



General Assembly

**Amendment**

February Session, 2014

LCO No. 4816

**\*HB0514404816HRO\***

Offered by:

REP. ADINOLFI, 103<sup>rd</sup> Dist.

REP. MOLGANO, 144<sup>th</sup> Dist.

To: Subst. House Bill No. 5144

File No. 438

Cal. No. 252

**"AN ACT CONCERNING ACCESS TO BIRTH CERTIFICATES AND PARENTAL HEALTH INFORMATION FOR ADOPTED PERSONS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (d) of section 45a-715 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2014*):

6 (d) If a petition indicates that either or both parents consent to the  
7 termination of their parental rights, or if at any time following the  
8 filing of a petition and before the entry of a decree a parent consents to  
9 the termination of his parental rights, each consenting parent shall  
10 acknowledge such consent on a form promulgated by the Office of the  
11 Chief Court Administrator evidencing to the satisfaction of the court  
12 that the parent has voluntarily and knowingly consented to the  
13 termination of his parental rights. No consent to termination by a  
14 mother shall be executed within forty-eight hours immediately after  
15 the birth of her child. [A parent who is a minor shall have the right to

16 consent to termination of parental rights and such consent shall not be  
17 voidable by reason of such minority. A guardian ad litem shall be  
18 appointed by the court to assure that such minor parent is giving an  
19 informed and voluntary consent.] A parent who is a minor is not  
20 authorized to consent to the termination of parental rights and any  
21 such consent shall be voidable by reason of such minority. The parent  
22 of such minor shall be notified of the minor's intention to terminate  
23 parental rights and may consent to such termination on behalf of the  
24 minor.

25 Sec. 502. Section 19a-600 of the general statutes is repealed and the  
26 following is substituted in lieu thereof (*Effective October 1, 2014*):

27 For the purposes of sections 19a-601, as amended by this act, and  
28 19a-602:

29 (1) "Counselor" means: (A) A psychiatrist, (B) a psychologist  
30 licensed under chapter 383, (C) a clinical social worker licensed under  
31 chapter 383b, (D) a marital and family therapist licensed under chapter  
32 383a, (E) an ordained member of the clergy, (F) a physician assistant  
33 licensed under section 20-12b, (G) a nurse-midwife licensed under  
34 chapter 377, (H) a certified guidance counselor, (I) a registered  
35 professional nurse licensed under chapter 378, or (J) a practical nurse  
36 licensed under chapter 378.

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

39 Sec. 503. Section 19a-601 of the general statutes is repealed and the  
40 following is substituted in lieu thereof (*Effective October 1, 2014*):

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

45 (1) Explain that the information being given to the minor is being

46 given objectively and is not intended to coerce, persuade or induce the  
47 minor to choose to have an abortion or to carry the pregnancy to term;

48 (2) Explain that the minor may withdraw a decision to have an  
49 abortion at any time before the abortion is performed or may  
50 reconsider a decision not to have an abortion at any time within the  
51 time period during which an abortion may legally be performed;

52 (3) Explain to the minor the alternative choices available for  
53 managing the pregnancy, including: (A) Carrying the pregnancy to  
54 term and keeping the child, (B) carrying the pregnancy to term and  
55 placing the child for adoption, placing the child with a relative or  
56 obtaining voluntary foster care for the child, and (C) having an  
57 abortion, and explain that public and private agencies are available to  
58 assist the minor with whichever alternative she chooses and that a list  
59 of these agencies and the services available from each will be provided  
60 if the minor requests;

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

64 [(5) Discuss the possibility of involving the minor's parents,  
65 guardian or other adult family members in the minor's decision-  
66 making concerning the pregnancy and whether the minor believes that  
67 involvement would be in the minor's best interests; and]

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

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

75 (B) If a pregnant unemancipated minor declares in a signed written

76 statement that she is a victim of sexual abuse, neglect or physical abuse  
77 by either of her parents or her legal guardian, the person providing  
78 information and counseling shall provide the notice required pursuant  
79 to subparagraph (A) of this subdivision to such minor's brother or  
80 sister who is twenty-one years of age or older or a stepparent or  
81 grandparent specified by such minor or, if no such person exists, to  
82 some other person who is twenty-one years of age or older specified by  
83 such minor; and

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

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

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

95 (2) The minor has received an explanation that the minor may  
96 withdraw an abortion decision or reconsider a decision to carry a  
97 pregnancy to term;

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

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

104 (5) The minor has [discussed with the person providing the  
105 information and counseling the possibility of involving the minor's

106 parents, guardian or other adult family members in the minor's  
107 decision-making about the pregnancy] received an explanation of the  
108 parental notification requirements pursuant to subdivision (5) of  
109 subsection (a) of this section;

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

113 (7) The minor has been given an adequate opportunity to ask  
114 questions.

115 (c) The person providing the information and counseling shall also  
116 sign and date the form and shall include such person's business  
117 address and business telephone number. The person shall keep a copy  
118 for such minor's medical record and shall give the form to the minor  
119 or, if the minor requests and if such person is not the attending  
120 physician, transmit the form to the minor's attending physician. Such  
121 medical record shall be maintained as otherwise provided by law.

122 (d) The provision of pregnancy information and counseling by a  
123 physician or counselor which is evidenced in writing containing the  
124 information and statements provided in this section and which is  
125 signed by the minor shall be presumed to be evidence of compliance  
126 with the requirements of this section.

127 (e) (1) No physician shall perform an abortion until the written  
128 statement required pursuant to subparagraph (A) of subdivision (5) of  
129 subsection (a) of this section, certifying that the person providing the  
130 information and counseling has provided notice to at least one parent  
131 or legal guardian of such minor is received. If the physician  
132 performing the abortion receives a signed statement pursuant to  
133 subparagraph (B) of subdivision (5) of subsection (a) of this section,  
134 such physician shall certify in the minor's medical record that such  
135 physician has received such statement. Any physician relying in good  
136 faith on such statement shall not be civilly or criminally liable for

137 failure to give the notice required pursuant to subparagraph (A) of  
138 subdivision (5) of subsection (a) of this section.

139 (2) The minor may petition a court for a waiver of the notice  
140 requirements pursuant to subdivision (5) of subsection (a) of this  
141 section, and may participate in proceedings on her own behalf. The  
142 petition shall include a statement that the minor is pregnant and is  
143 unemancipated. The petition shall also include a statement such notice  
144 requirements have not been waived by the parent or legal guardian,  
145 and that the minor wishes to obtain an abortion without giving such  
146 required notifications. The court shall appoint a guardian for her.

147 (A) If the court finds, by clear and convincing evidence, that the  
148 minor is both sufficiently mature and well informed to decide whether  
149 to have an abortion, the court shall issue an order authorizing the  
150 minor to consent to the performance of an abortion without such  
151 required notifications. If the court does not make the finding specified  
152 in this subparagraph or in subparagraph (B) of this subdivision, it shall  
153 dismiss the petition.

154 (B) If the court finds, by clear and convincing evidence, that there is  
155 a pattern of physical, sexual or emotional abuse of the minor by one or  
156 both of her parents or her guardian, or that the notification of a parent  
157 or guardian is not in the best interest of the minor, the court shall issue  
158 an order authorizing the minor to consent to the performance of an  
159 abortion without such required notifications. If the court does not  
160 make the finding specified in this subparagraph or in subparagraph  
161 (A) of this subdivision, it shall dismiss the petition.

162 [(e)] (f) The requirements of this section shall not apply when, in the  
163 best medical judgment of the physician based on the facts of the case  
164 before him, a medical emergency exists that so complicates the  
165 pregnancy or the health, safety or well-being of the minor as to require  
166 an immediate abortion. A physician who does not comply with the  
167 requirements of this section by reason of this exception shall state in  
168 the medical record of the abortion the medical indications on which his

169 judgment was based."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2014</i>	45a-715(d)
Sec. 502	<i>October 1, 2014</i>	19a-600
Sec. 503	<i>October 1, 2014</i>	19a-601