



# MINORS' RIGHTS

*A Guide to Confidential Health Care in Maine*

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### Minors' Rights to Health Care in Maine

Maine law empowers young people to take control of their sexual and reproductive health! Sometimes, young people do not get the health care they need because they are worried or afraid that a parent or guardian will find out. Maine laws were put into place so that people under 18 can receive some important health care services without parent/guardian permission.

**Knowing their rights can help young people make healthy decisions.**

Maine law allows minors to consent to specific health services, **including those in this pamphlet**, without requiring parent/guardian permission or notification. Services provided and information shared during these health care visits are kept private, and confidential.

Many other health care related services do require parent/guardian consent. However, there are exceptions. Youth under the age of 18 can consent to all medical care if they are emancipated or living separately and without support from their parents, are/were legally married, or a member of the Armed Forces.



## Reproductive Health Care

### PREGNANCY PREVENTION

Contraception, or birth control, protects a person from unplanned pregnancy. Birth control may come in the form of pills, shots, patches, or devices that are inserted into the body. In Maine, minors can get birth control information and services without parent/guardian permission or notification.

### EMERGENCY CONTRACEPTION (EC)

EC is a form of birth control that can be used up to 120 hours after sex to prevent pregnancy. EC is used after unprotected sex (for example, if a condom breaks or no birth control was used) and in cases of sexual assault. Minors of any age or gender can buy emergency contraception at a pharmacy without parent/guardian permission and without a prescription. EC is available at family planning clinics at a lower cost.

### PREGNANCY TESTING

Minors can receive pregnancy testing and counseling about the options they have if a pregnancy test is positive, without parent/guardian permission or knowledge.

**Q:** Carmen is 14 years old and wants to go on birth control, but doesn't want to ask their parents, who wouldn't approve. Can Carmen get a birth control method without involving their parents?

**A:** Yes. All minors in the state of Maine have the right to access the full range of birth control methods, without notifying or getting permission from their parent/guardian.

  
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## STIs and HIV

Sexually transmitted infections (STIs) are spread through sexual contact, including oral, anal, or vaginal sex and, in some cases, through skin-to-skin contact.

Some common STIs include chlamydia, gonorrhea, HPV, and herpes. HIV is a sexually transmitted virus that attacks the immune system and can lead to a more severe condition called AIDS.

### Without parent/guardian permission, a minor in Maine can be:

- » tested and treated for STIs.
- » tested for HIV and receive information and counseling, before and after the test.

**Q:** 15-year-old Jake is in foster care and is worried they have an STI. Jake wants to get tested and treated right away, but doesn't feel comfortable bringing this up with their foster parents or caseworker. Can Jake still get tested and treated?

**A:** Yes. Even though Jake is in foster care, they have the same rights as other minors in Maine. Jake does not need to notify or get permission from their foster parents or caseworker to get tested and treated for STIs.

## Sexual Assault

Sexual assault is sexual contact without consent, whether through emotional or physical force, threats, coercion, or intimidation.

Minors have the right to access health services, such as a forensic examination or emergency contraception, in the case of sexual assault without first getting permission or notifying a parent/guardian.



## Abortion

Abortion is the medical process of ending a pregnancy either through an in-clinic procedure or an abortion pill.

### Minors in Maine have a right to an abortion if they provide their own informed, written consent and have one of the following:

- » written consent of a parent, guardian, or another adult family member.
- » written consent and counseling from a licensed provider like a doctor, nurse, or approved counselor. All Maine abortion clinics have licensed providers who can provide this counseling.
- » written consent of a judge.

**Q:** Jaqueline is 15 and pregnant. Jaqueline wishes to get an abortion without notifying their partner or parents. Will Jaqueline be able to get an abortion without parental permission and without their partner finding out?

**A:** Yes. Jaqueline may get an abortion without telling a parent or getting their consent. Jaqueline will need to give their own written consent, and receive health care counseling on the procedure from a licensed health care provider at the office where the abortion is provided. Because of confidentiality laws, this medical information can't be released to their partner, or anyone else, without Jaqueline's permission.

## Mental Health and Substance Use

### Minors can consent to mental health counseling without parent/guardian permission, including treatment for:

- » alcohol problems.
- » drug use or addiction.
- » emotional or psychological difficulties.



## When Does An Adult Need To Be Involved?

In certain situations, there are limits to a minor's right to **confidentiality**.

### Confidentiality is not possible in cases where:

- » there is suspected child abuse or neglect.
- » a minor is a threat to themselves or others.
- » the health care provider believes that confidentiality would cause harm or limit their ability to provide medical care.

Health insurance providers may release information about services a minor receives to the person who holds the insurance (which could be a parent). If a minor is using insurance for services, they should check with the insurance company to find out what information is shared on insurance claims and billing.

Young people deserve **unbiased, non-judgmental care.**



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## Definitions

- » **Confidentiality** means that information about a minor's medical treatment is kept private and can only be released or shared with their written permission.
- » **Emancipation** is when a person who is 16 or older files a petition to the state to allow them to live apart from their parent/guardian, take care of their own basic needs, and make their own decisions. This petition is signed by their parents and approved by a judge or in court.
- » A **forensic exam**, sometimes called a *rape kit*, is an exam done by a specially trained person who checks for DNA evidence that could be used to help identify the person who committed the sexual assault.
- » **Informed consent** means that a minor can agree to their own health care decisions. In order to give informed consent, a health care provider must be sure that the minor understands their condition, the purpose of the services provided, possible risks and benefits, and other treatments available.

## Resources

**Sexual Health Services**  
[www.mainefamilyplanning.org](http://www.mainefamilyplanning.org)  
207-922-3222

**Sexual Assault Services**  
[www.mecasa.org](http://www.mecasa.org)  
800-871-7741

**STI and HIV Testing Sites in Maine**  
[www.bit.ly/2L9KY8E](http://www.bit.ly/2L9KY8E)

**Legal Support**  
[www.kidslegal.org](http://www.kidslegal.org)

**Book an Appointment: (207) 922-3222**

More information at [mainefamilyplanning.org](http://mainefamilyplanning.org)

 [MaineFamilyPlanning](https://www.facebook.com/MaineFamilyPlanning)  
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