

Physician's Induced Abortion Reporting Form

Parental Notice

South Dakota Codified Law § 34-23A-39

South Dakota Department of Health

600 East Capitol

Pierre, South Dakota 57501-2536

Name of Hospital, Clinic or Physician's Office: _____	Date of Report ____ / ____ / ____
_____	Patient ID Number: _____
Person responsible for the patient who is a minor (check appropriate box): Parent <input type="checkbox"/> Guardian/conservator <input type="checkbox"/>	
Complete questions A or B and question C.	
A. As outlined in SDCL section 34-23A-7, notice was provided to: Parent <input type="checkbox"/> Guardian/conservator <input type="checkbox"/>	
B. Notice was not provided to parents or guardian/conservator of the minor as outlined in SDCL section 34-23A-7 because:	
<input type="checkbox"/> A medical emergency existed complicating the medical condition of the pregnant female so as to necessitate the immediate abortion to avert her death or to avert the creation of a serious risk of substantial or irreversible impairment of a major bodily function.	
<input type="checkbox"/> The person who was entitled to notice certified in writing that he/she has been notified.	
<input type="checkbox"/> The patient was an emancipated minor as defined by SDCL section 24-5-24.	
<input type="checkbox"/> The physician was authorized by the court under SDCL section 34-23A-7(3) to perform the induced abortion without parental or guardian/conservator notice.	
C. Minor obtained induced abortion: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	

25-5-24. Emancipated minor defined.

Any person under the age of eighteen years who:

- (1) Has entered into a valid marriage, whether or not such marriage was terminated by dissolution; or
- (2) Is on active duty with any of the armed forces of the United States of America; or
- (3) Has received a declaration of emancipation pursuant to § 25-5-26;

Is an emancipated minor.

34-23A-7. Forty-eight hour notice to parent or guardian for minor or incompetent female – Delivery of notice – Exceptions. No abortion may be performed upon an unemancipated minor or upon a female for whom a guardian has been appointed because of a finding of incompetency, until at least forty-eight hours after written notice of the pending operation has been delivered in the manner specified in this section. The notice shall be addressed to the parent at the usual place of abode of the parent and delivered personally to the parent by the physician or an agent. In lieu of such delivery, notice may be made by certified mail addressed to the parent at the usual place of abode of the parent with return receipt requested and restricted delivery to the addressee, which means a postal employee can only deliver the mail to the authorized addressee. If notice is made by certified mail, the time of delivery shall be deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place, subsequent to mailing.

No notice is required under this section if:

- (1) The attending physician certifies in the pregnant minor's medical record, that, on the basis of the physician's good faith clinical judgment, a medical emergency exists that so complicates the medical condition of a pregnant female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function and there is insufficient time to provide the required notice; or
- (2) The person who is entitled to notice certified in writing that he has been notified; or
- (3) A pregnant female elects not to allow the notification of her parent or guardian or conservator, in which case, any judge of a circuit court shall, upon petition, or motion, and after an appropriate hearing, authorize a physician to perform the abortion if the judge determines that the pregnant female is mature and capable of giving informed consent to the proposed abortion. If the judge determines that the pregnant female is not mature, or if the pregnant female does not claim to be mature, the judge shall determine whether the performance of an abortion upon her without notification of her parent, guardian or conservator would be in the her best interests and shall authorize a physician to perform the abortion without such notification if the judge concludes that the pregnant female's best interests would be served thereby.

34-23A-39. Reporting form for use of notice described in § 34-23A-7. No later than October 1, 1998, the Department of Health shall prepare a reporting form for physicians which shall provide for the collection of the following information:

- (1) The number of females or parents whom the physician or agent of the physician provided the notice described in § 34-23A-7; and of each of those numbers, the number of females who, to the best of the reporting physician's information and belief, went on to obtain the abortion;
- (2) The number of females upon whom the physician performed an abortion without providing to the parent of the minor the notice described in § 34-23A-7; of that number, the number who were emancipated minors, and the numbers from whom each of the exceptions to § 34-23A-7 were applicable;
- (3) The number of abortions performed upon a female by the physician after receiving judicial authorization to do so without parental notice; and
- (4) The same information described in subdivisions (1) through (3) of this section with respect to females for whom a guardian or conservator has been appointed pursuant to statutes on guardianship or conservatorship because of finding of incompetency.

**Return completed report to:
South Dakota Department of Health
600 Each Capitol
Pierre, South Dakota 57501-2536**