

Responding to the Guttmacher Institute on the Impact of Parental Notification Laws

By Michael J. New Ph.D. ¹

Dr. Michael New did original analysis of datasets for the Family Research Council which immediately published the results in September 2008². The Guttmacher Institute (GI) recently published an article³ on New's study, but as Dr. New's (MN) response indicates, they need to beef up on their own grasp of the literature.

What follows are excerpts from the Guttmacher Institute's paper and Dr. Michael New's response.

State Notification Are Ineffective

GI: Antiabortion activists repeatedly claim that state laws requiring parental involvement (such as notification or consent) for minors to obtain abortions have been a major contributing factor to declining abortion rates among minors in the United States.

Recently, Michael New, a visiting fellow at the antiabortion advocacy organization Family Research Council, posted an analysis on the organization's Web site that he claims "demonstrates that state level parental involvement laws are effective in reducing the incidence of abortion among minors." New's analysis, which has not been published in a peer-reviewed journal, has serious methodological flaws. Like many previous studies on the subject, it is not able to substantiate the claim.

In contrast, there is strong evidence that the decline in minors' abortion rates is largely the result of fewer teen pregnancies, which, in turn, reflect better contraceptive use among adolescents. Moreover, the evidence suggests that even in the absence of parental involvement laws, some six in 10 minors involve at least one parent in their decision to have an abortion. Mandating this involvement can be harmful to some minors. There is no strong evidence that parental involvement laws have prevented many minors from obtaining abortions.

***MN:** Actually, peer reviewed research provides very good evidence that pro-life parental involvement laws have been effective at lowering the incidence of abortion among minors.*

A 1986 Study in the American Journal of Public Health⁴ analyzed the Massachusetts Parental Notice law, which took effect on April 23, 1981. In 1981 the number of Massachusetts minors obtaining abortions in other states increased by an average of 66 per month after the law was passed. However, the number of abortions performed on minors in Massachusetts fell by an average of 149 per month after the parental notice law took effect. As such, the in-state decline clearly exceeded the out-of-state increase. Furthermore, the article provides evidence that the minor

¹ http://www.as.ua.edu/psc/faculty_and_staff/faculty_directory/new/index.php

² <http://www.frc.org/insight/the-effect-of-parental-involvement-laws-on-the-incidence-of-abortion-among-minors>

³ http://www.guttmacher.org/media/evidencecheck/2008/10/16/Parental_Involvement2008.pdf

⁴ Cartoof, Virginia and Lorraine Klerman. 1986. "Parental Consent for Abortion: Impact of the Massachusetts Law." *American Journal for Public Health* 76: 397-400.

birthrate in Massachusetts increased in 1982, possibly because of the parental notice law.

A 1991 study in the American Journal of Public Health⁵ found that the minor abortion rate in Minnesota fell by 28 percent after the enactment of a parental notice law in 1981. A 1987

study in the American Journal of Public Health⁶ found little evidence that significant numbers of Minnesota minors were obtaining abortions in other states.

A 1996 study in the Journal of Health Economics⁷ found statistically significant evidence that Tennessee and South Carolina minors were less likely to obtain abortions, either in-state or out-of-state, after the passage of parental involvement laws in both states. This finding held true for both blacks and non-blacks. Furthermore, the abortion rate for minors in both states fell relative to the abortion rate for 19-20 year olds.

A 2006 study, which was published in The New England Journal of Medicine,⁸ analyzed the parental notice law that took effect in Texas in 2000. It found that:

Abortion rates fell by 11 percent among 15 year olds;

Abortion rates fell by 20 percent among 16 year olds; and

Abortion rates fell by 16 percent among 17 year olds.

Furthermore, a survey of public health departments in neighboring states found little evidence that Texas minors were circumventing the law by seeking abortions across state lines.

GI: Most studies purporting to show a significant impact of such laws suffer from a range of serious methodological flaws. One common flaw of these studies (including New's) is that they track abortions by state of occurrence, not by state of residence. By failing to account for minors traveling to neighboring states to obtain an abortion, it is impossible to prove that parental involvement laws caused overall declines in minors' abortion rates, even if they may succeed in shifting the occurrence of abortions from one state to another.

MN: *Some of the research on this subject would be stronger if scholars analyzed minor abortion data by state of residence instead of state of occurrence. However, there is a slight problem here -- the CDC only releases minor abortion data by state of occurrence. Furthermore, not all state health departments keep accurate data on the number of abortions performed on out-of-state minors. Sad to say, social scientists can only use data which is publicly available.*

⁵ Rogers, James, Robert Boruch, George Storms, and Dorothy DeMoya. 1991. "Impact of the Minnesota Parental Notification Law on Abortion and Birth." *American Journal of Public Health* 81:294-298.

⁶ Blum, Robert, Michael Resnick, and Trisha Stark. 1987. "The Impact of a Parental Notification Law on Adolescent Abortion Decision Making." *American Journal of Public Health* 77: 619-620.

⁷ Joyce Theodore and Robert Kaestner. 1996. "State Reproductive Policies and Adolescent Pregnancy Resolution: The Case of Parental Involvement Laws." *Journal of Health Economics* 15: 579-607.

⁸ Joyce, Theodore, Robert Kaestner, and Silvie Coleman. 2006. "Changes in Abortions and Births and the Texas Parental Involvement Law." *The New England Journal of Medicine* 354: 1031-1038.

Furthermore, in my research, I acknowledge that minors may be able to circumvent these laws by travelling to other states where the abortion laws are more permissive. The solution, however, is not to throw our hands in the air but to 1) Get more states to pass pro-life parental involvement laws and 2) Pass good federal legislation like the Child Custody Protection Act, which would make it a felony for a non-parent to take a minor across state lines to have an abortion.

GI: Minors' abortion rates have been declining steadily for years, both in states with and without parental involvement laws. Even in states with such laws, the declines often started well before these statutes became effective.

***MN:** It is true that minor abortion rates were going down before many states passed parental involvement laws. However, the trend is held constant in my research. My findings indicate that states that passed pro-life parental involvement laws saw minor abortion rates fall faster than the national trend.*

GI: A study published in the *New England Journal of Medicine* in 2006 found that in the period immediately following implementation of a Texas parental notification law, the abortion rate among teens aged 15-17 in the state fell more sharply than it did among 18-year-olds, who were not subject to the law. The authors concluded that the law was associated with reduced abortion rates among minors and an increase in the birth rate among older minors. However, given the design of this study, causality cannot be proven. If the law has had this effect, it likely reflects the fact that all states bordering Texas, with the exception of New Mexico, also have a mandatory parental involvement law, which makes it extremely difficult for Texas minors to seek an abortion elsewhere. The sheer size of the state contributes to that difficulty. Should additional states enact such laws, thus giving the minority of teens who seek abortions without involving parents fewer places to turn, these types of restrictions may begin to have a measurable impact on adolescent abortion rates.

***MN:** The 2006 study which appeared in *The New England Journal of Medicine*⁹ supports my argument. This study found that after the Texas parental notice law took effect in 2000, there were statistically significant declines in the abortion rate for 15 year olds, 16 year olds, and 17 year olds. Overall the minor abortion rate in Texas fell by approximately 15 percent after the passage of the law. Furthermore, the authors contacted state health departments in neighboring states and found very little evidence that Texas minors were obtaining abortions across state lines.*

It is true that most states which neighbor Texas have parental involvement laws, but that proves my point. If more states pass pro-life parental involvement laws, minor abortions would go down, lives would be saved, and teens would be protected. These are all worthwhile objectives.

⁹ Joyce, Theodore, Robert Kaestner, and Silvie Coleman. 2006. "Changes in Abortions and Births and the Texas Parental Involvement Law." *The New England Journal of Medicine* 354: 1031-1038.

Declines In Minors' Abortion Rates Are Largely The Result Of Declines In Their Pregnancy Rates

GI: Declines in minors' abortion rates reflect the fact that fewer minors are becoming pregnant in the first place. Between 1989 and 2002, the pregnancy rate among minors aged 15-17 declined 43% to a historic low.

Most (77%) of the reduction in the pregnancy rate among minors was the result of improved contraceptive use among sexually active minors; the remainder (23%) was attributable to some minors waiting longer to initiate sex.

***MN:** It is true that the reduction in minor abortion rate is partly due to the fact the minors are becoming less pregnant less often. However, there are flaws with the Santelli study,¹⁰ which argues that the teen fertility decline is largely due to increased contraceptive use. For instance, Santelli assumes that minors would use contraception as consistently/reliability as adults. In reality, there is plenty of evidence to the contrary.*

Mandating Parental Involvement Can Be Harmful

GI: The most vulnerable and scared teens are put at greatest risk. Forcing teenagers to disclose to their parents that they are pregnant or seeking an abortion may place some teens at risk of physical violence or abuse. According to a 1992 study, about one-third of teenagers who did not tell their parents about their decision to seek an abortion had experienced violence in their family, or feared that violence would occur or that they would be forced to leave home.

***MN:** The U.S. Supreme Court has ruled in *Planned Parenthood of Missouri vs. Danforth* (1976) and *Belotti vs. Baird* (1979) that parental involvement laws must contain a judicial bypass provision that would allow minors in abusive situations to obtain permission to receive an abortion from a judge.*

Additionally, in states that do not have parental involvement laws, it is easier for child predators to use abortions to cover up their criminal behavior. This certainly puts vulnerable and scared teens at risk.

GI: Legal impediments to teens' access to abortion services can result in teens' delaying abortions until later in pregnancy, when they carry a greater risk of complications and are also more expensive to obtain.

¹⁰ Santelli, John, Laura D. Lindberg, Lawrence Finer, and Susheela Singh. 2007. "Explaining Recent Declines in Adolescent Pregnancy in the United States: the Contribution of Abstinence and Improved Contraceptive Use." *American Journal of Public Health* 97(1): 150-156.

MN: *The Guttmacher Institute puts forth no credible social science evidence to support this assertion. Furthermore, it should be noted that many minors are unaware of their own medical history. There are stories of minors who died because they sought abortions without their parents' knowledge and did not realize that they were allergic to anesthesia.*¹¹

GI: Many medical, public health and youth-serving organizations have consistently opposed laws and policies requiring mandatory parental involvement for abortion services. These organizations-made up of professionals who study and work most closely with teens-include the American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Medical Association and the Society of Adolescent Medicine, among others. They agree that health care providers have an obligation to encourage adolescents to talk to their parents about sexual activity and reproductive health care, and that they have an important role in facilitating such conversations. At the same time, however, they uniformly state that minors should not be forced to involve their parents in their decision to obtain an abortion.

MN: *A number of law enforcement officials and district attorneys have endorsed parental involvement laws as a mechanism to help stop child predators. Furthermore, parental involvement laws are supported by both CareNet and the National Institute of Family and Life Advocates (NIFLA) which represent hundreds of pregnancy resource centers. These pregnancy resource centers provide assistance to thousands of women, including at-risk minors, every year. Their experience indicates that parental involvement can help minors to make better informed choices about how to deal with a crisis pregnancy.*

¹¹ The following are links to stories of minors who died while undergoing abortions due to the fact they had an adverse reaction to the anesthesia:

<http://realchoice.0catch.com/library/weekly/aa010503a.htm>
<http://realchoice.0catch.com/library/deaths/bl85dlozinski.htm>
<http://realchoice.0catch.com/library/deaths/bl72rroe.htm>
<http://realchoice.0catch.com/library/deaths/bl79ascott.htm>
<http://realchoice.0catch.com/library/weekly/aa020500a.htm>