

## 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**.<sup>i</sup>

- **Emergency care**
- **Care for emancipated minors**
- **Specific health care services related to sexual health and substance use treatment**

### Patients under 18 can receive the following services WITHOUT parent/guardian consent:

- Pregnancy testing and prenatal care<sup>ii</sup>
- Birth control information and contraceptives<sup>iii</sup>
- Testing and treatment for sexually transmitted infections/STIs<sup>iv</sup>
- Age 12 and up: outpatient substance use disorder treatment or inpatient detox <72 hours<sup>\*v</sup>
- Age 14 and up: HIV testing<sup>\*vi</sup>

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

- Mental health treatment<sup>vii</sup>
- Vaccines (including HPV)<sup>viii</sup>
- An abortion, unless a court-approved waiver is obtained<sup>x</sup>
  - Exceptions: sexual assault, emergency, suicide risk, incest, parental abuse, or if the minor is emancipated, defined here as having given birth, having been married, or freed from parents' care<sup>\*</sup>
  - Parental consent may be provided by a parent, guardian, legal custodian, adult family member (grandparent, aunt, uncle, brother or sister who is 25 years of age or older), or foster parent if parental waiver has been signed granting foster parent right to consent to medical care
- Inpatient substance use disorder treatment >72 hours<sup>ix</sup>

## HEALTH CARE PROVIDERS MUST OVERRIDE THE MINOR'S CONFIDENTIALITY AND REPORT IF:<sup>xi</sup>

- The minor is a risk to themselves or someone else.
- There is suspicion of physical abuse or neglect by an adult.
- There is suspicion of sexual abuse, meaning any of the following:
  - The minor has had any involuntary sexual contact or intercourse
  - Sexual contact or intercourse occurred or is likely to occur with a caregiver
  - The minor cannot understand the consequences due to immaturity or mental illness
  - The minor is being exploited
  - The minor was unconscious or for any other reason physically incapable of communicating unwillingness

## PARENT/GUARDIAN ACCESS TO MEDICAL RECORDS:<sup>xii</sup>

**Except** in situations marked by an asterisk (\*) above, minors may not deny parents or guardians access to medical records if the parent or guardian requests them; however, a healthcare **provider may refuse to disclose** to parents or guardians if the provider believes doing so would endanger the minor.

**If maximum privacy and confidentiality is important to the adolescent, community-based reproductive health centers offer the maximum safeguards.**

## Wisconsin Confidentiality &amp; Minor Consent Laws

- <sup>i</sup> Wis. Admin. Code § DHS 94.09(4). [https://docs.legis.wisconsin.gov/code/admin\\_code/dhs/030/94/ii/09/4](https://docs.legis.wisconsin.gov/code/admin_code/dhs/030/94/ii/09/4).  
Children's Code, Wis. Stat. § 48.373(4). <https://docs.legis.wisconsin.gov/statutes/statutes/48/vi/373>.
- <sup>ii</sup> Children's Code, Wis. Stat. § 48.981(2m)(a)(2). <https://docs.legis.wisconsin.gov/statutes/statutes/48/xxi/981/2m>.
- <sup>iii</sup> Wisconsin State Legislature. (2023). Health Care and Confidentiality of Records for Minors. [https://docs.legis.wisconsin.gov/misc/lc/issue\\_briefs/2023/health/ib\\_confidentiality\\_minors\\_health\\_records\\_2023\\_06\\_30](https://docs.legis.wisconsin.gov/misc/lc/issue_briefs/2023/health/ib_confidentiality_minors_health_records_2023_06_30).
- <sup>iv</sup> Guttmacher Institute. (2023). An Overview of Consent to Reproductive Health Services by Young People. <https://www.guttmacher.org/state-policy/explore/overview-minors-consent-law>.
- <sup>v</sup> State Alcohol, Drug Abuse, Developmental Disabilities, and Mental Health Act, Wis. Stat. § 51.47. (2022). <https://docs.legis.wisconsin.gov/statutes/statutes/51/47>.
- <sup>vi</sup> CDC. (2022). Minor's Consent Laws. <https://www.cdc.gov/hiv/policies/law/states/minors.html>.  
Wilkinson, T. (2014). Making Medical Decisions for Minors. <https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=87&Issue=8&ArticleID=23541>.
- <sup>vii</sup> State Alcohol, Drug Abuse, Developmental Disabilities, and Mental Health Act, Wis. Stat. § 51.13 (2022). <https://docs.legis.wisconsin.gov/statutes/statutes/51/13/1/a>.
- <sup>viii</sup> CDC. (2022). Minor's Consent Laws. <https://www.cdc.gov/hiv/policies/law/states/minors.html>.  
Vaxteen. (n.d.) Wisconsin. <https://www.vaxteen.org/wisconsin>.
- <sup>ix</sup> Wisconsin Department of Health Services. (2022). Client Rights: Admitting Minors to Inpatient Treatment. <https://www.dhs.wisconsin.gov/clientrights/minors-inpatient-admissions.htm>.
- <sup>x</sup> Children's Code, Wis. Stat. § 48.375(4). (2022). <https://docs.legis.wisconsin.gov/statutes/statutes/48/vi/375/4>.  
Guttmacher Institute. (2023). Parental Involvement in Minors' Abortions. <https://www.guttmacher.org/state-policy/explore/parental-involvement-minors-abortions>.
- <sup>xi</sup> State Alcohol, Drug Abuse, Developmental Disabilities, and Mental Health Act, Wis. Stat. § 51.30. <https://docs.legis.wisconsin.gov/statutes/statutes/51/30>.
- <sup>xii</sup> Wisconsin State Legislature. (2023). Health Care and Confidentiality of Records for Minors. [https://docs.legis.wisconsin.gov/misc/lc/issue\\_briefs/2023/health/ib\\_confidentiality\\_minors\\_health\\_records\\_2023\\_06\\_30](https://docs.legis.wisconsin.gov/misc/lc/issue_briefs/2023/health/ib_confidentiality_minors_health_records_2023_06_30).