



Center for
Children's
Advocacy

Adolescent Sexual Health, Confidentiality and Teen Legal Rights: A Basic Primer

School Sexual Health Facilitator Orientation & Training

Jay E. Sicklick, Esq.

Deputy Director

Center for Children's Advocacy

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Goals of this Presentation

1. Discuss the basic legal principles of sexual health, teen legal rights & confidential treatment in the school setting.
2. Foster discussion through a case study.
3. Examine the tension b/t confidential care and “best practices” for clinical care.
4. *Briefly* touch on the tension between DCF reporting and confidential care – including sexual assault & its impact on mandatory reporting

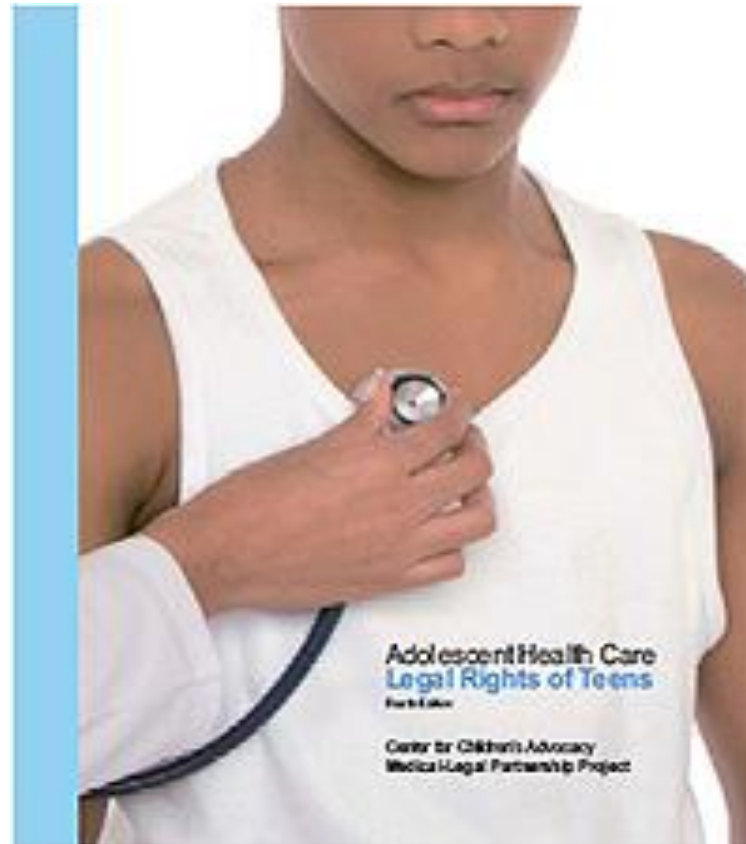
Case Study #1: Amber's Pregnancy

- Amber, a 14 year old high school student, sees you in the school clinic/health center and confides in you that she thinks she's pregnant.
 - Must you report this sexual activity to DCF?
 - What if you find out later that her partner is 18?
 - Must you inform the mom? May you?
- Amber tells you that she wants to carry the baby to term – and that under no circumstances should her mother be told.
 - Are you under any obligation to honor Amber's request?
- Two weeks later – Amber grabs you and tells you she wishes to terminate the pregnancy through an abortion.
 - May she seek an abortion without parental consent?
- What if Amber is NOT pregnant – but has contracted an STI ... may you treat her without parental consent?
 - Are you required to notify her parents?

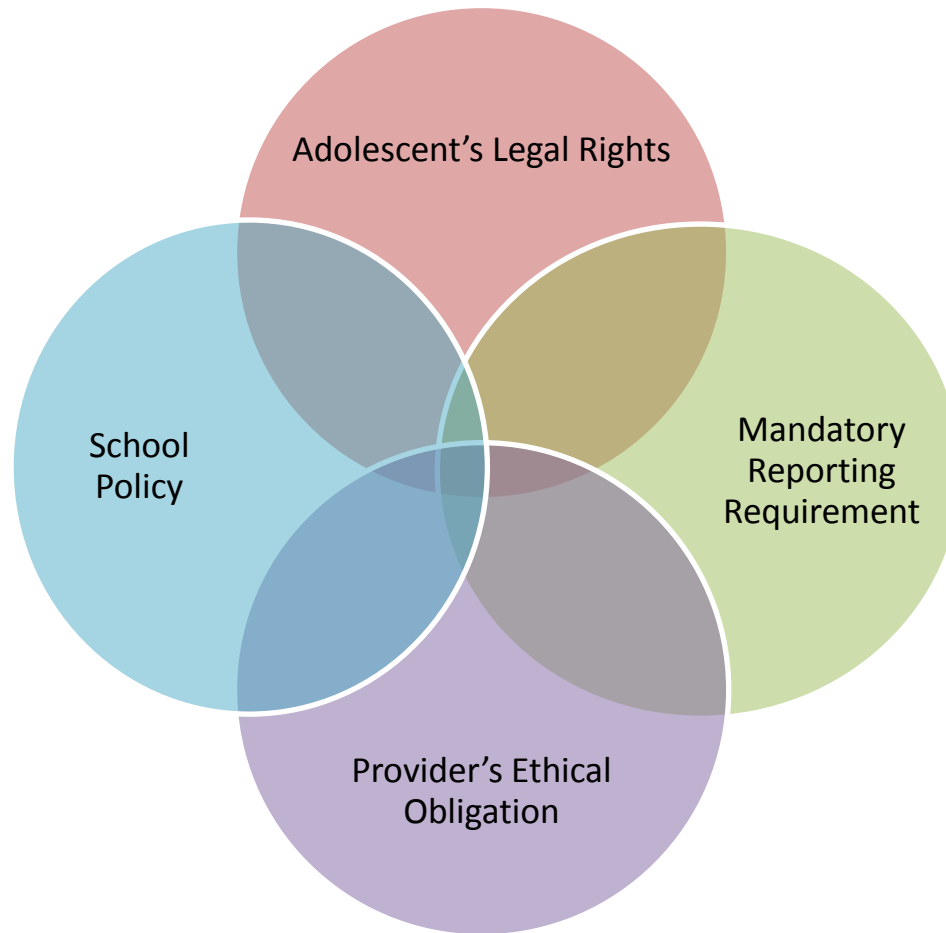
How Much Do You Know?

1. What is the ***age of consent*** in Connecticut?
2. Are you mandated to report “statutory rape” of a minor to DCF or law enforcement on every occasion?
3. May a 13 year old obtain birth control in Connecticut without parental consent?
4. If a 15 year old girl wishes to terminate a pregnancy through an abortion, must she obtain parental consent – or must her parents be notified of the procedure?
5. Your 14 year old patient advised you he believes he has contracted an STD – does he need parental consent for testing/treatment?
6. Does DCF as statutory parent (committed kids) have any greater rights to protected/confidential information as parents of non-committed kids do?

Adolescent Health Care: The Legal Rights of Teens

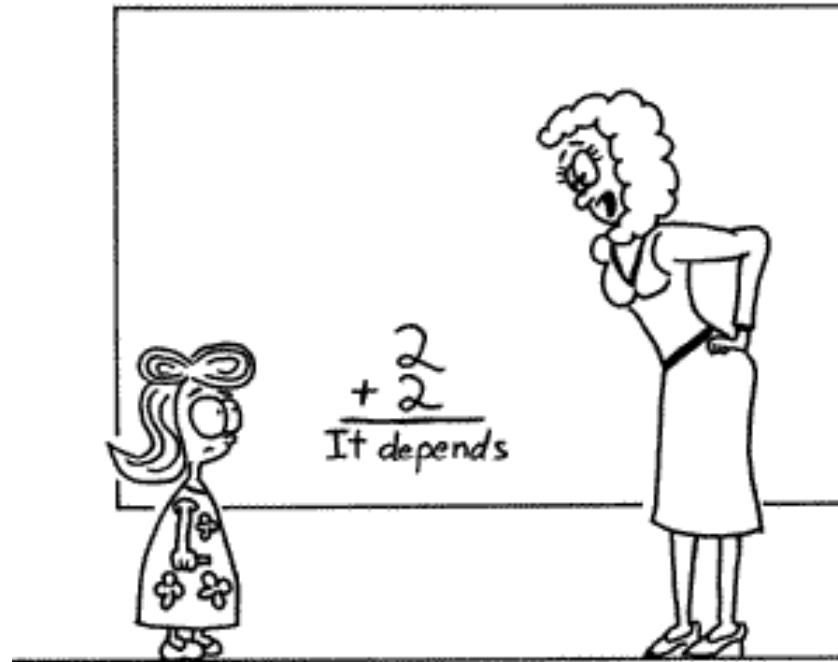


Overview – Treating the Adolescent



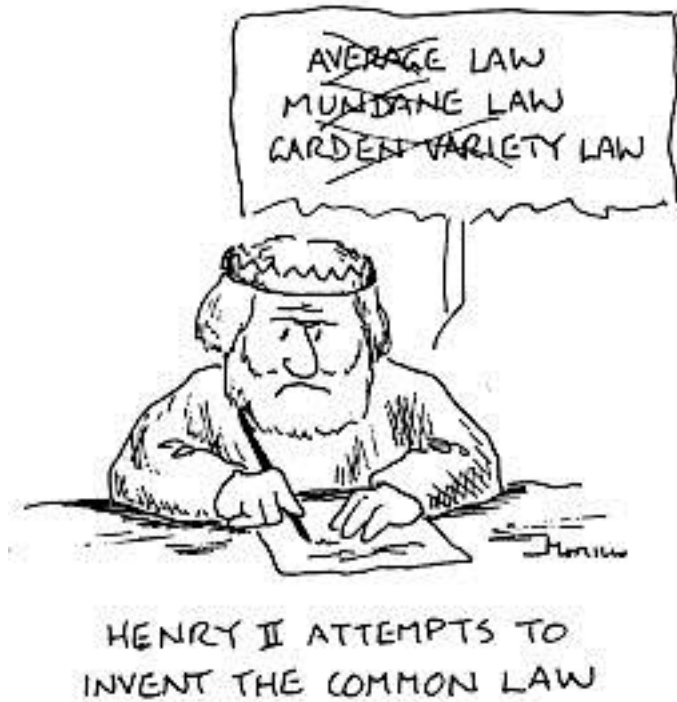
There Ought to be a Law!

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"Suzie, this is math, not the law."

Legal Background: *Statutory vs. Common Law Sources*



Reproductive Health Care: *Treating the Adolescent Confidentially!*

- Birth Control
- Pregnancy
- Counseling
- Abortion
- Sexually Transmitted Diseases



Contraception

Any person in the State of Connecticut, regardless of the person's age, can receive confidential birth control.

Parental consent is not required.

Contraception (cont.)

- Query: What if a 12 year old minor seeks to obtain contraception?
 - Would the 12 year old be entitled to obtain the contraception?
 - Is there a reporting requirement for this event?
 - What do you need to know, if anything, to proceed ahead with a report to the hotline on this activity?

Contraception (cont.)

- Legal Source: Common Law

Pregnancy



A minor does not need permission from a parent to receive a pregnancy test and the parents do not need to be notified of the test.



A minor may decide whether or not to carry the pregnancy to term.



A minor may consent to gynecological examinations without parental consent.

Pregnancy

- Legal Source: Common Law

Abortion & Termination of Pregnancy

Any minor in Connecticut may obtain an abortion without parental consent, although an abortion, for anyone, may only be performed before the viability of the fetus, except when it is necessary to save the life or health of the mother.

Abortion & Termination of Pregnancy (cont.)

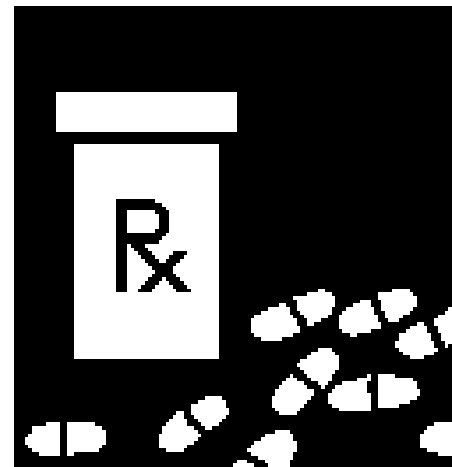
- Minor = under sixteen for abortions
- Rigorous procedure regarding counseling prior to termination
- *No parental consent or parental notification required*
- Not subject to affect by federal decisions (i.e. *Roe v. Wade*)

Abortion and Termination of Pregnancy

- Legal Source: Statutory

“Morning After” Pill

- Protected under auspices of “birth control”
- Mandated for all hospitals in case of rape or incest
- FDA now permits minors to obtain w/out prescription



Sexually Transmitted Diseases

- The consultation, examination, and treatment of an STD for a minor is confidential and must not be divulged to parents – including the sending of a bill.
- DCF must be notified of a positive STD test if the minor is 12 years of age or younger.
- Care and treatment of this minor must remain confidential, although DCF may proceed with their own investigation.

Sexually Transmitted Diseases

- LEGAL SOURCE: STATUTORY

Testing and Treatment of HIV and AIDS

- A minor does not need parental consent to receive an HIV/AIDS test.
- A physician may only treat a minor without parental permission if the physician believes that notification will be detrimental to the minor's treatment.



HIV & AIDS

- LEGAL SOURCE: STATUTORY

Reporting and Confidentiality: The Rules

- ❖ ***When to Report***
- ❖ ***Does Statutory Rape = Mandatory Report?***
- ❖ ***Betrayal of Trust vs. Legal Duty***
- ❖ ***What is an Adult for “Consent”***

What is Statutory Rape?

- Does the discovery of statutory rape require a provider to DCF?
- If a crime is committed – don't mandatory reporters have to report?
 - Statutory Rape
 - Adolescent confesses to a “crime?”

Reporting and Confidentiality: The Rules (cont.)

DCF Reporting Guidelines:

- Child under 13 - **must report to DCF/police**
- Child b/t 13-15 engaged in consensual sexual relationship w/partner 21 & over - **must report to DCF/police**
- Child under 18 in non-consensual/coerced sexual activity - **must report to DCF/police**
- Child b/t 13-15 engaged in consensual sexual relationship w/partner under 21 - **not mandated to report *per se***
- Child under 18 engaged in sexual relations with family member – **must report to DCF**

Additional Protected Areas

- Outpatient mental health treatment
 - Up to 6 session depending on criteria
- Inpatient mental health treatment
 - Adult considered 16 for inpatient care
 - 14 & 15 year old patients may self-admit for up to 24 hours

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Reaffirming the Principles of Confidentiality

- Types of Medical Conditions/Treatments
- Reproductive Health Care Issues
 - Contraception
 - Morning after pill
 - Sexually Transmitted Diseases
 - Pregnancy
 - Abortion/Termination of Pregnancy
 - HIV/AIDS

Resources



- ❖ DCF Web Site: www.state.ct.us/dcf
- ❖ DCF Care Line: (800) 842-2288
- ❖ Fed Govt. - Administration for Children & Families: www.acf.hhs.gov
- ❖ Center for Children's Advocacy: www.kidscounsel.org (860) 570-5327
- ❖ *MLPP*: www.ccmckids.org/mlpp (860) 570-5327
- ❖ CCMC – SCAN Program (860) 545-9995
- ❖ Yale Child Study Center (203) 785-2513

Resources (cont.)

- ❖ DSS Web Site: www.state.ct.us/dcf
www.ct.gov/dss
- ❖ End Hunger CT (860) 560-2100
- ❖ Planned Parenthood of CT Web Site:
www.ppct.org
- ❖ Conn. AIDS Resource Coalition:
www.ctaidscoalition.org/fairfield.htm