

# When can a minor access health care without parental consent?

Washington State’s general age of majority for health care is 18 ([RCW 26.28.010](#)). However, a minor can receive services without parental consent in the following areas:

<i>Service needed</i>	<i>Parent/ Guardian Consent Required for Care</i>	<i>Parent / Guardian Notification Required</i>	<i>Notes and Source</i>
Emergency medical services:	No, but only if parent’s consent is not readily available	No	If the parent’s consent is not readily available, the consent requirement is satisfied and the minor can receive medical services. <a href="#">RCW 7.70.050(4)</a> .
Non-emergency medical services:	Yes, unless minor meets Mature Minor Doctrine or is homeless (see definition)	No	If a youth has been identified by their school as homeless under the McKinney-Vento Act, the youth may access routine non-emergency medical care with the consent of the school homeless youth liaison, school nurse or school counselor. Also, minors may give a valid consent under the “Mature Minor Doctrine” if the provider deems 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 <b>age, intelligence, maturity, training, experience, economic independence or lack thereof, general conduct as an adult and freedom from the control of parents</b> . <i>Smith v. Seibly</i> , 72 Wn.2d 16, 21, 431 P.2d 719 (1967).
Immunizations:	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, unless youth is 14 or older.	No	Minors may obtain tests and/or treatment for sexually transmitted diseases if they are <b>14 years of age or older</b> without the consent of a parent or guardian. <a href="#">RCW 70.24.110</a> .

Birth control services:	No	No	Minors may obtain or refuse birth control services at <b>any age</b> without the consent of a parent or guardian. <a href="#">RCW 9.02.100(1)</a> .
Abortion services:	No	No	Minors may receive an abortion and abortion related services at <b>any age</b> without the consent of a parent, guardian or the man responsible for the pregnancy. <a href="#">RCW 9.02.100(2)</a> ; <i>State v. Koome</i> , 84 Wn.2d 901 (1975).
Prenatal care services:	No	No	Minors may seek prenatal care <b>at any age</b> without the consent of a parent or guardian. <i>State v. Koome</i> , 84 Wn.2d 901 (1975).
Outpatient mental health treatment:	Yes, unless youth is 13 or older.	No	Minors may receive outpatient mental health treatment if they are <b>13 years of age or older</b> without the consent of a parent or guardian. The parents will not be notified without minor consent. <a href="#">RCW 71.34.530</a> .
Inpatient mental health treatment:	Yes, unless youth is 13 or older.	Yes	Minors <b>13 years of age or older</b> may receive inpatient mental health treatment without parental consent. The parents must be notified, however. <a href="#">RCW 71.34.510</a> .
Outpatient substance abuse treatment:	Yes, unless youth is 13 or older.	See Source and Notes section.	Minors <b>13 years of age or older</b> 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. <a href="#">RCW 70.96A.230</a> .
Inpatient substance abuse treatment:	Yes, unless child is determined to be a Child In Need of Services (CHINS)	Yes, unless CHINS	Minors <b>13 years of age or older</b> may receive inpatient substance abuse treatment without parental consent if DSHS determines he or she is a “child in need of services.” <a href="#">RCW 70.96A.235</a> . If school district personnel refer a child to inpatient chemical dependency services, they must notify the parents within 48 hours. <a href="#">RCW 70.96A.096</a> .  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 of November 5, 2007. For most up-to-date version and related document “A Kinship Caregiver’s Guide To Consenting To Health Care” please visit [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org).
- Unless specified elsewhere in the document, the term “medical services” includes dental, optometry, and naturopathy services.
- RCW – Revised Code of Washington- <http://apps.leg.wa.gov/rcw/>

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## Laws Relevant to Sexual Health

### Providing Health Care for Minors

Individual states have laws about what, if any, health care minors can consent to on their own. Different ages may apply to different services, such as accessing contraceptive care, STD services, prenatal care, adoption, abortion, medical care for a child, and mental health care. When discussing with a student any kind of health care for which the student can legally consent, it is very important to remember to protect that student's privacy. Disclosing a student's health information even to other teachers or school employees is a violation of privacy and possibly illegal. See what the minor consent laws are in \*your state: [www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf)

### Sexual Exploitation & Assault Laws

**SEXUAL ASSAULT and ABUSE** laws define sex crimes, including those committed against minors. Look up your state laws here: [www.rainn.org/public-policy/laws-in-your-state](http://www.rainn.org/public-policy/laws-in-your-state)

**STATUTORY RAPE** laws state that sex between individuals with certain age differences is illegal. The younger people in these situations may or may not have given verbal consent for the sexual activity that took place. They are incapable of legally giving consent because of their age. These age differences vary from state to state. If statutory laws were not covered on the page provided above for sexual assault and abuse laws, find additional information here: <http://aspe.hhs.gov/hsp/08/SR/StateLaws/index.shtml>

State	Age of consent	Minimum age of victim	Age Differential:
Washington	16	N/A	2 (if victim is < 12), 3 (if victim is < 14), 4 (if victim is < 16)

**HELP, ADVICE, INFORMATION:** Click on your state to find a state sexual assault program that can answer questions about state laws, and can provide help, support, advice or professional consultation: [www.nsvrc.org/organizations](http://www.nsvrc.org/organizations) **Family Life and Sexual Health, High School FLASH**

### Safe Surrender of Infants

Many states have enacted Safe Surrender laws in order to protect the health of infants who would otherwise be abandoned. Laws may specify who can leave an infant at a Safe Haven location, and which locations may serve as Safe Havens. Look up your state's law here: [www.nationalsafehavenalliance.org/states/](http://www.nationalsafehavenalliance.org/states/)

### Students and Those with LGBT Parents

Laws affecting LGBT students and students with LGBT parents are changing rapidly in the United States. Relevant laws include those related to discrimination, health care coverage, marriage, adoption and hate crimes. See state laws that affect LGBT students and parents at: [www.hrc.org/state\\_maps](http://www.hrc.org/state_maps)

### Age of Marriage

Age of marriage varies from state to state, as do the ages at which young people need parents' permission to marry. See state laws regarding age of marriage here: [www.law.cornell.edu/wex/table\\_marriage](http://www.law.cornell.edu/wex/table_marriage)

#### RCW 9.68A.060

Sending, bringing into state depictions of minor engaged in sexually explicit conduct.

(1)(a) A person commits the crime of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the first degree when he or she knowingly sends or causes to be sent, or brings or causes to be brought, into this

state for sale or distribution, a visual or printed matter that depicts a minor engaged in sexually explicit conduct as defined in RCW [9.68A.011\(4\) \(a\) through \(e\)](#).

(b) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the first degree is a class B felony punishable under chapter [9A.20 RCW](#).

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2)(a) A person commits the crime of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the second degree when he or she knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, any visual or printed matter that depicts a minor engaged in sexually explicit conduct as defined in RCW [9.68A.011\(4\) \(f\) or \(g\)](#).

(b) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the second degree is a class B felony punishable under chapter [9A.20 RCW](#).

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of sending or bringing into the state one or more depictions or images of visual or printed matter constitutes a separate offense