

By Mr. Cohen of Newton, petition of David B. Cohen and other members of the General Court for legislation to authorize certain abortions with consent of a parent. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT RELATIVE TO JUDICIAL PROCEEDINGS FOR MINORS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The second paragraph of section 12S of chapter 112 of the
2 General Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking out the second through eleventh sentences
4 and inserting in place thereof the following sentences: —

5 If a pregnant woman is less than sixteen years of age and has
6 not married, a physician shall not perform an abortion upon her
7 unless he first obtains both the consent of the pregnant woman
8 and that of one of her parents, except as hereinafter provided.

9 In deciding whether to grant such consent, a pregnant woman's
10 parent shall consider only the pregnant woman's best interest. If
11 both parents have died or are otherwise unavailable to the
12 physician within a reasonable time and in a reasonable manner,
13 consent of the pregnant woman's guardian shall be sufficient. If

14 a pregnant woman less than sixteen years of age has not married
15 and if no parent or guaridan consents to the performance of an
16 abortion, or if she elects not to seek the consent of a parent or
17 guardian, a judge of the superior court department of the trial
18 court shall, upon petition or motion, which shall not be
19 transferred to any other department or division of the trial court,
20 and after an appropriate hearing, authorize a physician to perform
21 the abortion if said judge determines that the pregnant woman
22 is mature and capable of giving informed consent to the proposed
23 abortion, or if said judge determines that she is not mature, that
24 the performance upon her of an abortion would be in her best

25 interest. A pregnant woman less than sixteen years of age may
26 participate in proceedings in the superior court department of the
27 trial court on her own behalf, and the court may appoint a
28 guardian ad litem for her. The court shall, however, advise her
29 that she has a right to court appointed counsel, and shall upon
30 her request, provide her with such counsel. Proceedings in the
31 superior court department of the trial court under this section shall
32 be confidential and shall be given such precedence over other
33 pending matters that the court may reach a decision promptly and
34 without delay so as to serve the best interests of the pregnant
35 woman. A judge of the superior court department of the trial court
36 who conducts proceedings under this section shall make in writing
37 specific factual findings and legal conclusions supporting his
38 decision and shall order a record of the evidence be maintained
39 including his own findings and conclusions. The pregnant woman
40 may appeal a denial of the superior court department of the trial
41 court of any petition or motion to the Appeals Court.