

A Guide For Young People Seeking Abortion Without Parental Involvement In Pennsylvania

Young people have a right to make meaningful and informed decisions about their own bodies and lives. Nevertheless, Pennsylvania law requires parental consent for most people under 18 to access abortion care.

Everyone's situation is different: some young people either cannot, or do not want to, involve their parents or legal guardian in their decision to have an abortion. This guide provides information for young people seeking abortion in Pennsylvania without involving a parent or legal guardian.¹

Judicial Bypass

As a minor (person under 18 years old) in Pennsylvania, you have a right to meet privately with a judge who can give permission for the abortion without telling your parents. This process is called a "judicial bypass." Meeting with a judge can be scary but you will have support from people who respect your decision for help along the way.

Do I need a lawyer?

You do not have to use a lawyer, but you will have a better chance of getting judicial consent with a lawyer's help. Your lawyer will not judge you and will be on your side throughout the process. You do not have to pay for the lawyer's services if you use a lawyer appointed for you by the court. If you decide not to use a lawyer, please get a counselor at your clinic to help you.

What happens at the hearing with the judge?

It is not a trial. There are no reporters, no jury, and no lawyer on the other side. The hearing is usually informal and is absolutely confidential. The judge often wears a regular suit, and in some counties the judge sits with you around a conference table. The hearing is usually short. The judge will protect your privacy by just using your initials.

Who will be at the hearing?

The hearing is private. No one is allowed to attend except you, your lawyer, the judge, and possibly the judge's clerk. The judge might allow you to bring a friend or relative into the hearing, or they may be asked to wait outside of the hearing room.

Is the judge allowed to tell my parents?

No. You have a right to privacy and confidentiality. No one, including the judge, is allowed to tell anyone about your pregnancy or abortion. Pennsylvania law requires that the petition include your parents' names and addresses, but this information is kept completely confidential and sealed by the clerk for no one to see.

How does the judge decide to grant my petition?

The judge is required to answer one question: is this young person mature enough to make their own decision? If the answer is yes, the judge must give you permission for the abortion regardless of how he or she feels about it. You must also tell the judge that you have been to a medical provider and have been counseled about your options and the risks of abortion.

If the judge decides that you are not mature, the judge must then consider a second question: Would an abortion be in this young person's best interests? If the answer is yes, the judge must give you permission for the abortion regardless of their personal feelings.

¹ This information is specific to Pennsylvania law and regulations. Mandatory parental involvement laws are different in other states. Start with calling a clinic that performs abortion if you are seeking abortion services outside of Pennsylvania.

What kinds of questions will I be asked?

You will be asked questions you already know the answer to. Your lawyer will typically ask most of the questions, not the judge. You will be asked to confirm that you understand the abortion procedure, that you have thought carefully about your decision, and that no one is forcing you to get an abortion. Your lawyer will also ask whether you have responsibilities at home, school, or work (such as babysitting, caring for a pet or relatives, part-time jobs, etc.) or your plans for the future.

You have a right to go through this process without stigma or shame. You should not be asked questions about your sexual history, religious beliefs, or birth control use.

How long will it take a judge to decide?

The judge usually decides during the hearing, but at the latest the judge must decide within three business days after you file your application. "Business days" do not include legal holidays and weekends. If the judge does not decide within three business days, you have the right to a free, confidential speedy appeal to a higher court.

What should I do if the judge rules in my favor?

The judge will give you a piece of paper called an "Order" that gives you permission to make your own decisions about the abortion. You must take this Order with you when you go for the abortion.

What if I change my mind?

This decision is yours. You are always free to change your mind and decide you do not want an abortion. The Order simply states that you may have the abortion if you want it; it does not force you to get one.

What can I do if the judge denies my petition?

We know of only 5 cases out of thousands over the past 24 years in which a Pennsylvania judge denied a bypass petition. Your lawyer can file an immediate appeal with the state Superior Court, which must decide within five business days. If you do not yet have a lawyer, please immediately contact the Women's Law Project at 412-281-2892.

Is it legal for a minor to cross state lines to get an abortion?

Yes. However, adults who are accompanying young women under 14 to out-of-state abortion providers should contact a lawyer to ensure they are not violating Pennsylvania's interference with custody of a minor statute.

Need legal information or assistance?

Call the Women's Law Project at 412-281-2892 (Spanish-speaking support is available).

This information is not intended as legal advice or as a substitute for the advice of a lawyer. Please consult a lawyer if you have any questions about your rights.

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