

Parental Consent Laws Protect Teens

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From Opposing Viewpoints in Context

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On March 8 [2012], the U.S. House of Representatives Subcommittee on the Constitution heard testimony on the proposed Child Interstate [Abortion](#) Notification Act (CIANA). I was among those who testified in favor of the Act. CIANA would prohibit transporting a minor across state lines with the intent that she obtain an abortion without involving her parents as may be required by her home state. It also would require that abortion providers comply with the parental notification or [consent](#) laws of a minor's home state when performing an abortion on a non-resident minor. More controversially, CIANA would require 24 hours' notice to the girl's parents if she was not a resident in the state where the abortion is being performed. All of these requirements would be waived in the event of a medical emergency threatening the girl's [life](#) or if the girl certified that she was the victim of parental abuse.

The *New York Times* criticized the Act in an editorial titled "Yet Another Curb on Abortion." The editors called CIANA "mean-spirited," "constitutionally suspect," and "callous." It is none of these things. It is, in fact, a popular commonsense proposal that is fully constitutional.

Most Americans Support Parental Consent Laws

There is a national consensus in favor of parental involvement laws, notwithstanding the controversial nature of abortion laws more generally. For more than three decades, polls have consistently reflected that over 70 percent of Americans support [parental consent](#) laws. Most recently a Gallup Poll released July 25, 2011, showed that 71 percent of Americans support a law requiring parental consent prior to performance of an abortion on a minor. According to a 2009 Pew Research Poll "Even among those who say abortion should be legal in most or all cases, 71% favor requiring parental consent."

Forty-five states have passed laws requiring parental notice or consent, although only thirty-seven states' laws are in effect at the moment due to constitutional challenges by abortion rights [activists](#). And the weakest of these laws allow notice to or consent by other adult relatives of girls seeking abortion.

Various reasons underlie the popular support of these laws. As [US Supreme Court] Justices [Sandra Day] O'Connor, [Anthony] Kennedy, and [David] Souter observed in *Planned Parenthood v. Casey* [in 1992], parental involvement laws for abortions "are based on the quite reasonable assumption that minors will benefit from consultation with their parents and that children will often not realize that their parents have their best interests at heart."

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The *New York Times* editorial disputed this claim, criticizing CIANA on the basis that teens "have reason to fear a violent reaction" and will "resort to unsafe alternatives."

These objections are repeatedly voiced by abortion activists. Yet they ignore published studies, many of them by the Guttmacher Institute, a research institute founded by Planned Parenthood, demonstrating that less than half of pregnant teens tell their parents of their pregnancy and very few experience ill effects from the disclosure.

Few Teens Face More than Parental Disappointment

According to a national study conducted by researchers associated with Guttmacher, disappointment is the most common response of parents who learn that their teen daughter is pregnant, and almost no parent responds with violence. Teens reported an increase in parental stress as the most common consequence of disclosing their pregnancy. Less than half of one percent of the teens reported that they were "beaten."

The claim that minors will resort to unsafe alternatives is equally bogus. A 2007 study of self-induced medical abortions reported no cases involving children or adolescents. Similarly, notwithstanding the fact that parental involvement laws have been on the books in various states for over thirty years, there has been no case in which it has been established that a minor was injured as the result of obtaining an illegal or self-induced abortion in an attempt to avoid parental involvement.

What has been established, however, is that many teen pregnancies are the result of coercion and statutory rape. National studies reveal that almost two thirds of adolescent mothers have partners older than twenty years of age. In a study of over 46,000 pregnancies by school-age girls in California, researchers found that 71 percent, or over 33,000, were fathered by adult post-high-school men who were an average of five years older than the mothers. Perhaps even more shocking was the finding that men aged twenty-five years or older father more births among California school-age girls than do boys under age eighteen. Parental involvement laws are just one way the law can attempt to protect young girls from the predatory practices of some men.

Mandatory Reporting Laws

Mandatory reporting of statutory rape and other sex crimes is another. Yet as evidenced by recent news stories, some abortion providers refuse to comply with reporting laws. Instead of reporting underage sex to state authorities who can then investigate and protect a girl from future abuse, clinics intentionally remain ignorant of the circumstances giving rise to the pregnancy. Clinics in Kansas have even gone so far as to argue in federal court that twelve-year-old children have a right to keep their sexual activities private and thus reporting laws are unconstitutional. Thankfully this absurd claim was rejected, but only on appeal from a district court ruling embracing the clinics' argument.

In addition to providing some protection against sexual exploitation of minors, the Supreme Court has identified three ways in which teens may benefit medically from parental involvement. First, parents are more likely to have greater experience in selecting medical providers and thus be able "to distinguish the

competent and ethical from those that are incompetent or unethical." This benefit should not be lightly ignored, as evidenced by the horrific practices engaged in by Kermit Gosnell in Philadelphia, an abortion provider currently being prosecuted for multiple murders in connection with his abortion practice.

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Second, parents can provide additional information about the minor's medical history—information a minor may not know, remember, or be willing to share. This can be particularly important where there is a history of depression or other mental disorder that may impact the minor's post-abortion psychological health. While claims of "post-abortion trauma" are hotly disputed, no one questions that [women](#) with a history of depression may be more susceptible to post-abortion mental health problems.

Finally, parents who know their daughter has undergone an abortion can more readily identify any post-procedure problems such as infection or hemorrhaging—two of the most common post-abortion complications. If caught early, both infection and hemorrhaging can be dealt with easily, but if ignored, either can lead to other complications or even death.

The Medical Emergency Objection

Opponents of CIANA argue that the Act would endanger teen health, and they criticize the emergency exception to parental involvement, which is limited to the life of the minor. This objection, like the other objections, ignores reality and constitutional precedents. In the five years between 2005 and 2010, the Wisconsin Department of Health reported almost 3,200 abortions performed on minors. Not a single one involved a medical emergency. During the same five years in Alabama, where over 4,500 abortions were performed on minors, only two involved a medical emergency. In Nebraska, of the 13,596 abortions performed on all women from 2005 to 2010, only three involved a medical emergency.

Evidence shows that of all teens obtaining abortions, only a tiny fraction of one percent occur in emergency circumstances. In *Gonzales v. Carhart*, the United States Supreme Court upheld the constitutionality of the federal partial-birth abortion ban that contained a similarly narrow emergency exception, in part because of evidence that no broader exception was necessary.

Independent of the fact that such emergencies are so rare, it is precisely in these circumstances, when a teen's life or health is threatened by a pregnancy, that parental involvement is most needed and most helpful.

Interstate Notification Law Is Necessary

It is beyond dispute that young girls are being taken to out-of-state clinics in order to procure secret abortions. Abortion clinic operators in states without parental involvement laws routinely advertise in neighboring states where clinics must obtain parental consent or provide parental notice. For example, abortion providers in Granite City, Illinois have advertised Illinois's absence of any parental involvement

