

**CHAPTER 72****PARENTAL NOTIFICATION PROCEDURES  
FOR UNEMANCIPATED MINORS  
SEEKING AN ABORTION****Authority**

P.L. 1999, c.145 (N.J.S.A. 9:17A-1 et seq.).

**Source and Effective Date**

R.1999 d.365, effective October 18, 1999.  
See: 31 N.J.R. 2320(a), 31 N.J.R. 3113(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 72, Parental Notification Procedures for Unemancipated Minors Seeking an Abortion, expires on October 18, 2004.

**Chapter Historical Note**

Chapter 72, Parental Notification Procedures for Unemancipated Minors Seeking an Abortion, was adopted as R.1999 d.365, effective October 18, 1999. See: Source and Effective Date.

**CHAPTER TABLE OF CONTENTS****SUBCHAPTER 1. GENERAL PROVISIONS**

- 8:72-1.1 Scope
- 8:72-1.2 Purpose
- 8:72-1.3 Definitions

**SUBCHAPTER 2. PARENTAL NOTIFICATION**

- 8:72-2.1 Parental notification procedure
- 8:72-2.2 Exceptions to providing parental notification

**SUBCHAPTER 3. RECORDKEEPING**

- 8:72-3.1 Recordkeeping

**APPENDIX A. STATEMENT OF PARENTAL  
KNOWLEDGE OF A PENDING ABORTION****APPENDIX B. PARENTAL NOTIFICATION OF  
PENDING ABORTION****SUBCHAPTER 1. GENERAL PROVISIONS****8:72-1.1 Scope**

The rules in this chapter apply to physicians licensed to practice medicine or surgery in the State of New Jersey.

**8:72-1.2 Purpose**

The purpose of this chapter is to set forth the procedures for physicians to follow to notify a parent of an unemancipated minor's pending abortion and to ascertain and document certain information concerning the notification requirement and exceptions thereto pursuant to the Parental

Notification for Abortion Act, P.L. 1999, c.145 (N.J.S.A. 9:17A-1 et seq.).

**8:72-1.3 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Abortion" means the use of any means to terminate a live intra-uterine pregnancy of a female known to be pregnant with knowledge that the termination with those means will, with reasonable likelihood, cause the death of the fetus. For purposes of this rule, "abortion" shall include all medically irreversible steps taken in furtherance of performing an abortion, for example, the insertion of laminaria, osmotic cervical dilators or the use of other pre-abortion agents.

"Act" means the Parental Notification for Abortion Act, P.L. 1999, c.145 (N.J.S.A. 9:17A-1 et seq.).

"Court" means the Superior Court of New Jersey.

"Department" means the Department of Health and Senior Services.

"Judge" means a judge of the Superior Court of New Jersey.

"Medical emergency" means a condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant unemancipated minor as to necessitate the immediate abortion of her pregnancy to avert her death, or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

"Parent" means a parent with care and control of the unemancipated minor, unless the parent has no custodial rights; or if there is no parent with care and control, then the foster parent or guardian of the unemancipated minor; or a person standing in loco parentis to the unemancipated minor.

"Parental Notification of Pending Abortion Form" means the written document prepared by the Department of Health and Senior Services to be used in effectuating the parental notification requirements.

"Patient Fact Sheet" means a written document prepared by the Department of Health and Senior Services that explains the parental notification requirements of P.L. 1999, c.145 (N.J.S.A. 9:17A-1 et seq.).

"Pending abortion" means the unemancipated minor has requested an abortion and a physician has agreed to perform the abortion at a time in the future.

"Personally delivered" means that written notification is hand delivered, face to face from one party to another.

"Persons standing in loco parentis" means:

1. That the biological or adoptive parent consented to and fostered, the person's formation and establishment of a parent-like relationship with the minor;
2. That the person and the minor live together in the same household;
3. That the person assumed obligations of parenthood by taking significant responsibility for the minor's care, education, and development, including contributing towards the minor's support, without expectation of financial compensation; and
4. That the person has been in a parental role for the length of time sufficient to have established with the minor a bonded, dependent relationship parental in nature.

"Physician" means a person licensed by the New Jersey Board of Medical Examiners to practice medicine or surgery in the State of New Jersey.

"Unemancipated minor" means a female under the age of 18 years who is unmarried and is not currently serving active duty in one of the military services of the United States of America, or a female for whom a guardian has been appointed pursuant to N.J.S.A. 3B:12-25 because of a finding of incompetence. For purposes of this chapter, pregnancy does not emancipate a female under the age of 18 years.

## SUBCHAPTER 2. PARENTAL NOTIFICATION

### 8:72-2.1 Parental notification procedure

(a) Except as provided in N.J.A.C. 8:72-2.2, no physician shall perform an abortion upon an unemancipated minor until written notice has been delivered to a parent of said minor in accordance with the procedures specified in (b) through (e) below.

(b) Either personally, or through his or her designee, the physician shall:

1. Make inquiry regarding the patient's date of birth, marital status, military status and whether the patient has had a guardian appointed pursuant to N.J.S.A. 3B:12-25;
2. Make inquiry as to whether the patient's parent knows about her decision to seek an abortion and whether the parent would sign and have notarized a Statement of Parental Knowledge of a Pending Abortion Form, incorporated herein by reference as Appendix A;

3. Advise the patient that, pursuant to law, a parent must be notified before the procedure can be performed and obtain from the patient the full name and complete address of the individual identified as the parent. If the patient advises that there is no custodial parent (biological or adoptive) or foster parent, or guardian, effort should be made to ascertain whether there is an individual with whom the patient resides who is a person in loco parentis, by asking:

- i. How long the person has been in a parental role;
- ii. Whether the patient's biological or adoptive parent has consented to and fostered the relationship with the person; and
- iii. If the person has taken on significant responsibility for the patient's care, education and development, including contribution toward the minor's support, without expectation of financial compensation; and

4. At the time of her initial request for abortion services and prior to effecting parental notice, provide information to the patient regarding the confidentiality of her treatment and the availability of a judicial waiver of the notification requirement, by giving her a copy of the Patient Fact Sheet.

(c) If the patient advises that she intends to seek a judicial waiver, the physician, or his or her designee, shall, with the patient's consent:

1. Refrain from providing notice or disclosure to the parent;
2. Assist the court with making a judicial determination by:
  - i. Making records promptly available to the court upon receipt of a subpoena or the patient's execution of a release;
  - ii. Cooperating with reasonable requests for information made by the patient's counsel; and
  - iii. Promptly responding to questions from the court which may be deemed necessary to render a decision on the patient's petition;
3. If the petition is granted by the ruling, obtain or receive a copy of the judicial order which may include receipt by mail, hand delivery or facsimile transmission;
4. If the petition is deemed granted because the court has failed to rule within 48 hours after the patient filed the petition, obtain or receive a copy of an appropriate document issued by the court or a certification from the patient's attorney or the guardian ad litem attesting to the facts relating to the disposition of the petition, prior to performing the requested abortion.



I am aware that she has requested an abortion to terminate her pregnancy and has made arrangements to have a physician perform that medical service.

Signature \_\_\_\_\_

Relationship to minor \_\_\_\_\_

Street \_\_\_\_\_

City, State \_\_\_\_\_

Date \_\_\_\_\_

County of \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_

(affix seal here)

Notary's signature \_\_\_\_\_

### APPENDIX B

#### PARENTAL NOTIFICATION OF PENDING ABORTION

BY: \_\_\_\_\_

Parent/Foster Parent/Guardian/Person Standing in Loco Parentis

Street \_\_\_\_\_

City, State \_\_\_\_\_

Hand delivery \_\_\_\_\_  
or \_\_\_\_\_

Certified mail  
"RRR" - restricted  
delivery and  
First class mail \_\_\_\_\_

Please be advised that \_\_\_\_\_, a minor, has advised this physician/office/facility of her decision to have an abortion to terminate her pregnancy and arrangements have been made to perform that medical service. She has advised that you are her parent (or authorized notice recipient) and that you reside at the above address. Pursuant to the Parental Notification for Abortion Law, this physician/office/facility is required to undertake efforts to provide you with notice at least 48 hours in advance of performing the abortion. Under the law, the hand delivery of this notice or a mailing by certified and first class mail are the required methods of notification.

\_\_\_\_\_  
Name of Physician or Physician's Designee/Office/Facility

\_\_\_\_\_  
Address/alternatively PO Box

\_\_\_\_\_  
Date