



## U.S. SUPREME COURT DECISIONS CONCERNING YOUNG WOMEN'S ACCESS TO ABORTION 1976-2006

- Bellotti v. Baird (I)*, 428 U.S. 132 (1976) The Court unanimously ruled that the district court should have abstained from deciding the constitutionality of a Massachusetts statute requiring parental consent until the state court had interpreted the statute. **The Court noted, however, that a state may, in some circumstances, require a minor to obtain parental consent before obtaining an abortion.**
- Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52 (1976) By a vote of 5-4, the Court struck down a requirement that an unmarried minor obtain the written consent of one parent before obtaining an abortion because the statute provided no alternative to parental consent such as a judicial waiver of the consent requirement. **The Court found that, although the State has broader authority to regulate the activities of minors, the State may not grant parents absolute veto power over the minor's decision.**
- Bellotti v. Baird (II)*, 443 U.S. 622 (1979) By a vote of 8-1, the Court invalidated a Massachusetts law that required a minor to obtain the consent of both parents before obtaining an abortion. Four Justices (Burger, Powell, Stewart, and Rehnquist) reasoned that the procedure for judicial waiver was unconstitutional because it required parental consultation before a minor could seek judicial waiver of parental consent. **The Justices concluded that if a State requires parental consent, it must provide a judicial bypass procedure where authorization for the abortion can be obtained, without parental consultation, if: 1) the minor is mature and well informed to make the abortion decision, in consultation with her physician, or 2) even if minor is unable to independently make the decision, the desired abortion is in the minor's best interests.**
- H.L. v. Matheson*, 450 U.S. 398 (1981) By a vote of 6-3, the Court held that the minor failed to allege or offer evidence of maturity and thus lacked standing to facially challenge a Utah statute requiring a physician to notify a minor's parent before providing an abortion. **The Court did not decide whether the statute would be unconstitutional as applied to a mature minor because the plaintiff had not alleged that she was mature.**
- City of Akron v. Akron Center for Reproductive Health [Akron I]*, By a vote of 6-3, the Court invalidated provisions of a city ordinance, including a provision that required parental consent for a minor to obtain abortion care. **The Court found that Akron's ordinance failed to expressly create a judicial bypass procedure as required by**

462 U.S. 416 (1983) *Bellotti II*.  
*Planned Parenthood Association of Kansas City, Mo. v. Ashcroft*, 462 U.S. 476 (1983)  
*Hodgson v. Minnesota*, 497 U.S. 417 (1990)  
*Ohio v. Akron Center for Reproductive Health [Akron II]*, 497 U.S. 502 (1990)  
*Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992)  
*Lambert v. Wicklund*, 520 U.S. 292 (1997)  
*Ayotte v. Planned Parenthood of Northern New England*, --U.S. --, 126 S. Ct. 961 (2006)

Decided with *Akron Center*. By a vote of 5-4, the Court upheld requirements that a minor obtain either parental consent or a judicial waiver. **Upon reviewing the language of the Missouri statute's bypass procedure, the Court concluded that the provision can be construed to avoid any constitutional infirmities.**

By a vote of 5-4, the Court invalidated a Minnesota law requiring notification of both parents without a procedure for judicial waiver of the notice requirement. However, by a vote of 5-4, **the Court upheld another provision that required two-parent notification but included a procedure for judicial waiver, as well as a 48-hour waiting period for minors.**

By a vote of 6-3, the Court upheld an Ohio statute that required a minor to notify one parent or obtain a judicial waiver, rejecting a facial challenge alleging that the burdensome judicial procedure did not fulfill the constitutional requirement of a meaningful bypass procedure.

By a vote of 5-4, the Court "retained and once again reaffirmed" the "essential holding" of *Roe v. Wade*, **striking down a spousal-notification provision. By a vote of 7-2, the Court upheld a one-parent consent requirement for minors with a judicial bypass, as well as provisions requiring physicians to provide patients with anti-abortion information, including pictures of fetuses at various stages of development, and requiring a mandatory 24-hour delay following these lectures.** The Court also upheld (8-1) a provision that required the filing of certain public reports.

In a *per curiam* opinion, the Court upheld the judicial bypass provision of a Montana statute requiring one-parent notification before a minor may have an abortion. **The Court held that a judicial bypass procedure requiring a minor to show that parental notification is not in her best interest is equivalent to a judicial bypass procedure requiring a minor to show that abortion without parental notification is in her best interest.**

By a vote of 9-0, the Court remanded a New Hampshire parental-notice statute that lacked a medical emergency provision and restated its precedent that abortion restrictions must contain an exception to protect women's health (including minors). **The Court chose not to directly rule on the constitutional questions at issue in the case, and instead returned the case to the lower courts to determine whether a limited, rather than total, injunction could cure the law's constitutional defect.**

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