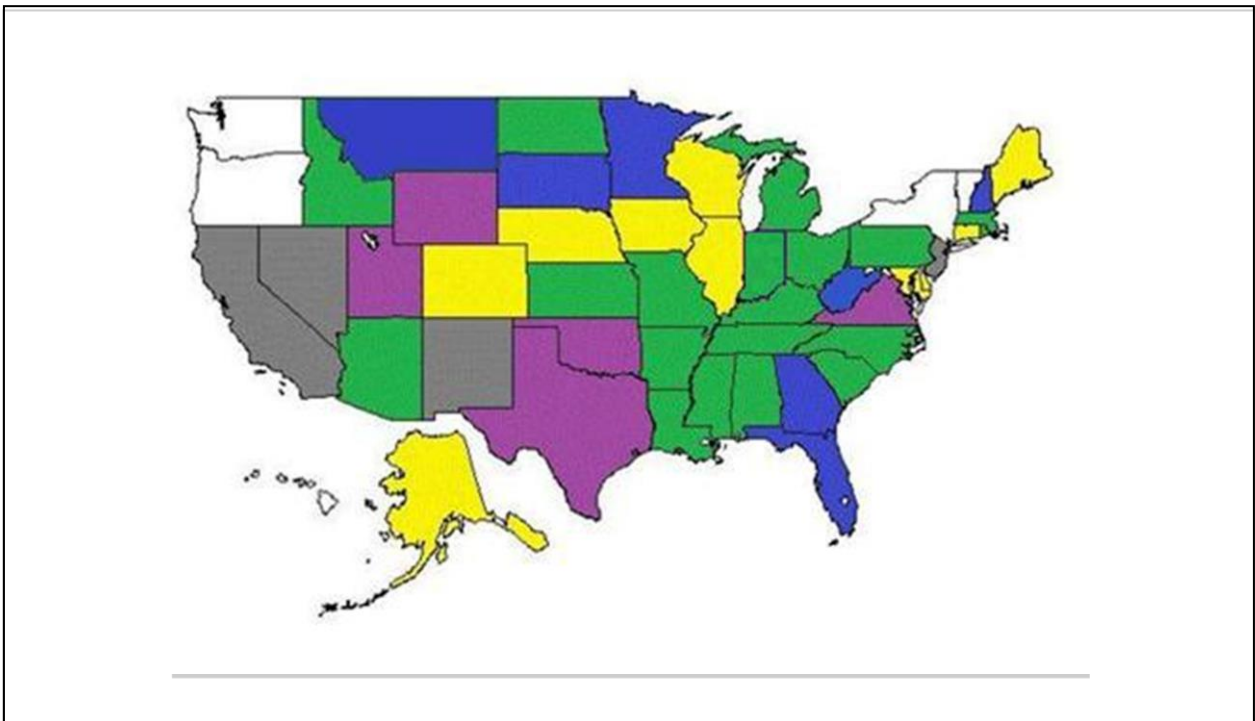


Parental Involvement Laws

Updated: May 22, 2018

Most parental involvement laws require that abortionists either notify, or obtain consent, or both notify and obtain consent of a parent or guardian before a minor girl has an abortion. Studies continue to show the positive impacts these laws have in significantly reducing the rates of abortion, birth, and pregnancy rates among minors.



Legend:

- | | |
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|  Parental Notice |  Enjoined |
|  Parental Consent |  Ineffective Statutes |
|  Notice & Consent | |

State Legislation Department
202.626.8819

Parental Involvement Statutes December 13, 2017

State	Version	Effects of the Law	Court Action	In effect?
Alabama Code of Ala. §26-21-1 to §26-21-8 (2014)	one parent consent or judicial bypass	Must report abortions for medical emergencies. Parent must present a positive proof of ID.	Upheld in: <i>Ex Parte Anonymous</i> , 531 So. 2d 901 (Ala. 1988) This law also applies to the use of mifepristone, Ala. Op. Att’y Gen. No. 2001-072 (Jan. 18, 2001). In 2014, the law was amended to require in-person parental consent and strengthening the judicial bypass provisions, however certain sections (§26- 21-4 (c), (e), (f), (k) and (n) were struck down as unconstitutional by <i>Reprod. Health Servs. v.</i> <i>Marshall</i> No. 2:14-cv-1014- SRW. An appeal has been filed by the State Attorney Gen. on Aug 9, 2017	Yes
Alaska¹ Alaska Stat. §§ 18.16.010 to 18.16.040; §18.16.060; §18.16.090 (2012)	one parent notice and consent or judicial bypass	Must report abortions for rape or abuse. Parent must present a positive proof of ID.	Approved referendum in August 2010 by a 55% vote. Partially enjoined <i>Planned Parenthood of the Great Northwest v. State</i> Case No. 3AN-10-12279 CI. The injunction removed the criminal and civil penalties*, thus rendering the law ineffective. On appeal to the Alaska Supreme Court (Supreme Court Nos. S- 15010, S-15030, S-15039)(2013).	n/a

¹ Alaska previously enacted a 1997 parental consent law which was declared unconstitutional in *State v. Planned Parenthood*, 171 P.3d 577 (Alaska 2007).

State	Version	Effects of the Law	Court Action	In effect?
Arizona ² A.R.S. § 36-2152 (2013); 36-2163	one parent consent or judicial bypass	Must report abortions for rape, abuse or incest. Parental consent must be notarized.	<i>Planned Parenthood of Southern Arizona v. Lawall</i> , 307 F. 3d 783 (9 th Cir. 2002) 9 th Circuit dismissed all final requests to block law. The law went into effect March 4, 2003. The law was amended in 2009 to include notarization requirements, which were upheld by <i>Planned Parenthood Ariz., Inc. v. Am. Ass'n of Pro-Life Obstetricians & Gynecologists</i> , 227 Ariz. 262 (Ariz. Ct. App. 2011).	Yes
Arkansas A.C.A. §§ 20- 16-801 to 20- 16-817 (2013)	one parent consent or judicial bypass	Parental consent must be notarized and must present a positive proof of ID. Must report abortions for rape or abuse.		Yes
California Cal Health & Saf Code § 123450 (2013)	one parent consent or judicial bypass		Declared unconstitutional in: <i>American Academy of Pediatrics v. Lungren</i> , 940 P.2d 797 (Cal. 1997).	No

² Parental consent may be waived if girl certifies to the attending physician that the pregnancy resulted from sexual conduct by a parent, stepparent, adoptive parent, uncle, grandparent, sibling, legal guardian or foster parent, or person living with her and her mother. The physician must report the sexual conduct and forward a fetal-tissue sample to law enforcement officials for use in a criminal investigation. The parents or guardian of the minor may bring civil action if it is based on a claim that proper consent was not obtained. The statute of limitation is six years.

State	Version	Effects of the Law	Court Action	In effect?
Colorado C.R.S. 12-37.5-101 to 12-37.5-108 (2012)	ineffective statute: two parent notice or judicial bypass *In 2003, the Legislature amended the law to expand notification to include an adult aunt or adult uncle or grandparent This law is not considered to be an effective law and is only stated for informational purposes.	Must report abortions for medical emergencies.	<i>Planned Parenthood of the Rocky Mountains Servs. Corp. v. Owens</i> , 287 F.3d 910 (10 th Cir. 2002) 10 th Cir. has affirmed the trial court's ruling of unconstitutionality. Since the law was amended to include medical emergency language, it's now enforceable. This amendment also expanded the notification to other adults and is therefore an ineffective parental involvement law.	n/a
Connecticut³ Conn. Gen. Stat. §§ 19a-600, 19a-601 (2013)	abortionist consent statute	Minor is defined as a person under 16		n/a
Delaware Del. Code Ann. tit. 24, §§ 1780-1789, 1789A-1789B (2013).	ineffective statutes one parent notice, grand parent or licensed mental health care professional	Minor is defined as a person under 16		n/a
Florida Fla. Stat. §§ 390.01114; 390.01116 (2013)	one parent notice or judicial bypass	Must report abortions for rape or abuse.	Upheld in: <i>WomanCare of Orlando, et al. v. Agwunobi</i> 448 F. Supp. 2d 1309 (N.D. Fla. 2006).	Yes
Georgia O.C.G.A. §§ 15-11-680 to 15-11-688 (2013)	one parent notice or judicial bypass	Parental consent requires a positive proof of ID. Must report abortions for medical emergencies.	Upheld in <i>Planned Parenthood Ass'n of the Atlanta Area v. Miller</i> , 934 F.2d 1462 (11th Cir. 1991).	Yes

³Abortionist is to “discuss the possibility of involving the minor’s parents, guardian or other adult family members ... and whether the minor believes that involvement would be in the minor’s best interest.”

State	Version	Effects of the Law	Court Action	In effect?
Idaho Idaho Code Ann. §§18- 609A, 18- 614 ⁴ (2013)	one parent consent or judicial bypass	Must report judicial bypasses and abortions from medical emergencies.	See: <i>Planned Parenthood of Idaho, Inc. v. Wasden</i> , No. 05- 36155 (9th Cir. Nov. 25, 2005) lawsuit dismissed Nov. 2007	n/a
Idaho Idaho Code § 18-604; 18- 609A; 18-609F; 18-609G; (2013) (enacted March 2007)	one parent consent or judicial bypass	Must report judicial bypasses and abortions from medical emergencies.		Yes
Illinois 750 ILCS 70/1 to 750 ILCS 70/99 (2013)	ineffective statute ⁵ notice to adult family member	Must report abortions for abuse rape.	In 1995, the Illinois legislature passed a parental notice act, and left judicial bypass rules and procedure to be promulgated by the Supreme Court –but the court failed to act, and the law lay dormant. In 2006 the legislature created rules. The attorney general then lifted the long- standing injunction. See <i>Zbaraz v. Madigan</i> , 2008 U.S. Dist. LEXIS 15559. Next, a legal battle over the constitutionality ensued. In 2013, where the notice law was found to be constitutional. <i>Hope Clinic for Women, Ltd. v. Flores</i> , 2013 IL 112673 (Ill. 2013)	n/a

⁴ Idaho amended its parental consent statute in 2005 to define the terms “medical emergency”, “parent”, and “minor”. The law, as amended, also allows a minor to file a petition in a court in which she does not reside, but is merely present, and requires that the court inquire into whether the minor’s sexual relations were forced or otherwise in violation of Idaho law. For other changes to the Idaho statute, see 2005 Ida. ALS 393, Section 1

⁵ “Adult family member” means a person over 21 years of age who is the parent, grandparent, step-parent living in the household or legal guardian.

State	Version	Effects of the Law	Court Action	In effect?
Indiana ⁶ Burns Ind. Code Ann. §§ 16-18-2-267; 16-34-2-5 (2013)	one parent consent or judicial bypass	Must report abortions from medical emergencies.		Yes
Iowa Iowa Code § 135L.1 to 135L.3; and 135L.6 to 135L.8; § 232.5 (2013)	Ineffective statute one parent notice or grandparent ⁷ or judicial bypass	Must report abortions for rape or assault.	See: <i>Planned Parenthood of Greater Iowa, Inc. v. Miller</i> , No. 4-96-CV-10877 (S.D. Iowa Oct. 16, 1997).	n/a
Kansas ⁸ K.S.A. §§ 65-6701, 65-6704, 65-6705 (2014)	two parent consent ⁹ or judicial bypass	Parental consent must be notarized. Must report abortions for rape, assault or incest.		Yes
Kentucky KRS § 311.732 (2013)	one parent consent or judicial bypass	.		Yes
Louisiana La. R.S. 40:1061.14 to 40:1061.21 (2012)	one parent consent or judicial bypass	Parental consent must be notarized. Must report abortions for rape or abuse.	Upheld in: <i>Causeway Medical Suite v. Ieyoub</i> , 109 F.3d 1096 (5th Cir. 1997). Cert denied, 522 U.S. 943 (1997); <i>Causeway Medical Suite v. Ieyoub</i> , No. Civ. A. 95-2164 (E.D. La. Aug. 17, 1999). Provision requiring parental notification of judicial bypass request was invalidated in <i>Causeway</i> .	Yes

⁶ In 2017, Indiana amended their law strengthening the bypass provision by requiring the court to notify the parent of a minor of the minor's intent of having an abortion unless the court finds that it is in the best interest of the minor to have an abortion without parental notice.

⁷ A grandparent is subject to civil liability if he/she accepts notification on behalf of a minor. Iowa Code § 135L.7.1 (2005).

⁸ In 2014, Kansas amended their parental consent law closing a loophole which allowed the abortionist to waive parental involvement based on his or her subjective opinion that a medical emergency existed.

⁹ If the minor's parents are divorced or otherwise unmarried and living separate and apart, then the written consent of the parent with primary custody, care and control of such minor shall be sufficient. K.S.A. § 65-6705(a)(1) (2012).

State	Version	Effects of the Law	Court Action	In effect?
Maine ¹⁰ 22 M.R.S. § 1597-A (2013)	abortionist consent statute			n/a
Maryland ¹¹ Md. HEALTH- GENERAL Code Ann. § 20-103 (2013)	abortionist consent statute			n/a
Massachusetts ALM GL ch. 112, §§ 12S; 12U (2013)	one parent consent or judicial bypass		The provision requiring the consent of both parents was struck down and only the consent of one parent is required. <i>Planned Parenthood League of Massachusetts, Inc. v. Attorney General</i> , 677 N.E.2d 101 (Mass. 1997).	Yes
Michigan MCLS § 722.901 to 722.908 (2013)	one parent consent or judicial bypass		Upheld in: <i>Planned Parenthood of Mid-Michigan, Inc. v. Attorney General</i> , No. D 91-0571 AZ (Mich. Cir. Ct., Kalamazoo Cty. Apr. 29, 1994). This law also applies to the use of mifepristone, Mich. Op. Att’y Gen. No. 7077 (March 13, 2001).	Yes
Minnesota Minn. Stat. §§ 144.343; 645.452 (2013)	two parent notice or judicial bypass	Must report abortions for rape or incest.	Upheld in: <i>Hodgson v. Minnesota</i> , 497 U.S. 417 (1990).	Yes
Mississippi Miss. Code Ann. §§ 41-41- 51to 41-41-63 (2013)	two parent consent or judicial bypass		<i>Barnes v. Mississippi</i> , 992 F.2d 1335 (5th Cir.), cert denied, 510 U.S. 976 (1993) <i>Pro-Choice Mississippi v. Fordice</i> , 716 So. 2d 645 (Miss. 1998).	Yes

¹⁰ If the abortionist determines the minor is mentally and physically competent to give consent, parental consent is not required. 22 M.R.S.A. § 1597-A(2)(B).

¹¹ The abortionist may waive parental notice if in his “professional judgment 1) Notice to the parent or guardian may lead to physical or emotional abuse of the minor; 2) The minor is mature and capable of giving informed consent to an abortion; or 3) Notification would not be in the best interest of the minor”. [emphasis added]

State	Version	Effects of the Law	Court Action	In effect?
Missouri Mo. Rev. Stat. §§ 188.015, 188.028, 188.031, 188.075, 188.085 (2013).	one parent consent or judicial bypass		The 1979 law requiring consent was upheld in <i>Planned Parenthood Ass'n v. Ashcroft</i> , 462 U.S. 476 (U.S. 1983). Changes made in 2005 would have made it illegal to assist a pregnant minor in evading the parental consent law, and this provision was declared unconstitutional in <i>Planned Parenthood of Kansas & Mid-Missouri v. Nixon</i> , 220 S.W.3d 732 (Mo. 2007).	Yes
Montana¹² 50-20-501, MCA (2013)	One parent consent or judicial bypass This law repeals the 2012 Legislative Referendum-120	Parental consent must be notarized and must have a positive proof of ID.	Preliminary injunction issued. The complaint: Complaint, <i>Planned Parenthood of Montana v. State</i> , No. ADV 2013-407 (Mont. Dist. 1 May 30, 2013).	No
Montana¹³ 2012 Legislative Referendum- 120	One parent notice or judicial bypass	Requires parental notification for minors*	This law has been challenged but is currently in effect. The complaint: Complaint, <i>Planned Parenthood of Montana v. State</i> , No. ADV 2013-407 (Mont. Dist. 1 May 30, 2013).	Yes

*Applies to minors under 16

¹² In 1995, Montana passed The Parental Notification Act Mont. Code Anno., § 50-20-201 to 50-20-215 (2012). This law was repealed by the 2012 Referendum. This law was also declared unconstitutional in *Wicklund v. State*, No. ADV-97-671 (Mont. Dist. Ct. Feb. 25, 1999) (permanent injunction), appeal filed, No. 99-311 (Mont. Apr. 15, 1999), appeal dismissed, (Mont. Nov. 29, 1999).

¹³ A recent case *Planned Parenthood of Montana v. State* No. DA 14-0110 (Feb. 3, 2015) ruled that the state was allowed to defend the parental notification laws

State	Version	Effects of the Law	Court Action	In effect?
Nebraska ¹⁴ R.R.S. Neb. §§ 71-6901 to 71-6911 (2012)	ineffective statute ¹⁵ : one parent or grandparent consent or judicial bypass	Parental consent must be notarized. Must report abortions for rape, abuse, or medical emergencies.	See also: <i>In re Anonymous 1</i> , 251 Neb. 424 (Neb. 1997).	n/a
Nevada Nev. Rev. Stat. Ann. §§ 442.240; 442.255 to 442.257; and 442.268 (2013)	one parent notice or judicial bypass		<i>Glick v. McKay</i> , 937 F.2d 434 (9th Cir. 1991) (preliminary injunction) No. CV-N-85-331-ECR (D. Nev. Oct. 10, 1991) (permanent injunction issued).	No
New Hampshire ¹⁶ : RSA Tit. X, Ch. 132 Note; 132:32 to 132:36 (2013)	one parent notice with judicial bypass			Yes
New Jersey N.J. Stat. § 9:17A-1.1 to 9:17A-1.12 (2013)	one parent notice or judicial bypass	Must report abortions for abuse.	Declared unconstitutional in <i>Planned Parenthood of Central New Jersey v. Farmer</i> , 762 A. 2d 620 (N.J. Aug. 15, 2000).	No
New Mexico N.M. Stat. Ann. § 30-5-1(C) (2013)	one parent consent no bypass	Must report abortions for rape.	Op. Att’y Gen. No. 90-19 (Oct. 3, 1990).	No

¹⁴ If the minor declares that she is a victim of abuse then the notarized written consent of a grandparent specified by the minor will be sufficient.

¹⁵ Prior to amending the law in 2011, the Nebraska law was counted as a legitimate parental consent law. However, the newly amended version expanded consent to include a grandparent.

¹⁶ In 2003, the Legislature enacted a parental notification law which was repealed in 2007. Prior to repeal, that law was challenged all the way to the United States Supreme Court, which unanimously remanded the law to the 1st Circuit Court of Appeals in, *Planned Parenthood v. Heed* 390 F.3d 53 (1st Cir. 2004), rev'd in part and remanded, *Ayotte v. Planned Parenthood*, 546 U.S. 320 (U.S. 2006).

State	Version	Effects of the Law	Court Action	In effect?
North Carolina N.C. Gen. Stat. § 90-21.6 to 90-21.10 (2013)	one parent consent or custodial grand parent or judicial bypass		Found constitutional in <i>Manning v. Hunt</i> , 119 F.3d 254 (4th Cir. 1997)	Yes
North Dakota N.D. Cent. Code, §§ 14-02.1-03.1 to 14-02.1-03.3 (2013); 14-02.1-07	two parent consent or judicial bypass	Must report abortions for medical emergencies.		Yes
Ohio ORC Ann. 2919.121; 2919.122 (2013) Related to bypass: ORC Ann. 2151.85; 2505.073 (2013)	one parent consent or judicial bypass		The Single-Petition Rule which prevents a minor from filing another request after being denied a judicial bypass was declared unconstitutional and severable. The rest of the law was declared constitutionally valid in <i>Cincinnati Women's Servs. v. Taft</i> , 468 F.3d 361 (6th Cir. Ohio 2006).	Yes
Ohio ORC Ann. 2919.12 (2013) (prior to July 1, 1996)	ineffective statute notice to parent, grandparent, step-parent or adult sibling over the age of 21		Found constitutional in: <i>Ohio v. Akron Center for Reproductive Health</i> , 497 U.S. 502 (1990).	n/a
Oklahoma 63 Okl. St. § 1-740.1 to 1-740.6 (2012)	One parent notice*. **Consent or judicial bypass needed for abortion. *Becomes effective November 1, 2013	Parental consent requires notarization and positive proof of ID. Must report abortions for medical emergencies.	**Upheld in: <i>Nova Health Systems v. Fogarty</i> , 416 F.3d 1149 (10 th Cir. 2005). Bypass provisions upheld in: <i>Nova Health Sys. v. Edmondson</i> , 460 F.3d 1295 (10th Cir. Okla. 2006).	Yes

State	Version	Effects of the Law	Court Action	In effect?
Pennsylvania 18 Pa.C.S. §§ 3203, 3206 (2013)	one parent consent or person standing in loco parentis ¹⁷ consent or judicial bypass	Must report abortions for medical emergencies.	Found constitutional in: <i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i> , 505 U.S. 833 (1992).	Yes
Rhode Island R.I. Gen. Laws §§ 23-4.7-1; 23-4.7-6; 23-4.7-7 (2012)	one parent consent or judicial bypass			Yes
South Carolina* S.C. Code Ann. § 44-41-10; 44-41-30 to 44-41-37 (2012)	one parent consent or grandparent or person standing in loco parentis ¹⁸ consent judicial bypass	Abortionist must witness parental consent. Must report abortions for incest. Minor is defined as a person under 17		Yes
South Dakota S.D. Codified Laws § 34-23A-1; 34-23A-7; 34-23A-7.1 (2013)	one parent notice or judicial bypass	Parental consent must be notarized.	An earlier version of this law which contained no judicial bypass was declared unconstitutional in <i>Planned Parenthood v. Miller</i> , 63 F.3d 1452 (8 th Cir. S.D. 1995); Cert denied, <i>Janklow v. Planned Parenthood, Sioux Falls Clinic</i> , 517 U.S. 1174 (U.S. 1996).	Yes

¹⁷ "In loco parentis" means Any adult charged by law with the natural parent's rights, duties and responsibilities acting on behalf of a minor child (under 18) in place of the child's natural parents.

¹⁸ "In loco parentis" means any person over the age of eighteen who has placed himself or herself in the position of a lawful parent by assuming obligations which are incidental to the parental relationship and has so served for a period of sixty days. S.C. Code Ann. § 44-41-10 (o) (2005).

State	Version	Effects of the Law	Court Action	In effect?
<p>Tennessee Tenn. Code Ann. § 37-10-301 to 37-10-308 (2013)</p>	<p>one parent consent or judicial bypass</p>	<p>Consent not required if criminal incest charges are pending.</p> <p>Parental consent requires positive proof of ID.</p>	<p>Found constitutional in: <i>Memphis Planned Parenthood, Inc. v. Sundquist</i>, 175 F.3d 456 (6th Cir. 1999)</p> <p>This law also applies to the use of mifepristone. Tenn. Op. Att’y Gen. No. 01-030 March 7, 2001.</p>	<p>Yes</p>
<p>Texas Minor defined: Tex. Fam. Code § 101.003 (2013) Parental Consent: Tex. Occ. Code § 164.052 (19); § 164.052 © (2013) Parental Notice: Tex. Fam. Code §§ 33.001 to 33.011 (2013)</p>	<p>One parent notice and consent or judicial bypass</p>	<p>Must report abortions for abuse or medical emergencies.</p>		<p>Yes</p>
<p>Utah Utah Code Ann. § 76-7-304; 76-7-304.5 (2013)</p>	<p>One parent notice and consent and judicial bypass</p>		<p>The parental notice provision was challenged and upheld in: <i>H.L. v. Matheson</i>, 604 P.2d 907 (Utah 1979), aff’d. 450 U.S. 398 (1981).</p>	<p>Yes</p>

State	Version	Effects of the Law	Court Action	In effect?
Virginia Va. Code Ann. § 16.1-241(W) (2013)	one parent notice and consent, person standing in loco parentis ¹⁹ consent or judicial bypass	Parental consent must be notarized. Must report abortions for abuse.	Held constitutional in: <i>Planned Parenthood of the Blue Ridge v. Cambos</i> , 155 F.3d 352 (4 th Cir. 1998) (en banc), cert. Denied, 525 U.S. 1140 (1999).	Yes
West Virginia ²⁰ W. Va. Code §§ 16-2F-1 to 16-2F-9 (2013)	Parental notice	Whenever the parents are not notified, abortionist must report the reason.		Yes
Wisconsin ²¹ Wis. Stat. §§ 48.375; 253.10 (2012)	ineffective statute one parent consent or adult family member	Must report abortions for rape or abuse.		n/a
Wyoming Wyo. Stat. §§ 35-6-101; 35-6-118 (2013)	one parent notice and consent or judicial bypass			Yes

Total Consent Laws: 22 In effect: 19 Enjoined: 3	Total Notice & Consent Laws: 5 In effect: 5 Enjoined: 0	Total Notice Laws: 9 In effect: 7 Enjoined: 2
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¹⁹ "Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the minor regularly and customarily resides and who has care and control of the minor. Any person who knows he is not an authorized person and who knowingly and willfully signs an authorization statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor. Va. Code Ann. § 16.1-241 (W)(2013).

²⁰ In April 2017, West Virginia amended the law closing the loophole that previously allowed a physician to waive parental notification.

²¹ "Adult family member" means any of the following who is at least 25 years of age: grandparent, aunt, uncle, sister or brother.

TOTAL PARENTAL INVOLVEMENT LAWS IN EFFECT: 31

****The state laws that are described as “abortionist consent statute” or as an “ineffective statute” are seriously flawed and are mentioned for informational purposes only. Those 10 (ten) states are not included in the total legitimate number of parental involvement laws.**