

Restrictions on Young Women's Access to Abortion

Q: How are abortion restrictions dangerous to young women's safety?

A: Most young women talk with at least one parent when facing an unintended pregnancy. But some young women feel for various reasons—including abuse, rape, or incest—that they cannot tell a parent that they are pregnant. For example, forcing a young woman to tell an abusive parent about her decision to end a pregnancy can lead to family violence. Further, placing restrictions on young women's access to abortion can delay her from seeking earlier, safer care, thus putting her health at risk. Of course, most parents hope their daughters will seek out their advice and support, but responsible parents want, above all, for their daughters to be safe.

CURRENT STATE LAWS

- 43** states have parental-notice or -consent laws that restrict young women's access to abortion: AL, AK, AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WV, WI, WY.
- **22** states require parental consent: AL, AZ, AR, CA, ID, IN, KY, LA, ME, MA, MI, MS, MO, NM, NC, ND, OH, PA, RI, SC, TN, WI.
 - **16** states require parental notice: AK, CO, DE, FL, GA, IL, IA, KS, MD, MN, MT, NE, NV, NJ, SD, WV.
 - **5** states require both parental notice and consent: OK, TX, UT, VA, WY.
 - **11** states that have parental-notice and/or -consent laws permit other trusted adults to stand in for a parent: AZ, CO, DE, IL, IA, ME, NC, PA, SC, VA, WI.
 - **5** of these laws have been found unconstitutional and unenforceable: CA, MT, NV, NJ, NM.
 - **1** of these laws is currently not in effect: IL.

2010 ENACTED STATE LEGISLATION

1 state approved **1** ballot measure restricting young women's access to abortion: AK. (For more details, see 2010 Notable Developments.)

2010 FEDERAL ACTION

Anti-choice lawmakers in the House of Representatives reintroduced the so-called Child Interstate Abortion Notification Act, which would impose a complex patchwork of parental-involvement laws on states, doctors, and young women. The bill also would impose criminal penalties on anyone other than a parent—including a grandparent or minister—who accompanies a young woman across state lines for abortion care if requirements of the home state's parental-involvement law have not been met. The legislation garnered 130 cosponsors in the 111th Congress, nearly one-third of all House members.

2010 NOTABLE CASES

In September 2010, the Illinois Supreme Court denied an appeal by the anti-choice Thomas More Society to transfer a pending legal case related to the state's parental-notification law from a federal appellate court to the state supreme court. The case at issue was *Zbaraz v. Madigan* (2009). In *Zbaraz*, the Seventh Circuit Court of Appeals lifted a 1984 injunction that had theretofore enjoined the enforcement of Illinois' Parental Notice of Abortion Act of 1983. Although the Illinois General Assembly ultimately repealed the 1983 law, rendering the initial injunction moot, it passed a new parental-notification law in 1995. The 1995 law also was challenged on constitutional grounds, and the 1984 injunction remained in effect by agreement of the parties. In *Zbaraz*, the Seventh Circuit ruled the 1995 law constitutional and held that the law's judicial-bypass procedure was sufficient. In August 2009, the state Medical Disciplinary Board, the agency responsible for enforcing the court's ruling, was granted a 90-day moratorium to allow medical practitioners to become familiar with the requirements of the law. In November 2009, a state-court judge issued a temporary restraining order further postponing enforcement of the law. The order was issued in response to a lawsuit challenging the 1995 law's constitutionality filed by the American Civil Liberties Union of Illinois on behalf of the Hope Clinic for Women and Dr. Allison Cowett. The restraining order remains in effect at this printing, and the 1995 law has yet to be implemented.

continued on next page

This information is current as of October 31, 2010. For updated information, including detailed summaries of all referenced laws and legislation, please visit www.WhoDecides.org.

Restrictions on Young Women's Access to Abortion

continued on prior page



2010 NOTABLE DEVELOPMENTS

In August 2010, 55 percent of Alaska voters approved by ballot measure an anti-choice parental-notification law that requires "notice or consent" before an unemancipated minor can access abortion care. It includes exceptions for life and health and allows for a judicial-bypass option, but also would require that a young woman prove to have lived or been physically present in the state for at least 30 days before receiving care. After the same parental-notification language stalled in the legislature, proponents, including former Lt. Gov. Loren Leman and the Alaska Family Council, sought to enact it by referendum. Alaska is not the only state in which anti-choice activists are initiating measures to block young women's access to reproductive-health care; in California, after failing to get on that state's 2010 ballot, anti-choice activists launched their fifth recent attempt to pass a parental-involvement measure by ballot, this time aiming for the 2012 election.

This information is current as of October 31, 2010. For updated information, including detailed summaries of all referenced laws and legislation, please visit www.WhoDecides.org.