

## Confidentiality/Minor Consent Laws

### PARENT/GUARDIAN CONSENT EXCEPTIONS

A parent or legal guardian must provide consent on behalf of a minor (under age 18) before health care services are provided, with **several important exceptions**.

- **Emergency care**
- **Care for independent minors**
  - Age 15 or older, living apart from parents *and* managing their own financial affairs; OR legally married; OR sentenced to the youthful offender system
  - Pregnant minors may consent to prenatal, delivery, and post-delivery medical care
  - Victims of a sexual offense may consent to exams and treatment related to the offense, but provider must first attempt to notify parent/guardian
- **Specific health care services related to:**
  - Sexual health
  - Mental health
  - Substance use treatment

### Patients under 18 have the right to the following WITHOUT parent/guardian consent:

- Pregnancy testing and prenatal care
- Birth control information and contraceptives
- Testing and treatment for sexually transmitted infections/STIs (provider must encourage minor to involve a parent/guardian)
- HIV prevention through the use of PrEP (provider may have to disclose if minor is under the age of 13)
- Substance abuse treatment (except for opioid replacement)
- Abortion (notice to parent/guardian/relative is required 48 hours in advance unless exception applies)
- Outpatient mental health services (age 12 or older)
- Inpatient mental health services (age 15 or older)

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

- Vaccines (including HPV)
- Mental health medications

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

- The minor is a risk to themselves or someone else
- Behavioral and mental health information is essential to making informed medical decisions for minor

For educational purposes only.

Excerpt from *UNDERSTANDING MINOR CONSENT AND CONFIDENTIALITY IN COLORADO: An Adolescent Provider Toolkit*:

TIPS, TRICKS, & TOOLS: Minor Consent

<b>COLORADO MINOR CONSENT LAWS – Quick Reference Chart<sup>1</sup></b>	
<b>SERVICES YOUTH CAN OBTAIN ON THEIR OWN</b>	
<b>Family Planning Services Funded by Title X<sup>2</sup></b> <ul style="list-style-type: none"> <li>Includes (among others) contraception, STD testing, and breast and pelvic examinations.</li> </ul>	Minors of any age
<b>Prenatal, Delivery, and Post-Delivery Care</b> <ul style="list-style-type: none"> <li>Medical care related to the intended live birth of a child.</li> </ul>	Pregnant minors of any age
<b>Contraception</b> <ul style="list-style-type: none"> <li>Birth control procedures, supplies, and information.</li> <li>This does not include sterilization</li> </ul>	Minors of any age who request and need birth control
<b>Abortion<sup>3</sup></b>	Minors of any age
<b>Sexually Transmitted Infections</b> <ul style="list-style-type: none"> <li>Diagnosis and treatment</li> </ul>	Minors of any age
<b>HIV</b> <ul style="list-style-type: none"> <li>Diagnosis and treatment</li> </ul>	Minors of any age
<b>Treatment after Sexual Offense (Sexual Assault)</b> <ul style="list-style-type: none"> <li>Examinations, prescription and treatment of victim for any immediate condition caused by a sexual offense</li> <li>For this purpose, “sexual offenses” include (but are not limited to) sexual assault, sexual assault on a child and unlawful sexual contact as defined by Colorado law.</li> </ul>	Minors of any age
<b>Mental Health Treatment</b> <ul style="list-style-type: none"> <li>Includes outpatient treatment</li> <li>Minors cannot consent to electroconvulsive treatment</li> </ul>	Minors 12 years of age or older
<b>Alcohol / Drug Abuse Treatment</b> <ul style="list-style-type: none"> <li>Includes treatment for addiction to or use of drugs, emergency treatment for intoxication, and treatment for alcoholism.</li> </ul>	Minors of any age

<sup>1</sup> For more information and detail about these laws, see the companion tool entitled “Colorado Minor Consent Laws.” Remember that consent and confidentiality are different concepts. For more information on confidentiality laws, see the tool entitled “Confidentiality of Adolescent Medical Records under Colorado Law.”

<sup>2</sup> The Title X Family Planning Program is part of the federal Public Health Services Act. For more information on Title X family planning services and Title X funded providers in Colorado, go to [www.cdphe.state.co.us/pp/womens/famplan.html](http://www.cdphe.state.co.us/pp/womens/famplan.html).

<sup>3</sup> A parent is not required to consent to a minor’s abortion. However, the minor’s parent(s) must be notified 48 hours before the abortion can be performed unless an exception applies or the minor obtains a court order through the judicial bypass process. See the tool entitled “Confidentiality of Adolescent Medical Records under Colorado Law” for more information.