
DIGEST

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HB 989 Engrossed

2022 Regular Session

Crews

Abstract: Requires courts to obtain certain information when a minor undergoes an abortion and establishes certain requirements for court proceedings.

Present law prohibits physicians from performing or inducing an abortion upon any pregnant woman under the age of eighteen years who is not emancipated judicially or married unless the physician or a qualified person acting as an agent of the physician has received certain documentation.

Present law requires a notarized statement signed by the parent, legal guardian, or tutor of the unemancipated minor declaring that the parent, legal guardian, or tutor has been informed that the minor intends to seek an abortion and consents to the abortion.

Present law requires the parent, legal guardian, or tutor of the unemancipated minor to provide sufficient evidence of identity via a valid and unexpired driver's license or a government-issued identification card.

Present law provides the applicability provisions for court orders by minors who seek to undergo abortion procedures and the requirements to appeal denials of applications for such procedures.

Present law requires each application to be heard in chambers, anonymously, in a summary manner, within four days of the filing of the application.

Present law requires certain evaluations and counseling sessions to be conducted prior to the ex parte hearing required by present law.

Present law states that the court may appoint a certified child advocate attorney to the minor for the ex parte hearing for the purpose of assisting the minor in communicating to the court whether her abortion decision is made with sufficient maturity and free and informed consent.

Present law provides that the court may determine by clear and convincing evidence that the minor is sufficiently mature and well enough informed to make the decision concerning the abortion on her own and find whether the minor was a victim of coerced abortion. Absent such findings, present law provides that the court shall issue an order authorizing the minor to act on the matter without parental consultation or consent.

Present law provides that if the court finds by a preponderance of the evidence that the minor is a victim of commercial sexual exploitation or any crime against the minor, the court may issue the

appropriate protective orders.

Present law provides that the court shall decide whether it would be in the best interest of the minor to notify her parents or guardian of the proceedings and determine whether the abortion would be in the best interest of the minor.

Present law details the necessary procedures to appeal the determination of the court.

Proposed law identifies the necessary findings of the court in its determination of whether a minor gave the necessary informed consent prior to undergoing the abortion procedure.

Proposed law identifies information that shall be obtained within the consent form from the physician.

Proposed law provides that if the court finds by a preponderance of the evidence that the minor is a victim of commercial sexual exploitation, or rape or any other crime against the child as defined in present law, the court may issue the appropriate protective orders.

Proposed law requires a pregnant minor to prove by clear and convincing evidence that she is sufficiently mature and capable of giving informed consent based on her experience level, perspective, judgment, and age.

Proposed law provides that the court may consider, among other relevant factors, the pregnant minor's age and experiences working outside the home, living away from home, traveling on her own, handling personal finances, the pregnant minor's conduct since learning of her pregnancy, what steps the pregnant minor took to explore her options, her intellectual ability to understand her options, the extent to which she considered the potential consequences of her options, and other relevant factors in its determination.

Proposed law provides that in assessing the pregnant minor's age, the court shall appoint a certified child advocate attorney if the minor is younger than the age of 15.

Proposed law provides that if the minor is under the age of 13, there shall be a rebuttable presumption that the child is not capable of being sufficiently well-informed and mature.

Proposed law details how the court may make its determination of whether the minor requested consent from her parent, legal guardian, or tutor and was denied consent.

Proposed law details how the court may make its determination of whether the pregnant minor is being guided, influenced, or persuaded by a representative of the abortion facility or by a special interest group or advocate.

Proposed law requires that a form created by the La. Dept. of Health be used by physicians to obtain the consent required prior to performing an abortion on a minor who is not emancipated.

Proposed law establishes provisions for judicial bypass orders.

(Amends R.S. 40:1061.14(B)(2)-(13), (C) and (D); Adds R.S. 40:1061.14(B)(14) and (15) and (E))