

## WHEN CAN TEENS SEEK SERVICES WITHOUT PARENTAL CONSENT?

**This document, created by the End Domestic Abuse Wisconsin – Wisconsin Coalition Against Domestic Violence – Legal Department, does not constitute legal advice.**

Domestic Violence agencies have asked whether they can legally provide services to teens without parental consent. While Wisconsin statutes do not address this issue directly, except in certain circumstances involving youth who are 17 years of age seeking admission to shelters (see Wis. Stat. § 48.9875) 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), Alcohol, Drug Abuse, Developmental Disabilities and 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, except as referenced above; thus, domestic violence programs generally 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 any civil 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
<b>Sexually transmitted disease</b> (syphilis, gonorrhea, chlamydia and other diseases the department includes by rule) – <b>Wis. Stat. § 252.11(1)</b>	<b>No</b>	<b>Wis. Stat. § 252.11(1m)</b> : 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.
<b>Testing for HIV infection</b>	<b>Consent is not required for a minor age 14 or older for HIV testing.</b>  <b>Under age 14 – parental consent required</b>	<b>Wis. Stat. § 252.15(2m)</b>	Results of the test of a minor who is at least 14 years old are strictly confidential and may only be disclosed to the minor’s parent with the minor’s permission.  <b>Wis. Stat. § (3m) (c)</b>

<p><b>Juvenile records</b></p>	<p><b>N/A</b></p>	<p><b>Wis. Stat. §938.78(2)(ag):</b> a county department, licensed child welfare agency, department of corrections, or department of children and families may make available for inspection or disclosing the contents of the record, upon request of the parent, guardian, or legal custodian of the juvenile who is the subject of the record or upon the request of the juvenile, if 14 years of age or older, to the parent, guardian, legal custodian, or juvenile, unless the agency finds that inspection of the record by the juvenile, parent, guardian, or legal custodian would result in imminent danger to anyone.</p>	<p>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, unless the agency finds that inspection by any of the above would result in imminent danger to anyone.</p>
<p><b>Admission for inpatient care</b></p>	<p><b>No</b></p>	<p><b>Wis. Stat. § 51.13(1)(c):</b> if a minor 14 years of age or older wishes to be admitted to an inpatient facility but a parent with legal custody or a guardian refuses to consent or cannot be found, the minor or person working on the minor's behalf may petition the court for admission</p>	

SERVICE/ TREATMENT PROVIDED	IS PARENTAL CONSENT NEEDED?	AUTHORITY	OTHER/ ADDITIONAL INFORMATION
Alcohol and Drug abuse treatment	No	<p><b>Wis. Stat. §51.45(2m)(b):</b> a minor may consent to treatment under this section <b>Wis. Stat. § 51.47(1):</b> 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 <i>under</i> 12 years of age, services may be rendered without parental consent only if a parent with legal custody or guardian cannot be found or there is no parent with legal custody of this child.</p>	
Blood Donations	Depends on age	<b>Wis. Stat. §146.33:</b> Any person 17 years old or older may donate blood in any voluntary and noncompensatory blood program	<b>Wis. Stat. §146.33:</b> any person who is 16 years old may donate blood in such a program if parent or legal guardian consents to the donation.
Abortion	Yes, but there are exceptions	<p><b>Wis. Stat. § 48.375(4)(a)1:</b> the voluntary and informed written consent of the minor and one parent required for a physician to perform or induce an abortion</p> <p><b>§ 48.375(4)(b) 1-3:</b> <u>Exceptions</u> to parental consent requirement</p> <ul style="list-style-type: none"> <li>• Medical emergency</li> <li>• Pregnancy is result of sexual assault</li> <li>• Likelihood of suicide</li> <li>• Pregnancy is result of sexual intercourse with caregiver</li> <li>• Parent has inflicted abuse on the minor</li> </ul>	<p>See also <b>§ 48.375(6):</b> a pregnant minor, or a clergy member on her behalf, may petition the court for a waiver of parental consent under <b>§ 48.257;</b></p> <p>See also <b>§ 48.375(9):</b> if a minor contemplating abortion requests assistance from the county dept in seeking parental consent or waiver from the court, county dept shall provide assistance, including accompanying the minor as appropriate</p>

SERVICE/ TREATMENT PROVIDED	IS PARENTAL CONSENT NEEDED?	AUTHORITY	OTHER/ ADDITIONAL INFORMATION
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.

See also: [WI Legislative Council: Health Care and Confidentiality of Records for Minors](#)