

The “Teen Endangerment Act” Prevents Teens From Getting the Support and Care They Need When They Need It Most

The “Teen Endangerment Act” (H.R. 2299), otherwise known as the “Child Interstate Abortion Notification Act,” would endanger teens facing unwanted pregnancies, denying them access to the support and care they need during a critical time. This blatantly unconstitutional bill would turn grandmothers, sisters, and clergy into criminals and threaten doctors for providing necessary care.

The Teen Endangerment Act Would Jeopardize Already Vulnerable Teens

The Teen Endangerment Act forces a doctor to notify the parents of a teen who crosses state lines to terminate an unwanted pregnancy and wait at least 24 hours before performing an abortion or else face heavy fines or imprisonment. This onerous new federal notification requirement would be imposed even where a teen does not feel safe informing a parent of her decision. Such requirements undermine the doctor/patient relationship, make doctors more reluctant to provide critical care, and result in delays that could negatively affect the health and wellbeing of vulnerable teens.

While most teens turn to their parents when facing unwanted pregnancies, there are circumstances where some have good reasons not to, such as a teen from an abusive home, a teen with emotionally unstable parents, or a teen victim of incest. Although there is a narrow exception in the bill for victims of parental sexual abuse, physical abuse, or neglect, the bill forces the teen to declare the abuse in writing and requires physician reporting of the abuse to the authorities in the teen’s home state, requirements that could deter abused teens from using it. The Teen Endangerment Act wholly fails to acknowledge the various circumstances where forcing parental notification would needlessly and carelessly expose teens to danger.

The Teen Endangerment Act Turns a Teen’s Trusted Adult Into a Criminal

By making it a crime for any person other than a parent to accompany a teen across state lines to get an abortion if the teen has not first complied with her home state’s parental involvement law, the Teen Endangerment Act punishes trusted friends and family members who provide support and assistance to teens at a time when they need it most. A teen who feels she cannot involve her parent might instead turn to another trusted adult in her life. This bill would turn that person – whether it is a minister, older sibling, or teacher – into a criminal. For example, this bill would threaten a supportive grandmother with up to a year in prison if she wanted to help her granddaughter seek abortion care.

The Teen Endangerment Act Is Unconstitutional

The Teen Endangerment Act raises serious constitutional problems. First, it provides no exception in situations where a teen's health is compromised. Current law requires that restrictions on abortion include exceptions when an abortion is needed to protect a woman's health. In 2006, the Supreme Court affirmed this requirement of including a health exception in a case specifically involving a parental notification law.¹

Second, the bill does not establish a judicial bypass procedure, which would allow a teen to receive a court waiver of the parental notification requirement. As the Supreme Court held in *Bellotti v. Baird*, "every pregnant minor is entitled in the first instance to go directly to the court for a judicial determination without prior parental notice, consultation, or consent."² By imposing a parental notification requirement on teens from states that do not have such laws – and therefore have no judicial bypass system in place – the bill raises grave constitutional concerns.

Finally, the Teen Endangerment Act violates the constitutional right to travel. Requiring a teen to take her home state parental notification law with her when she travels to another state violates the right that a citizen enjoys the "privileges and immunities" of the state she or he visits.³

¹ *Ayotte v. Planned Parenthood*, 546 U.S. 320 (2006).

² *Bellotti v. Baird*, 443 U.S. 622, 649 (1979).

³ U.S. Const. art. IV, § 2.