

## State-by-State Review Regarding Ability of Minors to Consent to Routine Medical Care

State	Statutes Related to Minors' Ability to Consent to Medical Care	Statutes Related to Emancipation	Associated Case Law
<b>Alabama</b>	Ala. Code §§22-8-4; 22-8-7:  Youth age 14 or over may consent to any legally authorized medical, dental, health or mental health services.	Emancipated Minor: Ala. Code § 26-13-1  Parents of minor file a petition for emancipation or minor is abandoned by parents for over one year	A college student who worked 30-35 hours per week was not emancipated, as he lived with his mother and did not pay either parent for his room, board, clothing, vehicle, or gasoline. <i>Miller v. Miller</i> , 866 So. 2d 1150, 2003 Ala. Civ. App. LEXIS 438 (Civ. App. 2003).
<b>Alaska</b>	Alaska Stat. § 25.20.025:  A minor living apart from his or her parents and who is managing his or her own financial affairs may give consent for medical or dental services		
<b>Arizona</b>	A.R.S. § 44-132:  Any emancipated minor, any minor who has contracted a lawful marriage or any homeless minor may give consent to the furnishing of hospital, medical and surgical care to such minor, and such consent shall not be subject to disaffirmance because of minority. The consent of the parent, or parents, of such a person is not necessary in order to authorize hospital, medical and surgical care.		
<b>Arkansas</b>	A.C.A. § 20-9-602(7):  Any one of the following persons is authorized and empowered to consent, either orally or otherwise, to any surgical or medical treatment or procedure not prohibited by law which may be suggested, recommended, prescribed, or directed by a licensed physician: Any unemancipated minor of sufficient intelligence to understand and appreciate the consequences of the proposed surgical or medical treatment or procedures, for himself or herself;		
<b>California</b>	Cal Fam Code § 6922 Consent by minor 15 or older living separately  (a) A minor may consent to the minor's medical care or dental care if all of the following conditions are satisfied: (1) The minor is 15 years of age or older. (2) The minor is living separate and apart from the minor's parents or guardian, whether with or without the consent of a parent or guardian and regardless of the duration of the separate residence. (3) The minor is managing the minor's own financial affairs, regardless of the source of the minor's income.  (c) A physician and surgeon or dentist may, with or without the consent of the minor patient, advise the minor's parent or guardian of the treatment given or needed if the physician and surgeon or dentist has reason to know, on the basis of the information given by the minor, the whereabouts of the parent or guardian.		

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Colorado	<p>Colo. Rev. Stat. 13-22-103</p> <p>A minor eighteen years of age or older, or a minor fifteen years of age or older who is living separate and apart from his or her parent, parents, or legal guardian, with or without the consent of his or her parent, parents, or legal guardian, and is managing his or her own financial affairs, regardless of the source of his or her income, or any minor who has contracted a lawful marriage may give consent to organ or tissue donation or the furnishing of hospital, medical, dental, emergency health, and surgical care to himself or herself.</p>		
Connecticut	<p>Emancipated minors may consent to medical care. No general provision for minors living apart.</p>		<p>A decree of emancipation has the following effects, inter alia: the minor may consent to medical care "without parental consent, knowledge or liability; [and] the parents shall be relieved of all obligation to support the minor[.]" Conn. Gen. Stat. § 46b-150d(a) and (m). Indeed the Connecticut statutes on emancipation provide for a nearly complete declaration of legal adulthood if the grounds for emancipation are found to exist.</p> <p><i>St. Mary's Hosp. v. Spring</i>, 2002 Conn. Super. LEXIS 2930, 5-6 (Conn. Super. Ct. Sept. 12, 2002)</p>
Delaware	<p>13 Del. Code § 707:</p> <p>Consent to the performance upon or for any minor by any licensed medical, surgical, dental, psychological or osteopathic practitioner or any nurse practitioner/clinical nurse specialist or any hospital or public clinic or their agents or employees of any lawful medical treatment, and to the furnishing of hospitalization and other reasonably necessary care in connection therewith, may be given by:</p> <p>A married minor for himself or herself,</p> <p>A minor for the examination and treatment of (i) any laceration, fracture or other traumatic injury suffered by such minor, or (ii) any symptom, disease or pathology which may, in the judgment of the attending personnel preparing such treatment, if untreated, reasonably be expected to threaten the health or life of such minor; provided, however, that the consent given shall be effective only after reasonable efforts shall have been made to obtain the consent of the parent or guardian of said minor.</p>		
District of Columbia	<p>No specific provision for minor consent for medical treatment</p>	<p>D.C. Mun. Reg. tit. 22 § 699.1</p> <p>Emancipated minors may consent to medical treatment. Emancipated minor is defined as:</p>	

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		residing apart from his or her parents and managing his or her own affairs.	
Florida	Fla. Stat. § 743.067: Unaccompanied homeless youth 16 and older can consent for their or their children's medical, dental, psychological, substance abuse and surgical diagnosis and treatment. Unaccompanied homeless status can be documented by a school district homeless liaison, shelter, social worker, or court.		
Georgia	No provision for minor consent to medical treatment.	Emancipated minors may consent: Ga. Code Ann. § 19-7-1 (b) Parental power shall be lost by:  (3) Failure to provide necessaries for the child or abandonment of the child;	
Hawaii	No provision for minor or emancipated minors to consent to routine medical treatment		
Idaho	Idaho Code § 39-4503. PERSONS WHO MAY CONSENT TO THEIR OWN CARE:  Any person of ordinary intelligence and awareness sufficient for him or her generally to comprehend the need for, the nature of and the significant risks ordinarily inherent in, any contemplated hospital, medical, dental or surgical care, treatment or procedure is competent to consent thereto on his or her own behalf. Any health care provider may provide such health care and services in reliance upon such a consent if the consenting person appears to the health care provider securing the consent to possess such requisite intelligence and awareness at the time of giving the consent.		
Illinois	410 ILCS §210/1.5  Minor can consent for primary care services if: (1) the health care professional reasonably believes the minor understands the benefits and risks of services; and (2) the minor is identified in writing as a "minor seeking care" by an adult relative, homeless service agency, attorney, school district homeless liaison or social worker, youth-serving social service agency, religious organization, "Minor seeking care" must be at least 14 years old, living separate from parents or legal guardian with or without consent, and managing his/her own financial affairs.		This Act [410-210/1], when read together in a complementary fashion with the Emancipation of Mature Minors Act (750 ILCS 30/1 et seq.), indicates that the legislature did not intend that there be an absolute 18 year old age barrier prohibiting minors from consenting to medical treatment.  <i>People v. E.G.</i> , 549 N.E.2d 322 (Ill. 1989).
Indiana	Burns Ind. Code Ann. § 16-36-1-3		

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	<p>(a) Except as provided in subsections (b) and (c), unless incapable of consenting under section 4 [IC 16-36-1-4] of this chapter, an individual may consent to the individual's own health care if the individual is:</p> <p>(2) A minor and:</p> <p>(B) Is:</p> <ul style="list-style-type: none"> <li>(i) At least fourteen (14) years of age;</li> <li>(ii) Not dependent on a parent for support;</li> <li>(iii) Living apart from the minor's parents or from an individual in loco parentis; and</li> <li>(iv) Managing the minor's own affairs;</li> </ul>		
Iowa	No provision for minor or emancipated minors to consent to routine medical treatment		
Kansas	<p>Kan. Stat. Ann. § 38-123b Consent by minor 16 or over to hospital, medical or surgical treatment or procedures.</p> <p>Notwithstanding any other provision of the law, any minor sixteen (16) years of age or over, where no parent or guardian is immediately available, may give consent to the performance and furnishing of hospital, medical or surgical treatment or procedures and such consent shall not be subject to disaffirmance because of minority. The consent of a parent or guardian of such a minor shall not be necessary in order to authorize the proposed hospital, medical or surgical treatment or procedures.</p>	92 Op. Att'y Gen. 71 (Kan. 1992); recognizes the mature minor doctrine and permits mature minors to give consent for medical and surgical services.	
Kentucky	<p>Ky. Rev. Stat. § 214.185: Diagnosis and treatment of disease, addictions, or other conditions of minor.</p> <p>(5) The consent of a minor who represents that he may give effective consent for the purpose of receiving medical, dental, or other health services but who may not in fact do so, shall be deemed effective without the consent of the minor's parent or legal guardian, if the person rendering the service relied in good faith upon the representations of the minor.</p>		
Louisiana	<p>La. R.S. 40:1095 § 40:1095. Medical treatment</p> <p>A. (1) Consent to the provision of medical or surgical care or services by a hospital or public clinic, or to the performance of medical or surgical care or services by a physician, licensed to practice medicine in this state, when executed by a minor who is or believes himself to be afflicted with an illness or disease, shall be valid and binding as if the minor had achieved his majority. Any such consent shall not be subject to a later disaffirmance by reason of his minority.</p>		
Maine	<p>22 Me. Rev. Stat. § 1503:</p> <p>A minor may give consent to all medical, mental, dental and other health</p>		

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	<p>counseling and services if the minor:</p> <p>1. LIVING SEPARATELY; INDEPENDENT OF PARENTAL SUPPORT. Has been living separately from parents or legal guardians for at least 60 days and is independent of parental support;</p>		
<b>Maryland</b>	<p>Md. HEALTH-GENERAL Code Ann. § 20-102 (a) and (c)</p> <p>(a) A minor has the same capacity as an adult to consent to medical or dental treatment if the minor: ...</p> <p>(3) (i) Is living separate and apart from the minor's parent, parents, or guardian, whether with or without consent of the minor's parent, parents, or guardian; and</p> <p>(ii) Is self-supporting, regardless of the source of the minor's income.</p> <p>(c) Consent for specific treatment. -- A minor has the same capacity as an adult to consent to:</p> <p>(1) Treatment for or advice about drug abuse;</p> <p>(2) Treatment for or advice about alcoholism;</p> <p>(3) Treatment for or advice about venereal disease;</p> <p>(4) Treatment for or advice about pregnancy;</p> <p>(5) Treatment for or advice about contraception other than sterilization;</p> <p>(6) Physical examination and treatment of injuries from an alleged rape or sexual offense;</p> <p>(7) Physical examination to obtain evidence of an alleged rape or sexual offense; and</p> <p>(8) Initial medical screening and physical examination on and after admission of the minor into a detention center.</p>	<p>Md. HEALTH-GENERAL Code Ann. § 20-102</p> <p>MINOR IS EMANCIPATED WITH RESPECT TO MEDICAL TREATMENT. --Under the conditions of this section, a minor, having the same capacity to consent as an adult, is emancipated from the control of the parents with respect to medical treatment within the contemplation of this section. In re Smith, 16 Md. App. 209, 295 A.2d 238 (1972).</p>	
<b>Massachusetts</b>	<p>Mass. Gen. Law ch. 112, § 12F</p> <p>Any minor may give consent to his medical or dental care at the time such care is sought if</p> <p>(v) he is living separate and apart from his parent or legal guardian, and is managing his own financial affairs</p>		
<b>Michigan</b>	<p>No provision for minor or emancipated minors to consent to routine medical treatment</p>		
<b>Minnesota</b>	<p>Minn. Stat. § 144.341 LIVING APART FROM PARENTS AND MANAGING FINANCIAL AFFAIRS</p> <p>Notwithstanding any other provision of law, any minor who is living separate and apart from parents or legal guardian, whether with or without the consent of a parent or guardian and regardless of the duration of such separate residence, and who is managing personal financial affairs, regardless of the source or extent of the minor's income, may give effective consent to personal medical, dental, mental and other health services, and the consent of no other</p>		

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	person is required.		
<b>Mississippi</b>	No provision for minor or emancipated minors to consent to routine medical treatment		
<b>Missouri</b>	<p>R.S.Mo. § 431.056:</p> <p>A minor shall be qualified and competent to obtain medical care, if:</p> <p>(1) The minor is sixteen or seventeen years of age; and</p> <p>(2) The minor is homeless or a victim of domestic violence, unless the child is under the supervision of the children's division or the jurisdiction of the juvenile court; and</p> <p>(3) The minor is self-supporting, such that the minor is without the physical or financial support of a parent or legal guardian; and</p> <p>(4) The minor's parent or legal guardian has consented to the minor living independent of the parents' or guardians' control. Consent may be expressed or implied, such that:</p> <p>(a) Expressed consent is any verbal or written statement made by the parents or guardian of the minor displaying approval or agreement that the minor may live independently of the parent's or guardian's control;</p> <p>(b) Implied consent is any action made by the parent or guardian of the minor that indicates the parent or guardian is unwilling or unable to adequately care for the minor.</p>		
<b>Montana</b>	<p>Mont. Code Ann. § 41-1-402 Validity of consent of minor for health services.</p> <p>The consent to the provision of health services and to control access to protected health care information by a health care facility or to the performance of health services by a health professional may be given by a minor who professes or is found to meet any of the following descriptions:</p> <p>(b) a minor who professes to be or is found to be separated from the minor's parent, parents, or legal guardian for whatever reason and is providing self-support by whatever means;</p>		
<b>Nebraska</b>	No provision for minor or emancipated minors to consent to routine medical treatment		
<b>Nevada</b>	<p>Nev. Rev. Stat. Ann. § 129.030 Consent for examination and treatment.</p> <p>1. Except as otherwise provided in NRS 450B.525, a minor may give consent for the services provided in subsection 2 for himself or for his child,</p>		

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	if he is:  (a) Living apart from his parents or legal guardian, with or without the consent of the parent, parents or legal guardian, and has so lived for a period of at least 4 months;		
New Hampshire	No provision for minor or emancipated minors to consent to routine medical treatment		
New Jersey	No provision for minor or emancipated minors to consent to routine medical treatment		
New Mexico	N.M. Stat. § 24-7A-6.2:  An unemancipated minor fourteen years of age or older who has capacity to consent may give consent for medically necessary health care; provided that the minor is: (1) living apart from the minor's parents or legal guardian; or (2) the parent of a child.	D. "emancipated minor" means a person between the ages of sixteen and eighteen who has been married, who is on active duty in the armed forces or who has been declared by court order to be emancipated;  N.M. Stat. Ann. § 24-7A-1	
New York	Public Health Law § 2504:  A minor who is married or a parent can give consent for medical, dental, health and hospital services.		
North Carolina	No specific provision for minor living apart from parents. Emancipated minors may consent to their own medical care.	N.C. Gen. Stat. § 7B-3504: Considerations for emancipation  In determining the best interests of the petitioner and the need for emancipation, the court shall review the following considerations: (1) The parental need for the earnings of the petitioner; (2) The petitioner's ability to function as an adult; (3) The petitioner's need to contract as an adult or to marry; (4) The employment status of the petitioner and the stability of the petitioner's living arrangements; (5) The extent of family discord which may threaten reconciliation of the petitioner with the petitioner's family; (6) The petitioner's rejection of parental supervision or support; and (7) The quality of parental supervision or support.	
North Dakota	No provision for minor or emancipated minors to consent to routine medical		

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	treatment		
<b>Ohio</b>	No provision for minor or emancipated minors to consent to routine medical treatment		
<b>Oklahoma</b>	<p>63 Okl. St. § 2602</p> <p>Notwithstanding any other provision of law, the following minors may consent to have services provided by health professionals in the following cases:</p> <ol style="list-style-type: none"> <li>1. Any minor who is married, has a dependent child or is emancipated;</li> <li>2. Any minor who is separated from his parents or legal guardian for whatever reason and is not supported by his parents or guardian;</li> </ol>		
<b>Oregon</b>	<p>Or. Rev. Stat. § 109.640: Right to medical or dental treatment without parental consent; provision of birth control information and services to any person.</p> <p>Any physician or nurse practitioner may provide birth control information and services to any person without regard to the age of the person. A minor 15 years of age or older may give consent to hospital care, medical or surgical diagnosis or treatment by a physician licensed by the Oregon Medical Board, and dental or surgical diagnosis or treatment by a dentist licensed by the Oregon Board of Dentistry, without the consent of a parent or guardian, except as may be provided by ORS 109.660. A minor 15 years of age or older may give consent to diagnosis and treatment by a nurse practitioner who is licensed by the Oregon State Board of Nursing under ORS 678.375 and who is acting within the scope of practice for a nurse practitioner, without the consent of a parent or guardian of the minor.</p>		
<b>Pennsylvania</b>	<p>35 P.S. § 10104:</p> <p>Medical, dental and health services may be rendered to minors of any age without the consent of a parent or legal guardian when, in the physician's judgment, an attempt to secure consent would result in delay of treatment which would increase the risk to the minor's life or health.</p>		
<b>Rhode Island</b>	<p>R.I. Gen. Law § 23-4.6-1:</p> <p>Consent to medical and surgical care. Any person of the age of 16 or over or</p>		

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	married may consent to routine emergency medical or surgical care.		
South Carolina	<p>S.C. Code Ann. §63-5-350:</p> <p>Health services of any kind may be rendered to minors of any age without the consent of a parent or legal guardian when, in the judgment of a person authorized by law to render a particular health service, such services are deemed necessary unless such involves an operation which shall be performed only if such is essential to the health or life of such child in the opinion of the performing physician and a consultant physician if one is available.</p>		
South Dakota	No provision for minors to consent to routine medical treatment	<p>S.D. Codified Laws § 25-5-25: An emancipated minor shall be considered as being over the age of majority for the following purposes:</p> <p>(1) For the purpose of consenting to medical, chiropractic, optometric, dental or psychiatric care, without parental consent, knowledge or liability;</p> <p>S.D. Codified Laws § 25-5-26: Petition for declaration of emancipation</p> <p>A minor may petition the circuit court of the county in which he resides for a declaration of emancipation. The petition shall be verified and shall set forth with specificity all of the following:</p> <p>(1) That he is at least sixteen years of age;</p> <p>(2) That he willingly lives separate and apart from his parents or guardian with the consent or acquiescence of his parents or guardian;</p> <p>(3) That he is managing his own financial affairs;</p> <p>(4) That the source of his income is not derived from any activity declared to be a crime by the laws of the State of South Dakota or the laws of the United States.</p>	
Tennessee	No provision for minor or emancipated minors to consent to routine medical treatment.		

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<b>Texas</b>	<p>Tex. Fam. Code § 32.003: Consent to Treatment by Child</p> <p>(a) A child may consent to medical, dental, psychological, and surgical treatment for the child by a licensed physician or dentist if the child:</p> <p>(2) is:</p> <p>(A) 16 years of age or older and resides separate and apart from the child's parents, managing conservator, or guardian, with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of the residence; and</p> <p>(B) managing the child's own financial affairs, regardless of the source of the income;</p>		
<b>Utah</b>	<p>No provision for minor or emancipated minors to consent to routine medical treatment</p>		
<b>Vermont</b>	<p>No provision for minors to consent to routine medical treatment</p>	<p>12 V.S.A. § 7151</p> <p>(b) In order to become an emancipated minor by court order under this chapter, a minor at the time of the order must be a person who:</p> <p>(1) is 16 years of age or older but under the age of majority;</p> <p>(2) has lived separate and apart from his or her parents, custodian, or legal guardian for three months or longer;</p> <p>(3) is managing his or her own financial affairs;</p> <p>(4) has demonstrated the ability to be self-sufficient in his or her financial and personal affairs, including proof of employment or his or her other means of support. "Other means of support" does not include general assistance or Aid to Needy Families with Children, or relying on the financial resources of another person who is receiving such assistance or aid;</p> <p>(5) holds a high school diploma or its equivalent or is earning passing grades in an educational program approved by the court and directed towards the earning of a high school diploma or its equivalent;</p> <p>(6) is not under a legal guardianship or in the custody or guardianship of the commissioner of social and rehabilitation services;</p> <p>(7) is not under the supervision or in the custody of the commissioner of corrections.</p>	

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<b>Virginia</b>	No provision for minors to consent to routine medical treatment. Emancipated minors may consent to medical care.	Va. Code Ann. § 16.1-333: Findings necessary to order that minor is emancipated  The court may enter an order declaring the minor emancipated if, after a hearing, it is found that: (i) the minor has entered into a valid marriage, whether or not that marriage has been terminated by dissolution; or (ii) the minor is on active duty with any of the armed forces of the United States of America; or (iii) the minor willingly lives separate and apart from his parents or guardian, with the consent or acquiescence of the parents or guardian, and that the minor is or is capable of supporting himself and competently managing his own financial affairs.	
<b>Washington</b>	No provision for minors to consent to routine medical treatment. Emancipated minors may consent to medical care	Rev. Code Wash. § 13.64.060. Power and capacity of emancipated minor  (1) An emancipated minor shall be considered to have the power and capacity of an adult, except as provided in subsection (2) of this section. A minor shall be considered emancipated for the purposes of, but not limited to:  (h) The right to give informed consent for receiving health care services.	
<b>West Virginia</b>	No provision for minor or emancipated minors to consent to routine medical treatment		
<b>Wisconsin</b>	No provision for minor or emancipated minors to consent to routine medical treatment		
<b>Wyoming</b>	Wyo. Stat. § 14-1-101: Age of majority; rights on emancipation.  (b) A minor may consent to health care treatment to the same extent as if he were an adult when: (iv) The minor is living apart from his parents or guardian and is managing his own affairs regardless of his source of income		