

WHEN CAN TEENS SEEK SERVICES WITHOUT PARENTAL CONSENT?

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Domestic Violence agencies have asked whether they can legally provide services to teens without parental consent. While Wisconsin Statutes does not address this issue directly, there are several places in the Wisconsin Code that can be referenced for guidance including but not limited to: Children’s Code, (Wis. Stat. Ch. 48), Social Services (Wis. Stat. Ch. 46), Mental Health Act (Wis. Stat. Ch. 51), and Juvenile Justice Code (Wis. Stat. Ch. 938). Generally, by law or policy, teens cannot seek housing or services without parental consent; thus, domestic violence programs cannot provide housing or services without such consent.

Minor is defined in **Wis. Stat. § 990.01(20)**: “Minor” means a person who has not attained the age of 18 years, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or municipal ordinance, “minor” does not include a person who has attained the age of 17 years.

Juvenile is defined in the Juvenile Justice Code at **Wis. Stat. § 938.02(10m)**: “Juvenile” means a person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, “juvenile” does not include a person who has attained 17 years of age.

SERVICE/ TREATMENT PROVIDED	IS PARENTAL CONSENT NEEDED?	AUTHORITY	OTHER/ ADDITIONAL INFORMATION
Sexually transmitted disease (syphilis, gonorrhea, chlamydia and other diseases the department includes by rule)	No	Wis. Stat. § 252.11(1m) : a physician may treat a minor infected with a sexually transmitted disease or examine and diagnose a minor for the presence of such a disease without obtaining the consent of the minor’s parents or guardian	See also: Wisconsin Administrative Code, Health and Family Services Ch. 145.
Testing for HIV infection and certain diseases	Unsure	Wis. Stat. § 938.296(2) : Juvenile Justice Code Wis. Stat. § 252.15(2)(b)4 : Communicable Diseases	See also: Wis. Stat. § 938.296(4) – health care professional shall refrain from making the test results part of the juvenile’s permanent record or disclosing the results
Juvenile records	N/A	Wis. Stat. §938.78(2)(ag) : a parent, guardian, or legal custodian may request to inspect or have the contents of the record disclosed from a county department or licensed child welfare agency; juveniles, age 14 and over, can request to have the contents of the record disclosed to the parent, guardian, legal custodian, or juvenile	This statutory language is ambiguous and can be read to grant a juvenile (age 14 and over) the ability to determine whether parents, guardians, legal custodians are able to review the juvenile record.

SERVICE/ TREATMENT PROVIDED	IS PARENTAL CONSENT NEEDED?	AUTHORITY	OTHER/ ADDITIONAL INFORMATION
Admission for inpatient care	No	Wis. Stat. § 51.13(1)(c): if a minor 14 years of age or older wishes to be admitted to an inpatient facility but a parent refuses to consent or cannot be found, the minor or person working on the minor's behalf may petition the court to exercise jurisdiction and approve the admission without parental consent	
Alcohol and Drug abuse treatment	No	Wis. Stat. §51.45(2m)(b): a minor may consent to treatment under this section Wis. Stat. §51.47(1): preventative, diagnostic, assessment, evaluation, or treatment services may be rendered to a minor 12 years of age or over without obtaining parental consent; for those under 12 years of age services may be rendered without parental consent only if a parent or legal custodian cannot be found.	See also: Attorney General Opinion at: 1988 Wisc. AG Lexis 42 or OAG 42-88, 77 Atty. Gen. 187
Blood Donations	No	Wis. Stat. §146.33: Any person 17 years old or older may donate blood in any voluntary and noncompensatory program	
Abortion	Yes, but there are exceptions	Wis. Stat. § 48.375(4)(a)1: the voluntary and informed written consent of the minor and one parent required for a physician to perform or induce an abortion § 48.375(4)(b) 1-3: <u>Exceptions</u> to parental consent requirement <ul style="list-style-type: none"> • Medical emergency • Pregnancy is the result of sexual assault • Likelihood of suicide • Pregnancy is the result of sexual intercourse with caregiver • Parent has inflicted abuse on the minor 	See also § 48.375(6): a pregnant minor, or a clergy member on her behalf, may petition the court for a waiver of parental consent under § 48.257 See also § 48.375(9): if a minor who is contemplating abortion requests assistance from the county department in seeking parental consent or in seeking a waiver from the court, the county department shall provide assistance, including accompanying the minor as appropriate
Marriage	Yes	Wis. Stat. § 765.02(2): a marriage license may be issued to a person between the age of 16 and 18 years with the written consent of the person's parents.	§ 765.02: Every person who has attained the age of 18 years may marry if otherwise competent.