

CRR Opposes Montana Legislative Referendum No. 120 Mandatory Parental Notification Endangers Teens

The Center for Reproductive Rights opposes Montana Legislative Referendum Number 120 (LR 120), which would require a physician to notify a parent of any young woman under sixteen seeking an abortion. LR 120's mandate of parental notification places the most vulnerable young women in even more danger.

LR 120 would prevent a young woman under sixteen from obtaining an abortion unless the physician notified one of her parents at least 48 hours before the procedure. The young woman could only avoid parental notification by seeking a judicial waiver from a court. Forcing a young woman who cannot involve her parents to go to court before being permitted to seek constitutionally protected health care would impose unnecessary obstacles, delays and health risks.

Most often, parents know when their daughters are facing an unintended pregnancy, and younger teens are even more likely to involve their parents. Unfortunately, some young women have good reason to fear psychological and physical abuse, and may rightly be concerned that telling their parents about a pregnancy or abortion would precipitate a violent family crisis. By requiring that a parent be notified, LR 120 will put teens in danger and will exacerbate unstable and dysfunctional family relationships. The supporters of this measure claim that parental notification is intended to protect minors, but in reality this law would have the opposite effect. It would place Montana's most vulnerable young women at greater risk.

Furthermore, a Montana court has already struck down a law almost identical to LR 120, holding that the state has no interest compelling enough to justify requiring parental notification for a minor's abortion and that parental notice requirements do not enhance protection of minors. In *Wicklund v. State*, the court recognized that "adolescents who choose not to tell their parents about their pregnancy often have good reasons for doing so. They are often accurate in their predictions of their parents' reaction." LR 120 proposes the same requirements and would likely be met with the same result in court. In fact, for that reason and others, a similar measure was vetoed in 2011 by Governor Brian Schweitzer, who cited the myriad of constitutional flaws in the legislation.

No law can mandate healthy family communication – instead, LR 120 would put young women who are already facing difficult or dangerous family situations at even more risk. Montana voters should reject this harmful and dangerous proposal. For more information on opposing LR 120, please visit Montanans for Safe and Healthy Families, <http://www.againstlr120.com/>.