

Abortion-Seeking Minors' Views on the Illinois Parental Notification Law: A Qualitative Study

CONTEXT: Thirty-seven states have laws in effect that mandate parental involvement in adolescent abortion decisions. Little is known about minors' opinions of parental involvement laws.

METHODS: In-depth interviews were conducted with 30 minors presenting for an abortion at one of three Chicago-area clinics in 2010. Interviewers described the Illinois parental notification law (which was passed in 1995 but is not in effect because of legal challenges) and a corresponding judicial bypass option to the minors and asked their opinions about them. Interviews were coded and analyzed using content analysis and grounded theory methods.

RESULTS: Most minors perceived the law negatively, citing fears that it would lead to diminished reproductive autonomy for minors, forced continuation of pregnancies, adverse parental reactions (including emotional or physical abuse) and damaged parental relationships. A few held positive or ambivalent opinions, concluding that notifying a trusted adult could provide an adolescent with needed support, but that parental involvement should not be mandated. Most participants held negative opinions of judicial bypass, describing it as overwhelming and logistically complicated, and worrying that some minors might go to extreme lengths to avoid the process.

CONCLUSIONS: Many minors have deep concerns about the potential harm that could result from parental involvement laws. These opinions provide a valuable addition to the debate on such laws, which purportedly are intended to ensure minors' best interests.

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In 2006, approximately 261,000 U.S. minors—adolescents aged 17 or younger—became pregnant, and 30% of these young women obtained an abortion.¹ Many adolescents seeking an abortion must comply with laws requiring minors to notify or obtain consent from a parent (or both parents) or guardian before undergoing the procedure. Currently, 37 states have parental involvement laws in effect.²

Proponents of such legislation argue that parental involvement laws protect the health and welfare of minors in light of the “often serious” and “lasting” medical, emotional and psychological consequences of abortion.^{3–5} They also argue that parental involvement laws foster family unity, protect parental rights and assure minors of parental guidance and support. Opponents of these laws argue that minors should be able to decide for themselves whom to inform about their abortion; furthermore, they contend that parental involvement laws put minors at risk for harm by restricting access to abortion services or by leading to forced pregnancy continuation, unsafe or illegal abortion, family violence, housing insecurity or delay in obtaining an abortion.^{6–8} Leading medical organizations—including the American Medical Association, the American Academy of Pediatrics, the Society for Adolescent Health and Medicine, and the American Congress of Obstetricians and Gynecologists—agree that minors should not be required to involve their parents in

their abortion decisions, but should be encouraged to discuss their pregnancies with parents and other responsible adults.⁹

Previous studies have shown that a majority of parents are aware of their child's decision to seek an abortion even in states where no parental involvement law exists;^{10,11} the younger the minor, the more likely her parents are to know of her decision.¹⁰ Pregnant minors who do not inform a parent give a range of reasons for choosing not to do so, including fear of physical violence or of being forced to leave their home.¹⁰

Most research documenting the effects of parental involvement laws focuses on birthrates, abortion rates and other quantitative measurements. A 2009 comprehensive literature review revealed that the clearest impact of parental involvement laws is an increase in the number of minors who travel outside their home state to obtain abortion services in a state where access is less restricted.¹² The authors concluded that most parental involvement laws have little impact on minors' overall abortion rates, birthrates and pregnancy rates.

BACKGROUND

In Illinois, 11,480 minors became pregnant in 2005, and 33% sought an abortion.¹ The Illinois Parental Notice of Abortion Act, passed in 1995, would require physicians to give notice to an adult family member (defined as a

parent, legal guardian, grandparent or cohabiting step-parent) or receive written waiver of notice from an adult family member before performing an abortion on a minor. Exceptions to the law exist in cases of medical emergency or abuse. If the minor does not wish to notify an adult family figure, she may seek a judicial bypass to waive notification. To receive the waiver, a minor must appear before a judge and demonstrate that she is "sufficiently mature and well enough informed to decide intelligently whether to have an abortion" or that notification would not be in her best interest.¹³ Enforcement of the law has been enjoined since 1995 as a result of legal challenges. (In July 2009, a federal appellate court upheld the law, indicating that enforcement was imminent.¹⁴ However, a new round of litigation began in the state courts, and as of May 1, 2012, enforcement of the law remained enjoined.) Illinois is the only Midwestern state without a parental involvement law; if its law takes effect, the nearest jurisdictions without such laws will be New York, New Mexico and Washington, DC.²

As policymakers and advocates continue to debate the issue of parental involvement, little analysis has focused on minors' opinions about such laws. Youth-generated information provides critical insights about minors' experiences and offers practical context for policymakers engaging in statewide policy debates. To gather such information, we conducted a qualitative study of how minors perceive parental involvement legislation.

METHODS

We recruited minors who were seeking abortion services at two freestanding clinics and one hospital-based clinic in the greater Chicago area during the period June–September 2010. We chose these sites because they serve a racially and socioeconomically diverse patient population. At the freestanding clinics, 44% of patients identify themselves as black, 48% as white and 22% as Hispanic (categories were not mutually exclusive).¹⁵ The hospital-based clinic serves a predominantly black population.

Potential participants followed all of the clinics' standard procedures prior to hearing about the research: They had an ultrasound to verify presence of an intrauterine pregnancy, completed the necessary laboratory testing, received information and education, and consented to the abortion. Patients were eligible for the study if they were aged 12–17, English-speaking, clinically stable and medically cleared for abortion, and scheduled to have a surgical or medication abortion the same day; they were ineligible if their pregnancy was the result of sexual assault or if they decided not to have an abortion. Clinic staff presented the research opportunity to eligible patients following the standard clinic information and education session (the last step before the patient pays for and has the abortion), and then referred interested minors to research staff, who were present at the clinics on days on which two or more minors were scheduled for an abortion.

We conducted all research activities before any sedatives, analgesics or cervical ripening agents were administered, to ensure that minors had full mental capacity to consent to and participate in the research. Participants remained anonymous throughout the research; we did not have access to medical charts and did not collect any identifying information other than participants' age and first name. To further protect participants' confidentiality, we received a waiver of parental consent from the institutional review board that approved this research; therefore, participants gave informed consent, rather than the assent that is often obtained in research with minors. We obtained oral informed consent to avoid creating paper documentation linking participants' names (i.e., signatures) to the research.

One of four researchers, all of whom are trained in qualitative methodology, interviewed each participant in a private room at the clinic, using an interview guide developed for this study. Interviews lasted an average of 10 minutes and did not extend participants' clinic wait time for their abortion. All interviews were audio-recorded, and participants received \$15 after completion.

Participants were first asked questions about their demographic characteristics, their pregnancy history and the gestational age of the current pregnancy; they were then given a brief description of the Illinois parental notification law and judicial bypass option. Explanation of the law was standardized, and participants were given the opportunity to ask questions. Participants were reassured that the law was not in effect and would not impact their abortion decision.

We designed the interview guide to be conversational, including open-ended questions to be asked of all participants, as well as optional prompts that could be used to elicit further information. Questions covered three broad topics: minors' parental notification status, opinions about the law and views on effects of the law. The questions on parental notification status asked whether the minor had informed her parents about her pregnancy, her desire for an abortion and her reasons for making this choice; they also explored consequences of having told a parent and, for minors who had not told their parents, thoughts on how their parents would react if they found out about the abortion. The questions on opinions about the law elicited participants' views of the pending Illinois parental notification law and the judicial bypass option; those on the law's effects focused on how the law may or may not have affected their experience getting an abortion. In this article, we focus on minors' opinions of the law.

All interviews were transcribed verbatim and reviewed for accuracy by two research staff members. We used ATLAS/ti 5.0, a qualitative data analysis software program, to code and assist in data analysis. We developed an initial code dictionary of concepts pertaining to the parental involvement law and judicial bypass. Two researchers iteratively coded each transcript, adding new codes for emerging concepts and themes using the grounded theory

method.¹⁶ We then constructed matrices based on salient themes (those appearing in multiple interviews) to facilitate in-depth analysis and synthesis.¹⁷ We present these themes here, along with representative participant quotations. The University of Chicago Division of Biological Sciences institutional review board approved the study protocol.

RESULTS

Overview

Fifty-five eligible minors were invited to participate. Twenty-two declined (the most common reason cited was an unwillingness to discuss their abortion), and clinic staff later deemed two ineligible. One participant declined to participate after being referred to research staff. Thus, our final sample consisted of 30 participants. In the course of the research, all study staff agreed that we had achieved thematic saturation, and no further participants were recruited. While emotional at times, most minors did not appear anxious or nervous about their abortions, and did not ask the interviewer additional questions about their abortion or other, unrelated issues.

The majority of participants were aged 16 or 17 (80%) and identified themselves as black (70%) and non-Hispanic (77%). Forty-seven percent lived with their biological mother and no biological father or stepfather, 30% with both a biological mother and a father figure, 3% with their biological father only and the rest in other arrangements (e.g., with grandparents, aunts, siblings or a friend's family). A majority of participants (60%) lived in households in which someone received public assistance; a similar proportion (73%) considered themselves somewhat or very religious. Only 7% of participants had ever been pregnant before, and 70% were terminating pregnancies before 12 weeks' gestation. Ninety percent were having surgical abortions.

Our sample could be divided into three groups according to parental notification status: Fourteen participants had voluntarily told a parent about their pregnancy and abortion decision, and nine had not told a parent; seven had initially decided not to tell, but had been pressured into telling or said that a third party had notified their parents. When asked if they agreed that there should be a law requiring teenagers to tell their parents or guardians about their decision to get an abortion, the majority (22) ultimately did not; the rest either agreed (four) or were undecided (four) about the law. A participant's notification status did not necessarily determine her opinion of the law; each group defined by notification status contained minors with negative opinions and minors with positive or ambivalent opinions.

Participants were classified as either younger (aged 14 or 15) or older (aged 16 or 17) adolescents. The majority of both subgroups felt negatively about the law (66% and 75%, respectively). However, age appeared to be related to a participant's notification status. Among younger minors, participants either had voluntarily told a parent (50%) or

had been pressured into telling or subject to third-party notification (50%). In contrast, most older minors had either told a parent (46%) or decided not to tell (37%); only 17% had been pressured into telling or subject to third-party notification. Nearly all participants discussed additional people they had voluntarily told about the pregnancy or abortion, including boyfriends, friends, aunts, sisters, cousins, grandparents and boyfriends' family members.

Negative Opinions

One of the strongest themes was a concern that the parental involvement law could harm minors. Participants identified a potential for both subjective harms (parental judgment and loss of autonomy) and objective harms (parental abuse and forced continuation of pregnancy).

• **Loss of reproductive autonomy.** Many participants felt that mandatory parental notification would diminish minors' reproductive autonomy. One 17-year-old who had voluntarily told her parents expressed the sentiment of many when she said, "I wouldn't like the law at all. ... It's your decision of who you tell and who you don't tell." Participants were concerned that the law would force minors to notify a parent whom they would not have otherwise chosen to tell. Another 17-year-old who had told her parents stated, "I think it should be your choice, because if you don't want your parents to see you in that way and it's really hard for you to talk to them, then I think it should be your choice." A 17-year-old who had not told her parents pointed out that parents are not necessarily the people whom adolescents most trust:

"I think that, well, the parental notification thing is, is unfair. And I chose to tell my boyfriend and his mother because those are the two people that I trust most to know. ... I think teens should be able to tell people that they trust, and that's not always your parent."

Adolescents felt that they should have control over who is told about their private decisions, and thought that forced parental notification would challenge this ability. This point was articulated by a 17-year-old who had not told her parents: "I think abortion is a lot more of a personal decision. I don't really think it would be right, depending on the age of a person, to make them have to tell a parent."

Several participants believed the law could jeopardize a minor's ability to have control over her own body. These adolescents seemed to be expressing concern that requiring notification would expose a minor to unwanted pressure or interference in her abortion decision. A 16-year-old who had felt pressured into telling her father because of her inability to pay for the abortion made this point by saying, "I feel like it is the teen's decision overall, because it's their body and their decision." A 15-year-old, who said that staff at the urgent care facility that she had gone to for a pregnancy test had forced her to tell her mother about her pregnancy, objected to the possibility of a third party's interfering with the minor's abortion decision.

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Several participants expressed concern that ... telling a parent could result in direct harm.

"I don't really think somebody should make a decision that contains your body," she said. A 17-year-old who had not told her mother recognized the long-term responsibility of parenting and therefore objected to forced notification that could interfere with a minor's ability to make her own decisions:

"[Pregnant minors are] the ones who have to live with it, and if they do choose to carry the baby full term, they're the ones that have to raise the baby. It's not the parents, it's not the judge, it's not the boyfriend. So, you know, you really have to think about that."

•**Forced continuation of pregnancy.** Many participants expressed concern that if a notification law were in effect, some parents might actively prevent a minor from obtaining an abortion and force her to continue the pregnancy. A 17-year-old who had not told her mother and stepfather stated, "If the parents say like 'Oh, no, you're not having an abortion,' then I guess a teen would have to, like, have the baby." Some participants described the long-term consequences of forced childbearing for the minor. One 16-year-old who had told her mother about her abortion said:

"Sometimes parents don't agree with the decision for a girl to get an abortion, so they might make the child, make the girl have the baby, and then she's going to be miserable the rest of her life. ... I think that everything would be just much better if they let her decide what she wants to do and not, like, force her into having the baby."

Or, as a 17-year-old who had voluntarily told both her parents explained:

"I think that if [minors] have to tell their parents, then some parents might force them to keep the baby. ... And the people [whose] parents don't want them to get the abortion will be like, 'I'm stuck caring for this,' and they'd probably just end up mistreating the child."

•**Parents' adverse reactions.** Many participants expressed concern about parents' reaction to being informed because of a mandatory notification law. Participants observed that some minors' parents may not support their decision to seek an abortion. One 17-year-old who had voluntarily told both her parents commented that "all parents have different reactions, and sometimes parents aren't supportive of their teens and their decisions." Several participants referred to diverse family situations and noted that a positive experience for one adolescent did not guarantee a positive experience for all adolescents. A 17-year-old who had told both parents explained, "It's harder for some families to accept it. Like my family, it was hard, but eventually they came around. But some people's parents aren't the same."

Furthermore, several participants expressed concern that for some minors, telling a parent could result in direct harm, in the form of mental or physical abuse. A 17-year-old who had not told her parents stated, "You never know what's going on in people's households. ... I mean, a lot of people's parents are abusive, um, physically or, you know, emotional." Some participants noted the fear that

unsupportive parents might kick a minor out of the house upon learning of her desire for an abortion. A 17-year-old who had not informed her mother articulated this point, saying:

"Depending on the household and family background, the parents' or other family members' reactions may in turn, you know, harm the person that is pregnant. As far as kicking them out of the house or you know, anger, confusion, may cause them to lash out and hit the child. I don't know, but I don't think [the parental notification law is] a good idea."

•**Fear of parental judgment.** Some participants feared that involuntarily disclosing their abortion would result in a profound change in their relationship with their parent. One 17-year-old had told her parents about her abortion, but had feared that telling them would result in long-term consequences: "It was difficult deciding whether to tell [my parents] or not. ... You think they're going to look at you differently or always have something in the back of their mind reminding them about [the abortion]." A 16-year-old who had struggled with whether to tell had worried that her mother would be "really upset about it" and "disappointed in me because her 16-year-old daughter is having sex." Though the participant ultimately had told her mother, and was glad she had, she affirmed that the decision should be the minor's. Another 16-year-old who had told her mother voluntarily suggested that parents may not agree with the minor's decision and "look down on her for it." This adolescent continued, "I think that everything would be just much better if [the law] let her decide what she wants to do."

Positive or Ambivalent Opinions

Youth did express some ambivalent and positive responses to the idea of a parental notice law. While a few participants believed parents had a fundamental right to be informed, most voiced a general belief that voluntarily seeking support from a trusted adult—though not specifically a parent—could benefit minors.

•**Value of outside support.** A number of participants believed that involving other individuals in the abortion decision might be helpful to a minor by providing support throughout the process. A 17-year-old who had voluntarily told her mother expressed this, saying that getting an abortion is "a big decision that you have to make. So you will need someone on your side." Many participants recognized that one purpose of the law was to ensure that minors receive support from their parents, but they also resisted the idea that it was necessarily a parent who would ultimately offer the most support. A 15-year-old who had told her mother said that abortion is "not something you can go through on your own" and that "teens do have to tell somebody." However, she added, "It don't probably necessarily have to be their own parent. It can be their guardian or somebody you know that can help them." A 17-year-old who had decided not to tell her parents voiced a similar opinion, which also touches on decisional autonomy:

"I think there should be [a law], and I think there shouldn't. Because I think that parents could actually help [pregnant minors] a lot with the process and support them. But then again, it's the teen's choice whether or not they decide to tell anyone, and I don't think it's anyone else's business."

•**Benefits if complications arise.** A few participants thought that mandatory parental notification could benefit adolescents in the event of complications from an abortion procedure. A 17-year-old who had not told her parents offered this comment: "That law ... I mean, maybe they're doing it for safety reasons, like [in case] something happens to somebody afterwards or whatever." A 15-year-old who had told her mother thought that getting an abortion without parental involvement was risky: "[It's] a hard thing to kinda hide, and it's so big. Because what if, you know, I could've took the wrong pill, or something could have happened to me."

•**Parents' right to know.** A small minority of participants raised concerns about maintaining a sense of trust between the daughter and parent. A 17-year-old who had told her parents because of financial pressure to pay for the abortion stated, "Yes, I think it should be [a law], because people's parents should know that they pregnant or getting an abortion or whatever." A 15-year-old who had told the grandmother who is her legal guardian articulated this view by saying, "If we don't tell our parents about what we want to do, and then we just get an abortion, it wouldn't be right." Another 15-year-old, whose mother had found out from a third party, felt that if adolescents did not notify their parents, it would create "a line" between them and would undermine the relationship. She believed that "parents need to know" about a minor's abortion.

Opinions About Judicial Bypass

Participants expressed many concerns about judicial bypass. Many viewed the need to navigate the court system, travel to the courthouse, confide in a judge and forfeit privacy as clear obstacles to abortion access. Yet, a few saw that within the constraints of the law, an option for not telling a parent was valuable.

•**Complicated logistics.** Several participants raised concerns that accessing judicial bypass would be complicated, confusing and "too much" for a minor to navigate. They observed that adolescents would have a hard time finding free or affordable legal services, making an appointment with a judge and getting transportation to court. A 17-year-old who had voluntarily told both her parents summarized her thoughts in this way:

"[You] do have to find a way to get [to court], especially if you don't drive or if you don't have any form of transportation. And ... it's hard to do, especially, too, if you don't know where to go [or] you don't know how to make an appointment with a judge. ... I wouldn't know what to do. I would have no clue. So it would make it a lot harder."

A 16-year-old who had not told her parents associated these barriers with delayed abortion procedures,

commenting that "if you don't get a free lawyer, then you have to pay somebody. And then you have to go to a meeting with a judge and all of that, so that takes more time."

•**Reluctance to confide in a judge.** Many participants expressed discomfort with the idea of talking to a judge about their abortion decision. For example, a 17-year-old who had not told her father remarked, "I wouldn't like it. I wouldn't want to talk to a judge about something that I think is personal and something that you can deal with on your own." And a 16-year-old who had elected to tell her mother commented, "I don't think I would go in front of a judge. ... You have all this stuff going on in your life, ... and you have to go sit in front of a judge and talk to him about getting an abortion. That's kind of crazy." A 17-year-old who had told both her parents voiced concern about the loss of privacy: "People going to wonder why [you're going to a judge], and it's kind of like, it kind of gives you away in a sense." Finally, some participants described an overall distrust of the legal system that could preclude accessing the bypass system. A 16-year-old who had told her father because of financial pressure to pay for the abortion explained, "Most of my friends aren't comfortable in a court, and they aren't comfortable with, you know, with the government or whatever, so they wouldn't [use judicial bypass]."

•**Alternatives to bypass.** Some participants viewed judicial bypass not as a mechanism to help adolescents, but as an overwhelming obstacle to abortion access, and described efforts minors might undertake to avoid it. A 16-year-old who had told her mother noted that, rather than speak to a judge, pregnant minors "just would probably ask someone to fake like they're their, like, parents or their grandparents or guardian or something like that." Some respondents thought that minors might resort to a self-induced abortion or continue the unwanted pregnancy rather than opt for judicial bypass. A 16-year-old who told her father under pressure explained that pregnant minors "would probably be afraid and would probably just keep the baby or, you know, do some other crazy stuff to get rid of it. So I just feel like, yeah, they should really leave it up to that person." A 17-year-old who had told her parents used the following words:

"I think ... no teen would [use judicial bypass]. I wouldn't take my time going to a judge just to get permission not to tell my parents. I'd just be like, 'I'm just going to keep the baby now and not even get an abortion.' ... 'Cause, I mean, it's too much. Like you have to go all the way down to a judge. ... Too much."

•**An acceptable option.** A few participants saw that judicial bypass may be the only way to avoid telling a parent and felt that minors need that option. A 17-year-old who had not told her parents stated, "I'm not fully agreeing with judicial bypass, but I think it would be better than to just say that a teen would have to tell their parent." A 15-year-old whose mother had learned of her abortion decision from a third party saw the value in judicial bypass, particularly for minors with unsupportive parents:

Some participants viewed judicial bypass ... as an overwhelming obstacle to abortion access.

“Sometimes I do think [judicial bypass] would be okay, because it’s different parents out there. Some parents would just kick the child out on the street and stuff like that.” A 17-year-old who had told her mother about her abortion felt that judicial bypass was acceptable if “that’s the only way you could tell somebody else other than the guardian and the biological mother.”

DISCUSSION

This study provides insights into parental involvement laws from the perspective of minors in Chicago seeking an abortion. As in past studies, minors in our study identified several potential negative consequences of forced parental notification, including damage to an adolescent’s relationship with a parent^{18–20} and physical or emotional harm if a parent abuses or evicts a child because of her abortion decision.^{10,20} A small minority of participants felt that parents should know about a minor’s abortion decision. However, as in other studies,^{10,20–22} it was far more common for participants to conclude that minors could receive support by voluntarily telling a trusted adult, but that the adult need not be a parent.

The most prominent theme that emerged was participants’ overall concern that a parental involvement law could threaten a minor’s ability to make independent decisions about pregnancy resolution. This articulation of an individual’s right to reproductive autonomy echoes the underlying reasoning of Supreme Court decisions establishing that the constitutional right to abortion extends to minors; the Court has specifically held that a parent cannot have absolute veto power over a minor’s abortion decision.²³ Policymakers should consider minors’ concerns about reproductive autonomy and fears about the consequences of being forced to continue an unwanted pregnancy when weighing the benefits and harms of parental involvement laws. Participants in our study suggested that minors might respond to a parental notification law by resorting to unsafe abortion; other studies have shown that minors will either travel out of state for an abortion or postpone it until they turn 18.^{12,24} One study found that in Texas, where out-of-state travel is difficult, birthrates rose after implementation of a parental notification law, which suggests that minors may have continued pregnancies they otherwise would have chosen to end.²⁵

Themes regarding judicial bypass offer further insight for policymakers. All states that mandate parental involvement have an alternative process for minors seeking abortion, since no law has been found constitutional without one; all but one include a judicial bypass option.² Study participants’ concerns about judicial bypass suggest that they viewed it as another barrier to abortion; indeed, many of their concerns have been realized by minors who have undergone the court process.²⁶ One researcher has summarized minors’ reported experiences with judicial bypass as “very frightening, nerve-wracking and humiliating,” and observed that their dominant fear was that the judge would deny consent and they would be forced to carry the

pregnancy to term.²⁰ Meanwhile, proponents of parental involvement laws often characterize judicial bypass as a loophole, which they seek to close; in 2011, five states that require parental involvement (Florida, Kansas, Nebraska, North Dakota and Ohio) passed laws that make it more difficult for a minor to obtain a judicial bypass.²⁷ In addition, investigations in several states have shown that some courts are unprepared to handle judicial bypass requests.²⁸ Policymakers should consider the practical burden placed on minors who pursue judicial bypass and ensure that adolescents can easily maneuver the process without confronting logistical barriers.

Our findings suggest that minors might benefit from an expansion of the category of individuals who qualify as parental figures under parental involvement laws. Twenty percent of our participants did not live with biological parents. Several observed that turning to a trusted adult could be valuable, but most agreed that the adult need not be a parent. In fact, some participants identified older siblings or their boyfriends’ parents as individuals they trusted to tell. While Illinois law would allow notice to a parent, legal guardian, grandparent or cohabiting step-parent, many states allow involvement only of a biological parent. Only six states permit a minor to obtain an abortion if a grandparent or other adult relative is involved in the decision.² Allowing minors more choice in deciding whom to involve may lessen the potential harms identified by participants.

Additionally, participants acknowledged that the impact of these laws might differ depending on minors’ family and life experiences; in particular, they recognized that not all adolescents have a close relationship with a parent. By separating their own experiences from those of their peers, participants demonstrated an ability to engage in “perspective-taking”—a recognized cognitive dimension of empathy.²⁹

Overall, minors’ voices are a valuable addition to the debate about parental involvement laws and should be included. Adolescents are in a unique position to comment on how a parental involvement law may affect them; in fact, their perspective reveals many potential harms. Indeed, in California, where minors publicly voiced their concerns to policymakers and engaged in outreach with the larger community, their concern may have contributed to the ultimate defeat of parental involvement laws.³⁰ Parental involvement laws stand out because they apply only to pregnant young women choosing abortion; minors choosing parenthood or adoption are not required to involve a parent in the decision. By listening to minors, policymakers might better recognize how these laws can interfere with their right to make reproductive health decisions. Finally, medical professionals who provide care to adolescents share their recognition that while adult assistance can be beneficial, individuals’ circumstances can be complex, and parental involvement should not be mandated.⁹ Given this alignment between minors and their health care providers, policymakers have good

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reason to engage the adolescent community in the debates surrounding parental involvement laws.

Limitations

Our data may have been influenced by several factors. First, we interviewed only minors willing to speak with us about their abortion. These minors may have a greater ability to discuss issues regarding reproductive autonomy than those who declined to participate, and therefore may view the law more negatively. Second, our sample was limited to minors seeking an abortion. Compared with other pregnant minors, these adolescents may be fundamentally more supportive of abortion and thus may hold more negative opinions about a law designed to restrict youth access. Future research should look into how all pregnant minors, including those who choose not to or cannot access abortion services, view parental involvement laws. Third, our findings may be particular to our sample, who were predominantly low-income, black 16–17-year-olds. While this study was not designed to be generalizable, national statistics indicate that low-income and non-Hispanic black women have higher unintended pregnancy and abortion rates than higher income, white and Hispanic women.^{31,32} Additionally, 15–17-year-olds have a considerably higher abortion rate than adolescents younger than 15.³¹ Therefore, our sample may share important demographic characteristics with the larger population of adolescents seeking abortions. Finally, while we obtained saturation on questions from our interview guides, as new themes emerged in the course of the research, we were not able to probe all participants equally on all topics.

Conclusion

Proponents and opponents of parental involvement laws make arguments based on a stated concern for the best interests of minors, yet the voices of minors themselves are largely absent from the debate. Our study revealed the depth of minors' responses to these laws—specifically, their concerns about the laws' resulting in restricted reproductive autonomy and harm to minors, their fears of an overwhelming judicial bypass system and their recognition of the value of voluntary adult involvement.

REFERENCES

1. Kost K, Henshaw S and Carlin L, *U.S. Teenage Pregnancies, Births and Abortions: National and State Trends and Trends by Race and Ethnicity*, New York: Guttmacher Institute, 2010, Tables 2.2, 2.4 and 3.2, <<http://www.guttmacher.org/pubs/USTPtrends.pdf>>, accessed Nov. 16, 2011.
2. Guttmacher Institute, Parental involvement in minors' abortions, *State Policies in Brief (as of May 2012)*, <http://www.guttmacher.org/statecenter/spibs/spib_PIMA.pdf>, accessed May 1, 2012.
3. Americans United for Life, Defending life 2011: abortion, <<http://www.aul.org/dl2011-abortion/>>, accessed May 1, 2012.
4. Linton PB, Brejcha T and Breen P, Brief *Amicus Curiae* of Stewart Umholtz et al. in support of defendants-appellees, *Hope Clinic v. Adams*, No. 10–1463 (Ill. App. Ct. June 17, 2011), <<http://www.thomasmoresociety.org/docs/notice/20101118AmicusBrief.pdf>>, accessed Nov. 16, 2011.
5. National Right to Life, Teens & abortion: why parents should know, 2006, <http://www.nrlc.org/Factsheets/FS17_TeensandAbortion.pdf>, accessed Nov. 16, 2011.
6. Center for Reproductive Rights, Parental involvement laws, 2009, <<http://reproductiverights.org/en/project/parental-involvement-laws>>, accessed May 1, 2012.
7. American Civil Liberties Union (ACLU), Laws restricting teenagers' access to abortion, 2001, <<http://www.aclu.org/reproductive-freedom/laws-restricting-teenagers-access-abortion>>, accessed May 1, 2012.
8. National Abortion Federation, *Teenage Women, Abortion, and the Law*, 2003, Washington, DC: National Abortion Federation, <http://www.prochoice.org/pubs_research/publications/downloads/about_abortion/teenage_women.pdf>, accessed May 1, 2012.
9. American Academy of Pediatrics, Committee on Adolescence, The adolescent's right to confidential care when considering abortion, *Pediatrics*, 1996, 97(5):746–751.
10. Henshaw SK and Kost K, Parental involvement in minors' abortion decisions, *Family Planning Perspectives*, 1992, 24(5):196–207 & 213.
11. Blum RW, Resnick MD and Stark TA, The impact of a parental notification law on adolescent abortion decision-making, *American Journal of Public Health*, 1987, 77(5):619–620.
12. Dennis A et al., *The Impact of Laws Requiring Parental Involvement for Abortion: A Literature Review*, New York: Guttmacher Institute, 2009.
13. Parental Notice of Abortion Act of 1995, 750 ILCS 70/1 et. seq.
14. *Zbaraz v. Madigan*, 572 F.3d 370 (7th Cir. 2009).
15. Unpublished data from Planned Parenthood of Illinois, Chicago, June 2011.
16. Glaser BG and Strauss AL, *The Discovery of Grounded Theory: Strategies for Qualitative Research*, Chicago: Aldine, 1967.
17. Miles MB and Huberman AM, *Qualitative Data Analysis: An Expanded Sourcebook*, Thousand Oaks, CA: Sage, 1994.
18. Blum RW, Resnick MD and Stark TA, Factors associated with the use of court bypass by minors to obtain abortions, *Family Planning Perspectives*, 1990, 22(4):158–160.
19. Griffin-Carlson MS and Mackin KJ, Parental consent: factors influencing adolescent disclosure regarding abortion, *Adolescence*, 1993, 28(109):1–11.
20. Ehrlich JS, Grounded in the reality of their lives: listening to teens who make the abortion decision without involving their parents, *Berkeley Women's Law Journal*, 2003, Vol. 18, pp. 61–180.
21. Resnick MD et al., Pattern of consultation among adolescent minors obtaining an abortion, *American Journal of Orthopsychiatry*, 1994, 64(2):310–316.
22. Zabin LS et al., To whom do inner-city minors talk about their pregnancies? Adolescents' communication with parents and parent surrogates, *Family Planning Perspectives*, 1992, 24(4):148–154 & 173.
23. *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52 (1976).
24. Colman S and Joyce T, Minors' behavioral responses to parental involvement laws: delaying abortion until age 18, *Perspectives on Sexual and Reproductive Health*, 2009, 41(2):119–126.
25. Joyce T, Kaestner R and Colman S, Changes in abortions and births and the Texas parental notification law, *New England Journal of Medicine*, 2006, 354(10):1031–1038.
26. *Hodgson v. Minnesota*, 497 U.S. 417 (1990).

27. Guttmacher Institute, *Laws Affecting Reproductive Health and Rights: 2011 State Policy Review*, <<http://www.guttmacher.org/statecenter/updates/2011/statetrends42011.html>>, accessed Apr. 30, 2012.
28. Silverstein H, *Girls on the Stand: How Courts Fail Pregnant Minors*, New York: New York University Press, 2007.
29. Davis MH, Measuring individual differences in empathy: evidence for a multidimensional approach, *Journal of Personality and Social Psychology*, 1983, 44(1):113–126.
30. Shen E, *Prop 4 Victory Brief: Reproductive Justice at the Ballot Box*, Oakland, CA: Asian Communities for Reproductive Justice, 2008, <<http://forwardtogether.org/assets/docs/ACRJ-MS3-RJ-at-the-Ballot-Box.pdf>>, accessed May 1, 2012.
31. Finer LB and Henshaw SK, Disparities in rates of unintended pregnancy in the United States, 1994 and 2001, *Perspectives on Sexual and Reproductive Health*, 2006, 38(2):90–96.
32. Finer LB and Zolna MR, Unintended pregnancy in the United States: incidence and disparities, 2006, *Contraception*, 2011, 84(5):478–485.

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