



Real Facts about the Illinois Parental Notice of Abortion Act of 1995 October 2009

The American Civil Liberties Union of Illinois has filed a lawsuit in state court requesting an injunction against the Illinois Parental Notice of Abortion Act of 1995, asserting that the Act harms young women seeking abortions in serious and irreversible ways and violates protections afforded under the Illinois Constitution.

- Some argue that forced parental involvement laws simply encourage family communication – something we all want. However, the notion that one can force such communication is based on false assumptions that ignore the realities of life for many teens and the lasting injuries resulting from the enforcement of these laws.

Rarely heard in this debate are these undisputed facts:

- Most young women tell a parent about an unplanned pregnancy – indeed, the younger a teen, the more likely she is to involve a parent.
- Those who do not tell a parent usually involve another close family member or trusted adult.
- When a teen does not tell her parents, there are strong reasons, including: fear of physical or emotional abuse or of homelessness, fear of being forced to bear a child against their will, or other significant problems within the family such as a parental illness.

Forced parental involvement does nothing to increase or enhance family communication, and research shows that those young women who would not otherwise have involved their parent are most likely to suffer negative and harmful consequences.

- **Illinois' Parental Notice of Abortion Act's alternative of a "judicial bypass," where a young woman must go to court and ask for a judge's permission to have the abortion without notifying a parent, is of little comfort and can compound the harms that plague these young women.**

Many teens are deterred from going to court.

- They face significant logistical hurdles trying to avail themselves of the process – such as arranging for time away from school or home when their absence is least likely to raise suspicions.
- They are terrified of going to court and of having to tell the most intimate details of their life to a total stranger who wields absolute authority over this most critical decision.
- They fear having their confidentiality breached in the courthouse – which could lead to the very harm they seek to avoid.
- Abused teens will not share this information with a judge – often out of fear or shame.

The bypass process subjects teens to harm for no purpose.

- In Massachusetts, for example, where there has been a parental involvement law since 1981, courts have heard nearly 20,000 bypass requests – only 2 have been denied and nearly all have been granted on the ground that the young woman is mature enough to make her own decision without involving her parents.

- A Minnesota judge who hears bypass requests has denied only 1 in more than 600 cases, and in that case, the young woman came to court *with* her mother (Minnesota requires notification to both parents, and the young woman was seeking permission not to involve her long-estranged father).

Even the best run bypass process places a young woman at risk for having her abortion decision revealed to those who know her and inherently creates medically risky delay.

➤ **The Parental Notice of Abortion Act ignores the human cost of these restrictions on young women. Health care providers in Illinois have seen young women from other states who took extreme steps in order to avoid telling a parent about their pregnancy:**

- One young woman picked a fight with her brother so he would punch her in the stomach, in hopes of triggering a miscarriage.
- Another young woman threw herself down the stairs in hope of disrupting the pregnancy.
- Becky Bell from Indiana was so desperate to end her pregnancy without her parents' knowledge that she had an illegal abortion and died from complications.

➤ **Illinois' dangerous restrictions are irrational.**

Illinois law permits pregnant minors to make all other medical decisions – even those involving far greater risk than a safe, legal abortion – without involving a parent or going to court.

A pregnant minor can decide to continue her pregnancy and give birth, can consent to far riskier medical care, such as a cesarean section, and can place her child for adoption, all without involving a parent.

- The law's irrationality is highlighted by the following example: A pregnant minor, who takes medication for a preexisting medical condition such as epilepsy, can stop taking her medication, potentially putting her own health in jeopardy; can continue to take her medication potentially putting her fetus at risk; or terminate her pregnancy. Under the Act, the minor can choose the first 2 options without involving a parent; it is only if she chooses the third options – to keep taking her medication and terminate her pregnancy – that the State requires parental involvement.

➤ **Every leading medical organization publicly opposes forced parental involvement laws because they impose serious and irreversible harms with no justification. They include:**

The American Medical Association
 The American Academy of Pediatrics
 The American College of Obstetricians and Gynecologists
 The Society for Adolescent Medicine
 The American Public Health Association

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These unjustified restrictions cannot withstand scrutiny under the Illinois Constitution, which grants broader protections than its federal counterpart.