

PARENTAL INVOLVEMENT LAWS & THEIR EFFECTS ON ABORTION ACCESS FOR YOUNG PEOPLE

WHAT ARE PARENTAL INVOLVEMENT (PI) LAWS? WHAT IS JUDICIAL BYPASS?

Currently, 37 states require minors seeking an abortion to involve a parent through either parental consent or notification. Judicial bypass allows minors to petition a court for permission for an abortion without parental notification.

HOW DID WE EVALUATE THE EFFECTS OF PI LAWS?

We sought to evaluate the impact of PI policies and the judicial bypass process on minors seeking abortion services in three Southeastern states. RISE team members conducted one-on-one, in-person interviews with 34 people who worked at abortion facilities in three states. To include a wide range of perspectives, we interviewed personnel in a variety of roles, like scheduling, counseling, administrative reporting, and clinic management. We asked interviewees to describe processes for documenting parental consent or notification, patients' and parents' reactions to requirements, and any challenges faced in complying with legal and office requirements.

WHAT DID WE FIND?

Our analysis indicates that **PI laws may erode health services and quality** in four domains: efficiency, patient-centeredness, timeliness, and equity. Despite the challenges PI laws present, clinic personnel deliver quality care and comply with state regulations.

Efficiency

Personnel described extensive documentation required to prove a parent's relationship to a minor, and spending extra time preparing patients and parents over the phone to minimize delays due to missing documentation.

"[Our facility needs] at least the minor's birth certificate and at least the parent or guardian's ID... If the parent's ID says Jones and they were Wilson on the birth certificate, we ask for marriage, adoption, or divorce decrees as to why the name's changed to be sure that they're the same person."

Patient-centeredness

Personnel recognized the need to tailor services according to the needs of patients. For patients interested in judicial bypass, this included explaining the process and preparing the minor for the hearing. In instances of unsupportive parents, respondents felt they had a duty to intervene to ensure the minor's decision and needs remained the focus.

"If it's a situation where she feels threatened... to tell her mom or dad that she's pregnant, you know, definitely I let them know about the judicial bypass process. If it's a situation where she's just afraid... I kind of talk to her and let her know, 'it's okay, maybe you can call back with mom on the phone, if you're comfortable with that.'"

Timeliness

Personnel noted that PI laws and other state mandates cause delays, pushing some past gestational age limits. Care could also be delayed when a parent calls to schedule an appointment, because facilities typically require both parent and minor to be on this call. For minors pursuing a judicial bypass, personnel noted that even when the process goes smoothly, it can still take up to a week, and even longer in counties where court staff are unaware or uncooperative.

"When... they call us initially, they might be a lot earlier on, but then, when we tell them they have to have their parent involved-or a letter of notification, [that] scared them too, because they don't want a letter being sent to their parent's house—or the judicial bypass. You know, it's very invasive and intimidating for a minor... I think it definitely proves to deter minors from getting the abortion care they might need a lot earlier."

Equity

Personnel discussed how lower income families and those with complex familial arrangements often experience greater difficulty in meeting state requirements. Minors with complex family circumstances, such as informal caregiving arrangements by another family member or minors not residing with parents, have a particularly difficult path to obtaining an abortion.

"It's hard for them to come up with the money to get the IDs 'cause they have to pay for the surgeries. They're like, 'I don't have the money to go get an ID made.' Sometimes that's a set-back for them. Or they don't have a birth certificate... it pushes them to where they might go over 16 weeks trying to get that paperwork."

WHAT IS THE IMPACT?

Our data reveal that **PI laws compromise high quality care for minors by creating inefficiencies in clinic operations, undermining patient preferences, unnecessarily delaying care, and exacerbating structural inequities.** These effects partially stem from the existing PI statutes. Additionally, the broader over-regulation of abortion care has contributed to facilities developing protocols to require additional documentation and regulatory checks to ensure compliance with state audits. **Removing these requirements would protect minors' reproductive autonomy and support the provision of equitable, patient-centered reproductive healthcare.**

Citation

White K, Narasimhan S, Hartwig SA, Carroll E, McBrayer A, Hubbard S, Rebouche R, Kottke M, Hall KS. **Parental Involvement Policies for Minors Seeking Abortion in the Southeast and Quality of Care.** *Sexuality Research & Social Policy.* 2021. <https://doi.org/10.1007/s13178-021-00539-0>



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