

FAQS for People Seeking Abortions in New Jersey

This document is for informational purposes only, is not intended as legal advice, and does not substitute for consulting with a lawyer about your particular facts and circumstances. This document does not constitute a solicitation, and your use of this document does not create any attorney-client relationship between you and Lowenstein Sandler. We do not represent that the content of this document is correct, complete, or up-to-date, or that it reflects current legal developments.

SAFE INTERNET SEARCHES AND PHONE CALLS

1. If I'm researching abortion online, are there ways to keep my searches private?

Before you read these FAQs, you might want to educate yourself on how to keep your data more private.

Good resources for understanding steps you can take to protect your online privacy and security are available at the [Digital Defense Fund Guide to Abortion Privacy](#) and the [Electronic Frontier Foundation Security and Privacy Tips for People Seeking an Abortion](#). The [Repro Legal Helpline](#) also provides [information on digital safety](#) for abortion-seekers.

In addition, specific apps, such as menstrual cycle trackers, may store information that relates to your reproductive health care. You may want to consider deleting such apps, or carefully examining their privacy policies. The providers of apps and software may be located in and subject to the laws of states other than New Jersey, and other states may have less protective laws regarding your privacy rights.

The safest course is to avoid communicating online, by messaging apps, or by text message about anything you want to keep private.

2. Are there ways to keep my phone calls private?

Phone calls can be made more secure by using “burner” phones, calling from phones that are not tied to your identity, using *67 to block your caller ID, or using services like Google Voice or other apps that permit anonymous phone calls.

BASIC RIGHTS

3. Is abortion still legal in New Jersey?

Yes, abortion is still legal in New Jersey. Abortion is an independent and fundamental right protected by both the New Jersey Constitution and state legislation. The United States Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* does **not** diminish the right to an abortion in New Jersey.

4. Does New Jersey have abortion restrictions (waiting period, gestational limit, parental involvement, etc.)?

New Jersey places very few legal restrictions on abortion. There are no waiting period or parental involvement laws. Providers offer care based on each patient's specific circumstances, and if they are unable to provide care, they will usually refer the patient for other assistance.

5. I am under 18 years old. Can I get an abortion in New Jersey? Do I have to tell my parents or get parental consent for an abortion in New Jersey?

Yes, abortion is legal in New Jersey including for minors from out of state.

No, New Jersey law does not require you to tell your parents or get parental consent before having an abortion.

However, depending on the law of your home state, there may be risks to you or anyone who assists you in traveling across state lines, especially if you do not have permission from a parent to travel.

If you live in a state that has an abortion ban, *you should talk to a lawyer about the potential consequences of traveling out of state to seek a legal abortion*. In addition, because minors generally need parental consent to travel, if you are a minor seeking assistance from someone (even your parent or guardian) to travel to New Jersey for abortion care, *you should talk to a lawyer about that, too*. You can call the number below or contact the [Repro Legal Helpline](#) to try to get advice from a lawyer.

6. I live in a state with an abortion ban. What happens if someone in my state finds out I had an abortion in New Jersey? Can I get in legal trouble in my home state? Does New Jersey law protect me?

Many states with criminal bans on abortion do **not** seek to punish the person who gets the abortion, but instead target the health provider or others who help the patient get an abortion. To learn more about the laws of your home state, you can check these resources:

- [Center for Reproductive Rights' State Law Tracker](#)
- [Guttmacher Institute Interactive Map](#)
- [New York Times' Tracker](#)
- [Washington Post's Tracker](#)

State laws are changing rapidly. If you want to know more about the legal risks in a particular state, you can also contact the [Repro Legal Helpline](#).

It is normally safe to travel to a state and engage in conduct that is legal in the state you are visiting. For example, people can travel to Las Vegas to gamble even if gambling is illegal in their home state, and their home state should not be able to punish them.

There is a risk, however, that the normal rules will not stop prosecutors in other states from trying to apply their existing criminal laws to conduct that is legal in the state where it occurs. We do not yet know how courts in other states will react to such law enforcement tactics.

If you have legal questions about access to reproductive health services in New Jersey, you can call **862-926-6565** and let us know how to reach you for a callback. This is not an offer of legal representation.

As of the date of these FAQs, no state has passed a law that explicitly makes it a crime to provide an abortion in a state where it is legal to a resident of a state with a criminal ban. However, the laws in many states are rapidly changing, and there may be a risk to you or someone who is helping you get an abortion if you are a resident of a state with an abortion ban.

If there is a law that you believe may cause you trouble, you should consult with a lawyer. You can call the number below or contact the [Repro Legal Helpline](#).

New Jersey law protects you only from repercussions in New Jersey—so long as you comply with state law, there will be no repercussions in New Jersey. In addition, New Jersey recently enacted a law that protects certain patient information regarding reproductive health services. This law cannot guarantee confidentiality, but it should protect your health information from disclosure to prosecutors and others from out of state in many circumstances. See Qs. [14](#), [15](#).

If you want to learn more about your reproductive rights at the national level, the Federal Department of Health and Human Services has published [useful information](#).

ACCESS

7. Whom do I call to schedule an appointment? What clinics have the most availability?

Below are some resources that might be helpful to you. This list is not exhaustive.

[Abortion Finder](#): AbortionFinder.org is a helpful national resource that allows those seeking an abortion to find a local provider. This resource indicates whether clinics provide abortion by medication, procedures, or both.

[I Need an A](#): I Need an A is another national resource where you can search for a local abortion provider.

[Planned Parenthood](#): Planned Parenthood has many clinics throughout New Jersey. As of the date of these FAQs, most locations are only offering abortions by medication.

[Cherry Hill Women's Center](#): Cherry Hill Women's Center offers first- and second-trimester abortions.

8. Can someone help me schedule an appointment and make travel and logistical arrangements?

Maybe. Certain abortion funding organizations provide logistical and scheduling support. For additional information, visit [I Need an A](#). You may also visit [Apiary for Practical Support](#) or [The Brigid Alliance](#) to find local practical support networks that provide assistance in making travel and logistical arrangements.

If you have legal questions about access to reproductive health services in New Jersey, you can call **862-926-6565** and let us know how to reach you for a callback. This is not an offer of legal representation.

9. I need an abortion, but the wait time at all the New Jersey clinics is long. What are my options?

If you are in New Jersey and early in your pregnancy, you may be able to access abortion care via telemedicine. This is safe and approved by the FDA. Please see the resources in [Q.7](#) to search for a provider who may be able offer telehealth services.

If you are seeking an in-clinic procedure and all locations in New Jersey have a long wait time, please also see national resources in [Q.7](#) to determine if traveling to another state **where abortion is legal** is the best option for you.

PAYMENT

10. Can I use my health insurance to pay for an abortion in New Jersey?

As of the date of these FAQs, New Jersey law does not require health insurance policies to cover abortion or associated expenses, although the state is considering regulations that would impose a requirement. You'll need to call your health insurer or benefits administrator to find out if your insurance covers abortion and associated expenses.

You should know that using insurance to pay for an abortion can present a risk to confidentiality. A New Jersey-based health insurer must have your consent before disclosing your health information related to a legal abortion in New Jersey. But out-of-state insurers will be subject to the laws of other states, which could permit or require disclosure in response to a subpoena or court order. Moreover, even New Jersey-based insurers might contract with other companies that store electronic health data in other states, and those out-of-state entities are also subject to the laws and court orders of other states.

If you can afford it, the most confidential form of payment is cash (not an app like Apple Pay or Venmo, but actual cash).

11. Does NJ FamilyCare/Medicaid cover abortions for New Jersey residents?

Yes. NJ FamilyCare provides affordable health insurance for eligible New Jersey residents, including coverage related to pregnancy. All of the Medicaid health plans under NJ FamilyCare cover abortion services. New Jersey residents can check their eligibility by visiting the [NJ FamilyCare website](#) or the [Department of Human Services website](#).

12. Is there any other financial help to pay for abortions and the associated costs if I have to travel?

Yes. Funding may be available to assist with several of the costs associated with getting an abortion, including the cost of the appointment, travel and lodging, and childcare. Below are some examples of resources that might be helpful to you. This list is not exhaustive.

If you need help paying, visit:

If you have legal questions about access to reproductive health services in New Jersey, you can call **862-926-6565** and let us know how to reach you for a callback. This is not an offer of legal representation.

[New Jersey Abortion Access Fund](#) (NJAAF). Anyone who is pregnant, regardless of age, immigration status, and/or marital status can apply for funding through NJAAF. The only requirement is that the procedure is performed at one of the clinics in New Jersey that NJAAF works with.

[National Abortion Federation](#) (NAF) or call its hotline at 800-772-9100. NAF provides information on how to access abortion across the country. In addition, patients may be able to receive financial support to pay for their abortion, including the cost of travel.

[National Network of Abortion Funds](#) (NNAF), or the [National Network of Abortion Funds-affiliated fund in your state](#). NNAF organizes abortion funds and practical support organizations across the country to aid abortion seekers.

[Women’s Reproductive Rights Assistance Project](#) (WRRAP). WRRAP provides abortion funding for patients across the country at certain provider locations. In addition to abortion funding, WRRAP also provides emergency contraception.

[Indigenous Women Rising](#) helps fund abortions in the United States and Canada for indigenous people. To use this funding, you must be able to prove membership in a tribal community.

PRIVACY

13. If I get an abortion from a New Jersey provider, will my health information about the abortion be confidential?

Maybe. It will depend on who is asking for the information, how they ask, whom they ask, and where the information is stored. The bottom line is that confidentiality of medical information is not guaranteed. See Qs. [14–19](#), below.

14. Can health care providers, health plans, health insurers, and processors of health information in New Jersey disclose information related to my legal abortion in New Jersey?

Probably not. New Jersey recently enacted a [law](#) that increases protections for patient information relating to reproductive health services.

The new law covers health care providers, health plans and insurers, and/or processors of information received from a health care provider and/or health plan/insurer. These are collectively called “Covered Entities.” Under the new law, Covered Entities in New Jersey are required to get the patient’s written consent before disclosing information related to reproductive health services in any civil, legislative, or administrative proceeding. At or before the time reproductive health services are provided, Covered Entities must tell patients that they do **not** have to consent to the disclosure of their information.

If you have legal questions about access to reproductive health services in New Jersey, you can call **862-926-6565** and let us know how to reach you for a callback. This is not an offer of legal representation.

The New Jersey law does not eliminate all risk, however. It is new and has not been tested in court. It does not prevent Covered Entities from sharing reproductive health information for the purpose of treatment, payment, or health care operations. For example, a reproductive health provider in New Jersey is still allowed to share your health information with your other health care providers. If you do not want your provider in New Jersey to share with other providers, you should ask them not to. Moreover, the new law does **not** protect reproductive health information that is in the possession of an entity other than a Covered Entity—such as a search engine, an app, bank or credit card companies, or servers that contain a person’s text messages or other personal communications. If those entities decide to provide such information, they can do so. Entities in New Jersey cannot, however, be forced to do so. See [Q.15](#).

15. Can public entities and employees in New Jersey cooperate in investigations into my legal abortion in New Jersey?

They should not. In some cases, an out-of-state prosecutor or private litigant might make a demand through a subpoena or court order for information about abortions that are legal in New Jersey. Subpoenas or court orders from outside New Jersey are generally only enforceable with the cooperation of the New Jersey courts. But [another new law](#) prohibits New Jersey public employees and entities, including New Jersey courts, from helping to enforce such an out-of-state subpoena or court order. New Jersey courts and prosecutors may not always be able to tell when an out-of-state investigation relates to a legal abortion, but if they can tell, they may not assist in the investigation. Without assistance from the New Jersey courts, out-of-state investigators will not be able to force anyone in New Jersey to comply with their demands for information.

To summarize, if a person from out of state seeks information in New Jersey related to reproductive health services that are legal in New Jersey:

- Covered Entities in New Jersey are prohibited from sharing such information without the patient’s consent.
- Public entities and employees in New Jersey are prohibited from assisting with such an investigation.
- Entities in New Jersey that are not Covered Entities are **not** prohibited from sharing such information.
- Entities in New Jersey that are not Covered Entities but which do not want to share such information should be able to effectively resist complying with demands for information from those conducting the investigation.

16. Does it matter for protection of my health information whether I am a resident of New Jersey?

If you have legal questions about access to reproductive health services in New Jersey, you can call **862-926-6565** and let us know how to reach you for a callback. This is not an offer of legal representation.

These protections make no distinction between patients who are residents of New Jersey and people who travel to New Jersey from other states to receive reproductive health services.

17. What if my health information is stored outside New Jersey?

If your health information is stored outside New Jersey, such as in a commercial database for sharing electronic medical records (for example, MyChart or Athena Health), those records may be subject to disclosure in other states based on those states' laws.

If your health information is shared with your other medical providers—such as your primary care physician in your home state—the information may be accessible through the provider in your home state.

18. Does HIPAA help me?

The Health Insurance Portability and Accountability Act (“HIPAA”) is a federal law regarding the privacy of medical information. HIPAA generally requires that protected health information remain confidential, but HIPAA permits disclosure of such information, **without** the patient's consent, pursuant to court orders, subpoenas, and other similar legal process. Therefore, HIPAA will not protect the confidentiality of health information that is electronically stored in other states and is subject to lawful subpoenas or court orders in those states. The Federal Department of Health and Human Services has issued [relevant guidance](#) on HIPAA and its exceptions.

19. What if I pay for the abortion with a credit card, debit card, or electronic payment system such as Apple Pay or Venmo? Will my financial information be confidential?

The financial entities that hold information about your transactions are not “Covered Entities” (which include only health providers, health insurers or plans, or data processors for providers, insurers, or plans). Financial entities are therefore **not** covered by the New Jersey law that prevents Covered Entities from disclosing information about reproductive health services that are legal in New Jersey.

Public entities and employees in New Jersey are prohibited, however, from assisting in any out-of-state investigation into an abortion that is legal in New Jersey. This means that New Jersey courts will not help out-of-state prosecutors or others by demanding that any entity in New Jersey turn over your financial information related to a legal abortion.

Like other electronic records stored outside New Jersey, however, financial information stored in other states may be subject to disclosure demands under the laws of the states where they are stored.

If you can afford it, paying with actual cash is safer than paying with credit or debit cards or apps such as Apple Pay or Venmo.

If you have legal questions about access to reproductive health services in New Jersey, you can call **862-926-6565** and let us know how to reach you for a callback. This is not an offer of legal representation.

You should consult with a lawyer if you are worried about privacy issues.

CRIMINAL AND CIVIL LIABILITY IN OTHER STATES FOR ABORTIONS IN NJ

20. What is the abortion law in my state?

If you are not sure what the law of your state is, you can check the resources in [Q.6](#), which compile and describe state abortion laws.

21. If I am traveling to New Jersey for an abortion because the state where I live has a ban, can I be sued or prosecuted when I go back to my state?

Your home state should not be able to punish you for having an abortion that was legal in New Jersey, but there are no guarantees you'll be safe from attempts to punish you. See [Q.6](#).

At this time, no state law allows private citizens to sue people for having abortions, but some states have passed laws that allow private citizens to sue abortion providers or others who help people from those states get abortions in violation of the laws of those states.

If you are traveling to New Jersey from a state that has imposed penalties for abortion, you should consult with a lawyer about the potential consequences of traveling out of state.

- If you want legal advice because you are concerned about arrest for abortion or have been contacted by law enforcement, you can securely contact the [Repro Legal Helpline](#) for legal advice, free legal representation, and referrals to defense attorneys.
- If you have been charged with a crime because of or related to an abortion, you or your attorney can contact the [Repro Legal Defense Fund](#) for bail assistance, case assistance, referrals to medical experts, and more.
- If you are under investigation or charged with a crime related to your pregnancy or any pregnancy outcome, or a child welfare action has been opened related to your pregnancy or any pregnancy outcome, you can contact [National Advocates for Pregnant Women](#) (NAPW), which may be able to help by providing criminal or family defense support or by connecting you to an attorney. NAPW can be reached confidentially by leaving a detailed message at 212-255-9252 or [online](#).
- You can also call the number below.

22. I am not yet 18 years old. Are there special risks for me in traveling to New Jersey for an abortion?

So long as you are able to provide informed consent—meaning that you can understand the risks and benefits of the abortion and its alternatives—you can get a legal abortion in New Jersey. New Jersey law does not require you to notify or seek consent from a parent or guardian.

If you have legal questions about access to reproductive health services in New Jersey, you can call **862-926-6565** and let us know how to reach you for a callback. This is not an offer of legal representation.

As a legal matter, though, people under 18 years old may need their parent's or guardian's permission to travel. In some states, a person (even possibly a parent or guardian) could face serious risks for helping you travel for an abortion in another state. *It is therefore especially important to consult with a lawyer if you are under 18 and you want to travel to another state for an abortion.* You can contact the [Repro Legal Helpline](#) to try to talk to a lawyer or call the number below.

If you cannot travel to New Jersey but plan to go to a different state, you may want to look at [If/When/How's Judicial Bypass Wiki](#) for information about your rights and a map of state laws affecting minors' access to abortion.

23. I can't travel to New Jersey. Can a New Jersey provider prescribe medication abortion via a telemedicine appointment and mail it to me in my home state? If my home state has a ban, could I get in trouble for taking the pills at home? Could the provider get in trouble?

The law of the state where you (the patient) are located will generally control a prescription by telemedicine. Therefore, if your state has a law prohibiting abortion, or prohibiting or restricting medication abortion through telemedicine, then receiving a prescription for medication abortion in your state from a provider in New Jersey may expose you and the provider to significant legal risk.

Abortion continues to be legal in many states in addition to New Jersey, and you may be able to find care closer to home in another state where abortion is legal. To search for abortion providers throughout the United States, visit [abortionfinder.org](#) or [I Need an A](#).

If you want to learn more about access to medication abortion, you can check these websites: [Plan C](#), [Abortion on Demand](#), or [Aid Access](#). For medical information on how to manage a medication abortion safely, these [videos from Doctors Without Borders](#) may be helpful. You may also want to contact the [Repro Legal Helpline](#) and check this [information on your rights](#).

OUT-OF-STATE ABORTIONS FOR NEW JERSEY RESIDENTS

I'm from New Jersey but I'm staying/living right now in another state where abortion is illegal.

24. I need an abortion. What should I do?

The law of the state where you are located applies to your conduct in that state. You risk being criminally prosecuted if you are in a state where abortion is illegal, and the state allows prosecutions of patients. (Remember that many states criminalize only providers and helpers, not patients.) To learn more about your state's law, see the resources in [Q.6](#).

If you have legal questions about access to reproductive health services in New Jersey, you can call **862-926-6565** and let us know how to reach you for a callback. This is not an offer of legal representation.

If possible, you may want to travel to New Jersey or another state where abortion is legal. To search for abortion providers throughout the United States, visit abortionfinder.org or [I Need an A](#).

25. I'm not yet eighteen. Can I travel to find a legal abortion?

There are special risks for minors. See [Q.22](#).

26. Can a New Jersey provider prescribe me medication abortion via telehealth? Can they mail me the pills?

This involves significant risks. See [Q.23](#).

27. What if I have an abortion in a state where it's illegal, and then I return to New Jersey? Am I safe? Can I be sent back to the hostile state for prosecution?

If you have an abortion in a state where it's illegal, returning to New Jersey cannot guarantee your safety. New Jersey recently enacted a [law](#) that protects people in certain circumstances from being "extradited." The police in a state with an abortion ban cannot cross state lines to arrest you in a different state. Instead, the state with the ban must use a process called "extradition" to have you taken into custody in a different state and then transferred to their state to face the charges against you.

Under the law, New Jersey will not extradite a person for providing, receiving, assisting in, supporting, or traveling to obtain reproductive health services that are legal in New Jersey. But the law is new and has not been tested in court. Moreover, the law has an exception. New Jersey **will** extradite a person who was in the state making the extradition demand at the time of the alleged crime and fled that state. Therefore, if a ban state charges you with a crime related to an abortion that allegedly took place there, and the ban state asks New Jersey to send you back there for criminal prosecution, New Jersey law **will not prevent** your extradition. If there is a demand for your extradition, you should immediately talk to a lawyer. You can call the number below.

28. What if I cause my own abortion without involving anyone else? Is that illegal in states that ban abortion?

That will depend on the law of the state where you were located when you managed your own abortion. To learn more, contact the [Repro Legal Helpline](#) and check this [information on your rights](#).

29. If I have an abortion in a state with a ban, can I get in trouble with my school or employer?

In some states, employers and schools can discipline employees or students for having an abortion. Federal and state laws that prohibit discrimination on the basis of sex or pregnancy

If you have legal questions about access to reproductive health services in New Jersey, you can call **862-926-6565** and let us know how to reach you for a callback. This is not an offer of legal representation.

might stop your employer or school from taking action against you, but you'd need to take your employer or school to court, and that can be a long and uncertain process.

You should know that, generally speaking, neither an employer nor a school has the right to access your personal health information, but some small employers with self-funded health plans may be able to learn of a particular employee's use of health insurance for reproductive services.

If you experience discrimination or harassment in employment, education, or healthcare related to obtaining an abortion, contact [National Women's Law Center Legal Network for Gender Equity](#), which can assist you in finding legal assistance.

If you have legal questions about access to reproductive health services in New Jersey, you can call **862-926-6565** and let us know how to reach you for a callback. This is not an offer of legal representation.