

FAMILY FINDINGS

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Parental Notification: Should Parents Raise Their Kids or Should the Government?

EXECUTIVE SUMMARY

In June of 1999, New Jersey passed a “Parental Notification on Abortion Act” by a veto-proof margin in the legislature. Consequently, the ACLU filed a lawsuit and parental notification was struck down in July of 2004. Currently in New Jersey, a minor (under eighteen) can obtain an abortion without notifying her parents.

Recently, in light of Live Action’s undercover video footage of Planned Parenthood’s willingness to exploit victims of childhood prostitution, it has become even more apparent that the children in our state need protection. Currently, parents in New Jersey are deprived of the right to be notified if their minor daughters are seeking an abortion, which leaves Planned Parenthood employees as the main source of guidance for many young girls.

Pro-life and pro-family organizations are uniting to push for a constitutional amendment requiring parental notification in New Jersey—parents would have to be notified forty-eight hours before the underage girl could obtain the abortion.

Of course, pro-abortion giants like Planned Parenthood and the ACLU vocally object to parental notification, constantly claiming it violates the constitutional rights of the minor.

But the constitutionality of parental rights has long been a fundamental buttress on which our nation stands: “According to the Supreme Court, it is cardinal with us that the custody, care, and nurture of the child reside first in the parents.” Most minors are too impaired by immaturity, naïveté, and lapses in judgment to make such a life-changing decision without discussing options with their parents. What is truly backwards and incredible is the fact that a minor cannot get her ears pierced, or have an aspirin in school, or get a tattoo, without parental permission. But she can obtain an abortion without even notifying her parents?

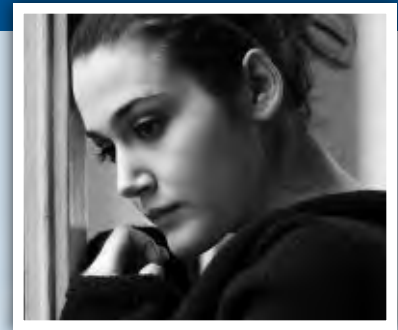
For those girls that could be negatively affected by parental involvement, the proposed amendment offers a judicial bypass procedure, which recognizes these exceptional circumstances.

If the judge deems her mature and fully aware of her pregnancy options, she can obtain permission from the judge for an abortion without involving her parents.

Various studies have shown that in states where parental involvement is required, both the abortion and teen pregnancy rate are lowered. There is no citation of a minor girl who is negatively affected by parental involvement laws; there is, however, evidence to the contrary. The numbers show that parental involvement has prevented many young girls from obtaining an abortion.

Furthermore, parental involvement laws hold sexual predators accountable. In our state, a child predator can take a minor girl to an abortion clinic for a surgical or chemical abortion without ever involving her mother and father, and the sex offender therefore evades the legal consequences and goes unpunished. It is now up to the citizens of New Jersey to support laws like parental notification that protect the children in our state.

Overall, should parents control their children or should the government? When the state begins to infiltrate the private realm and sanctity of family life, it is our duty to defend the family and to defend life. We need to fight for the protection, the wellbeing, and the lives of our daughters.



“Simple morality dictates that unless and until someone can prove the unborn human is not alive, we must give it the benefit of the doubt and assume it is (alive). And, thus, it should be entitled to life, liberty and the pursuit of happiness.”

– Ronald Reagan, 1982

According to the Supreme Court, it is cardinal with us that the custody, care, and nurture of the child reside first in the parents.

Consent v. Notification

Currently in New Jersey, a minor girl (younger than eighteen) is required to involve her parents *in any way* should she choose to get an abortion. There are two types of parental involvement laws: parental consent and parental notification. Most laws require 48 hours notice. Parental consent laws require that at least one parent approves of the abortion in writing, while parental notification laws simply require the doctors to alert the parents about the abortion before it is executed.¹

Hence, when parental notification laws are not put into effect, not only are parents deprived of their right to decide what is best for their minor daughter, they are deprived of their right to *know*. They are deprived of knowing that their daughter is sexually active. They are deprived of being informed that their daughter is pregnant. They are deprived of knowing their daughter is possibly a victim of statutory rape. They are deprived of being notified that their teenage, or pre-teen for the matter, daughter is about to undergo a medically invasive, *potentially life-threatening* surgical procedure. Parents in New Jersey currently do not have the right to give their own daughter their input, influence, support, or guidance before she could make the most regrettable decision of her life. They could live their entire lives unaware that their daughter experienced something so physically, emotionally, and psychologically traumatic at such a young age—an age when the brain is not even fully developed.

Parental Notification in New Jersey

“We must change the climate overall from one where abortion providers are vilified and assaulted to one where they are honored and upheld as the heroes they are.”

– ACLU press release

In June of 1999, New Jersey and forty other states passed a “Parental Notification on Abortion Act” by a veto-proof margin in the legislature. As a result, the American

Civil Liberties Union (ACLU) filed a lawsuit in New Jersey to prevent the implementation of the law, declaring that all people “have certain natural and unalienable rights, among which are enjoying and defending life and liberty...and of pursuing and obtaining safety and happiness, and the right of privacy and its accompanying rights, including a woman’s right to make fundamental choices.”²

In response to the “natural and unalienable rights” that these young women are entitled to, one may question why the state Supreme Court does not consider the right to bear arms as an unalienable right, and therefore relinquish any parental involvement or age limitations for owning a gun. In fact, why doesn’t the Supreme Court give all minors the right to vote, or the right to consume alcoholic beverages?

The case, *Planned Parenthood v. Farmer*, unfortunately led the Supreme Court to strike down the parental notification law in July of 2004.³ Today, defenders of life, of the family, and of parental rights are joining in the fight for a constitutional amendment requiring parental notification for a minor acquiring an abortion in New Jersey.

Not only is Planned Parenthood’s and the ACLU’s argument invalid; it actually denies young girls of the adult guidance they need and deserve. When questioned about the crucial direction that parents provide for their minor children, the ACLU claims the young girl receives the necessary guidance and counseling she needs to make an informed decision. From whom? From the abortion providers.⁴ Abortion giant Planned Parenthood and the ACLU argue that those who work at an abortion clinic, those who witness the aborting of fetuses daily, who are paid to be there, will provide honest advice in the best interest of a desperate and impressionable girl.

How do they compare to the parents? How do they compare to the two people who raised her, fed her, sat at her bedside when she was ill? They do not. They do not come close to comparing to the mother and father who have devoted their lives to her.

These are the constitutional rights that are truly undermined when parental notification is not required.

The Constitutionality of Parental Rights

The United States Supreme Court has always recognized the interest of parents in raising, educating, and rearing a child.



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“According to the Supreme Court, it is cardinal with us that the custody, care, and nurture of the child reside first in the parents.”⁵ This statute explains why here in New Jersey, parents must give permission to the school nurse for their minor child to take an aspirin. It explains why a minor child cannot see a rated R movie without a parent. It explains why a minor cannot get her ears pierced without parental permission. It explains why a minor cannot tattoo her body or use a tanning bed without one of her parent’s consent. These laws give parents their natural right to provide the custody, care, and nurture that their children need. There is a *serious* disconnect, however, between this statute and the fact that in fourteen states, New Jersey included, a minor girl can get an abortion, an invasive, surgical procedure with life-altering effects, without even informing her parents.

In *Hodgson v. Minnesota*, 497 U.S.417,444 (1990), which required notice to both parents before their daughter could get an abortion in the state of Minnesota, it was stated that “[I]mmaturity, inexperience, and lack of judgment may sometimes impair [minors’] ability to exercise their rights wisely.”⁶ Most young girls are not fully informed of their own and their families’ medical histories. Parents are in a much better position to provide vital information relevant to any medical treatment. If they are required to do so before any other surgical procedure, why is abortion the exception?

In Massachusetts’s *Planned Parenthood v. Attorney General*, in which the Attorney General fought for parental consent, the traditional difference between the rights of adults and minors was emphasized: *For years, [Massachusetts] has had numerous laws protecting minors by limiting their rights in ways not applicable to adults. The Commonwealth’s traditional concern for the welfare of minors justifies the requirement that a pregnant unmarried minor (and not others) obtain parental consent or a judicial determination either that the minor has made a mature decision or that an abortion is in the minor’s best interests. The record does not show that this traditional concern is unwarranted in the case of an unmarried minor contemplating having an*



*abortion or that the [parental notification] fails to reflect this concern in a beneficial way.*⁷

Indeed, the interests of the minor seeking an abortion are not jeopardized if parental notification is enforced—they are *protected*. Opponents of parental notification laws claim that it violates the Federal Constitution, specifically the minor’s privacy rights that are stated in the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. Yet in *Meyer v. Nebraska*, “the Supreme Court held that the rights of parents to raise their children free from unreasonable state interferences is one of the ‘unwritten liberties’ protected by the Due Process Clause of the Fourteenth Amendment.”⁸ Common law states that the “natural bonds of affection lead parents to act in the best interests of their children.”⁹ The *real* natural, God-given rights that parents maintain to protect, guide, and counsel their child trump the “rights” of an overwhelmed, impulsive, short-minded, and frightened teen or adolescent seeking an abortion.

The crutch of the argument posed by pro-abortion organizations is: for some minor girls, involving their parents is not in their best interests because of broken or abusive family situations. There are certainly, and unfortunately, unhealthy family struc-

tures like this in our state, which is why for the few minors who could be negatively affected by parental involvement; the parental notification amendment includes a judicial bypass procedure. Inclusion of the judicial bypass mechanism recognizes that a minor girl in exceptional circumstances may obtain permission from a judge for an abortion without parental notification, given that she has conveyed a mature and sufficient understanding of pregnancy options without involving a parent. Additionally, through the process of the judicial bypass procedure, a potentially abusive situation is brought to the attention of the court, and as a result, the proper agency can take the necessary action. Otherwise, the pregnant girl is required to update her parents on her pregnancy and abortion.

Impact on Abortion Rates in Other States

Pro-abortion organizations claim that studies have shown how parental notification laws have a negligible impact on a state’s minor abortion and pregnancy rates. Unfortunately for them, the overarching evidence is quite clear: many studies have shown that parental notification largely impacts the rate of abortions and pregnancies among girls under eighteen. In a discourse between the Family Research Council and the Guttmacher

Institute, Dr. Michael New responds to the challenges against the effectiveness and impact of parental notification. In response to the Guttmacher Institute's claim that the abortion rate was going down before parental notification laws were enforced in many states, Dr. New clarifies: *It is true that minor abortion rates were going down before many states passed pro-life parental involvement laws. However, the trend is held constant in my research. My findings indicate that states that passed parental involvement laws saw minor abortion rates fall faster than the national trend.*

To buttress his argument, Dr. New refers to extensive research that supports parental notification's influence on abortion rates. To those who assert that parental notification in one state motivates the minor to obtain an abortion in a neighboring state where parental involvement is not law, the doctor cites a 1986 study on the Massachusetts Parental Notice Law: *[The Parental Notice Law] 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 birthrate in Massachusetts increased in 1982, possibly because of parental notice law.*¹⁰ Thus, the abortion rate did decrease after the passing of the parental notification law in Massachusetts.

Furthermore, Dr. New's findings are strongly supported by statistics in other states:

Minnesota. Data from a thorough examination entitled, "The Impact of the Minnesota Parental Notification law on Abortion and Birth" concludes that the law yielded notable results: "These data suggest that parental notification facilitated pregnancy avoidance in 15-17 year-old Minnesota women. Abortion rates declined unexpectedly while birth rates continued to decline in accordance

with a long-term trend."¹¹ After the implementation of the law in 1981, the abortion rate of girls younger than eighteen fell by *twenty-eight percent.*¹²

Texas. A study conducted in 2006 and published in the *New England Journal of Medicine* found that the parental notification law that was executed in Texas in 2000 had a profound impact on the abortion rates of minors: among fifteen-year-olds, they fell by eleven percent, among sixteen-year-olds, twenty percent, and seventeen-year-olds, sixteen percent.¹³

There is no evidence that shows parental involvement has ever harmed a minor pregnant girl; there is, however, evidence that supports the claim that parental involvement has prevented many young girls from obtaining an abortion.

Protection from Child Predators

Opponents of parental notification claim they tirelessly fight for the "protection" of the child; the guarding of their constitutional right to privacy. What they fail to recognize, however, is that without enforced parental notification, the state fails to do everything in its power to protect minor girls from sexual predators. When no parental involvement laws are enforced, millions of older men who have committed acts of statutory rape go completely unpunished—they slip right through the cracks. Not to mention the

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influence that an older man, who knows he is legally responsible, may have on a frightened and vulnerable minor who finds herself pregnant.

There are a countless amount of overage sexual predators that are able to evade detection and prosecution because pregnant minors, out of fear, do not divulge their identity. Parents have the right to be aware of their minor children's associations. Requiring parental notification can assist and further the state's interest in prosecuting overage sexual predators by getting responsible parents involved. Currently in New Jersey, a child predator can take a young girl to Planned Parenthood for a surgical or chemical abortion without ever involving her mother or father. This chilling situation unveils Planned Parenthood's blatant disregard for parental rights and concerns. They do not report these crimes to law enforcement—parents *do*.

Also, parental notification makes young fathers responsible for their acts. Currently, a minor who impregnates another minor is free of responsibility for that pregnancy. Once the parents are notified of the pregnancy they may be able to hold the young man accountable and offer support to the young couple.¹⁴

Now it is up to us to tirelessly fight for the protection of our daughters in New Jersey. We cannot let young girls face the decision alone, or even worse, be persuaded by a sex offender who is looking out for himself.

Should You Control Your Children or Should the Government?

“You see, the Founding Fathers didn’t want the government to raise your kids, they wanted you to do it. And part of raising your children is knowing their medical condition, is it not? How crazy is this: a fourteen year old can have an abortion, go home, deal with all the consequences, and her parents don’t know anything about it. Is that the America you want to live in? It’s just common sense.”

– Bill O’Reilly

Unfortunately, common sense is under attack by radical progressives. As a result, so is the family. Pro-abortion progressives like Planned Parenthood, the ACLU, and the like press for the diminishing of parental authority and of the family structure. They push to break down the very

principles and foundation upon which our nation is built, including the private realm of family life, the parental right to guide and rear their children, and the right of parents to be involved in their children’s medical decisions and procedures. Any state interest regarding a minor’s care should be secondary to a parent’s interest, with the exception of those in abusive or unstable situations. Constitutionally, the family is such a fundamental component of society that it draws its protections from the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment, which prohibits the state from depriving a person of life, liberty, and property.

In September of 1999, New Jersey Superior Court Judge Marguerite Simon found that a parental notification law was a legitimate effort by the state “to protect minors from their own immaturity, to foster the family structure, and to protect the rights of parents to rear their children by assisting their child.”¹⁵

It is common sense that parents usually have critical information concerning their child’s *and* their family’s medical history. Parents are in a better position to offer crucial information pertinent to any medical treatment.¹⁶

Furthermore, research shows that many women face emotional and psychological troubles as a result of an abortion, regardless of their age. When an inexperienced, immature, and still developing minor obtains a secret abortion, she is particularly prone to psychological disturbances that will haunt her future. Who is usually left to pick up the emotional pieces? Or better yet, who, on average, is a better advocate for a minor girl, the state or the parents?

Post abortion psychological services cannot alone comfort or console the minor in the parent’s absence. Even in cases where a parent disagrees with the minor’s decision to have an abortion, it is the parent who will be there to comfort, console and support their child for many years to come. No parent should be caught off guard should any complications result, physical, psychiatric or otherwise.¹⁷

Not only does a parental notification law recognize the authority of the parents, but also the safety and wellbeing of minors. Our daughters deserve protection from making uninformed and life-altering decisions, from sexual predators, and from possibly making one of the biggest mistakes of their lives.

Now it is up to us to tirelessly fight for the protection of our daughters in New Jersey. We cannot let young girls face the decision alone, or even worse, be persuaded by a sex offender who is looking out for himself.

A “Right” or a Life?

Pro-abortion organizations like the ACLU and Planned Parenthood, under the guise of the “great defenders of freedom,” allege that they defend the “reproductive freedom” of all women. They claim they “protect everyone’s right to make informed decisions free from government interference about whether and when to become a parent.”¹⁸ In turn, associations like such argue that a minor girl has a right to privacy and to her own reproductive decisions. According to them, a minor is entitled to get an abortion without ever notifying her parents because of her “natural” liberties. According to them, a parental notification law violates the federal constitution.

The major discrepancy here is simple: there is a significant difference between a right and a *life*, and when pro-abortion groups assert that women have the “right” to make decisions about their own bodies, they neglect the other body that cannot speak for itself. Pro-abortion organizations confuse a right with a valuable human life by masking the atrocity of an abortion with their talk of civil liberties.

The people of New Jersey must become engaged and informed to hold pro-abortion organizations accountable for their self-seeking interests, and also express their opinion to the legislature regarding parental notification. Parental notification of a minor seeking an abortion is already in place in



majority of the states—thirty-six to be exact.¹⁹ There is zero evidence against the measure—there has not been a single citation of a girl who has been harmed by parental notification. Of course, children don’t want to tell their parents everything, but does that justify a lack of notice?

“My thirteen year old daughter has seasonal allergies. We give her Claritin® when she’s not feeling well — I have to sign two forms to give [the school] permission, one for the first part of the year and one for the second, to take an over-the-counter allergy medicine. Yet if my daughter were to get pregnant, she could walk from the Assumption School to the Planned Parenthood down the street and get an abortion without me ever knowing. Now I have to tell you something – there’s something upside down about a society that does that.”

– Governor Chris Christie, November 2009

ENDNOTES

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ABOUT US:

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