

Adolescents and Parental Notification for Abortion

At least 20 leading medical and health care professional organizations have issued policy statements regarding the importance of confidentiality in protecting the health of adolescents by ensuring their access to health care, including confidential care, and promoting the quality of that care. Health care professionals strongly support the important role of parents and other adults in safeguarding the health of adolescents. They also know that having an opportunity to offer confidential care enables health care professionals to learn what they need to know about adolescents' health and behaviors and to provide careful assessment and counseling. Many medical organizations are opposed to mandatory parental consent or notification laws that would severely restrict teenagers access to any health care that is essential to protect their health, including abortion and other reproductive health services.

What California Can Learn from Health Care Professionals

Medical organizations support the important role of parents in adolescent health care

Health care professionals value the support and guidance that a parent can give to an adolescent patient. Many medical organizations have endorsed policy statements that health care providers should encourage their adolescent patients to inform and involve their parents in their health care decisions. Several medical organizations believe that health care providers should help to facilitate family communication as a way to enhance the confidence of both parents and teens as health care decision makers. Medical professionals also understand that some adolescents are not able to talk with their parents about health care decisions and that forcing teens to involve their parents would do more harm than good. Therefore, although voluntary involvement of parents by adolescents is strongly encouraged and desired by medical professionals, they also believe laws or policies mandating parental consent or notification are not in the best interests of adolescent patients. Many medical professionals believe:

- Adolescents should be encouraged to inform and involve their parents in their health care decisions and health care professionals should facilitate this communication.
- The importance of parental support should be balanced with confidentiality in health care decisions.
- Providing confidential care does not preclude working

toward the goal of family communication.

- Mandatory parental involvement, consent, and/or notification reduce the likelihood that some adolescents will seek health care.

In the organizations' own words:

"Health professionals have an ethical obligation to provide the best possible care and counseling to respond to the needs of their adolescent patients." (AAP, AAFP, ACOG, and other organizations)²

"The AMA encourages physicians to involve parents in the medical care of the adolescent patient, when it would be in the best interest of the adolescent. When, in the opinion of the physician, parental involvement would not be beneficial, parental consent or notification should not be a barrier to care." (AMA)⁸

"Physicians should encourage [parents'] involvement in the [adolescent] patient's health and health care decisions and, when appropriate, facilitate communication between the two." (ACOG)⁶

"When minors request confidential services, physicians should encourage them to involve their parents. This includes making efforts to obtain the minor's reasons for not involving their parents and correcting misconceptions that may be motivating their objections." (AMA)⁷

"Adolescents should be strongly encouraged to involve their parents and other trusted adults in decisions regarding pregnancy termination, and the majority of them voluntarily do so." (AAP)⁵

"Finally, it is important to acknowledge that some adolescents do not have parents, parental support or any meaningful connection with parents. Some adolescents have experienced abuse or neglect by parents, and have legitimate fears about future parental abuse, which may include being asked to leave one's home by parents. When clinicians encourage adolescents to communicate openly with their parents, it is important to ask about reasons for any reluctance to do so. There are times when it may be appropriate to identify and engage other trusted adults into management plans. (SAM)¹¹

Leading medical organizations whose members provide care for adolescents have policies explicitly supporting the role of parents in adolescent health care. These organizations include:

American Academy of Family Physicians (AAFP)

American Academy of Pediatrics (AAP)

American College of Obstetricians and Gynecologists (ACOG)

American College of Physicians (ACP)

American Medical Association (AMA)

Society for Adolescent Medicine (SAM)

Medical organizations support confidential access for adolescents to medical care that protects their health, including reproductive health services

Many medical organizations reinforce the value of *encouraging* adolescents to involve their parents in their reproductive health care, but recognize that *requiring* parental involvement may not protect the patient's health. Medical organizations recognize that confidentiality in treating adolescents is particularly important for establishing trusting and honest communications that help teens to talk about sensitive topics. Confidentiality protections also encourage young people to seek care on a timely basis. Open communication between the adolescent and health professional is a prerequisite for careful counseling and assessment. Many medical professionals believe:

- Concern about confidentiality is one of the primary reasons that adolescents hesitate or delay obtaining reproductive health care, including contraceptive services, care related to sexually transmitted infections, or abortion services.
- Careful counseling and protection of confidentiality are both needed to appropriately address unintended pregnancy.
- Reproductive health services should be available on a confidential basis to adolescents who need them.
- Adolescents must have access to counseling about all options and have access to abor-

tion without legal barriers.

In the organizations' own words:

"Confidential care for adolescents is critical to improving their health." (AMA)⁸

"The issue of confidentiality has been identified, by both providers and young people themselves, as a significant access barrier to health care." (AAP, AAFP, ACOG, and other organizations)⁹

"Services for pregnant adolescents [should] include access to safe, legal, and confidential abortion counseling and services, as well as access to affordable, confidential prenatal and postpartum care and contraceptive services." (APHA)¹⁰

Twenty organizations have policy statements recognizing the importance of confidentiality in adolescent health care.¹³

American Academy of Child & Adolescent Psychiatry (AACAP)

American Academy of Family Physicians (AAFP)

American Academy of Pediatric Dentistry (AAPD)

American Academy of Pediatrics (AAP)

American College of Emergency Physicians (ACEP)

American College Health Association (ACHA)

American College of Obstetricians and Gynecologists (ACOG)

American College of Physicians (ACP)

American College of Preventive Medicine (ACPM)

American Medical Association (AMA)

American Nurses Association (ANA)

American Psychiatric Association (APA)

American Psychological Association (APA)

American Public Health Association (APHA)

American School Health Association (ASHA)

National Assembly on School-Based Health Care (NASBHC)

National Association of Pediatric Nurse Practitioners (NAPNAP)

National Association of School Psychologists (NASP)

National Association of Social Workers (NASW)

Society for Adolescent Medicine (SAM)

Medical organizations recognize that there are limits to confidentiality for adolescents

Medical organizations recognize that confidentiality is not absolute. Confidentiality must be overridden whenever a health care provider is concerned that the patient is in a life-threatening situation and may do serious harm to self or others. Many medical professionals believe:

- Patient confidentiality should be protected unless the patient has given consent for disclosure or disclosure is required by law

or the health care provider is concerned that the patient may do harm to himself or others.

- Health care providers should explain the meaning, scope and limitation of confidentiality protections to parents and guardians and to their adolescent patients.
- If breaching confidentiality is necessary, it should be done in a way that minimizes harm to the patient.

In the organizations' own words:

"Although confidentiality is important in adolescent health care, for adolescents at risk to themselves or others, confidentiality must be breached." (AAP)⁴

"The diagnosis [of pregnancy] should not be conveyed to others, including parents, until the [adolescent] patient's consent is obtained, except when there are concerns about suicide, homicide, or abuse." (AAP)³

Medical organizations believe that laws should promote, not impede, adolescents' access to health care

Several medical organizations have endorsed policies stating that mandatory parental involvement should not be legislated. Some organizations recommend that health care providers advocate for public policies that protect adolescents' access to confidential health care. Many medical professionals believe:

- Laws that allow minors to give their own consent for health care and that protect the confidentiality of adolescents' health information are fundamentally necessary to allow the health care professional to provide appropriate care and should be maintained.
- Efforts to repeal minor consent laws or to place limits on the confidentiality of services for minor patients should be opposed.
- Legal barriers and deference to parental involvement should not impede access to needed health care.
- Federal and state laws should support confidential access to health care for adolescents in any circumstance where limits on confidentiality would impede care.

In the organizations' own words:

"[T]he potential health risks to adolescents if they are unable to obtain reproductive health services are so compelling that legal barriers and deference to parental involvement should not stand in the way of needed health care for patients who request confidentiality." (AAP, AAFP, ACOG, SAM)¹

References

1. American Academy of Pediatrics, American Academy of Family Physicians, American College of Obstetricians and Gynecologists, and Society for Adolescent Medicine. "Protecting the Rights of Conscience of Health Care Providers and a Parent's Right to Know." Testimony presented by Renee Jenkins before the United States House of Representatives Committee on Energy and Commerce Subcommittee on Health. July 11, 2002.
2. American Academy of Pediatrics. "Confidentiality in Adolescent Health Care." Policy Statement RE9151. April 1989; Reaffirmed January 1993, November 1997, May 2000, and May 2004. Also endorsed by the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, NAACOG - The Organization for Obstetric, Gynecologic, and Neonatal Nurses, and the National Medical Association.
3. American Academy of Pediatrics. "Counseling the Adolescent about Pregnancy Options." Committee on Adolescence. Policy Statement RE 9743. *Pediatrics*. 1998;

"Genuine concern for the best interests of minors argues strongly against mandatory parental consent and notification laws. Although the stated intent of mandatory parental consent laws is to enhance family communication and parental responsibility, there is no supporting evidence that the laws have these effects. No evidence exists that legislation mandating parental involvement against the adolescent's wishes has any added benefit in improving productive family communication or affecting the outcome of the decision. There is evidence that such legislation may have an adverse impact on some families and that it increases the risk of medical and psychological harm to the adolescent. Judicial bypass provisions do not ameliorate the risk." (AAP)⁵

"The AAP holds that public policies can and should encourage voluntary involvement of parents or other mature adults, but specific laws mandating notification of biological parents or legal guardians as a condition of service are counterproduc-

tive" (AAP)⁵

"[T]he threat of compelled parental notification is a strong disincentive to an adolescent's seeking professional reproductive health care or advice; and . . . parental involvement laws, whether notification or consent, for adolescent reproductive health care (including contraception, prenatal care, delivery services, postpartum care, or abortion), do not appreciably discourage adolescent sexual activity [.]" (APHA)¹⁰

"Physicians should not feel or be compelled to require minors to involve their parents before deciding whether to undergo an abortion." (AMA)⁹

"Although prevention of unwanted pregnancy is the highest priority, adolescents (whether indigent or well-to-do) must have access to counseling about all options and access to elective termination of pregnancy as a legal, safe, available alternative to continuing pregnancy . . . Mandatory parental consent and/or notification should not be required." (SAM)¹²

Leading medical and health care professional organizations whose members provide care for the vast majority of adolescents have policies explicitly opposing mandatory parental notification for adolescents' reproductive health care, including abortion:

American Academy of Family Physicians (AAFP)
American Academy of Pediatrics (AAP)
American College of Obstetricians & Gynecologists (ACOG)
American Medical Association (AMA)
American Public Health Association (APHA)
Society for Adolescent Medicine (SAM)

101(5):938-940; Reaffirmed January 2001.

4. American Academy of Pediatrics. "Suicide and Suicide Attempts in Adolescents." Committee on Adolescence. Policy Statement RE9928. *Pediatrics*. 2000; 105(4):871-874.
5. American Academy of Pediatrics. "The Adolescent's Right to Confidential Care When Considering Abortion." Committee on Adolescence. Policy Statement RE 9644. *Pediatrics*. 1996; 97(5):746-751; Reaffirmed May 1999 and November 2002.
6. American College of Obstetricians and Gynecologists. "Confidentiality in Adolescent Health Care." In: *Health Care for Adolescents*. Washington, DC: ACOG, 2003.
7. American Medical Association. "Confidential Care for Minors." Policy E-5.055. Issued June 1994 based on the report, "Confidential Care for Minors." Adopted June 1992; Updated June 1996.
8. American Medical Association. "Confidential Health Services for Adolescents." Policy H-60.965. CSA Rep. A, A-92; Reaffirmed by BOT Rep. 24, A-97; Reaffirmed by BOT Rep. 9, A-98.

9. American Medical Association. "Mandatory Parental Consent to Abortion." Policy E-2.015. Issued June 1994 based on the report, "Mandatory Parental Consent to Abortion." Adopted June 1992. *JAMA*. 1993; 269:82-86.
10. American Public Health Association. "Adolescent Access to Comprehensive, Confidential Reproductive Health Care." APHA Policy Statement # 9001. 1990.
11. Society for Adolescent Medicine. "Confidential Health Care for Adolescents: Position Paper of the Society for Adolescent Medicine." *Journal of Adolescent Health*. 2004; 35:160-167.
12. Society for Adolescent Medicine. "Reproductive Health and Adolescents." Position Paper. *Journal of Adolescent Health*. 1991; 12:649-661.
13. Morreale MC, Stinnett AJ, Dowling, EC. Policy Compendium on Confidential Health Services for Adolescents, 2nd Edition. Chapel Hill, NC: Center for Adolescent Health & the Law, 2005.