



General Assembly

Amendment

February Session, 2004

LCO No. 4413

HB0557204413HR0

Offered by:

REP. ROWE, 123rd Dist.

REP. NOUJAIM, 74th Dist.

To: Subst. House Bill No. 5572

File No. 562

Cal. No. 378

"AN ACT CONCERNING CHILD POVERTY."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 19a-600 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2004*):

5 For the purposes of sections 19a-601 and 19a-602:

6 (1) "Counselor" means: (A) A psychiatrist, (B) a psychologist
7 licensed under chapter 383, (C) clinical social worker licensed under
8 chapter 383b, (D) a marital and family therapist licensed under chapter
9 383a, (E) an ordained member of the clergy, (F) a physician's assistant
10 licensed under section 20-12b, (G) a nurse-midwife licensed under
11 chapter 377, (H) a certified guidance counselor, (I) a registered
12 professional nurse licensed under chapter 378, or (J) a practical nurse
13 licensed under chapter 378.

14 (2) "Minor" means a person who is less than [sixteen] eighteen years
15 of age.

16 Sec. 502. Section 19a-601 of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective October 1, 2004*):

18 (a) Prior to the performance of an abortion upon a minor, a
19 physician or counselor shall provide pregnancy information and
20 counseling in accordance with this section in a manner and language
21 that will be understood by the minor. The physician or counselor shall:

22 (1) Explain that the information being given to the minor is being
23 given objectively and is not intended to coerce, persuade or induce the
24 minor to choose to have an abortion or to carry the pregnancy to term;

25 (2) Explain that the minor may withdraw a decision to have an
26 abortion at any time before the abortion is performed or may
27 reconsider a decision not to have an abortion at any time within the
28 time period during which an abortion may legally be performed;

29 (3) Explain to the minor the alternative choices available for
30 managing the pregnancy, including: (A) Carrying the pregnancy to
31 term and keeping the child, (B) carrying the pregnancy to term and
32 placing the child for adoption, placing the child with a relative or
33 obtaining voluntary foster care for the child, and (C) having an
34 abortion, and explain that public and private agencies are available to
35 assist the minor with whichever alternative she chooses and that a list
36 of these agencies and the services available from each will be provided
37 if the minor requests;

38 (4) Explain that public and private agencies are available to provide
39 birth control information and that a list of these agencies and the
40 services available from each will be provided if the minor requests;

41 [(5) Discuss the possibility of involving the minor's parents,
42 guardian or other adult family members in the minor's decision-
43 making concerning the pregnancy and whether the minor believes that

44 involvement would be in the minor's best interests]

45 (5) Explain and carry out the following notification procedures to
46 parents, guardians or others;

47 (A) Except as provided in subparagraph (B) of this subdivision,
48 notice shall be provided to at least one parent or legal guardian of a
49 pregnant unemancipated minor not less than forty-eight hours prior to
50 the performance of an abortion on such minor. Such notice may be
51 provided by the person providing information and counseling;

52 (B) If a pregnant unemancipated minor declares in a signed written
53 statement that she is a victim of sexual abuse, neglect or physical abuse
54 by either of her parents or her legal guardian, the person providing
55 information and counseling shall provide the notice required pursuant
56 to subparagraph (A) of this subdivision to such minor's brother or
57 sister who is aged twenty-one years or older or to a stepparent or
58 grandparent specified by such minor; and

59 (6) Provide adequate opportunity for the minor to ask any questions
60 concerning the pregnancy, abortion, child care and adoption, and
61 provide information the minor seeks or, if the person cannot provide
62 the information, indicate where the minor can receive the information.

63 (b) After the person provides the information and counseling to a
64 minor as required by this section, such person shall have the minor
65 sign and date a form stating that:

66 (1) The minor has received information on alternatives to abortion
67 and that there are agencies that will provide assistance and that a list
68 of these agencies and the services available from each will be provided
69 if the minor requests;

70 (2) The minor has received an explanation that the minor may
71 withdraw an abortion decision or reconsider a decision to carry a
72 pregnancy to term;

73 (3) The alternatives available for managing the pregnancy have been

74 explained to the minor;

75 (4) The minor has received an explanation about agencies available
76 to provide birth control information and that a list of these agencies
77 and the services available from each will be provided if the minor
78 requests;

79 (5) The minor has discussed with the person providing the
80 information and counseling the [possibility of involving the minor's
81 parents, guardian or other adult family members in the minor's
82 decision-making about the pregnancy] parental notification
83 requirements pursuant to subdivision (5) of subsection (a) of this
84 section;

85 (6) If applicable, the minor has determined that not [involving]
86 notifying the minor's parents, guardian or other adult family members
87 is in the minor's best interests and has chosen to request a judicial
88 waiver of notice; and

89 (7) The minor has been given an adequate opportunity to ask
90 questions.

91 (c) The person providing the information and counseling shall also
92 sign and date the form and shall include such person's business
93 address and business telephone number. The person shall keep a copy
94 for such minor's medical record and shall give the form to the minor
95 or, if the minor requests and if such person is not the attending
96 physician, transmit the form to the minor's attending physician. Such
97 medical record shall be maintained as otherwise provided by law.

98 (d) The provision of pregnancy information and counseling by a
99 physician or counselor which is evidenced in writing containing the
100 information and statements provided in this section and which is
101 signed by the minor shall be presumed to be evidence of compliance
102 with the requirements of this section.

103 (e) (1) No physician shall perform an abortion until the written

104 statement required pursuant to subparagraph (A) of subdivision (5) of
105 subsection (a) of this section, certifying that the person providing the
106 information and counseling has provided notice to at least one parent
107 or legal guardian of such minor is received. If the physician
108 performing the abortion receives a signed statement pursuant to
109 subparagraph (B) of subdivision (5) of subsection (a) of this section,
110 such physician shall certify in the minor's medical record that such
111 physician has received such statement. Any physician relying in good
112 faith on such statement shall not be civilly or criminally liable for
113 failure to give the notice required pursuant to subparagraph (A) of
114 subdivision (5) of subsection (a) of this section.

115 (2) The minor may petition a court for a waiver of the notice
116 requirements pursuant to subdivision (5) of subsection (a) of this
117 section, and may participate in proceedings on her own behalf. The
118 petition shall include a statement that the minor is pregnant and is
119 unemancipated. The petition shall also include a statement such notice
120 requirements have not been waived by the parent or legal guardian,
121 and that the minor wishes to obtain an abortion without giving such
122 required notifications. The court shall appoint a guardian for her.

123 (A) If the court finds, by clear and convincing evidence, that the
124 minor is both sufficiently mature and well-informed to decide whether
125 to have an abortion, the court shall issue an order authorizing the
126 minor to consent to the performance of an abortion without such
127 required notifications. If the court does not make the finding specified
128 in this subparagraph or in subparagraph (B) of this subdivision, it shall
129 dismiss the petition.

130 (B) If the court finds, by clear and convincing evidence, that there is
131 a pattern of physical, sexual or emotional abuse of the minor by one or
132 both of her parents or her guardian, or that the notification of a parent
133 or guardian is not in the best interest of the minor, the court shall issue
134 an order authorizing the minor to consent to the performance of an
135 abortion without such required notifications. If the court does not
136 make the finding specified in this subparagraph or in subparagraph

137 (A) of this subdivision, it shall dismiss the petition.

138 ~~[(e)]~~ (f) The requirements of this section shall not apply when, in the
139 best medical judgment of the physician based on the facts of the case
140 before him, a medical emergency exists that so complicates the
141 pregnancy or the health, safety or well-being of the minor as to require
142 an immediate abortion. A physician who does not comply with the
143 requirements of this section by reason of this exception shall state in
144 the medical record of the abortion the medical indications on which his
145 judgment was based."