

Adolescents & Parental Notification for Abortion

What can California Learn from the Experience of Other States?

About this Brief

Rates of pregnancies, births, and abortions among adolescents in the U.S. have declined significantly over the past decade.

The U.S. pregnancy rate for 15 to 17 year olds declined over 30% between 1991 and 2000, from 80 to 48 per 1,000 women. The birth rate declined as well: from 39 to 22 per 1,000 women aged 15 to 17 between 1991 and 2004.^{1,2}

- These declines resulted from a combination of delayed sexual activity and increased contraceptive use among adolescents.³
 - Between 1988 and 2002, the percent of adolescent women ages 15 to 17 who have ever had sexual intercourse declined from 37% to 30%.⁴
 - Between 1995 and 2002, the percent of adolescent women ages 15 to 17 that used contraception at most recent intercourse increased from 71% to 83%.⁵
- The abortion rate for adolescents also declined significantly. Between 1991 and 2000, the abortion rate fell over 36%: from 24 to 14.5 per 1000 women ages 15 to 17.⁶

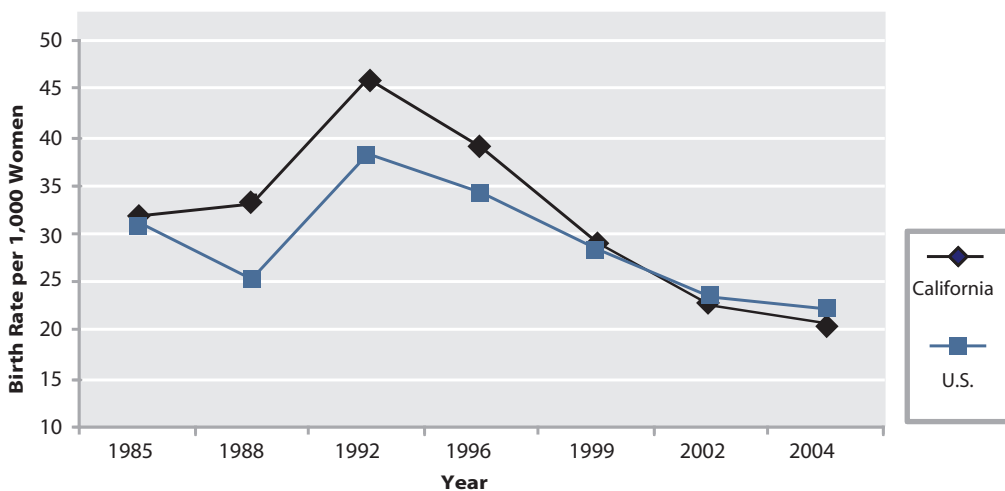
California's adolescent pregnancy rates declined even more steeply than those in the rest of the country.

California's adolescent pregnancy rate fell by 46% over the past decade: from 102 to 55 per 1,000 women aged 15 to 17, representing the second largest decline in the country (Hawaii's rate fell by 47%). Furthermore, the teen birth rate fell by 41%, from 46 to 27 per 1,000 women aged 15 to 17, and the estimated abortion rate fell by 50% for the same age group.⁷ As a result, California's adolescent birth rate now stands below the national average.

The decline in unintended pregnancy in California has been attributed to laws and policies promoting comprehensive, medically accurate sex education and confidential access to low cost family planning services.⁸ Continued promotion of these strategies, resulting in better contraceptive use by adolescents in California, averts an estimated 236,000 pregnancies to teens annually.⁹

Legislatures and voters in states across the country have passed legislation mandating that parents be notified of and/or give consent for their daughter aged 17 and under to seek abortion care. This brief provides information on such legislation, beginning with trends in pregnancy and abortion rates and the characteristics of adolescents having abortions. Next, it highlights research on parent-daughter communication about abortion decisions and on the effect of parental involvement requirements on abortion rates and the percent of abortions occurring after the 1st trimester. Finally, it details current laws in other states that limit adolescents' access to abortion through parental involvement requirements, and draws from existing research to suggest what California can learn from other states' experiences.

Trends in Adolescent Birth Rates (Ages 15-17), California vs United States¹⁰



Despite this tremendous progress, 1 in 5 sexually active adolescents aged 15 to 17 in the U.S. experiences an unintended pregnancy annually. In California, unintended pregnancies result in approximately 19,000 births, 16,000 abortions, and 7,000 miscarriages among 15 to 17 year olds each year.¹¹

Adolescents across all ethnic, racial, and socioeconomic groups seek abortion care. However:

- Socio-economically disadvantaged women living at or below 100% of the federal poverty level are over four times more likely than women not living below poverty to have an abortion.^{12, 13}
- Hispanic and African American adolescents have abortions at rates that are 2 to 3.5 times higher, respectively, than non-Hispanic white women, largely due to the fact that they experience higher pregnancy rates as well.¹⁴
- Older youth (aged 18 to 19) have abortions at 3.5 times the rate of younger adolescents (aged 15 to 17).¹⁵

Given these documented patterns, it is likely that poor adolescents and adolescents of color will bear a larger proportion of the likely impact of a parental involvement mandate.

Parental communication on issues related to sex is strong without mandates.

- Over 70% of young women in the US report discussing topics related to sex with their parents.¹⁶
- In California, the vast majority (79%) of young women ages 14 to 17 report that their parents are aware of their sexual activities.¹⁷

Most young women communicate with their parents about their decision to have an abortion.

Even without a government mandate, a majority (61%) of young women under age 18 report that at least one parent is aware of their decision to seek abortion care. Parental involvement is even higher among younger adolescents; over 90% of 14 year olds and 74% of 15 year olds report having at least one parent involved in their decision.¹⁸

A minority of young women choose not to involve their parents in their abortion decision, and they have valid concerns for doing so.

Over 30% of young women who choose not to involve their parents cite fear of physical harm, being kicked out of the house, or other abuse as part of their reason not to tell their parents.¹⁹ Many others report that they choose not to involve their parents because of a difficult family situation, including drug dependency, loss of jobs, health problems, and marital strain.²⁰

The Experience of Other States

Thirty-five states currently enforce parental consent or notification laws.

There is tremendous variation in laws by state. The table at the end of this document summarizes the current status of such laws. The recent increase in parental involvement legislation has come in concert with other forms of legislation designed to limit adolescents' access to safe and confidential reproductive healthcare. Recent studies suggest that this trend will negatively impact the health of adolescents. In one study, adolescents reported that they would discontinue using most reproductive health services if confidentiality is not guaranteed and furthermore would not refrain from having sex.²¹ Additional research documents that when teens fear that confidentiality is not guaranteed, they are less likely to disclose all pertinent medical history to their medical provider and less likely to return for necessary follow-up visits.²² In Texas, the loss of confidentiality associated with the recent enactment of a parental consent mandate for *contraception* led to an additional 5,300 births and 1,650 abortions to teens in the state, at a cost of over 43 million dollars.²³

Parental notification and consent laws delay minors' abortions.

Induced abortion is one of the safest medical procedures for women in the U.S.; however, the risk of complications increases if an abortion is delayed into the 2nd trimester. Adolescent women are most likely to experience such delays, as they take an average of one week longer to identify a pregnancy and two weeks longer to seek abortion care than adult women.²⁴ Parental involvement laws increase the likelihood of delay even further. For example, adolescents who obtained an abortion after Mississippi's parental consent requirements took effect were 10-20% more likely to do so in the second trimester.²⁵ The odds of a 2nd trimester abortion increased significantly for young women ages 17.5 and older after implementation of Texas' parental notification law, indicating that these women delayed their abortion care well into the 2nd trimester as a consequence of parental notification requirements.²⁶

Mandated parental notification does not increase parental involvement in adolescents' abortion decisions.

A comparison of adolescents visiting abortion clinics in states with (Minnesota) and without (Wisconsin) notification requirements demonstrates that adolescents involve their parents in their decision at similar rates (65% and 62%, respectively).²⁷ There is no evidence that a government mandate will positively increase the frequency or quality of communication between adolescents and their families.

Rather than encourage family communication, parental notification and consent laws will likely increase utilization of a judicial bypass option for adolescents who cannot involve their parents.

Young women can bypass parental involvement requirements by going before a judge. If the judge determines that parental notification is not in the best interest of the minor or that the minor is mature enough to make the decision on her own, the parental involvement requirement can be waived. In 2003, 540 adolescents in Massachusetts obtained a judicial bypass in order to obtain abortion care, representing nearly 10% of all adolescents having abortions in the state that year.²⁸

The court system may not be prepared to handle judicial bypass requests from adolescents, placing the adolescent at increased risk of a delayed and potentially riskier abortion.

A study of Pennsylvania's juvenile court system demonstrated that only 8 of 60 judicial court districts provided complete information to young women inquiring about the judicial bypass option.²⁹

Additionally, a study in Alabama found that a young woman's access to accurate information about the bypass option was largely subject to the knowledge and willingness of individuals in her local court to disclose the information.³⁰

The passage of parental notification and consent laws has been shown to increase the frequency with which adolescents travel out-of-state for abortion care.

Incomplete data on travel and out-of-state abortion rates make it difficult to quantify the complete impact of travel on abortion rates; nonetheless, it is estimated that:

- In the 20 months following implementation of Massachusetts' parental consent law, half as many minors obtained an abortion as had done so prior to the law's implementation. During this same time period, more than 1800 minors (88% of the decrease in abortions) traveled to 5 neighboring states to have an abortion.³¹
- In Mississippi, the abortion rate among minors did not significantly decline (<3%) after the state's parental consent law was implemented. Abortions occurring both in-state and out-of-state were included in the rate.³²
- After Missouri implemented its parental notification law, the in-state abortion rate for women under age 18 fell by 20%. During the same time period, the likelihood that a woman in this age group traveled out of state to obtain abortion care increased by 52%.³³

Parental notification laws have not been shown to change the age dynamics of relationships.

Three-quarters of young women in the US choose sexual partners who are within three years of their own age.³⁴ There is no evidence to support the claim that parental involvement laws will change the age dynamics of relationships or identify increased cases of sexual abuse. For example, after implementation of parental involvement laws in Texas and Arizona, the proportion of births to teen mothers involving significantly older fathers did not change. In 1999, 7.6% of fathers in births to mothers aged 17 and under in Texas were significantly older (≥ 25 years). By 2003, three years after implementation of the state's parental notification requirements, that number had not changed significantly (7.2%).³⁵

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Conclusions: Over the past decade, California has been at the forefront of successful efforts to reduce teen pregnancy and abortion rates.

The state supports comprehensive family life education including key messages about both abstinence and contraception, and ensures the provision of contraceptive services for teens in a confidential manner. Adolescents in California are reporting delayed sexual activity and increases in contraceptive use. As a result, fewer adolescents experience unintended pregnancy and abortion each year. Requiring parental notification will not prevent abortion or the need for abortion, nor will it improve minors' communication with parents about abortion decisions, as evidenced by research from other states. This research also suggests that parental notification can have the negative consequence of putting adolescents' health at risk by delaying and otherwise complicating access to care.

State laws – August 2006³⁶

	Require Parental Involvement		Alternatives		Exceptions	
	Consent	Notification	Judicial Bypass	Other Adult Relatives	In Medical Emergency	In Cases of Abuse, Assault, Incest, & Neglect
Alabama	X		X		X	X
Alaska	Enjoined*					
Arizona	X		X		X	X
Arkansas	X		X		X	X
California	Enjoined					
Colorado		X	X		X	
Delaware		X (age <16)	X	X	X	
Florida		X	X		X	
Georgia		X	X		X	
Idaho	Temporarily Enjoined					
Illinois		Enjoined				
Indiana	X		X		X	
Iowa		X	X	X	X	X
Kansas		X	X		X	X
Kentucky	X		X		X	
Louisiana	X		X			
Maryland		X	X			
Massachusetts	X		X			
Michigan	X		X		X	
Minnesota		X (2 parents)	X		X	X
Mississippi	X (2 parents)		X		X	
Missouri	X		X			
Montana		Enjoined				
Nebraska		X	X		X	X
Nevada		Enjoined				
New Hampshire		Enjoined				
New Jersey		Enjoined				
New Mexico	Enjoined					
North Carolina	X		X	X	X	
North Dakota	X (2 parents)		X		X	
Ohio	X		X		X	
Oklahoma		X	X		X	
Pennsylvania	X		X		X	
Rhode Island	X		X			
South Carolina	X (age <17)		X	X	X	X
South Dakota		X	X		X	
Tennessee	X		X		X	X
Texas	X		X		X	
Utah	X	X	X		X	X
Virginia	X		X	X	X	X
West Virginia		X	X		X	
Wisconsin	X		X	X	X	X
Wyoming	X		X		X	
Total	22	13	34	6	30	12

* Courts in nine states have permanently or temporarily blocked enforcement of parental involvement laws. In most instances, state courts determined that the law violated the state's constitution.

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