

Barriers to Care: Implications of Requiring Parental Involvement for California Minors Seeking Abortions

Mandatory Parental Involvement Laws Across the United States

According to the Centers for Disease Control and Prevention's national statistics, most young women (75%) discuss sex and sexuality with at least one parent.ⁱ Healthy and open family communication decreases the likelihood that a young woman will experience an unintended pregnancy, and increases the likelihood that she will involve one or both of her parents in her pregnancy decisions.ⁱⁱ While parental involvement is desirable, legally mandated involvement in the form of parental consent or notification may not be a benefit to all minors. In situations where young women do not involve their parents, they often cite fear of disappointing their parents, fear of emotional and/or physical abuse, fear that the pregnancy would cause or exacerbate problems between their parents, or fear of being evicted from their home.ⁱⁱⁱ

Despite the potential for harm to young women that mandatory parental involvement laws pose, thirty-five states require some level of parental involvement in a minor's decision to have an abortion—either parental consent or notification. All of the 35 states that require parental involvement have an alternative process for minors seeking an abortion, such as a judicial bypass procedure, which allows a minor to obtain approval from a court, or involvement of an alternative family member. Additionally, most states that require parental involvement make exceptions under certain circumstances, such as obtaining an abortion in a medical emergency, or if the pregnancy was a result of abuse, assault, incest or neglect.^{iv}

Even with these exceptions, mandatory parental involvement can put young women's health at risk, as well as create an undue burden on healthcare providers, law enforcement, child welfare agencies, and courts.

- **Confidential services for reproductive healthcare are essential for reducing the risks of STIs, HIV/AIDS, pregnancy and abortions for sexually active young women.** In a survey of nearly 1000 young women, 59% indicated they would stop using all reproductive health care services if the law required that their parents be notified. However, only 1% reported that they would refrain from having sex.^v In a study of publicly funded family planning clinics, where many teens obtain reproductive health services, it was estimated that the pregnancies would increase up to 16 per 100 teens, births would increase up to 10 per 100 teens, and abortions would increase up to 3 per 100 teens if confidential services were not available.^{vi}
- **Mandated parental involvement creates delays in obtaining healthcare.** Although legal abortion is one of the safest medical procedures for women in the United States, the risk of complications significantly increase for each week after eight weeks gestation.^{vii} Studies have shown that enacting mandatory parental involvement laws results in a delay in obtaining health care^{viii} and an increase in second trimester abortions, especially among older teens who may wait until their eighteenth birthday to receive confidential services.^{ix} There may also be delays in obtaining care due to minors traveling to states that do not have parental involvement laws.
- **Young women can be overwhelmed by the judicial bypass system.** In a 2003 study of all Massachusetts minors seeking abortions, 10% utilized the judicial bypass.^x In order to obtain a court order waiving notification, a young woman who is already under the stress of deciding to end a pregnancy would need to navigate the complex and intimidating legal system: find the proper court, file forms with the court, schedule a hearing, and personally appear before a

The California Adolescent Health Collaborative (CAHC) is a public-private partnership with representatives from organizations throughout the state dedicated to improving adolescent health and well-being. In January, 2000, the CAHC released **Investing in Adolescent Health: A Social Imperative for California's Future**, California's first comprehensive strategic plan for adolescent health. One of the strategic plan's outcome areas is reproductive health. This policy brief is designed to help policy makers, service providers, and communities implement comprehensive, safe, and confidential reproductive health programs. Additional copies of this document are available at www.californiateenhealth.org.

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A Snapshot of California's Adolescents: Who Will Parental Involvement Laws Effect?

- California has a large and growing adolescent population, with over 2.3 million 14-17 year olds.^{xviii}
- Public health programs provide coverage for over a quarter of California's youth ages 12-17, with 27% enrolled in Medi-Cal or Healthy Families.^{xix}
- 13% of California adolescents have no health insurance.^{xx}
- 19% of California youth ages 10-19 live in poverty.^{xxi}
- Over 36,000 of California's adolescents ages 11-18 are in foster care.^{xxii}
- 2,300 California youth are in juvenile detention facilities.^{xxiii}

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judge. This process can take several weeks. Reports have documented that young women who make it to court sometimes face hostile judges who deny their petitions for arbitrary or ideological reasons.^{xi} Access to transportation is another barrier many teens face. Courts may be prohibitively far for teens in rural areas.

- **Judicial bypass creates increased demand on court systems.** Court personnel need additional support and training on judicial bypass provisions. A survey of Pennsylvania court clerks administered after the enactment of a parental notification law found that teenagers received accurate information about the bypass system in only 8 of 60 counties.^{xii}
- **Mandatory parental involvement creates increased demand on doctors.** Healthcare providers are required to follow a cumbersome process with additional government forms and waiting periods, which could interfere with their time available to provide the best care to their patients.

"Alternative Notification" as an Option?

In addition to mandatory parental notification with the option of judicial bypass, California is considering a third option: alternative notification. Under this option, if a pregnant teen seeking an abortion believes she cannot notify her parents, she may allege parental mistreatment in order to request that notification be sent to an alternative family member. Currently seven states allow notice to an alternative family member. However, California's option is unique in that it conditions alternative notification on an allegation of parental mistreatment.

- **When invoking California's version of "alternative notification," parents will likely be notified by law enforcement and/or child welfare, putting young women at risk of abuse.** Nearly half of pregnant teens who have a history of abuse report being assaulted during their pregnancy, most often by a family member.^{xiii} If a pregnant teen seeking an abortion believes she cannot notify her parents, she may allege parental mistreatment in order to request notification be sent to an alternative family member. She must write out a history of charges against her parents and provide the document to her physician, who must forward the teen's written statement to law enforcement and child welfare services. Law enforcement and/or child welfare may open a case to investigate the claims, and in doing so would contact the parents.
- **It is unclear how the alternative notification and judicial bypass provisions would be interpreted for youth in foster care or juvenile detention centers.**

Lessons Learned

Currently, minors in California are able to obtain reproductive health services without the consent of a parent, yet 79% of California's young women ages 14-17 report that their parents are aware of their sexual activity.^{xiv} Nationally, in states without mandatory parental involvement laws, the majority of young women (61%) still involve their parents in abortion decisions and for those 14 and under, that number rises to 90%.^{xv} In situations where adolescents do not involve a parent, the vast majority (81%) involve an adult in their decision, such as a healthcare professional, counselor, or clergy member.^{xvi}

The most prominent medical associations in California oppose parental notification laws including: the California Medical Association, the California Nurses Association, the American Academy of Pediatrics, California, and the American College of Obstetricians and Gynecologists, District IX, California. Nationally, the American Medical Association, the Society for Adolescent Medicine, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association have expressed opposition. International public health organizations, such as the World Health Organization and UNICEF, also oppose mandatory parental involvement.

Several research studies have shown that parental notification laws do not increase family communication. Instead, they appear to cause delays in receiving services, put young women at risk for abuse, and cause an undue burden on the medical and judicial systems. Young women are more likely to have better health outcomes when they are given the tools to make healthy and safe decisions, including access to comprehensive, medically accurate sex education and confidential low cost sexual health services. Parents need support in creating strong, caring families, with healthy and open parent-child communication.

Over the past two decades, California has experienced a substantial decline in teen birth rates, with a 46% decrease in the overall rate between 1991 and 2006.^{xviii} The interests of California's adolescents and their families are best served when we continue to invest in teen pregnancy prevention by implementing sound public policy to make abortions less necessary.

Acknowledgements

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