

## Parental Involvement Statutes April 15, 2003

State	Version	Definition of Minor	Court Action	Not in effect	In effect
<b>Alabama</b> Ala. Code §26-21-2 et seq. (West 1999)	one parent consent or judicial bypass	under 18	Ex Parte Anonymous, 531 So. 2d 901 (Ala. 1988)		✘
<b>Alaska</b> Ak. St. §18.16.010 et seq. (West 1999)	one parent consent or judicial bypass	under 17	State v. Planned Parenthood, 35 P.3d 30 (Alaska 2001). Trial court's ruling that consent law violated the state constitution was reversed by Alaska Supreme Court, and the case was remanded for a trial on the merits.	✘	
<b>Arizona</b> Ariz. Rev. Stat. Ann. §36-2152 (West 1999)	one parent consent or judicial bypass	under 18	Planned Parenthood of Southern Arizona v. Lawall, No. 01-16799. 9 <sup>th</sup> Circuit dismissed all final requests to block law. The law went into effect March 4, 2003.		✘
<b>Arkansas</b> Ar. Code Ann. §20-16-801 et seq. (West 1999)	two parent notice or judicial bypass	under 18			✘
<b>California</b> Cal. Health & Safety Code §123450 (West 1999)	one parent consent or judicial bypass	under 18	American Academy of Pediatrics v. Lungren, 940 P.2d 797 (Cal. 1997)	✘	

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<b>Colorado</b> Co. Rev. Stat. §12-37.5-101 et seq. (West 1999)	two parent notice or judicial bypass	under 18	Planned Parenthood of the Rocky Mountains Servs. Corp. v. Owens, 287 F.3d 910 (10 <sup>th</sup> Cir. 2002) 10 <sup>th</sup> Cir. Has affirmed the trial court's ruling of unconstitutionality.	✘	
<b>Connecticut<sup>1</sup></b> Conn. Gen. Stat. Ann. §19A-601 (West 1999)	<b>abortionist consent statute</b>	under 16		n/a	n/a
<b>Delaware</b> Del. Code Ann. Tit. 24 §1780 et seq. (West 1999)	<b>ineffective statutes</b> one parent notice, grand parent or licensed mental health care professional	under 16		n/a	n/a
<b>Florida</b> Fla. Stat. Ann. §390.01115 (West 1999)	one parent notice or judicial bypass		The intermediate appellate court found the statute constitutional. North Florida Woman's Health and Counseling Services, Inc. v. State, WL 111037 (Fla. App. 1 Dist. 2001) Enforcement is stayed pending a decision from Fla. Supreme Court. All briefs are before the court and oral argument has been heard. 799 So.2d 218 (Fla. 2001)	✘	
<b>Georgia</b> Ga. Code Ann. §15-11-111 et seq. (West 1999)	one parent notice or person standing in loco parentis notice or judicial bypass	under 18	Planned Parenthood Ass'n of the Atlanta Area v. Miller, 934 F.2d 1462 (11th Cir. 1991)		✘

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<sup>1</sup>Abortionist 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."

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<b>Hawaii</b>	<b>No law</b>		n/a	n/a	n/a
<b>Idaho</b> Idaho Code Ann. §§18-601, -609A, -614	one parent consent or judicial bypass	under 18	Planned Parenthood of Idaho, Inc. v. Lance, No. CIV 00-0353-S-MHW (D. Idaho Mar. 8, 2002) ** Portions of this law have been blocked, pending resolution of a legal challenge		✘
<b>Illinois</b> 750 ILCS 70/1 et seq. (West 1999)	<b>ineffective statute<sup>2</sup></b> notice to adult family member	under 18	Zbaraz v. Ryan, No. 84 C 771 (N.D. Ill. Feb. 9, 1996)	n/a	n/a
<b>Indiana</b> Ind. Code. Ann. §16-18-2-267, §16-34-2-4 (West 1999)	one parent consent or judicial bypass	under 18			✘
<b>Iowa</b> Iowa Code §135L.1 et seq. (West 1999)	one parent notice or grandparent or judicial bypass	under 18	Planned Parenthood of Greater Iowa, Inc. v. Miller, No. 4-96-CV-10877 (S.D. Iowa Oct. 16, 1997)		✘
<b>Kansas<sup>3</sup></b> Kan. Stat. Ann. §65-6705 (West 1999)	<b>abortionist consent statute</b>	under 18		n/a	n/a
<b>Kentucky</b> Ky. Rev. Stat. Ann. §311.732 (West 1999)	one parent consent or judicial bypass	under 18			✘

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<sup>2</sup> “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.

<sup>3</sup> A counselor shall discuss the possibility of involving the minor’s parent or parents, other adult family members or guardian.

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<b>Louisiana</b> La. Rev. Stat. Ann. §40:1299.35.1 et seq. (West 1999)	one parent consent or judicial bypass	under 18	Causeway Medical Suite v. Ieyoub, 109 F.3d 1096 (5th Cir. 1997). Cert denied, 522 U.S. 943 (1997); Causeway Medical Suite v. Ieyoub, No. Civ. A. 95-2164 (E.D. La. Aug. 17, 1999)		✘
<b>Maine</b> <sup>4</sup> 22 M.R.S.A. §1597-a (West 1999)	<b>abortionist consent statute</b>	under 18		n/a	n/a
<b>Maryland</b> <sup>5</sup> Md. Code Ann. Health-Gen. §20-103 (West 1999)	<b>abortionist consent statute</b>	under 18		n/a	n/a
<b>Massachusetts</b> Mass. Gen. Laws. Ch. 112, §12S (West 1999)	one parent consent or judicial bypass	under 18	Planned Parenthood League of Massachusetts, Inc. v. Attorney General, 677 N.E.2d 101 (Mass. 1997)		✘
<b>Michigan</b> Mich. Stat. Ann. §722.901 et seq. (West 1999)	one parent consent or judicial bypass	under 18	Planned Parenthood of Mid-Michigan, Inc. v. Attorney General, No. D 91-0571 AZ (Mich. Cir. Ct., Kalamazoo Cty. Apr. 29, 1994)		✘
<b>Minnesota</b> Minn. Stat. Ann. §§645.452, 144.343 (West 1999)	two parent notice or judicial bypass	under 18	Hodgson v. Minnesota, 497 U.S. 417 (1990)		✘

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<sup>4</sup> A counselor may discuss the possibility of involving the minor's parent, parents, or to her adult family member.

<sup>5</sup> 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]

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<b>Mississippi</b> Miss. Code Ann. §41-41-51 et seq. (West 1999)	two parent consent or judicial bypass	under 18	Barnes v. Mississippi, 992 F.2d 1335 (5th Cir.), cert denied, 510 U.S. 976 (1993) Pro-Choice Mississippi v. Fordice, 716 So. 2d 645 (miss. 1998)		✘
<b>Missouri</b> Mo. Rev. Stat. §§188.015, 188.028 (West 1999)	one parent consent or judicial bypass	under 18	Planned Parenthood Ass'n of Kansas City, Missouri v. Ashcroft, 462 U.S. 476 (1983)		✘
<b>Montana</b> Mont. Code Ann. §50-20-202 et seq. (West 1999)	one parent notice or judicial bypass	under 18	Wicklund v. State, No. ADV-97-671 (Mont. Dist. Ct. Feb. 25, 1999)	✘	
<b>Nebraska</b> Neb. Rev. Stat. §71-6901 et seq. (West 1999)	one parent notice or judicial bypass	under 18	In re of Anonymous 1, 558 N.W.2d 784 (Neb. 1997)		✘
<b>Nevada</b> Nev. Rev. Stat. §442.255 et seq. (West 1999)	one parent notice or judicial bypass	under 18	Glick v. McKay, 937 F.2d 434 (9th Cir. 1991)	✘	
<b>New Hampshire:</b>	<b>No Law</b>		n/a	n/a	n/a
<b>New Jersey</b> NJ Stat. Ann. §9:17A-1et seq. (West)	one parent notice or judicial bypass	under 18	Planned Parenthood of Central New Jersey v. Farmer, 762 A. 2d 620 (N.J. Aug. 15, 2000)	✘	
<b>New Mexico</b> NM. Stat. Ann. §30-5-1(C)	one parent consent no bypass	under 18	Op. Att'y Gen. No. 90-19 (Oct. 3, 1990)	✘	
<b>New York</b>	<b>No Law</b>		n/a	n/a	n/a
<b>North Carolina</b> N.C. Gen. Stat. §90-21.6 et seq. (West 1999)	one parent consent or custodial grand parent or judicial bypass	under 18	Manning v. Hunt, 119 F.3d 254 (4th Cir. 1997)		✘

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<b>North Dakota</b> N.D. Cent. Code §14-02.1-03.1 (West 1999)	two parent consent or judicial bypass	under 18			✘
<b>Ohio</b> OH Stat. §§2919.121, - 122 (West 1999)	one parent consent or judicial bypass	under 18	Cincinnati Women's Services v. Voinovich, (No. C-1-98-289 (S.D. Ohio Apr. 19, 1998)	✘	
<b>Ohio</b> <sup>6</sup> [§2919.12] (prior to July 1, 1996)	<b>ineffective statute</b> notice to parent, grandparent, step-parent or adult sibling over the age of 21	under 18	Ohio v. Akron Center for Reproductive Health, 497 U.S. 502 (1990)	n/a	n/a
<b>Oklahoma</b>	<b>NO LAW</b>		n/a	n/a	n/a
<b>Oregon</b>	<b>NO LAW</b>		n/a	n/a	n/a
<b>Pennsylvania</b> PA. Stat. Ann. Tit. 18 §§3203, 3206 (West 1999)	one parent consent or person standing in loco parentis consent or judicial bypass	under 18	Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992)		✘
<b>Rhode Island</b> R.I. Gen. Laws §23-4.7 - 6, - 7 (West 1999)	one parent consent or judicial bypass	under 18			✘
<b>South Carolina</b> S.C. Code Laws Ann. §44-41-10, - 30 - 37 (West 1999)	one parent consent or grandparent or person standing in loco parentis consent judicial bypass	under 17			✘

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<sup>6</sup>A revised law that requires parental consent is currently not in effect; meanwhile, the notification requirements remain enforced.

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<b>South Dakota</b> S.D. Code Laws Ann. §§26-1-1, 34- 23A-1,-7 (West 1999)	one parent notice or judicial bypass	under 18			✘
<b>Tennessee</b> Tenn. Code Ann. §37-10-302 et seq. (West 1999)	one parent consent or judicial bypass	under 18	Memphis Planned Parenthood, Inc. v. Sundquist, 175 F.3d 456 (6th Cir. 1999) Memphis Planned Parenthood, Inc. v. Sundquist, 2 F. Supp. 2d 997 (M.D. Tenn. 1997)		✘
<b>Texas</b> Tex. Fam. Code Ann. §33.001 et seq. (West 1999)	one parent notice or judicial bypass	under 18			✘
<b>Utah</b> <sup>7</sup> Utah Code Ann. §76-7-301, -304, - 315, -317 (West 1999)	<b>ineffective statute</b>	under 18	H.L. v. Matheson, 604 P.2d 907 (Utah 1979), aff'd. 450 U.S. 398 (1981)	n/a	n/a
<b>Vermont</b>	<b>No Law</b>		n/a	n/a	n/a
<b>Virginia</b> Va. Code Ann. §16.1-241 (V) (West 1999)	one parent notice or person standing in loco parentis notice or judicial bypass	under 18	Planned Parenthood of the Blue Ridge v. Cambos, 155 F.3d 352 (4th Cir. 1998) (en banc), cert. Denied, 525 U.S. 1140 (1999)		✘
Virginia Va. Code Ann. §16.1-241 (V) (2003)	one parent consent or person standing in loco parentis consent judicial bypass	under 18	Passed General Assembly and became law after General Assembly rejected unacceptable and weakening amendments proposed by Governor Warner.	Takes effect July 1, 2003	Takes effect July 1, 2003

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<sup>7</sup> Law contains ineffective language “notify, if possible, the parents or guardian of the woman upon whom the abortion is to be performed.”

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<b>Washington</b>	<b>NO LAW</b>		n/a	n/a	n/a
<b>West Virginia</b> <sup>8</sup> W.Va. Code §16-2F-1 et seq. (West 1999)	<b>abortionist consent statute</b>	under 18		n/a	n/a
<b>Wisconsin</b> <sup>9</sup> Wis. Stat. Ann. §§46.24, 48.375 (West 1999)	<b>ineffective statute</b> one parent consent or adult family member	under 18		n/a	n/a
<b>Wyoming</b> Wyo. Stat. §§35-6-101, 35-6-118 (West 1999)	one parent consent or judicial bypass	under 18			✘
<b>T O T A L S</b>	<b>13</b> effective parental notification laws. <b>21</b> effective parental consent laws			<b>5</b> notice laws. <b>4</b> consent laws	<b>8</b> notice laws. <b>17</b> consent laws.

**TOTAL PARENTAL INVOLVEMENT LAWS IN EFFECT: 25**

**\*\*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 states are not included in the total number of parental involvement laws.**

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<sup>8</sup> The parental notification may be waived by a physician , other than the physician who is to perform the abortion, if such other physician finds that the minor is mature enough to make the abortion decision independently or that notification would be in the minor’s best interest .

<sup>9</sup> “Adult family member” means any of the following who is at least 25 years of age: grandparent, aunt, uncle, sister or brother.