

PARENT/GUARDIAN CONSENT EXCEPTIONS

A parent or guardian must provide consent on behalf of a minor (under age 18) before health care services are provided, with several important exceptions.ⁱ These exceptions are based on a minor's **status**, the **type of service** requested, or the **clinic's funding source and patient's insurance**.ⁱⁱ

Minor Consent Based on Status:

A minor can consent to health care services without a parent or guardian if they are:

- Married to an adultⁱⁱⁱ -OR-
- Considered a "mature minor"^{*iv} -OR-
- Experiencing homelessness and are not in the physical custody of a parent/guardian^v -OR-
- Legally emancipated^{vi}

Minor Consent Based on Service: Patients under 18 may consent to the following **WITHOUT** parental consent:

- Emergency care^{vii}
- Testing and treatment of STIs and HIV** (minor must be age 14 or older)^{viii}
- Pregnancy testing and prenatal care including abortion^{ix}
- Family planning and contraceptive care including emergency contraceptives^x
- Outpatient mental health and substance use treatment (age 13 or older)^{xi}
- Inpatient mental health treatment (age 13 or older).^{xii} The parent/guardian does not have to be notified if they can't be found or it would be harmful to the youth to notify the adult.^{xiii}
- Inpatient substance use treatment (age 13 or older)^{xiv}

Minor Consent Based on Clinic Funding Source and Patient Insurance:

- Minors can receive family planning services at Title X locations without parental involvement under federal confidentiality safeguards, which are in alignment with state laws.^{xv}
- Under Washington law, health insurance plans should not release personal health information about services minors receive confidentially to their parents or guardians without written consent. This includes mailing bills or Explanation of Benefits to a policyholder, calling the home to confirm appointments, and mailing appointment notices.^{xvi} However, this policy lacks enforcement especially when the insurance plan is outside state sponsored plans. It is recommended to have a conversation with your adolescent patients about the limitations of the law and help them with alternative payment plans if they decide to forgo using their caregiver's insurance.

MINORS NEED A PARENT/GUARDIAN'S PERMISSION FOR

- Immunizations

**The Mature Minor Rule requires that health care providers consider certain factors to determine whether a youth has the capacity to understand health care services and can make their own health care decisions. A youth may be considered a "mature minor" based on "age, intelligence, maturity, training, experience, economic independence or lack thereof, general conduct as an adult and freedom from the control of parents." Some of the factors providers may consider are if the youth lives apart from their parents/guardians, financial independence, and general maturity. This distinction is up to the provider to determine and must be reflected in the patient's chart.^{iv}*

Washington Confidentiality and Minor Consent Laws

***Washington state law is silent on if minors are allowed to access PrEP without consent from their parent/guardian. It could be considered an option under the statement that youth do not need parental/guardian consent for "treatment to avoid HIV infection." We recommend conferring with your legal team before providing these services.*

ⁱ [RCW 26.28.010: Age of majority. \(wa.gov\)](#)

ⁱⁱ [When can a minor access health care without parental consent? | WashingtonLawHelp.org | Helpful information about the law in Washington.](#)

ⁱⁱⁱ [RCW 26.28.020: Married persons—When deemed of full age. \(wa.gov\)](#)

^{iv} [Smith v. Seibly, 72 Wn.2d 16 \(1967\) - The Mature Minor Rule - King County, Washington](#)

^v [RCW 7.70.065: Informed consent—Persons authorized to provide for patients who do not have capacity—Priority—Unaccompanied homeless minors. \(wa.gov\)](#)

^{vi} [Chapter 13.64 RCW: EMANCIPATION OF MINORS \(wa.gov\)](#)

^{vii} [RCW 7.70.050: Failure to secure informed consent—Necessary elements of proof—Emergency situations. \(wa.gov\)](#)

^{viii} [RCW 70.24.110: Minors—Treatment, consent, liability for payment for care. \(wa.gov\)](#)

^{ix} [State v. Koome : 1975 : Washington Supreme Court Decisions : Washington Case Law : Washington Law : US Law : Justia; RCW 9.02.100: Reproductive privacy—Public policy. \(wa.gov\)](#)

^x [RCW 9.02.100: Reproductive privacy—Public policy. \(wa.gov\)](#)

^{xi} [RCW 71.34.530: Outpatient treatment of adolescent. \(wa.gov\)](#)

^{xii} [RCW 71.34.500: Self-admission of adolescent for inpatient behavioral health treatment or substance use disorder treatment—Requirements. \(wa.gov\)](#)

^{xiii} [RCW 71.34.510: Notice to parents of adolescent voluntarily admitted to inpatient treatment—When required—Duties of professional person in charge—Form of notice. \(wa.gov\)](#)

^{xiv} [RCW 71.34.500: Self-admission of adolescent for inpatient behavioral health treatment or substance use disorder treatment—Requirements. \(wa.gov\)](#)

^{xv} [2021 Title X Final Rule SUMMARY \(hhs.gov\)](#)

^{xvi} [WAC 284-04-510: Right to limit disclosure of health information. \(wa.gov\)](#)