

House Amendment 3031

Amendment Text

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1 1 Amend [Senate File 13](#), as amended, passed, and
1 2 reprinted by the Senate as follows:
1 3 #1. By striking everything after the enacting
1 4 clause, and inserting the following:
1 5 "Section 1. NEW SECTION. 146A.1 NOTIFICATION OF
1 6 PARENT PRIOR TO PERFORMANCE OF ABORTION ON A PREGNANT
1 7 MINOR – REQUIREMENTS – ALTERNATIVES – CRIMINAL
1 8 PENALTY.
1 9 1. A person shall not perform an abortion on a
1 10 pregnant minor until at least forty-eight hours' prior
1 11 notification is provided to a parent of the pregnant
1 12 minor.
1 13 2. The person who will perform the abortion shall
1 14 provide notification in person or by mailing the
1 15 notification by restricted certified mail to the
1 16 parent of the pregnant minor at the usual place of
1 17 abode of the parent. For the purposes of delivery by
1 18 restricted certified mail, the time of delivery is
1 19 deemed to occur at twelve o'clock noon on the next day
1 20 on which regular mail delivery takes place, subsequent
1 21 to the mailing.
1 22 3. For the purposes of this section, unless the
1 23 context otherwise requires:
1 24 a. "Abortion" means an abortion as defined in
1 25 chapter 146.
1 26 b. "Court" means the juvenile court.
1 27 c. "Medical emergency" means a condition that,
1 28 based on a physician's clinical judgment, so
1 29 complicates the medical condition of a pregnant minor
1 30 as to necessitate the immediate abortion of the
1 31 minor's pregnancy to avert the minor's death, or for
1 32 which a delay will create risk of substantial and
1 33 irreversible impairment of a major bodily function.
1 34 d. "Minor" means minor as defined in chapter 599.
1 35 e. "Parent" means one parent of the pregnant minor
1 36 or the pregnant minor's guardian or custodian.
1 37 4. Notification shall not be required under this
1 38 section if any of the following conditions applies:
1 39 a. The attending physician certifies that a
1 40 medical emergency existed. The attending physician
1 41 shall certify in writing the basis for the medical
1 42 judgment that a medical emergency existed and shall
1 43 make written certification available to a parent of
1 44 the pregnant minor prior to the abortion, if possible.
1 45 If it is not possible to provide a parent of the
1 46 pregnant minor with written certification prior to the
1 47 abortion, the physician shall provide the written
1 48 certification to a parent of the pregnant minor within
1 49 twelve hours following the performance of the abortion
1 50 unless paragraph "b", "c", "d", or "e" is applicable.
2 1 b. The abortion is authorized in writing by a
2 2 parent entitled to notification.
2 3 c. The pregnant minor declares that the pregnant
2 4 minor is a victim of child abuse pursuant to section
2 5 232.68, the person responsible for the care of the
2 6 child is a parent of the minor, and the abuse has been
2 7 reported pursuant to the procedures prescribed in

2 8 chapter 232, division III, part 2, or a parent of the
2 9 pregnant minor is named in a report of founded child
2 10 abuse. The department of human services shall
2 11 maintain confidentiality under chapter 232 regarding
2 12 the minor's pregnancy and abortion, if an abortion is
2 13 obtained.

2 14 d. The pregnant minor elects not to allow
2 15 notification of the pregnant minor's parent and a
2 16 court authorizes waiver of the notification
2 17 requirement following completion of the proceedings
2 18 prescribed under subsection 5.

2 19 e. The pregnant minor is provided counseling and
2 20 presents written proof of the completion of counseling
2 21 to the person performing the abortion. If the
2 22 pregnant minor chooses the alternative of counseling
2 23 under this paragraph, all of the following shall
2 24 apply:

2 25 (1) The pregnant minor and the person providing
2 26 counseling shall sign, date and seal, or notarize the
2 27 document certifying the provision of counseling to be
2 28 submitted to the person performing the abortion.

2 29 (2) The counseling is provided, at least forty-
2 30 eight hours prior to the submission of the counseling
2 31 document to the person performing the abortion, by one
2 32 parent of the pregnant minor; by an adult sibling,
2 33 adult aunt or uncle, or grandparent of the pregnant
2 34 minor; or by a certified religious counselor,
2 35 including but not limited to a minister, priest,
2 36 rabbi, or mullah. Counseling provided by a person
2 37 associated with a licensed provider who performs
2 38 abortions does not constitute the receipt of
2 39 counseling. The forty-eight-hour waiting period may
2 40 be waived only if the pregnant minor is accompanied to
2 41 the provider performing the abortion by at least one
2 42 parent of the pregnant minor, and if at least one
2 43 parent completes and signs a medical consent form.

2 44 5. If a pregnant minor objects to the notification
2 45 of a parent prior to the performance of an abortion on
2 46 the pregnant minor, the pregnant minor may petition
2 47 the court to authorize waiver of the notification
2 48 requirement pursuant to this section in accordance
2 49 with the following procedures:

2 50 a. The court shall ensure that the pregnant minor
3 1 is provided with assistance in preparing and filing
3 2 the petition for waiver of notification and shall
3 3 ensure that the pregnant minor's identity remains
3 4 confidential.

3 5 b. The pregnant minor may participate in the court
3 6 proceedings on the pregnant minor's own behalf and the
3 7 court may appoint a guardian ad litem for the pregnant
3 8 minor. The court shall advise the pregnant minor of
3 9 the pregnant minor's right to court-appointed legal
3 10 counsel, and shall, upon the pregnant minor's request,
3 11 provide the pregnant minor with court-appointed legal
3 12 counsel, at no cost to the pregnant minor.

3 13 c. The court proceedings shall be conducted in a
3 14 manner which protects the anonymity of the pregnant
3 15 minor and all court documents pertaining to the
3 16 proceedings shall remain confidential. Only the
3 17 pregnant minor, the pregnant minor's guardian ad
3 18 litem, the pregnant minor's legal counsel, and persons
3 19 whose presence is specifically requested by the
3 20 pregnant minor, by the pregnant minor's guardian ad
3 21 litem, or by the pregnant minor's legal counsel may
3 22 attend the hearing on the petition.

3 23 d. The court proceedings under this section shall
3 24 be given precedence over other pending matters to

3 25 ensure that the court reaches a decision
3 26 expeditiously.

3 27 e. Upon petition and following an appropriate
3 28 hearing, the court shall waive the notification
3 29 requirements if the court determines either of the
3 30 following:

3 31 (1) That the pregnant minor is mature and capable
3 32 of providing informed consent for the performance of
3 33 an abortion.

3 34 (2) That the pregnant minor is not mature, or does
3 35 not claim to be mature, but that notification is not
3 36 in the best interest of the pregnant minor.

3 37 f. The court shall issue specific factual findings
3 38 and legal conclusions, in writing, to support the
3 39 decision.

3 40 g. Upon conclusion of the hearing, the court shall
3 41 immediately issue a written order which shall be
3 42 provided immediately to the pregnant minor, the
3 43 pregnant minor's guardian ad litem, the pregnant
3 44 minor's legal counsel, or any other person designated
3 45 by the pregnant minor to receive the order.

3 46 h. An expedited, anonymous, confidential appeal
3 47 shall be available to a pregnant minor for whom the
3 48 court denies a petition for waiver of notification.
3 49 An order granting the pregnant minor's application for
3 50 waiver of notification is not subject to appeal.

4 1 Access to the appellate courts for the purpose of an
4 2 appeal under this section shall be provided to a
4 3 pregnant minor twenty-four hours a day, seven days a
4 4 week.

4 5 i. The supreme court shall prescribe rules to
4 6 ensure that the proceedings under this section are
4 7 performed in an expeditious, anonymous, and
4 8 confidential manner.

4 9 j. A pregnant minor who chooses to utilize the
4 10 waiver of notification procedures under this
4 11 subsection shall not be required to pay a fee at any
4 12 level of the proceedings.

4 13 k. A person performing an abortion on a pregnant
4 14 minor under this chapter may inform the parent of the
4 15 pregnant minor of any necessary treatment resulting
4 16 from complications of the abortion procedure if, in
4 17 the judgment of the person, failure to inform the
4 18 parent would seriously jeopardize the health of the
4 19 pregnant minor.

4 20 6. Venue for proceedings under this section is in
4 21 any court in the state.

4 22 7. A person who performs an abortion in violation
4 23 of this section is guilty of a serious misdemeanor.

4 24 8. A person who provides counseling pursuant to
4 25 subsection 4, paragraph "e", and who complies in good
4 26 faith with the requirements of that paragraph, is
4 27 immune from any liability, civil or criminal, which
4 28 might arise from the provision of counseling.

4 29 9. A provider who performs an abortion on a
4 30 pregnant minor and who accepts a documentation of
4 31 counseling under subsection 4, paragraph "e", in good
4 32 faith, is immune from any liability, civil or
4 33 criminal, which might arise from the provider's
4 34 reliance on the documentation provided. The immunity
4 35 provided under this subsection does not provide
4 36 immunity from liability to any provider who performs
4 37 abortions on pregnant minors and who relies on
4 38 counseling provided by a person associated with an
4 39 abortion provider.

4 40 10. If a pregnant minor elects to continue the
4 41 pregnancy to term, following the birth of the child,

4 42 the pregnant minor shall seek the assistance of the
4 43 child support recovery unit in establishing the
4 44 paternity of the child, seeking support payments for a
4 45 reasonable amount of the costs associated with the
4 46 pregnancy, medical support, and maintenance from the
4 47 father of the child, or if the father is a minor, from
4 48 the parents of the minor father. Actions taken by the
4 49 child support recovery unit, the pregnant minor, or
4 50 the pregnant minor's parent or agent under this
5 1 subsection do not constitute grounds for and legal
5 2 action by the putative father or the putative father's
5 3 parent or agent.

5 4 Sec. 2. NEW SECTION. 232.5 ABORTION PERFORMED ON
5 5 A MINOR – PROCEEDINGS.

5 6 The court shall have exclusive jurisdiction over
5 7 the authorization of an abortion on a pregnant minor
5 8 pursuant to section 146A.1."

5 9 #2. Title page, by striking lines 1 through 3, and
5 10 inserting the following: "An Act relating to the
5 11 notification of a parent prior to the performance of
5 12 an abortion on a pregnant minor, providing
5 13 alternatives to notification, and providing a
5 14 penalty."

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5 18 WITT of Black Hawk

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5 22 JACOBS of Polk

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5 26 LARKIN of Lee

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5 30 NELSON of Pottawattamie

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5 34 HARPER of Black Hawk

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5 38 METCALF of Polk

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5 42 NELSON of Marshall

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5 46 BRAND of Benton

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5 50 MORELAND of Wapello

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