

What Young People Seeking an Abortion in Pennsylvania Need to Know About Their Rights, Parental Consent, and Judicial Bypass

Abortion is legal in Pennsylvania and clinics are open. The U.S. Supreme Court's ruling in *Dobbs v. Jackson Women's Health Organization* did not change Pennsylvania law regarding abortion care.¹

Under Pennsylvania law, people under 18 years old are required to get permission from either a parent or a judge to have an abortion. If a young person can't or does not want to obtain parental consent, they can go to a confidential court hearing and request permission from a judge. This process is called "judicial bypass." You don't have to pay any money to get a judicial bypass.

Everyone's situation is different: involving a parent may not be an option. Start by finding an abortion provider near you. Make sure you use a trusted search tool like www.ineedana.com or www.abortionprovider.org. We recommend using one of these search tools because Google and similar search engines may bring you to an anti-abortion crisis pregnancy center (CPC) website instead of an abortion provider. CPCs don't provide abortion, don't refer for abortion, and are NOT qualified to give you the pre-abortion counseling required by law.

Is it legal to get an abortion in Pennsylvania if I live in another state? ²

Yes. In fact, the Pennsylvania Office of Attorney General recently published an informational guide on abortion laws in Pennsylvania and made clear that "[n]othing in Pennsylvania law prevents people from other states getting abortions here."³

If I'm under 18 and live in Pennsylvania, is it legal to travel out of state to get an abortion?

Yes. However, adults who are accompanying minors under 14 to out-of-state abortion providers should contact a lawyer to ensure they are not violating Pennsylvania's laws related to custody of minors.

What is "judicial bypass?"

"Judicial bypass" refers to the process of meeting privately with a judge who can give permission for the abortion without telling your parents.

In legal terms, this meeting is called a hearing and the process is called a "judicial bypass." Your request to the judge is called a petition.

Do I need money to get a judicial bypass?

No.

Do I need a lawyer?

You are not required to have a lawyer, but you have a better chance of getting the judge to rule in your favor with a lawyer's help. You will also avoid significant delays by working with a lawyer. Your lawyer will be free if you use one appointed by the court.

¹ This guide 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.

² This guide is specific to Pennsylvania law and regulations. Other state abortion laws are rapidly changing. Adults accompanying and/or assisting minors across state lines may risk violating the state laws and regulations of a neighboring state. Please exercise caution and consult closely with an attorney.

³ Pennsylvania Office of Attorney General, Abortion Laws in Pennsylvania – Question and Answers (June 30, 2022), <https://www.attorneygeneral.gov/wp-content/uploads/2022/06/Consumer-Abortion-QA-FINAL-6-30-22.pdf>.

Can Women's Law Project help me?

Yes, WLP attorneys can help you navigate the judicial bypass process and may be able to represent you in the judicial bypass hearing so that you can make your own decision about whether to have an abortion.

If you do not have a lawyer, please contact the Women's Law Project at **412-281-2892**.

What do I need to do before the hearing?

Before the hearing, you must receive state-mandated counseling from a medical provider about your pregnancy options and the risks of abortion and birth. This consultation must be scheduled with the clinic and completed before the hearing and at least 24 hours before you receive your abortion care. You do not need parental consent or a judge's permission to schedule your consultation with the clinic. The judge will ask if you were counseled by a medical provider. If you have not completed the counseling before the hearing, you will not be able to proceed with the judicial bypass process.

What happens at the hearing with the judge?

It is not a trial. The hearing is usually informal and short. It is confidential. No one is allowed to attend except you, your lawyer, the judge, and possibly the judge's clerk. You may be able to bring a support person if you would like to.

How does the judge decide whether to give me permission to make my own pregnancy decision?

The judge is required to answer one question: are you mature enough to make their own decision? If the answer is yes, the judge must give you permission to make your own decision regarding whether or not to have an abortion regardless of how he or she personally feels about abortion. You must also tell the judge that you have been counseled by a medical provider about your options and the risks of abortion and childbirth.

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. 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 can I do if the judge denies my petition?

We know of only five cases out of thousands over the past 28 years in which a Pennsylvania judge denied a bypass petition, and in all five cases, the young person ultimately was able to get an abortion. You have a couple options in the rare event the judge issues a denial: Your lawyer can file an immediate appeal with the state Superior Court, which must decide within five business days. And or you can travel out of state to get an abortion. There are clinics in bordering states where that law does not require you to get permission from a parent or judge, such as New Jersey and New York. If you are considering going to a border state for abortion care, you can contact us for more information and support.

Need legal information or help?

We know you may feel intimidated or overwhelmed right now. WLP attorneys are here to help. Call the Women's Law Project at 412-281-2892, or email us at info@womenslawproject.org

Young people seeking judicial bypass in Philadelphia should contact Philly Defenders - Child Advocacy Unit by email at judicialbypass@philadefender.org, or call or text 267-293-9644.

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.