

## ■ Minors' Rights as Parents

**BACKGROUND:** Many states require parental involvement in a minor's decision to terminate a pregnancy. In sharp contrast, states overwhelmingly consider minors who are parents to be capable of making critical decisions affecting the health and welfare of their children without their own parents' knowledge or consent. Nearly every state permits minor parents to place a child for adoption, although some require an adult to be involved in the process in some capacity. Moreover, most states authorize minor parents to make health decisions for their children, and some allow minor parents to authorize surgery.

### HIGHLIGHTS:

- 40 states and the District of Columbia allow minors to place their child for adoption, either explicitly or by making no distinction between minor and adult parents.
  - 28 states and the District of Columbia explicitly allow minors to consent to their child's adoption.
  - 12 states make no distinction between minor and adult parents.
- 10 states require the involvement of an adult in the adoption process.
  - 5 states require minors to be represented by legal counsel or require courts to appoint counsel in adoption hearings.
  - 4 states require minors' parents to consent, and 1 state requires that the parents be notified, when a child is placed for adoption.
- 30 states and the District of Columbia allow minors to consent to medical care for their children; 20 states have no explicit policy on whether a minor may consent to medical care for their children.



Advancing sexual and reproductive health worldwide through research, policy analysis and public education.

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# MINORS' RIGHTS AS PARENTS

STATE	PLACING CHILD FOR ADOPTION		CONSENTING TO MEDICAL CARE FOR CHILD	
	Minors May Consent	3 <sup>rd</sup> Party Involvement	Minors May Consent	No Explicit Policy
Alabama	X		X	
Alaska	X*		X	
Arizona	X			X
Arkansas	X*		X	
California	X			X
Colorado	X		X	
Connecticut		Court-appointed counsel	X	
Delaware	X		X	
Dist. of Columbia	X		X	
Florida	X*		X	
Georgia	X		X	
Hawaii	X			X
Idaho	X		X	
Illinois	X		X	
Indiana	X			X
Iowa	X*			X
Kansas	X		X	
Kentucky		Court-appointed counsel	X	
Louisiana		Parental consent†	X	
Maine	X*			X
Maryland	X		X	
Massachusetts	X*		X	
Michigan		Parental consent	X	
Minnesota		Parental consent	X	
Mississippi	X		X	
Missouri		Court-appointed counsel	X	
Montana		Legal counsel	X	
Nebraska	X*			X
Nevada	X		X	
New Hampshire	X‡			X
New Jersey	X		X	
New Mexico	X			X
New York	X		X	
North Carolina	X*			X
North Dakota	X			X
Ohio	X			X
Oklahoma	X <sup>Ω</sup>		X	
Oregon	X*			X
Pennsylvania		Parental notification	X	
Rhode Island		Parental consent	X	
South Carolina	X		X	
South Dakota	X*			X
Tennessee	X		X	
Texas	X*			X
Utah	X		X	
Vermont	X			X
Virginia	X		X	
Washington		Court-appointed counsel		X
West Virginia	X			X
Wisconsin	X*			X
Wyoming	X			X
<b>TOTAL</b>	<b>40 + DC</b>	<b>10</b>	<b>30 + DC</b>	<b>20</b>

\* State makes no distinction between minor and adult parents.

† Court may waive parental consent if the minor is "sufficiently mature and well informed" or the adoption is in the infant's best interest.

‡ Court may require parental consent for a minor to place a child for adoption.

Ω Minor must be at least 16 years old.

**CONTINUED**

## FOR MORE INFORMATION:

For information on state legislative and policy activity click on Guttmacher's [Monthly State Update](#) and for state level information and data on reproductive health issues, click on Guttmacher's [State Center](#).

Boonstra H and Nash E, [Minors and the right to consent to health care](#), *The Guttmacher Report on Public Policy*, 2000, 3(4):4-8.

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Donovan P, *Our Daughters' Decisions: The Conflict in State Law on Abortion and Other Issues*, New York: AGI, 1992.