SENATE, No. 3740

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 7, 2024

Sponsored by:
Senator JOSEPH PENNACCHIO
District 26 (Morris and Passaic)

SYNOPSIS

Requires parent to be notified when minor undergoes procedure or treatment under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning parental notifications and amending and supplementing P.L.1999, c.145 (C.9:17A-1.1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. (New section) a. Notwithstanding any other provision of law, rule, or regulation to the contrary, a parent shall receive notice before the parent's unemancipated minor undergoes any medical or surgical procedure or treatment.

b. Notice of a pending procedure or treatment shall not be required under this section if the parent who is entitled to notice pursuant to P.L. , c. (pending before the Legislature as this bill) or section 5 of P.L.1999, c.145 (C.9:17A-1.4) has set forth in a notarized writing that such notice was received.

c. Notice of a pending procedure or treatment shall not be required under this act if the attending physician certifies in the unemancipated minor's medical records that the procedure or treatment is necessary due to a medical emergency.

d. A minor may, by petition or motion, seek a waiver of parental notification from a judge of the Superior Court pursuant to section 8 of P.L.1999, c.145 (C.9:17A-1.7).

2. Section 8 of P.L.1999, c.145 (C.9:17A-1.7) is amended to read as follows:

8. a. A minor may, by petition or motion, seek a waiver of parental notification from a judge of the Superior Court. The petition or motion shall include a statement that the minor is pregnant and is not emancipated, as applicable.

b. The minor may participate in proceedings in the court on **[**her**]** the minor's own behalf, and the court may appoint a guardian ad litem for **[**her**]** the minor. The court shall, however, advise **[**her**]** the minor that **[**she**]** the minor has a right to court appointed counsel, and shall, upon **[**her**]** the minor's request, provide **[**her**]** the minor with such counsel.

c. Proceedings in the court under this section shall be confidential and insure the anonymity of the minor and shall be given such precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interests of the minor. A judge of the Superior Court who conducts proceedings under this section shall make written factual findings and legal conclusions within 48 hours of the time that the petition or motion is filed unless the time is extended at the request of the unemancipated minor. If the court fails to rule within 48 hours and the time is not extended, the petition is granted and the notice requirement shall be waived. The judge shall order a record

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

of the evidence to be maintained including the judge's written factual findings and legal conclusions supporting the decision.

d. (1) If the judge finds, by clear and convincing evidence, that the unemancipated minor is sufficiently mature to decide whether to have an abortion, or any other medical or surgical procedure or treatment, the judge shall authorize a waiver of notification.

(2) If the judge finds, by clear and convincing evidence, that there is evidence of a pattern of physical, sexual or emotional abuse of the minor by the parent, guardian, or legal custodian, the judge shall authorize a waiver of notification. Notice of a determination made under this paragraph shall be made to the **[**Division of Youth and Family Services**]** Division of Child Protection and Permanency in the Department of Child and Families.

(3) If the judge finds, by clear and convincing evidence, that the notification of the parent is not in the best interests of the minor, the judge shall authorize a waiver of notification.

e. If the judge does not make a finding specified in subsection d. of this section, the judge shall dismiss the petition or motion and notice shall be given as provided for in section 5 of **[**this act**]** P.L.1999, c.145 (C.9:17A-1.4) or section 1 of P.L. , c. (pending before the Legislature as this bill).

f. An expedited confidential appeal shall be available to a minor for whom the court denies an order waiving notification. No filing fees shall be required of any minor at either the trial or the appellate level. Access to the trial court for the purposes of such a petition or motion, and access to the appellate courts for purposes of making an appeal from denial of the same, shall be afforded such a minor on an emergent basis in accordance with the Rules of Court.

(cf: P.L.1999, c.145, s.8)

3. This act shall take effect immediately.

STATEMENT

This bill requires that a parent be notified notice before the parent’s unemancipated minor undergoes any medical or surgical procedure or treatment.

Notice of a pending procedure or treatment will not be required if the parent has set forth in a notarized writing that such notice was already received. Notice of a pending procedure or treatment will not be required if the attending physician certifies in the unemancipated minor's medical records that the procedure or treatment is necessary due to a medical emergency.

A minor may, by petition or motion, seek a waiver of parental notification from a judge of the Superior Court pursuant to section 8 of P.L.1999, c.145 (C.9:17A-1.7).