



Favorable
SB 891 – Maryland Parental Involvement Enhancement Act

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On behalf of the Board of Directors for Maryland Right to Life, I support this legislation and respectfully request your favorable report. Laws requiring parental consent or notice for a minor's abortion are among the most accepted regulations in the United States.¹ These laws boast a 71 percent nationwide approval rating,² protect the health and wellbeing of minors, respect parental rights, and save the lives of unborn children.

Several important factors support the need for parental involvement laws:

- The medical, emotional, and psychological consequences of abortion are often serious and can be lasting, particularly when the patient is immature.
- Parents usually possess information essential to a physician's exercise of his or her best medical judgment concerning the minor.
- Parents who are aware that their daughter has had an abortion may better ensure the best post-abortion medical attention.
- Minors who obtain "secret" abortions often do so at the behest of the older men who impregnated them and then return to abusive situations. Studies estimate that at least one in five girls is sexually abused before the age of 18.³ Teens are routinely taken to abortion clinics without the consent or even the knowledge of their parents. Minors are at risk in every state in which parental involvement laws have not been enacted or are easily circumvented.

¹ Thirty-nine state parental involvement laws are currently in effect.

- Twenty-six states require parental consent for minors seeking abortions: AL, AZ, AR, ID, IN, KS, KY, LA, MA, MI, MS, MO, NE, NC, ND, OH, OK, PA, RI, SC, TN, TX, UT, VA, WI, and WY.
- Ten states require parental notice for minors seeking abortions: CO, DE, FL, GA, IL, IA, MD, MN, NH, SD, and WV.
- Two states permit an abortion provider to override parental consent or notification: DE and MD.
- One state law requiring parental notice for minors seeking abortion is in effect while in litigation: MT (MT also has a parental consent law that is enjoined while in litigation).

Five states have parental involvement laws that are enjoined, in litigation, or not enforced:

- Two states have parental consent laws that are enjoined or the state's Attorney General has issued an opinion against enforcement: CA and NM.
- Three states have parental notice laws that are enjoined or not enforced: AK, NV and NJ.

² Lydia Saad, "Common State Abortion Restrictions Spark Mixed Reviews," Gallup, July 25, 2011, available at <http://www.gallup.com/poll/148631/Common-State-Abortion-Restrictions-Spark-Mixed-Reviews.aspx> (last visited July 25, 2017).

³ See National Association of Children's Hospitals and Related Institutions ["NACHRI"], *Child Sexual Abuse Fact Sheet* (2004); E.M. Saewyc et al., *Teenage Pregnancy and Associated Risk Behaviors Among Sexually Abused Adolescents*, PERSP. ON SEXUAL & REPROD. HEALTH 936(3):8, 99 (May/June 2004); Stop It Now, *Commonly Asked Questions: Answers to Commonly Asked Questions About Child Sexual Abuse* (2005) (citing R.F. Hanson et al., *Factors Related to the Reporting of Childhood Sexual Assault*, CHILD ABUSE & NEGLECT 23:559, 559-69 (1999)); C.E. Irwin & V.I. Rickert, Editorial: Coercive Sexual Experiences During Adolescence and Young Adulthood: A Public Health Problem, 36 J. ADOLES. HEALTH 359 (2005); V.I. Rickert et al., *Disclosure of Date/Acquaintance Rape: Who Reports and When*, 18 J. PED. ADOLES. GYN. 17 (2005).

In addition, parental involvement laws save the lives of unborn children by reducing the demand for abortions by minors. For example, a 1996 study revealed that “parental involvement laws appear to decrease minors’ demands for abortion by 13 to 25 percent.”⁴ A 2008 study showed that parental consent laws reduce the minor abortion rate by 18.7 percent.⁵ With the loving support of their parents, many young women are able to bring their babies into the world and not face the physical risks and emotional devastation that abortions can bring.

Tragically, it is often easy for abortion providers to sidestep a law requiring parental consent or notice by claiming they were “duped” into accepting consent from or providing notice to individuals fraudulently representing themselves as the parents or legal guardians of minor girls. Other potential loopholes in parental consent or notice statutes include the inappropriate use of a “medical emergency” exception by an abortion provider; exploitation of the judicial bypass system through “forum shopping;” a low burden of proof for a minor to show that she is mature enough to make an abortion decision on her own or that parental consent or notice is not in her best interest; and a lack of guidance to courts on how to evaluate a minor’s maturity or best interests.

To better protect minors and parental rights, states may reinforce existing parental involvement laws with enhancements to their laws. The *Maryland Parental Involvement Enhancement Act* provides several possible enhancements for states to consider including requirements that important documents are notarized, mandates for proof of identification and relationship, and evidentiary and other standards for judicial bypass proceedings.

For these reasons, we respectfully request your favorable report on the *Maryland Parental Involvement Act*. We appeal to you to respect parental rights and to restore to all people, born and preborn, our natural and Constitutional rights to life, liberty, freedom of speech and religion.

⁴D. Haas-Wilson, *The Impact of State Abortion Restrictions on Minors' Demand for Abortions*, J. HUMAN RESOURCES 31(1):140, 155 (1996).

⁵Michael J. New, *The Effect of Parental Involvement Laws on the Incidence of Abortion Among Minors*, INSIGHT 16-18 (Sept 24, 2008).