

GREEN SHEET REDIGEST

HB 357

2021 Regular Session

Crews

CHILDREN: Requires reporting of certain information relating to minors who undergo abortions

DIGEST

Present law provides that jurisdiction to hear applications for court orders by minors seeking abortions, known as a judicial bypass order, shall be in the court having juvenile jurisdiction in the parish where the abortion is to be performed or the parish in which the minor is domiciled. Proposed law removes jurisdiction from the parish where the abortion is to be performed.

Proposed law provides that jurisdiction may be extended to a contiguous parish to the minor's parish of domicile if either of the following conditions are met:

- (1) The minor's parent or guardian is a presiding judge of the juvenile court in the parish in which the minor is domiciled.
- (2) The parish in which the minor is domiciled has a population of less than 10,000 persons according to the latest federal decennial census.

Present law requires that an individual abortion report for each abortion performed or induced be completed by the attending physician and provides for the required content of the report. Present law provides that the report shall be confidential and not contain the name or address of the woman.

Proposed law retains present law and requires the following additional information if the abortion was performed on a minor:

- (1) Whether or not the physician or any other staff member of the abortion facility suspected that the minor was the victim of any form of child abuse or neglect and filed a report of the abuse or neglect.
- (2) If the abortion was performed pursuant to a judicial bypass order, all of the following information:
 - (a) The judicial district of the court that issued the order.
 - (b) Whether or not the minor was required to participate in an evaluation and counseling session with a mental health professional from the La. Dept. of Health (LDH) or a staff member from the Dept. of Children and Family Services (DCFS).
 - (c) Whether or not the court issued a protective order for the minor, afforded her the continued services of a court-appointed special advocate, or did both.
 - (d) Whether the judicial bypass was granted because of a finding that the minor girl was mature and capable of giving informed consent.
 - (e) Whether the judicial bypass was granted because of a finding that the performance of the abortion without parental notification and consent was in the best interest of the minor.
 - (f) Whether or not the physician or any other staff member of the abortion facility referred the woman to any licensed professional for post-abortion counseling.

- (g) Whether or not the physician or any other staff member of the abortion facility referred the woman to LDH or DCFS for any health services or other human services.

Present law requires that individual abortion reports include the parish and municipality in which the pregnant woman resides. Proposed law changes the requirement to the parish and zip code in which the pregnant woman resides.

Present law requires LDH to collect the individual abortion reports and to collate and evaluate all data gathered from the reports. Proposed law requires LDH to publish a statistical report annually based on the data from abortions performed in the previous calendar year.

Proposed law retains present law and requires that the annual statistical reports on abortions published by LDH include a special section addressing abortions performed on minors. Proposed law requires that this section of the report feature, at minimum, a compilation of the information required by proposed law to be included in individual abortion reports.

(Amends R.S. 40:1061.14(B)(1) and 1061.21(A)(intro. para.), (4), (5)(b), and (D); Adds R.S. 40:1061.21(A)(5)(c))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the engrossed bill

1. Change the jurisdiction for filing a request for a judicial bypass order.
2. Require reporting of the basis for the granting of a judicial bypass order.
3. Make technical changes.