

ALASKA LEGISLATURE

1500

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

1 (3) the longer of 12 months or until the person is in compliance with this  
2 subsection if the person has previously been disregarded under (2) of this subsection.

3 (b) If organizations exist in the project area that have had successful experience  
4 in conducting employment placement services, community services, remedial education  
5 services, and job training programs, the department shall offer on a competitive basis  
6 contracts to those organizations to administer (a) of this section. A contract under this  
7 subsection must provide that the department shall make the determinations required under  
8 (c) and (d) of this section and the contractor shall perform the duties assigned to the  
9 department under (a) of this section with respect to uncompensated activities, including  
10 assessment of their availability, development of additional activities, consideration of  
11 activities recommended by governmental representatives, and assignment of persons to  
12 specific activities after referral of those persons to the contractor by the department. The  
13 department may, after consultation with the appropriate contractor under this subsection,  
14 if any, use AFDC benefits to subsidize payments or provide services to participants in  
15 community work projects or work training projects; an amount distributed as a subsidy  
16 under this subsection is not considered to be wages.

17 (c) The requirement to participate in an uncompensated activity under (a) of this  
18 section does not apply to a person who

19 (1) has paid employment of at least 20 hours a week; a person who has  
20 paid employment of less than 20 hours a week shall participate in an uncompensated  
21 activity assigned under (a) of this section for the number of hours that, when added to  
22 the hours of paid employment, equals 21;

23 (2) is exempt from participating in an activity under AS 47.25.421 -  
24 47.25.429 (JOBS program);

25 (3) is enrolled as a full-time student in good standing in a career  
26 education program, college, or university, as defined in regulations adopted under  
27 AS 14.43;

28 (4) is the parent or other relative of a child under six years of age living  
29 in the same household who personally provides care for the child;

30 (5) is determined, according to regulations of the department, to be  
31 physically or mentally unable to perform any reasonable activity that may be assigned  
32 under this section; or

1 (6) is a parent who is providing care for a child with a developmental  
2 disability as defined by AS 47.80.900.

3 (d) Notwithstanding (a) of this section, the department may not require a person  
4 to participate in an uncompensated activity under (a) of this section unless the  
5 department agrees to pay for

6 (1) costs of child care determined by the department to be necessary for  
7 the person's participation; and

8 (2) transportation expenses determined by the department to be necessary  
9 for the person's participation in the activity.

10 (e) In this section, "project area" means the area chosen by the department in  
11 which to operate the workfare project described in this section.

12 Sec. 47.25.305. COOPERATION. State agencies shall cooperate with the  
13 department to the extent necessary to implement AS 47.25.301 - 47.25.308.

14 Sec. 47.25.306. IMMUNITY FROM LIABILITY. (a) The Department of  
15 Health and Social Services, and its employees, agents, and grantees, are not liable for  
16 civil damages as a result of an act or omission in the implementation, operation, or  
17 administration of an authorized project under AS 47.25.301 - 47.25.308.

18 (b) The provisions of (a) of this section do not preclude liability for civil  
19 damages as a result of recklessness or intentional misconduct.

20 (c) The provisions of (b) of this section do not constitute a waiver or limitation  
21 of sovereign or other immunity.

22 Sec. 47.25.307. REGULATIONS. The Department of Health and Social  
23 Services shall adopt regulations necessary to implement AS 47.25.301 - 47.25.308. The  
24 regulations adopted by the department may include

25 (1) eligibility criteria for the project described in AS 47.25.301 -  
26 47.25.308 that differ from eligibility requirements in AS 47.25.310 - AS 47.25.429 and  
27 the regulations adopted under those statutes;

28 (2) a maximum number of participants to be included in the project, if  
29 necessary;

30 (3) exemptions from requiring participation in the project because of  
31 exceptional circumstances; and

32 (4) provisions for financial or non-financial sanctions for applicants who

1 fail to cooperate with project requirements.

2 Sec. 47.25.308. DEFINITIONS. In AS 47.25.301 - 47.25.308,

3 (1) "AFDC" means the program of aid to families with dependent  
4 children under AS 47.25.310 - 47.25.420;

5 (2) "department" means the Department of Health and Social Services.

6 ARTICLE 1B. DIVERSION PROGRAM.

7 Sec. 47.25.309. DIVERSION PROGRAM. (a) The Department of Health and  
8 Social Services shall operate a diversion program that is designed to increase family  
9 income through employment and child support payments by offering lump-sum diversion  
10 payments in place of ongoing financial assistance under the AFDC program. A  
11 diversion payment may be offered to an applicant for AFDC who is job-ready and who  
12 needs short-term financial assistance to meet critical needs in order to secure employment  
13 and support for the applicant's family.

14 (b) Diversion program benefits may be paid only to an applicant's family that  
15 appears, based on the information provided to the department on an AFDC application,  
16 to be eligible for AFDC benefits and to include a job-ready individual. The department  
17 may offer, to an AFDC applicant with the potential to participate in the diversion  
18 program, a choice between

19 (1) having the AFDC application processed under AS 47.25.310 -  
20 47.25.429; or

21 (2) having the AFDC application denied and applying for diversion  
22 program benefits under this section.

23 (c) The amount of the diversion payment must be sufficient to meet the family's  
24 immediate needs as determined by the department and the participant. A diversion  
25 payment may not exceed the amount the family would be eligible to receive in the first  
26 two months of eligibility for assistance under AS 47.25.310 - 47.25.420 if the family did  
27 not elect to receive a diversion payment under this section.

28 (d) As a condition of a family receiving a diversion payment under this section,  
29 the participant must sign a binding contract between the participant and the department  
30 that

31 (1) specifies the amount of the diversion payment and the needs it is  
32 intended to cover.

1 (2) provides that, during the three-month period beginning with the  
2 month in which the diversion payment was received, child support collected on behalf  
3 of a child whose needs were considered in determining the diversion payment shall be  
4 paid to the family; and

5 (3) provides that, if the family reapplies for AFDC assistance under  
6 AS 47.25.310 - 47.25.429 during the three months beginning with the month in which  
7 the family received a diversion payment, the diversion payment shall be prorated over  
8 the three-month period and deducted from any AFDC benefit the family may be eligible  
9 for under the new application.

10 (e) A family that receives a diversion payment may not receive another diversion  
11 payment before the 12th month following the month in which it last received a diversion  
12 payment.

13 (f) The department shall implement this section only to the extent that  
14 implementation is not prohibited under federal law. To the extent that this section may  
15 be implemented under federal law or under a waiver approved under federal law, its  
16 provisions supersede inconsistent provisions of AS 25.27.120, 25.27.130, and  
17 AS 47.25.310 - 47.25.429.

18 (g) In this section,

19 (1) "AFDC" means the program of aid to families with dependent  
20 children under AS 47.25.310 - 47.25.420;

21 (2) "department" means the Department of Health and Social Services.

22 \* Sec. 2. AS 47.25 is amended by adding new sections to read:

23 Sec. 47.25.311. **INELIGIBILITY FOR ASSISTANCE.** (a) A person is  
24 ineligible for assistance under AS 47.25.310 - 47.25.420 for the following time periods  
25 upon administrative disqualification for an intentional program violation, as defined under  
26 42 U.S.C. 616:

27 (1) six months following the first disqualification;

28 (2) 12 months following the second disqualification; and

29 (3) permanently following the third disqualification.

30 (b) Except as provided in (c) of this section, a family is not eligible for an  
31 increase in cash assistance due to the birth of a child if the birth occurs more than 10  
32 calendar months after the later of the

1 (1) date on which the family applied for assistance; or

2 (2) effective date of this subsection.

3 (c) The limit on increases in cash assistance under (b) of this section does not  
4 apply

5 (1) if the additional child was conceived as a result of incest or sexual  
6 assault as verified by a physician statement and law enforcement records;

7 (2) to children who are the firstborn, including all children in the case  
8 of a multiple birth, of a minor who is included under an assistance grant who becomes  
9 a first-time minor parent;

10 (3) to a child who does not reside with a parent of the child; or

11 (4) to a child that was conceived in a month in which the family was  
12 not receiving assistance.

13 (d) In addition to the time limits on eligibility for assistance that may be  
14 applicable under AS 47.25.364, a family is not eligible to receive benefits under  
15 AS 47.25.310 - 47.25.420 if the family includes an adult who has received benefits  
16 under AS 47.25.310 - 47.25.420 for more than a cumulative total of 60 months after  
17 the effective date of this subsection as the caretaker of a dependent child or as a  
18 pregnant woman unless the caretaker or pregnant woman is

19 (1) determined, under regulations of the department, to be physically  
20 or mentally unable to perform gainful activity;

21 (2) a parent who is providing care for a child with a developmental  
22 disability, as defined in AS 47.80.900; or

23 (3) in a family determined by the department to be exempt from this  
24 subsection by reason of hardship; the number of families for which an exemption is  
25 in effect under this paragraph may not exceed 10 percent or the maximum percentage  
26 allowed under federal law, whichever is greater, of the families for which the  
27 department is providing benefits under AS 47.25.310 - 47.25.420.

28 (e) A family is not eligible for assistance under AS 47.25.310 - 47.25.420 if  
29 the family includes an adult who is determined by the department to be fleeing  
30 prosecution, custody, or confinement after conviction, in this or another jurisdiction,  
31 for a crime that is classified as a felony under AS 11 or the laws of the jurisdiction

1 where the criminal activity was committed.

2 (f) A family is not eligible for assistance for the following time periods after  
3 the day on which the adult applicant or a custodial parent in the family, without good  
4 cause, refused to accept, or separated from, suitable employment and that refusal or  
5 separation caused the family's need for assistance:

6 (1) one month for the first refusal or separation without good cause;

7 (2) six months for the second refusal or separation without good cause;

8 and

9 (3) 12 months for the third and subsequent refusal or separation without  
10 good cause.

11 (g) The department shall implement this section only to the extent that  
12 implementation is not prohibited under federal law. To the extent that this section may  
13 be implemented under federal law or under a waiver approved under federal law, its  
14 provisions supersede inconsistent provisions of AS 47.25.310 - 47.25.420.

15 Sec. 47.25.315. ASSISTANCE TO MINORS WITH CHILDREN. (a) Except  
16 as provided in (c) of this section, the department shall require, as a condition of  
17 eligibility for assistance, that a minor parent must reside in a

18 (1) place of residence maintained by the minor's parent, legal guardian,  
19 or other adult relative of the minor as the parent's, guardian's, or other adult relative's  
20 own home; or

21 (2) foster home, maternity home, or other adult-supervised supportive  
22 living arrangement; however, the minor may satisfy the condition of eligibility  
23 imposed by this subsection by residing in a foster home, maternity home, or other  
24 adult-supervised supportive living arrangement only if

25 (A) the minor parent does not have a parent, legal guardian, or  
26 other adult relative who is living and whose whereabouts are known;

27 (B) there is no living parent, legal guardian, or adult relative of  
28 the minor parent who will allow the minor to live in the home of the parent,  
29 legal guardian, or adult relative; or

30 (C) the department determines that the physical or emotional  
31 health or safety of the minor parent or the minor's child would be jeopardized

1 if the minor and the minor's child lived in the same residence with any of the  
2 minor's parents, legal guardian, or other adult relatives.

3 (b) Notwithstanding AS 47.25.360, the department shall, where possible, pay  
4 assistance on behalf of a minor parent who is subject to the requirements of (a) of this  
5 section to the minor's parent, legal guardian, or other adult relative, or, as applicable,  
6 to the head of the adult-supervised supportive living arrangement where the minor  
7 parent resides.

8 (c) The provisions of (a) of this section do not apply if

9 (1) the minor parent lived apart from the minor's parent or legal  
10 guardian for either one year before the birth of the dependent child or one year before  
11 the minor parent submitted the application for assistance; or

12 (2) the department otherwise determines under regulations that there is  
13 good cause for waiving the requirements of (a) of this section in the case of a  
14 particular minor parent.

15 (d) In this section, "minor parent" means a person who is under the age of 18,  
16 who has never married, and is either

17 (1) the natural parent of a dependent child living in the same  
18 household; or

19 (2) eligible for assistance as a pregnant woman.

20 (e) The department shall implement this section only to the extent that  
21 implementation is not prohibited under federal law. To the extent that this section may  
22 be implemented under federal law or under a waiver approved under federal law, its  
23 provisions supersede inconsistent provisions of AS 47.25.310 - 47.25.420.

24 • Sec. 3. AS 47.25.320(a) is amended to read:

25 (a) The department shall determine the amount of assistance for a dependent  
26 child, and the relative with whom the dependent child is living, with regard to the  
27 resources and necessary expenditures of the family and the condition existing in each  
28 case. Assistance is sufficient if, when added to all other income and support available  
29 to the child, the child and relative have reasonable subsistence compatible with  
30 decency and health. However, to the extent allowed under federal law or under a  
31 walver approved under federal law, the amount of assistance may not exceed the

1 following:

2 (1) dependent child living with nonneedy relative: \$463 [FOR A  
3 DEPENDENT CHILD WHO IS LIVING IN THE HOME OF A NONNEEDY  
4 RELATIVE, \$452], plus \$87 [\$102] for each additional child;

5 (2) dependent child living with parent:

6 (A) for a parent and one dependent child, a maximum of \$767  
7 [\$821];

8 (B) for each additional dependent child, or for a second parent  
9 in a family whose eligibility is not based on the unemployment of the  
10 family's principal wage earner, \$87 [\$102] a month per individual;

11 (3) pregnant woman who is otherwise eligible for assistance under this  
12 section, or a single-person household that does not consist of a dependent child: \$437  
13 [\$514] a month.

14 • Sec. 4. AS 47.25.320 is amended by adding new subsections to read:

15 (h) To the extent allowed under federal law or under a waiver approved under  
16 federal law, the department shall reduce the shelter allowance used under AS 47.25.310 -  
17 47.25.420 for a family whose shelter costs are lower than the standard shelter allowance  
18 used by the department for similar families. The shelter allowance for a family whose  
19 costs are below the standard allowance shall be an amount equal to the family's actual  
20 verified shelter costs. In this subsection,

21 (1) "shelter allowance" means the portion of the benefit under  
22 AS 47.25.310 - 47.25.420 that is allocated by the department for shelter costs;

23 (2) "shelter costs" means

24 (A) rental payments or mortgage payments for the family's  
25 housing, including payments made for property or mortgage insurance and  
26 property taxes; and

27 (B) the cost of utilities, including heat, electricity, telephone,  
28 water, sewer, and garbage services incurred for the family's housing; the  
29 department may establish different utility cost standards for different areas of the  
30 state and may use an average utility cost per month based on estimated level  
31 payments over a 12-month period.

32 (i) To the extent allowed under federal law or under a waiver approved under

1 federal law, the department shall, for the months of June, July, August, and September,  
2 reduce by 50 percent the assistance for which the family is otherwise eligible if the  
3 family's eligibility for assistance is based on the unemployment of the family's principal  
4 wage earner.

5 \* Sec. 5. AS 47.25.360 is amended to read:

6 Sec. 47.25.360. GRANTING OF ASSISTANCE. Upon the completion of the  
7 investigation, the department shall decide whether the child is eligible for assistance  
8 under AS 47.25.310 - 47.25.420, the amount of assistance, and the date on which it  
9 starts. The department shall notify the person having custody of the child of its decision.  
10 Except as provided in AS 47.25.315(b), the [THE] assistance shall be paid monthly to  
11 the person having custody of the child upon order of the department.

12 \* Sec. 6. AS 47.25 is amended by adding a new section to read:

13 Sec. 47.25.364. TIME LIMITS ON BENEFITS. (a) Except as provided in (b)  
14 of this section, a family is not eligible for more than 24 months of assistance under  
15 AS 47.25.310 - 47.25.420 during any 60 consecutive months that occur after the effective  
16 date of this section.

17 (b) The eligibility of a family described in (a) of this section shall be extended  
18 beyond 24 months if the family has cooperated with the department and every adult in  
19 the family who has been assigned to an activity under AS 47.25.303 or 47.25.421 -  
20 47.25.429 has substantially complied with the requirements of the program to which the  
21 person was assigned but

22 (1) a temporary and verified physical or mental condition, as supported  
23 by appropriate medical documentation, prevents adults in the family from attaining and  
24 maintaining employment that would provide the family with net income equal to or  
25 greater than what the family would receive from the assistance grant;

26 (2) the department failed to comply with AS 47.25.303(d) or 47.25.427  
27 with respect to the family;

28 (3) despite all appropriate efforts, the adults in the family have been  
29 unable to find, or have lost without cause, employment that would provide the family  
30 with total net income equal to or greater than what the family would receive from  
31 assistance; or

32 (4) other unique circumstances exist, as determined by the department.

1 that prevent the adults in the family from obtaining or retaining adequate employment.

2 (c) Notwithstanding (a) of this section, a family that becomes ineligible for  
3 assistance solely by operation of (a) of this section nevertheless remains eligible for  
4 medical assistance under AS 47.07 for a period of 12 months after losing eligibility for  
5 assistance under (a) of this section.

6 (d) The department shall implement this section only to the extent that  
7 implementation is not prohibited under federal law. To the extent that this section may  
8 be implemented under federal law or under a waiver approved under federal law, its  
9 provisions supersede inconsistent provisions of AS 47.25.310 - 47.25.420.

10 \* Sec. 7. AS 47.25 is amended by adding a new section to read:

11 Sec. 47.25.366. SCHOOL ATTENDANCE. (a) The department shall reduce  
12 the assistance for which an assistance unit is otherwise eligible under AS 47.25.310 -  
13 47.25.420 if a minor parent in the assistance unit fails, without good cause, to meet  
14 standards of adequate levels of school attendance, as defined in regulations of the  
15 department. The reduction under this subsection shall be achieved by disregarding the  
16 needs of the person who failed to meet the school attendance standards. The person's  
17 needs shall be disregarded for

18 (1) one month for the first failure;

19 (2) six months for the second failure; and

20 (3) 12 months for the third and subsequent failures.

21 (b) The department shall implement this section only to the extent that  
22 implementation is not prohibited under federal law. To the extent that this section may  
23 be implemented under federal law or under a waiver approved under federal law, its  
24 provisions supersede inconsistent provisions of AS 47.25.310 - 47.25.420.

25 \* Sec. 8. AS 47.25.310(c) is repealed.

26 \* Sec. 9. AS 47.25.301, 47.25.302, 47.25.303, 47.25.305, 47.25.306, 47.25.307, and  
27 47.25.308 are repealed July 1, 2003.

28 \* Sec. 10. WAIVER APPLICATIONS. The Department of Health and Social Services shall  
29 promptly apply to the federal government for waivers if the department determines that waivers  
30 are necessary to implement AS 47.25.309, added by sec. 1 of this Act, or any part of secs. 2 or  
31 4 - 7 of this Act.

32 \* Sec. 11. TRANSITION. The Department of Health and Social Services may proceed to

1 adopt regulations necessary to implement this Act. The regulations to implement a section of  
2 this Act take effect under AS 44.62 (Administrative Procedure Act), but not before the effective  
3 date of the relevant section of this Act.

4 \* Sec. 12. APPLICABILITY. (a) AS 47.25.311(a), added by sec. 2 of this Act, applies to  
5 disqualifications imposed on or after the effective date of AS 47.25.311(a).

6 (b) AS 47.25.311(e), added by sec. 2 of this Act, applies to offenses committed on or  
7 after the effective date of AS 47.25.311(e).

8 (c) AS 47.25.311(f), added by sec. 2 of this Act, applies to refusals to accept, and  
9 separations from, suitable employment without good cause that occur on or after the effective  
10 date of AS 47.25.311(f).

11 (d) AS 47.25.315, added by sec. 2 of this Act, applies to minors who apply for  
12 assistance under AS 47.25.310 - 47.25.420 on or after the effective date of AS 47.25.315.

13 \* Sec. 13. AS 47.25.301, added by sec. 1 of this Act, and secs. 3, 8 - 12, and 15 of this Act  
14 take effect immediately under AS 01.10.070(c).

15 \* Sec. 14. Except as provided in sec. 13 of this Act, each section or part of a section of this  
16 Act takes effect on the earlier of the following dates:

17 (1) the date on which the Department of Health and Social Services determines  
18 that the section or part of a section can be implemented without a waiver of federal law; or

19 (2) the effective date of a waiver received from the federal government that  
20 authorizes implementation of the section or part of a section.

21 \* Sec. 15. The commissioner of health and social services shall notify the revisor of statutes  
22 and the lieutenant governor of the effective date of the sections and parts of sections governed  
23 by sec. 14 of this Act and of whether the effective date was determined by a waiver approval  
24 or a determination that a waiver is not necessary.



# ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE S FIN  
 COMMITTEE ON SB 98 DATED 4-12-96  
 BILLSUBJECT

I have several concerns after a brief review of the new bill, and certainly the bill contains some positive elements

1. Please exempt single parents when their child is under 12 mo (from benefit limits) and when JOBS, childcare not available.
2. The cost of living is not going down. I do not support variables reduction
3. The AFDC Rates in Alaska declined due to an aggressive effort by DPA and success with the JOBS program. National research indicates the importance of REINVESTING dollars into JOBS, training and childcare for the harder to serve (because of greater needs for education, mental health and substance abuse counseling)
4. Tribal and state JOBS programs and vocational training are not adequately funded to meet the time limit goals and ensure safety for families

SIGNED T Ruth Linder  
 TESTIFIER

Tanana Valley Campus - UAF  
 REPRESENTING (OPTIONAL)

510 Second Ave Fairbanks 4747400  
 ADDRESS/PHONE NUMBER

**SB**

**102**

**SFIN**

**FILE**

**SENATE COMMITTEE**  
**First Committee on Referral**

DATE: 3/1/95  
 3/30/95: SS intro

FURTHER: Finance

Date of 5-Day Notice: March 30 1995  
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: \_\_\_\_\_

Judiciary Committee considered SSSB 102

Use of court records of minors that have been order sealed.

*OF 2's*

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:  
 same title  
 new title  
 House Bill:  
 same title  
 technical title  
 new: SCR' \_\_\_\_\_

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	✓				
<i>Al Adams</i>	✓				
<i>Lynne Green</i>	✓				
CHAIR: <i>Robin L. Taylor</i>	✓				

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

<i>Courts</i>	<i>3/29/95</i>	✓	
<i>HHS - DYS</i>	<i>4/5/95</i>	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 2

Bill Version: SSSB102

(S) Publish Date: 4/10/95

Revision Date: \_\_\_\_\_  
Title: Relating to Court Use of Court Records of  
Minutes Ordered Sealed \_\_\_\_\_  
Sponsor: Senator Salo  
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
BRL: Family and Youth Services  
Component: DFYS Central Office  
COMPONENT SERIAL NO. 259  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues:		Thousands of Dollars				
OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGES IN REVENUES

FUND SOURCE

FUND SOURCE		Thousands of Dollars				
1000 Federal Revenues						
1002 SF Match						
1004 SF						
1005 SF Program Revenues						
1006 SF Match						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

FULL TIME	
PART TIME	
TEMPORARY	

Estimate of any current year FY95 cost: 0.0

ANALYSIS Attach a separate page if necessary.

There are no apparent effects on DFYS program since the proposed legislation does not violate (a) personal confidentiality standards and the legislation affects only situations after a youth has become an adult and is no longer a part of the DFYS system.

Prepared by: I. Diane Worley, Director Date: 4/5/95  
Division: Family & Youth Services  
Approved by: Karen Perdue, Commissioner Date: 4/5/95  
Agency: Department of Health & Social Services

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL N

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: An Act relating to the use of court records of minors BRU: Trial Courts  
 Sponsor: Sens. Salo & Pearce Components: \_\_\_\_\_  
 Requester: \_\_\_\_\_ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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FUND SOURCE (Thousands of Dollars)

*002 Federal Receipts						
*003 GF/Match						
*004 GF	0.0	0.0	0.0	0.0	0.0	0.0
*005 GF/Program Receipts						
*009 GF/MAINTA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228  
 Agency: Alaska Court System Date: 03/29/95

Approved by: Arthur M. Snowden, II, Administrative Director Date: 03/29/95  
 Agency: Alaska Court System

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4/6/95  
(S) JUD, FIN

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 102

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: An Act relating to the use of court records BRU: Trial Courts  
 of minors \_\_\_\_\_ Components: \_\_\_\_\_  
 Sponsor: Sens. Salo & Pearce  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 761

**EXPENDITURES/REVENUES** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

**ANALYSIS:** (Attach a separate page if necessary)  
  
 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228  
 Agency: Alaska Court System Date: 03/29/95

Approved by: Arthur H. Snowden, II, Administrative Director  
 Agency: Alaska Court System Date: 03/29/95

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**SB**

**105**

**SFIN**

**FILE**

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 105(EIN)

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the requirement that a parent, guardian or custodian consent before a minor receives an abortion..."  
Sponsor: Senator Leman  
Requestor: Senate Judiciary

Department Affected: Administration  
BRU: Office of Public Advocacy  
Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	84.0	84.0	84.0	84.0	84.0	84.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>84.0</b>	<b>84.0</b>	<b>84.0</b>	<b>84.0</b>	<b>84.0</b>	<b>84.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	84.0	84.0	84.0	84.0	84.0	84.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>84.0</b>	<b>84.0</b>	<b>84.0</b>	<b>84.0</b>	<b>84.0</b>	<b>84.0</b>

Estimate of any current year (FY 96) cost: \$ 0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

The judicial bypass provisions of this bill contemplate a hearing at which an unemancipated minor may seek the court approval of her wish to have an abortion. The bill mandates the appointment of counsel for the minor but does not identify which agency would provide these services. This fiscal note assumes that Office of Public Advocacy (OPA) would be appointed because that agency currently represents children in most other civil cases. The fiscal note is based on the following assumptions: (1) 2,400 abortions per year are performed in Alaska; (2) 12 percent of abortions per year (288) are performed on women aged 17 or younger; (3) 39 percent of young women (112) wishing to obtain an abortion would seek a judicial bypass, based on the fact that 61 percent of parents are informed of abortions in those states which do not require parental notice or consent.

(continued)

Prepared by: Brant McGee, Public Advocate  
Division: Office of Public Advocacy

Phone: 224-1684  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Administration

Date: 3/1/96

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FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 105 (FIN)

ANALYSIS: (continued)

This office has located no data regarding the number of abortions performed on females aged 15 or younger. We have, therefore, further assumed that this group represents approximately half of minor women. Thus, OPA could be expected to provide attorney representation to 56 young women each year in judicial proceedings in which the minor sought to obtain approval for an abortion. The legal representation in these cases would be short but intense. The Office of Public Advocacy estimates that such services would cost an estimated \$1,500 per case for a total of \$84.0 per year.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 105(FIN)

Revision Date: 03/06/96  
 Title: Relating to parental consent before a minor receives an abortion; establishing a judicial bypass....  
 Sponsor: Leman  
 Requestor: Senate Rules

Dept. Affected: Health and Social Services  
 BRU: Medical Assistance  
 Component: Medicaid Services  
 COMPONENT SERIAL NO. 2077  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: 10.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Enactment of this legislation would have very little impact on the funding of abortions by the Medicaid and General Relief Medical Assistance Programs. Very few abortions are funded under these programs for minors.

Prepared by: Nancy Weller, Medical Assistance Administrator *BZ*  
 Division: Medical Assistance  
 Approved by Com: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3355  
 Date: 03/06/96  
 Date: 3/5/96

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# SENATE FINANCE COMMITTEE REPORT

DATE: 4/13/95

4-25-95

FURTHER:

DATE TURNED INTO OFFICE: 4/25/95

The Finance Committee considered SENATE BILL NO. 105

Requirement that a parent, guardian, or custodian consent before a minor receives an abortion; and amending Alaska Rules of Civil Procedure 40, 53, and 79; Alaska Rules of Appellate Procedure 204, 210, 212, 213, 508, and 512.5; and Alaska Administrative Rule 9.

and recommends:

- be replaced with        CS SB105 (FIN)
- adopt previous        CS        (      )
- attached amendment(s)
- adopt Letter of Intent by        Committee
- further referral to the        Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Steve Tamm</i>	✓		
		<i>Carol E. Miller</i>	✓		
		<i>David J. ...</i>		✓	
<i>Barry ...</i>	✓	<i>Tom ...</i>	✓		
Co-Chair: <i>...</i>			✓		
Co-Chair: <i>Keith Halford</i>	✓				

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

#16 DDA	4/13/95		168.0

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal

#1 D.H.S.S (Medicaid)	3/1/95		0
#2 D.H.S.S (Medicaid)	1/1/95		0
#5 COURTS	4/10/95		9.6

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

#16

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSSB 105 (FIN)

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to the requirement that a parent, guardian or custodian consent before a minor receives an abortion..."  
 Sponsor: Senator Leman  
 Requestor: \_\_\_\_\_

Department Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	168.0	168.0	168.0	168.0	168.0	168.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	168.0	168.0	168.0	168.0	168.0	168.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>	<b>168.0</b>

Estimate of any current year (FY 95) cost: \$ 0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

The judicial bypass provisions of this bill contemplate a hearing at which an unemancipated minor may seek the court approval of her wish to have an abortion. The bill requires OPA to provide attorneys for the minors. The fiscal note is based on the following assumptions: (1) 2,400 abortions per year are performed in Alaska; (2) 12 percent of abortions per year (288) are performed on women aged 17 or younger; (3) 39 percent of young women (112) wishing to obtain an abortion would seek a judicial bypass, based on the fact that 61 percent of parents are informed of abortions in those states which do not require parental notice or consent.

Thus, OPA could be expected to provide attorney representation to 112 young women each year in judicial proceedings in which the minor sought to obtain approval for an abortion. The legal representation in these cases would be short but intense. The Office of Public Advocacy estimates that such services would cost an estimated \$1,500 per case for a total of \$168,000 for each year.

Prepared by: Brant McGee, Director  
 Division: Office of Public Advocacy

Phone: 274-1684  
 Date: 4/20/95

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 4/20/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSSB 105 (JUD)

Revision Date: 04/10/95 Dept. Affected: Alaska Court System  
 Title: Parental consent before minor's BRU: Trial Courts  
abortion Components: \_\_\_\_\_  
 Sponsor: Sens. Leman, Miller, Halford, Taylor...  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 788

**EXPENDITURES/REVENUES** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	9.6	9.6	9.6	9.6	9.6	9.6
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	<b>9.6</b>	<b>9.6</b>	<b>9.6</b>	<b>9.6</b>	<b>9.6</b>	<b>9.6</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	9.6	9.6	9.6	9.6	9.6	9.6
1005 GF/Program Receipts						
1006 GF/MHTA						
Other						
<b>TOTAL</b>	<b>9.6</b>	<b>9.6</b>	<b>9.6</b>	<b>9.6</b>	<b>9.6</b>	<b>9.6</b>

**POSITIONS**

FULL-TIME						
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CC* Phone: 284-8228  
 Agency: Alaska Court System Date: 04/10/95

Approved by: Arthur H. Snowden, II, Administrative Director *AS*  
 Agency: Alaska Court System Date: 04/10/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 105

3/21/95  
(5) HESS, JUD

#2

Revision Date: \_\_\_\_\_  
 Title: relating to parental consent before a minor  
receives an abortion; establishing a jud...  
 Sponsor: Senator Leman  
 Requestor: Senate HESS

Dept. Affected: Health and Social Services  
 BRU: Medical Assistance  
 Component: Medical-Facilities  
 COMPONENT SERIAL NO. 230  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of any current year (FY95) cost: 80.0

**ANALYSIS:** (Attach a separate page if necessary)

Enactment of this legislation would have very little impact on the funding of abortions by the Medicaid or General Relief Medical Assistance Programs. Very few abortions are funded under these programs for minors.

Prepared by: Nancy Weller, Med Assist Admin  
 Division: Medical Assistance

Phone: 465-3355  
 Date: 03/17/95

Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Date: 3/17/95

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# FISCAL NOTE

#1 3/21/95  
BILL NO. SB 105 (S)HES 100

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: relating to parental consent before a minor  
receives an abortion; establishing a jud...  
 Sponsor: Senator Leman  
 Requestor: Senate HESS

Dept. Affected: Health and Social Services  
 BRU: Medical Assistance  
 Component: Medicaid Non-Facility  
 COMPONENT SERIAL NO. 229  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY96	FY97	FY98	FY99	FY00	FY01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of any current year (FY95) cost: 10.0

**ANALYSIS:** (Attach a separate page if necessary)

Enactment of this legislation would have very little impact on the funding of abortions by the Medicaid or General Relief Medical Assistance Programs. Very few abortions are funded under these programs for minors.

Prepared by: Nancy Weller, Med Assist Admin  
 Division: Medical Assistance

Phone: 465-3365  
 Date: 03/17/95

Approved by Commissioner: Karen Parker, Commissioner  
 Agency: Department of Health & Social Services

Date: 3/17/95

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BB 105

Include Amendment #1 (separate faxed page)

Conceptual Amendment:

Change all reference to age of "18" to "16":  
Pg 2, line 26  
Pg 3, line 28  
Pg 4, line 7, 15  
Pg 7, line 26

Conceptual Amendment:

Pg 8, line 11: insert after "representation", "in cases involving judicial bypass procedures for minors seeking abortions under AS 18.16.030;"

Pg 8, line 22, 23: remove: "in cases involving judicial bypass procedures for minors seeking abortions under AS 18.16.030;"

*Fin*  
CS FOR SENATE BILL NO. 105(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/1/95

Referred: Finance

Sponsor(s): SENATORS LEMAN, Miller, Halford, Taylor, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a requirement that a parent, guardian, or custodian consent  
2 before a minor receives an abortion; establishing a judicial bypass procedure by  
3 which a minor may petition a court for authorization to consent to an abortion  
4 without consent of a parent, guardian, or custodian; amending the definition of  
5 'abortion'; and amending Alaska Rules of Civil Procedure 40 and 79; Alaska  
6 Rules of Appellate Procedure 204, 210, 212, 213, 508, and 512.5; and Alaska  
7 Administrative Rule 9."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. PURPOSE; FINDINGS. (a) It is the intent of the legislature in enacting this  
10 Act to further the important and compelling state interests of  
11 (1) protecting minors against their own immaturity,  
12 (2) fostering the family structure and preserving it as a viable social unit,  
13 (3) protecting the rights of parents to rear children who are members of their

1 household; and

2 (4) protecting the health of minor women.

3 (b) The legislature finds that

4 (1) immature minors often lack the ability to make fully informed choices that  
5 take account of both immediate and long-range consequences;

6 (2) the physical, emotional, and psychological consequences of abortion are  
7 serious and can be lasting particularly when the patient is immature;

8 (3) the capacity to become pregnant and the capacity for mature judgment  
9 concerning the wisdom of an abortion are not necessarily related;

10 (4) parents ordinarily possess information essential to a physician's or surgeon's  
11 best medical judgment concerning the child;

12 (5) parents who are aware that their minor daughter has had an abortion may  
13 better ensure that the daughter receives adequate medical attention after the abortion;

14 (6) parental consultation is usually desirable and in the best interest of the minor;

15 and

16 (7) parental involvement legislation enacted in other states has shown to have  
17 a significant effect in reducing abortion, birth, and pregnancy rates among minors.

18 \* Sec. 2 AS 18.16.010(a) is amended to read:

19 (a) An abortion may not be performed in this state unless

20 (1) the abortion is performed by a physician or surgeon licensed by the  
21 State Medical Board under AS 08.64.200;

22 (2) the abortion is performed in a hospital or other facility approved for  
23 the purpose by the Department of Health and Social Services or a hospital operated by  
24 the federal government or an agency of the federal government;

25 (3) before an abortion is knowingly performed on an unmarried,  
26 unemancipated woman under 18 years of age, consent has been given as required  
27 under AS 18.16.020 or a court has authorized the minor to consent to the abortion  
28 under AS 18.16.030 and the minor consents; for purposes of enforcing this  
29 paragraph, there is a rebuttable presumption that a woman who is unmarried and  
30 under 18 years of age is unemancipated [CONSENT HAS BEEN RECEIVED FROM  
31 THE PARENT OR GUARDIAN OF AN UNMARRIED WOMAN LESS THAN 18  
32 YEARS OF AGE]; and

1 (a) The office of public advocacy shall

2 (1) perform the duties of the public guardian under AS 13.26.360 -  
3 13.26.410;

4 (2) provide visitors and experts in guardianship proceedings under  
5 AS 13.26.131;

6 (3) provide guardian ad litem services to children in child protection  
7 actions under AS 47.17.030(e) and to wards and respondents in guardianship proceedings  
8 who will suffer financial hardship or become dependent upon a government agency or  
9 a private person or agency if the services are not provided at state expense under  
10 AS 13.26.112;

11 (4) provide legal representation <sup>new language 11/23</sup> in guardianship proceedings to  
12 respondents who are financially unable to employ attorneys under AS 13.26.106(b), to  
13 indigent parties in cases involving child custody in which the opposing party is  
14 represented by counsel provided by a public agency, to indigent parents or guardians of  
15 a minor respondent in a commitment proceeding concerning the minor under  
16 AS 47.30.775;

17 (5) provide legal representation and guardian ad litem services under  
18 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on  
19 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or  
20 petitions for the termination of parental rights on grounds set out in AS 25.23.180(c)(3);  
21 in cases involving petitions to remove the disabilities of a minor under AS 09.55.590,  
22 in children's proceedings under AS 47.10.050(a); in cases involving judicial bypass  
23 procedures for minors seeking abortions under AS 18.16.030; and in cases involving  
24 indigent persons who are entitled to representation under AS 18.85.100 and who cannot  
25 be represented by the public defender agency because of a conflict of interests;

26 (6) develop and coordinate a program to recruit, select, train, assign, and  
27 supervise volunteer guardians ad litem from local communities to aid in delivering  
28 services in cases in which the office of public advocacy is appointed as guardian ad  
29 litem.

30 (7) provide guardian ad litem services in proceedings under  
31 AS 12.45.046;

32 (8) establish a fee schedule and collect fees for services provided by the

1 of another person. In the interest of justice, the supreme court, in an appeal under this  
2 subsection, shall liberally modify or dispense with the formal requirements that normally  
3 apply as to the contents and form of an appellant's brief.

4 (k) Each hearing under this section, and all proceedings under (j) of this section,  
5 shall be conducted in a manner that will preserve the anonymity of the complainant. The  
6 complaint and all other papers and records that pertain to an action commenced under  
7 this section, including papers and records that pertain to an appeal under this section,  
8 shall be kept confidential and are not public records under AS 09.25.110 - 09.25.120.

9 (l) The supreme court shall prescribe complaint and notice of appeal forms that  
10 shall be used by a complainant filing a complaint or appeal under this section. The clerk  
11 of each superior court shall furnish blank copies of the forms, without charge, to any  
12 person who requests them.

13 (m) A filing fee may not be required of, and court costs may not be assessed  
14 against, a complainant filing a complaint under this section or an appellant filing an  
15 appeal under this section.

16 Sec. 18.16.090. DEFINITIONS. In this chapter,

17 (1) "abortion" means the use or prescription of an instrument, medicine,  
18 drug, or other substance or device to terminate the pregnancy of a woman known to be  
19 pregnant, except that "abortion" does not include the termination of a pregnancy if done  
20 with the intent to

21 (A) save the life or preserve the health of the unborn child;

22 (B) deliver the unborn child prematurely to preserve the health  
23 of both the pregnant woman and the woman's child; or

24 (C) remove a dead unborn child;

25 (2) "unemancipated" means that a woman who is unmarried and under  
26 18 years of age has not done any of the following:

27 (A) entered the armed services of the United States;

28 (B) become employed and self-sustaining;

29 (C) been emancipated under AS 09.55.590, or

30 (D) otherwise become independent from the care and control of  
31 the woman's parent, guardian, or custodian.

32 \* Sec. 5. AS 44.21.410(a) is amended to read:

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSSB 105 (FIN)

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to the requirement that a parent, guardian, or custodian consent before a minor receives an abortion..."  
 Sponsor: Senator Leman  
 Requestor: \_\_\_\_\_

Department Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 COMPONENT SERIAL NO. 43

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	168 0	168 0	168 0	168 0	168 0	168 0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>168 0</b>	<b>168 0</b>	<b>168 0</b>	<b>168 0</b>	<b>168 0</b>	<b>168 0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	168 0	168 0	168 0	168 0	168 0	168 0
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>168 0</b>	<b>168 0</b>	<b>168 0</b>	<b>168 0</b>	<b>168 0</b>	<b>168 0</b>

Estimate of any current year (FY 95) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary.)**

The judicial bypass provisions of this bill contemplate a hearing at which an unemancipated minor may seek the court approval of her wish to have an abortion. The bill requires OPA to provide attorneys for the minors. The fiscal note is based on the following assumptions: (1) 2,400 abortions per year are performed in Alaska; (2) 12 percent of abortions per year (288) are performed on women aged 17 or younger; (3) 39 percent of young women (112) wishing to obtain an abortion would seek a judicial bypass, based on the fact that 61 percent of parents are informed of abortions in those states which do not require parental notice or consent.

Thus, OPA could be expected to provide attorney representation to 112 young women each year in judicial proceedings in which the minor sought to obtain approval for an abortion. The legal representation in these cases would be short but intense. The Office of Public Advocacy estimates that such services would cost an estimated \$1,500 per case for a total of \$168,000 for each year.

Prepared by: Brant McGee, Director  
 Division: Office of Public Advocacy

Phone: 274-1684  
 Date: 4/26/95

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 4/26/95

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April 26, 1995

TO: Jerry Burnett *OK*  
Val Rader  
Ann Ringstad *OK*

FROM: Norma Strickland, Sec'y  
Senate Finance Committee

SUBJECT: CSSB 105 (FIN)

The attached final has been returned from legal. Please review to ensure that the new language is correct. I am holding the new CS for your approval and will pass on to the Senate Secretary once I receive your concurrence.

Please note that Legal has amended the title to reflect "certain minors". Amendment for page 8 lines 8 and 9 reflect a better description, per Terri Lauterbach.

Thank you,

Norma Strickland  
x4935

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x4935

Withdrawn 4/25/95 Adopted 4-25-95

SENATE FINANCE  
COMMITTEE

Amendment Number: 1

Bill Number: SB 104

Sponsor: H. Halford Date: 4/22/95

Logged In By: [Signature]

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR HALFORD

Page 5, line 10-11

Delete "The court shall appoint a guardian ad litem to protect the interests of the complainant at the hearing that is held under this section."

Page 5, line 13-14

Delete "If the guardian ad litem is an attorney admitted to practice of law in this state, the court also may appoint the guardian ad litem to serve as the complainant's attorney."



# SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Ste 342, Anchorage AK 99501 258-8100 Session: State Capitol, Juneau AK 99801 465-2005

## MEMORANDUM

TO: Senator Rick Halford, Co-Chairman  
Senator Steve Frank, Co-Chairman  
Senate Finance Committee

FROM: Senator Loren Leman *Loren Leman*

RE: Senate Bill 105; Judicial bypass of parental consent requirement  
for minors seeking an abortion

DATE: April 13, 1995

---

I respectfully request that you schedule a hearing on Senate Bill 105, at your earliest possible convenience.

Alaska law requires parental consent for a girl under 18 to have an abortion. However, this law has not been enforced for the past 20 years because a former Attorney General concluded the law is unconstitutional. Providing a mechanism for the pregnant minor to get consent from the court, instead of one of her parents satisfies the requirements of the U.S. Supreme Court and Alaska's privacy provision. Unfortunately, these requirements also provide a large loophole for minors who want an abortion without parental consent.

Parental involvement legislation in other states, including Pennsylvania, Minnesota, Michigan and Ohio has reduced the number of abortions among teenage girls by up to 27 percent. Twenty-two states now require parental involvement in minor girls' abortion decisions.

More than 70 percent of Alaskans support a parental right to be involved in abortion decisions of their minor daughters. However, most people are surprised to learn that the parental consent provision is not now enforced.

Although SB 105 is not a cure-all for the devastating impacts of abortion, it is a big step in encouraging parental participation, a vital element of proper decision making for children.

ALASKA STAT. § 09.55.590(d)

Removal of disabilities of minority.

The person who institutes a petition under this section must obtain the consent of each living parent or guardian having control of the person or property of the minor. If the person who is to consent to the petition is unavailable or the whereabouts of that person are unknown, or if a parent or guardian unreasonably withholds consent, the court, acting in the best interest of the minor, may waive this requirement of consent as to that parent or guardian.

ALASKA STAT. § 11.61.220(a)(3)

Misconduct involving weapons in the fifth degree.

A person commits the crime of misconduct involving weapons in the fifth degree if the person ... being an unemancipated minor under 16 years of age, possesses a firearm without the consent of a parent or guardian of the minor ...

ALASKA STAT. § 11.81.430(a)(5)(A)

Justification: Use of force.

The use of force upon another person that would otherwise constitute an offense is justified under any of the following circumstances: ... A licensed physician, ... or any person who renders emergency care at the scene of an emergency, may use reasonable and appropriate nondeadly force for the purpose of administering a recognized and lawful form of treatment ... if the treatment is administered with the consent of the patient or, if the patient is a child under 18 years of age or an incompetent person, with the consent of the parent, guardian, or other person entrusted with care and supervision of the child or incompetent person ...

ALASKA STAT. § 13.26.020

Delegation of powers by parent or guardian.

A parent or a guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding one year, any powers regarding care, custody, or property of the minor child or ward, except the power to consent to marriage or adoption of a minor ward.

ALASKA STAT. § 14.30.191(a) and (c)

Educational evaluation and placement.

1) A school district shall obtain the consent of the child's parent before an initial evaluation or placement in a program of special education and related services. ... Before a school district  
2) initiates or refuses a change in a child's placement or program, the district shall notify the child's parent.

ALASKA STAT. § 14.30.193(a)

School district hearings.

If a parent refuses to consent, or does not respond within 30 days to the school district's request for consent, ... the school district may appoint an impartial hearing officer to conduct a hearing to determine whether the school district may initiate the evaluation or placement of the child, or transfer the child.

ALASKA STAT. § 14.30.272(a)

Public Education for Exceptional Children. Procedural safeguards. A school district shall inform the parent of an exceptional child of the right to review the child's educational record, to review evaluation tests and procedures, to refuse to permit evaluation or a change in the child's educational placement, to be informed of the results of evaluation, to obtain an independent evaluation by choosing a person from a list provided by the district or by choosing a person by agreement between the parent and school district, to request an impartial hearing, to appeal a hearing officer's decision, and to give consent or deny access to others to the child's educational record.

ALASKA STAT. § 14.30.285(f)

Public Education. Transfers of exceptional children. A school district shall obtain the consent of the child's parent before a child may be transferred to a school outside the district in which the child resides.

ALASKA STAT. § 18.31.040(3)

Duties of school officials.

\* ... each city or borough school district and each regional educational attendance area shall ... notify the parents of students about the results of asbestos inspections in their children's schools.

ALASKA STAT. § 25.20.025

Examination and treatment of minors.

(a) Except as prohibited under ALASKA STAT. § 18.16.010(a)(3) (Parental Consent to Abortion requirement), (1) a minor who is living apart from the minor's parents or legal guardian and who is managing the minor's own financial affairs, regardless of the source or extent of income, may give consent for medical and dental services for the minor; (2) a minor may give consent for medical and dental services if the parent or legal guardian of the minor cannot be contacted or, if contacted, is unwilling either to grant or withhold consent; however, where the parent or legal guardian cannot be contacted or, if contacted, is unwilling either to grant or to withhold consent, the provider of medical or dental services shall counsel the minor keeping in mind not only the valid interests of the minor but also the valid interests of the parent or guardian and the family unit as best the provider presumes them; (3) a minor who is the parent of a child may give consent to medical and dental services for the minor or the child; (4) a minor may give consent for diagnosis, prevention or treatment of pregnancy, and for diagnosis and treatment of venereal disease ...

ALASKA STAT. § 25.23.180(a), (b), and (f)

Relinquishment and termination of parent and child relationships.

(a) The rights of a parent with reference to a child, including parental right to control the child or to withhold consent to an adoption, may be relinquished and the relationship of parent and child terminated in or before an adoption proceeding as provided in this section.

(b) All rights of a parent with reference to a child, including the right to receive notice of a hearing on a petition for adoption, may be relinquished and the relationship of parent and child terminated by a writing, signed by the parent, regardless of the age of the parent, a copy of which shall be given to the parent,

...  
 (2) Before [a petition for termination of the relationship of parent and child made in connection with an adoption proceeding or in an independent proceeding for the termination of parental rights] is heard, notice of the hearing on the petition and opportunity to be heard shall be given the parents of the child, the guardian of the person of the child, the person having legal custody of the child, and, in the discretion of the court, a person appointed to represent any party.

ALASKA STAT. § 47.10.020(d)

Delinquent Minors and Children in Need of Aid. Investigation and petition.

When the agency decides that an informal adjustment or disposition of a matter should be made, that informal adjustment or disposition may not be made without the agreement or consent of the minor and the minor's parents or guardians to the terms and conditions of the adjustment or disposition.

ALASKA STAT. § 47.10.030(b)

Delinquent Minors and Children in Need of Aid. Summons and custody of minor.

In all cases under this chapter the minor, each parent of the minor and the guardian of the minor shall be given notice adequate to give actual notice of the proceedings and the possibility of termination of parental rights and responsibilities, taking into account education and language differences that are known or reasonably ascertainable by the petitioner or the department.

ALASKA STAT. § 47.10.080(b)(3)

Children's Proceedings.

... the department [of Welfare and Social Services] may transfer the minor, in the minor's best interests, from one of the probationary placement settings ... to another, and the minor, the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice of the transfer ...

ALASKA STAT. § 47.10.130(b)

Children's Proceedings. Detention.

When a minor is detained under this chapter, the person having responsibility for the facility in which the minor is detained shall immediately make reasonable attempts to notify the minor's parent, guardian, or custodian of the minor's detention.

ALASKA STAT. § 47.10.140(b)

Children's Proceedings. Temporary detention and detention hearing.

A peace officer who has a minor detained ... shall immediately, and in no event more than 12 hours later, notify the court and make

reasonable efforts to notify the minor's parents or guardian, and the department of the officer's action.

ALASKA STAT. § 47.10.142(c)

Children's Proceedings. Emergency custody and temporary placement hearing.

When a child is taken into custody ... the department shall immediately, ... notify the parents or the person or persons having custody of the child.

ALASKA STAT. § 47.17.027(a)

Duties of school officials.

If the department or a law enforcement agency provides written certification to the child's school officials that (1) there is reasonable cause to suspect that the child has been abused or neglected by a person responsible for the child's welfare ... (2) an interview at school is a necessary part of an investigation to determine whether the child has been abused or neglected; and (3) the interview at school is in the best interests of the child, school officials shall permit the child to be interviewed at school by the department or a law enforcement agency before notification of, or receiving permission from, the child's parent, guardian, or custodian. ... Immediately after conducting an interview ... the department or agency shall make every reasonable effort to notify the child's parent, guardian, or custodian that the interview occurred unless it appears to the department or agency that notifying the child's parent, guardian, or custodian would endanger the child.

ALASKA STAT. § 47.17.064

Photographs and x-rays.

(a) ... a practitioner of the healing arts may, without the permission of the parents, guardian, or custodian, take the following actions with regard to a child who the ... practitioner has reasonable cause to suspect has suffered physical harm as a result of child abuse or neglect:

(1) take or have taken photographs of the areas of trauma visible on the child; and

(2) if medically indicated, have a medical or radiological examination of the child performed by a person who is licensed to administer the examination.

(b) The ... practitioner ... shall notify the parents, guardian, or custodian of a child as soon as possible after taking action under

(a) of this section with regard to the child.

ALASKA STAT. § 47.30.690(c)

Mental Health Treatment. Release of minors under 18 years of age. The minor may be released by the treatment facility at any time if the professional person in charge or the minor's designated mental health professional determines the minor would no longer benefit from continued treatment and the minor is not dangerous. The minor's parents or guardian must be notified by the facility of the contemplated release.

ALASKA STAT. § 47.30.693

Mental Health Treatment. Notice to parent or guardian or minor. When a minor under 18 years of age is detained at or admitted or committed to a treatment facility, the facility shall inform the parent or guardian of the location of the minor as soon as possible after the arrival of the minor at the facility.

ALASKA STAT. § 47.30.775Commitment of minors.

... all notices required to be served on the respondent in ALASKA STAT. §§ 47.30.700 - 47.30.815 shall also be served on the parent or guardian of a respondent who is a minor, and parents or guardians of a minor respondent shall be notified that they may appear as parties in any commitment proceeding concerning the minor

...

## STATUS - PARENTAL INVOLVEMENT STATUTES

### Operative Statutes

### Inoperative Statutes

#### One Parent Has the Right to Consent

Alabama (bypass)  
Indiana (bypass)  
Louisiana (bypass)  
Missouri (bypass)  
Rhode Island (bypass)  
Wyoming (bypass)  
South Carolina (bypass)

Alaska (no bypass)  
Arizona (bypass)  
California (bypass)  
Colorado (no bypass)  
Florida (bypass)  
Michigan (bypass)  
New Mexico (no bypass)  
Pennsylvania (bypass)  
South Dakota (no bypass)

#### Two Parents Have the Right to Consent

Massachusetts (bypass)  
North Dakota (bypass)

\*Illinois (bypass)  
Kentucky (bypass)  
Mississippi (bypass)

#### One Parent Has the Right to be Notified

Georgia (bypass)  
Nebraska (bypass)  
Ohio (bypass)

Montana (no bypass)  
Nevada (bypass)

#### Two Parents Have the Right to be Notified

Arkansas (bypass)  
Minnesota (bypass)

\*Illinois (bypass)

### Ineffective Statutes

Idaho: Abortionist need only notify one parent of immature minor "if possible."  
Utah: Abortionist need only notify one parent of immature minor "if possible."  
Wisconsin: Abortionist need only obtain the consent of an adult relative.

### Abortionist Consent Statutes

Connecticut: Abortionist or counsellor need only discuss possibility of involving a parent, guardian, or other adult family member.

Kansas: Abortionist is given complete discretion to disregard a provision allowing one-parent notice.

Maine: Abortionist is given complete discretion to disregard a provision allowing one-parent consent.

Maryland: Abortionist is given complete discretion to disregard a provision allowing one-parent notice, and is immune to lawsuit.

Tennessee: Abortionist is given complete discretion to disregard a provision allowing two-parent notice.

West Virginia: Unaffiliated physician may waive a provision allowing one-parent notice.

\*indicates state which has both consent and notification laws on the books

# State Parental-Involvement Statutes

States having parental-involvement laws

September 1994

State	Type	Citation	Status
Alabama	one-parent consent judicial bypass	Ala Code §26-21-2 (Supp. 1990)	in force
Alaska	one-parent consent	Alaska Stat. §18.16.310 (1991)	constitutionality of §11.15.060 questioned, Co. Alaska Att'y Gen. Oct. 21, 1976
Arizona	one-parent consent judicial bypass	Ariz. Rev. Stat. Ann. §§26-2152, 26-2153 (1986 & Supp. 1991)	unconstitutional in Planned Parenthood v. Neely, No. Civ. 89-489, 702 A.2d 10 (Ariz. Dist. Ct. 1992)
Arkansas	one-parent notice 48-hour waiting period judicial bypass	Ark. Code Ann. §§20-16-801 - 20-16-808 (Michie Supp. 1991)	in force
California	one-parent consent judicial bypass	Health & Safety §25958 (West Supp. 1991)	unconstitutional under Cal. Const. Art. I, §1, paragraph 15, subsec. 2, in P. v. Lingren, No. ACS8627 (Cal. Ct. App. June 30, 1994)
Colorado	one-parent consent	Colo. Rev. Stat. §18-6-10111 (1986 & Supp. 1991)	declared unconstitutional in P. v. Vanover, 389 F. Supp. 347 (D. Colo. 1975)
Connecticut	no law		
Delaware	one-parent consent	Del. Code Ann. tit. 24 §1790(b) (1987 & Supp. 1991)	unconstitutional and unenforceable, attorney general statement of policy on March 27, 1977
District of Columbia	no law		
Florida	one-parent consent judicial bypass	1972 Fla. Laws 608, ch. 72-176 §3 (based on Model Penal Code §230.3(1962))	unconstitutional under state constitution, see In re T.W., 551 So. 2d 1160 (Fla. 1989)
Georgia	one-parent notice 24-hour waiting period 72-hour notice by mail judicial bypass	Ga. Code Ann. §15-11-110-117 (Michie 1990 & Supp. 1991)	upheld in Planned Parenthood Int'l v. Miller, 774 F. 2d 1462 (11th Cir. 1991), in force
Hawaii	no law		
Idaho	two-parent notice 24-hour waiting period	Idaho Code §18-6096 (1987)	unenforced
Illinois	two-parent notice 48-hour waiting period judicial bypass	70 ILCS §2011 et seq. (West 1992)	enjunction continued in Hardigan v. Zbarak, 776 F. Supp. 375 (N.D. Ill. 1991)
Indiana	one-parent written consent judicial bypass	Ind. Code Ann. §15-1-58.5-2.5 (West 1986 & Supp. 1991)	in force, see In re T.H., 486 N.E.2d 568 (Ind. 1985), In re T.P., 475 N.E.2d 312 (Ind. 1985)
Iowa	no law		
Kansas	one-parent notice judicial bypass eight-hour waiting period	K.S.A. 65-4705	enacted into law on April 23, 1992, in force

State	Type	Citation	Status
Kentucky	one-parent written consent judicial bypass	Ky Rev Stat. §311.722 (amended by S 3 136, 1994 Sess.)	recently passed amendment, not yet challenged
Louisiana	one-parent consent judicial bypass	La Rev Stat. §1299.35.5 (West Supp. 1991)	constitutional in <i>Margaret S. v. Trem</i> , 597 F Supp. 636 (E.D. La 1984), aff'd 794 F.2d 994 (5th Cir 1986), in force
Maine	adult family member or one-parent 24-hour notice, unless counseled by doctor 48-hour notice by mail judicial bypass	Me Rev Stat Ann tit 22 §1537-A (West Supp. 1990)	in force
Mainland	one-parent notice available at physician's discretion	Me Health-Ser Code Ann §20-103(c)(1) (Supp. 1993)	in force
Massachusetts	two-parent written consent judicial bypass	Mass Ann Laws ch 112 §125 (West 1983 & Supp. 1991)	preliminary injunction denied in <i>Planned Parenthood League of Massachusetts v. Bellotti</i> , 495 F Supp 215 (D Mass. 1980), aff'd in part, vacated in part on other grounds and remanded, 641 F.2d 1006 (1st Cir. 1981), in force
Michigan	one-parent consent judicial bypass	Mich Comp Laws Ann. §722.701 et seq. (West Supp. 1991)	preliminary injunction denied in <i>Planned Parenthood of Mid-Michigan v. A.G. of Michigan</i> , No. 89-10571-A2 (Kalamazoo Co. Cir. Ct.), in effect during litigation
Minnesota	two-parent notice 48-hour waiting period judicial bypass	Minn Stat Ann. §124.34 (West 1982)	upheld in <i>Hodgson v. Minnesota</i> , 110 S Ct. 2529 (1989), in effect August 1989
Mississippi	two-parent written consent judicial bypass	Miss. Code Ann. §41-41-51 et seq. (Supp. 1989)	upheld in <i>James v. Mississippi</i> , No. 92-7264 (5th Cir. May 27, 1993), cert. denied by U.S. Supreme Ct., 114 S Ct 448, in force
Missouri	one-parent written consent judicial bypass	Mo Ann Stat. §169.028 (Vernon Supp. 1991)	upheld in <i>Planned Parenthood Ass'n of Kansas City, Mo. v. Ashcroft</i> , 462 U.S. 476 (1983), <i>T.J. v. Webster</i> , 792 F.2d 734 (8th Cir. 1986), in force
Montana	one-parent notice	Mont. Code Ann. §50-10-107(b)	declared unconstitutional and permanently enjoined in <i>Wickland v. Savagni</i> (U.S. Dist. Ct. Montana, Dec. 21, 1993) (C-93-02-BU-78)
Nebraska	one-parent 48-hour notice judicial bypass	1991 Neb. Laws No. 425 §11	in force
Nevada	one-parent notice judicial bypass	Nev. Rev. Stat. §442.255 442.2553 (Michie 1986 & Supp. 1989)	unconstitutional in <i>Glick v. McKay</i> , 618 F. Supp. 322 (D Nev. 1985), aff'd 937 F.2d 474 (9th Cir. 1991)
New Hampshire	no law		

State	Type	Citation	Status
New Mexico	one-parent consent	N.M. Stat. Ann. §20-5-11(C) (Michie 1984 & Supp. 1991); enacted 1969	unconstitutional under <i>Planned Parenthood v. Danforth</i>
New York	no law		
North Carolina	no law		
North Dakota	two-parent written consent judicial bypass	1981 N.D. Laws, ch. 164, § 1, 1985 N.D. Laws, ch. 334, § 2 (codified at N.D. Cent. Code, §14-02.1-03; (Supp. 1989)	in force
Ohio	one-parent 24-hour notice judicial bypass	Ohio Rev. Code Ann. §2913.12	upheld in <i>Ohio v. Akron Center for Reproductive Health</i> , 110 S.Ct. 2972 (1990); in force, as-isolated challenge, rejected, <i>Cleveland Surgi-Center v. Jones</i> , 2 F.3d 586 (6th Cir. 1993), cert. denied, 114 S.Ct. 536 (1994)
Oklahoma	implied two-parent consent	Okl. Stat. Ann. tit. 53 §§ 2601, 2602	probably unconstitutional under <i>Planned Parenthood v. Danforth</i>
Oregon	no law		
Pennsylvania	one-parent informed consent judicial bypass	Pa. Cons. Stat. Ann. tit. 18 §2206, 2209 (Parson 1983 & Supp. 1990)	upheld in <i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i> , 112 S.Ct. 2791 (1994), vacated by 10 Cir., January 1994; in force since February 9, 1994
Rhode Island	one-parent consent judicial bypass	R.I. General Laws §23-47-4 (1989)	in force
South Carolina	one-parent or grandparent consent judicial bypass	1990 S.C. Acts P.A. 341 (codified at S.C. Code Acts §44-41-10 et seq. (1991))	in force
South Dakota	one-parent notice 48-hour waiting period	HB 1131, 1993	temporary restraining order, <i>Planned Parenthood v. Miller</i> , CV 93-3033
Tennessee	two-parent notice (Ct. interpreted it as one) 48-hour waiting period	§19-15-202(f) (1991, 1992; enacted in 1989)	upheld by State Circuit Ct., <i>P.P. Assn. of Nashville, Inc. v. MissShetter</i> (November 19, 1992) (Cocket No. 92C-1673), not enforced during litigation
Texas	no law		
Utah	two-parent notice (Ct. interpreted it as one)	Utah Code Ann. §76-7-104(C) (1990) (enacted in 1974)	upheld, <i>M.L. v. Matheson</i> , 450 U.S. 398 (1981); in force
Vermont	no law		
Virginia	no law		
Washington	no law		
West Virginia	one-parent 24-hour notice 48-hour notice by mail judicial bypass	Laws 1984, ch. 1, codified at §16-2F-1 et seq., W.Va. Code Ann. (1991)	in force

State	Type	Citation	Status
Wisconsin	one-parent or adult family-member consent judicial bypass	1991 WI Act 263	enacted into law on May 2, 1992. in force
Wyoming	one-parent 48-hour written notice and consent judicial bypass	Wyo Stat. §35-6-118 (Supp. 1989)	in force

For further information contact: Americans United for Life.

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# Restoring Parental Rights

## The Supreme Court on Teen Abortion

In the raging debate over abortion, one subject has received increasing support from those on both sides of the issue. Most Americans, no matter what their views on abortion, advocate parental notification before a teenager may have an abortion. According to a June 1990 *New York Times*/CBS News poll, 76 percent of those surveyed believe that both parents should be notified before their teenage daughter's abortion (see p. 2).

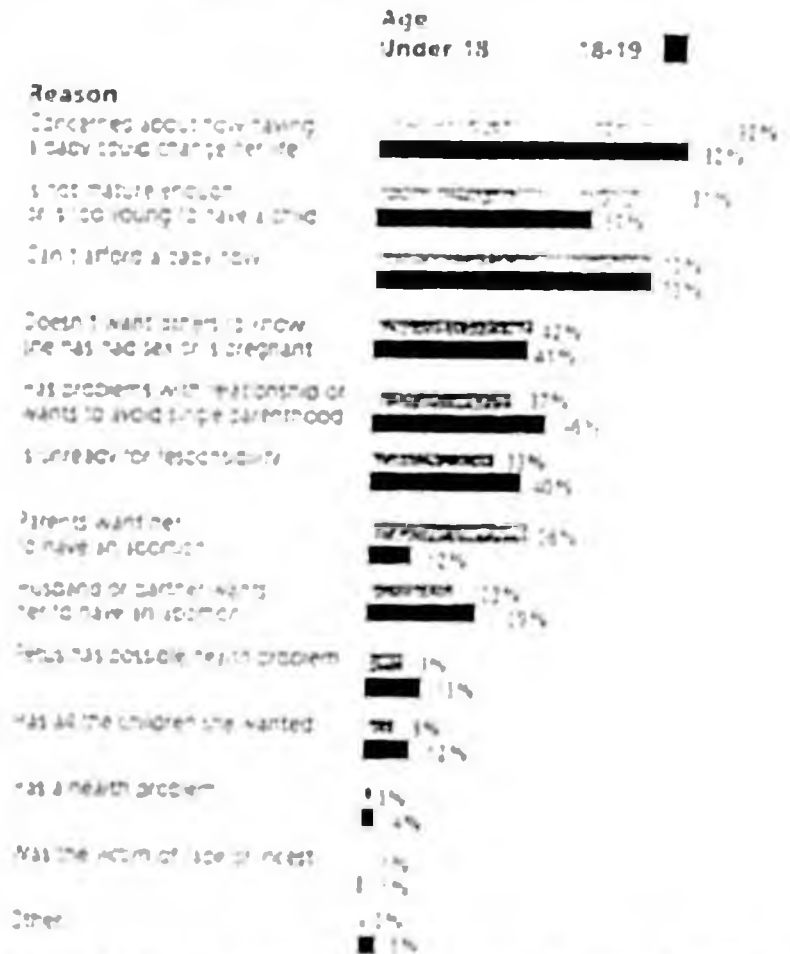
On June 25, 1990, the United States Supreme Court upheld Minnesota and Ohio laws which acknowledge the right of parents to be informed of their daughter's intention to undergo this potentially life-changing procedure. Yet legitimate questions continue to surface about the sufficiency of parental involvement laws. In this first issue of *ACL Insights*, we will explore some of the commonly asked questions about these laws and the Supreme Court's most recent decisions.

### In This Issue:

- *The Parental Rights We Know* - p. 2
- *How Many Teenagers are Having Abortions?* - p. 3
- *Minnesota's Success Story* - p. 4
- *State Courts are Answering* - p. 5
- *What Could Be Done Next?* - p. 9
- *How We Fight for Our Rights* - p. 7

## Why Do Teenagers Choose Abortion?

Most of the respondents in this 1987 survey said that more than one factor contributed to their decision to have an abortion.



**Q: Why are parental involvement laws important?**

These laws make sense for several reasons:

- ▼ Because nearly 30 percent of abortions on teenagers occur in outpatient clinics, a girl is unlikely to have the benefit of conferring with a trusted family physician about her decision. Parental involvement laws ensure that she talks with those who know her best—her parents—about the pros and cons of her decision, the risks of abortion, and alternatives available to her.
- ▼ Parents have traditionally been recognized as having rights when it comes to directing the rearing of their children. Their consent is required before all other non-emergent surgical procedures besides abortion. Surely parents have a right to know of a medical decision that could affect their daughter physically and emotionally for the rest of her life.

- ▼ When parental involvement laws are in effect, teens become more sexually responsible. During the nearly five years the Minnesota law was operative, abortion rates dropped 27.4 percent, birth rates fell 12.5 percent, and pregnancies decreased by 29.5 percent in minors aged 19-17 (see p. 4).

**Q: What is the difference between notification and consent laws?**

Parental notification laws require that a minor's parents be *informed* of her decision to take an abortion before the procedure is performed. The parents are not allowed to make the decision, but they do have the benefit of helping their daughter make an informed choice.

Parental consent laws require *permission* from the parents before a physician proceeds with an abortion in their daughter. These laws parallel others which require parental permission before a minor undergoes elective surgery and medical treatment.

**Q: What did the Supreme Court justices decide in the 1990 parental notice cases?**

The Supreme Court upheld both laws in *Shaw v. Reno Center of Reproductive Health*; the Court agreed that the state could require:

- ▼ notification of one parent prior to a minor's abortion with a judicial bypass option (see below)
- ▼ personal notice by the physician, rather than an employee
- ▼ a 24-hour waiting period between notification and an abortion
- ▼ a "judicial bypass" mechanism which allows a judge to determine whether there is "clear and convincing evidence" that the teen is mature enough to have an abortion without her parent's knowledge or that it is not in her best interest to notify her parent

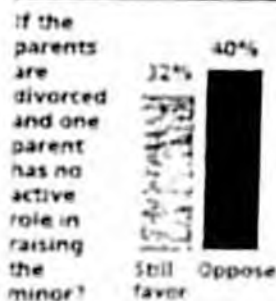
In *Holzman v. Minnesota*, the Court upheld

**The Public: Parents Need to Know**

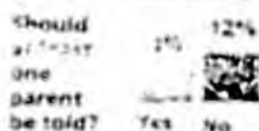
Percentage who favor/oppose notification of both parents prior to those under 18 obtaining an abortion:



**Of the 76% who favor notifying both parents:**



**Of the 21% who oppose notifying both parents:**



Those who expressed no opinion are not illustrated.

## How Many Teenagers are Having Abortions?

AGE	Number of Abortions	Abortion Rate per 100 Women	Percentage of All Abortions	Comments
Under 15	16,370	3.1	1.7%	<ul style="list-style-type: none"> <li>• Women younger than 15 account for 1.7 percent of all abortions.</li> <li>• In 1993, 14 percent of young women who have had an abortion by their 15th birthday, by age 13, 8 percent will have undergone an abortion.</li> <li>• About 42 percent of doctors require parental notification.</li> </ul>
15-17	165,530	10.7	12.4%	
18-19	1,033,370	63.3	41.9%	
Compare to all women 15-44	1,828,550	29.3	100%	

Source: U.S. Department of Health and Human Services, *Abortion: Facts and Figures*, Washington, DC: U.S. Government Printing Office, 1993.

- notification of both parents prior to a minor's abortion, only if a teenager has the option of seeking a bypass of this requirement from a judge
- a 48-hour waiting period between notification and an abortion

waiting period after parental notification, direct physician notification to parents, more thorough judicial bypass requirements and notification of *both* parents if a judicial bypass is in place.

### Q: Is this the first time the Supreme Court has heard parental involvement cases?

Q: Why is the doctor required to notify a girl's parents? Couldn't a clinic employee do that just as well?

The justices have decided a number of similar cases in the past 14 years—five to be exact.

Direct contact with the physician gives the parents a chance to provide better advice to their daughter and to inform the doctor about her pertinent medical history. According to the *Arm* opinion, "The parent who must respond to an event with complex philosophical and emotional dimensions is given some access to an experienced and, in an ideal case, detached physician who can assist the parent in approaching the problem in a mature and balanced way." The Court concluded that this type of benefit may not be possible if a less qualified person notifies the parent.

- *Planned Parenthood Association of Kansas City, Mo. v. Ashcroft*, 1983, upholding a one-parent consent law
- *City of Akron v. Akron Center for Reproductive Health*, 1983, striking down regulations which required physicians to obtain one parent's consent before performing an abortion on anyone under 16, because a judicial bypass provision was not provided
- *H.L. v. Matheson*, 1981, upholding a two-parent notice statute for immature, dependent minors
- *Bethel v. Baird*, 1979, establishing the required components of a judicial bypass for a parental consent statute
- *Planned Parenthood of Central Missouri v. Danforth*, 1976, striking down a parental consent statute which did not contain a judicial bypass provision

Q: Isn't it difficult and time-consuming for a physician to locate both parents, especially if there has not been any contact between them and their daughter?

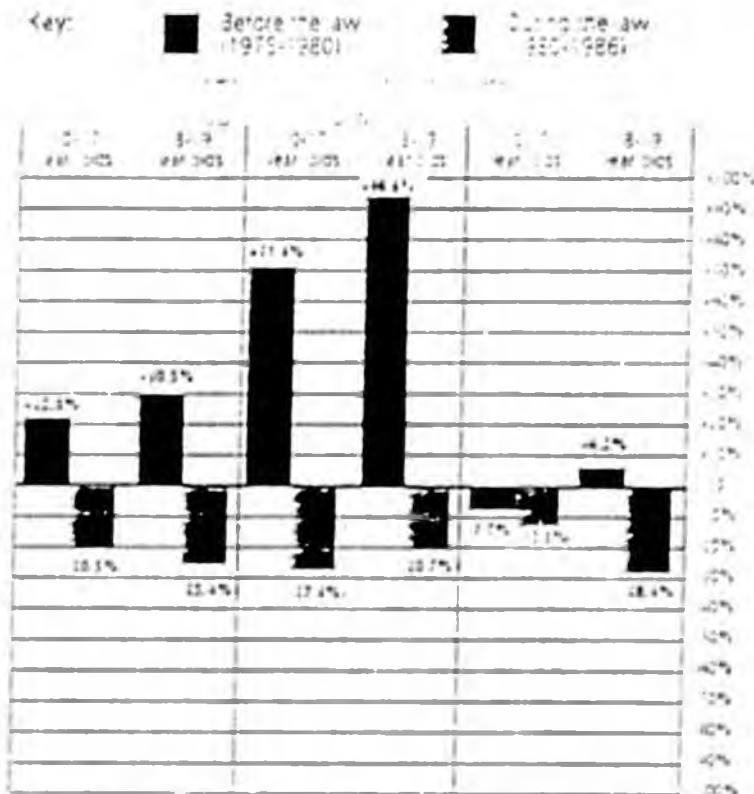
Yes, in some cases it is difficult or impossible to track down a parent who has not had contact with his or her daughter. For this reason, neither the Ohio or Minnesota laws require a manhunt for a teenager's parents.

The Ohio law specifies that a doctor attempt to notify a parent with "reasonable effort" in person or by phone. If unsuccessful, the doctor can notify the parent by mail and proceed with the abortion after waiting 48 hours.

The two cases last term expanded and clarified previous decisions. But they also examined several new issues. For the first time, the Supreme Court upheld a 48-hour

## Minnesota's Success Story

During the nearly 3 years Minnesota's parental notice law was in effect, the teenage pregnancy, abortion and birth rate declined substantially. The law encourages responsible teen behavior.



Source: Staff of the Commission on Children and Families, *Report on the Effectiveness of Minnesota's Parental Notice Law* (St. Paul: Minnesota Department of Health, 1987). The data may be updated to include a third year.

Minnesota law stipulates that the physician use "reasonable diligent effort" to notify both parents. This means that if the second parent cannot be located, notice to one parent is sufficient.

**Q: What is the purpose of the waiting period after the physician notifies the parent?**

A waiting period provides parents and their daughter time to discuss the implications of her decision to have an abortion and consider alternatives available to her. The Court found a 24- or 48-hour waiting period constitutional.

**Q: What are the reasons for the judicial bypass procedure?**

The judicial bypass procedure is a safeguard for minors who want to undergo an abortion without their parents' knowledge. While the best option is for a caring parent to be informed, a few girls legitimately fear parental reprisal or abuse. The teenager may be the victim of incest. In this situation, the solution is not for the girl to suffer alone in an abusive situation, but for authorities to intervene.

The bypass also allows a teenager to know that she is mature enough to make the decision without informing her parents.

**Q: What must a judicial bypass provision contain?**

In its prior decisions, the Supreme Court established four criteria:

- ▼ The law must allow a teen to show that she is sufficiently informed about her decision and mature enough to make the decision without parental involvement.
- ▼ If she is not known to be mature, the bypass must permit the minor to show that an abortion would be in her best interests.
- ▼ The teen's identity must be protected during the bypass procedure.
- ▼ The judicial bypass must be prompt.

**Q: The judicial bypass seems like an intimidating process. Is anything done to help the teenager through it?**

Recognizing that teens seeking this option might seem overwhelmed, the process in Ohio was simplified. An attorney is provided at no cost to the teenager to help her fill out the correct form and assist her through what the Supreme Court described as a "simple and straightforward procedure." In most states with parental involvement laws, a guardian, court-appointed lawyer or friend can help the teenager file a petition and help her through the bypass process.

**Q: Court proceedings can take a long time. Does a judicial bypass unduly delay an abortion?**

**A:** Under the Ohio law, the juvenile court is required to hold a hearing at the earliest opportunity, and no later than five business days after a minor files her petition for a judicial bypass.

The court must make its decision promptly at the end of the hearing. If the court fails to rule in the specified time period, a "constructive authorization" results and the teen may obtain an abortion without parental notification.

**Q: Now that the Supreme Court has decided these cases, what will state legislatures be able to do?**

The two parental notice decisions provide additional guidance for legislators who want to introduce this type of law. States can be confident that they may enact legislation which requires any of the following:

- ▼ Two-parent notice with a properly crafted judicial bypass provision
- ▼ One-parent notice with a judicial bypass
- ▼ Assessment by a judge that the teen is mature or that an abortion is in her best interests
- ▼ Personal notification of the parents by the physician
- ▼ Parental notice at least 24 or 48 hours before the abortion

**Q: Did the opinions in these cases give any indication of the justices' leanings on the abortion issue?**

Yes, almost predictably. Chief Justice Rehnquist and Associate Justices Scalia, White and Kennedy adhered to a more lenient standard of review, asking opponents to demonstrate why the parental notice laws are unconstitutional, rather than requesting the state to show that the law is constitutional. They have used this standard of review in past cases. Justice Scalia explicitly expressed opposition to the

## Where Teenagers Are Protected

The Status of Parental Involvement Laws

State	Type of Law	Status at Present
Alabama	Consent	enforced
Alaska	Consent	not enforced
Arizona	Consent	being challenged in court, moderate
Arkansas	Notice	enforced
California	Consent	being challenged in court, moderate
Colorado	Consent	moderate
Connecticut	None	
Delaware	Consent	not enforced
D.C.	None	
Florida	Consent	moderate
Georgia	Notice	being challenged in court, moderate
Hawaii	None	
Idaho	Notice	not enforced
Illinois	Notice	being challenged in court, moderate
Indiana	Consent	enforced
Iowa	None	
Kansas	None	
Kentucky	Consent	being challenged in court, moderate
Louisiana	Consent	enforced
Maine	Notice	moderate
Maryland	Notice	not enforced
Massachusetts	Consent	enforced
Michigan	Consent	effective until 1/1/91
Minnesota	Notice	joined by U.S. Supreme Court, enforced
Mississippi	Consent	being challenged in court, moderate
Missouri	Consent	joined by U.S. Supreme Court, enforced
Montana	Notice	not enforced
Nebraska	Notice	moderate
Nevada	Notice	being challenged in court, moderate
New Hampshire	None	
New Jersey	None	
New Mexico	None	
New York	None	
North Carolina	None	
North Dakota	Consent	not enforced
Ohio	Notice	joined by U.S. Supreme Court, enforced
Oklahoma	None	
Oregon	None	
Rhode Island	Consent	being challenged in court, moderate
South Dakota	Consent	not enforced
South Carolina	Consent	enforced
South Dakota	Consent	not enforced
Tennessee	Consent	being challenged in court, moderate
Texas	None	
Tennessee	Notice	joined by U.S. Supreme Court, enforced
Vermont	None	
Virginia	None	
Washington	Consent	moderate
West Virginia	Notice	enforced
Wisconsin	None	
Wyoming	Consent/Notice	enforced

\* States that may be required to put in place prior consent laws are those listed in the "moderate" category.

*Roe v. Wade* decision, which legalized abortion on demand in 1973.

Justices Blackmun, Brennan and Marshall held firm to their position that abortion is a fundamental right which must not be regulated even minimally by the state. Justice Stevens, while maintaining that abortion is a fundamental right, was more flexible in agreeing to uphold some degree of abortion regulation.

Justice O'Connor voted to uphold the parental notice laws. There is no basis to conclude that she has retreated from her prior statements about the state's "compelling" interest in "the potentiality of human life...which exists throughout pregnancy." At most, Justice O'Connor's writing indicates that she will not cut back on *Roe* any more than is absolutely necessary, adhering

to her statement in *Webster v. Reproductive Health Services* that the time to decide *Roe's* fate is when a case squarely confronts it.

**Q: Do these decisions threaten *Roe v. Wade*?**

The parental notice decisions do not directly threaten *Roe*. Neither state attorney general asked for *Roe* to be overturned or raised issues which would challenge abortion on demand. The 1990 parental notice decisions simply confirm the U.S. Supreme Court's unmistakable trend of promoting parental rights and protecting minors' health. ■

For an in-depth legal analysis of the 1990 Supreme Court decisions, see the book *Shining Swords*, which may be obtained from the NIA Publications Department.

## What Killed Becky Bell?

In the dispute over who will exercise the ultimate authority and responsibility for the hearts, minds and bodies of our children, there are some new combatants. Planned Parenthood, the Fund for a Feminist Majority and several other "pro-choice" groups are using the case of an Indiana teenager who died of pneumonia, allegedly caused by an illegal abortion, in an attempt to strike down laws requiring parental consent before a minor can obtain an abortion.

Becky Bell was a 17-year-old girl who died September 16, 1988, under circumstances the pro-choice groups say was the result of her trying to circumvent Indiana's parental consent law by seeking an illegal abortion. Bell's parents have announced plans to use their daughter's death as a rallying cry against such laws. They also have participated in the creation of a video they want to show in public schools and universities that they hope will lead to the repeal of parental consent legislation. The Supreme Court recently upheld parental consent laws when they include a judicial bypass provision.

Though the Marion County (Indiana) coroner's report lists the cause of Becky's death as "septic abortion with pneumonia," the manner of death was said to be "undetermined," and the circumstances leading up to her death are anything but clear.

According to Dr. John Curry, former head

of the Tissue Bank at Bethesda Naval Hospital, "Septic abortion usually means that as a result of destructive actions within the uterus, an infection has started which subsequently spreads to the rest of the body. In this case, the pathology report is notable in that while there is evidence of massive infection in the lungs and elsewhere in the body, there is no evidence of infection on the outside of or within the uterus." Curry says the germ that killed her "is a common pneumonia germ (streptococcus pneumoniae) that could have been treated had it been detected within the first six days and which is unlikely to originate from a contaminated abortion procedure."

The coroner's report notes that "Rebecca Bell" reportedly has a history of substance abuse for which she was hospitalized from mid-February through April, 1988. Investigation disclosed that (she) became pregnant in

nd-May, 1988, according to Plannett  
 Neighborhood Central records.

Becky's mother believes her daughter  
 was something to induce an abortion. But  
 in an interview conducted by Rocheile  
 Sharpe of Gannett News Service with  
 Becky's best friend, Heather Clark, Heather  
 said she believes Becky had a spontaneous  
 abortion (miscarriage).

The coroner's report says that Becky  
 reportedly was at a party where various  
 drugs were being used (cocaine, speed,  
 and LSD) on the weekend of September  
 11, and later claimed that someone  
 had put "speed" in her drink.

The case raises several important ques-  
 tions.

First, why would Becky undergo an  
 illegal abortion when she had scheduled a  
 legal procedure in neighboring Kentucky  
 the day after she died?

Second, was Becky undecided about  
 whether to seek an abortion or place her  
 baby for adoption? She had papers listing  
 abortion clinics and adoption agencies in  
 her purse when she died.

Third, did her father contribute to his  
 daughter's frustration? According to  
 Heather, Becky's father said that if she  
 messed up one more time, she'd be thrown  
 out of the house.

Fourth, why does no one mention the  
 crisis pregnancy centers or other pro-life  
 counseling agencies that not only provide  
 free counseling but often serve as bridges be-  
 tween parents and children and, if necessary,

can offer free housing for girls in crisis situa-  
 tions? The Beils and the pro-life groups  
 make it appear as if there was no other alter-  
 native for Becky than an illegal abortion.

Supporting Heather Clark's account that  
 no abortion had been performed was a doctor  
 who provided emergency treatment when  
 Becky finally went to the hospital. The doctor  
 was quoted by Rocheile  
 Sharpe in her story: "I don't  
 know whether we're going to  
 be able to save the baby."

If Becky's parents had  
 known about her pregnancy,  
 they most likely would have  
 made sure she received medi-  
 cal attention when health  
 complications arose—atten-  
 tion that could have saved her life. The  
 real lesson to be learned from Becky Beil's  
 death is not that parental involvement laws  
 are bad. It is just the opposite—most young  
 girls (and especially Becky, who reportedly  
 had a history of drug abuse that may have  
 contributed to her inability to reason in her  
 own best interests) need the advice and in-  
 volvement of their parents.

The medical cause of Becky Beil's death  
 may have been pneumonia, but the underly-  
 ing cause remains unclear. One thing is  
 clear: her death was not due to Indiana's  
 parental consent law. ■

by Cal Thomas

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## A Mother Fights for Her Rights

Becky Beil's parents aren't the only ones  
 who hold a strong opinion about laws that  
 involve parents in a teenager's abortion de-  
 cision (see p. 6). While Karen and William  
 Beil traverse the country testifying against  
 parental consent legislation, a California  
 mother wishes the law had safeguarded her  
 rights and those of her teenage daughter.

At a small junior high school in rural  
 Virginia, Virginia Preston met with her  
 daughter's principal early in 1985. She

asked him to inform her of anything that  
 related to 14-year-old Enn, who had a  
 learning disability. He agreed, and they  
 instituted a program of written daily reports  
 from Enn's teachers.

After a sex education class in March,  
 Enn told her homeroom teacher that she  
 thought she might be pregnant. The  
 teacher and a colleague explained to Enn  
 that she must act quickly to get an abortion  
 and that she didn't have to tell her parents

of the suspected pregnancy. The teacher sent a note to Mrs. Preston saying that Enn needed to stay after school, but instead drove the girl to a health center for a pregnancy test. The results were positive.

The teacher and her colleague then met to discuss how they would procure an abortion for Enn. Both the principal and school superintendent allegedly were aware of Enn's pregnancy and her teacher's involvement, and neither notified the girl's parents.

Enn was taken to the welfare department where the teacher helped her apply for Medi-Cal benefits to pay for the abortion. That day she forged Enn's daily reports so that Mrs. Preston would think her daughter had attended regular classes.

On March 22, during school hours, a nurse crisis counselor took Enn to an abortion clinic for pre-abortion testing. Staff members didn't attempt to determine her level of maturity or understanding, but told her abortion was quick and easy and that her parents need never know.

On Friday, Enn's teacher sent a note home with her, asking if the teenager could babysit the next day. She explained that she would be out late and requested that Enn stay overnight at her home. But Enn didn't babysit. Instead, she was taken to Chico Feminist Women's Health Center for an abortion.

Enn kept quiet about the abortion. But four days later, Mrs. Preston received a telephone call from the school nurse, who told her for the first time about Enn's abortion and its resulting complications. Enn was rushed to a hospital for emergency surgery.

The Prestons were angry and rightly so. They had asked to be kept informed of their daughter's progress and concerns, but had been intentionally deceived. Enn and her mother filed suit against school and clinic officials. They charged that Mrs. Preston's constitutional right to rear her teenage daughter and Enn's right to parental guidance had been violated. They also charged that Enn's constitutional "right to choose" had been disregarded since those advising her had denied her any real choices.

Most of the school and clinic staff settled the case out of court. But the superintendent

pressed for a decision, and a court ruled in his favor before the case went to trial.

On August 7, 1990, the California Court of Appeals upheld the lower court's ruling, saying that "as a matter of law the various conduct alleged is not 'extreme and outrageous' solely because California law permits minors to obtain abortions without the knowledge or consent of their parents. The California Supreme Court refused to hear the Prestons' appeal.

AUL attorney Ann-Louise Linn, co-counsel in the case, remarked, "Here, an elaborate web of deception was spun by public officials, carried out in a clandestine manner and perpetrated on an unknowing mother who was deceived and lied to in the name of assistance. Such outrageous and deceptive conduct should not, as a matter of law, be tolerated."

Yet this conduct is tolerated. Before Enn's abortion, her teacher took 10 other girls to have pregnancy tests without their parents' knowledge or consent. And she accompanied at least one other teenager to a clinic for an abortion, again without informing the parents. School officials allegedly knew of this practice and permitted it to continue.

It doesn't just happen in California. The tragedy that Enn and her mother experienced could be repeated in every one of the 38 states which do not have enforced parental involvement laws. Until these safeguards are in place, no parent is guaranteed the right to assist a pregnant teenage daughter in making an informed decision about her options. ■

by Melodie Schlenker Gage



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FISCAL NOTES

SB 105 : PARENTAL CONSENT BEFORE MINOR'S ABORTION

<u>NO.</u>	<u>DEPT.</u>	<u>DATE</u>	<u>AMOUNT</u>
1.	DH&SS (Medicaid Non-Facility)	3/17/95	-0-
2.	DH&SS (Medicaid Facilities)	3/17/95	-0-
3.**	DOA (Public Advocacy)	3/17/95	\$112.0
4.*	COURTS	4/7/95	\$177.6
5.*	COURTS	4/10/95	\$ 9.6
NEW**	DOA (Public Advocacy)	4/17/95	\$280.0

\* #5 REPLACES #4  
\*\* NEW REPLACES #3

FISCAL NOTE

H-6

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSSB 105 (FIN)

REPORT TO THE  
SFC - 4-29-95

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the requirement that a parent, guardian, or custodian consent before a minor receives an abortion..."  
Sponsor: Senator Loman  
Requestor: \_\_\_\_\_

Department Affected: Administration  
BRU: Office of Public Advocacy  
Component: Office of Public Advocacy  
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	168.0	168.0	168.0	168.0	168.0	168.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	168.0	168.0	168.0	168.0	168.0	168.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	168.0	168.0	168.0	168.0	168.0	168.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	168.0	168.0	168.0	168.0	168.0	168.0

Estimate of any current year (FY 95) cost: \$ 0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The judicial bypass provisions of this bill contemplate a hearing at which an unemancipated minor may seek the court approval of her wish to have an abortion. The bill requires OPA to provide attorneys for the minors. The fiscal note is based on the following assumptions: (1) 2,400 abortions per year are performed in Alaska; (2) 12 percent of abortions per year (288) are performed on women aged 17 or younger; (3) 39 percent of young women (112) wishing to obtain an abortion would seek a judicial bypass, based on the fact that 61 percent of parents are informed of abortions in those states which do not require parental notice or consent.

Thus, OPA could be expected to provide attorney representation to 112 young women each year in judicial proceedings in which the minor sought to obtain approval for an abortion. The legal representation in these cases would be short but intense. The Office of Public Advocacy estimates that such services would cost an estimated \$1,500 per case for a total of \$168.0 for each year.

Prepared by: Brant McGee, Director  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: 4/20/95

Approved by Commissioner: Mark Boye  
Agency: Department of Administration

Date: 4/20/95

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FISCAL NOTE

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#3

BILL NO. SB 105

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
Title: An Act relating to the requirement that a parent, guardian or custodian consent before a minor receives an abortion.  
Sponsor: Sen. Leman  
Requestor: Senate HES

Department Affected: Administration  
BRU: Office of Public Advocacy  
Component: Office of Public Advocacy  
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	112.0	112.0	112.0	112.0	112.0	112.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	112.0	112.0	112.0	112.0	112.0	112.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>

Estimate of any current year (FY 95) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The judicial bypass positions of this bill contemplate a hearing at which an unemancipated minor may seek the court approval of her wish to have an abortion. Section 3 of the bill mandates the appointment of a guardian ad litem to "protect the interest of the complainant at the hearing that is held under this section."

The section continues to require the appointment of an attorney and further that if the guardian ad litem is an attorney, "the court may also appoint the guardian ad litem to serve as the complainant's attorney."

Prepared by: Brant McGee, Public Advocate  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Administration

Date: 3-17-95

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FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 105

**ANALYSIS:** (continued)

While no provision of the bill identifies a particular source for guardians ad litem or attorneys, it is presumed that the Office of Public Advocacy (OPA) would be required to provide guardians ad litem in this, as it is in all other proceedings. Guardians ad litem cannot serve as attorneys for the same person in the same case. Nearly all OPA guardians ad litem are non-attorneys.

The fiscal note is based on the following assumptions:

1. 2,400 abortions per year are performed in Alaska;
2. 12 percent of abortions per year (288) are performed on women aged 17 or younger; and
3. 39 percent of young women (112) wishing to obtain an abortion would seek a judicial bypass, based on the fact that 61 percent of parents are informed of abortions in those states which do not require parental notice or consent.

Thus, OPA could be expected to provide guardian ad litem representation to 112 young women each year in judicial proceedings in which the minor sought to obtain approval for an abortion. The guardian ad litem representation in these cases would be short but intense. The Office of Public Advocacy estimates that such services would cost an estimated \$1,000.00 per case for a total of \$112.0 for each year.

# FISCAL NOTE

Bill Version: SB 105

(S) Publish Date: 4-13-95

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: Parental consent before minor's  
           abortion  
 Sponsor: Sens. Leman, Miller, Halford, Taylor...  
 Requestor: \_\_\_\_\_

Dept. Affected: Alaska Court System  
 BRU: Trial Courts  
 Components: \_\_\_\_\_  
 COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	9.6	9.6	9.6	9.6	9.6	9.6
TRAVEL						
CONTRACTUAL	168.0	168.0	168.0	168.0	168.0	168.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	177.6	177.6	177.6	177.6	177.6	177.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>

POSITIONS

FULL-TIME						
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228  
 Agency: Alaska Court System Date: 04/07/95

Approved by: Arthur H. Snowden, II, Administrative Director  
 Agency: Alaska Court System Date: 04/07/95

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ALASKA COURT SYSTEM  
FISCAL ANALYSIS  
SB 105

SB 105 provides that a person may not knowingly perform or induce an abortion upon a woman who is known to the person to be pregnant, unmarried, under 18 years of age, and unemancipated, unless, before the abortion, one of the woman's parents or the woman's guardian or custodian has consented to the abortion in writing; a court issues an order authorizing the woman to consent to the abortion; or a court, by its inaction, constructively authorizes the woman to consent to the abortion. A woman who seeks a court order authorizing an abortion is required to have a guardian ad litem and an attorney. If she cannot afford an attorney, one must be appointed by the court. Because we are dealing with unemancipated minors, it must be assumed that all attorneys will be paid for by the state.

The Office of Public Advocacy (OPA) has estimated that 112 minor females will seek judicial approval for an abortion each year. OPA will provide the guardian ad litem for these proceedings. However, as the bill is now drafted, the court system will be required to provide court-appointed counsel. This note reflects costs for 112 court-appointed attorneys. Unlike OPA, the court system does not have staff attorneys or private attorneys on contract at low rates; the court system must pay market rates for appointed counsel.

SB 105 requires a superior court judge to hold a hearing in these cases on an expedited basis. This note assumes that the review of documents, the hearing, the decision process and the preparation of the order will average two hours of judicial time. This note also reflects clerical costs associated with processing 112 filings which involve expedited hearings, court appointment of both an attorney and a guardian ad litem, and which require court clerks to actively follow cases to make certain that time limits are met and that constructive consent has been given in cases in which a court takes no action within the specified period. This note does not reflect costs for appeals in cases where a court denies permission for an abortion.

Alaska Court System

Fiscal Analysis

SB 105

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro tem superior court judge, fully vested, Anchorage, PPT, 224 hours	\$2,818	\$1,487	\$4,304
Clerical overtime for 224 hours for range 10A position (see note below)	4,202	1,082	<u>5,284</u>
Total Personal Services Costs			9,588

This bill will require clerical (range 8) and legal technician (range 12) services. The average range of the two levels is range 10, which was used for estimating the clerical overtime costs of this bill.

Contractual Services

Court appointed attorney fees at \$1,500 per case for 112 cases	<u>168,000</u>
---	----------------

Estimated Total Cost \$177,588

FISCAL NOTE

No. 3

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Bill Version: SB105  
(S) Publish Date: 3-22-95

Revision Date: \_\_\_\_\_  
Title: An Act relating to the requirement that a parent, guardian or custodian consent before a minor receives an abortion.  
Sponsor: Sen. Leman  
Requestor: Senate HES

Department Affected: Administration  
BRU: Office of Public Advocacy  
Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	112.0	112.0	112.0	112.0	112.0	112.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	112.0	112.0	112.0	112.0	112.0	112.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>	<b>112.0</b>

Estimate of any current year (FY 95) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The judicial bypass positions of this bill contemplate a hearing at which an unemancipated minor may seek the court approval of her wish to have an abortion. Section 3 of the bill mandates the appointment of a guardian ad litem to "protect the interest of the complainant at the hearing that is held under this section."

The section continues to require the appointment of an attorney and further that if the guardian ad litem is an attorney, "the court may also appoint the guardian ad litem to serve as the complainant's attorney."

Prepared by: Brant McGee, Public Advocate  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Administration

Date: 3-17-95

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FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 105

ANALYSIS. (continued)

While no provision of the bill identifies a particular source for guardians ad litem or attorneys, it is presumed that the Office of Public Advocacy (OPA) would be required to provide guardians ad litem in this, as it is in all other proceedings. Guardians ad litem cannot serve as attorneys for the same person in the same case. Nearly all OPA guardians ad litem are non-attorneys.

The fiscal note is based on the following assumptions:

1. 2,400 abortions per year are performed in Alaska;
2. 12 percent of abortions per year (288) are performed on women aged 17 or younger; and
3. 39 percent of young women (112) wishing to obtain an abortion would seek a judicial bypass, based on the fact that 61 percent of parents are informed of abortions in those states which do not require parental notice or consent.

Thus, OPA could be expected to provide guardian ad litem representation to 112 young women each year in judicial proceedings in which the minor sought to obtain approval for an abortion. The guardian ad litem representation in these cases would be short but intense. The Office of Public Advocacy estimates that such services would cost an estimated \$1,000.00 per case for a total of \$112.0 for each year.

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSSB 105 (JUD)

Revision Date: \_\_\_\_\_  
 Title: An Act relating to the requirement that a parent, guardian or custodian consent before a minor receives an abortion.  
 Sponsor: Senator Leman  
 Requestor: \_\_\_\_\_

Department Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 COMPONENT SERIAL NO. 43

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL	<u>178.0</u>					
CONTRACTUAL	280.0	280.0	280.0	280.0	280.0	280.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	<u>6168.0</u>					
<b>TOTAL OPERATING</b>	<b>280.0</b>	<b>280.0</b>	<b>280.0</b>	<b>280.0</b>	<b>280.0</b>	<b>280.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE:**

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF	280.0	280.0	280.0	280.0	280.0	280.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>280.0</b>	<b>280.0</b>	<b>280.0</b>	<b>280.0</b>	<b>280.0</b>	<b>280.0</b>

Estimate of any current year (FY 95) cost: \$ 0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

The judicial bypass provisions of this bill contemplate a hearing at which an unemancipated minor may seek the court approval of her wish to have an abortion. Section 5 of the bill requires OPA to provide both guardian ad litem and attorneys for the minors. Section 3 of the bill mandates the appointment of a guardian ad litem to "protect the interest of the complainant at the hearing that is held under this section." The section also requires the appointment of an attorney and further that if the guardian ad litem is an attorney, "the court may also appoint the guardian ad litem to serve as the complainant's attorney."

Prepared by: Brant McGee, Public Advocate  
 Division: Office of Public Advocacy  
 Approved by Commissioner: Mark Royer  
 Agency: Administration

Phone: 274-1684  
 Date: 4/17/95

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FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSSB 105 (IUD)

ANALYSIS: (continued)

Guardians ad litem cannot serve as attorneys for the same person in the same case. Nearly all OPA guardians ad litem are non-attorneys.

The fiscal note is based on the following assumptions:

1. 2,400 abortions per year are performed in Alaska;
2. 12 percent of abortions per year (288) are performed on women aged 17 or younger;
3. 39 percent of young women (112) wishing to obtain an abortion would seek a judicial bypass, based on the fact that 61 percent of parents are informed of abortions in those states which do not require parental notice or consent.

Thus, OPA could be expected to provide guardian ad litem representation to 112 young women each year in judicial proceedings in which the minor sought to obtain approval for an abortion. The guardian ad litem representation in these cases would be short but intense. The Office of Public Advocacy estimates that such services would cost an estimated \$1,000.00 per case for a total of \$112.0 for each year.

Attorney costs for each case are estimated at \$1,500.00 per case because of the extensive and rapid preparation necessary for each hearing.

OPA would recommend deletion of the guardian ad litem appointment requirement because it represents an unnecessary and costly duplication of service. The bill creates a statutory right which can only be protected by a lawyer representing the wishes of the client.

# SENATE COMMITTEE REPORT

DATE: 3/22/95

FURTHER:

DATE TURNED INTO OFFICE: 4-13-95

Judiciary Committee considered SENATE BILL NO. 105

Requirement that a parent, guardian, or custodian consent before a minor receives an abortion; establishing a judicial bypass procedure for an abortion without consent of a parent, guardian, or custodian; amending Alaska Rules of Civil Procedure; Rules of Appellate Procedure; and Alaska Administrative Rule 9.

*FN's & OFN's*

and recommends:

- be replaced with \_\_\_\_\_ CS SB 105 ( JUD )
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:
- same title
  - new title
- House Bill:
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING OFFICER	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓				

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>SB</i> Courts	<i>4/7/95</i>		<i>177.6</i>
<i>CS</i> Courts	<i>4/10</i>		<i>9.6</i>

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
<i>HSS (Medical)</i>	<i>3/17/95</i>		✓
<i>HSS (Medical Facilities)</i>	<i>3/17/95</i>		✓
<i>Admin (OPA)</i>	<i>3/17/95</i>		✓

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 3/1/95

FURTHER: Judiciary

Date of 5-Day Notice: 3/15/95  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-22-95

HESS Committee considered SB 105

Require parent consent before a minor receives an abortion; amending Court rules.

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:  
 same title  
 new title  
 House Bill:  
 technical change  
 new: SCR\* \_\_\_\_\_

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	✓				
<i>John A. Johnson</i>	✓	<i>Ad. by E. Sale</i> <i>By Ellis</i>		✓	
				✓	
CHAIR: <i>Linda P. Brown</i>	✓				

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

<i>DOA / OPA</i>	<i>3/17/95</i>		<i>112.0</i>
<i>DASS</i>	<i>3/17/95</i>	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 105

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Parental consent before minor's BRU: Trial Courts  
           abortion Components: \_\_\_\_\_  
 Sponsor: Sons. Loman, Miller, Halford, Taylor...  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 769

**EXPENDITURES/REVENUES** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	9.6	9.6	9.6	9.6	9.6	9.6
TRAVEL						
CONTRACTUAL	168.0	168.0	168.0	168.0	168.0	168.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	177.6	177.6	177.6	177.6	177.6	177.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>	<b>177.6</b>

**POSITIONS**

FULL-TIME						
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christenson III, Staff Counsel Phone: 264-8228  
 Agency: Alaska Court System Date: 04/07/95

Approved by: Arthur H. Snowden, II, Administrative Director  
 Agency: Alaska Court System Date: 04/07/95

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**ALASKA COURT SYSTEM**  
**FISCAL ANALYSIS**  
**SB 105**

SB 105 provides that a person may not knowingly perform or induce an abortion upon a woman who is known to the person to be pregnant, unmarried, under 18 years of age, and unemancipated, unless, before the abortion, one of the woman's parents or the woman's guardian or custodian has consented to the abortion in writing; a court issues an order authorizing the woman to consent to the abortion; or a court, by its inaction, constructively authorizes the woman to consent to the abortion. A woman who seeks a court order authorizing an abortion is required to have a guardian ad litem and an attorney. If she cannot afford an attorney, one must be appointed by the court. Because we are dealing with unemancipated minors, it must be assumed that all attorneys will be paid for by the state.

The Office of Public Advocacy (OPA) has estimated that 112 minor females will seek judicial approval for an abortion each year. OPA will provide the guardian ad litem for these proceedings. However, as the bill is now drafted, the court system will be required to provide court-appointed counsel. This note reflects costs for 112 court-appointed attorneys. Unlike OPA, the court system does not have staff attorneys or private attorneys on contract at low rates; the court system must pay market rates for appointed counsel.

SB 105 requires a superior court judge to hold a hearing in these cases on an expedited basis. This note assumes that the review of documents, the hearing, the decision process and the preparation of the order will average two hours of judicial time. This note also reflects clerical costs associated with processing 112 filings which involve expedited hearings, court appointment of both an attorney and a guardian ad litem, and which require court clerks to actively follow cases to make certain that time limits are met and that constructive consent has been given in cases in which a court takes no action within the specified period. This note does not reflect costs for appeals in cases where a court denies permission for an abortion.

**Alaska Court System**  
**Fiscal Analysis**  
**SB 105**

**Personal Services**

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro tem superior court judge, fully vested, Anchorage, PPT, 224 hours	\$2,818	\$1,487	\$4,304
Clerical overtime for 224 hours for range 10A position (see note below)	4,202	1,082	<u>5,284</u>
Total Personal Services Costs			9,588

This bill will require clerical (range 8) and legal technician (range 12) services. The average range of the two levels is range 10, which was used for estimating the clerical overtime costs of this bill.

**Contractual Services**

Court appointed attorney fees at \$1,500 per case for 112 cases	<u>168,000</u>
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Estimated Total Cost \$177,588

**SB**

**108**

**SFIN**

**FILE**

# FISCAL NOTE

no. 1

Bill Version: SB 108

BILL (S) Publish Date: 3-22-95

**STATE OF ALASKA  
1995 LEGISLATIVE SESSION**

Revision Date: March 15, 1995 Department: Commerce and Economic Development  
 Title: An act relating to: duties of the Commissioner; BRU: Alaska Tourism Marketing Council  
 per diem expenses; powers & duties of ATMC. extension. Component: Alaska Tourism Marketing Council  
 Sponsor: Torgerson, Miller, Pearce  
 Requestor: Labor and Commerce COMPONENT SERIAL NO. 1026

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES			193.4	193.4	193.4	193.4
TRAVEL			55.1	55.1	55.1	55.1
CONTRACTUAL			6,735.4	6,735.4	6,735.4	6,735.4
SUPPLIES			4.0	4.0	4.0	4.0
EQUIPMENT			5.0	5.0	5.0	5.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	6,992.9	6,992.9	6,992.9	6,992.9
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES</b>	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund			4,604.5	4,604.5	4,604.5	4,604.5
1005 GF/Program Receipts			2,388.4	2,388.4	2,388.4	2,388.4
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	6,992.9	6,992.9	6,992.9	6,992.9

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0	0	3	3	3	3
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

The council is due to sunset on December 30, 1996. This bill extends the council until December 30, 1999. Current operating costs would not be affected by SB 108. If the bill is enacted, expenditures and revenue projections for FY98-FY01 are reflected as being consistent with the council's current operating budget.

Prepared by: Kathleen Dunn Phone: 907-563-2289  
 Division: Alaska Tourism Marketing Council Date: March 15, 1995  
 Approved by Commissioner: William L. Hensley Date: 3/15/95  
 Agency: Commerce and Economic Development

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SENATE COMMITTEE REPORT  
First Committee of Referral

DATE: 3/3/95

FURTHER: Finance

Date of 5-Day Notice: 3-9-95  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-22-95

L&C Committee considered SB 108

Alaska Tourism Marketing Council; efd.

EN

and recommends:

- be replaced with CS SB 108 (L&C)
- adopt previous CS
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR# \_\_\_\_\_

SIGNING / DOPASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Melvin Miller</i>	<input checked="" type="checkbox"/>	<i>John Kelly</i>	<input checked="" type="checkbox"/>		
<i>John Torgerson</i>	<input checked="" type="checkbox"/>	<i>Judith G. Salo</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Twin Kelly</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>ICED</i>	<i>3/5</i>		<input checked="" type="checkbox"/>

PREVIOUS FISCAL NOTE(S):\*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

#4/1  
3/16/95  
K/L 30. FIN

**STATE OF ALASKA**  
**1995 LEGISLATIVE SESSION**

**BILL NO. SB 108**

Revision Date: March 15, 1995  
 Title: An act relating to: duties of the Commissioner;  
per diem expenses; powers & duties of ATMC; extension.  
 Sponsor: Torgerson, Miller, Pearce  
 Requestor: Labor and Commerce

Department: Commerce and Economic Development  
 BRU: Alaska Tourism Marketing Council  
 Component: Alaska Tourism Marketing Council

COMPONENT SERIAL NO. 1028

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES			193.4	193.4	193.4	193.4
TRAVEL			55.1	55.1	55.1	55.1
CONTRACTUAL			6,735.4	6,735.4	6,735.4	6,735.4
SUPPLIES			4.0	4.0	4.0	4.0
EQUIPMENT			5.0	5.0	5.0	5.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>6,992.9</b>	<b>6,992.9</b>	<b>6,992.9</b>	<b>6,992.9</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund			4,604.5	4,604.5	4,604.5	4,604.5
1005 GF/Program Receipts			2,388.4	2,388.4	2,388.4	2,388.4
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>6,992.9</b>	<b>6,992.9</b>	<b>6,992.9</b>	<b>6,992.9</b>

Estimate of any current year (FY 95) cost: \$ 0.0

**POSITIONS**

FULL-TIME	0	0	3	3	3	3
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

The council is due to sunset on December 30, 1996. This bill extends the council until December 30, 1999. Current operating costs would not be affected by SB 108. If the bill is enacted, expenditures and revenue projections for FY98-FY01 are reflected as being consistent with the council's current operating budget.

Prepared by: Kathleen Dunn  
 Division: Alaska Tourism Marketing Council  
 Approved by Commissioner: William L. Hensley  
 Agency: Commerce and Economic Development

Phone: 907-563-2289  
 Date: March 15, 1995  
 Date: 3/15/95

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