

Parental Involvement Laws: What Should Parents Know?

When a medical problem arises, most families consult a health care provider. Parents may be interested to know what major medical organizations have to say about parental involvement laws. While major medical organizations urge parents to be actively involved in the lives of their daughters, they do not support these laws. This fact sheet explains why.

WHAT ARE PARENTAL INVOLVEMENT LAWS?

“Parental Involvement (PI) law” is an umbrella term for both parental consent and parental notification laws. **Parental Consent** laws require one or both parents to give their written permission for their daughter to obtain an abortion. **Parental Notification** laws require one or both parents to be informed prior to their daughter obtaining abortion services. All states that enforce PI laws allow for a judicial bypass alternative if a teen is not comfortable obtaining consent or notifying her parent. Judicial bypass is a process by which a judge decides whether the teen is mature (i.e. competent) enough to make the decision herself or decides that obtaining the abortion without parental consent or notification would be in the teen’s best interest.

PARENTAL INVOLVEMENT LAWS EXIST IN MOST STATES

- 34 states currently enforce Parental Consent, Parental Notification, or both laws, while 7 states have PI laws that are currently enjoined by court order and not enforced.¹
- The number of states that have PI laws in effect has more than doubled since 1990.^{1,2,3,4,5}
- Only 14 of the 34 states with laws in effect allow an exception in the case of abuse, incest or rape.¹

MEDICAL PROFESSIONALS OPPOSE PARENTAL INVOLVEMENT LAWS

- 20 leading medical and health care organizations, such as the American Medical Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists, are opposed to PI laws and support a minor’s right to privacy in seeking abortion services.⁶
- Many of these leading organizations also have policies explicitly supporting parental involvement in adolescent health care, but not at the expense of a minor’s right to confidential care.^{7,8,9}

PARENTAL INVOLVEMENT LAWS CREATE HARMFUL DELAYS

- Doctors and researchers point to evidence that suggests that PI laws cause some teens to delay their abortions until the second trimester.^{10,11}
- Any delay in abortion leads to higher risk of complications from the procedure; every week past 8 weeks increases the risk of mortality by 38%.¹²

JUDICIAL BYPASS CAN CREATE UNNECESSARY DELAYS

- Some data highlight serious deficits in states’ preparedness to implement, or in some cases even comply with, bypass procedures, further delaying a teen’s access to abortion care.^{13,14}
- Interestingly, in states where it has been studied, most if not all judicial bypass petitions are granted, suggesting that most

minors are judged to be mature and competent to make the decision to have an abortion.¹⁵

IMPACT OF PARENTAL INVOLVEMENT LAWS ON TEEN ABORTION RATES DEPENDS ON WHERE A TEEN LIVES

- Studies of states where PI laws have gone into effect, but where teens could still travel to neighboring states for abortions, have found the resident minors' in-state abortion rate decreases after the PI law took effect. However, this decrease was offset by an increase in the resident minors' out-of-state abortion rate. As a result, the state resident minors' abortion rate *did not change*.^{16,17,18}
- As the number of states with PI laws in effect has grown, teens have fewer options to travel. Recent data suggests when traveling is prohibitive the resident minors' in-state abortion rate decreases.^{19,20}

IMPACT OF PARENTAL INVOLVEMENT LAWS ON PARENT-TEEN COMMUNICATION IS UNKNOWN

- Parent-daughter communication is slightly higher in states with PI laws.^{21,22} Yet, we know nothing about whether these laws improve the quality of parent-daughter communication, closeness, relationships or result in a more positive experience for the teen.
- Minors who do not talk to their parents about their abortion seem to have a good reason. They are more likely to report a history of violence or abuse in the home than minors who do share their abortion decision with their parents.²³

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