



General Assembly

Amendment

January Session, 2007

LCO No. 6989

SB0134306989HRO

Offered by:
REP. ROWE, 123rd Dist.

To: Senate Bill No. 1343

File No. 231

Cal. No. 502

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING COMPASSIONATE CARE FOR VICTIMS OF SEXUAL ASSAULT."

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 Section 19a-600 of the general statutes is repealed and the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, 2007*):

5 For the purposes of sections 19a-601 and 19a-602, as amended by
6 this act:

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

13 professional nurse licensed under chapter 378, or (J) a practical nurse
14 licensed under chapter 378.

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

17 Sec. 502. Section 19a-601 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective October 1, 2007*):

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

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

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

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

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

42 [(5) Discuss the possibility of involving the minor's parents,

43 guardian or other adult family members in the minor's decision-
44 making concerning the pregnancy and whether the minor believes that
45 involvement would be in the minor's best interests; and]

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

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

53 (B) If a pregnant unemancipated minor declares in a signed written
54 statement that she is a victim of sexual abuse, neglect or physical abuse
55 by either of her parents or her legal guardian, the person providing
56 information and counseling shall provide the notice required pursuant
57 to subparagraph (A) of this subdivision to such minor's brother or
58 sister who is aged twenty-one years or older or a stepparent or
59 grandparent specified by such minor or, if no such person exists, to
60 some other person who is aged twenty-one years or older specified by
61 such minor; and

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

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

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

73 (2) The minor has received an explanation that the minor may
74 withdraw an abortion decision or reconsider a decision to carry a
75 pregnancy to term;

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

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

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

88 (6) If applicable, the minor has determined that not involving the
89 minor's parents, guardian or other adult family members is in the
90 minor's best interests; and

91 (7) The minor has been given an adequate opportunity to ask
92 questions.

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

100 (d) The provision of pregnancy information and counseling by a
101 physician or counselor which is evidenced in writing containing the
102 information and statements provided in this section and which is

103 signed by the minor shall be presumed to be evidence of compliance
104 with the requirements of this section.

105 (e) (1) No physician shall perform an abortion until the written
106 statement required pursuant to subparagraph (A) of subdivision (5) of
107 subsection (a) of this section, certifying that the person providing the
108 information and counseling has provided notice to at least one parent
109 or legal guardian of such minor is received. If the physician
110 performing the abortion receives a signed statement pursuant to
111 subparagraph (B) of subdivision (5) of subsection (a) of this section,
112 such physician shall certify in the minor's medical record that such
113 physician has received such statement. Any physician relying in good
114 faith on such statement shall not be civilly or criminally liable for
115 failure to give the notice required pursuant to subparagraph (A) of
116 subdivision (5) of subsection (a) of this section.

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

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

132 (B) If the court finds, by clear and convincing evidence, that there is
133 a pattern of physical, sexual or emotional abuse of the minor by one or
134 both of her parents or her guardian, or that the notification of a parent

135 or guardian is not in the best interest of the minor, the court shall issue
136 an order authorizing the minor to consent to the performance of an
137 abortion without such required notifications. If the court does not
138 make the finding specified in this subparagraph or in subparagraph
139 (A) of this subdivision, it shall dismiss the petition.

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