



COLORADO MINOR CONSENT AND CONFIDENTIALITY LAWS*

MINORS OF ANY AGE MAY CONSENT	LAW/DETAILS	MAY/MUST THE HEALTH CARE PROVIDER INFORM A PARENT ABOUT THIS CARE?
<p>PRENATAL, DELIVERY AND POSTNATAL CARE</p>	<p>A pregnant minor may authorize prenatal, delivery, and post-delivery medical care for herself related to the intended live birth of a child. Colo. Rev. Stat. § 13-22-103.5.</p>	
<p>CONTRACEPTION</p>	<ul style="list-style-type: none"> • With the minor’s consent, a physician may give birth control procedures, information and supplies to any minor who requests and is in need of them. Colo. Rev. Stat. § 13-22-105. (See statute for complete list of minors who may obtain such care.) • Colorado law states that “[a]ll medically acceptable contraceptive procedures, supplies, and information shall be readily and practically available to each person desirous of the same regardless of sex, sexual orientation, race, color, creed, religion, disability, age, income, number of children, marital status, citizenship, national origin, ancestry, or motive.” Colo. Rev. Stat. § 25-6-102(1). • “No hospital, clinic, medical center, institution, or pharmacy shall subject any person to any standard or requirement as a prerequisite for any contraceptive procedures, supplies, or information, including sterilization, other than referral to a physician.” Colo. Rev. Stat. § 25-6-102(3). • “Dissemination of medically acceptable contraceptive information by duly authorized persons at schools, in state, district, and county health and welfare departments or public health agencies, in medical facilities at institutions of higher education, and at other agencies and instrumentalities of this state is consistent with public policy.” Colo. Rev. Stat. § 25-6-102(8). <p>This statute does not allow minors to consent to permanent sterilization on their own accord. Colo. Rev. Stat. § 25-6-102(6).</p>	<p>When a minor consents for their own health care, the HIPAA Privacy rule states that a parent or guardian’s right to inspect the related medical records depends on state and other federal law. 45 C.F.R. § 164.502(g)(3)(ii). If there is nothing in other law, including case law, specifying whether or not a parent may have access to the information, a health care provider may provide or deny access to a parent or guardian as long as that decision is consistent with other law, and the decision is made by a licensed health care professional exercising his or her professional judgment. 45 C.F.R. §§ 164.502(a)(1)(i)&(iv); (a)(2)(i); (g)(1); (g)(3)(i); (g)(5).</p> <p>If the services are funded through the federal Title X family planning program, then Title X confidentiality regulations apply. Federal regulations implementing the Title X program require health care providers to keep personal information regarding Title X funded services confidential and require that clinics obtain written authorization to release that information in most cases. Parents cannot access or obtain information about their minor child’s Title X services without their child’s written permission. 42 C.F.R. § 59.11.</p>

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<p style="text-align: center;">ABORTION</p>	<p>A minor may consent for her own abortion services. However, in most cases, the provider cannot perform the procedure until 48 hours <i>after</i> delivery of written notice to parents or other specified persons. Exceptions to the notice requirement are described in 13-22-705. See Colo. Rev. Stat. §§ 13-22-701 to 708.</p>	<p>A minor may consent for her own abortion services. However, in many circumstances, the provider cannot perform the procedure until 48 hours <i>after</i> delivery of written notice to parents or other specified persons. See Colo. Rev. Stat. §§ 13-22-701 to 708.</p>
<p>SERVICES FOR VICTIMS OF SEXUAL ASSAULT AND OTHER SEXUAL OFFENSES</p> <p>Sexual offenses are defined in reference to Part 4 of Article 3 of Title 18 of the Colorado Revised Statutes. Colo. Rev. Stat. § 13-22-106(1). They include, among others, the crimes of sexual assault, sexual assault on a child, and unlawful sexual contact.</p>	<p>When a minor “indicates that he or she was the victim of a sexual offense,” a physician may, with the minor’s consent, perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for any immediate condition caused by the sexual offense. Colo. Rev. Stat. § 13-22-106(1).</p>	<p>“Prior to examining or treating a minor [under this section], a physician shall make a reasonable effort to notify the parent, parents, legal guardian, or any other person having custody or decision-making responsibility with respect to the medical care of such minor of the sexual offense.”</p> <p>After attempting to make the notification, the physician may treat the consenting minor whether or not the physician was able to make the notification and whether or not the notified party has consented. However, “if the person having custody or decision-making responsibility with respect to the minor’s medical care objects to treatment, then the physician shall proceed straight to a child abuse report. Colo. Rev. Stat. § 13-22-106(2).</p> <p>Sexual assault and most sexual offenses against a minor are considered child abuse under Colorado law, and mandated reporters must report them as such to child protection or law enforcement.</p>
<p>PREVENTION, DIAGNOSIS AND TREATMENT FOR SEXUALLY TRANSMITTED INFECTIONS</p>	<p>A health care provider or facility, if consulted by a patient who is a minor, shall perform, at the minor’s request, a diagnostic examination for a sexually transmitted infection. The health care provider or facility shall treat the minor for a sexually transmitted infection, if necessary; discuss prevention measures, where applicable; and include appropriate therapies and prescriptions. If a minor requests a diagnostic examination, care, prevention services, or treatment for a sexually transmitted infection, the health care provider who provides such services is not civilly or criminally liable for performing the service, but the immunity from liability does not apply to any negligent act or omission by the health care provider. Colo. Rev. Stat. § 25-4-409.</p>	<p>If the services are funded by Title X, then Title X confidentiality regulations apply. These regulations require health care providers to keep personal information regarding Title X funded services confidential and require that clinics obtain written authorization to release that information in most cases. Parents cannot access or obtain information about their minor child’s Title X services without their child’s written permission. 42 C.F.R. § 59.11.</p> <p>For the purposes of this section, health care provided to a minor is confidential, and information related to that care must not be divulged to any person other than the minor; except that the reporting required pursuant to the “Child Protection Act of 1987”, part 3 of article 3 of title 19, C.R.S., still applies. If the minor is thirteen years of age or younger, the health care provider may involve the minor’s parent or legal guardian. A health care provider shall counsel the minor on the importance of bringing his or her parent or legal guardian into the minor’s confidence regarding the consultation, exam, or treatment. Colo. Rev. Stat. § 25-4-409.</p>

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<p style="text-align: center;">DRUG AND ALCOHOL ABUSE TREATMENT</p>	<p>Notwithstanding any other provision of law, any physician licensed to practice in this state, upon consultation by a minor as a patient, with the consent of such minor patient, may examine, prescribe for, and treat the minor patient for use of drugs or a substance use disorder without the consent of or notification to the parent, parents, or legal guardian of the minor patient, or to any other person having custody or decision-making responsibility with respect to the medical care of the minor patient. In any such case the physician or any person acting pursuant to the minor's direction incurs no civil or criminal liability by reason of having made such examination or prescription or having rendered such treatment, but this immunity does not apply to any negligent acts or omissions by the physician or any person acting pursuant to the physician's direction. Colo. Rev. Stat. § 13-22-102; see 6 Colo. Code Regs. § 1008-1 (15.225.2).</p> <p>“A person with an alcohol use disorder, including a minor, may apply for voluntary treatment directly to an approved treatment facility.” Colo. Rev. Stat. § 27-81-109.</p> <p>“An intoxicated person or person intoxicated or incapacitated by alcohol, including a minor, may voluntarily admit himself or herself to an approved treatment facility for emergency treatment.” Colo. Rev. Stat. § 27-81-110.</p> <p>Terms including incapacitated by alcohol and approved treatment facility defined in Colo. Rev. Stat. § 27-81-102.</p>	<p>There are different confidentiality rules under federal and state law. Providers meeting the criteria listed under ‘federal’ below must follow the federal rule. Providers that don’t meet these criteria follow state law.</p> <p>FEDERAL: Federal confidentiality law applies to any individual, program, or facility that meets the following two criteria:</p> <ol style="list-style-type: none"> 1. The individual, program, or facility is federally assisted. (Federally assisted means authorized, certified, licensed or funded in whole or in part by any department of the federal government. Examples include programs that are: tax exempt; receiving tax-deductible donations; receiving any federal operating funds; or registered with Medicare.)42 C.F.R. §2.12; AND 2. The individual or program: <ol style="list-style-type: none"> 1) Is an individual or program that holds itself out as providing alcohol or drug abuse diagnosis, treatment, or referral; OR 2) Is a staff member at a general medical facility whose primary function is, and who is identified as, a provider of alcohol or drug abuse diagnosis, treatment or referral; OR 3) Is a unit at a general medical facility that holds itself out as providing alcohol or drug abuse diagnosis, treatment or referral. 42 C.F.R. §2.11; 42 C.F.R. §2.12. <p>For individuals or programs meeting these criteria, federal law prohibits disclosing any information to parents without a minor’s written consent. One exception, however, is that an individual or program may share with parents if the individual or program director determines the following three conditions are met: (1) that the minor’s situation poses a substantial threat to the life or physical well-being of the minor or another; (2) that this threat may be reduced by communicating relevant facts to the minor’s parents; and (3) that the minor lacks the capacity because of extreme youth or a mental or physical condition to make a rational decision on whether to disclose to her parents. 42 C.F.R. §2.14.</p>

MINORS 12 YEARS OR OLDER MAY CONSENT	LAW/DETAIL	MAY/MUST THE HEALTH CARE PROVIDER INFORM A PARENT ABOUT THIS CARE?
<p align="center">OUTPATIENT MENTAL HEALTH SERVICES</p>	<p>A mental health professional (as defined by this statute) may provide psychotherapy services (as defined) to a minor 12 or older, if the mental health professional determines that: (1) the minor is knowingly and voluntarily seeking such services, and (2) the provision of psychotherapy services is clinically indicated and necessary to the minor's well-being. Colo. Rev. Stat. §. 12-43-202.5.</p>	<p>The mental health professional providing services under Colorado statute 12-43-202.5 may notify the minor's parent or legal guardian of the psychotherapy services given or needed, with the minor's consent, or, with the consent of the individual who a court has ordered holds the minor's therapeutic privilege, unless notifying the parent or legal guardian would be inappropriate or detrimental to the minor's care and treatment.</p> <p>The mental health professional shall engage the minor in a discussion about the importance of involving and notifying the minor's parent or legal guardian and shall encourage such notification to help support the minor's care and treatment.</p> <p>The mental health professional may notify the minor's parent or legal guardian of the psychotherapy services given or needed with the minor's consent, if in the professional opinion of the mental health professional, the minor is unable to manage the minor's care or treatment. Colo. Rev. Stat. § 12-43-202.5.</p>
MINOR 15 YEARS OF AGE OR OLDER	LAW/DETAILS	MAY/MUST THE HEALTH CARE PROVIDER INFORM A PARENT ABOUT THIS CARE?
<p align="center">OUTPATIENT MENTAL HEALTH SERVICES</p>	<p>A minor who is fifteen years of age or older may consent to receive mental health services to be rendered by a facility or a professional person. Colo. Rev. Stat. § 27-65-103(2).</p>	<p>When a minor consents for their own health care, the HIPAA Privacy rule states that a parent or guardian's right to inspect the related medical records depends on state and other federal law. 45 C.F.R. § 164.502(g)(3)(ii). If there is nothing in state or other law, including case law, specifying whether or not a parent may have access to the information, a health care provider may provide or deny access to a parent or guardian as long as that decision is consistent with state or local law, and the decision is made by a licensed health care professional exercising his or her professional judgment. 45 C.F.R. §§ 164.502(a)(1)(i)&(iv); (a)(2)(i); (g)(1); (g)(3)(i); (g)(5).</p>

MINOR 15 YEARS OF AGE OR OLDER	LAW/DETAILS	MAY/MUST THE HEALTH CARE PROVIDER INFORM A PARENT ABOUT THIS CARE?
MINOR, 15 YEARS OR OLDER, LIVING SEPARATE AND APART	A minor fifteen years of age or older who is living separate and apart from his or her parent, parents, or legal guardian, with or without the consent of his or her parent, parents, or legal guardian, and is managing his or her own financial affairs, regardless of the source of his or her income may give consent to organ or tissue donation or the furnishing of hospital, medical, dental, emergency health, and surgical care to himself or herself. Colo. Rev. Stat. § 13-22-103(1).	The minor has the same rights, powers, and obligations as if he or she had obtained majority. Colo. Rev. Stat. § 13-22-103(1).
MARRIED MINOR	Any minor who has contracted a lawful marriage may give consent to organ or tissue donation or the furnishing of hospital, medical, dental, emergency health, and surgical care to himself or herself. Colo. Rev. Stat. § 13-22-103(1).	The minor has the same rights, powers, and obligations as if he or she had obtained majority. Colo. Rev. Stat. § 13-22-103(1).

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Notes:

- * There are many confidentiality and consent rules. Different rules apply in different contexts. This chart addresses the rules that apply when minors live with their parents or guardians. It does not address the rules that apply when minors are under court jurisdiction, such as in the foster care or juvenile justice system, or in other special living situations. Further, the confidentiality section focuses on parent and provider access. It does not address when other people or agencies may have a right to access otherwise confidential information.

Please consult legal counsel regarding application of these laws.