

Minors' Rights: Bay Area

Minors 12+ have the right to the following WITHOUT parent/guardian consent¹:

- Mental health counseling*
- Screening and treatment for sexually transmitted infections (STIs)
- Substance use treatment
- Birth control (including emergency contraception, excluding sterilization)
- Pregnancy testing and prenatal care

**A minor age 12+ may consent for outpatient mental health treatment or counseling if the minor, in the opinion of the provider, is mature enough to participate intelligently in the outpatient mental health treatment or counseling and the minor either would present a danger of serious physical or mental harm to self or others without the mental health treatment or counseling or is the alleged victim of incest or child abuse.*

GENDER-AFFIRMING TREATMENTS & PROCEDURES

- There are also medical treatments to affirm someone's gender identity, including hormone replacement therapy; however, consent can vary based on type of treatment for someone under 18.
- For more information on where and how to access these services, contact your community clinic.

PARENT/GUARDIAN CONSENT REQUIRED

- Inpatient mental health treatment (if under age 16; after age 16, consent is not needed, but parents may receive notification)

EXCEPTIONS TO PARENT/GUARDIAN CONSENT


A parent or legal guardian must provide consent on behalf of a minor before healthcare services are provided, with **several important exceptions**:

- **Sexual assault services**—sexual assault care at any clinic does not require parent/guardian consent, including making a police report and follow-up care
- **Emergency contraception**—no age restriction, prescription, or parent/guardian consent necessary to obtain Plan B One-Step and similar over-the-counter emergency contraception
- **Abortion**—parent/guardian consent is no longer needed, so providers should not require it²
- **Substance use treatment**—a minor 12+ may consent to treatment for substance use without parent/guardian consent, but minors cannot access replacement narcotic abuse treatment (i.e., methadone treatment) without parent/guardian consent
- **HPV vaccine**—something that all young people need and should have access to, and if parent/guardian involvement is not possible, California law supports the provision of the vaccine without parent/guardian consent

¹Center for Adolescent Health & the Law, State Minor Consent Laws: A Summary 3rd Edition, 6/17/2019.

²Guttmacher Institute, <https://www.guttmacher.org/print/state-policy/explore/overview-minors-consent-law>, 6/17/2019.

Minors' Rights: At a Glance

	Minors age 12+ can consent without parent/guardian	
Abortion	✓	
Birth Control & Emergency Contraception	✓	Minors cannot consent to sterilization without parent/guardian consent
HPV Vaccine	✓	
Mental Health Counseling	✓	12+: parent/guardian consent is not required depending on the provider To access inpatient mental health treatment under the age of 16, parent/guardian consent is required ; 16+ parent/guardian consent is not needed, but they may receive notification
Pregnancy Testing & Prenatal Care	✓	
STI Screening & Treatment	✓	
Sexual Assault Services	✓	
Substance Use Treatment	✓	Minors cannot access replacement narcotic abuse treatment (i.e., methadone treatment) without parent/guardian consent

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 others