



H. 1534 An Act to Establish Criteria to Assess the Maturity of a Minor Seeking an Abortion

- In Massachusetts, a pregnant minor under the age of 16, who is not married, divorced, or widowed and wants an abortion, must obtain the consent of at least one parent or guardian or apply to a superior court to obtain the consent of a judge.
- The process of applying for a judge's consent to a minor's abortion is known, colloquially, as the "judicial bypass" procedure.
- The current judicial bypass lawⁱ does not provide any guidelines or standards for a judge to follow in assessing a minor's maturity or immaturity.
- H. 1534 seeks to fill this void by establishing criteria that a judge can apply to determine the maturity of a pregnant minor, who wants to obtain an abortion without parental consent.
- These criteria are based on a test for measuring adolescent maturation, developed by health-care professionals of the National Association of Therapeutic Schools and Programs.ⁱⁱ The test identifies three sub-categories that measure maturity in adolescents: empathy, planfulness, and moral reasoning.
- The more a minor conforms to these criteria; the greater her maturity.
- Requiring judges in the judicial bypass process to apply these factors will reduce speculation and guesswork and encourage fact-based assessments of the maturity or immaturity of a pregnant minor, who is seeking an abortion without parental consent.
- To improve transparency in the judicial bypass procedure, H. 1534 also requires judges to keep yearly records of the number of petitions filed, the number that are granted or denied, and the age of applicants. The judge is to send this record to the Commissioner of Public Health, who is required to report this data to the General Court annually.

ⁱ M.G.L. Ch. 112, §12S

ⁱⁱ Nicholas N. Hong, Ph. D., John A. McKinnon, M.D., John L. Santa, Ph. D., Melissa A. Napier, M.S., The Montana Adolescent Maturity Assessment-Parent Version (MAMA-P): A Rating Scale for Immaturity

Help MCFL Pass this Bill

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