



FLORIDA CONFERENCE OF CATHOLIC BISHOPS

PARENTAL CONSENT PRIOR TO A MINOR'S ABORTION

Filed as SB 1774 (Stargel) / HB 1335 (Grall) in 2019 session

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. 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 proposed in 2019.

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.

2019 SPONSOR AND CO-SPONSORS:

SB 1774 – Sponsor: Stargel; Co-Sponsor: Baxley, Bean, Harrell

HB 1335 – Sponsor: Grall; Co-Sponsors: Altman, Andrade, Beltran, Buchanan, Byrd, DiCeglie, Donalds, Fernandez-Barquin, Fine, Fischer, Gregory, Hill, Massullo, Jr., Plakon, Ponder, Roach, Roth, Sabatini, Sirois, Williamson, Yarborough, Zika

STATUS:

SB 1774 – Passed one committee along party lines

HB 1335 – Passed full chamber along party lines with the following exceptions: Republican Representatives Raschein and Fitzenhagen voted against the bill; Democrat Representatives Daniels and Bush voted for the bill