

you aren't alone:

young women's guide to **abortion** in pennsylvania

2,428 teens 17 and
younger had abortions
in Pennsylvania
in 2000.

An estimated 43%
of American women
will have at least one
abortion by the time
they are 45 years old.

questions? Call CHOICE 1.800.848.3367 www.choice-phila.org

Monday through Thursday 8:00 AM to 8:00 PM Saturday 9:00 AM to 1:00 PM

Friday 8:00 AM to 5:00 PM Sunday 12 noon to 4:00 PM

(Spanish counselors available)

prepared by **Women's
Law Project**

www.womenslawproject.org

taking charge of your decision

what are my choices once i know
i'm pregnant?

you can: continue the pregnancy

- and raise the child yourself,
- get a relative to raise the child, or
- place the child for adoption or in temporary foster care,

or

have an abortion.

Who can help me think through my decision and find a good doctor?

A counselor at CHOICE (1-800-848-3367) can help you think about your decision and steer you to good medical care and other supportive services. Don't delay: whether you decide to get an abortion or to continue your pregnancy, it is very important to get medical care right away.

Be careful about finding a doctor or clinic through the phone book. Some crisis pregnancy centers in Pennsylvania pretend to be women's health clinics, but are actually fake clinics run by anti-abortion extremists who try to frighten and bully women out of having abortions.

A good medical provider will give you:

- medically accurate information
- confidential, non-judgmental counseling about all your options
- compassionate and competent medical care and follow-up
- no pressure tactics and no guilt trips

What if I decide I want an abortion?

Abortion is legal in Pennsylvania and every state for women of all ages. In Pennsylvania, however, most young women aged 17 and under must get permission for the abortion from one parent (or legal guardian) or a judge.

If I'm 17 or under, how do I get permission for an abortion?

1. You can get the informed consent of one of your parents or your legal guardian; or
2. You can meet privately with a judge who can give permission for the abortion without telling your parents; or
3. You can get the abortion in another state that does not require consent of a parent or judge.

How do I find someone to perform the abortion?

CHOICE can refer you to a doctor, hospital, or women's clinic that provides abortions where you will be respected and your confidentiality will be guaranteed.

Remember: This decision is yours. No one can force you to continue your pregnancy, and no one can force you to get an abortion or use birth control.

3 options If you decide to get an abortion

1 Getting a parent's informed consent

What is "informed consent" to an abortion?

Before a woman of any age may have an abortion in Pennsylvania, she must listen to a short lecture on abortion that the state requires doctors and medical staff to give. Then, she must wait at least 24 hours before having the abortion. She must also sign a form prior to her procedure saying that she heard the lecture and consents to the abortion. This process is called "informed consent." Both you and a parent (or your legal guardian) will have to listen to the state lecture and then wait at least 24 hours between hearing the lecture and the performance of the abortion.

How do I get my parent's informed consent to an abortion?

You and your parent can listen to the lecture separately, and you only need one parent's consent, not both. You will both have to sign consent forms. If you want to talk to your parents but are afraid or unsure of how to start, call CHOICE.

If my parent gives informed consent, what next?

If you and your parent have both given informed consent and 24 hours have passed since you both heard the state lecture, the clinic or doctor can perform the abortion.

2 Meeting with a judge

Some young women decide they cannot tell their parents about their pregnancy. If you do not want to tell your parents, or if your parents know but have refused to give you permission for an abortion, you can have a private hearing before a judge to get an order permitting the abortion. This process is called "judicial bypass."

What do I have to do before meeting with the judge?

First, call the clinic or doctor who will perform the abortion and arrange to hear the state lecture described in the previous section. You should get this lecture before meeting with the judge. If you don't know whom to call, ask CHOICE.

Second, call a lawyer who will help you with the process (see "To Find a Lawyer" box). You have the right to a free lawyer appointed by the court to help you get the judge's approval for your abortion. If you can't find a lawyer who will help you, call the Women's Law Project (215-928-9801).

Third, fill out the application form for permission for an abortion. The clinic or the court should provide you with the form. Once you have filed your form, you will have your hearing before the judge very quickly, within three business days at the latest.

Do I really need a lawyer?

You do not have to use a lawyer, but you may have a better chance of getting judicial consent with a lawyer's help. The lawyer will help you fill out and file the application forms and find the right office in the courthouse. Your lawyer will not judge you and will be on your side throughout the process. If you decide not to use a lawyer, please get a counselor at your clinic to help you.

Do I have to pay the lawyer or the judge?

Absolutely not. The hearing is free, and if you use one of the lawyers listed in this booklet or have one appointed for you by the court, the lawyer's services are free. Of course, you are also permitted to hire your own lawyer for a fee.

What happens at the hearing with the judge?

The hearing is usually informal and is absolutely confidential. It is not a trial. In some counties, it is held in the judge's office (called "chambers"), not in a courtroom. The judge usually wears a regular suit, and in many counties, the judge sits with you and your lawyer around a desk or table. There are no reporters, no jury, and no lawyer on the other side. The hearing typically lasts a short time. The judge will not know your name and might use your initials, first name, or a made-up name such as "Jane Doe," or the judge might call you "petitioner."

Who will be at the hearing?

The hearing is private. No one is allowed to attend except you, anyone you choose to bring with you, your lawyer, the judge, and possibly the judge's clerk or secretary.

Is the judge allowed to tell my parents?

No. No one, including the judge, is allowed to tell anyone about your pregnancy. The initial application form may ask you for your initials and your parents' names and addresses, but this information must be kept completely confidential.

What does the judge have to decide?

The judge must answer one question: Is this young woman mature enough to make her own decision? If the answer is yes, the judge must give you permission for the abortion regardless of how he or she feels about it.

If the judge decides that you are not mature, the judge must then consider a second question: Would an abortion be in this young woman's best interests? If the answer is yes, the judge must give you permission for the abortion regardless of his or her personal feelings.

What kinds of questions will I have to answer?

The judge may want to know that you understand the abortion procedure, that you have thought carefully about your decision, and that no one is forcing you to get an abortion. The judge may also want to know whether you have responsibilities at home, school, or work (such as babysitting, caring for sick relatives, part-time jobs, etc.) or plans for the future that show how mature you are.

How long will it take the judge to decide?

The judge may decide right after the hearing, but at the latest the judge must decide within three business days after you file your application. "Business days" do not include legal holidays and weekends. If the judge does not decide within three business days, you have the right to a free, confidential, speedy appeal to a higher court.

What should I do if the judge rules in my favor?

The judge will give you a piece of paper called an "Order" that gives you permission to get an abortion. You must take this Order with you when you go for the abortion, along with any other consent forms or identification required by your abortion provider. As long as 24 hours have gone by since you received the state lecture, you can get your abortion as soon as you get this Order.

What if I change my mind?

You are always free to change your mind and decide you do not want an abortion. The Order simply states that you may have the abortion if you want it; it does not force you to get one.

What can I do if the judge rules against me?

We know of only one case in seven years in which a Pennsylvania judge denied a bypass petition. If it happens to you, call the Women's Law Project immediately. Your lawyer can file an immediate appeal with the Pennsylvania Superior Court, which must decide within five business days. If you do not yet have a lawyer, you should get one now.

When you meet with a judge, you have the right to:

- **A speedy decision:** The judge must decide within three business days from the time you file your application.
- **A lawyer:** A free lawyer will be appointed for you unless you bring your own lawyer or decide you don't want one.
- **Confidentiality:** The law requires that the hearing before the judge be completely secret. No information identifying you may appear on any record open to the public, and no one should ever know that you have been to court. Even if the judge does not give permission for the abortion, he or she is not permitted to notify your parents.
- **Answers to your questions:** Your lawyer, your abortion provider, CHOICE, and the Women's Law Project are all available to answer your questions about the process. Don't be afraid to ask any question.
- **Accompaniment:** You have the right to have anyone you want with you at the meeting with the judge.

If you are denied any of your legal rights, or if you have a complaint about your lawyer, your judge, or your hearing, call the Women's Law Project at 215-928-9801.

3 Going to another state

New Jersey, New York, and Washington, D.C., permit young women to consent on their own to an abortion without requiring parents to be notified. Maryland, Delaware, and West Virginia allow doctors to perform abortions without notifying a young woman's parent or guardian if the doctor finds that the young woman is mature, that it would not be in the young woman's best interests to involve her parent or guardian, or that other specific circumstances apply. Ohio's law, like Pennsylvania's, requires the written consent of a parent or guardian or a determination by a judge that the young woman is mature and well-enough informed to make the abortion decision or that the abortion is in the young woman's best interest. These laws can change: ask your provider or the Women's Law Project.

Is it legal for teenaged women to cross state lines to get an abortion?

Yes. However, if you are under 14 and if an adult takes you across Pennsylvania state lines for an abortion without your parent's consent, the adult may risk a charge of interfering with the custody of a minor. Adults who are accompanying young women under 14 to out-of-state abortion providers should contact a lawyer or the Women's Law Project.

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more questions

Do I have to get my parent's consent or go before a judge to take the abortion pill?

Yes. RU-486, Mifeprex, mifepristone and misoprostol, and methotrexate are all names of drugs that are used for very early abortions, usually up to 49 days of pregnancy. Pennsylvania's parental consent law applies to these medical abortions as well as to surgical abortions.

You do NOT need parental permission or permission from a judge to use emergency contraception (such as "morning after pill," Preven, or Plan B), high-dose birth control pills taken within 72 hours of unprotected sex to prevent pregnancy.

What if I don't have the money for an abortion?

If you need help paying for the abortion, call CHOICE and ask for an abortion loan fund serving your region. In the Philadelphia region, call the Greater Philadelphia Women's Medical Fund (215-772-0502). If you are a delinquent or dependent child in placement outside your home, your medical care should be paid for. If your pregnancy was caused by rape or incest, or if your life is in danger, Medicaid may cover your abortion. Your abortion provider may also be able to offer you a reduced fee abortion. Do not delay calling for an appointment just because you haven't raised the full fee.

Can my boyfriend keep me from getting an abortion? or force me into getting one I don't want?

No. Your boyfriend, husband, or partner cannot cancel out your decision. If your partner is trying to force you into making a choice you don't like, tell your doctor and call the Women's Law Project.

Do I need my parent's permission to get birth control, pregnancy tests, sexually transmitted disease tests, or AIDS tests?

No. The Pennsylvania parental consent law applies only to abortion. You do not need your parent's consent for pregnancy testing, to get birth control, or to get testing or treatment for sexually-transmitted diseases including HIV/AIDS, syphilis, gonorrhea, herpes, and chlamydia. These services are confidential; you can get them without involving your parents. Contact CHOICE if you need more information.

Important: The laws on reproductive health care for young women may have changed since this brochure was published, so don't rely on it alone. Check with CHOICE, your abortion provider, or the Women's Law Project for recent developments.

exceptions

- In medical emergencies, physicians may perform abortions for young women without parental or judicial consent.
 - "Emancipated" teenagers may consent on their own to the abortion.
 - If neither parent is available in a reasonable time and in a reasonable manner, an adult who is *in loco parentis* (in the place of a parent) may give informed consent instead.
- Unfortunately, the law is unclear about exactly when these exceptions apply. Don't guess—ask your lawyer or your abortion provider if you think any one of them applies to you.

to find a lawyer

Allegheny County Call your abortion provider or contact
the officer-on-call, Room 2066
Intake Department, Family Court
550 Fifth Avenue, Pittsburgh

Bucks County Bristol Planned Parenthood, 215-785-4594 x19

Chester County Planned Parenthood West Chester, 610-692-1770

Cumberland, Dauphin, Perry Counties
Planned Parenthood, 717-234-2468

Delaware County Women's Law Project, 215-928-9801

Lackawanna County Women's Resource Center, 570-346-4460

Lancaster County Planned Parenthood, 717-299-2895

Lehigh County Allentown Women's Center, 800-372-8500

Montgomery County
Planned Parenthood, 610-409-8891 (Collegeville)
610-279-6095 (Norristown)
610-326-8080 (Pottstown)

Philadelphia County
Barbara Bailey, Defender Association
215-568-3190

York County Planned Parenthood, 717-845-9683

In other counties, call CHOICE, 800-848-3367, your abortion
provider, or the Orphan's Court division of your county court.

Legal information or assistance?

Call Women's Law Project 215-928-9801

Monday-Friday 9:00 AM to 5:00 PM

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With the support of:

Ms. Foundation for Women
Huber Foundation
and Womens Way



Women's Law Project is a
Womens Way member organization.