

## Treating Minors in Utah

Utah law states unequivocally that parents have “a fundamental liberty interest in the care, custody, and management of the parent's children.” Utah Code § 62A-4a-201(1)(a).

Unless an exception applies (listed below), parents must consent for their child under 18 years of age to receive medical care and have the right to access to that child’s medical record. [Pregnancy tests are **not** one of the exceptions listed below; however, a minor can purchase a pregnancy test over the counter and administer it to herself.]

A. Exceptions for minors to consent to receive medical care for **specific medical conditions**:

1. Minors can consent to receive care for an **actual or suspected sexually transmitted disease**, **and** these records can be kept private from parents. Utah Code § 26-6-18.
2. Minors can consent to receive **immunizations** only under certain conditions. Emancipated minors can consent to receive immunizations required for school attendance or for “epidemic infections and communicable diseases.” Minors who are pregnant or the custodial parent of a minor child can consent to the immunizations above and the HPV immunization **ONLY** if they are found to be ‘abandoned’ (as defined in Utah Code § 76-5-109), and this is documented in the child’s medical record. **Parents are not required to pay for immunizations that they have not authorized.** Utah Code § 26-10-9.
3. There are a VERY few (and exactly described) exceptions where a minor can receive an **abortion** without parental consent. Utah Code § 76-7-304.

B. Some minors can consent to receive medical care because they belong to **certain categories**:

1. Emancipated Minors: Minors 16 and 17 years of age may apply for emancipation; if granted, they can consent to receive healthcare services. Utah Code § 78A-6-805.
2. Minors who are married or in the armed forces are considered emancipated.
3. A minor who has an infant/child may consent for the care **of the infant/child** but may not be able to consent for her own care unless he/she is otherwise emancipated.
4. Unaccompanied homeless minors age 15-17 can consent to receiving medical care with the exception of consenting to an abortion.

C. Notable “minor’s rights” absences from Utah law include the following:

1. Minors in Utah cannot consent to drug or alcohol treatment without a parent’s consent. The only exception is where a child and possibly the parents or guardians are ordered by a court to attend a “substance abuse school” or program. Utah Code § 62A-15-204.
2. Utah does not have a “mature minor” law; 18 is considered the age of majority for consent to receive health care regardless of the treating provider’s opinion of the adolescent’s

maturity except for unaccompanied homeless minors aged 15-17 years of age (see above).

3. Minors in Utah cannot consent to HIV testing and treatment.
4. Utah law requires parental notification for minors to receive contraceptive services:

**Utah Code § 76-7-325.** Notice to parent or guardian of minor requesting contraceptive --  
Definition of contraceptives -- Penalty for violation.

- (1) Any person before providing contraceptives to a minor shall notify, **whenever possible**, the minor's parents or guardian of the service requested to be provided to such minor. Contraceptives shall be defined as appliances (including but not limited to intrauterine devices), drugs, or medicinal preparations intended or having special utility for prevention of conception.
- (2) Any person in violation of this section shall be guilty of a class C misdemeanor.

What about Planned Parenthood? Title X facilities cannot be held to this Utah law and can provide contraceptives to minors without parental consent or notification.

5. Utah law prohibits the use of any state funds to pay for contraceptive services for a minor unless the parent or guardian has consented:

**Utah Code § 76-7-322.** Public funds for provision of contraceptive or abortion services restricted.

No funds of the state or its political subdivisions shall be used to provide contraceptive or abortion services to an unmarried minor without the prior written consent of the minor's parent or guardian.

- D.** Utah Code § 76-5-402.1 and its following sections **prohibit any sexual activity, even consensual, with a child less than 14 years of age.**

#### **Options to provide confidential care?**

1. Refer to Planned Parenthood for contraceptives.
2. Get parental consent in advance. Ask all parents for an approval to provide 'confidential' care for adolescents. Explain that this might include birth control.
3. Set up special part of EMR for 'confidential adolescent health records.' These would have limited general access.