Health Rights of Teens

Source: Seattle Children's

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Health rights of teens are important for every parent to understand. A major task during the teen years is to navigate the balance between autonomy and parental support. Developmentally, teenagers are going through the process of maturing: they shift from concrete to more abstract thinking, they question boundaries, and they start to take responsibility for their own health.

This time can be amazingly fun and extremely challenging at the same time. When it comes to health, teens may seek medical care less often, but when they go, they'll often be accompanied by parents. The question I hear from teens and parents alike is "How old do I need to be to consent for my own health care? Do I need to be 18?" My answer is "It depends."

Minor consent laws vary by state, but all states and the District of Columbia have laws that allow teens to consent for special circumstances, such as for mental health care or substance use treatment, without the consent of their parents or legal guardian. The ages vary by state, but I'll outline to laws for Washington State. It's important to note that even though the law allows teens to consent for their own care, medical providers almost always encourage them to involve a supportive adult. Our medical system is complicated and decisions about your body and health can be very serious. As providers we balance keeping our teenage patient's trust with acknowledging their developmental stage and knowing when a parent's input and support is needed.

Washington State Minor Consent Laws:

- Let's start with marriage. Anyone who is married can consent for their own health care. A person who is legally married (even if they are 17) is no longer a minor in terms of the law.
- Mental Health: A minor who is 13 years or older can consent for inpatient and outpatient mental health treatment without a parent or guardian.
- Substance Use: Anyone age 13 or older can consent for inpatient or outpatient substance use treatment.
- Sexually transmitted infection (STI) and HIV screening and treatment: Minors age 14 and older can be treated for STI's without parent consent. This diagnosis and treatment remains confidential.
- Reproductive Health (contraception, pregnancy termination): There is no legal age limit to consent for reproductive health services.

Some or all of these laws may make some parents uncomfortable, but they are in place to protect the rights of teens. Medical providers consider each encounter with a teen on a case by case basis. We consider the patient's maturity and ability to make rational decisions. If it seems appropriate, we will encourage the teen to talk with parents or bring the parents into the discussion. For example, if a very young teen comes in for mental health concerns and ends up needing to schedule multiple follow up visits and possibly start a medication, we will bring the parents into the discussion in order to get their input and help coordinate a complicated care plan. In certain circumstances (such as a suicidal patient or one who admits to being abused) we always involve the legal guardian.

I encourage all parents to know the laws in their home state. Have open communication with your teen about substance use, mental health/mood, and sexuality. Discuss your family values early and often. When you take your teen in for a yearly or sports physical, tell your concerns, then offer to step out of the room for a few minutes to give your teen a chance to speak with their medical provider alone, then come back in for a summary of the visit. This small act encourages teens to take some responsibity for their own health.

Providing Health Care to Minors under Washington Law:

A summary of health care services that can be provided to minors without parental consent.

While Washington State's general age of majority for health care is 18 (RCW 26.28.010), a single, unemancipated* minor can receive treatment without parental consent in the following areas:

Service needed	*Minor Consent Sufficient for Confidential care*	*Parent/ Guardian Consent Required*	*Parent / Guardian Notification Required*	*Source and Notes*
Emergency medical services:	**Yes**	**No**	**No**	If the parent's consent is not readily available, the consent requirement is satisfied and the minor can receive medical services. RCW 7.70.050(4).
Non-emergency medical services:	**No, unless minor meets Mature Minor Doctrine (see Source and Notes section)**	**Yes, unless minor meets Mature Minor Doctrine**	**No**	If it is not a medical emergency or one of the types of services listed below, minors may still give a valid consent under the "Mature Minor Doctrine" if they are capable of understanding or appreciating the consequences of a medical procedure. In determining whether the patient is a mature minor, providers will evaluate the minor's *age, intelligence, maturity, training, experience, economic independence or lack thereof, general conduct as an adult and freedom from the control of parents.*
Immunizations:	**No, unless minor meets Mature Minor Doctrine**	**Yes, unless minor meets Mature Minor Doctrine**	**No**	Minors may receive immunizations without parental consent under the Mature Minor Doctrine summarized above.
Sexually transmitted disease testing/ treatment (including HIV):	**Yes, if over 14** ♦ ***See Source and Notes section***	**No**	**No**	Minors may obtain tests and/or treatment for sexually transmitted diseases if they are ***14 years of age or older*** without the consent of a parent or guardian. RCW 70.24.110. ♦ Public Health – Seattle & King County will test and treat individuals regardless of age due to mandate to prevent and control the spread of communicable disease.
Birth control services:	**Yes**	**No**	**No**	Minors may obtain or refuse birth control services at ***any age*** without the consent of a parent or guardian. RCW 9.02.100(2).
Abortion services:	**Yes**	**No**	**No**	Minors may receive an abortion and abortion related services at ***any age*** without the consent of a parent, guardian or the father of the child. RCW 9.02.100(1); *State v. Koome*, 84 Wn.2d 901 (1975).
Prenatal care services:	**Yes**	**No**	**No**	Minors may seek prenatal care ***at any age*** without the consent of a parent or guardian. *State v. Koome*, 84 Wn.2d 901 (1975)..
Outpatient mental health treatment:	**Yes, if over 13**	**No**	**No**	Minors may receive outpatient mental health treatment if they are ***13 years of age or older*** without the consent of a parent or guardian. The parents will not be notified without minor consent. RCW 71.34.530.
Inpatient mental health treatment:	**Yes, if over 13**	**No**	**Yes**	Minors ***13 years of age or older*** may receive inpatient mental health treatment without parental consent. The parents must be notified, however. RCW 71.34.500.
Outpatient substance abuse treatment:	**Yes, if over 13**	**No**	**See Source and Notes section.**	Minors ***13 years of age or older*** may receive outpatient substance abuse treatment, without parental consent. The provider will inform the parents that the minor is receiving outpatient treatment within seven business days if the minor gives written consent or if the provider determines that the minor is not capable of making a rational choice to receive the treatment. RCW 70.96A.096, 230.
Inpatient substance abuse treatment:	**No, unless child is determined to be "CHINS" - Child In Need of Services**	**Yes, unless CHINS determination**	**Yes, unless CHINS deter-mination**	Minors ***13 years of age or older*** may receive inpatient substance abuse treatment without parental consent if DSHS determines he or she is a "child in need of services." RCW 70.96A.235. If school district personnel refer a child to inpatient chemical dependency services, they must notify the parents within 48 hours. RCW 70.96A.096 Parental notification is required if parental consent is required.

**A legally emancipated minor or a minor married to either an adult or an emancipated minor is treated as an adult.*

Information accurate as March 28, 2006. For updated version, please visit www.washingtonlawhelp.org.

RCW – Revised Code of Washington- www.leg.wa.gov/rcw

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