

---

HOUSE BILL 1003

---

State of Washington

65th Legislature

2017 Regular Session

By Representatives Shea, Taylor, Volz, Rodne, Walsh, Halder, Holy, Short, McCaslin, Young, and Pike

Prefiled 12/05/16.

1 AN ACT Relating to requiring parental notification for abortion;  
2 adding a new section to chapter 9.02 RCW; prescribing penalties; and  
3 declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.02 RCW  
6 to read as follows:

7 (1) Except in a medical emergency, or except as provided in this  
8 section, if a pregnant woman is less than eighteen years of age and  
9 not emancipated, or if she has been adjudged an incapacitated person,  
10 a physician shall not perform an abortion upon her unless at least  
11 forty-eight hours before the abortion, in the case of a woman who is  
12 less than eighteen years of age, he or she first notifies one of her  
13 parents; or, in the case of a woman who is an incapacitated person,  
14 he or she first notifies one of her guardians. In the case of a  
15 pregnancy that is the result of incest where the father is a party to  
16 the incestuous act, the physician need only notify the pregnant  
17 woman's mother or guardian.

18 (2) If both parents have died or are otherwise unavailable to the  
19 physician within at least twenty-four hours, notification of the  
20 pregnant woman's guardian or guardians is sufficient. If the pregnant  
21 woman's parents are divorced, notification of the parent having

1 custody is sufficient. If neither parent nor the guardian is  
2 available to the physician within twenty-four hours, notification of  
3 any adult person standing in loco parentis is sufficient.

4 (3) If the pregnant woman elects not to allow the notification of  
5 either of her parents or of her guardian, the superior court in which  
6 the applicant resides or in which the abortion is sought shall, upon  
7 petition or motion, after an appropriate hearing, authorize a  
8 physician to perform the abortion if the court determines that the  
9 pregnant woman is mature and capable of giving informed consent to  
10 the proposed abortion, and has, in fact, given such consent.

11 (4) If the court determines that the pregnant woman is not mature  
12 and capable of giving informed consent or if the pregnant woman does  
13 not claim to be mature and capable of giving informed consent, the  
14 court shall determine whether the performance of an abortion upon her  
15 would be in her best interests. If the court determines that the  
16 performance of an abortion would be in the best interests of the  
17 woman, it shall authorize a physician to perform the abortion.

18 (5) The pregnant woman may participate in proceedings in the  
19 court on her own behalf and the court may appoint a guardian ad litem  
20 to assist her. The court shall, however, advise her that she has a  
21 right to court-appointed counsel, and shall provide her with such  
22 counsel unless she wishes to appear with private counsel or has  
23 knowingly and intelligently waived representation by counsel.

24 (6)(a) Court proceedings under this section are confidential and  
25 shall be given such precedence over other pending matters as will  
26 ensure that the court may reach a decision promptly and without delay  
27 in order to serve the best interests of the pregnant woman. In no  
28 case shall the court fail to rule within three business days of the  
29 date of application. A court that conducts proceedings under this  
30 section shall make in writing specific factual findings and legal  
31 conclusions supporting its decision and shall, upon the initial  
32 filing of the minor's petition for judicial authorization of an  
33 abortion, order a sealed record of the petition, pleadings,  
34 submissions, transcripts, exhibits, orders, evidence, and any other  
35 written material to be maintained which shall include its own  
36 findings and conclusions.

37 (b) The application to the court shall be accompanied by a  
38 nonnotarized verification stating that the information therein is  
39 true and correct to the best of the applicant's knowledge, and the  
40 application shall set forth the following facts:

1 (i) The initials of the pregnant woman;  
2 (ii) The age of the pregnant woman;  
3 (iii) The names and addresses of each parent, guardian or, if the  
4 minor's parents are deceased and no guardian has been appointed, any  
5 other person standing in loco parentis to the minor;  
6 (iv) That the pregnant woman has been fully informed of the risks  
7 and consequences of the abortion;  
8 (v) Whether the pregnant woman is of sound mind and has  
9 sufficient intellectual capacity to consent to the abortion;  
10 (vi) A prayer for relief asking the court to either grant the  
11 pregnant woman full capacity for the purpose of personal consent to  
12 the abortion, or to give judicial consent to the abortion under  
13 subsection (4) of this section based upon a finding that the abortion  
14 is in the best interest of the pregnant woman;  
15 (vii) That the pregnant woman is aware that any false statements  
16 made in the application are punishable by law; and  
17 (viii) The signature of the pregnant woman. If necessary to serve  
18 the interest of justice, the family court shall refer the pregnant  
19 woman to the appropriate personnel for assistance in preparing the  
20 application.  
21 (c) The name of the pregnant woman shall not be entered on any  
22 docket that is subject to public inspection. All persons shall be  
23 excluded from hearings under this section except the applicant and  
24 such other persons whose presence is specifically requested by the  
25 applicant or her guardian.  
26 (d) At the hearing, the court shall hear evidence relating to the  
27 emotional development, maturity, intellect, and understanding of the  
28 pregnant woman, the fact and duration of her pregnancy, the nature,  
29 possible consequences, and alternatives to the abortion, and any  
30 other evidence that the court may find useful in determining whether  
31 the pregnant woman should be granted full capacity for the purpose of  
32 consenting to the abortion or whether the abortion is in the best  
33 interest of the pregnant woman. The court shall also notify the  
34 pregnant woman at the hearing that it must rule on her application  
35 within three business days of the date of its filing and that, should  
36 the court fail to rule in favor of her application within the  
37 allotted time, she has the right to appeal to the superior court.  
38 (7) Except in a medical emergency, no parent, guardian, or other  
39 person standing in loco parentis shall coerce a minor or  
40 incapacitated woman to undergo an abortion. Any minor or

1 incapacitated woman who is threatened with such coercion may apply to  
2 the superior court for relief. The court shall provide the minor or  
3 incapacitated woman with counsel, give the matter expedited  
4 consideration, and grant such relief as may be necessary to prevent  
5 such coercion. Should a minor be denied the financial support of her  
6 parents by reason of her refusal to undergo abortion, she shall be  
7 considered emancipated for purposes of eligibility for assistance  
8 benefits.

9 (8) No filing fees shall be required of any woman availing  
10 herself of the procedures provided by this section. An expedited  
11 confidential appeal shall be available to any pregnant woman whom the  
12 court fails to grant an order authorizing an abortion within the time  
13 specified in this section. Any court to which an appeal is taken  
14 under this section shall give prompt and confidential attention  
15 thereto and shall rule thereon within five business days of the  
16 filing of the appeal. The supreme court may issue such rules as may  
17 further assure that the process provided in this section is conducted  
18 in such a manner as will ensure confidentiality and sufficient  
19 precedence over other pending matters to ensure promptness of  
20 disposition.

21 (9) Any person who performs an abortion upon a woman who is an  
22 unemancipated minor or incapacitated person to whom this section  
23 applies either with knowledge that she is a minor or incapacitated  
24 person to whom this section applies, or with reckless disregard or  
25 negligence as to whether she is a minor or incapacitated person to  
26 whom this section applies, and who intentionally, knowingly, or  
27 recklessly fails to conform to any requirement of this section is  
28 guilty of unprofessional conduct and his or her license for the  
29 practice of medicine and surgery shall be suspended for a period of  
30 at least three months. Nothing in this section shall be construed to  
31 limit the common law rights of parents.

32 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
33 preservation of the public peace, health, morals, or safety, or  
34 support of the state government and its existing public institutions,  
35 and takes effect immediately.

--- END ---