

June 22, 2022

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Hochul:

On behalf of the undersigned health care, homeless and runaway youth, and legal service providers and civil rights, LGBTQ equality, and reproductive rights advocates, we urge you to expediently sign S.8937 (Brisport)/A.9604 (Gottfried) to enable homeless and runaway youth to access health care.

The default expectation in New York is that a parent or guardian will provide consent for a young person's medical treatment until they turn 18,¹ and the majority of young people involve parents in their health care decisions. Unfortunately, not all young people have parents or guardians available who can provide consent when needed, and homeless and runaway youth service providers are not legal guardians and cannot consent on behalf of the young people they serve. Indeed, fully 100% of New York homeless and runaway youth service providers surveyed have been unable to support a young person with their medical and mental health needs because a parent was unavailable to consent.² Because of this gap, under New York state law, most homeless and runaway youth are unable to access any health care at all unless or until their condition becomes critical.

You can fix this problem by signing S.8937/A.9604, which will allow decisionally-capable homeless and runaway youth, as well as youth who receive services at an approved runaway and homeless youth crisis service program or a transitional independent living support program, to consent to their own health care.

New York law has long recognized the importance of allowing particular populations of young people to consent to their own health care. Under current law, young people who are married or who are parents, as well as young people who are emancipated or incarcerated, can all consent to their own health care.³ S.8937/A.9604 recognizes that homeless and runaway youth are also categories of independent young people who will not have access to health care if they are unable to consent to their own care. Indeed, you recognized this problem when you included a provision permitting homeless youth to consent to their own health care in your FY2023 budget proposal.⁴

¹ N.Y. Pub. Health Law § 2504.

² *Everyone Deserves The Right to Access Medical Care – Including Runaway and Homeless Youth* (Coalition for Homeless Youth, N.Y.), May 2022.

³ N.Y. Pub. Health Law § 2504; *see generally* NEW YORK CIVIL LIBERTIES UNION, *TEENAGERS HEALTH CARE AND THE LAW* (3d ed. 2018).

⁴ A.9006/S.8006 Part P, 2021-2022 Reg. Sess. (N.Y. 2022).

The bill is carefully drafted to ensure that homeless and runaway youth are actually able to access care. It recognizes that many health care providers will want outside validation that an individual is in fact homeless or runaway, so it explicitly allows young people who are served by approved runaway and homeless youth crisis service programs or transitional independent living support programs to consent to their own care. But it, also recognizes that not all homeless and runaway youth receive services, so it separately allows homeless and runaway youth to consent to their own care without the involvement of a program.

It is imperative that all young people have access to health care when they need it. Timely treatment and preventative care are critical for young people's health and wellbeing and enable them to excel in school and beyond. What is more, the inability to consent to health care disproportionately impacts young people who are multiply marginalized, including homeless and runaway youth of color, LGBTQ homeless and runaway youth, and immigrant homeless and runaway youth. In fact, nationwide, 40% of homeless youth identify as LGBTQ⁵ when LGBTQ youth make up only 9.5% of the U.S. population.⁶

Homeless and runaway youth are some of the most vulnerable populations in New York. S.8937/A.9604 will reduce the burdens on these populations by ensuring that these young people are able to access medical care before their conditions become life threatening. For these reasons, we urge you to sign it into law immediately.

Sincerely,

Ackerman Institute for the Family, Gender & Family Project
The Ali Forney Center
Ballroom We Care
Callen-Lorde Community Health Center
Catholic Charities of Herkimer County
The Center for Youth Services
Children's Aid
Children's Defense Fund – New York
Coalition for Homeless Youth
Community Healthcare Network
Compass House
Covenant House New York
The Door – A Center of Alternatives
Girls Educational and Mentoring Services
Good Shepherd Services
Green Chimneys
Hetrick-Martin Institute
Hudson River Housing
The Institute for Family Health
Legal Action Center
The Legal Aid Society

⁵ M.H. MORTON, G.M. SAMUELS, A. DWORSKY, & S. PATEL, MISSED OPPORTUNITIES: LGBTQ YOUTH HOMELESSNESS IN AMERICA (2018).

⁶ K.J. Conrad, *LGBT Youth Population in the United States*, THE WILLIAMS INSTITUTE, Sept. 2020.

LGBT Community Center of New York
New Alternatives for Homeless LGBTQ Youth
New Pride Agenda
New York Chapter, Society for Adolescent Health and Medicine
New York City Youth Action Board
New York Civil Liberties Union
NYS American Academy of Pediatrics, Chapters 1, 2 & 3
Planned Parenthood Empire State Acts
Safe Horizon
SCO Family of Services
Youth Represent
and

Members of the NYS LGBT Health and Human Services Network:

- ACR Health – Q Center
- Alliance for Positive Health
- Albany Damien Center
- Apicha Community Health Center
- Audre Lorde Project
- CANDLE – Community Awareness Network for a Drug-free Life and Environment
- Chinese American Planning Council – Project Reach
- Community Health Action Staten Island
- CRUX Climbing
- DBGGM
- Destination Tomorrow
- Empire Justice Center
- Family & Children’s Counseling Services of Cortland County – Cortland LGBT Center
- Gay & Lesbian Youth Services (GLYS)
- Gay Men’s Health Crisis (GMHC)
- GROIT Circle, Inc.
- HAF-Queens Pride House
- Hispanic AIDS Forum – Latino Pride Center
- Hudson Valley LGBT Community Center
- In Our Own Voices
- Institute for Human Identity (IHI)
- Latino Commission on AIDS
- The Loft: LGBT Community Services Center
- Long Island Crisis Center – Pride for Youth
- Long Island Gay and Lesbian Youth (LIGALY)
- The Long Island LGBT Center
- Make the Road NY
- Mt. Sinai – Institute for Advanced Medicine
- National Harm Reduction Coalition
- National LGBT Cancer Network
- New York Legal Assistance Group (NYLAG) – LGBT Law Project
- NYC Anti-Violence Project
- Northwell Health – Center for Transgender Care
- Planned Parenthood of Greater New York

- Planned Parenthood of the North Country
- Pride Center of the Capital Region
- Pride Center of Staten Island
- Pride Center of Western New York
- Princess Janae Place
- Queens Community House – Generation Q/Queens Center for Gay Seniors
- Queens LGBT Network (Q-Center)
- Rainbow Access Initiative
- Rainbow Heights Club
- Rockland County Pride Center
- Safe Horizon – Streetwork Project
- SAGE
- SAGE Long Island
- SAGE Upstate – Central NY
- Southern Tier AIDS Program – Identity Youth
- St. Lawrence University – Safe Project
- SUNY – HEAT Program
- Sylvia Rivera Law Project
- Transgender Legal Defense & Education Fund (TLDEF)
- Translatinx Network
- The Trevor Project
- Trillium Health
- Unity Fellowship Breaking Ground
- Urban Justice Center – Peter Cicchino Youth Project
- Westchester Jewish Community Services – Center Lane