



512 10th Street, NW Washington, DC 20004-1401  
(202) 626-8800 FAX: (202) 737-9189 Website: www.nrlc.org

## Parental Involvement Statutes January 14, 2013

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	<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)		☐
<b>Alaska</b> Ak. St. §18.16.010 et seq. (West 1999)	one parent consent or judicial bypass	under 17	Currently being appealed by the state to the Alaska Supreme Court. <i>Planned Parenthood v. State</i> , S-11365 (Alaska Feb. 17, 2004) (appeal filed).	☐	
<b>Alaska</b>	one parent notice or judicial bypass	under 18	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.	n/a	n/a

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<b>Arizona<sup>1</sup></b> Ariz. Rev. Stat. Ann. §36-2152 (West 1999)	one parent consent or judicial bypass	under 18	<i>Planned Parenthood of Southern Arizona v. Lawall</i> , 307 F. 3d 783 (9 <sup>th</sup> Cir. 2002) 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)	one parent consent or judicial bypass	under 18			☐
<b>California</b> Cal. Health & Safety Code §123450 (West 1999)	one parent consent or judicial bypass	under 18	<i>American Academy of Pediatrics v. Lungren</i> , 940 P.2d 797 (Cal. 1997)	☐	

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<sup>1</sup> 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.

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<b>Colorado</b> Co. Rev. Stat. §12-37.5-101 et seq. (West 1999)	<b>ineffective statute:</b> 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.	under 18	<i>Planned Parenthood of the Rocky Mountains Servs. Corp. v. Owens</i> , 287 F.3d 910 (10 <sup>th</sup> Cir. 2002) 10 <sup>th</sup> Cir. Has affirmed the trial court’s ruling of unconstitutionality.	n/a	n/a
<b>Connecticut<sup>2</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

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<sup>2</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>Florida</b> Fla. Stat. Ann. §390.01114(West 2005)	one parent notice or judicial bypass	Under 18	Upheld in <i>WomanCare of Orlando, et al. v. Agwunobi</i> 448 F. Supp. 2d 1293 (N.D. Fla. 2005).		☐
<b>Georgia</b> Ga. Code Ann. §15-11-111 et seq. (West 1999)	one parent notice or judicial bypass	under 18	Upheld in <i>Planned Parenthood Ass’n of the Atlanta Area v. Miller</i> , 934 F.2d 1462 (11th Cir. 1991).		☐
<b>Hawaii</b>	<b>No law</b>		n/a	n/a	n/a
<b>Idaho</b> Idaho Code Ann. §§18-601, -609A, -614 <sup>3</sup>	one parent consent or judicial bypass	under 18	<i>Planned Parenthood of Idaho, Inc. v. Wasden</i> , No. 05-36155 (9th Cir. Nov. 25, 2005) lawsuit dismissed Nov. 2007	n/a	n/a
<b>Idaho</b> Idaho Code Ann. §§18-609A, -609F, -609G, -614, (enacted March 2007)	one parent consent or judicial bypass	under 18			☐
<b>Illinois</b> 750 ILCS 70/1 et seq. (West 1999)	<b>ineffective statute</b> <sup>4</sup> notice to adult family member	under 18	<i>Zbaraz v. Ryan</i> , No. 84 C 771 (N.D. Ill. Feb. 9, 1996)	n/a	n/a

<sup>3</sup> 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

<sup>4</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.

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<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)	<b>Ineffective statute</b> one parent notice or grandparent <sup>5</sup> or judicial bypass	under 18	<i>Planned Parenthood of Greater Iowa, Inc. v. Miller</i> , No. 4-96-CV-10877 (S.D. Iowa Oct. 16, 1997)	n/a	n/a
<b>Kansas</b> Kan. Stat. Ann. §65-6705 (2011)	Parental consent	under 18			☐
<b>Kentucky</b> Ky. Rev. Stat. Ann. §311.732 (West 1999)	one parent consent or judicial bypass	under 18			☐
<b>Louisiana</b> La. Rev. Stat. Ann. §40:1299.35.1 et seq. (West 1999)	one parent consent or judicial bypass	under 18	<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)		☐

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<sup>5</sup> A grandparent is subject to civil liability if he/she accepts notification on behalf of a minor. Iowa Code § 135L.7.1 (2005).

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<b>Maine</b> <sup>6</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>7</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	<i>Planned Parenthood League of Massachusetts, Inc. v. Attorney General</i> , 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	<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)		☐
<b>Minnesota</b> Minn. Stat. Ann. §§645.452, 144.343 (West 1999)	two parent notice or judicial bypass	under 18	<i>Hodgson v. Minnesota</i> , 497 U.S. 417 (1990)		☐

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<sup>6</sup> 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).

<sup>7</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	<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)		☐
<b>Missouri</b> Mo. Rev. Stat. §§188.015, 188.028 (West 1999)	one parent consent or judicial bypass	under 18	<i>Planned Parenthood Ass’n v. Nixon</i> , 0516-CV 25949 (Nov. 17, 2005). A portion of the law which would hold a person who is not the parent or legal guardian of the minor, liable for assisting a pregnant minor in obtaining an abortion by evading the parental consent law is enjoined until Missouri Supreme Court addresses this issue.		☐
<b>Montana</b> <b>2012 Legislative Referendum-120</b>	one parent notice or judicial bypass	Under 16			☐
<b>Montana</b> Mont. Code Ann. §50-20-202 et seq. (West 1999)	one parent notice or judicial bypass	under 18	<i>Wicklund v. State</i> , No. ADV-97-671 (Mont. Dist. Ct. Feb. 25, 1999)	☐	

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<b>Nebraska</b> <sup>8</sup> Neb. Rev. Stat. §71-6901 et seq. (2011) amended previous law	<b>ineffective statute:</b> one parent or grandparent notarized consent or judicial bypass	under 18		n/a	n/a
<b>Nevada</b> Nev. Rev. Stat. §442.255 et seq. (West 1999)	one parent notice or judicial bypass	under 18	<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).	☐	
<b>New Hampshire:</b> N.H. Stat. Ann. §132.32 et seq. (2011)	one parent notice with judicial bypass				☐
<b>New Jersey</b> NJ Stat. Ann. §9:17A-1 et seq. (West)	one parent notice or judicial bypass	under 18	<i>Planned Parenthood of Central New Jersey v. Farmer</i> , 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 grandparent or judicial bypass	under 18	<i>Manning v. Hunt</i> , 119 F.3d 254 (4th Cir. 1997)		☐

<sup>8</sup> 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.



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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	On September 22, 2005, Held Constitutional by <i>Cincinnati Women's Services, Inc. v. Taft</i> , Case No. 1:98-CV-289. On October 3, 2005, a 3-judge panel of the 6th Circuit denied a request for a stay of enforcement of the statute during the appeal, with the exception of one provision, R.C. 2919.121(C)(4), which would prevent a minor who had a bypass request denied from filing another request during the same pregnancy. As a result, all of the statute, except that one provision, went into effect on October 10, 2005.		☐
<b>Ohio</b> [§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	<i>Ohio v. Akron Center for Reproductive Health</i> , 497 U.S. 502 (1990)	n/a	n/a
<b>Oklahoma</b> Okla. Stat. tit. 63, §§ 1-740.1-.6 (2013)	One parent consent or judicial bypass	Under 18	See also: <i>Nova Health Systems v. Fogarty</i> , 416 F.3d 1149 (10 <sup>th</sup> Cir. 2005).		☐

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<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 <sup>9</sup> consent or judicial bypass	under 18	<i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i> , 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 <sup>10</sup> consent judicial bypass	under 17			☐
<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			☐

<sup>9</sup> “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.

<sup>10</sup> "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).

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<b>Tennessee</b> Tenn. Code Ann. §37-10-302 et seq. (West 1999)	one parent consent or judicial bypass	under 18	<i>Memphis Planned Parenthood, Inc. v. Sundquist</i> , 175 F.3d 456 (6th Cir. 1999) This law also applies to the use of mifepristone. Tenn. Op. Att’y Gen. No. 01-030 March 7, 2001.		☐
<b>Texas</b> <b>Tex. Occupations Code § 164.052</b>	One parent consent or judicial bypass	under 18			☐
<b>Utah</b> Utah Code Ann. §76-7-304, -304.5	One parent consent and notice	under 18	See also: <i>H.L. v. Matheson</i> , 604 P.2d 907 (Utah 1979), aff’d. 450 U.S. 398 (1981)		☐
<b>Vermont</b>	<b>No Law</b>		n/a	n/a	n/a
<b>Virginia</b> Va. Code Ann. §16.1-241 (V) as amended in 2003	one parent consent or person standing in loco parentis <sup>11</sup> consent judicial bypass	under 18	See also: <i>Planned Parenthood of the Blue Ridge v. Cambos</i> , 155 F.3d 352 (4th Cir. 1998) (en banc), cert. Denied, 525 U.S. 1140 (1999)		☐
<b>Washington</b>	<b>NO LAW</b>		n/a	n/a	n/a

<sup>11</sup> "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 (v)(2005).

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<b>West Virginia</b> <sup>12</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>13</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			☐

Total Consent Laws: 27

Total Notice Laws: 8

In effect: 24  
Enjoined: 3

In effect: 5  
Enjoined: 3

**TOTAL VALID PARENTAL INVOLVEMENT LAWS IN EFFECT: 29**

**\*\*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>12</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>13</sup> “Adult family member” means any of the following who is at least 25 years of age: grandparent, aunt, uncle, sister or brother.