

★ KNOW YOUR RIGHTS ★

Minors' Consent & Access to Healthcare Services

DSCC Is Here to Help

The Division of Specialized Care for Children (DSCC) team is here to support independence in your care and health decisions. We can answer your questions and connect you to the right resources.



Are You Puzzled?

As a young person with special healthcare needs, you may have questions about your rights and who can access your health information. This guide will help you understand your rights as a minor, including:

1. Which services you can receive without parental consent.
2. When a parent can access your health information.
3. When a provider needs your consent before sharing your health information.

We encourage you to seek care and know what will be kept private and confidential. Please be sure to talk to your doctor if you have concerns for your privacy or safety.

Who is Considered a Minor and Why Does It Matter?

A minor is any person under the age of 18.

Under Illinois law, anyone under the age of 18 is considered a minor.

[Probate Act of 1975, 755 ILCS 5/11-1]

A minor often needs parental or guardian consent for most healthcare services.

However, you can access some services on your own.

Exceptions to when you can consent for yourself depends on your legal status, medical condition or treatment.

Knowing this information can help you, your family and your providers plan for the most appropriate health services.

Sharing, Protecting and Accessing Health Information

Health records include personal health and other identifying information. There are laws that help make sure your health information is only shared with those authorized to receive this information.

A few forms of protection are:

- Confidentiality is an agreement between you and your provider to ensure your personal information is only shared with those who have your permission. For the most part, providers are not allowed to share private health information with anyone unless a signed release of information is on file.
- National laws such as the Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA) help protect patient confidentiality.

There are times when health information can or must be shared, called mandatory reporting. Mandatory reporters include certain health and social service staff. DSCC must notify authorities if there are health or safety concerns about a minor child, even if the minor provided this information in confidence. These concerns can include abuse, neglect or imminent harm to the minor or another person.

What is Consent?

Patient consent is admitting (authorizing) any or all the following:

- You understand the treatment you will receive.
- You approve the treatment.
- You understand how private information will be shared.

Informed consent occurs when your healthcare provider talks to you about your care, treatment, etc. and any questions you have before it begins. All consent should be informed consent.

[PUBLIC HEALTH (410 ILCS 50/) Medical Patient Rights Act]

Below are examples of when your written consent is needed:

- If someone outside of your healthcare system requests your health records.
- If you want someone else to have access to your health information.

DSCC staff will ask for your consent (all participants age 12 and up) to partner with you and your care team.



Health Services and Consent

As a general matter, Illinois law requires a minor who seeks medical treatment to have consent from a parent or guardian. Minors often get help from many adults to make healthcare decisions. There may be times when you do not need or want help from these adults. You may be able to request certain levels of confidentiality or consent to healthcare based on your age or legal status. Here is a brief list of common services and consent needed in Illinois based on age:

Consent to Medical Treatment Based on Age	
17+ years	<ul style="list-style-type: none"> • Outpatient counseling or psychotherapy, no limitations. • Donate blood without written permission from your parent or guardian.
16+ years	<ul style="list-style-type: none"> • Voluntary inpatient admission to a mental health facility if you complete the application on your own, but your parent or guardian must be notified. [405 ILCS 5/3-502] • Donate blood with written permission from your parent or guardian.
14+ years	<ul style="list-style-type: none"> • Primary care under certain circumstances if: <ol style="list-style-type: none"> a) living separately from your parents or legal guardian, b) unable or unwilling to return to parent’s residence, and c) managing your own personal affairs.
12+ years	<ul style="list-style-type: none"> • Healthcare services or counseling services, mental health services, drug and alcohol treatment without parental consent. • A minor who is an addict, an alcoholic or an intoxicated person or a minor who has a family member who abuses drugs or alcohol, may give consent to related medical care or counseling. <ul style="list-style-type: none"> - Providers for drug or alcohol treatment are expected to make reasonable efforts to involve your family upon minor’s consent, when it is not harmful to your progress and care. Reasonable effort will be given to help you accept your family’s involvement. • Minors ages 12 to 16 may request outpatient counseling or psychotherapy without parental consent but are limited to a certain number of sessions. Your parents will not be informed without your consent unless the facility director believes such disclosure is necessary. [405 ILCS 5/3-501] <ul style="list-style-type: none"> - Note that minors 12+ years old can object to involuntary inpatient mental health services. If you object, the facility must discharge you. • STD and HIV testing, including anonymous HIV testing. [410 ILCS 210/4]
Minors of any age	<ul style="list-style-type: none"> • Emergency medical treatment, when the provider believes getting parental consent is not feasible without harming the minor's health. [410 ILCS 210/3(a)] • Healthcare services for your child. • Birth control services, if failure to provide such services creates a serious health hazard, or if referred for such services. • Where a minor is the alleged victim of a criminal sexual assault, or criminal sexual abuse, the consent of the minor’s parent or legal guardian is not needed to access medical care or counseling related to the diagnosis or treatment of any disease or injury arising from such an offense. [410 ILCS 210/3(b)]

Health Services and Consent Cont.

Consent to Medical Treatment Based on Minors' Legal Status

Minors may consent to any medical treatment if



Emancipated

(a person 16 or older may be emancipated or partially emancipated by a court when certain conditions are met.)
[750 ILCS 30/1 et seq]

Married

(treatment includes birth control services)

A Parent

(treatment includes birth control services and treatment for his/her child)

Pregnant

(treatment includes birth control services and abortion; an abortion requires 48 hours notice to an adult family member unless an exception applies)

GENERAL MEDICAL TREATMENT: A minor who is married, pregnant, or a parent can consent to medical or surgical care, including abortion. Such minor is deemed to have the same rights (including right to confidentiality) as people 18 years of age and older. [410 ILCS 210/1]

TEEN PARENTS' CHILDREN: A parent who is a minor may consent for his or her child for medical, surgical or dental care. [410 ILCS 210/2]

BIRTH CONTROL: A minor who is married, a parent, pregnant or referred for birth control services by a physician, clergyman or a Planned Parenthood, or where a serious health hazard would result from the failure to provide such services (under the age of 18 years), can access birth control services without the consent of parents or guardians. [325 ILCS 10/1]

Sources: http://www.cico-il.org/legislation/childrens_health.html. This document originated with the Illinois Caucus for Adolescent Health and has been modified and updated by CICO to link with the specific legislative acts, www.icaah.org. Website for teens in Illinois: allteenhealth.com, developed in collaboration with the American Civil Liberties Union of Illinois.

Illinois Health and Hospital Association online <https://www.team-ihh.org/files/non-gated/legal/consent-by-minors.aspx?ext=>.

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Contact us at:

(800) 322-3722

dsc.c.uic.edu

Disclaimer: This guide is not a legal document. It gives a brief review of Illinois laws to the best of our understanding and an overview of UIC Division of Specialized Care for Children's policies.