

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Finance Committee
FROM: Legislative Committee
Sara Elalamy
410-260-1561
RE: Senate Bill 891
Public Health - Medical Procedures - Parent or Guardian Notice
(Maryland Parental Involvement Enhancement Act)
DATE: March 8, 2022
(3/16)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 891. This legislation would make it illegal for a doctor to conduct an abortion on a juvenile or an adult under guardianship without prior consent from a parent or guardian. The law establishes a procedure for an individual seeking an abortion to petition a circuit court for a waiver of the obligation to provide notification. Before deciding on the petition, the court must consider specific facts and perform certain measures according to the statute.

Additionally, the bill requires the court to appoint counsel for the individual, but it does not mention how this will occur or the funding mechanism for said counsel. In addition, the bill does not define "medical emergency." A clear definition would be helpful to ensure that courts apply the bill appropriately and consistently.

Moreover, the procedures outlined on pages four through five of the bill are both complicated and unclear. It is hard to understand how to implement these provisions.

cc. Hon. Mary Beth Carozza
Judicial Council
Legislative Committee
Kelley O'Connor