

## Parental Involvement in Minors' Abortions

**BACKGROUND:** A majority of states require parental involvement in a minor's decision to have an abortion. In light of two U.S. Supreme Court rulings that prohibit parents from having absolute veto over their daughters' decision to have an abortion, many states require the consent or notification of only one parent, usually 24 or 48 hours before the procedure. Many parental involvement requirements also include a medical emergency exception and a judicial bypass procedure, through which a minor may receive court approval to obtain an abortion without parental involvement. Not all states adhere to this model. On the more stringent end of the spectrum, a handful of states require the consent or notification of both parents. On the other end, several states allow grandparents or other adult relatives to be involved in place of the minors' parents, or as in Maine the law allows a minor with the guidance and counseling of an abortion provider to consent to the procedure. In cases of neglect or abuse, some states waive the consent or notification requirement altogether. State court decisions have also contributed to the diversity in requirements: Some state courts have enjoined laws they conclude violate their states' constitutions; at the same time, similar or even more restrictive laws remain in effect in other states.

### HIGHLIGHTS:

- 34 states require some parental involvement in a minor's decision to have an abortion.
  - 20 states require parental consent only; 2 of which require both parents to consent.
  - 10 states require parental notification only; 1 of which requires that both parents be notified.
  - 4 states require both parental consent and notification.
- All of the 34 states that require parental involvement have an alternative process for minors seeking an abortion.
  - 34 states include a judicial bypass procedure, which allows a minor to obtain approval from a court.
  - 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.
  - 31 states permit a minor to obtain an abortion in a medical emergency.
  - 14 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](http://www.guttmacher.org)  
[info@guttmacher.org](mailto:info@guttmacher.org)

1301 Connecticut Avenue, N.W.  
Washington, DC 20036  
202.296.4012  
[www.guttmacher.org](http://www.guttmacher.org)  
[policyworks@guttmacher.org](mailto:policyworks@guttmacher.org)

© 2010, Guttmacher Institute

**CONTINUED**

# PARENTAL INVOLVEMENT IN MINORS' ABORTIONS

STATE	REQUIRED PARENTAL INVOLVEMENT			ALTERNATIVES		EXCEPTIONS	
	Consent Only	Notification and Consent	Notification Only	Judicial Bypass	Other Adult Relatives	Medical Emergency	Abuse, Assault, Incest or Neglect
Alabama	X			X		X	
Alaska	▼						
Arizona	X			X		X	X
Arkansas	X			X		X	X
California	▼						
Colorado			X	X		X	X
Delaware			X <sup>*,†</sup>	X <sup>*,†</sup>	X <sup>†</sup>	X <sup>†</sup>	
Florida			X	X		X	
Georgia			X	X		X	
Idaho	X			X		X	X
Illinois			§	§	§	§	§
Indiana	X			X		X	
Iowa			X	X	X	X	X
Kansas			X	X		X	X
Kentucky	X			X		X	
Louisiana	X			X		X	
Massachusetts	X			X		X	
Michigan	X			X		X	
Minnesota			Both parents	X		X	X
Mississippi	Both parents			X		X	
Missouri	X			X			
Montana			▼				
Nebraska			X	X		X	X
Nevada			▼				
New Jersey			▼				
New Mexico	▼						
North Carolina	X			X	X	X	
North Dakota	Both parents			X		X	
Ohio	X			X			
Oklahoma		X		X		X	X
Pennsylvania	X			X		X	
Rhode Island	X			X			
South Carolina	X <sup>†</sup>			X <sup>†</sup>	X <sup>†</sup>	X <sup>†</sup>	X <sup>†</sup>
South Dakota			X	X		X	
Tennessee	X			X		X	X
Texas		X		X		X	
Utah		X		X <sup>‡</sup>		X	X <sup>Ω</sup>
Virginia	X			X	X	X	X
West Virginia			X <sup>*</sup>	X <sup>*</sup>		X	
Wisconsin	X <sup>*</sup>			X <sup>*</sup>	X	X	X
Wyoming		X		X		X	
<b>TOTAL</b>	<b>20</b>	<b>4</b>	<b>10</b>	<b>34</b>	<b>6</b>	<b>31</b>	<b>14</b>

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.

\* 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 under 16 and South Carolina's law applies to women under 17.

‡ The provision only applies to parental consent requirements.

Ω The provision only applies to the parental notice requirements.

**CONTINUED**

## FOR MORE INFORMATION:

For information on state legislative and policy activity click on Guttmacher's [Monthly State Update](#) and for state level information and data on reproductive health issues, click on Guttmacher's [State Center](#). To see state specific abortion information click on [State Facts About Abortion](#).

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](#), *The 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, 293:340–348.

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](#), *The 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](#), *The 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](#), *The 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.