



Legislative Affairs
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2021 – 2022 Legislative Memorandum

**Subject: Enabling homeless and runaway youth to consent to medical, dental, health and hospital services
A.9604 (Gottfried) / S.8937 (Brisport)**

Position: SUPPORT

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. 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 Unfortunately, not all young people have parents or guardians available who can provide consent when needed. 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.

A.9604 (Gottfried)/S.8937 (Brisport) would fill this gap by allowing 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. The NYCLU strongly supports this legislation and urges its immediate passage.

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.² A.9604/S.8937 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. This is because homeless and runaway youth service providers are not legal guardians and cannot consent on behalf of the young people they serve.

The bill proceeds in a way that is best calculated to ensure that homeless and runaway youth are actually able to access care. It recognizes that many health care providers

¹ N.Y. Pub. Health Law § 2504

² *Id.*; see generally NEW YORK CIVIL LIBERTIES UNION, TEENAGERS HEALTH CARE AND THE LAW (3d ed. 2018).

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 a 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.

Homeless and runaway youth are some of the most vulnerable populations in New York. A.9604/S.8937 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, the NYCLU strongly supports A.9604/S.8937 and encourages its expedient passage.