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Illinois parental notification law goes into effect Tuesday

Medical providers must notify a parent or guardian when girls 17 and younger seek abortions

By Sara Olkon

Tribune reporter

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Physicians in Illinois this week must begin notifying a parent or guardian when a girl 17 or younger seeks an abortion -- a rule abortion opponents long have sought, but which critics say could keep minors from seeking safe procedures.

The state parental notification law, scheduled to take effect Tuesday, has been subject to legal challenges and revisions for more than 30 years. In July, a federal appeals court in Chicago lifted a federal injunction on a 1995 version of the law, clearing it for enforcement. In August, the Illinois Department of Financial and Professional Regulation granted doctors a 90-day grace period before the law would go into effect.

Activists on both sides of the issue say the new rule could have a huge impact on the lives of some teens and their families in Illinois and in neighboring states that already had similar laws.

"Illinois has become a kind of a dumping ground for kids who don't want to tell their parents," said Joseph Scheidler, national director of the Chicago-based Pro-Life Action League. The law "will probably stop some abortion."

In Illinois, a parent or guardian does not have to give consent for the procedure, but they would need to be notified that a teenager is planning to have an abortion. The laws often are stricter outside of the state.

With some exceptions, doctors performing abortions in Indiana, Michigan, Missouri and Wisconsin must have parental consent before going ahead with the procedure. Iowa requires notification only.

Critics of the notification law believe it's unconstitutional and that it will harm minors by preventing them from obtaining safe abortions or forcing them to carry their pregnancies to term. Most teenagers already involve their parents in the decision, abortion rights advocates say. Those who don't, they argue, have good reason.

"You don't need a law to tell you to talk to your daughter," said Melissa Gilliam, chief of family planning at the University of Chicago Medical Center who specializes in pediatrics and adolescent gynecology.

No notice is required in a medical emergency or if the girl declares in writing that she is a victim of sexual abuse. And a provision in the law allows girls to bypass parental notification by going before a judge, who would then have 48 hours to rule on the petition.

Critics worry the courts are unprepared to handle the petitions. Lorie Chaiten, the Reproductive Rights Project director for the American Civil Liberties Union of Illinois, said court personnel in some jurisdictions, particularly in more rural areas, are still unfamiliar with the bypass petitions.

The Illinois civil rights group has been training lawyers and advocates on how to shepherd girls through the court procedure. The group also created a Facebook profile and a Web page, ilbypasscoordinationproject.org, to provide information.

Just how many teenagers would be affected by the law is difficult to gauge. In 2000, there were 4,640 abortions performed on girls ages 15 to 17 in Illinois, according to the Guttmacher Institute, a reproductive-health think tank. There is no reliable data on parental involvement in those abortions.

Nicole Goss, 23, a volunteer with the Chicago Abortion Fund, suspects some teenagers fear the repercussions of telling their parents.

Goss said that when she was a teenager, she was warned by her mother that if she got pregnant she'd be kicked out of the house.

"That's how a lot of parents are," she said.

Goss was living on her own when she became pregnant at 20. She had the child, now 3. A year later, Goss became pregnant again and chose to have an abortion.

During both of her pregnancies, she was old enough to not have to involve her mother, but she said many teenage girls in her neighborhood would sooner try a dangerous, self-induced method of abortion than inform a parent.

"It's been taught for so long that (abortion is) wrong, that it's one of the biggest sins you can commit," said Goss, who plans to enroll in January at Harold Washington College to study social work and focus on reproductive rights issues.

"I hear crazy stuff all the time. I have women ask me, 'If you drink a bottle of vinegar, will that terminate?' Others talk about suicide."

On the other side, abortion opponents argue that parents should be informed before their children have surgery.

"I would hate to find out that my daughter, who is 16, had a liver transplant without my even knowing about it," said Scheidler, a father of seven.

The onus is on the clinics to make sure a parent is kept in the loop before the abortion is performed. The law states that the abortion provider must give notice directly, by phone or in person, but it provides exceptions in cases where the parent, grandparent, stepparent in the household or legal guardian is difficult to reach.

For many local clinics, including those run by Planned Parenthood, staff will try to reach a parent or guardian by phone if the teenager requesting the procedure is younger than 18 and has not brought in a signed form.

"We will not leave a message," said Beth Kanter, a spokeswoman for Planned Parenthood of Illinois.

Kanter said that if a staff member has not made contact after two phone attempts, he or she will send a letter by certified mail.

After 48 hours has passed, Kanter said, "the assumption is, by the courts, notice has been given," and the teen can have the procedure.

Staff members at Planned Parenthood clinics in Illinois will not proceed if something "feels fishy" about the notification, Kanter said, adding that the teenage girl must sign a form acknowledging that lying in this scenario is a Class C misdemeanor.

The state will not police the clinics. The Illinois Department of Financial and Professional Regulation would only get involved if someone files a complaint, said Susan Hofer, a spokeswoman.

If a doctor showed "willful failure" to provide parental notification, he or she could lose their medical license, she said.

If warranted, the case would go to the Medical Disciplinary Board, and could then be sent back to the department for prosecution.

solkon@tribune.com

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