

Laws Requiring Parental Involvement in Abortion: Unnecessary and Potentially Harmful

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INTRODUCTION

Currently, 37 states have a law that requires some type of parental involvement (e.g., notification or consent) when a minor—a young person under age 18—seeks an abortion. Proponents of these laws argue that they improve meaningful family communication and health outcomes. However, research suggests that these laws are unnecessary and potentially harmful. Over the years, there have been a number of studies exploring the impact and implementation of parental involvement laws. In 2013, Illinois implemented its own law requiring parental notice when a minor seeks an abortion. Prior to this change, researchers at the University of Chicago conducted a study exploring the factors young people consider when deciding to involve a parent. Researchers interviewed 30 minors seeking abortion in Illinois in 2010. Given renewed attention to the impact of parental involvement laws, this brief revisits our original study and summarizes updated findings from the broader research literature.

Most young people already involve a parent or trusted adult in their abortion decision and are able to identify those who will support them

In our study, the majority of young women wanted to involve a parent or guardian when they were deciding to seek an abortion.¹ Additional research has shown that parents often become involved regardless of the law.^{2,3,4,5} When parents are not involved, young people often turn to trusted adults, friends and other family members instead.^{1,6,7} Our research and research from others' have found that the youngest adolescents are more likely to involve a parent and, in general, mothers are the adult most often involved.^{1,2,5,8} For example, one young woman in our study talked about her mother as her “best friend”, a person with whom she can talk through her decision, noting “she just helps me, makes me feel better.” Another young woman also felt she could be honest with her mother, “Because I knew, whatever my decision was, she would support me, and I knew not to hide—I knew I didn’t have to hide anything...we have a good bond.” The most common motivations for wanting to involve a parent arise from a desire for support or assistance, or the existence of a close relationship.¹ In general, young women want to involve parents and other adults who are an important part of their lives and who will support them, regardless of their decision to seek abortion.

Several young women in our study talked about the other trusted adults they consulted when making their decision. One young woman talked to the mother of her male partner, describing her as one of the “people that I trust most to know.” Another young woman wanted to get advice from her cousin who got pregnant around the same age and has two kids. Research shows that young women, like adult women, can identify where they will find support or assistance when they need to seek it.⁷ In one study, pregnant adolescents who chose not to communicate with parents were as satisfied with their pregnancy decisions as those who did consult with parents and received support; those who communicated with non-supportive parents were the ones more likely to express dissatisfaction with pregnancy decisions.⁶ A more recent study found that when young women involved a non-supportive parent, they were less likely to have confidence in their decision and more likely to anticipate difficulty coping.⁵ Research has also shown that young women’s initial assessments of who was most and least helpful in their abortion decision-making remained constant a year later.⁷

Young women who do not want to involve a parent give very specific reasons for why they believe it will be unhelpful or harmful

When describing reasons for *not* wanting to involve a parent, young women most commonly talk about a parent's absence in their life, damaged relationships, fear of harmful reactions, and an interest in preserving their own decision-making ability.^{1,4,9} For instance, minors with a troubled parent-daughter relationship described concerns based on fear of emotional or physical consequences and damaged relationships. One young woman in our study said her father "Would probably kick me out of the house, and he would be really mad." A number of participants noted a parent's limited role in their life as a motivation for excluding him or her. One stated: "He's really not that much involved with me anyway... I feel that he barely does—he barely lives up to his own responsibilities, which is me. He barely does what he has to do with me, so why should he know. That's how I feel. Why should I tell him?" As another young woman described, "To me [disclosing pregnancy and abortion] would start a whole lot of drama and right now, um, our relationship is like, is kind of on good terms, but it's not, so for me telling her this um, I think it like would go back down the drain."

One of our study's strongest findings was that among those young women who did not involve either parent, most were concerned that one or both parents would directly interfere with their decision to get an abortion – either by pressuring her to change her mind or, in the words of teens, "not let them" get one. One young woman described it this way, "[My mother] just told me, like, it's not right... and she told me like, if I did get pregnant, like, she told me she wouldn't let me have one."

Research has *not* shown that parental involvement laws lead to better health outcomes

A comprehensive literature review found few clear impacts of parental involvement laws on health outcomes when examining sexual activity and behavior, abortion rates, contraceptive use, birthrates, and pregnancy rates.¹⁰ Key findings included more minors traveling out of state to obtain an abortion in less restrictive settings and some delays among older minors who waited until they turned 18.^{10,11} Some research has shown a decrease in abortion rates, but not necessarily a decrease in birth rates. In fact, a study following implementation of a New Hampshire parental involvement law showed a slight decrease in abortions; however, public health records also showed a slight increase in teen births (which contrasted with declines in previous years and surrounding states).¹² Recent research in Illinois that reviewed medical records showed that implementation of the parental notification law was associated with a decline in the number of minors obtaining abortion and an increase in the proportion of minors whose parents were aware of their decision to seek abortion care.^{8,13} One of the studies did not find a change in levels of parental support for the decision, but acknowledged that some minors may have avoided abortion care after involving an unsupportive parent.⁸

More broadly, there is concern among the medical community that laws mandating parental involvement at the time of abortion can create risk of harm and a number of leading professional medical organizations oppose these laws. The American Academy of Pediatrics summarized the research in a recent policy statement and expressed concern that parental involvement laws can delay and obstruct pregnant adolescents' access to timely medical care and advice.¹⁴

Young people find the idea and practice of judicial bypass overwhelming and burdensome

In our research conducted before the Illinois law was enacted, young women expressed many concerns about judicial bypass when it was explained to them.¹⁵ Specifically, the young women described concerns with the practical logistics of navigating the court process as an adolescent, a fear that they would be identified in the process, and reluctance to confide in a judge and share personal information about her pregnancy and abortion decision. As one young woman described, "[You] do have to find a way to get [to court], especially if you don't drive or if you don't have any form of transportation. And ... it's hard to do, especially, too, if you don't know where to go [or] you don't know how to make an appointment with a judge... I wouldn't know what to do. I would have no clue. So it would make it a lot harder." Another explained, "I don't think I would go in front of a judge. ... 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." Some young women described efforts minors might undertake to avoid telling or judicial bypass, including unsafe abortion.

The responses of young people who have gone through judicial bypass in Texas support these concerns. Themes from the study interviews suggest that the process includes logistical barriers, unpredictability, and humiliation.⁹ Participants described the experience of going to the courthouse as “nerve-racking” and “intimidating.” The young people felt they had to “bare their lives” and explain why they wanted an abortion and could not obtain parental consent. As one young woman described, “The most difficult [part of the bypass] was talking to strangers about my problems and my life...telling them personal things I hadn’t told anyone else.” Nine months after her bypass was denied, another young woman described, “I um- [starting to cry] there’s really not a moment that I don’t think about it. It’s just something really, really hard and I don’t like thinking about it, but I constantly do. Especially the feeling of just being in a courtroom talking about it, it just made me feel really uncomfortable. The whole thing made me feel really uncomfortable.”

Encouraging parents to talk with their daughters about sexual and reproductive health earlier may be more likely to result in meaningful communication and support at the time of abortion.

Research findings and clinical experience suggest that energy would be better spent giving families the tools and resources to hold conversations about sexual and reproductive health and well-being. Young people turn to those they feel they can trust. For instance, some of our research has shown that young, non-pregnant women who talk with parents about other sexual health topics (birth control and STIs) are more likely to discuss abortion openly.¹⁶

Conclusion

Our research and that of others’ reveals the complicated lives of pregnant young people and suggests that they are the ones best able to identify the people in their lives who can help them make decisions about a pregnancy. These findings reinforce the need to listen to young people and support efforts to encourage positive family communication about sexual and reproductive health throughout adolescence. Ci3’s mission is to create a world in which all youth emerge into adulthood with agency over their bodies and futures. Ci3 supports policies that ensure young people can make reproductive health decisions for themselves.

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