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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HEALTH AND SAFETY - INFORMED CONSENT FOR ABORTION

Introduced By: Representatives Ajello, Tanzi, E Coderre, Ferri, and Valencia

Date Introduced: February 16, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 23-4.7-6 of the General Laws in Chapter 23-4.7 entitled "Informed  
2 Consent for Abortion" is hereby amended to read as follows:

3           **23-4.7-6. Minors -- Parental consent -- Judicial proceedings.** – (a) Except in the case  
4 of a minor who has been found by a court of competent jurisdiction to be emancipated, if a  
5 pregnant woman is less than eighteen (18) years of age and has not married, an abortion shall not  
6 be performed upon her unless both the consent of the pregnant woman and that of at least one of  
7 her parents is obtained, except as provided in this section. In deciding whether to grant consent, a  
8 pregnant woman's parents shall consider only their child's best interests.

9           (b) If both parents have died or are otherwise unavailable to the physician within a  
10 reasonable time and in a reasonable manner, consent of the pregnant woman's legal guardian or  
11 one of her guardians shall be sufficient.

12           (c) If a pregnant woman less than eighteen (18) years of age has not married and if  
13 neither of her parents or guardians agree to consent to the performance of an abortion, or if she  
14 elects not to seek the consent of either of her parents or guardians, the woman may seek  
15 authorization for an abortion from either a judge of the family court or a physician or certified  
16 counselor.

17           (d) ~~†~~ A judge of the family court shall, upon petition, or motion, and after an appropriate  
18 hearing, authorize a physician to perform the abortion, if the judge determines that the pregnant  
19 woman is mature and capable of giving informed consent to the proposed abortion or if the judge

1 determines that she is not mature, but that the performance of an abortion upon her would be in  
2 her best interests. A pregnant woman less than eighteen (18) years of age may participate in  
3 proceedings in the family court on her own behalf, and she shall be represented in her proceeding  
4 by a guardian ad litem. Proceedings in the family court under this section shall be confidential  
5 and shall be given such precedence over other pending matters that the court may reach a decision  
6 promptly and without delay so as to serve the best interests of the pregnant woman. A judge of  
7 the family court who conducts proceedings under this section shall make in writing specific  
8 factual findings and legal conclusions supporting his or her decision and shall order a record of  
9 the evidence to be maintained including his or her own findings and conclusions.

10 (e) A physician or certified counselor may, after appropriate consultation with the minor,  
11 authorize a physician to perform the abortion if the physician or counselor determines, in writing,  
12 that the pregnant woman is mature and capable of giving informed consent to the proposed  
13 abortion or that she is not mature, but that the performance of an abortion upon her would be in  
14 her best interests. A physician or counselor making such a determination shall not be employed  
15 by, or otherwise work for, the provider that will be performing the abortion.

16 (f) For purposes of this section, "certified counselor" means a psychiatrist, psychologist,  
17 clinical social worker, or marriage and family therapist licensed pursuant to title 5 of the general  
18 laws.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO HEALTH AND SAFETY - INFORMED CONSENT FOR ABORTION

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1           This act would provide that a family court judge, physician, or certified counselor may  
2 provide authorization for a minor to seek an abortion.

3           This act would take effect upon passage.

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