

# Support HB 3765: Protecting Minors from Forced Abortion by Rep. Jodie Laubenberg

**Goal:** Texas Alliance for Life supports amending current Texas law to explicitly reflect a minor's right to refuse an abortion, by requiring her consent in addition to her parent's consent.

## **Background:**

On multiple occasions, parents or guardians have attempted to force their pregnant daughters to have an abortion. This has been the subject of litigation on multiple occasions.<sup>1</sup>

Federal and Texas law already recognizes a minor's right to refuse an abortion; however, some parents have denied that right exists.

In a recent study published in the *Journal of Adolescent Health*<sup>2</sup>, it was found that a minor was significantly more likely to report her primary reason for obtaining an abortion was because someone else wanted her to (10% v. 3%):

- 57% of those minors indicated it was their mother.
- 32% indicated it was their male partner.
- 7% indicated it was "everybody."

An explicit provision that a minor has a right to refuse an abortion would further the State's interest in protecting minors and unborn children.

## **State Law:**

Sec. 171.011, Health and Safety Code states that "A person may not perform an abortion without the voluntary and informed consent of the woman on whom the abortion is to be performed."

While under Chapter 171 a minor is considered a woman, her right to voluntary and informed consent is not explicit.

Further, Sec. 32.003, Family Code, states that "A child may consent to medical, dental, psychological, and surgical treatment for the child by a licensed physician or dentist if the

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<sup>1</sup> . E.g., <http://www.chron.com/news/houston-texas/houston/article/Pregnant-Hockley-teen-wins-battle-to-stop-parents-4288193.php>

<sup>2</sup> "The Role of Parents and Partners in Minors' Decisions to Have an Abortion and Anticipated Coping After Abortion," *Journal of Adolescent Health*, December 13, 2013

child [...] is unmarried and pregnant and consents to hospital, medical, or surgical treatment, other than abortion, related to the pregnancy.”

**Federal law:**

*Roe v. Wade* held that a woman’s “right of privacy [...] is broad enough to encompass a woman’s decision *whether or not* to terminate her pregnancy” (emphasis added).

The Supreme Court has ruled many times on a minor’s right to obtain an abortion without parental consent. In those cases, the guiding principle is the fact that “the provision requiring parental consent does not, in fact, amount to an impermissible “absolute, and possibly arbitrary, veto” of the minor’s decision. *Bellotti v. Baird*. The converse is also true, that no parent should have the ability to have an absolute veto over the minor’s decision to *not* obtain an abortion.