

**76-7-304.5 Consent required for abortions performed on minors -- Hearing to allow a minor to self-consent -- Appeals.**

- (1) As used in this section, "minor" is as defined in Subsection 76-7-304(1).
- (2) In addition to the other requirements of this part, a physician may not perform an abortion on a minor unless:
  - (a) the physician obtains the informed written consent of a parent or guardian of the minor, consistent with Sections 76-7-305, 76-7-305.5, and 76-7-305.6;
  - (b) the minor is granted the right, by court order under Subsection (5)(b), to consent to the abortion without obtaining consent from a parent or guardian; or
  - (c)
    - (i) a medical condition exists that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant minor as to necessitate the abortion of her pregnancy to avert:
      - (A) the minor's death; or
      - (B) a serious risk of substantial and irreversible impairment of a major bodily function of the minor; and
    - (ii) there is not sufficient time to obtain the consent in the manner chosen by the minor under Subsection (3) before it is necessary to terminate the minor's pregnancy in order to avert the minor's death or impairment described in Subsection (2)(c)(i).
- (3) A pregnant minor who wants to have an abortion may choose:
  - (a) to seek consent from a parent or guardian under Subsection (2)(a); or
  - (b) to seek a court order under Subsection (2)(b).
- (4) If a pregnant minor fails to obtain the consent of a parent or guardian of the minor to the performance of an abortion, or if the minor chooses not to seek the consent of a parent or guardian, the minor may file a petition with the juvenile court to obtain a court order under Subsection (2)(b).
- (5)
  - (a) A hearing on a petition described in Subsection (4) shall be closed to the public.
  - (b) After considering the evidence presented at the hearing, the court shall order that the minor may obtain an abortion without the consent of a parent or guardian of the minor if the court finds by a preponderance of the evidence that:
    - (i) the minor:
      - (A) has given her informed consent to the abortion; and
      - (B) is mature and capable of giving informed consent to the abortion; or
    - (ii) an abortion would be in the minor's best interest.
- (6) The Judicial Council shall make rules that:
  - (a) provide for the administration of the proceedings described in this section;
  - (b) provide for the appeal of a court's decision under this section;
  - (c) ensure the confidentiality of the proceedings described in this section and the records related to the proceedings; and
  - (d) establish procedures to expedite the hearing and appeal proceedings described in this section.

Amended by Chapter 314, 2010 General Session