

Parental Involvement Statutes December 2005

| State | Version | Definition of Minor | Court Action | Not in effect | In effect |
|--|---------------------------------------|---------------------|--|---------------|-----------|
| Alabama 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) | | W |
| Alaska Ak. St. §18.16.010 et seq. (West 1999) | one parent consent or judicial bypass | under 17 | <i>Planned Parenthood of Alaska v. State</i> , 3AN-97-6014 C1 (Alaska Super. Ct. Oct. 13, 2003) (decision on remand) | W | |
| Arizona 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 th Cir. 2002) 9 th Circuit dismissed all final requests to block law. The law went into effect March 4, 2003. | | W |
| Arkansas Ar. Code Ann. §20-16-801 et seq. (West 1999) | one parent consent or judicial bypass | under 18 | | | W |
| California 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) | W | |

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| Colorado Co. Rev. Stat. §12-37.5-101 et seq. (West 1999) | 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. | under 18 | <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. | n/a | n/a |
| Connecticut¹ Conn. Gen. Stat. Ann. §19A-601 (West 1999) | abortionist consent statute | under 16 | | n/a | n/a |
| Delaware Del. Code Ann. Tit. 24 §1780 et seq. (West 1999) | ineffective statutes one parent notice, grand parent or licensed mental health care professional | under 16 | | n/a | n/a |
| Florida Fla. Stat. Ann. §390.01114 (West 2005) | one parent notice or judicial bypass | Under 18 | Request for temporary injunction denied. However, original lawsuit still in tact. <i>WomanCare of Orlando, et al. v. Agwunobi</i> —Case No. 4:05- CV- 00222-WS-WCS. | | W |
| Georgia Ga. Code Ann. §15-11-111 et seq. (West 1999) | one parent notice or judicial bypass | under 18 | | | W |
| Hawaii | No law | | n/a | n/a | n/a |

¹Abortionist 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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| Idaho Idaho Code Ann. §§18-601, -609A, -614. ² | one parent consent or judicial bypass | under 18 | Enjoined by <i>Planned Parenthood of Idaho, Inc. v. Wasden</i> , 376 F. Supp. 2d 1012 (D. Idaho July 1, 2005). | W | |
| Illinois 750 ILCS 70/1 et seq. (West 1999) | ineffective statute ³ 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 |
| Indiana Ind. Code. Ann. §16-18-2-267, §16-34-2-4 (West 1999) | one parent consent or judicial bypass | under 18 | | | W |
| Iowa Iowa Code §135L.1 et seq. (West 1999) | one parent notice or grandparent ⁴ 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) | | W |
| Kansas ⁵ Kan. Stat. Ann. §65-6705 (West 1999) | parental involvement statute or judicial bypass | under 18 | | | W |
| Kentucky Ky. Rev. Stat. Ann. §311.732 (West 1999) | one parent consent or judicial bypass | under 18 | | | W |

² 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.

³ “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.

⁴ A grandparent is subject to civil liability if he/she accepts notification on behalf of a minor. Iowa Code § 135L.7.1 (2005).

⁵ During mandatory counseling, the counselor shall discuss the possibility of involving the minor’s parent or parents, other adult family members or guardian. If the minor does not want to involve the parent (s), other adult family members or guardian, she must obtain a judicial bypass to obtain an abortion. Kan. Stat. Ann. § 65-6705 (a).

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| Louisiana 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) | | W |
| Maine ⁶ 22 M.R.S.A. §1597-a (West 1999) | abortionist consent statute | under 18 | | n/a | n/a |
| Maryland ⁷ Md. Code Ann. Health-Gen. §20-103 (West 1999) | abortionist consent statute | under 18 | | n/a | n/a |
| Massachusetts 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) | | W |
| Michigan 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) | | W |
| Minnesota 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) | | W |
| Mississippi 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) | | W |

⁶ 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).

⁷ 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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| Missouri Mo. Rev. Stat. §§188.015, 188.028 (West 1999) | one parent consent or judicial bypass | under 18 | <i>Planned Parenthood Ass'n of Kansas City, Missouri v. Ashcroft</i> , 462 U.S. 476 (1983) | | W |
| Montana 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) | W | |
| Nebraska Neb. Rev. Stat. §71-6901 et seq. (West 1999) | one parent notice or judicial bypass | under 18 | <i>In re of Anonymous 1</i> , 558 N.W.2d 784 (Neb. 1997) | | W |
| Nevada 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) | W | |
| New Hampshire: N.H. Stat. Ann. §§132.25, 132.26 | one parent notice with judicial bypass | under 18 | <i>Planned Parenthood of North New England v. Att'y Gen.</i> , 1:03-CV-00491-JD (D.N.H. Dec. 29, 2003) On January 18, 2006 the U.S. Supreme Court upheld the statute and remanded it to the 1 st Circuit Court of Appeals. | W | |
| New Jersey NJ Stat. Ann. §9:17A-1et 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) | W | |
| New Mexico NM. Stat. Ann. §30-5-1(C) | one parent consent no bypass | under 18 | Op. Att'y Gen. No. 90-19 (Oct. 3, 1990) | W | |
| New York | No Law | | n/a | n/a | n/a |
| North Carolina N.C. Gen. Stat. §90-21.6 et seq. (West 1999) | one parent consent or custodial grand parent or judicial bypass | under 18 | <i>Manning v. Hunt</i> , 119 F.3d 254 (4th Cir. 1997) | | W |
| North Dakota N.D. Cent. Code §14-02.1-03.1 (West 1999) | two parent consent or judicial bypass | under 18 | | | W |

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| Ohio 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, Case No. 1:98-CV-289</i> . 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. | | W |
| Ohio ⁸ [§2919.12] (prior to July 1, 1996) | ineffective statute 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 |
| Oklahoma Okl. St. § 1-740.2, -3 | One parent notice or judicial bypass | Under 18 | <i>Nova Health Systems v. Fogarty</i> , 416 F.3d 1149 (10 th Cir. 2005). | | W |
| Oregon | NO LAW | | n/a | n/a | n/a |
| Pennsylvania PA. Stat. Ann. Tit. 18 §§3203, 3206 (West 1999) | one parent consent or person standing in loco parentis consent or judicial bypass | under 18 | <i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i> , 505 U.S. 833 (1992) | | W |
| Rhode Island R.I. Gen. Laws §23-4.7 - 6, - 7 (West 1999) | one parent consent or judicial bypass | under 18 | | | W |

⁸A revised law that requires parental consent is currently not in effect; meanwhile, the notification requirements remain enforced.

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| South Carolina S.C. Code Laws Ann. §44-41-10, - 30 - 37 (West 1999) | one parent consent or grandparent or person standing in loco parentis ⁹ consent judicial bypass | under 17 | | | W |
| South Dakota S.D. Code Laws Ann. §§26-1-1, 34- 23A-1,-7 (West 1999) | one parent notice or judicial bypass | under 18 | | | W |
| Tennessee 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. | | W |
| Texas Tex. Occupations Code § 164.052 | One parent consent or judicial bypass | under 18 | | | W |
| Utah ¹⁰ Utah Code Ann. §76-7-301, -304, - 315, -317 (West 1999) | ineffective statute | under 18 | <i>H.L. v. Matheson</i> , 604 P.2d 907 (Utah 1979), aff’d. 450 U.S. 398 (1981) | n/a | n/a |
| Vermont | No Law | | n/a | n/a | n/a |

⁹ "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).

¹⁰ 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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| Virginia Va. Code Ann. §16.1-241 (V) as amended in 2003 | one parent consent or person standing in loco parentis ¹¹ consent judicial bypass | under 18 | <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) | | W |
| Washington | NO LAW | | n/a | n/a | n/a |
| West Virginia ¹² W.Va. Code §16-2F-1 et seq. (West 1999) | abortionist consent statute | under 18 | | n/a | n/a |
| Wisconsin ¹³ Wis. Stat. Ann. §§46.24, 48.375 (West 1999) | ineffective statute one parent consent or adult family member | under 18 | | n/a | n/a |
| Wyoming Wyo. Stat. §§35-6-101, 35-6-118 (West 1999) | one parent consent or judicial bypass | under 18 | | | W |

Total Consent Laws: **24**

In effect: **20**

Enjoined: **4**

Total Notice Laws: **12**

In effect: **8**

Enjoined: **4**

TOTAL PARENTAL INVOLVEMENT LAWS IN EFFECT: 28

****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.**

¹¹ "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).

¹² 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.

¹³ "Adult family member" means any of the following who is at least 25 years of age: grandparent, aunt, uncle, sister or brother.