

Indiana 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**. These exceptions are based on a minor's **status** or the **type of service** requested.

Minor Consent Based on Status: A minor can consent to health care services without a parent or guardian if they are:

- Married
- On active military duty
- Emancipated by court order – OR-
- 14 years old or older, living apart from their parents, not dependent on their parents for support, and managing their own financial affairs

Minor Consent Based on Service: Patients under the age of 18 have the right to the following **WITHOUT** parental/guardian consent:

- Testing and treatment for sexually transmitted infections (STIs) including HIV*
- Birth control and contraceptives**
- Collection of medical evidence and forensic services for a sex crime
- Substance use treatment (inpatient and outpatient)

* Per Indiana law, a minor of any age may give their own consent for medical care or treatment if they “have, suspect that they have, or have been exposed to a venereal disease.” Minor consent for HIV testing and treatment is not explicitly stated in Indiana law but can be included under “venereal disease.” It is also important to note that elsewhere in the law, HIV testing and treatment is guaranteed for all people, with no mention of age. Indiana law does not expressly allow minors to consent to HIV pre-exposure prophylaxis (PrEP) without parental/guardian involvement. It is considered best practice as part of routine STI prevention to counsel clients on PrEP use when indicated or requested. However, we recommend that you confer with your legal and/or risk management team, and state public health officials, to develop institutional policies around providing PrEP without parental/guardian consent.

There is no state law **allowing or prohibiting minors to consent for contraceptives and family planning. Under federal law, minors may consent for confidential family planning services through Title X sites or Medicaid and should be able to do so in other settings based on the constitutional right of privacy or the mature minor doctrine (see more information below).

MINORS NEED A PARENT/GUARDIAN'S CONSENT FOR:

- Vaccines (including HPV)
- Abortion (unless judicial bypass is obtained OR due to a medical emergency)
- Pregnancy related care*
- Mental health treatment (counseling and medication)

*A minor who is at least 16 years of age can consent to services related to pregnancy, delivery, and postpartum care only after the provider has made a reasonable effort to contact the minor's parents or guardian.

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

- There is suspicion of abuse by an adult (including sexual abuse of a minor)
- The minor is a risk to themselves or someone else

THE "MATURE MINOR" DOCTRINE

The "mature minor" doctrine is often used to determine if care can be provided to minors without parental consent and is part of common law in Indiana. A mature minor is generally considered to be an older adolescent who is able to understand the risks and benefits of the proposed care and capable of giving informed consent. The care must be beneficial and necessary and based on good reason (including the minor's objection) for proceeding without parental consent.