medical Suite v. Ieyoub, 109 F.3d 1096 (5th Cir. 1997).

<sup>34</sup> Provision of mental health services is limited to not more than 12 sessions or 4 months per request for services before the minor's parent or guardian must be informed and parental consent obtained. Mich. Comp. Laws § 330.1707(3).

<sup>35</sup> (b) “Suitable for hospitalization” means a determination concerning a minor that all of the following criteria are met: (i) the minor is a minor requiring treatment. (ii) The minor is in need of hospitalization and is expected to benefit from hospitalization and (iii) an appropriate, less restrictive alternative to hospitalization is not available.

<sup>36</sup> A person who is under the age of 18 but who has documentation which supports a claim that he/she has been emancipated in accordance with the laws of the state in which he previously had been residing shall be considered to be emancipated in the state of New Hampshire.

<sup>37</sup> A mental health practitioner may provide outpatient mental health services, other than those treatments and procedures for which consent is specifically required by § 33.03 of the Mental Hygiene article, to a minor without parental or guardian consent if the practitioner determines that: (1) the minor is knowingly and voluntarily seeking such services; and (2) provision of such services is clinically indicated and necessary to the minor's well-being; and (3)(i) a parent or guardian is not reasonably available; or (ii) requiring parental or guardian consent or involvement would have a detrimental effect on the course of outpatient treatment; or (iii) a parent or guardian has refused to give such consent and a physician determines that treatment is necessary and in the best interests of the minor.

<sup>38</sup> A minor (16 or older) may consent independently to the administration of psychotropic medications where: (i) a parent or guardian is not reasonably available, provided the treating physician determines that (A) the minor has capacity; and (B) such medications are in the minor's best interests; or (ii) requiring consent of a parent or guardian would have a detrimental effect on the minor, provided the treating physician and a second physician who specializes in psychiatry and is not an employee of

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the hospital determine that (A) such detrimental effect would occur; (B) the minor has capacity; and (C) such medications are in the minor's best interests; or (iii) the parent or guardian has refused to give such consent, provided the treating physician and a second physician who specializes in psychiatry and is not an employee of the hospital determine that (A) the minor has capacity; and (B) such medications are in the minor's best interests. Notice of the decision to administer psychotropic medications pursuant to this subparagraph shall be provided to the parent or guardian.

<sup>39</sup> Upon filing of written application by minor, a juvenile court may enter an emancipation decree provided that: 1) the minor is 16 years old, and 2) the court finds that emancipation serves the minor's best interests. Factors to be considered by the court: 1) whether the parent/guardian consent to the proposed emancipation; 2) whether the minor has been living away from a family home for a substantial amount of time and is able to support him/herself without parental supervision; and 3) whether the minor can demonstrate to the court's satisfaction that s/he can appropriately manage his/her own affairs.

<sup>40</sup> Services may not include the use of medication and they must be limited to not more than six sessions or thirty days of services whichever occurs sooner. After the sixth session or thirty days of services the mental health professional shall terminate the services or, with the consent of the minor, notify the parent, or guardian, to obtain consent to provide further outpatient services. The minor's parent or guardian shall not be informed of the services without the minor's consent unless the mental health professional treating the minor determines that there is a compelling need for disclosure based on a substantial probability of harm to the minor or to other persons, and if the minor is notified of the mental health professional's intent to inform the minor's parent, or guardian. The minor's parent or guardian shall not be liable for the costs of services which the minor receives without his or her consent.

<sup>41</sup> Upon filing of written application by minor, a juvenile court may enter an emancipation decree provided that: 1) the minor is 16 years old; and 2) the court find that emancipation serves the minor's best interests. Factors to be considered by the court: 1) whether the parent/guardian consent to the proposed emancipation; 2) whether the minor has been living away from a family home for a substantial amount of time and is able to support him/herself without parental supervision; and 3) whether the minor can demonstrate to the court's satisfaction that s/he can appropriately manage his/her own affairs.

<sup>42</sup> An emergency situation exists if parent is not "immediately available" and delay in treatment would threaten minor's life or health.

<sup>43</sup> Under Tennessee common law, absent exigent circumstances, consent must be obtained from a parent or personal representative. See Cardwell v. Bechtol, 724 S.W.2d 739, 747 (Tenn. 1987); see also Code § 63-6-229 (minor parents may consent to the treatment of their own minor children).

<sup>44</sup> Any child, parent, or guardian may petition the court in the county in which they reside for emancipation; petition for emancipation may be granted if the court finds that: 1) the minor entered into a valid marriage; 2) the minor is on active duty in the US Armed Services, or 3) the minor willingly lives separate and apart from parents, with their consent, and minor is capable of supporting himself and managing his own financial affairs.

<sup>45</sup> Exceptions (where notice is not required): abuse or neglect of pregnant minor, abortion is medically necessary to avert minor's death, insufficient time to provide notice or receive court order because delay would create a serious risk of substantial impairment of a major bodily function or substantial physical injury.

<sup>46</sup> Parental consent required for inpatient treatment for child under 13 unless child is determined to be a child in need of services. Wash. Rev. Code. §§ 70.96A.235 See also 13.32A.030.

<sup>47</sup> See also The Health Care Decisions Act (W. Va. Code § 16-30-3 et. seq.) which includes in its definition of adults "mature minor" as person a less than eighteen years of age who has been determined by a qualified physician, a qualified psychologist or an advanced nurse practitioner to have the capacity to make health care decisions.

<sup>48</sup> Legally married, active duty in military, parents or guardian cannot be located and minor's need for treatment is urgent, minor is living apart from parents and is managing affairs, or minor (twelve or older) is a smoker or user of tobacco products and minor consents to approved tobacco cessation program.