

Minors' Rights: New York

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 who knowingly and voluntarily seeks mental health services can access treatment, including medication, without parent/guardian consent if: a parent/guardian is not reasonably available to consent; or parent/guardian involvement would be detrimental to the course of treatment; or the parent/guardian has refused to give consent and a physician determines that treatment is necessary.*

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**—a minor in New York can obtain an abortion without parent/guardian consent, notification, or involvement
- **Substance use treatment**—a minor can receive non-medical substance use services (such as counseling) without parental consent or notification, although New York law generally mandates that steps be taken to involve parents/guardians in a minor's substance use treatment
- **HPV vaccine**—something that all young people need and should have access to, and if parent/guardian involvement is not possible, New York law supports the provision of the vaccine without parent/guardian consent²

¹New York Civil Liberties Union (NYCLU), <https://www.nyclu.org/sites/default/files/publications/minors-rights-rrp-082013.pdf>, 6/16/2019.

²NYCLU Teenagers, Health Care, and the Law booklet, <https://www.nyclu.org/sites/default/files/thl.pdf>, 6/16/2019.

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	✓	<p>A minor can access without parent/guardian consent if:</p> <ul style="list-style-type: none"> parent/guardian involvement would be detrimental parent/guardian refuses consent and provider determines treatment is necessary <p>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</p>
Pregnancy Testing & Prenatal Care	✓	
STI Screening & Treatment	✓	
Sexual Assault Services	✓	
Substance Use Treatment	✓	A minor can receive non-medical substance use services (such as counseling) without parent/guardian consent or notification, although steps may be taken to involve parents

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