

Minors Seeking Abortion in West Virginia

Anyone under the age of 18 who wants an abortion in West Virginia must:

- *Notify a parent or guardian 24 hours before receiving abortion care;*¹
- Know that the requirement can be *waived in a medical emergency or be waived by another doctor* if the doctor “finds that the minor is mature enough to make the abortion decision independently or that notification would not be in the minor’s best interest.”²
- Understand that there is a process called *judicial bypass which allows a minor to ask a judge for approval for an abortion instead of obtaining parental consent*. Most minors talk through obtaining an abortion with their parents or guardians, but a minor may seek a judicial bypass for a number of reasons, including maturity, the threat of violence in the home, or a pregnancy that is a result of rape or incest. The judicial bypass process involves the minor filing a request with a local court for a confidential hearing before a judge.³

If you are working with a minor who wishes to obtain judicial bypass instead of obtaining parental consent, contacting the clinic is the best first step. The clinic can help the minor navigate the judicial system and find an attorney. The clinic will walk the minor through the judicial bypass process, provide them with the required documentation, and give them information about filing a request with the court.

Additionally, West Virginia FREE is a resource for teens seeking a judicial bypass. WV FREE will provide legal counsel for the teen free of charge, assist in walking the teen through the steps required to obtain a bypass, and will accompany them at the hearing. This process is confidential; neither the attorney nor the judge will have the minor’s name unless she chooses to provide it to them.

¹ W. Va. Code R. § 16-2F; Guttmacher State Policies in Brief, Parental Involvement in Minor’s Abortion, Sept. 1, 2015, available at http://www.guttmacher.org/statecenter/spibs/spib_PIMA.pdf

² W. Va. Code R. § 16-2F.

³ W. Va. Code R. § 16-2F-4.

