



Healthcare Rights of Youth in Illinois

Quick Reference Guide

Updated: January 2019

The following can serve as a quick reference guide for information on the rights of minors in Illinois to access a variety of healthcare services. The information listed below is current, as of January 2019.

General Terms to Know:

Human Rights: Undeniable and universal rights that a person has simply because they are alive.

Legal Rights: Protections given by law.

- Legal rights are not always be upheld consistently. To be effective, legal rights require accessible implementation for young people to 1) know their rights 2) be able to access it. All legal rights require accompanied culture shifts to facilitate sustainable change.

State Laws: A written statement passed by the Illinois General Assembly & signed by the Illinois Governor.

Health Care Provider: This could be a doctor, nurse, nurse practitioner, midwife, counselor, social worker, etc.

Parental/Guardian Consent: Describes a legal requirement that parents or guardians give permission for their children, who are minors, to engage in certain activities.

Parental/Guardian Notification: Describes a legal requirement for a parent or guardian to be alerted via phone or certified mail. The parent does not have to give permission for the procedure or care to occur.

Minor: In Illinois, someone under the age of 18 years old.

Mature Minor: In Illinois, someone under the age of 18 years old, who is married, pregnant, or a parent.

Confidential: Something that will be kept private between the people specified. In Illinois, minors have a right to confidentiality when talking to health care providers or receiving general care either that is either within their legal rights or parental consented.

- General exceptions to confidentiality
 - Cases of abuse & neglect by a family member, guardian, or caretaker (***Source:** 325 ILCS 5/Abused and Neglected Child Reporting Act)
 - If they may pose a danger to themselves
 - If they may pose a danger to others
- Policy and practice related discrepancies involving parental notification include: Abortion Rights, STI/HIV Testing and Treatment, Insurance Claims. See policies for details.

Title X: A federal grant program dedicated to providing individuals with preventative health services. In addition to other services, clinics funded under Title X often provide several sexual health services (e.g.- access to birth control, HPV vaccine, STI testing and treatments) for free. Services that can't be offered for free are often billed sliding scale / have options for people who don't have insurance. These clinics can be influenced or restricted by legal changes to Title X protections.

Legal Rights - Youth Healthcare in Illinois:

Type of Service	Regulation/Law	Reference	Additional Notes
General Health Care	<p>No parental/guardian consent needed if a minor is married, pregnant, or a parent.</p> <p>Consent is needed for minors if they do not meet these qualifications.</p>	410 ILCS 210/ Consent by Minors to Medical Procedure Act	Confidentiality should still apply within the questions young people have for general health care providers, but individual medical providers may have their own policy or practice around parental notification (separate from parental consent for the services)
Pregnancy Options: Pregnancy Testing	<p>Available over the counter to young people of all ages. No parental/guardian consent needed for over the counter pregnancy tests.</p> <p>In-office pregnancy tests may fall under general health care.</p>	410 ILCS 210/ Consent by Minors to Medical Procedure Act	Consult district / school / organizational policies regarding who can or cannot distribute a pregnancy test to youth.
Pregnancy Options: Prenatal Care	No parental/guardian consent needed for prenatal health care, as it falls under general health care.	410 ILCS 210/ Consent by Minors to Medical Procedure Act	
Pregnancy Options: Parenting	<p>With few exceptions, a person who has given birth to a child has the right to legal parental responsibility regardless of their age.</p> <p>Unmarried parents or partners who did not give birth are not automatically given parental rights, depending on how the birth was registered on the child's birth certificate.</p> <p>Legal guardianship is different from adoption. If a child has been living in the home of family/relatives for at least six months in a row, that person can apply for legal guardianship. Birth parents' rights do not have to be terminated for an additional legal guardian to be appointed.</p>	750 ILCS 5/601, 602, 607 / Uniform Child Custody Act	
Pregnancy Options: Adoption	No parental/guardian consent needed for adoption.	750 ILCS 50 / Adoption Act	

Pregnancy Options: Abortion	Parental / guardian notification required 48 hours prior to minor's abortion procedure. Consent is not needed.	750 ILCS 70/ Parental Notice of Abortion Act	Notification may be waived by judicial bypass (court order) or victims of abuse. See below for details on judicial bypass support.
Pregnancy Options: Safe Haven	No parental/guardian consent needed for safe haven abandonment.	325 ILCS 2/ Abandoned Newborn Infant Protection Act	
Safer Sex: Barrier Methods/Condoms	Available over the counter to young people of all ages. No parental/guardian consent needed to access barrier methods or condoms.	External: 21 CFR 884.5300 and 884.5310. Internal: 83 FR 48711	Both single use internal and external condoms are Class II regulations by FDA. Available for purchase or for free in many locations.
Safer Sex: Emergency Contraception	Plan B One-Step and generic one-pill levonorgestrel available over the counter without parental/guardian consent or a prescription. Other versions require a prescription from a medical provider for minors age 16 + younger. No parental/guardian consent at the pharmacy. For Copper IUD see: Hormonal Methods	FDA Approval of Plan B One-Step OTC: June 2013 FDA Approval of generic one-pill levonorgestrel: February 2014	Can be bought online at Amazon, CVS, and generic brand retailers if not stocked over the counter in nearby stores. Any prescription may be detailed on insurance claims. Insurance not included in confidentiality. See below for Sexual Assault specific regulation
Safer Sex: Hormonal Methods	No parental/guardian consent needed to access hormonal methods for minors 12 + older.	325 ILCS 10/ Birth Control Services to Minors Act	Hormonal methods of birth control require a prescription from a medical provider. Any prescription may be detailed on insurance claims. Insurance not included in confidentiality.
Safer Sex: HPV Vaccine	Parental / guardian consent required for all minors.	410 ILCS 210/ Consent by Minors to Medical Procedure Act	Senate Bill 937 requires insurance to cover HPV Vaccines / Department of Health will cover uninsured people assigned female under 18 years old.

Safer Sex: STI/HIV Testing and Treatment	No parental/guardian consent needed to access STI/HIV testing and treatment for minors 12+ older.	410 ILCS 210/ Consent by Minors to Medical Procedure Act	Providers are not required to notify parent/guardian about test results, but are legally allowed to. Testing can be done confidentially without insurance. Any procedure/prescription may be detailed on insurance claims. Insurance not included in confidentiality.
Safer Sex: PrEP (Pre-Exposure Prophylaxis)	No parental/guardian consent needed to access PrEP for minors 12+ or older.	410 ILCS 210/ Consent by Minors to Medical Procedure Act	Truvada recently FDA approved for youth weighing over 77lbs. Title X clinics may be able to provide PrEP for free, but otherwise will bill insurance for the prescription may be detailed on insurance claims. Insurance not included in confidentiality.
Other Medical Procedures: Sterilization	No one younger than 21 years old can be sterilized, regardless of parental consent.	IDPH 8.4 Fertility Regulation	
Other Medical Procedures: Hormone Replacement Therapy	Parental/guardian consent is required for all minors to access hormone replacement therapy.	410 ILCS 210/ Consent by Minors to Medical Procedure Act	While parental consent of only one parent is required, there is precedent of a second parent blocking their child from accessing hormone replacement therapy through the court system. See below for information about continued support.
Sexual Violence and Assault	No parental/guardian consent needed: <ul style="list-style-type: none"> - To make a police report - For health care at the hospital, including treatment for STIs, HIV, and emergency contraception - To consent to evidence collection and release 	410 ILCS 70/ Sexual Assault Survivors Emergency Treatment Act 410 ILCS 210 (see above)	Protective orders require someone 18+ or older, but it does not have to be a parent or guardian.

	<ul style="list-style-type: none"> - For 90 days of follow-up medical care - Determining of parameters of confidentiality (12 + older) - Eight 90-min counseling sessions at a crisis center or with a healthcare provider 		
Mental Health: Outpatient	<ul style="list-style-type: none"> - 16 + Younger: Eight 90-min sessions without parental / guardian consent. If after the eight sessions, the medical provider determines parental involvement would be detrimental to the young person's wellness, they may continue without parental/ guardian consent at the provider's discretion. - 17 + older: No parental/guardian consent needed. 	405 ILCS 5/Mental Health & Development Disabilities Code	
Mental Health: Inpatient	<p>Voluntary: No parental/guardian consent needed for a minor 16 years old or older. Immediate parental notification required.</p> <p>Involuntary: Admission by a parent or guardian is possible but a minor 12 + older can object and be released within 15 business days</p>	405 ILCS 5/Mental Health & Development Disabilities Code	
Substance Use Treatment	No parental/guardian consent needed for a minor 12 + older for inpatient or outpatient. Family involvement or release of information is only allowable with the youth's consent.	410 ILCS 210/4 & 5 Consent by Minors to Medical Procedure Act	

Human Rights - Youth Healthcare in Illinois

- Youth have a right to access accurate, detailed information about their healthcare rights.
- Youth have a right to healthcare that does not discriminate against their race, gender, sexual identity, sexual behavior or perceived sexual behavior, ability, class, or other identities and experiences.
- Youth have a right to be respectfully addressed by their medical provider with the name and pronouns they use.
- Youth have a right to ask medical providers questions and receive honest answers and responses.
- Youth have a right to be informed if or when confidentiality must legally be broken (e.g. - mandatory report) and be included in the process.

Resources:

Illinois Caucus for Adolescent Health

The Illinois Caucus for Adolescent Health (ICAH) is a network of empowered youth and adult accomplices who transform public consciousness and increase the capacity of school, family and healthcare systems to support the sexual health, rights, and identities of youth.

ICAH centers youth of color, pregnant and parenting youth, and trans and gender non-conforming youth in organizing around youth rights, providing comprehensive sexuality education, and creating powerful artistic and cultural work. For more information visit ICAH's website at www.icaah.org or email info@icaah.org.

Illinois Judicial Bypass Coordination Project

Information about Illinois' parental notice law for minors seeking abortions, and assistance for teens seeking a judicial bypass. For more information visit their website: <http://ilbypasscoordinationproject.org/>

Call: 1-877-44BYPASS (442-9727) | Text: 312-560-6607 | Email: judicialbypass@aclu-il.org
Hotline hours: Monday through Friday – 5 to 10 p.m. Saturday & Sunday – Noon to 5 p.m.

Lurie Children's Gender and Development Program

Lurie Children's provides medical consultation, medical intervention (e.g., cross sex and pubertal delaying hormones) and health research with gender non-conforming youth across the developmental spectrum of pediatrics and adolescence. Programs also include mental health services, non-clinical support services and capacity building with other youth-serving organizations.

Housed within the Gender & Sex Development Program, TransMentor pairs trans, gender expansive, and gender questioning youth ages 13-20 with trans and gender expansive adults. Support includes weekly check-ins and bimonthly social events with a one-year commitment. For more information, visit Lurie Children's website: <https://www.luriechildrens.org/en/specialties-conditions/gender-development-program/>

Illinois Safe Schools Alliance

The Illinois Safe Schools Alliance (the Alliance) promotes safety, support and healthy development for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth, in Illinois schools and communities, through advocacy, education, youth organizing and research. For more information, visit the Alliance's website: <https://www.ilsafeschools.org/>

Illinois Coalition Against Sexual Assault

The Illinois Coalition Against Sexual Assault unites the services and resources of rape crisis centers statewide. ICASA alleviates the suffering of sexual assault survivors and builds safe, just communities through: Victim-centered counseling; Advocacy for public policy that promotes prevention, supports victims and advances justice; Activism and prevention education to change cultural norms, end oppression and promote equality. For more information visit ICASA's website: <http://www.icasa.org/about>