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HUMAN RESOURCES

HOUSE FILE 20

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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the notification of a parent prior to the  
2 performance of an abortion on a minor, and providing a  
3 penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 20

1 Section 1. NEW SECTION. 146A.1 NOTIFICATION OF PARENT  
2 PRIOR TO PERFORMANCE OF ABORTION ON A MINOR -- REQUIREMENTS --  
3 EXCEPTIONS -- CRIMINAL PENALTY.

4 1. A person shall not perform an abortion on a pregnant  
5 minor until at least forty-eight hours' prior notification is  
6 provided to a parent of the minor.

7 2. The person who will perform the abortion shall provide  
8 notification in person or by mailing the notification by  
9 restricted certified mail to the parent of the minor at the  
10 usual place of abode of the parent. For the purposes of  
11 delivery by restricted certified mail, the time of delivery is  
12 deemed to occur at twelve o'clock noon on the next day on  
13 which regular mail delivery takes place, subsequent to the  
14 mailing.

15 3. For the purposes of this section, unless the context  
16 otherwise requires:

17 a. "Abortion" means an abortion as defined in chapter 146.

18 b. "Court" means the juvenile court.

19 c. "Medical emergency" means a condition that, based on a  
20 physician's clinical judgment, so complicates the medical  
21 condition of a pregnant minor as to necessitate the immediate  
22 abortion of the minor's pregnancy to avert the minor's death,  
23 or for which a delay will create risk of substantial and  
24 irreversible impairment of a major bodily function.

25 d. "Minor" means minor as defined in chapter 599.

26 e. "Parent" means one parent of the pregnant minor or the  
27 pregnant minor's guardian or custodian.

28 4. Notification shall not be required under this section  
29 if any of the following conditions apply:

30 a. The attending physician certifies that a medical  
31 emergency existed. The attending physician shall certify in  
32 writing the basis for the medical judgment that a medical  
33 emergency existed and shall make written certification  
34 available to a parent of the minor prior to the abortion, if  
35 possible. If it is not possible to provide a parent of the

1 minor with written certification prior to the abortion, the  
2 physician shall provide the written certification to a parent  
3 of the minor within twelve hours following the performance of  
4 the abortion unless paragraph "b", "c", or "d" is applicable.

5 b. The abortion is authorized in writing by a parent  
6 entitled to notification.

7 c. The pregnant minor declares that the pregnant minor is  
8 a victim of child abuse as defined in section 232.68, the  
9 person responsible for the care of the child is a parent of  
10 the child, and the abuse has been reported pursuant to the  
11 procedures prescribed in chapter 232, division III, part 2, or  
12 a parent of the child is named in a report of founded child  
13 abuse. The department of human services shall maintain  
14 confidentiality under chapter 232 regarding the minor's  
15 pregnancy and abortion, if an abortion is obtained.

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

20 5. If a pregnant minor objects to the notification of a  
21 parent prior to the performance of an abortion on the pregnant  
22 minor, the pregnant minor may petition the court to authorize  
23 waiver of the notification requirement pursuant to this  
24 section in accordance with the following procedures:

25 a. The court shall ensure that the minor is provided with  
26 assistance in preparing and filing the petition for waiver of  
27 notification and shall ensure that the minor's identity  
28 remains confidential.

29 b. The minor may participate in the court proceedings on  
30 the minor's own behalf and the court may appoint a guardian ad  
31 litem for the minor. The court shall advise the minor of the  
32 minor's right to court-appointed legal counsel, and shall,  
33 upon the minor's request, provide the minor with court-  
34 appointed legal counsel, at no cost to the minor.

35 c. The court proceedings shall be conducted in a manner

1 which protects the anonymity of the minor and all court  
2 documents pertaining to the proceedings shall remain  
3 confidential. Only the minor, the minor's guardian ad litem,  
4 the minor's legal counsel, and persons whose presence is  
5 specifically requested by the minor, by the minor's guardian  
6 ad litem, or by the minor's legal counsel may attend the  
7 hearing on the petition.

8 d. The court proceedings under this section shall be given  
9 precedence over other pending matters to ensure that the court  
10 reaches a decision expeditiously.

11 e. Upon petition and following an appropriate hearing, the  
12 court shall waive the notification requirements if the court  
13 determines either of the following:

14 (1) That the minor is mature and capable of providing  
15 informed consent for the performance of an abortion.

16 (2) That the minor is not mature, or does not claim to be  
17 mature, but that notification is not in the best interest of  
18 the minor.

19 f. The court shall issue specific factual findings and  
20 legal conclusions, in writing, to support the decision.

21 g. Upon conclusion of the hearing, the court shall  
22 immediately issue a written order which shall be provided  
23 immediately to the minor, the minor's guardian ad litem, the  
24 minor's legal counsel, or any other person designated by the  
25 minor to receive the order.

26 h. An expedited, anonymous, confidential appeal shall be  
27 available to a minor for whom the court denies a petition for  
28 waiver of notification. An order granting the minor's  
29 application for waiver of notification is not subject to  
30 appeal. Access to the appellate courts for the purpose of an  
31 appeal under this section shall be provided to a minor twenty-  
32 four hours a day, seven days a week.

33 i. The supreme court shall prescribe rules to ensure that  
34 the proceedings under this section are performed in an  
35 expeditious, anonymous, and confidential manner.

1 j. A minor who chooses to utilize the waiver of  
2 notification procedures under this subsection shall not be  
3 required to pay a fee at any level of the proceedings.

4 k. A person performing an abortion on a minor under this  
5 chapter may inform the parent of the minor of any necessary  
6 treatment resulting from complications of the abortion  
7 procedure if, in the judgment of the person, failure to inform  
8 the parent would seriously jeopardize the health of the minor.

9 6. A person who performs an abortion in violation of this  
10 section is guilty of a serious misdemeanor.

11 7. Venue for proceedings under this section is in any  
12 court in the state.

13 Sec. 2. NEW SECTION. 232.5 ABORTION PERFORMED ON A MINOR  
14 -- PROCEEDINGS.

15 The court shall have exclusive jurisdiction over the  
16 authorization of an abortion on a minor pursuant to section  
17 146A.1.

18 EXPLANATION

19 This bill provides for the notification of one parent or  
20 the guardian or custodian of a pregnant minor 48 hours prior  
21 to the performance of an abortion on the minor. The bill also  
22 provides for exceptions to the notification requirement,  
23 including the provision of the issuance of an order by the  
24 juvenile court authorizing a waiver to the notification  
25 requirement prior to the performance of an abortion on a  
26 minor. Waiver of notification by the court is only allowed if  
27 it is established that the minor is mature and capable of  
28 providing informed consent or that the minor is not mature or  
29 does not claim to be mature but that notification is not in  
30 the best interest of the minor. A person performing an  
31 abortion in violation of the bill's provisions is guilty of a  
32 serious misdemeanor.

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