

By: Representative Fillingane

To: Public Health and Human Services; Judiciary B

HOUSE BILL NO. 434

1 AN ACT TO AMEND SECTION 41-41-55, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT MINORS WHO SEEK TO WAIVE THE PARENTAL CONSENT
3 REQUIREMENT FOR AN ABORTION MAY NOT OBTAIN THE ABORTION UNTIL THE
4 COURT GRANTS A WAIVER OF THE CONSENT REQUIREMENT; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 41-41-55, Mississippi Code of 1972, is
8 amended as follows:

9 41-41-55. (1) The requirements and procedures under
10 Sections 41-41-51 through 41-41-63 shall apply and are available
11 to minors whether or not they are residents of this state.

12 (2) The minor may participate in proceedings in the court on
13 her own behalf. The court shall advise her that she has a right
14 to court-appointed counsel and shall provide her with such counsel
15 upon her request or if she is not already adequately represented.

16 (3) Court proceedings under this section shall be
17 confidential and anonymous and shall be given such precedence over
18 other pending matters as is necessary to insure that the court may
19 reach a decision promptly, but in no case shall the court fail to
20 rule within seventy-two (72) hours of the time the application is
21 filed. If for any reason the court fails to rule on the minor's
22 application, the minor may not obtain the abortion. The court
23 must grant a waiver of the consent requirement of Section 41-41-53
24 before the minor may obtain an abortion.

25 (4) Consent shall be waived if the court finds either:

26 (a) That the minor is mature and well-informed enough
27 to make the abortion decision on her own; or

28 (b) That performance of the abortion would be in the
29 best interests of the minor.

30 (5) A court that conducts proceedings under this section
31 shall issue written and specific factual findings and legal
32 conclusions supporting its decision and shall order that a
33 confidential record of the evidence be maintained.

34 (6) An expedited confidential and anonymous appeal shall be
35 available to any minor to whom the court denies a waiver of
36 consent. The Mississippi Supreme Court shall issue promptly such
37 rules and regulations as are necessary to insure that proceedings
38 under Sections 41-41-51 through 41-41-63 are handled in an
39 expeditious, confidential and anonymous manner.

40 (7) No filing fees shall be required of any minor who avails
41 herself of the procedures provided by this section.

42 **SECTION 2.** This act shall take effect and be in force from
43 and after July 1, 2006.