

Illinois 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.**ⁱ

- **Emergency care**
- **Care for pregnant or parenting minors**
- **Care for emancipated minors**
 - Minors can be emancipated by: court order, marriage, military active duty
- **Specific health care services related to:**
 - Sexual health
 - Mental health
 - Substance use treatment

Patients ages 12 and up have the right to the following WITHOUT parental/guardian consent:

- Pregnancy testing and prenatal careⁱⁱ
- Birth control information and contraceptivesⁱⁱⁱ
- Abortions^{iv}
- Testing and treatment for sexually transmitted infections (STIs), including HIV, HPV, and PrEP^v
- Substance use treatment^{vi}
- Mental health counseling^{*vii}

* Up to eight, 90-minute mental health counseling sessions for ages 12-16. Minors can access more than eight sessions if the provider believes it's in the minor's best interest to continue or that parental involvement would be detrimental to the minor's well-being.

MINORS NEED A PARENT/GUARDIAN'S CONSENT FOR:

- Inpatient mental health treatment (if under age 16; after age 16, consent is not needed but parents may receive notification)^{viii}
- Vaccines (except HPV)^{ix}
- Psychotropic medication (including medication for treatment of depression)^x

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

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

If maximum confidentiality is important to an adolescent, then community-based family planning health centers (such as Title X clinics) offer the maximum privacy protections.

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- ⁱ Consent by Minors to Health Care Services Act § 410 ILCS 210/1. (2018).
<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1539&ChapterID=35>.
- ⁱⁱ Guttmacher. (2023). <https://www.guttmacher.org/state-policy/explore/minors-access-prenatal-care>.
- ⁱⁱⁱ Birth Control Service to Minors Act § 325 ILCS 10/1
<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1461&ChapterID=32>.
- ^{iv} ACLU. (n.d.). Know Your Rights – Reproductive health Care For Youth In Illinois. <https://www.aclu-il.org/en/youthrepro>.
Chicago Department of Public Health. (2022). Abortion Care.
https://www.chicago.gov/city/en/depts/cdph/provdrs/healthymothers_and_babies/svcs/abortion-care.html#:~:text=Minors%20in%20Illinois,Illinois%2C%20but%20it%20was%20repealed.
- ^v Consent by Minors to Health Care Services Act § 410 ILCS 210/4. (2018).
<https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=041002100K4>.
<https://www.vaxteen.org/illinois>.
Guttmacher. (2023). Minors' Access to STI Services. <https://www.guttmacher.org/state-policy/explore/minors-access-sti-services>.
Illinois Caucus for Adolescent Health. (2019). Health Rights of Youth in Illinois.
[https://www.dupagehealth.org/DocumentCenter/View/1136/2019-Healthcare-Rights-Handout?bidId=#:~:text=Safer%20Sex%3A%20PrEP%20\(Pre%2Dfor%20minors%2012%2B%20or%20older](https://www.dupagehealth.org/DocumentCenter/View/1136/2019-Healthcare-Rights-Handout?bidId=#:~:text=Safer%20Sex%3A%20PrEP%20(Pre%2Dfor%20minors%2012%2B%20or%20older).
- ^{vi} Consent by Minors to Health Care Services Act § 410 ILCS 210/4. (2018).
<https://ilga.gov/legislation/ILCS/ilcs3.asp?ActID=1539&ChapterID=35>.
- ^{vii} Mental Health and Developmental Disabilities Code § 405 ILCS 5/3-550
<https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=1496&ChapterID=34>.
- ^{viii} Illinois Foundation for Quality Health Care. (n.d.). *Illinois Special Record Protection*.
<http://www.idph.state.il.us/hispc2/resources/Appendix7-Special%20Record%20Protection.pdf>.
- ^{ix} Control of Sexually Transmissible Infections Code § 410 ILCS 210/4. (2013).
<https://www.ilga.gov/commission/jcar/admincode/077/077006930001300R.html>.
Vaxteen. (n.d.). *Illinois*.
<https://www.vaxteen.org/illinois#:~:text=In%20Illinois%2C%20minors%20who%20are%2012%20years,services%20without%20parental%20consent%20in%20Title%20X%2Dfunded>.
- ^{xx} Administration of Psychotropic Medications to Children Act § 20 ILCS 535/2 (2011).
<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3357&ChapterID=5>.