

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 357

2021 Regular Session

Crews

CHILDREN: Requires reporting of certain information relating to minors who undergo abortions

Synopsis of Senate Amendments

1. Amends present law relative to applications for court orders by minors seeking abortions and appeals from denials of those applications to provide that jurisdiction to hear such an application or appeal shall be extended to a court having juvenile jurisdiction in a contiguous parish if either of the following conditions is met:
 - a. The minor's parent or guardian is a presiding judge of the juvenile court in the parish in which the minor is domiciled.
 - b. The parish in which the minor is domiciled has a population of less than 10,000 according to the latest federal decennial census.
2. Adds to proposed law provisions requiring that if a pregnant woman is a minor and receives an abortion pursuant to a judicial bypass order as authorized in present law, then the individual abortion report on that case required by present law shall include all of the following:
 - a. A notation of whether the judicial bypass was granted because of a finding that the minor girl was mature and capable of giving informed consent, as provided for in present law.
 - b. A notation of whether the judicial bypass was granted because of a finding that the performance of the abortion without parental notification and consent was in the best interest of the minor, as provided for in present law.
3. Makes technical changes.

Digest of Bill as Finally Passed by Senate

Present law requires that an individual abortion report for each abortion performed or induced be completed by the attending physician. Stipulates that the report shall be confidential and not contain the name or address of the woman and provides for the required content of the report.

Proposed law retains present law and adds the following requirements for the content of individual abortion reports:

- (1) If the abortion was performed on a minor, the report shall include a notation indicating whether or not the physician or any other staff member of the abortion facility suspected that the minor was the victim of any form of child abuse or neglect and filed a report of such abuse or neglect in accordance with present law.
- (2) If the abortion was performed on a minor pursuant to a "judicial bypass order" (court order) in lieu of parental consent as allowed in present law, the report shall include all of the following:

- (a) The judicial district of the court that issued the order.
- (b) An indication of whether or not the minor was required to participate in an evaluation and counseling session with a mental health professional from the La. Dept. of Health (LDH) or a staff member from the Dept. of Children and Family Services (DCFS) as allowed in present law.
- (c) A notation of whether the judicial bypass was granted because of a finding that the minor girl was mature and capable of giving informed consent, as provided for in present law.
- (d) A notation of whether the judicial bypass was granted because of a finding that the performance of the abortion without parental notification and consent was in the best interest of the minor, as provided for in present law.
- (e) An indication of whether or not the court issued a protective order for the minor, afforded her the continued services of a court-appointed special advocate, or did both, as allowed in present law.
- (f) An indication of whether or not the physician or any other staff member of the abortion facility referred the woman to any licensed professional for post-abortion counseling.
- (g) An indication of whether or not the physician or any other staff member of the abortion facility referred the woman to LDH or DCFS for any health services or other human services.

Present law requires that individual abortion reports include the parish and municipality, if any, in which the pregnant woman resides. Proposed law revises present law to require that such reports include the parish and zip code, if any, in which the pregnant woman resides.

Present law requires LDH to collect all individual abortion reports prepared as required by present law and to collate and evaluate all data gathered from the reports. Requires LDH to publish a statistical report annually based on such data from abortions performed in the previous calendar year.

Proposed law retains present law and requires that the annual statistical reports on abortions published by LDH include a special section addressing abortions performed on minors. Requires that this section of the report feature, at minimum, a compilation of the information required by proposed law to be included in individual abortion reports.

Proposed law amends present law relative to applications for court orders by minors seeking abortions and appeals from denials of those applications to provide that jurisdiction to hear such an application or appeal shall be extended to a court having juvenile jurisdiction in a contiguous parish if either of the following conditions is met:

- (1) The minor's parent or guardian is a presiding judge of the juvenile court in the parish in which the minor is domiciled.
- (2) The parish in which the minor is domiciled has a population of less than 10,000 according to the latest federal decennial census.

(Amends R.S. 40:1061.14(B)(1) and 1061.21(A)(intro. para.), (4), (5)(b), and (D); Adds R.S. 40:1061.21(A)(5)(c))