

Adolescents seeking abortions without parental consent face numerous hurdles

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Adolescents under the age of 18 seeking abortions without a parent's consent often undergo a series of humiliating, burdensome and unpredictable hurdles as they try to navigate the legal system, according

to a new study led by Kate Coleman-Minahan of the University of Colorado College of Nursing.

As part of the Texas Policy Evaluation Project, Coleman-Minahan, Ph.D., RN and other researchers investigated the judicial bypass experience by which adolescents seek legal permission to obtain an [abortion](#) without parental consent.

The study was published online today in the *Journal of Adolescent Health*.

Currently, 37 states require parental involvement in obtaining an abortion. This study focused specifically on Texas.

"This is the first study to describe adolescents' experiences with a judicial bypass," said Coleman-Minahan, assistant professor at the CU College of Nursing and lead author of the study. "We found that the bypass process functions as a form of punishment for adolescents."

The researchers conducted interviews with 20 adolescents between the ages of 16-19 about their experiences trying to obtain bypass. Those interviewed were 16-17 years old at the time they went to court. Many had experienced family trauma, adverse childhood experiences including household substance abuse, or a general fear for their own safety if they told their parents about their decision to seek an abortion.

Once they began the bypass process, they were confronted with more obstacles. Just arranging transportation to the courthouse was sometimes difficult. When they got inside, they faced an often unpredictable process. One young woman spoke of being intimidated by the criminal defendants sitting in the room. Judges, on occasion, would ask for a detailed sexual history which she had to explain within earshot of multiple court staff including a court reporter who records the hearing.

Each adolescent was issued a court-appointed guardian-ad-litem (GAL), ordered to act in her best interest. In four cases, the GAL appointed by the judge was a pastor or deacon at a church. One respondent recalled her GAL "telling me it's never the right option to have an abortion." This GAL also brought staff from an adoption agency to court with her, breaching the young woman's anonymity and exposing her to more judgment, the study said.

The researchers found that several judges didn't hide their personal disapproval of the [adolescent's](#) decision to seek an abortion. Sometimes they denied the bypass request altogether.

"Some judges and GALs based their decision or treatment of adolescents on their own personal opinion of abortion," Coleman-Minahan said.

"Multiple participants cried during the interview when describing the hearing, saying they still think about it, even months later."

The process, researchers said, seemed like punishment itself, for having sex, getting pregnant and having wanted an abortion.

"Proponents of parental involvement and bypass laws claim they protect adolescents from alleged negative emotional consequences of abortion, yet our results suggest the bypass process itself causes emotional harm through unpredictability, humiliation and shame," the study said.

According to Coleman-Minahan, the fact that this is happening in Texas means it's probably happening in states with similar laws as well.

Colorado requires parental notification and also has an option for a judicial bypass.

She said all of these findings should be weighed when considering forced [parental involvement](#) and judicial bypass policies. States, she said, should consider the real-life consequences of policies that are

purportedly created to protect adolescents.

More information: *Journal of Adolescent Health* (2018). [DOI: 10.1016/j.jadohealth.2018.07.017](https://doi.org/10.1016/j.jadohealth.2018.07.017)

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