

The Alan Guttmacher Institute recently released its annual report for 2004 showing that five million men and women, 29 percent of whom were teenagers, visited federally funded family planning clinics. These clinics are one of the major sources of reproductive health services for teens, but they are facing renewed threats from the current Congress.

Recent legislation aims to make family planning services harder for teens to get by requiring federally funded clinics to notify parents of minors seeking contraception at least five-days before dispensing con-traception. Not only does this legislation violate the fundamental principles of Title X clinics (voluntariness, confidentiality and affordability) the legislation does nothing to further family communication and in fact endangers teen health.

The Parent's Right to Know Act (S.1279, H.R.3011), introduced by Sen. Tom Coburn (R-OK) in the Senate and Rep. Todd Akin (R-MS) in the House, would not require parental consent, just a five-day waiting period and written notification. Supporters of the legislation argue it keeps parents involved in their teens' lives. Teens who prefer to avoid notification can seek judicial approval for the prescription. The legislation has been introduced in both the House and the Senate, where it has been referred to the appropriate subcommittees.

Since its inception in 1970, Title X funded clinics have made family planning services available to adolescents. In 1978, Congress amended Title X, creating a special emphasis on preventing unwanted pregnancies among adolescents, specifically adding services for teenagers. Congress has, since 1981 with the passage of the Adolescent Family Life Act, also considered making parental involvement in adolescent contraceptive decisions mandatory under Title X funding requirements.

However, this type of legislation was consistently rejected in favor of language recommending and encouraging parental involvement but not requiring it. As a result Title X clinics are required to encourage parental involvement but are not mandated to do so.

Previous attempts to require parental involvement for contraceptives were blocked by courts. In 1981, a misinterpretation of the language encouraging "family participation" led to the Department of Health and Human Services (HHS) issuing regulations calling for parental notification when adolescents received family planning services.

In *Planned Parenthood v. Heckler* and *New York v. Heckler*, two federal courts of appeal found that the parental notification requirement contravened the goals of the Title X program and were inconsistent with Congressional intent. As the D.C. Circuit Court noted, "Congress made clear that confidentiality was essential to attract adolescents to the Title X clinics; without such assurances, one of the primary purposes of Title X, to make family planning services readily available to teenagers, would be severely undermined." As a result of these decisions, the invalid regulations were never implemented.

However, past court decisions have not stopped legislators, and they are poised once again to consider restricting access to contraceptive services for teenagers. Studies have shown that requiring parental notification or consent for contraceptives for adolescents will not deter them from engaging in sexual activity; rather they will simply delay or forego obtaining contraceptives

and other medical treatment, placing their health and the health of their partners at risk.

The average teenager does not visit a family planning provider until 14 months after she has become sexually active. So requiring parental consent for Title X family planning services would only lead to an increase in sexually transmitted infections, unwanted pregnancies, and abortions among teenagers.

U.S. teens have the highest pregnancy rate in the developed world, as well as having very high rates of sexually transmitted diseases (nearly four million new infections each year). High costs, lack of access and concerns about confidentiality already keep teens from seeking reproductive health services. Placing more obstacles in the paths of teens seeking to be responsible in their sexual behavior will only put them at risk for unplanned pregnancy or sexually transmitted diseases.

California Parents' Right to Know Initiative (Proposition 73)

Proponents of parental notification for abortion have succeeded in getting a parental notification initiative on the November [2005] special election ballot. Proposition 73 amends the California constitution to require a doctor notify a parent of a minor girl before performing an abortion. A 48-hour waiting period between notification and performing the procedure is mandated. The proposition contains a judicial bypass provision, as required by the Supreme Court, wherein a minor can show either she is mature enough to decide for herself or an abortion would be in her best interests. Early polls show a slim majority of California voters favor parental notification, 48 percent to 42 percent. Parental notification or consent before abortion laws are currently enforced in 33 states. In 11 other states the laws are enjoined or not enforced. Six states and the District of Columbia do not have such laws on the books.

From the *Health Advocate*, newsletter of the National Health Law Program, No. 221, Summer 2005.