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House Bill 4478 (Substitute S-2 as reported)
Sponsor: Representative William J. O'Neil
House Committee: Family and Children Services
Senate Committee: Families and Human Services

CONTENT

The bill would amend the Parental Rights Restoration Act to prohibit a minor who had been denied a waiver of parental consent for an abortion by one family division of circuit court (family court) from obtaining a waiver from another family court; and require the family court, in determining whether to grant a waiver of parental consent, to consider certain evidence regarding the minor's maturity and best interest, as well as the rebuttable presumptions that "a minor is not capable of providing informed consent for medical treatment", and "a minor's best interest is served by parental involvement in medical decision making".

The Act requires the family court to grant a parental consent waiver if it finds either that the minor is sufficiently mature and well-enough informed to make the decision independently, or that the waiver is in the minor's best interest. The bill would require the court, in determining whether a minor was mature and well-enough informed, to consider the evidence presented on each of the factors listed in the bill, including:

- Whether the minor was before the court voluntarily.
- The minor's age, ability to comprehend information, and ability to express herself.
- The degree of the minor's dependence on her parent or legal guardian.
- The minor's school attendance, academic performance, future education, or career goals.
- The circumstances of the minor's pregnancy.
- Other life experiences demonstrating a pattern of responsible, mature behavior.
- The minor's knowledge of her personal medical history; her awareness of the physical risks of abortion and carrying the pregnancy to term; and her assessment of the psychological and emotional consequences of abortion, parenting, or placing a child for adoption.

If the court did not find that a minor was sufficiently mature and well-enough informed to make the abortion decision independently, the court would have to grant a waiver if it found that the waiver would be in the minor's best interest. A waiver could be granted only if the court found that both of the minor's parents, or the legal guardian, had defaulted in their, or his or her, duties to the minor and abdicated the right to parental involvement, after considering the evidence presented on specific factors, including:

- The nature of the minor's relationship with her parents or legal guardian.
- The minor's reasons for seeking an abortion.
- The minor's specific reasons for excluding a parent or legal guardian from the decision.
- Whether the parents or legal guardian had previous knowledge of the minor's sexual activity.
- The degree to which the parent or legal guardian was involved in the minor's activities.

MCL 722.903 & 722.904

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-4-03

Fiscal Analyst: Bethany Wicksall