

1 **SHB 1523 - H AMDS 402 SCOPE 3/14/95**

2 By Representative Mastin

3 On page 4, line 26, after "9" insert "or 11"

4 On page 5, line 11 after "state." insert "The requirements
5 and procedures of this section are available as alternatives to
6 the provisions of section 11 of this act and may be used prior
7 to, simultaneously with, or following the use of those
8 provisions. A waiver under this section is valid,
9 notwithstanding a denial of a waiver under section 11 of this
10 act."

11 On page 6, after line 33, insert the following:

12 "NEW SECTION. **Sec. 11.** (1) The requirements and procedures
13 under this section are available to unemancipated minors and
14 incompetents whether or not they are residents of this state.
15 The requirements and procedures of this section are available as
16 alternatives to the provisions of section 9 of this act and may
17 be used prior to, simultaneously with, or following the use of
18 those provisions. A waiver under this section is valid,
19 notwithstanding a denial of a petition under section 9 of this
20 act.

21 (2) The unemancipated minor or incompetent may request a
22 counselor licensed under chapter 18.19 RCW or a licensed or
23 ordained member of the clergy as defined in RCW 26.44.020, for a
24 waiver of the notice requirement. The request shall include a
25 statement that the requesting party is unemancipated or
26 incompetent.

27 (3) A counselling session under this section shall be
28 conducted within one week of the request and shall be
29 confidential and shall ensure the anonymity of the unemancipated
30 minor or incompetent. All counselling sessions under this
31 section shall be sealed. The unemancipated minor or incompetent

1 has the right to request her counselling session using a
2 pseudonym or using solely her initials. All documents related to
3 the counselling session shall be confidential and shall not be
4 available to the public. The counsellor or clergy member shall
5 provide a written professional decision within forty-eight hours
6 of the time after the counselling session. If the counsellor or
7 clergy member fails to conduct a counselling session within one
8 week or fails to issue a decision within forty-eight hours after
9 a counselling session, the notice requirement shall be waived.

10 (4) At the time the minor or incompetent requests a
11 counselling session, the counsellor or clergy member shall
12 provide her with a signed statement that either:

13 (a) Declares that a counselling session will not be
14 conducted within seven days; or

15 (b) Sets a counselling session at a reasonable time within
16 seven days.

17 (5) If a counselling session occurs in compliance with 4(b)
18 of this act, the counsellor or clergy member must provide a
19 signed statement that either:

20 (a) No decision was reached within forty-eight hours of the
21 counselling session; or

22 (b) The counsellor or clergy member finds that:

23 (i) The unemancipated minor or incompetent is sufficiently
24 mature or able to decide whether to have an abortion;

25 (ii) There is evidence of a pattern of physical or sexual
26 abuse by one or both of the parents or by the guardian of the
27 unemancipated minor or incompetent; or

28 (iii) The notification of a parent or guardian is not in the
29 best interest of the unemancipated minor or incompetent; or

30 (c) A decision was reached within forty-eight hours of the
31 counselling session, but none of the findings in (b) of this
32 subsection was made.

1 (6) If the counsellor or clergy member makes any of the
2 findings in (5)(b) of this section, or fails to reach a decision
3 within forty-eight hours of a counselling session, the counsellor
4 or clergy member shall provide the unemancipated minor or
5 incompetent with a signed statement authorizing her to consent to
6 the performance or inducement of an abortion without the
7 notification of a parent or guardian. If, following a
8 counselling session, the counsellor or clergy member indicates in
9 the signed statement under (5) of this section that none of the
10 findings under (5)(b) of this section was made, the counsellor or
11 clergy member shall deny the request for a waiver.

12 (7) If an unemancipated minor or incompetent has been denied
13 a waiver under this section, she may request a waiver from no
14 more than one additional counsellor or clergy member."

15
16 Renumber the remaining sections and correct internal
17 references accordingly. Correct the title.

EFFECT: Provides an alternative bypass to the parental notice requirement. In addition to petitioning a court for a waiver of the notice requirement, a minor may request a waiver from a counsellor or clergy member.