

## Rights in the Criminal Justice System

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### Children of any age may:

- file a **police report** without parental consent.
- apply for a sexual assault, dating violence, or stalking **protective order**.

### Children must be at least:

- 14 years old to consent to the release of their evidence collection kit to police.
- 17 years old to consent to sexual activity.

### Only survivors age 18 or older may:

- obtain a sexual assault forensic examination without police involvement (also called a “non-report examination”).
- be guaranteed confidentiality at a rape crisis center, due to an advocate’s mandatory legal duty to report allegations of abuse.



## Find Assistance

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The information contained in this brochure provides general information only. It does not constitute specific legal advice. For personal legal advice, please consult with an attorney.

Visit [taasa.org/legal/talk-to-an-attorney](https://www.taasa.org/legal/talk-to-an-attorney).

You can also find a rape crisis center near you for additional information and support.

Visit our crisis center locator at [taasa.org/crisis-center-locator](https://www.taasa.org/crisis-center-locator).

## CONTACT US

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## Legal Rights of Minors in Texas

WHO ARE SURVIVORS OF SEXUAL ASSAULT



Survivors of sexual assault who are younger than 18 years of age face unique challenges based on legal limits on their rights that hinge on their status as a youth. In the aftermath of an assault, children and their caregivers may have questions about their rights to privacy and safety.

This brochure is designed to clarify the limits on minors' rights with regard to healthcare and the criminal justice system.



## Right to Consent to Healthcare

### A child survivor of any age may:

- Consent to services such as **counseling** for suicide prevention, chemical addiction or dependency or sexual, physical or emotional abuse. (Such counseling may be disclosed by the provider to the child's parents/guardians without the child's consent).
- Consent to pregnancy-related **medical** treatments (except abortion), and to the diagnosis and treatment of an infectious, contagious, or communicable disease. (Such medical treatment may be disclosed by the physician to the child's parents without the child's consent.)
- Be **examined** by a physician, dentist, or psychologist who has reasonable grounds to believe that the child's physical or mental condition has been adversely affected by abuse or neglect, unless prohibited by a court order. Examination may occur without the child's or parent/guardian's express consent, and may include x-rays, blood tests, photographs, and penetration of tissue.

### Children must be at least:

- 16 years old to refuse a sexual assault forensic examination or any other type of medical examination.
- 16 years old to consent to medical, dental, psychological, and surgical treatment without parental consent if they are living apart from their parents/guardians and are managing their own financial affairs.

Only survivors age 18 or older may prevent their parents from participating in counseling sessions and from accessing their medical files.

