

Parental Involvement in Minors' Abortions

BACKGROUND: A majority of states require parental involvement in a minor's decision to have an abortion. Most of these states require the consent or notification of only one parent, usually 24 or 48 hours before the procedure, but a handful of states require the involvement of both parents. Some states require the parental consent documentation to be notarized. On the other hand, several states allow grandparents or other adult relatives to be involved in place of the minor's parents. Moreover, because the Supreme Court has ruled that states may not give parents an absolute veto over their daughter's decision to have an abortion, most state parental involvement requirements include a judicial bypass procedure that allows a minor to receive court approval for an abortion without her parents' knowledge or consent. Some states require judges to use specific criteria when determining whether to grant a waiver of parental involvement. These criteria vary by state, but can include the minor's intelligence, emotional stability and understanding of the possible consequences of obtaining an abortion. Also, a significant number of states require the judge to find "clear and convincing evidence" that the minor is sufficiently mature or that the abortion is in her best interest prior to waiving the state's parental involvement requirement. This is a stricter standard than is generally required in civil cases. Finally, many parental involvement requirements are waived if there is a medical emergency or the minor is the victim of abuse or neglect.

HIGHLIGHTS:

- 37 states require parental involvement in a minor's decision to have an abortion.
 - 21 states require parental consent only, 3 of which require both parents to consent.
 - 11 states require parental notification only, 1 of which requires that both parents be notified.
 - 5 states require both parental consent and notification.
 - 7 states require the parental consent documentation to be notarized.

- 36 states that require parental involvement have an alternative process for minors seeking an abortion.
 - 36 states include a judicial bypass procedure, which allows a minor to obtain approval from a court.
 - 5 states require judges to use specific criteria, such as a minor's intelligence or emotional stability, when deciding whether to waive a parental involvement requirement.
 - 13 states require judges to use the "clear and convincing evidence" standard that the minor is mature and the abortion is in her best interest when deciding whether to waive parental involvement requirement.

- 6 states also permit a minor to obtain an abortion if a grandparent or other adult relative is involved in the decision.

- Most states that require parental involvement make exceptions under certain circumstances.
 - 33 states permit a minor to obtain an abortion in a medical emergency.
 - 15 states permit a minor to obtain an abortion in cases of abuse, assault, incest or neglect.



Advancing sexual and reproductive health worldwide through research, policy analysis and public education.

125 Maiden Lane
New York, NY 10038
212.248.1111
www.guttmacher.org
info@guttmacher.org

1301 Connecticut Avenue, N.W.
Washington, DC 20036
202.296.4012
www.guttmacher.org
policyworks@guttmacher.org

© 2012, Guttmacher Institute

CONTINUED

PARENTAL INVOLVEMENT IN MINORS' ABORTIONS

STATE	PARENTAL INVOLVEMENT			JUDICIAL BYPASS			OTHER ADULT RELATIVES	EXCEPTIONS	
	Consent Only	Notification and Consent	Notification Only	Available	Specific Criteria	"Clear and Convincing" Evidence		Medical Emergency	Abuse, Assault, Incest or Neglect
Alabama	X			X				X	
Alaska			X	X				X	X
Arizona	X*			X	X	X		X	X
Arkansas	X*			X				X	X
California	▼								
Colorado			X	X		X		X	X
Delaware			X ^{†,‡}	X ^{†,‡}			X [‡]	X [‡]	
Florida			X	X	X	X		X	
Georgia			X	X				X	
Idaho	X			X		X		X	X
Illinois			§	§			§	§	§
Indiana	X			X				X	
Iowa			X	X			X	X	X
Kansas	Both parents*			X	X	X		X	
Kentucky	X			X	X			X	
Louisiana	X*			X		X		X	
Maryland			X [†]						X [†]
Massachusetts	X			X				X	
Michigan	X			X				X	
Minnesota			Both parents	X				X	X
Mississippi	Both parents			X		X		X	
Missouri	X			X					
Montana			▼						
Nebraska	X*			X		X		X	X
Nevada			▼						
New Hampshire			X	X				X	
New Jersey			▼						
New Mexico	▼								
North Carolina	X			X			X	X	
North Dakota	Both parents			X		X		X	
Ohio	X			X	X	X			
Oklahoma		X		X		X		X	X
Pennsylvania	X			X				X	
Rhode Island	X			X					
South Carolina	X [†]			X [‡]			X [‡]	X [‡]	X [‡]
South Dakota			X	X		X		X	
Tennessee	X			X				X	X
Texas		X*		X				X	
Utah		X		X ^Ω				X	X ^ξ
Virginia		X*		X			X	X	X
West Virginia			X [†]	X*				X	
Wisconsin	X [†]			X*			X	X	X
Wyoming		X		X		X		X	
TOTAL	21	5	11	36	5	13	6	33	15

Note: Except where indicated, policies require the involvement of one parent.

▼ Enforcement permanently enjoined by court order; policy not in effect.

§ Enforcement temporarily enjoined by court order; policy not in effect.

* Requires parental consent documentation to be notarized.

† Allows specified health professionals to waive parental involvement in limited circumstances.

‡ While most states laws apply to all minors, Delaware's law applies to women younger than 16 and South Carolina's law applies to those younger than 17.

Ω The provision applies only to parental consent requirements.

ξ The provision applies only to the parental notice requirements.

FOR MORE INFORMATION:

For information on state legislative and policy activity, click on Guttmacher's [Monthly State Update](#), for state-level policy information, see Guttmacher's [State Policies in Brief](#) series, and for information and data on reproductive health issues, go to Guttmacher's [State Center](#). To see state-specific reproductive health information, go to Guttmacher's [Data Center](#), and for abortion-specific information, click on [State Facts About Abortion](#). To keep up with new state relevant data and analysis, sign up for the [State News Quarterly Listserv](#).

Warren JT, Harvey SM and Henderson JT, [Do depression and low self-esteem follow abortion among adolescents? Evidence from a national study](#), *Perspectives on Sexual and Reproductive Health*, 2010, 42(4):230–235.

Joyce T, [Parental consent for abortion and the judicial bypass option in Arkansas: effects and correlates](#), *Perspectives on Sexual and Reproductive Health*, 2010, 42(3):168–175.

Dennis A et al., [The Impact of Laws Requiring Parental Involvement for Abortion: A Literature Review](#), New York: Guttmacher Institute, 2009.

Jones R, Singh S and Purcell A, [Parent-child relations among minor females attending U.S. family planning clinics](#), *Perspectives on Sexual and Reproductive Health*, 2005, 37(4):192–201.

Dailard C and Richardson C, [Teenagers' access to confidential reproductive health services](#), *Guttmacher Report on Public Policy*, 2005, 8(4):6–11.

Jones RK et al., Adolescents' reports of parental knowledge of adolescents' use of sexual health services and their reactions to mandated parental notification for prescription contraception, *Journal of the American Medical Association*, 2005, 293(3):340–348.

Jones RK and Boonstra H, [Confidential reproductive health services for minors: the potential impact of mandated parental involvement for contraception](#), *Perspectives on Sexual and Reproductive Health*, 2004, 36(5):182–191.

Boonstra H and Nash E, [Minors and the right to consent to health care](#), *Guttmacher Report on Public Policy*, 2000, 3(4):4–8.

Saul R, [Using—and misusing—data on age differences between minors and their sexual partners](#), *Guttmacher Report on Public Policy*, 1999, 2(4):10–11 & 14.

Saul R, [The child custody protection act: a 'minor' issue at the top of the antiabortion agenda](#), *Guttmacher Report on Public Policy*, 1998, 1(4):1–2 & 7.

Henshaw SK, [The impact of requirements for parental consent on minors' abortions in Mississippi](#), *Family Planning Perspectives*, 1995, 27(3):120–122.