



Confidentiality/ Minor Consent Laws

PARENT/GUARDIAN CONSENT EXCEPTIONS

A parent or legal guardian generally provides consent on behalf of a minor (under age 18) before health care services are provided, with **several important exceptions**:

- **Care for minors who can legally consent to their own health care**
 - On active duty in the armed services
 - Age 16 or older, living apart from their parents/guardians and managing their own financial affairs
 - Confined in a facility operated by or under contract with the Texas Department of Criminal Justice, except for abortion
 - Otherwise legally authorized to consent to their own care
- **Minor Consent Based on Funding Source (Medicaid or Title X):**
 - Patients of child-bearing age (i.e. past the age of puberty) may receive all FDA-approved contraceptive methods (except for sterilization) without parental consent if they are using Medicaid coverage.
 - Almost all children in foster care are covered through Medicaid and therefore may consent to their own contraception, including long-acting methods such as the implant or IUD.
 - In Texas, minors need parent consent to access contraception at a Title X clinic unless they meet other family code exemptions.

Minors can consent to the following without parental/guardian consent:

- Pregnancy-related care and prenatal care
- Birth control information and contraceptives
- Testing and treatment for sexually transmitted infections (STIs)
- Counseling and treatment for suicide prevention or substance abuse
- Inpatient or outpatient mental health care, if the minor is age 16 or older
- Counseling and treatment for suspected abuse or neglect

NOTE: Texas Legislation that went into effect in 2025 requires a minor's parent or guardian to be able to obtain complete and unrestricted access to the minor's electronic health record immediately, unless access to all or part of the record is restricted under state or federal law or by a court order. Additionally, a provider may choose (but is not obligated) to tell the parents about any care provided to the minor patient.



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

- Vaccines, including HPV (Note: a minor who is pregnant or a parent may consent to vaccinations typically started prior to age 7)
- Mental health treatment and medications other than for suicide prevention
- Inpatient or outpatient mental health treatment (if under the age of 16)
- Prescription contraception, unless the minor is covered by Medicaid

HEALTH CARE PROVIDERS MUST FOLLOW MANDATORY REPORTING AND SAFETY REQUIREMENTS WHEN:

- 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 14 and has been sexually active, regardless of the age of their partner
- The minor is under the age of 17, not married, and has been sexually active, and any of the following are true:
 - Their partner is more than three years older -OR-
 - Their partner is of the same sex -OR-
 - Force was involved -OR-
 - Their partner is a registered sex offender.

Reports should be made within 48 hours to a local law enforcement agency or the Texas Department of Family and Protective Services (DFPS) at 1-800-252-5400. For more information, see www.txabusehotline.org.

References:

Texas Family Code, Chapter 32, §§ 32.003–32.005. Consent to Treatment by Child; Consent to Counseling; Examination Without Consent of Abuse or Neglect of Child. Texas Legislature Online.
<https://statutes.capitol.texas.gov/Docs/FA/pdf/FA.32.pdf>

Texas Family Code, Chapter 261, § 261.101. Persons Required to Report; Time to Report. Texas Legislature Online.
<https://statutes.capitol.texas.gov/Docs/FA/pdf/FA.261.pdf>



Texas Senate Bill 1188, 89th Legislature, Regular Session (2025). Health & Safety Code § 183.006, Access to Electronic Health Record of Minor. Effective September 1, 2025. Texas Legislature Online.