



General Assembly

Amendment

January Session, 2005

LCO No. 6285

SB0089206285SR0

Offered by:

SEN. DELUCA, 32nd Dist.

SEN. KISSEL, 7th Dist.

To: Senate Bill No. 892

File No. 560

Cal. No. 408

**"AN ACT CONCERNING CONSENSUAL SEXUAL ACTIVITY
BETWEEN ADOLESCENTS CLOSE IN AGE TO EACH OTHER."**

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 Section 19a-600 of the general statutes is repealed and the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, 2005*):

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 Section 19a-601 of the general statutes is repealed and the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, 2005*):

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 ensure compliance with the parental and guardian
46 notification requirements of subsection (e) of this section; and

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

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

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

58 (2) The minor has received an explanation that the minor may
59 withdraw an abortion decision or reconsider a decision to carry a
60 pregnancy to term;

61 (3) The alternatives available for managing the pregnancy have been
62 explained to the minor;

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

67 (5) The minor has discussed with the person providing the
68 information and counseling the [possibility of involving the minor's
69 parents, guardian or other adult family members in the minor's
70 decision-making about the pregnancy] notification requirements of
71 subsection (e) of this section;

72 (6) If applicable, the minor has determined that not [involving]

73 notifying the minor's parents [, guardian or other adult family
74 members] or guardian is in the minor's best interests and has chosen to
75 request a judicial waiver of the notification requirements of subsection
76 (e) of this section; and

77 (7) The minor has been given an adequate opportunity to ask
78 questions.

79 (c) The person providing the information and counseling shall also
80 sign and date the form and shall include such person's business
81 address and business telephone number. The person shall keep a copy
82 for such minor's medical record and shall give the form to the minor
83 or, if the minor requests and if such person is not the attending
84 physician, transmit the form to the minor's attending physician. Such
85 medical record shall be maintained as otherwise provided by law.

86 (d) The provision of pregnancy information and counseling by a
87 physician or counselor which is evidenced in writing containing the
88 information and statements provided in this section and which is
89 signed by the minor shall be presumed to be evidence of compliance
90 with the requirements of this section.

91 (e) (1) No person shall perform an abortion upon an unemancipated
92 minor unless such person has given at least forty-eight hours actual
93 notice to one parent or the legal guardian of the pregnant minor of
94 such person's intention to perform the abortion. The notice may be
95 given by a referring physician. The person who performs the abortion
96 must receive the written statement of the referring physician certifying
97 that the referring physician has given notice to the parent or guardian
98 of the unemancipated minor who is to receive the abortion.

99 (2) If the minor patient declares in a signed written statement that
100 she is a victim of sexual abuse, neglect or physical abuse by either of
101 her parents or her legal guardian, then the attending physician shall
102 give the notice required by this subsection to a brother or sister of the
103 minor who is over twenty-one years of age or to a stepparent or
104 grandparent specified by the minor. The physician who intends to

105 perform the abortion must certify in the patient's medical record that
106 such physician has received the written declaration of abuse or neglect.
107 Any physician relying in good faith on a written statement under this
108 subdivision shall not be civilly or criminally liable under any
109 provisions of this section for failure to give notice.

110 (3) (A) The minor may petition a court for a waiver of the notice
111 requirements of this subsection and may participate in proceedings on
112 her own behalf. The petition shall include a statement that the
113 petitioner is pregnant and is unemancipated. The petition shall also
114 include a statement that notice has not been waived and that the
115 petitioner wishes to obtain an abortion without notice being given
116 under this subsection. The court shall appoint a guardian for the
117 petitioner.

118 (B) If the court finds, by clear and convincing evidence, that the
119 petitioner is both sufficiently mature and well-informed to decide
120 whether to have an abortion, the court shall issue an order authorizing
121 the petitioner to consent to the performance or inducement of an
122 abortion without the notification of a parent or guardian.

123 (C) If the court finds, by clear and convincing evidence, that there is
124 a pattern of physical, sexual or emotional abuse of the petitioner by
125 one or both of her parents, her guardian or her custodian, or that the
126 notification of a parent or guardian is not in the best interest of the
127 petitioner, the court shall issue an order authorizing the petitioner to
128 consent to the performance or inducement of an abortion without the
129 notification of a parent or guardian.

130 (D) If the court does not make the finding specified in subparagraph
131 (B) or (C) of this subdivision, it shall dismiss the petition.

132 [(e)] (f) The requirements of this section shall not apply when, in the
133 best medical judgment of the physician based on the facts of the case
134 before him, a medical emergency exists that so complicates the
135 pregnancy or the health, safety or well-being of the minor as to require
136 an immediate abortion. A physician who does not comply with the

137 requirements of this section by reason of this exception shall state in
138 the medical record of the abortion the medical indications on which his
139 judgment was based."