



Testimony for the House Health and Government Operations Committee  
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**HB 1335 - Public Health - Abortions Sought by Minors - Parent or Guardian Consent**

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**OPPOSE**

The American Civil Liberties Union of Maryland (ACLU) strongly opposes HB 1335, which would change existing state law to require physicians to obtain parental consent before performing an abortion, a legal medical procedure, on a minor unless the minor obtain a court order through an onerous process known as “judicial bypass,” the minor declares that she was abused or neglected, or that there is a “medical emergency” that threatens the minor.

The risk to minors who seek the necessary medical services of abortion care is great. Supporters of laws requiring parental consent for abortions claim they seek to support family communication, reassert parental values and reduce teenage sexual activity. Sadly, if this bill becomes law, none of these purposes will be served. Teenagers who must obtain parental permission to get an abortion will not be suddenly driven to discuss these very personal and private issues with their families. They may try to hide their pregnancies, foregoing prenatal care or abandoning their babies shortly after birth.

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The judicial bypass contained in this bill is so onerous as to be untenable for even the most determined young woman. Maryland can learn from the examples of other states.

Research conducted into the judicial bypass option of parental involvement laws demonstrates that this critical safety valve often malfunctions, leaving many teens with few alternatives other than traveling to a neighboring state to obtain a safe abortion. Several studies have shown that courts are completely unprepared or unwilling to handle inquiries into the judicial bypass process.<sup>1</sup> Teens in these states must contend with court employees and judges who have never heard of a judicial waiver and are ignorant of their obligation to satisfy the safeguards required by law, or who are openly hostile to abortion. The fact that Maryland courts are ill-equipped to handle such cases in compliance with the requirements of the bill is a vast understatement.

As the dissent in *Memphis Planned Parenthood, Inc. v. Sundquist*, 175 F.3d 456, 468 (6th Cir. 1999) stated,

“[I]t’s a practical impossibility for a minor to obtain an abortion without first consulting or notifying a parent to seek the parent's

<sup>1</sup> See Silverstein, H. and Speitel, L., “*Honey, I have no idea*”: Court readiness to handle petitions to waive parental consent for abortion, 88 Iowa Law Review 75-120 (2002); see also *Hodgson v. Minnesota*, 497 U.S. 417, 436 (1990) (judges have testified how ill-equipped they feel in assessing the criteria for granting bypass petitions).

permission. That is to say, this bill effectively nullifies a minor female's right to choose to terminate her pregnancy without parental consent as guaranteed to her by the Constitution and Supreme Court precedent, because to say that the minor female has the right to have an abortion without parental consent as long as she overcomes extreme logistical hurdles is to say that she has no right at all.”

We wholeheartedly agree.

For these reasons, we strongly urge an unfavorable report on HB 1335.

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