

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 126, Page 8, Section 188.027, Line 215, by adding immediately after said
2 line, the following:

3
4 "188.028. 1. Except in the case of a medical emergency, no person shall knowingly perform
5 or induce an abortion upon a pregnant woman under the age of eighteen years unless:

6 (1) The attending physician has secured the informed written consent of the minor and one
7 parent or guardian, and the consenting parent or guardian of the minor has notified any other
8 custodial parent or guardian in writing prior to the securing of the informed written consent of the
9 minor and one parent or guardian. For purposes of this subdivision, "custodial parent" means any
10 parent of a minor in a family in which the parents have not separated or dissolved their marriage, or
11 any parent of a minor who has been awarded joint legal custody or joint physical custody of such
12 minor by a court of competent jurisdiction. Notice shall not be required for any parent or guardian:

13 (a) Who has been found guilty of any offense in violation of chapter 565, relating to
14 offenses against the person; chapter 566, relating to sexual offenses; chapter 567, relating to
15 prostitution; chapter 568, relating to offenses against the family; or chapter 573, related to
16 pornography and related offenses, if a child was a victim;

17 (b) Who has been found guilty of any offense in any other state or foreign country, or under
18 federal, tribal, or military jurisdiction if a child was a victim, which would be a violation of chapter
19 565, 566, 567, 568, or 573 if committed in this state;

20 (c) Who is listed on the sexual offender registry under sections 589.400 to 589.425;

21 (d) Against whom an order of protection has been issued, including a foreign order of
22 protection given full faith and credit in this state under section 455.067;

23 (e) Whose custodial, parental, or guardianship rights have been terminated by a court of
24 competent jurisdiction; or

25 (f) Whose whereabouts are unknown after reasonable inquiry, who is a fugitive from justice,
26 who is habitually in an intoxicated or drugged condition, or who has been declared mentally
27 incompetent or incapacitated by a court of competent jurisdiction; [øø]

28 (2) The minor is emancipated and the attending physician has received the informed written
29 consent of the minor; [øø]

30 (3) The minor has been granted the right to self-consent to the abortion by court order
31 pursuant to subsection 2 of this section, and the attending physician has received the informed
32 written consent of the minor; or

33 (4) The minor has been granted consent to the abortion by court order, and the court has
34 given its informed written consent in accordance with subsection 2 of this section, and the minor is
35 having the abortion willingly, in compliance with subsection 3 of this section.

36 2. The right of a minor to self-consent to an abortion under subdivision (3) of subsection 1

Action Taken _____ Date _____

1 of this section or court consent under subdivision (4) of subsection 1 of this section may be granted
2 by a court pursuant to the following procedures:

3 (1) The minor or next friend shall make an application to the juvenile court which shall
4 assist the minor or next friend in preparing the petition and notices required pursuant to this section.
5 The minor or the next friend of the minor shall thereafter file a petition setting forth the initials of
6 the minor; the age of the minor; the names and addresses of each parent, guardian, or, if the minor's
7 parents are deceased and no guardian has been appointed, any other person standing in loco parentis
8 of the minor; that the minor has been fully informed of the risks and consequences of the abortion;
9 that the minor is of sound mind and has sufficient intellectual capacity to consent to the abortion;
10 that, if the court does not grant the minor majority rights for the purpose of consent to the abortion,
11 the court should find that the abortion is in the best interest of the minor and give judicial consent to
12 the abortion; that the court should appoint a guardian ad litem of the child; and if the minor does not
13 have private counsel, that the court should appoint counsel. The petition shall be signed by the
14 minor or the next friend;

15 (2) A hearing on the merits of the petition, to be held on the record, shall be held as soon as
16 possible within five days of the filing of the petition. If any party is unable to afford counsel, the
17 court shall appoint counsel at least twenty-four hours before the time of the hearing. At the hearing,
18 the court shall hear evidence relating to the emotional development, maturity, intellect and
19 understanding of the minor; the nature, possible consequences, and alternatives to the abortion; and
20 any other evidence that the court may find useful in determining whether the minor should be
21 granted majority rights for the purpose of consenting to the abortion or whether the abortion is in the
22 best interests of the minor;

23 (3) In the decree, the court shall for good cause:

24 (a) Grant the petition for majority rights for the purpose of consenting to the abortion; ~~or~~

25 (b) Find the abortion to be in the best interests of the minor and give judicial consent to the
26 abortion, setting forth the grounds for so finding; or

27 (c) Deny the petition, setting forth the grounds on which the petition is denied;

28 (4) If the petition is allowed, the informed consent of the minor, pursuant to a court grant of
29 majority rights, or the judicial consent, shall bar an action by the parents or guardian of the minor on
30 the grounds of battery of the minor by those performing or inducing the abortion. The immunity
31 granted shall only extend to the performance or inducement of the abortion in accordance herewith
32 and any necessary accompanying services which are performed in a competent manner. The costs
33 of the action shall be borne by the parties;

34 (5) An appeal from an order issued under the provisions of this section may be taken to the
35 court of appeals of this state by the minor or by a parent or guardian of the minor. The notice of
36 intent to appeal shall be given within twenty-four hours from the date of issuance of the order. The
37 record on appeal shall be completed and the appeal shall be perfected within five days from the
38 filing of notice to appeal. Because time may be of the essence regarding the performance or
39 inducement of the abortion, the supreme court of this state shall, by court rule, provide for expedited
40 appellate review of cases appealed under this section.

41 3. If a minor desires an abortion, then she shall be orally informed of and, if possible, sign
42 the written consent required ~~[by section 188.039]~~ under this chapter in the same manner as an adult
43 person. No abortion shall be performed or induced on any minor against her will, except that an
44 abortion may be performed or induced against the will of a minor pursuant to a court order
45 described in subdivision (4) of subsection 1 of this section that the abortion is necessary to preserve
46 the life of the minor."; and

47
48 Further amend said bill by amending the title, enacting clause, and intersectional references
49 accordingly.