

A Young Person's Guide to Abortion in MI: The Basics

Is abortion legal in MI?

- YES — Abortion is still legal in MI up until fetal viability (which is around 24 weeks of pregnancy).

What happens to abortion rights in MI if the Supreme Court overturns *Roe v. Wade*?

- If *Roe v. Wade* is overturned, Michigan still has a 90-year-old abortion ban on the books that completely bans abortions (except when deemed necessary to save a pregnant person's life). It's unclear whether the 1931 law would automatically take effect if *Roe v. Wade* is reversed.
- HOWEVER, if MI voters pass the Reproductive Freedom for All (RFFA) ballot measure, it will amend the state constitution to protect abortion rights for all Michiganders, including youth. Get involved at mireproductivefreedom.org.
- If the RFFA passes, young people will be able to get abortions in MI. Minors will either have to get parental consent or a judicial bypass (more on that below).

Can minors (youth under the age of 18) currently get an abortion in MI?

- YES — but state law requires the pregnant minor to have written consent from one parent/legal guardian OR a waiver from a judge excusing them from the parental consent requirement (called a "judicial bypass"). This will still apply if the Supreme Court overturns *Roe v. Wade* but the RFFA ballot measure passes.

What is judicial bypass?

- Judicial bypass is a way for a minor to get an abortion without parental consent. The pregnant minor can file a court petition to excuse them from the parental consent requirement. Then a judge decides whether the minor will be granted this excusal, or "waiver," of parental consent based on whether they believe the minor is mature enough and well informed enough. If a judge denies the waiver of consent, the minor has the option to appeal (ask again). For full details, visit judicialbypasswiki.ifwhenhow.org/wiki/michigan.
- Throughout this process, minors have the right to: 1) complete privacy and confidentiality, 2) no fees or costs for any part of the process (except the abortion itself), 3) a quick process, 4) to file for judicial bypass in any MI county (you do not need to file in the county you live in), and 5) to request legal support (free of charge).

How much do abortion services cost?

- Costs for abortion services vary depending on how far into the pregnancy you are, the type of abortion, and additional costs such as travel, lodging, and child care. Anyone, including minors, can get financial and other support from federal and statewide abortion funds. Check out abortionfunds.org/need-abortion and abortionfinder.org/abortion-guides-by-state/abortion-in-michigan to find help and information.
- The judicial bypass process is free; you will not have to pay anything for the paperwork or legal support.

A Young Person's Guide to Abortion in MI: Judicial Bypass

I can't get parental consent. Who do I ask for judicial bypass?

- First, call an abortion provider (preferably the one you will schedule the abortion with) and tell them you are pregnant, are a minor, you can't get a parental consent from at least one parent, and are seeking a judicial bypass. They can assist with next steps. Visit abortionfinder.org to find an abortion provider.
- Next, you can review the Michigan court website for information, steps, and forms you need to complete: bit.ly/MIcourtJB. You can ask the court to appoint an attorney or guardian to help you before or after filing the petition, for free.
- For more free legal help and advocacy support, check out reprolegalhelpline.org or call 844-868-2812.

Will my parent or guardian find out I'm trying to get an abortion through the judicial bypass process?

- You have the right to complete privacy and confidentiality throughout the judicial bypass process with the court. Judges and court employees cannot let anyone know you're seeking a judicial bypass, or share any details of your case, outside the courts except in rare cases.* You have the right to a private hearing and having your court documents sealed.
- *If you share with the judge that you've been assaulted or abused, the judge is a mandated reporter to the state.*

What does the judicial bypass process look like?

- First, you file paperwork with the court asking for a waiver of parental consent for abortion. Then you can decide if you want a court-appointed lawyer to assist you (this is a free service the court will provide). After that, your private hearing with a judge will be scheduled within 3 days.
- For the hearing, a judge, you, your lawyer (if you have one), and maybe a scribe (court note-taker) will meet in a room where the judge will have a conversation with you to determine if you are well-informed and mature enough to have an abortion. Remember: they are asking about you. You are an expert of your own life.
- It can be useful to ask your lawyer to help prepare you for the judge's questions. Questions the judge may ask include: When did you learn you were pregnant? Were you using birth control at the time? If not, why not? What are the top three reasons you cannot get parental consent? Why do you want an abortion instead of adoption or caring for a child?
- The judge will make a decision to either grant or deny your request for a parental consent waiver within two days of the hearing.

What happens if a judge doesn't approve my request for a parental consent waiver?

- You have options: first, you can appeal the judge's decision. You must submit the appeal paperwork with the court within 24 hours after the judge denies your petition, and then the appeal will be scheduled within 3 days.
- You can also try the judicial bypass process again with another MI court with a different judge.
- Finally, you have the option to travel to a different state that doesn't have parental consent laws.