

Although the United States Supreme Court ruled in *Roe v. Wade* in 1973 that abortion is a legal right protected by the Constitution, countless attempts have since been made to restrict abortion access, especially for young women. While parental involvement for abortion laws – either notification or consent – are intended to protect young women, they sometimes have the opposite effect, as not all adolescents are able to safely involve a parent or legal guardian in their decision to terminate a pregnancy.

Parental notice laws put the health of young women at risk

- More young women obtain second trimester abortions when parental involvement laws are in effect.¹ While abortion is among the safest medical procedures for women, the risk of complications increases as a pregnancy progresses.
- Some young women will go to extreme and unhealthy measures to keep a pregnancy a secret, according to the American Medical Association, such as running away, obtaining illegal abortions, or self-inducing abortions.²
- Requiring parental involvement can expose some young women to physical and emotional abuse. In one study, over half of young women who did not involve a parent in their decision to obtain an abortion indicated that they were afraid of abuse or eviction because of their pregnancy or decision to terminate. Many other women cited their parents' substance abuse or violence between parents as their reason for not involving a parent.³
- Major medical and public health associations, including the American Medical Association, American Academy of Pediatrics, American Public Health Association, American Medical Women's Association, Society for Adolescent Medicine, and other experts, agree that parental involvement laws do not, in fact, protect young people. The American Academy of Pediatrics states that "mandating parental notification does not achieve the intended benefit of promoting family communication, but it does increase the risk of harm to the adolescent by delaying access to appropriate care."
- Politicians cannot legislate good family dynamics. Parental involvement laws do not prevent potentially volatile and dangerous situations from arising once a young woman informs a family member of her intent to seek an abortion. Case in point: A 13-year-old girl in Massachusetts – a state with a parental involvement law – became pregnant after being raped by her mother's boyfriend. Fearing she could not face a judge in court, she informed her mother of her pregnancy. The mother responded by calling her a "slut" and kicking her out of the house.

Young women can make their own reproductive health care decisions

- The overwhelming majority of young women already notify a parent or trusted adult in their decision to obtain an abortion. In one survey, 61 percent of young women seeking abortions chose to involve at least one of their parents in their decision. Younger adolescents involve their parents at even higher rates. Seventy-four percent of 15-year-olds report that at least one parent knew about their decision to terminate a pregnancy. Among 14-year-olds, the number increased to 90 percent.³
- Illinois law allows adolescents to make their own decisions about many aspects of their health and to consent to a range of services, including sexually transmitted infection screening and treatment, contraception, Cesarean section, adoption, and prenatal care without parental notice or consent.
- Young women are able to make informed abortion decisions. Alternatively, one cannot claim that a young woman lacks the maturity to decide to have an abortion but is mature enough to give birth and raise a child.

Young women face barriers navigating the judicial bypass process

- The logistics to seek a waiver to bypass parental notification can be burdensome in the best of cases. However, as one moves outside of urban areas, few courts accept petitions and even fewer deal with them effectively.
- The bypass procedure all too often punishes pregnant youth, treating young women as criminal defendants rather than as people making civil requests.⁴

Parental notice law in Illinois

1995: Illinois General Assembly passes the Illinois Parental Notice of Abortion Act requiring women under the age of 18 to notify a parent, grandparent, step-parent living in the household, or legal guardian at least 48 hours before obtaining an abortion. The law requires only notification and not consent from the adult. Alternatively, the Act allows young women to seek a judicial bypass by asking permission from a judge to receive an abortion without parental notice. The law is never enacted because the Illinois Supreme Court doesn't issue rules on how the judicial bypass procedure would work.

July 2009: The U.S. Seventh Circuit Court of Appeals lifts the injunction on the Illinois Parental Notice of Abortion Act.

August 2009: The Illinois Department of Financial and Professional Regulation grants a 90-day grace period for health care providers to comply with the law.

October 2009: The American Civil Liberties Union of Illinois files a lawsuit in Cook County Circuit Court on behalf of medical providers and their patients. The plaintiffs argue that the law harms young women by inhibiting them from obtaining safe abortions or forcing them to carry their pregnancies to term. Furthermore, the ACLU claims that Illinois courts are not prepared to handle the judicial bypass procedure.

November 2009: The medical disciplinary board of the Illinois Department of Financial and Professional Regulation votes to begin full enforcement of the law after the 90-day grace period ends. Just hours after the decision, a Cook County Circuit Court judge grants a temporary restraining order that prevents the state from enforcing the law.

The Illinois Parental Notice of Abortion Act will not be enforced until further notice. Minors in Illinois currently face no restrictions to abortion access.

References

1. Joyce, T., Kaestner, R., and Colman, S. 2006. "Changes in abortion and birth and the Texas parental notification law." *New England Journal of Medicine* 354(10):1031-1038.
2. Council on Ethical and Judicial Affairs, American Medical Association. 1993. "Mandatory parental consent to abortion." *Journal of the American Medical Association* 269(1):82-86.
3. Henshaw, S.K., and Kost, K. 1992. "Parental involvement in young women's abortion decisions." *Family Planning Perspectives* 24:196-200.
4. National Partnership for Women and Families. 2008. "The Judicial Bypass: Report on a Meeting." Dec. 10, 2008. Washington, DC.

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Youth Speak Out

"I am deeply concerned about the adverse effects of the Parental Notice of Abortion Act in regards to young ladies and their reproductive health and decisions. No law, no act, no mandate holds the ability to facilitate the suggested dialogue that is implied by this law." —*Ryan, age 19, Peoria*

"I believe that this Act should be changed because most young women under the age of 18 in my community can't get notification from their mom, dad, or grandparent. I personally know someone that can't go to her mom because her mom will kick her out of the house." —*Brianna, age 15, Chicago*

"This Act infringes on many young women's basic human rights to privacy and confidentiality. Furthermore, parental notification laws put the health of young women at risk by making abortions more difficult to obtain, causing risky delay in receiving healthcare, and pushing some young people into volatile situations with potentially harmful consequences." —*Anali, age 17, Chicago*