

5327

Sponsor(s): Senators Hargrove, Swecker, T. Sheldon, Oke, Zarelli and Benton

Brief Description: Notifying parents for abortions provided to minors.

SB 5327 - DIGEST

Declares that the purpose of the legislature in enacting this parental notification law is to further the important and compelling state interests of: (1) Protecting the constitutional rights of parents to rear children who are members of their household;

(2) fostering family unity and preserving the family as a viable social unit; and

(3) reducing teenage pregnancy and unnecessary abortion.

Provides that a physician may not perform an abortion upon an unemancipated minor or upon an incompetent person unless the physician has given forty-eight hours actual notification to a custodial parent or to the guardian of the pregnant unemancipated minor or pregnant incompetent person of his or her intention to perform the abortion.

Provides that, if the unemancipated minor or incompetent person declares in a signed written statement that she is a victim of sexual abuse, neglect, or physical abuse by either of her parents or her guardian, the attending physician shall provide the notification required by this act to a brother or sister of the unemancipated minor or incompetent person who is over twenty-one years of age, or to a stepparent or grandparent specified by the unemancipated minor or incompetent person.

Declares that a parent, guardian, or other person must not coerce an unemancipated minor or incompetent person to have an abortion performed. If an unemancipated minor or incompetent person is denied necessary food, clothing, or shelter by the parents or guardian of the unemancipated minor or incompetent person related to the minor's or incompetent person's refusal to have an abortion performed, the unemancipated minor or incompetent person is considered dependent under chapter 13.34 RCW.

Authorizes the unemancipated minor or incompetent person to petition a superior court for a waiver of the notification requirement and to participate in proceedings on her own behalf. The petition must include a statement that the complainant is pregnant and is an unemancipated minor or incompetent person. The court must appoint a guardian ad litem for her. A guardian ad litem appointed under this section must act to maintain the confidentiality of the proceedings.

The court must advise the unemancipated minor or incompetent person that she has a right to court-appointed counsel and provide the counsel upon request.

Declares that any physician who intentionally performs an abortion with knowledge that or with reckless disregard as to whether the person upon whom the abortion is to be performed is an unemancipated minor or an incompetent person without providing the

required notification is guilty of a gross misdemeanor.