



Office of Children and Family Services

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Governor

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Informational Letter

Transmittal:	23-OCFS-INF-04
To:	Runaway and Homeless Youth Program Executive Directors Certified Residential Runaway and Homeless Youth Programs Runaway and Homeless Youth Service Coordinators Voluntary Authorized Agencies Executive Directors Local Departments of Social Services Commissioners and Directors of Services
Issuing Division/Office:	Division of Youth Development and Partnerships for Success
Date:	April 4, 2023
Subject:	Chapter 107 of the Laws of 2023: Extending the Legal Right to Consent to Health Care to Certain Youth
Suggested Distribution:	Youth Bureau Directors
Contact Person(s):	Please see section IV.
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			Public Health Law § 2504 Executive Law § 532-a Social Service Law § 413		

I. Purpose

The purpose of this Informational Letter (INF) is to inform runaway and homeless youth (RHY) providers, RHY service coordinators, local departments of social services (LDSSs), and voluntary authorized agencies (VAs) of the provisions of Chapter 107 of the Laws of 2023 that expand the categories of youth under the age of 18 who can consent to their health care to include homeless youth and youth who are receiving services at an approved RHY program. This change goes into effect March 23, 2023.

II. Background

Youth experiencing housing instability are highly vulnerable and face multiple barriers to accessing health care. They experience higher rates of chronic health problems, nutritional problems, trauma-related injuries, and dental complications.¹

New York State law generally requires that a parent or legal guardian provide consent for medical, dental, and other health services provided to a youth until they reach 18 years of age unless an emergency exists and the youth is in immediate need of medical attention.² Youth experiencing homelessness and youth receiving services from approved RHY programs do not always have a parent or legal guardian available to provide consent, creating a major barrier to health care access.

Prior to March 23, 2023, New York Public Health Law § 2504 allowed a youth under the age of 18 to consent to medical, dental, health, and hospital services if the youth is

- married,
- the parent of a child, and/or
- pregnant.

Recent amendments expanded this list to include youth under the age of 18 who meet the definition of homeless youth and youth who are receiving services at an approved RHY program as defined in Executive Law § 532-a.

III. Program Implications

Effective March 23, 2023, youth under the age of 18 who meet the definition of homeless youth and youth who are receiving services at an approved RHY program will no longer need parental or guardian consent to receive medical, dental, health, and hospital services. The youth's consent is sufficient for them to receive health care services including, but not limited to, preventive treatment, routine health/dental checkups, and gender-affirming care.

When staff of RHY programs, LDSSs, or VAs suspect that a youth may have been subject to abuse or maltreatment, including medical neglect, they must comply with all legal requirements for mandated reporting.³

IV. Contact

Director of Youth Development – Sonia Tate (518) 474-9879
RHY@ocfs.ny.gov

V. Effective Date

This INF is effective on March 23, 2023.

/s/ Nina Aledort, Ph.D.

Issued by:

Name: Nina Aledort, Ph.D.

Title: Deputy Commissioner

Division/Office: Division of Youth Development and Partnerships for Success

¹ National Clearinghouse on Homeless Youth & Families, "The Health Needs of Homeless Youth" (2018).

² PHL § 2504(2), (4).

³ Social Services Law § 413.