



Understanding Virginia's Parental Consent Law

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Information for Unemancipated Minors and their Families: What can I do once I know I'm pregnant?

YOU HAVE A CHOICE!

You can continue the pregnancy and raise the child; or continue the pregnancy and place the child for adoption; or end the pregnancy by having an abortion. Falls Church Healthcare Center offers a Pregnancy Option Counseling to explore all these options. We can assist you with any option you choose.

This document gives you some specific Questions and Answers on the abortion option relative to state consent laws. A Consent Authorization form is available on our website.

Questions & Answers about the Parental Consent Law

Q: *I am younger than 18, do I need to get one of my parent's permission to get an abortion in Virginia?*

A: In almost all cases, if you are younger than 18 and you have chosen to end the pregnancy, you can

Either:

1. Get consent of one of your parents, your guardian, custodian or loco parentis;

Or

2. You can meet privately with a judge who may authorize the abortion without notifying your parents;

Or

3. You can seek this medical service in another state which does not require consent of a parent or a judge.

Q: *I want to get consent of one of my parents, guardian, custodian or loco parentis. What do I need to do?*

A: 1. If one of your parents, guardian, custodian or loco parentis **can come** with you to Falls Church Healthcare Center, any day before your appointment, or on the day of the abortion then they simply will complete and sign a "consent authorization", a form we can provide, and have it notarized by one of the Notaries we have on staff. The Notary will request their picture I.D.

Or

2. If one of your parents, guardian, custodian or loco parentis **cannot come** with you to Falls Church Healthcare at any time, either any day before your appointment, or on the day of the abortion then **both A and B below are necessary.**

A. Our Center is required to give actual notice to one of your parents, guardian, custodian or loco parentis of your intention to end the pregnancy by:

Either: At least 24 hours before your scheduled abortion you have them telephone the center or if you prefer we can telephone your parent/guardian, at a phone number that you provide, in order to give notice.

Or: The law requires at least 72 hours before your scheduled appointment our center send the notice by certified mail to your parents/guardian to the usual above address you provide. (This option may delay your scheduled abortion).

AND

B. You must bring with you to our Center the Consent Authorization or a written statement like it, signed by your parent/guardian and notarized. The Notary will request their picture I.D.

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Q: *What if I can't tell either parent?*

A: *We encourage you to talk to your parents, but we do not force you. We can help you talk to a parent. If you would like us to help you; just ask.* However if you cannot tell a parent, you can instead go before a judge (juvenile court) who will decide whether you can have an abortion without getting parental consent. Our Falls Church Healthcare Center, Planned Parenthood Advocates of Virginia (PPAV) or another pro-choice group can put you in touch with a volunteer lawyer to help arrange to talk with a judge. The lawyer can be with you and the judge. **All of this is free.** For more information, call Our Center (703) 532-2500 and ask for Rose or call PPAV at 1-800-230-PLAN (7526)

Q: *What about the consent laws in other states?*

A: **DC:** there are no parental consent or notification requirements in DC.

MD: requires that the physician notify a parent. The law allows the physician to waive notification if the minor is mature or an abortion is in her best interest.

WVA: also has laws requiring minors to get consent from someone else before she is allowed to have an abortion.

NC: also has laws requiring minors to get consent from someone else before she is allowed to have an abortion.

If you would like we can assist you locate other quality centers; please call us at (703)532-2500.

Q: *Does this law apply to birth control and pregnancy counseling?*

A: **NO.** The law requiring parental consent only applies to abortions for teens who are younger than 18. You at any age have a legal right to talk with a counselor, and to get birth control and to obtain other GYN medical services in complete confidentiality.

SOME ADDITIONAL HELPFUL FACTS AND INFORMATION:

FOR YOUR SAFETY Do not put your health or your safety at risk by attempting an abortion on your own or by going to someone who is not a licensed qualified medical professional.

PLEASE DO NOT DELAY GETTING HELP. The Parental Consent's notary requirement or the court procedures may take time. If you have decided to end the pregnancy, the earlier in the pregnancy you abort the better. Most Pro-Choice Gynecological centers like ours only offer abortions early in pregnancy during the first 13 weeks from last menstrual period; later abortions are more expensive and carry additional risks.

The Virginia Parental Consent law does not affect your freedom to choose a legal and constitutionally guaranteed medical service if you are an "emancipated minor", which means that either:

- You are married or divorced;
 - You are on active duty in the US Armed Forces;
 - You are willingly living separate and apart from your parents
 - You have a court order of emancipation.
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EXCERPTS FROM THE PARENTAL CONSENT LAW

You can find the "Parental Consent" law in the Virginia Code, Chapter 960, at § [16.1-241 \(V\)](#).

"A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has been obtained or the minor delivers to the physician a court order entered pursuant to this section and the physician or his agent provides such notice. ..."

"Authorization" means the minor has a notarized, written statement signed by an authorized person... (who) knows of the minor's intent to have an abortion and consents to such abortion being performed on the minor."

"Authorized person" means **(i)** a parent or duty appointed legal guardian or custodian of the minor, or **(ii)** a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the minor regularly and customarily resides and who has care and control of the minor. ..."

If you choose a Juvenile court bypass, after a hearing, the judge:

"... shall issue an order authorizing a physician to perform an abortion, without the consent of any authorized person, if he finds that **(i)** the minor is mature enough and well enough informed to make her abortion decision, ... or **(ii)** the minor is not mature enough or well enough informed to make such decision, but the desired abortion would be in her best interest. If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion; however, no such notice shall be required if the judge finds that such notice would not be in the best interest of the minor. ..."