

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 67, Page 1, Section A, Line 5,

of said page, by inserting after all of said line the following:

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

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

Notice shall not be required for any parent or guardian:

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

1 offenses, if a child was a victim;

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

6 (c) Who is listed on the child abuse or neglect central
7 registry under sections 210.109 to 210.183 or on the sexual
8 offender registry under sections 589.400 to 589.425;

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

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

14 (f) Whose whereabouts are unknown after reasonable inquiry,
15 who is a fugitive from justice, who is habitually in an
16 intoxicated or drugged condition, or who has been declared
17 mentally incompetent or incapacitated by a court of competent
18 jurisdiction; or

19 (2) The minor is emancipated and the attending physician
20 has received the informed written consent of the minor; or

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

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

1 2. The right of a minor to self-consent to an abortion
2 under subdivision (3) of subsection 1 of this section or court
3 consent under subdivision (4) of subsection 1 of this section may
4 be granted by a court pursuant to the following procedures:

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

24 (2) A hearing on the merits of the petition, to be held on
25 the record, shall be held as soon as possible within five days of
26 the filing of the petition. If any party is unable to afford
27 counsel, the court shall appoint counsel at least twenty-four
28 hours before the time of the hearing. At the hearing, the court
29 shall hear evidence relating to the emotional development,

1 maturity, intellect and understanding of the minor; the nature,
2 possible consequences, and alternatives to the abortion; and any
3 other evidence that the court may find useful in determining
4 whether the minor should be granted majority rights for the
5 purpose of consenting to the abortion or whether the abortion is
6 in the best interests of the minor;

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

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

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

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

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

24 (5) An appeal from an order issued under the provisions of
25 this section may be taken to the court of appeals of this state
26 by the minor or by a parent or guardian of the minor. The notice
27 of intent to appeal shall be given within twenty-four hours from
28 the date of issuance of the order. The record on appeal shall be
29 completed and the appeal shall be perfected within five days from

1 the filing of notice to appeal. Because time may be of the
2 essence regarding the performance or inducement of the abortion,
3 the supreme court of this state shall, by court rule, provide for
4 expedited appellate review of cases appealed under this section.

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

14 Further amend the title and enacting clause accordingly.