

## **Post-Roe Pennsylvania & Judicial Bypass: Obtaining an Abortion in Pennsylvania if You're Under 18 Years Old**

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

Under Pennsylvania law, people under 18 years old are required to get permission from a parent to have an abortion--or obtain an order from a judge to permit the minor to have an abortion without telling their parents through a process called "judicial bypass."

Everyone's situation is different: involving a parent may not be an option. Start by calling an abortion clinic to talk with a staff member about how to get an abortion without parental involvement.<sup>2</sup>

### **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.

### **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 to obtain permission from a judge so that you can make your own decision about whether to have an abortion.

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

### **What do I need to do before the hearing?**

Before the hearing, you must be counseled by a medical provider about your pregnancy options and the risks of abortion and childbirth. 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.

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<sup>1</sup> 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.

<sup>2</sup> Need help finding abortion services near you? Check out [ineedana.com](https://www.ineedana.com) for help with finding a nearby clinic.

### **What happens at the hearing with the judge?**

It is not a trial. The hearing is usually informal and short. It is absolutely 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. In some counties, including Allegheny and Dauphin counties, the judge may be able to handle hearings by phone/videoconferencing.

### **How does the judge decide whether to grant permission for me to be able to make my own decision to have an abortion?**

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 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 minor ultimately was able to end the pregnancy. Your lawyer can file an immediate appeal with the state Superior Court, which must decide within five business days.

### **Can I still get an abortion legally in Pennsylvania if I live in another state? <sup>3</sup>**

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.”<sup>4</sup>

### **Is it legal for a minor to cross state lines 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.

### **Need legal information or assistance?**

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.

Young people seeking judicial bypass in Philadelphia should contact Philly Defenders - Child Advocacy Unit by email at [judicialbypass@philadefender.org](mailto: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.*

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<sup>3</sup> 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.

<sup>4</sup> 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>.