



**NARAL**  
*Reproductive Freedom & Choice*

## MYTHS AND FACTS ABOUT THE “CHILD CUSTODY PROTECTION” ACT

**Myth: Enactment of the “Child Custody Protection” Act (CCPA) would promote healthy family communication and family values.**

- **Fact:** Even in states that do not enforce mandatory parental involvement laws, 61 percent of parents know of their daughters’ pregnancy. For the minority of young women who do not involve a parent, the law cannot mandate healthy family communication where it does not already exist. Laws do not provide answers for every social problem, such as poor family communication.

For women who cannot speak with their parents about having an abortion, this bill may, in fact, endanger both them and their family relationships. Many young women who feel they cannot seek the counsel of their parents turn to other trusted family members when they face a crisis pregnancy. Indeed, one study found that 93 percent of minors who did not involve a parent were accompanied by someone else to the reproductive health facility. This bill would criminalize the conduct of a grandmother who helps her granddaughter in time of need. Aunts and other trusted family members would face imprisonment if they accompany a young relative across state lines without complying with her home state’s parental involvement law. In sum, this bill would isolate young women from supportive and protective family members rather than uniting families.

**Myth: Parents will always be helpful in assisting teenagers facing a crisis pregnancy.**

- **Fact:** As the Supreme Court has recognized, there are circumstances that act as obstacles to parental involvement in teens’ crisis pregnancies. For some teenagers, the pregnancy may be a result of incest, as in the case of thirteen-year-old Spring Adams, who was murdered by her father the night before she was scheduled to terminate the pregnancy that had resulted from his criminal acts of incest. Other teenagers may correctly suspect that telling a parent would trigger verbal and/or physical abuse. And some young women, like Becky Bell, have good relations with their parents, but desire so much to avoid hurting them or losing their esteem that they will take drastic measures to avoid parental involvement. Becky Bell sought an illegal abortion and died because she could not obtain a safe and legal abortion in her state of residence without parental involvement. Under this bill, she would not have been able to travel to a state without a parental involvement law, either. This bill leaves young women with even fewer choices and forces them into even more dangerous options.

**Myth: Minors travel out of state for abortions for the purpose of avoiding parental involvement laws applicable in their state of residence.**

- **Fact:** Young women may have no alternative but to travel to another state to obtain an abortion. Access to abortion providers in the United States is limited. Eighty-six (86) percent of counties do not have an abortion provider. Thus, for many women, a reproductive health facility in another state may be the closest to their home. Yet, under this legislation, a grandmother could be criminally prosecuted for accompanying her granddaughter to an out-of-state facility, even if the out-of-state facility was the closest one to the young woman's home.

Yet, CCPA contains no requirement that the minor or the person accompanying the minor have an intent to evade state law; it only requires the intent to transport a minor to obtain an abortion.

**Myth: The bill protects minors who cannot tell their parents because minors can appear before judges and bypass any parental involvement law.**

- **Fact:** It is unclear, as a legal and practical matter, that this bill would permit a teenager to use a bypass order from her home state in another state, or that it would permit a doctor to rely on a bypass order from another jurisdiction without further resort to judicial proceedings. This uncertainty places any adult who accompanies a minor across state lines to obtain an abortion in a precarious position, not knowing whether criminal charges can result.

Moreover, judicial bypass procedures often pose formidable obstacles to young women facing crisis pregnancies. Some anti-choice judges routinely deny minors petitions. For example, a judge in Toledo, Ohio denied permission to a 17 year-old woman – an 'A' student who planned to attend college and who testified that she was not financially or emotionally prepared for motherhood at the same time. The judge stated that the young woman had "not had enough hard knocks in her life."

Further, bypass procedures and appeals often delay abortions, increasing the risk and sometimes the cost of the procedure. The risk of abortion increases based upon gestational stage, so delay increases the medical risk of abortion.

Moreover, the most vulnerable teenagers may be too intimidated by the bypass procedure; they might rather resort to traveling alone or obtaining an illegal abortion than appear before a judge to discuss intimate matters. Young women's concern about the confidentiality of bypass proceedings is particularly acute in rural areas. For example, one young woman discovered that her bypass hearing would be conducted by her former Sunday school teacher.

**Myth: This bill would promote the health of minors because parents know their teenager's medical history and need to know if they have an abortion.**

- **Fact:** On the contrary, this bill is detrimental to young women's health. First, legal abortions, particularly early in pregnancy, are very safe -- safer than carrying a pregnancy to term. Second, studies demonstrate that minors are capable of making competent medical decisions without parental involvement. Further, states that do not permit minors to consent to abortion do permit them to consent to childbirth. If the true purpose of this bill and related state laws were to protect children rather than to impose another obstacle on young women's right to choose, the bill's sponsors would resolve this anomalous result.

Although abortion is very safe, it still is advisable to have someone else drive a woman home from a surgical abortion. Thus, this bill would jeopardize the health of young women, who would obtain abortions without help from trusted adults or friends. More minors might attempt to drive themselves to clinics, or in desperation, some might resort to illegal abortions.

**Myth: Federal intervention into matters traditionally regulated by the states is warranted here because young women are being coerced into having abortions out of state.**

- **Fact:** No one should be coerced when making reproductive health decisions. However, safeguards against coercion already exist. One such safeguard is a bedrock principle of medical ethics and medical malpractice law: informed consent. Medical personnel must obtain a woman's informed consent before performing an abortion.

Not only is federal intervention not warranted by the facts, it is precluded by the Constitution. Fundamental principles of federalism, embodied in the constitutional right to travel, prohibit states from denying interstate travelers the "privileges and immunities" of the states that they visit. Enacting this law would be akin to telling citizens in a dry state that if they traveled over state lines for a beer, they could be prosecuted. It would resemble federal criminalization of gambling vacations to Las Vegas or Atlantic City for citizens of states that prohibit gambling. Enacting CCPA is as unimaginable and un-American as telling citizens of states that prohibit the discharge of firearms that they cannot go on hunting trips or go target practicing in states that allow such activities.

Congress would take a dramatic and perhaps unprecedented step if it criminalized interstate travel for a lawful -- even constitutionally protected -- purpose. Congress previously prohibited the interstate transport of fugitive felons and prostitutes. Transporting a vulnerable minor seeking an abortion who cannot involve her parents in her decision is dissimilar to previous exercises of Congressional authority.

**Myth: Existing laws are inadequate in protecting young women from undue influence of adults, who coerce young women across state lines in an effort to evade parental involvement laws.**

- **Fact:** Laws protecting young women -- such as prohibitions against kidnapping and statutory rape -- already are on the books. The one case proponents of this measure cite, *Commonwealth v. Rosa Marie Hartford*, actually involves existing state criminal laws.

The scenarios described by proponents of this legislation, which focus on coercion and undue influence, describe few if any instances that the bill actually would prohibit. However, swept into the bill's prohibitions is the vital support provided by caring family members, friends, and religious counselors who assist, advise, and supervise young women seeking reproductive health care.

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