



Asian
Communities for
Reproductive
Justice

FACT SHEET on PROPOSITION 4

What is it? What's the bigger picture? What else do you need to know?

What is Proposition 4?

Definition

- Prop 4 is a ballot initiative in the 2008 California Election that would change the state constitution to ban abortions for minors (under age 18) until 48 hours after a doctor informs their parents in writing.

How do parents get notified?

- The letter would be delivered in person by the doctor, or mailed via both certified and first class mail. The 48-hour waiting period would begin after the letter is assumed to have reached the parents, which is noon on the second day after the letter is postmarked. Parents would be allowed to pursue civil lawsuits against doctors who fail to provide notification.

What are the exceptions to parental notification?

- *Medical emergency*: if a doctor decides that delaying the abortion would put the teen's life at risk.
- *Judicial Bypass*: if the minor gets a court waiver by arguing in front of a judge at a juvenile court that she is mature and informed enough to decide whether to have an abortion or that notifying her parents would not be in her best interest.
- *Notice to Adult Family Member and Report of Abuse*: The doctor could notify an adult family member instead of a parent if the minor writes a statement that she fears physical, sexual, or severe emotional abuse from a parent if the parent were notified, based on a pattern of such abuse. The doctor must file a child abuse report to the authorities, and include in the notice to the adult family member that the child abuse report was filed.

How much would this cost the State?

- Prop 4 would potentially cost the State of California several million dollars per year for health and social services programs, court administration, and state health agency administration combined. The proposition does not include a plan for how the state will pay for any of this.

What's the bigger picture?

Past two attempts have failed:

- A similar initiative has been on the ballot in the past two California elections – Prop 73 in 2005 and Prop 85 in 2006. California voters defeated both, with a bigger margin the second time.

Similar laws in other states

- Currently, there are 35 states that enforce parental involvement laws. Ten states have passed laws that later were challenged in court and never enforced. In most instances, state courts determined that the law violated the state's constitution.
- California and Oregon are the only states to defeat the passage of a parental involvement law.

Other state-level restrictions

- The recent increase in parental involvement laws is part of a national trend where state laws are making it harder to get reproductive and sexual health information and services. The long list of the 500+ laws includes:
 - Abstinence-only sex education
 - Requiring parental notification before minors can get birth control
 - Allowing pharmacists to refuse dispensing birth control and emergency contraception
 - Requiring counseling and waiting periods for abortion patients
 - Requiring abortion clinics to obtain special licenses and undergo state inspections

What else do you need to know about Prop 4?

Prop 4 will have the greatest impact in low-income youth & youth of color

- Because youth from low-income communities and communities of color are less likely to have health insurance, free and confidential reproductive and sexual health services are often their only way of getting health care. If these youth stop getting these services because they're afraid their parents might find out, they would have no health care at all.

Prop 4 would affect families and communities

- Young women aren't the only ones who will be affected if Prop 4 passes. The option of notifying an adult family member, rather than a parent, requires doctors to report known or suspected child abuse to the authorities. This will automatically trigger a child abuse investigation of the parents, and information on the family will become part of the public system. This would put families in a difficult situation, especially for family members who are learning English or who are undocumented.

Prop 4 tries to divide our communities

- Prop 4 is not about abortion – it's about taking away support from youth to be healthy and make informed decisions. But because people have very different personal views on abortion, Prop 4 divides and weakens our communities, and distracts people from what's really at stake. Ballot initiatives like Prop 4 are "wedge strategies" that right wing groups use to build political power that is used against our communities.