

# REPEAL MICHIGAN'S FORCED PARENTAL CONSENT LAW FOR YOUNG PEOPLE NEEDING ABORTION CARE

Young people deserve power and control over their own bodies, including if and when they are pregnant. Even if they haven't turned 18, all young people deserve access to health care, information, and resources when they are faced with an important life decision – not barriers and delays.

## STATE LAW.

- State law dictates that young people under 18 must seek written consent from one parent or legal guardian before getting an abortion; this doesn't apply to emancipated youth. Those who can't get parental consent must file a petition, appear before a judge, and get their approval before they can get the care they need; this is known as the judicial bypass process.
- **Due to Michigan's forced parental consent mandate, many young people do not seek medical care, get information and resources, or receive the care and support they need.**

## YOUNG PEOPLE WHO CAN INVOLVE A PARENT, ALREADY DO SO. FOR YOUNG PEOPLE WHO CAN'T INVOLVE A PARENT, THIS LAW PUTS THEIR SAFETY AND HEALTH AT RISK.

- In 2021, nearly 700 (2%) of the 28,000 abortions in MI were for young people under 18, primarily older adolescents ages 16 and 17. Majority of young people involved a parent in their abortion decision and care, but some young people (15%) were unable to do so.
- While most pregnant youth already involve their parent or guardian in their reproductive decisions and efforts to access abortion services, some cannot for reasons rooted in their safety and well-being. **For the minority of young people who do not talk to their parents, it is usually because of a fear of physical or emotional abuse, loss of financial support or homelessness, fear of being forced to have a child against their will, or other serious family problems.**
- Most often, even when young people can't involve a parent, they have a network of support that includes close family members, such as grandparents, aunts, and adult siblings, or other trusted adults.
- **We can't legislate healthy family communication.** We want young people to talk with their parents about important life decisions but must also acknowledge where that is not always possible for their safety and well-being. We should invest in solutions that promote healthy families and strong support networks for every young person. To ensure their safety and well-being, young people should be able to decide which trusted adult to talk with about their pregnancy.

Research shows young people are capable of making informed decisions about pregnancy-related health care. In fact, MI law allows young people under 18 to consent to all other forms of pregnancy health care — including those with significantly higher health risks than a very safe and legal abortion — such as a c-section. Likewise, MI law allows young people to consent to their child(ren)'s health care. The government only interferes (and punishes young people) when their pregnancy-related health care decision involves an abortion.

# JUDICIAL BYPASS IS HARMFUL TO MINORS.

## REPEAL MICHIGAN'S FORCED PARENTAL CONSENT LAW.

**"The hypocrisy of the law is the notion that someone is not mature enough to make this decision on their own, but they are mature enough to carry a pregnancy to term."**

—Kylee Sunderlin, Michigan judicial bypass attorney, March 9, 2023

**"It's another obstacle that makes obtaining a safe legal procedure more difficult than it needs to be."**

—Sarah, Michigan healthcare provider, April 7, 2023

- **Judicial bypass is a process through which a young person under 18 must file a petition, appear before a judge, and seek a waiver of parental consent in order to get their abortion care.** The judge's decision is based on whether they believe the young person is mature enough and well-informed enough to make a decision around abortion care.
- **Judicial bypass is difficult to navigate.** Young people face notable challenges navigating courts during school hours, seeking and financing transportation, preserving their right to privacy, and knowing where they can access legal support.
- **Judicial bypass causes harmful delays to young people's care;** this necessitates more expensive and invasive procedures later on in their pregnancies. In 2021, MI judges approved 99% of cases demonstrating this primarily functions as a timely hurdle.
- **Judicial bypass ignores that medical providers already obtain true informed consent from young people.** Likewise, they encourage young people to involve a trusted and safe adult in their health care. Unlike judges and legislators, medical providers have extensive training in adolescent development and providing medical care.
- **Judicial bypass is subjective** regarding what criteria judges use to determine if they think a young person is "mature" and "well-informed" enough to make a decision around abortion care. Oftentimes, they consider young people's grades in schools. Furthermore, it is nonsensical to suggest an individual is not "mature" and "well-informed" enough to have an abortion but is "mature" and "well informed" enough to carry a pregnancy to term and give birth (acts that pose far more health risks than a highly safe and legal abortion) and, in most cases, be forced to parent.
- **Judicial bypass is invasive, distressing, and punitive to young people.** Young people report worsened mental health when they are forced to go to court and recount the details of their intimate lives to a stranger, solely to justify their need for health care.
- **All major professional healthcare associations oppose forced parental consent mandates and the judicial bypass process.** These include the American Medical Association, Society for Adolescent Medicine, American Public Health Association, American College of Obstetrics and Gynecologists.

**Forced parental notification and consent laws are not the answer; they create barriers to health care and decision-making and make it harder for young people to get the care they need. We should invest in solutions that promote healthy families and strong support networks for young people, not pass or uphold laws that interfere with their family relationships.**