
Parental Involvement Enhancement Act

Model Legislation & Policy Guide



*Advancing the Human Right to Life
in Culture, Law, and Policy*

INTRODUCTION

Laws requiring parental consent or notice for a minor's abortion are among the most accepted and favoured regulations of abortion in the United States.¹ These laws boast a 71 percent nationwide approval rating,² protect the health and wellbeing of minors, respect parental rights, and save the lives of unborn children. Even after the overturning of *Roe v. Wade*, parental consent continues to be important, particularly where abortion is allowed under the law in any form.

Several important factors support the need for parental involvement laws:

- The medical, emotional, and psychological consequences of abortion are often serious and can be lasting, particularly when the patient is immature.
- Parents usually possess information essential to a physician's exercise of his or her best medical judgment concerning the minor.
- Parents who are aware that their daughter has had an abortion may better ensure the best post-abortion medical attention.
- Minors who obtain "secret" abortions often do so at the behest of the older men who impregnated them and then return to abusive situations. News stories

¹ After *Dobbs v. Jackson Women's Health Organization*, it is presumed that parental involvement laws have been superseded in states where abortion is prohibited. AUL is conducting a comprehensive review of the impact on states. Prior to *Dobbs*, thirty-nine state parental involvement laws were in effect.

- Twenty-six states require parental consent for minors seeking abortions: AL, AZ, AR, ID, IN, KS, KY, LA, MA, MI, MS, MO, NE, NC, ND, OH, OK, PA, RI, SC, TN, TX, UT, VA, WI, and WY.
- Ten states require parental notice for minors seeking abortions: CO, DE, FL, GA, IL, IA, MD, MN, NH, SD, and WV.
- Two states permit an abortion provider to override parental consent or notification: DE and MD.
- One state law requiring parental notice for minors seeking abortion is in effect while in litigation: MT (MT also has a parental consent law that is enjoined while in litigation).

Five states have parental involvement laws that are enjoined, in litigation, or not enforced:

- Two states have parental consent laws that are enjoined or the state's Attorney General has issued an opinion against enforcement: CA and NM.
- Three states have parental notice laws that are enjoined or not enforced: AK, NV and NJ.

² Lydia Saad, *Common State Abortion Restrictions Spark Mixed Reviews*, Gallup, (July 25, 2011) <http://www.gallup.com/poll/148631/Common-State-Abortion-Restrictions-Spark-Mixed-Reviews.aspx> (last visited Oct. 18, 2022).

frequently reveal yet another teen who has been sexually abused by a coach, teacher, or other authority figure. Studies estimate that at least one in five girls is sexually abused before the age of 18.³ Teens are routinely taken to abortion clinics without the consent or even the knowledge of their parents. Minors are at risk in every state in which parental involvement laws have not been enacted or are easily circumvented.

In addition, parental involvement laws save the lives of unborn children by reducing the demand for abortions by minors. For example, a 1996 study revealed that “parental involvement laws appear to decrease minors’ demands for abortion by 13 to 25 percent.”⁴ A 2008 study showed that parental consent laws reduce the minor abortion rate by 18.7 percent.⁵ With the loving support of their parents, many young women are able to bring their babies into the world and not face the physical risks and emotional devastation that abortions can bring.

Tragically, it is often easy for abortion providers to sidestep a law requiring parental consent or notice by claiming they were “duped” into accepting consent from or providing notice to individuals fraudulently representing themselves as the parents or legal guardians of minor girls. Other potential loopholes in parental consent or notice statutes include the inappropriate use of a “medical emergency” exception by an abortion provider; exploitation of the judicial bypass system through “forum shopping;” a low burden of proof for a minor to show that she is mature enough to make an abortion decision on her own or that parental consent or notice is not in her best interest; and a lack of guidance to courts on how to evaluate a minor’s maturity or best interests.

To better protect minors and parental rights, states may reinforce existing parental involvement laws with enhancements to their laws. The *Parental Involvement Enhancement Act* provides several possible enhancements for states to consider including requirements that important documents are notarized, mandates for proof of

³ See Nat’l Assoc. of Children’s Hosp. and Related Inst., *Child Sexual Abuse Fact Sheet* (2004); Elizabeth M. Saewyc et al., 36 *Teenage Pregnancy and Associated Risk Behaviors Among Sexually Abused Adolescents*, PERSP. ON SEXUAL & REPROD. HEALTH 98, 99 (May/June 2004); Stop It Now, *Commonly Asked Questions: Answers to Commonly Asked Questions About Child Sexual Abuse* (2005) (citing R.F. Hanson et al., *Factors Related to the Reporting of Childhood Sexual Assault*, CHILD ABUSE & NEGLECT 23, 559–69 (1999)); Charles E. Irwin & Vaughn I. Rickert, Editorial: *Coercive Sexual Experiences During Adolescence and Young Adulthood: A Public Health Problem*, 36 J. ADOLES. HEALTH 359 (2005); Vaughn I. Rickert et al., *Disclosure of Date/Acquaintance Rape: Who Reports and When*, 18 J. PED. ADOLES. GYN. 17 (2005).

⁴ Deborah Haas-Wilson, 31 *The Impact of State Abortion Restrictions on Minors’ Demand for Abortions*, J. HUMAN RESOURCES 140, 155 (1996).

⁵ Michael J. New, *The Effect of Parental Involvement Laws on the Incidence of Abortion Among Minors*, INSIGHT 16–18 (Sept 24, 2008).

identification and relationship, and evidentiary and other standards for judicial bypass proceedings.

For more information on AUL's *Parental Involvement Enhancement Act*, or for drafting assistance, please contact AUL's Legislative Team at Legislation@aul.org.

PARENTAL INVOLVEMENT ENHANCEMENT ACT

HOUSE/SENATE BILL No. _____
By Representatives/Senators _____

[Drafter's Note: *The requirements detailed below may be enacted individually or collectively, depending on the needs of an individual state. Each substantive Section contains a drafter's note indicating when enactment of the enhancement would be appropriate. For assistance in drafting a complete overhaul of a state's parental notice or consent law, please see AUL's Parental Consent for Abortion Act or Parental Notification of Abortion Act.*]

Section 1. Short Title.

This Act may be cited as the "Parental Involvement Enhancement Act."

Section 2. Legislative Findings and Purposes.

(a) The Legislature of the State of *[Insert name of State]* finds that:

- (1) Immature minors often lack the ability to make fully informed choices that take into account both immediate and long-range consequences.
- (2) The medical, emotional, and psychological consequences of abortion are sometimes serious and can be lasting, particularly when the patient is immature.
- (3) The capacity to become pregnant and the capacity for mature judgment concerning the wisdom of an abortion are not necessarily related.
- (4) Parents ordinarily possess information essential to a physician's exercise of his or her best medical judgment concerning the child.
- (5) Parents who are aware that their minor daughter has had an abortion may better ensure that she receives adequate medical attention after her abortion.
- (6) Parental consultation is usually desirable and in the best interests of the minor.

(b) Based on the findings in subsection (a), the *[Legislature]*'s purposes in enacting this enhancement to the State of *[Insert name of State]*'s parental *[consent or notice]* law are to further the important and compelling State interests of:

- (1) Protecting minors against their own immaturity;
- (2) Fostering family unity and preserving the family as a viable social unit;
- (3) Protecting the constitutional rights of parents to rear children who are members of their household;
- (4) Reducing teenage pregnancy and abortion; and
- (5) In light of the foregoing statements of purpose, allowing for judicial bypasses of the parental [*consent or notice*] requirement to be made only in exceptional or rare circumstances.

Section 3. Definitions.

[Drafter's Note: *These are recommended definitions, but some may not be compatible with a state's existing parental involvement law. In drafting specific legislation, care should be taken to select only those definitions that are compatible with existing state law or with the intent of the legislation.*]

As used in this Act only:

(a) “**Abortion**” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to:

- (1) Save the life or preserve the health of the unborn child;
- (2) Remove a dead unborn child caused by spontaneous abortion; or
- (3) Remove an ectopic pregnancy.

(b) “**Actual notice**” means the giving of notice directly, in person or by telephone.

(c) “**Coercion**” means restraining or dominating the choice of a pregnant woman by force, threat of force, or deprivation of food and shelter.

(d) “**Consent**” means, in the case of a pregnant woman who is less than eighteen (18) years of age, a notarized written statement signed by the pregnant woman and her mother, father, or legal guardian declaring that the pregnant woman intends to seek an abortion and that her mother, father, or legal guardian consents to the abortion; or, in the case of a pregnant woman who is an incompetent person, a

notarized written statement signed by the pregnant woman's guardian declaring that the guardian consents to the performance of an abortion upon the pregnant woman.

(e) “**Constructive notice**” means notice by certified mail to the last known address of the parent or guardian with delivery deemed to have occurred forty-eight (48) hours after the certified notice is mailed.

(f) “**Department**” means the Department of *[Insert appropriate title]* of the State of *[Insert name of State]*.

(g) “**Emancipated minor**” means any person less than eighteen (18) years of age who is or has been married or who has been legally emancipated.

(h) “**Incompetent**” means any person who has been adjudged a disabled person and has had a guardian appointed for her under the *[state Probate Act or other appropriate state law]*.

(i) “**Medical emergency**” means a condition that, on the basis of the physician's good-faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

(j) “**Neglect**” means the failure of a parent or legal guardian to supply a minor with necessary food, clothing, shelter, or medical care when reasonably able to do so or the failure to protect a minor from conditions or actions that imminently and seriously endanger the minor's physical or mental health when reasonably able to do so.

(k) “**Physical abuse**” means any physical injury intentionally inflicted by a parent or legal guardian on a minor.

(l) “**Physician,**” “**attending physician,**” or “**referring physician**” means any person licensed to practice medicine in this State. The term includes medical doctors and doctors of osteopathy.

(m) “**Pregnant woman**” means a woman who is pregnant and is less than eighteen (18) years of age and not emancipated, or who has been adjudged an incompetent person under *[Insert citation(s) or other reference(s) to state statute(s) relating to petition and hearing; independent evaluation, etc.]*.

(n) “**Sexual abuse**” means any sexual conduct or sexual penetration as defined in *[Insert citation(s) or other reference(s) to appropriate section(s) of the state criminal/penal code or other appropriate law(s)]* and committed against a minor by a parent or legal guardian.

Section [4]. Notarized Consent.

[Drafter’s Note: *This enhancement is appropriate for a state with a parental consent law that does not already require notarized consent.*]

(a) No person shall perform an abortion upon a pregnant woman unless, in the case of a woman who is less than eighteen (18) years of age, he or she first obtains the notarized written consent of both the pregnant woman and one of her parents or her legal guardian; or, in the case of a woman who is an incompetent person, he or she first obtains the notarized written consent of her guardian.

(b) The physician shall keep the notarized written consent of the parent or legal guardian in the medical file of the pregnant woman for five (5) years past the majority of the pregnant woman, but in no event less than seven (7) years.

Section [5]. Notarized Waiver of Notice Requirement.

[Drafter’s Note: *This enhancement is appropriate for a state with a parental notice law that permits the person(s) entitled to notice to waive the requirement.*]

(a) Notice is not required if the physician obtains a notarized written statement by the pregnant woman’s parent or legal guardian, dated not more than thirty (30) days before the abortion, waiving the right of the parent or legal guardian to notice of the pregnant woman’s abortion.

(b) The physician shall keep a copy of the notarized written statement of the parent or legal guardian waiving their right to notice in the medical file of the pregnant woman for five (5) years past the majority of the pregnant woman, but in no event less than seven (7) years.

Section [6]. Proof of Identification and Relationship to Pregnant Woman – Consent.

[Drafter’s Note: *This enhancement is appropriate for a state with a parental consent law that does not require the consenting parent or guardian to provide identification or proof of the parent or guardian’s relationship to the pregnant woman.*]

(a) The physician shall obtain from the parent or legal guardian entitled to consent:

- (1) Government-issued proof of the identity of the parent or legal guardian; and
- (2) Written documentation that establishes that the parent or legal guardian is the lawful parent or legal guardian of the pregnant woman.

(b) The physician shall keep a copy of the proof of identification of the parent or legal guardian and the written documentation that establishes the relationship of the parent or legal guardian to the pregnant woman in the medical file of the pregnant woman for five (5) years past the majority of the pregnant woman, but in no event less than seven (7) years.

(c) A physician receiving parental consent under this Section shall execute for inclusion in the medical record of the pregnant woman an affidavit stating: “I, (Insert name of physician), certify that according to my best information and belief, a reasonable person under similar circumstances would rely on the information presented by both the pregnant woman and her parent or legal guardian as sufficient evidence of identity and relationship.”

Section [7]. Proof of Identification and Relationship to Pregnant Woman – Waiver of Notice Requirement.

[Drafter’s Note: *This enhancement is appropriate for a state with a parental notice law that permits the person(s) entitled to notice to waive the requirement.*]

(a) In lieu of the notice required by this Section, the physician shall obtain from the parent or legal guardian entitled to notice:

- (1) Government-issued proof of the identity of the parent or legal guardian;
- (2) Written documentation that establishes that the parent or legal guardian is the lawful parent or legal guardian of the pregnant woman; and
- (3) A signed statement by the parent or legal guardian that the parent or legal guardian has been notified that an abortion is to be performed on the pregnant woman.

(b) The physician shall keep a copy of the proof of identification of the parent or legal guardian and the written documentation that establishes the relationship of the parent or legal guardian to the pregnant woman in the medical file of the pregnant

woman for five (5) years past the majority of the pregnant woman, but in no event less than seven (7) years.

(c) A physician receiving parental notice under this Section shall execute for inclusion in the medical record of the pregnant woman an affidavit stating: “I, (Insert name of physician), certify that according to my best information and belief, a reasonable person under similar circumstances would rely on the information presented by both the pregnant woman and her parent or legal guardian as sufficient evidence of identity and relationship.”

Section [8]. Notice of Post-Emergency.

[Drafter’s Note: *This enhancement is appropriate for states with parental consent or parental notification laws.*]

(a) [Consent or Notice] shall not be required under [Insert appropriate reference(s) to the state parental involvement law] if the attending physician certifies in the minor or incompetent woman’s medical record that a medical emergency exists and there is insufficient time to [obtain the required consent or provide the required notice].

However, the attending physician shall, within twenty-four (24) hours after completion of the abortion, notify one of the parents or the legal guardian of the minor or incompetent woman in the manner provided in this Section that a medical emergency abortion was performed on the minor or incompetent woman and of the circumstances that warranted invocation of this Section.

(b) Unless the minor or incompetent woman gives notice of her intent to seek a judicial waiver pursuant to [Insert appropriate reference(s) to the state parental involvement law], the attending physician shall verbally inform the parent or legal guardian of the minor or incompetent woman within twenty-four (24) hours after the performance of a medical emergency abortion that an abortion was performed on the minor or incompetent woman. The attending physician shall also inform the parent or legal guardian of the basis for the certification of the physician required under paragraph (a) of this Section, and provide details regarding any additional risks to the minor or incompetent woman. The attending physician shall also send a written notice of the performed abortion by certified mail to the last known address of the parent or legal guardian, restricted delivery, return receipt requested.

(c) If the minor or incompetent woman gives notice to the attending physician of her intent to seek a judicial waiver pursuant to [Insert appropriate reference(s) to the state parental involvement law], the physician shall file a notice with any judge of a court of competent jurisdiction that the minor has given such notice and shall provide the information the physician would have been required to provide the parent under

subsection (b) of this Section if the minor or incompetent woman had not given notice of her intent to seek a judicial waiver.

(d) The court shall expeditiously schedule a confidential conference with notice to the minor or incompetent woman and the physician. If the minor or incompetent woman is able to participate in the proceedings, the court shall advise the minor or incompetent woman that she has the right to court-appointed counsel and shall, upon her request, provide the minor or incompetent woman with such counsel. If the minor or incompetent woman is unable to participate, the court shall appoint counsel on behalf of the minor or incompetent woman.

(e) After an appropriate hearing, the court, taking into account the medical condition of the minor or incompetent woman, shall set a deadline by which the minor or incompetent woman must file a petition or motion pursuant to *[Insert appropriate reference(s) to the state parental involvement law]*. The court may subsequently extend the deadline in light of the medical condition of the minor or incompetent woman or other equitable considerations. If the minor or incompetent woman does not file a petition or motion by the deadline, either in that court or in another court of competent jurisdiction with a copy filed in that court, the court shall direct that the court clerk provide the notice to a parent or legal guardian.

Section [9]. Venue.

[Drafter's Note: *This enhancement is for any state that does not restrict the venue in which a minor may file a petition for judicial waiver of the state's consent or notice requirement.*]

The pregnant woman may petition a *[circuit]* court in the county in which the pregnant woman resides for a waiver of the *[consent or notice]* requirement.

Section [10]. Burden of Evidence for Bypass.

[Drafter's Note: *This enhancement is for a state that wishes to define or to provide a heightened evidentiary requirement (i.e., "clear and convincing evidence") in judicial waiver proceedings.*]

(a) If the court finds, by clear and convincing evidence, that the pregnant woman is both sufficiently mature and well-informed to decide whether to have an abortion, the court shall issue an order authorizing the pregnant woman to consent to the performance or inducement of an abortion without the *[consent or notification]* of a parent or guardian and the court shall execute the required forms. If the court does

not make the finding specified in this subsection or subsection (b) of this Section, it shall dismiss the petition.

(b) If the court finds, by clear and convincing evidence, that the pregnant woman is the victim of physical or sexual abuse by one or both of her parents or her legal guardian, or that *[obtaining the consent or providing the notification]* of a parent or legal guardian is not in the best interest of the pregnant woman, the court shall issue an order authorizing the pregnant woman to consent to the performance or inducement of an abortion without the *[consent or notification]* of a parent or guardian. If the court does not make the finding specified in this subsection or subsection (a) of this Section, it shall dismiss the petition.

Section [11]. Judicial Bypass Standards.

[Drafter's Note: *This enhancement is for states that want to enact specific standards for courts to use when evaluating judicial waiver petitions.*]

(a) If the pregnant woman claims to be mature and well-informed at a proceeding held pursuant to *[Insert appropriate reference(s) to the state parental involvement law]*, the pregnant woman must prove by clear and convincing evidence that she is sufficiently mature and capable of giving informed consent without *[obtaining consent from or giving notice to]* her parent or legal guardian based on her experience level, perspective, and judgment.

(b) In assessing the pregnant woman's experience level, the court may consider, among other relevant factors, the pregnant woman's age and experiences working outside the home, living away from home, traveling on her own, handling personal finances, and making other significant decisions. In assessing the pregnant woman's perspective, the court may consider, among other relevant factors, what steps the pregnant woman took to explore her options and the extent to which she considered and weighed the potential consequences of each option. In assessing the pregnant woman's judgment, the court may consider, among other relevant factors, the pregnant woman's conduct since learning of her pregnancy and her intellectual ability to understand her options and to make an informed decision.

(c) In assessing whether, by clear and convincing evidence, *[obtaining the consent or providing notification]* of a pregnant woman's parent or guardian is not in her best interest, a court may not consider the potential financial impact on the pregnant woman or the pregnant woman's family if the pregnant woman does not have an abortion.

Section [12]. Mental Health Evaluation.

[Drafter's Note: *This enhancement is for any state that wants to better protect minors from their own immaturity or coercion or abuse by others.*]

(a) Prior to court proceedings addressing a petition for judicial waiver, the court may require the pregnant woman to participate in an evaluation and counseling session with a mental health professional from the [state Health Department] or a staff member from the [state Department of Social Services], or both. Such evaluation shall be confidential and scheduled expeditiously.

(b) Such evaluation and counseling session shall be for the purpose of developing trustworthy and reliable expert opinion concerning the pregnant woman's sufficiency of knowledge, insight, judgment, and maturity with regard to her abortion decision in order to aid the court in its decision and to make the state's resources available to the court for this purpose. Persons conducting such sessions may employ the information and printed materials referred to in [Insert citation(s) to state informed consent law, if applicable] in examining how well the pregnant woman is informed about pregnancy, fetal development, abortion risks and consequences, and abortion alternatives and should also endeavor to verify that the pregnant woman is seeking an abortion of her own free will and is not acting under coercion, intimidation, threats, abuse, undue pressure, or extortion by any other persons.

(c) The results of such evaluation and counseling shall be reported to the court by the most expeditious means, commensurate with security and confidentiality, to assure receipt by the court prior to a hearing on the pregnant woman's petition.

Section [13]. Disclosure and Consent Form.

(a) A form created by the [Insert appropriate state department or agency] shall be used by physicians to obtain the consent required prior to performing an abortion on a minor who is not emancipated.

(b) A form is not valid and consent is not sufficient, unless:

- (1) A parent or legal guardian initials each page of the form, indicating that he or she has read and understands the information included on that page;
- (2) A parent or legal guardian signs the last page of the form in front of a person who is a notary public;
- (3) The minor initials each list of risks and hazards, detailed in Sections (c)(4)(a)-(d) below;

- (4) The minor signs a “consent statement,” described in Section (c)(6) below; and
 - (5) The physician signs the declaration described in Section (c)(7) below.
- (c) The form shall include, but is not limited to, the following:
- (1) A description of the minor’s rights, including her right to informed consent;
 - (2) A description of the parent or legal guardian’s rights under [*Insert name of State*] law;
 - (3) A detailed description of the surgical and/or medical procedures that are planned to be performed on the minor;
 - (4) A detailed list of the risks and hazards related to the surgical and medical procedures planned for the minor, including, but not limited to, the following:
 - a. Risks and hazards that may occur in connection with any surgical, medical, and/or diagnostic procedure: potential for infection; blood clots in veins and lungs; hemorrhage (heavy bleeding); allergic reactions; or death.
 - b. Risks and hazards that may occur with a surgical abortion: hemorrhage (heavy bleeding); a hole in the uterus (uterine perforation) or other damage to the uterus; sterility; injury to the bowel and/or bladder; a possible hysterectomy as a result of complication or injury during the procedure; and failure to remove all products of conception that may result in an additional procedure.
 - c. Risks and hazards that may occur with a medical/non-surgical abortion: hemorrhage (heavy bleeding); failure to remove all products of conception that may result in an additional procedure; sterility; and possible continuation of pregnancy.
 - d. Risks and hazards of the particular procedure planned for the minor: cramping of the uterus or pelvic pain; infection of the female organs (uterus, tubes, and ovaries); cervical laceration; incompetent cervix; and emergency treatment for any of the above named complications.

- (5) A description of additional information that must be provided by the physician to the minor under *[Insert name of State]* law, including, but not limited to *[Insert information required by the state's informed consent law, if applicable (e.g. the probable gestational age of the unborn baby; the availability of medical assistance benefits; the father's responsibilities, etc.)]*
- (6) A “consent statement” which must be signed by the minor. The consent statement must include, but is not limited to, the following points, which must be individually initialed by the minor:
- a. That the minor understands that the doctor is going to perform an abortion on her which will end her pregnancy and will result in the death of her unborn child;
 - b. That the minor is not being forced to have an abortion, and that she has the choice not to have the abortion and may withdraw consent prior to the abortion;
 - c. That the minor gives permission for the procedure;
 - d. That the minor understands that there are risks and hazards that could affect her if she has the planned surgical or medical procedures;
 - e. That the minor has been given the opportunity to ask questions about her condition, alternative forms of treatment, risk of non-treatment, the procedures to be used, and the risks and hazards involved;
 - f. That the minor has been given information required under *[Insert citation(s) to the state's informed consent law, if applicable]*; and
 - g. That the minor has sufficient information to give informed consent.
- (7) A “physician declaration,” which must be signed by the physician, stating that the physician or his or her assistant has, as required, explained the procedure and the contents of this form to the minor and her parent or legal guardian and has answered all questions. Further, to the best of the physician’s knowledge, the patient and her parent or

legal guardian have been adequately informed and have consented to the procedure.

- (8) A “parental consent statement” stating that the signing parent or legal guardian:
 - a. Understands that the doctor signing the “physician declaration” is going to perform an abortion on the minor, which will end her pregnancy and result in the death of her unborn child;
 - b. That the parent or legal guardian has had the opportunity to read this form or have it read to him or her and has initialed each page;
 - c. That the parent or legal guardian had the opportunity to ask questions to the physician or the physician’s assistant about the information in this form and the surgical and medical procedures to be performed on the minor;
 - d. That the parent or legal guardian believes that he or she has sufficient information to give informed consent; and
 - e. That, by the parent or legal guardian’s signature, the parent or legal guardian affirms that he or she is the minor’s father, mother, or legal guardian.
- (9) A page for the parent or legal guardian’s signature that must be notarized by a notary public.
- (10) Any additional information that must be provided to a woman under the laws of *[Insert name of State]* in order for a physician to obtain her informed consent prior to performing an abortion.

Section [14]. Construction.

- (a) Nothing in this Act shall be construed as creating or recognizing a right to abortion.
- (b) It is not the intention of this law to make lawful an abortion that is currently unlawful.

Section [15]. Severability.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable herefrom and shall not affect the remainder hereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

Section [16]. Right of Intervention.

The [Legislature], by joint resolution, may appoint one or more of its members who sponsored or co-sponsored this Act, as a matter of right and in his or her official capacity, to intervene to defend this law in any case in which its constitutionality is challenged.

Section [17]. Effective Date.

This Act takes effect on [Insert date].

For further information regarding this or other AUL policy guides, please contact:

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