Requiring Parental Notice of Abortion in Illinois: The Perspective of Pregnant Teens

May 2011

Introduction

Parents, health care providers, and policymakers share the goal of preventing teen pregnancy. However, in the United States in 2006, 261,040 adolescents aged 17 and under became pregnant and 78,750 obtained an abortion.1 The most recent national data found that 87% of pregnancies among adolescents aged 15-17 were unintended and 39% of these pregnancies end in abortion. Among minors under age 15, 100% of pregnancies were unintended and 51% ended in abortion.2

Many adolescents who seek an abortion must comply with parental involvement (PI) laws that require minors under 18 to notify or obtain consent from a parent or guardian before obtaining an abortion. Currently, 36 states have a PI law in effect.3 The 1990s saw an increase in the number of states enforcing PI laws, dramatically influencing where minors could access independent abortion care.4 Recently, states are strengthening their existing laws by changing them from a notification to consent requirement or mandating such things as notarized parental consent signatures.

In 1995, Illinois passed the Parental Notice of Abortion Act, but it was quickly enjoined by the courts and has never been enforced. The Illinois law would require minors under the age of 18 to obtain written documentation of notification from an adult family figure (defined as: a parent, legal guardian, grandparent, or resident step-parent) before obtaining an abortion.5 Alternatively, a minor could seek judicial bypass to waive notification. Exceptions would exist for minors in an emergency situation or for those minors willing to testify to family abuse or incest.

In Illinois, 11,480 teens aged 17 and younger became pregnant in 2006 and 3,770 sought an abortion.1 Despite these numbers, teen voices are largely absent from policy debates about mandatory parental involvement. We conducted a study to better understand how Illinois teens would view the notification law if it went into effect. Here, we present research findings from our study of minors and decision-making around parental notification.

Background

Proponents of PI laws argue that the legislation protects the health and welfare of teens in light of the “often serious” and “lasting” medical, emotional, and psychological consequences of abortion.6,7,8 Proponents also argue that PI laws foster family unity, protect parental rights, and provide the minor with parental guidance and support.6,7,8 Opponents argue that mandated parental involvement does not further a minor’s best interests and can put minors at risk for harm, including family violence, housing insecurity, forced pregnancy continuation, unsafe or illegal abortion, or delay in obtaining an abortion with subsequent risk of medical complications.9,10,11

Within the medical community, there is broad support for a minor’s access to confidential reproductive health services. Twenty of the leading medical and health care organizations, including the American Medical Association, the American Academy of Pediatrics, the Society for Adolescent Medicine, the American College of Obstetricians and Gynecologists, and the American Public Health Association, have policies supporting parental involvement in adolescent health care, but not at the expense of a minor’s right to obtain confidential care when considering an abortion.12,13,14,15,16,17,18,19

Research has found that PI laws have little impact on minors’ abortion rates20 or parent-daughter communication.21 A 2009 comprehensive literature review revealed that the clearest impact of PI laws is an increase in the number of minors who travel outside of their home states to obtain abortion services in states where access is less restricted.20 Previous studies evaluating parent-minor communication have shown that a majority of parents are aware of their child’s decision to seek an abortion even in states where no PI laws exist.22,23
of minors who do not notify a parent, studies show that minors present a range of individual reasons for choosing not to do so. Data also suggests that good family functioning and communication prior to pregnancy can encourage dialogue once the pregnancy occurs.

Our Study: What Teens Had to Say
Against this background, we interviewed 30 pregnant minors aged 14 to 17 who were seeking abortions at three Chicago-area clinics in the summer of 2010. Three groups emerged: those who voluntarily told a parent or guardian about their abortion (n=14), those who did not tell a parent or guardian (n=9), or those who were pressured into telling a parent or guardian by outside circumstances or whose parents were notified by a third party (n=7).

We found the majority of participants in our study disagreed with a parental notification law, even though half had voluntarily told a parent in their own case. A number of complex and significant themes emerged in the interviews with the participants.

Negative Opinions on the Law

I. Loss of Reproductive Autonomy
The most prominent theme in our study reflected a fear that a notification law would threaten a teen’s reproductive autonomy. Throughout the interviews, participants emphasized the importance of a minor’s ability to make her own decisions about abortion and whether to involve a parent.

“Because they’re the ones [teens] who have to live with it and if they do choose to carry the baby full term, they’re the ones that have to raise the baby. It’s not the parents, it’s not the judge, it’s not the boyfriend. So, you know, you really have to think about that.” – age 17, did not tell a parent

“I feel like it is the teen’s decision overall, because it’s their body and their decision.” - age 16, told a parent under pressure

“I don’t really think somebody should make a decision that contains your body.” - age 15, told a parent under pressure

II. Loss of Privacy
Participants objected to the loss of privacy and lack of control over who would learn about their abortion. Participants also worried that forced disclosure about an abortion decision could result in judgment and damage to the parent-child relationship.

“Because they’re the ones [teens] who have to live with it and if they do choose to carry the baby full term, they’re the ones that have to raise the baby. It’s not the parents, it’s not the judge, it’s not the boyfriend. So, you know, you really have to think about that.” – age 17, did not tell a parent

“It was difficult deciding whether to tell them or not…you think they’re going to look at you differently or always have something in the back of their mind reminding them about it [the abortion].” – age 17, voluntarily told parents

“I think abortion is a lot more of a personal decision. I don’t really think it would be right, depending on the age of a person, to make them have to tell a parent.” – age 17, did not tell a parent

III. Continued Pregnancy
Many participants worried that parents, when notified, would prevent the pregnant minor from obtaining an abortion, forcing her to continue the unwanted pregnancy.

“…some people, it depends on, you know their relationship with their mother and their father. But some people will feel nervous telling them and it will take a lot of strength to get through the um, you know, the questioning. And I just, I don’t really think that it should be a law because it depends on, it’s their [teen’s] decision” – age 17, did not tell a parent

“I feel like it is the teen’s decision overall, because it’s their body and their decision.” - age 16, voluntarily told a parent

“I don’t really think somebody should make a decision that contains your body.” - age 17, did not tell parents

“…it’s the teenager that’s going to raise the baby, not the parents. And if the parents say like ‘oh no, you’re not having an abortion,’ then I guess a teen would have to have the baby.” - age 17, did not tell parents

“I know that my mother doesn’t agree with abortion so she probably would’ve affected my decision. She’d probably try to push me to adoption or something like that.” - age 17, did not tell parents
IV. Adverse Parent Reactions
Participants also feared other adverse parent reactions for minors, including possible emotional and physical abuse.

“Because all parents have different reactions and sometimes parents aren’t supportive of their teens and their decisions.”
— age 17, voluntarily told parents

“Some parents might overreact, might not understand, and then you could be dealing with a whole lot of stress. Everyone’s parents are different so I think it’s whatever you decide.”
— age 16, voluntarily told a parent

“You never know what’s going on in people’s household, making them tell their parents. I mean a lot of people’s parents are abusive physically or, you know, emotionally.”
— age 17, did not tell parents

“…depending on the household and family background, the parents’ or other family members’ reactions, may harm the person that is pregnant – go as far as kicking them out of the house or anger and confusion may cause them to lash out and hit the child. I don’t know, but I don’t think that’s [parental notification law] a good idea.”
— age 17, did not tell a parent

“Parents could take it out on them [teen] bad…you know mentally abuse them about it or even physically abuse them.”
— age 16, voluntarily told a parent

“It’s harder for some families to accept it [abortion]. Like my family, it was hard but eventually they came around. Some people’s parents aren’t the same.”
— age 17, voluntarily told parents

Positive/Ambivalent Opinions on the Law

I. Trusted Adults
Many of the participants saw value in discussing their abortion with a trusted adult, yet did not believe they should be required to tell a parent. They believed that involving other individuals might be helpful to a teen and could provide the teen with support throughout the process.

“Teens do have to tell somebody, it doesn’t necessarily have to be their own parent, it can be their guardian or somebody, you know, that can help them because it’s not something you can go through on your own.”
— age 15, voluntarily told a parent

“I chose to tell my boyfriend and his mother because those are the two people that I trust most to know… I think teens should be able to tell people that they trust and that’s not always your parent.”
— age 17, did not tell parents

“I think that parents can help them [teens] a lot with the process and support them. But then again, it’s the teen’s choice whether or not they decide to tell anyone and I don’t think it’s anyone else’s business.”
— age 17, did not tell parents

“That’s a big decision that you have to make. So you will need someone on your side.”
— age 17, voluntarily told a parent

II. Medical Well-being
A few participants expressed the idea that mandatory parental notification could benefit teens in the event that there were complications from the abortion procedure.

“That law…I mean, maybe they’re doing it for safety reasons, like what if something happens to somebody afterwards.”
— age 17, did not tell parents

III. Right to Know
A small number of participants indicated they thought that parents have a fundamental right to know about their daughters’ abortion decisions.

“Yes, I think there should be [a law] because people’s parents should know that they are pregnant or getting an abortion.”
— age 17, told parents under pressure

Thoughts on Judicial Bypass

I. Confusing and Stressful
The participants also believed that going before a judge to ask for waiver of notification through the judicial bypass process would be confusing, logistically difficult to manage, humiliating, and stressful. Several expressed a reluctance to
confide in a judge and felt the very process forced their pregnancy decisions into a public forum, in conflict with their desire for privacy and confidentiality.

"It's obvious because you're going before a judge for no reason... And people are going to wonder why, and it's kind of like — it kind of gives you away in a sense."
— age 17, voluntarily told parents

"I wouldn't want to talk to a judge about something that I think is personal and something that you can deal with on your own."
— age 17, did not tell parents

"Yeah I don't think I would go in front of a judge and you have all this stuff going on in your life... and you have to go sit in front of a judge and talk to him about getting an abortion? That's kind of crazy."
— age 16, voluntarily told a parent

"I mean, it may take more time away from you, you know, having to meet with a judge or what if the judge doesn’t agree with your decision, you know?"
— age 17, did not tell parents

Many of the participants expressed concern that judicial bypass would be logistically complex and difficult to access.

"...if you don’t know where to go, you don’t know how to make an appointment with a judge or... it’s hard. Especially if you’re like my age because I wouldn’t know what do. I would have no clue."
— age 17, voluntarily told parents

"If you don’t get a free lawyer, then you have to pay somebody. And then you have to go to a meeting with a judge and all of that takes more time."
— age 16, did not tell parents

II. Avoid at all Costs
Several of the participants were of the opinion that minors would go to extreme lengths to avoid the judicial bypass process altogether.

“They [pregnant teens] would probably be afraid [of judicial bypass] and would probably just keep the baby or, you know, do some other crazy stuff to get rid of it."
— age 16, told a parent under pressure

“...It's obvious because you're going before a judge for no reason... And people are going to wonder why, and it's kind of like — it kind of gives you away in a sense."
— age 16, voluntarily told a parent

“I think that’s when they [pregnant teens] just would probably ask someone to fake like they're their parents or their grandparents or guardian or something like that before they go in front of a judge and ask permission.”
— age 16, voluntarily told a parent

III. Should Be an Option
A few participants recognized that judicial bypass “should be an option” for teens that did not want to notify a parent.

“Yeah, I’m not fully agreeing with judicial bypass, but I think it would be better than to just say that a teen would have to tell their parent."
— age 17, did not tell a parent

“I guess judicial bypass would be okay if that’s the only way you could tell somebody else other than the guardian or biological mother.”
— age 17, voluntarily told a parent

Conclusions
As the policy debate surrounding parental notification in Illinois continues, it is important to consider the voices of the teens whose lives would be most affected by this law. These voices provide insight for policymakers across the country.

The youth in our study had strong opinions about retaining the right to decide who to tell about their abortion. Many participants cited concerns about reproductive autonomy, loss of privacy, and fear of forced pregnancy continuation.

Most participants saw the value in discussing their abortion decisions with a trusted adult, which is consistent with previous research findings that the majority of minors do talk to an adult about their abortion. However, many of the participants expressed the belief that pregnant adolescents should be able to make independent decisions about an abortion without involving an outside party such as a parent.

Given their attitudes toward decision-making, it is not surprising that most participants did not view judicial bypass favorably. In fact, the participants overwhelmingly believed the process would be confusing, logistically difficult, and stressful.

The participants’ opinions illustrate the importance of including the perspective of minors when debating PI laws. Understanding teens’ views may be a critical step for policymakers and advocates who wish to advance legislation that truly serves the best interest of youth.
The Section of Family Planning & Contraceptive Research thanks The Irving Harris Foundation for generously supporting our policy program.


