



## 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**.

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

**Patients under 18 have the right to the following WITHOUT parental/guardian consent or knowledge:**

- Pregnancy testing and prenatal care
- Birth control information, contraceptives and abortion
- Testing and treatment for sexually transmitted infections (STIs), including HIV (minors aged 13+)
- Substance use assessment and treatment
- Outpatient mental health services (minors aged 16+)
- Gender-affirming care \*

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

- Vaccines
- Mental health medications (minors 16+ can self-consent to outpatient therapy and medications)
- Inpatient mental health treatment

### MINOR ACCESS TO PREP (PRE-EXPOSURE PROPHYLAXIS)

- There is no statute explicitly expressing minor consent to PrEP
  - Minors may consent to HIV testing and treatment

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

- There is suspicion of abuse or neglect by an adult
- The minor is a risk to themselves or someone else
- The minor is under age 13 and sexually active
- The provider may choose to tell the parents about any care provided to the minor patient, for a compelling medical reason



\*Gender-affirming care includes confidential, developmentally appropriate services that support a patient's gender identity and well-being, such as:

- Gender identity exploration and counseling
- Mental health assessment and ongoing therapeutic support
- Social affirmation support (e.g., use of chosen name and pronouns in clinical settings)
- Care coordination and referrals to specialized providers when indicated

Medical interventions (such as puberty blockers or hormone therapy) are provided based on clinical guidelines, patient capacity, and applicable consent requirements, and may involve additional safeguards or caregiver involvement depending on the service and setting.

**Reference:** English A, Gudeman R. *Minor Consent and Confidentiality: A Compendium of State and Federal Laws (State name)*. National Center for Youth Law (August 2024). <https://youthlaw.org/sites/default/files/2024-10/NCYLMinorConsentCompendium2024-NewJersey.pdf>