



## FLORIDA CONFERENCE OF CATHOLIC BISHOPS

### PARENTAL CONSENT PRIOR TO A MINOR'S ABORTION SB 404 (Stargel) / HB 265 (Grall)

*Please support and consider co-sponsoring bills requiring parental consent prior to a minor's abortion.*

#### **BILL PROVISIONS:**

Require that a parent shall provide consent before a minor can terminate her pregnancy. The bills include a judicial bypass for certain circumstances.

#### **BACKGROUND:**

Florida statutes require, in most cases, that a parent must consent to a minor's medical treatment, though not for abortion.

The U.S. Supreme Court (SCOTUS) has upheld laws requiring parental consent prior to a minor's abortion, as long as the child can petition the court for a waiver in certain circumstances, such as in cases of parental abuse. However, a law similar to those upheld by SCOTUS was successfully challenged in our state in 1989, citing concerns with the judicial bypass procedure and privacy rights.

Florida voters later approved a constitutional amendment to require parental *notification* prior to a minor's abortion. The state legislature passed legislation to implement the amendment and these laws remain in effect in Florida today.

#### **RATIONALE:**

The Florida Supreme Court's concerns with the judicial bypass procedure cited in striking down Florida's former parental consent law are addressed in the bills currently proposed.

A minor's life will be forever changed whether she has an abortion, chooses to parent, or places a child for adoption. The support of her family is critical for her emotional well-being in addition to her physical well-being as parental involvement will assist her in navigating the health care system, providing medical information to the healthcare provider, assisting with follow-up medical care, and monitoring complications.

***For additional information, please contact:  
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## **OPPONENTS' LIKELY OBJECTIONS AND RESPONSES:**

**OBJECTION 1:** This type of bill was already passed in Florida and successfully challenged.

**RESPONSE 1:** The Florida Supreme Court cited concerns in the 1989 case *In re TW* regarding the judicial bypass procedure. Those concerns are addressed and corrected in this bill (for example, provides counsel for an indigent minor and establishes a record that can be appealed if the judicial bypass is denied).

**OBJECTION 2:** Florida's courts have extended a broader right to abortion than the federal constitution. This bill will not withstand that higher legal standard.

**RESPONSE 2:** The judicial bypass in this bill addresses the concerns cited by the court in 1989 by least restrictive means and may suffice for the courts.

**OBJECTION 3:** What if a child fears her parents will become abusive or if the pregnancy is a result of parental sexual abuse?

**RESPONSE 3:** The pregnant minor would be eligible for a judicial waiver in these circumstances.