

# Commonly Asked Questions

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## **1. What does this law require and how will it work?**

The Parental Notification Law requires that an abortion provider notify the parent or legal guardian of a 15, 16, or 17 year old girl 48 hours before he performs an abortion on that minor. The parent can be notified in person or by certified mail, and the parent must provide I.D. to prove that they are the minor's parent or guardian.

## **2. Why is a parental notification law needed in Oregon; why does it deserve my support?**

Teens of average Oregon families are having abortions. In 2004, 1,957 teens in this state had abortions. Oregon parents have expressed outrage that complete strangers, and in some cases abusers, have concealed and facilitated abortions to be performed on their daughters behind their backs. In addition, girls need support when dealing with the weight of pre- and post- operative care of a major medical procedure, such as abortion. Parental Notice allows parents to provide emotional, spiritual, and physical care for their daughter that they would not be able to provide if they were left uninformed.

## **3. What will this law mean for girls who have abusive parents or are pregnant as a result of incest?**

The law has a bypass mechanism that allows young women in these situations to participate in a hearing with an administrative law judge. The judge can then waive the notification requirement if he believes the girl is in danger, or if the notification is not in the minor's best interests. The bypass option also offers a safe and confidential way for a young girl to expose abuse. Parental notification laws provide help to girls who have been victimized, rather than just allowing them to have an abortion in secret and returning them to the situation.

## **4. How does the bypass work? Wouldn't it be overwhelming for a scared teenager?**

The bypass option is rather simple. A girl who feels she can not tell her parents because she fears for her safety would schedule a hearing with an administrative law judge from the Oregon Health Department. The hearings are easy to schedule and currently in Oregon, they can be done over the phone. The law gives the judge a specific time frame in which he must decide to grant or deny the bypass. Everything discussed in the hearing is confidential.

## **5. What about situations where a girl needs an immediate abortion because her health or life is in danger?**

The Parental Notification Law provides an exception for medical emergencies. The notification requirement can be waived if the doctor believes there is not enough time to notify a parent because of a medical emergency. The doctor must record the nature of the emergency in the minor's medical record.

## 6. Can we really mandate family communication?

This law doesn't mandate communication; it simply assures that a parent who is responsible for a child's welfare in every other situation is notified. Unfortunately abortion facilities are willing to perform abortions on minors without any parental involvement and no law exists in Oregon requiring a parent's involvement, therefore in the interest of a parents' right to know and teen girls' safety, this law is needed.

## 7. I've heard that most girls already tell their parents, so isn't this law unnecessary?

The fact of the matter is, the majority of pregnant teens do **not** tell their parents when they are contemplating an abortion. Figures from a study actually reveal that 55% of minors did not tell either parent before they had an abortion. The study also found that among those girls whose parents were unaware, 89% consulted their boyfriend about the abortion instead. This study appeared in *Family Planning Perspectives*, a publication of the Guttmacher Institute, in 1992, and is actually most often misused by those who **oppose** parental notification

## 8. Isn't a girl's safety assured by her doctor?

According to the Oregon Vital Statistics Report, 94% of abortions are performed in free-standing abortion facilities. This means that abortions are not preformed by a trusted family physician, but by someone whom she has likely never seen or talked to. Most of these free-standing facilities are not regulated by any state agency and there is no requirement in Oregon that abortions be performed by a licensed physician.

## 9. Will this law force girls to have late term abortions?

No. A study published by the *American Journal of Public Health* refutes the claim that the parental notice laws caused more minors to obtain late abortions. In fact, the researcher concluded that the reverse is true: "For ages 15-17, the number of late abortions per 1,000 women decreased following the enactment of the law. Therefore, an increased medical hazard due to a rising number of late abortions was not realized."

## 10. Do other states have similar laws? Are they Constitutional?

Currently 44 states have parental involvement laws in effect. The U.S. Supreme Court ruled in *Akron v. Ohio* (1990) and in *Planned Parenthood v. Casey* (1992) that they are Constitutional and they do not pose an "undue burden" on the mother as long as they have a bypass option. The Supreme Court held in *Ayotte v. Planned Parenthood* (2006) that "states unquestionably have the right to require parental involvement when a minor considers terminating her pregnancy".

