



Whose Abortion Is It?

The Harms of State-Mandated Parental Notification for Abortion and Judicial Bypass in the United States

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and Judicial Bypass in the United States**

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Printed in the United States of America

ISBN: 979-8-88708-258-5

Cover design by Solé Nazaire

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Summary.....	1
Recommendations	9
To State Legislators and Governors in Colorado, Delaware, Georgia, Iowa, Montana, and New Hampshire.....	9
Methodology.....	10
Terminology.....	13
I. Background.....	15
Youth Abortion Access in the US After <i>Roe v. Wade</i>	15
Bans on Abortion Support	18
Forced Parental Involvement in Abortion	20
Parental Notice of Abortion in Six US States	21
Judicial Bypass	23
Parental Notification Laws in Context.....	24
II. Reasons Some Youth Do Not Involve a Parent in an Abortion	27
Most Young People Involve a Parent in an Abortion.....	27
Young People Who Do Not Involve Their Parents Have Compelling Reasons	29
Fear of Being Kicked Out of their Homes	30
Fear of Being Forced to Continue an Unwanted Pregnancy	32
Protecting Family Integrity and Relationships	32
Fear of Abuse	35
Minimal or No Contact with a Parent or Legal Guardian	36
III. Forced Disclosure of Abortion Causes Harm	40
Parental Notification Functions as Parental Consent	40
Forced Disclosure Delays and Obstructs Abortion Care	44
Some Youth Feel Compelled to Involve Unsupportive Parents	47

Chilled, Discouraged, or Forced to Continue a Pregnancy	49
IV. Judicial Bypass Is Difficult to Access and Causes Additional Harm	53
Judicial Bypass Is Invasive, Distressing, and Traumatizing	53
Judicial Bypass Delays and Obstructs Time-Sensitive Health Care	60
Judicial Bypass Is Not Truly Confidential.....	64
Judicial Bypass Subjects Young People to Arbitrary Decision-Making.....	69
The Harm of Intersectional and Compounding Barriers.....	71
V. Young People Have the Capacity to Make Autonomous Abortion Decisions	77
VI. Forced Parental Involvement Laws and International Human Rights Law	81
Right to Health.....	82
Rights to Privacy and Confidentiality of Health Information and Services	85
Rights to Nondiscrimination and Equality under the Law	86
Freedom from Cruel, Inhuman or Degrading Treatment.....	87
Acknowledgments.....	89

Summary

Years ago, Angela, now a staff member at an abortion clinic in the United States, became pregnant unexpectedly at age 16. She accessed abortion care with support from the person she trusted most: her mother. “I had an extremely supportive mother who helped me through that process,” she said. Angela’s experience shaped her commitment to defend everyone’s right to confidential reproductive health care with support from those they trust: “This is no one else’s choice and no one else’s business.” She began working for an abortion clinic a decade ago. “This was always what I wanted to do.” In July 2022, just after the Supreme Court struck down *Roe v. Wade* and eliminated the constitutional right to abortion, Angela and her family moved from a state that banned abortion to a state that protected access so that she could continue working in abortion care. Now she supports young people under 18 who need abortion care.

Angela works in a state that requires parental notification for anyone under 18 to access clinical abortion care, meaning clinic staff must notify a young person’s parent or legal guardian before they can get an abortion. Before notifying a young person’s parent, Angela and her colleagues ask every patient under 18, “Do you come from a home where seeking abortion care is supported? Is it safe for your parent or guardian to be notified?” For most young people, the answer is yes. Often, their parents are already involved. But a small subset of young people cannot tell a parent, let alone have a parent notified by clinic staff, without facing severe consequences. They do not have the kind of relationship Angela had with her mother. They fear being kicked out of the home, or they are concerned that parental notification will strain or ruin family relationships. The alternative provided to them by law is to petition a judge for a court order allowing them to obtain an abortion without notifying a parent. This process, called “judicial bypass,” is difficult to access, deeply stressful, and often traumatizing.

Angela recounted some of her patients’ painful experiences navigating judicial bypass. One young survivor pregnant from sexual violence turned to Angela for support she could not receive from her mother: “Unfortunately, her biological mom didn’t understand or see it when she tried to disclose [the violence she endured].” The young person pursued judicial bypass and was forced to relive the trauma of her ordeal—the sexual violence, her

mother's lack of support—before a judge, a complete stranger with the power to block her access to care. Ultimately, the judge granted the bypass, and the young person was able to obtain an abortion, but only after a significant delay and a painful period of destabilizing uncertainty and worry. “It was really tough,” Angela said. “I gave her my direct extension, and she would just call, she would cry, she would talk, sometimes she would just breathe, knowing someone supportive was on the line with her.”

This report, a collaboration between Human Rights Watch and *If/When/How: Lawyering for Reproductive Justice* (*If/When/How*), documents how forced parental involvement laws harm young people—whether they elect to notify a parent, go through judicial bypass, or forgo care and remain pregnant against their wishes.

At time of writing, over three years after the fall of *Roe*, 12 US states have banned abortion completely, and many others maintain harsh restrictions. Twenty-five US states where abortion is legal at some point in pregnancy have laws mandating parental notification, parental consent, or both for a young person under 18 to obtain an abortion. Typically, these laws require a healthcare provider to notify or obtain consent from a parent, legal guardian, or other qualifying adult 24 or 48 hours before providing abortion care to anyone under 18.

For this report, Human Rights Watch and *If/When/How* examined the impacts of one specific subset of parental involvement laws: those requiring parental notification (not consent), and those with a judicial bypass process. Six states have such laws in effect and still allow abortion access at some point in pregnancy as of December 1, 2024: Colorado, Delaware, Georgia, Iowa, Montana, and New Hampshire. These six states, however, have distinct legal and policy frameworks governing access to care. They range from highly restrictive with bans on abortion after 6-weeks' gestation to very protective with constitutional amendments safeguarding the right to abortion. Human Rights Watch and *If/When/How* interviewed 62 healthcare providers, individuals working for abortion funds (organizations offering financial and practical support to people seeking care), attorneys experienced in judicial bypass cases, advocates, and public health researchers across the six states.

If a state requires parental consent for abortion, a young person can only access clinical abortion care in that state if a parent explicitly authorizes it, or if a judge waives the

consent requirement through judicial bypass. Researchers have investigated the harms of parental consent over the past several decades, and these laws often receive significant public and media attention. Parental notification laws are less studied and less understood. Policymakers often frame parental notification as a less onerous requirement because it does not require explicit permission from a parent or legal guardian. However, this report finds that parental notification more typically functions much like parental consent in that it grants parents a de facto veto power over a young person's abortion decision. When parents are able to withhold financial support, restrict young people's movement or access to communication or transportation, or threaten life-altering consequences, they can effectively block young people's access to abortion care even if the law requires only notice and not explicit consent. Taylor, an obstetrician-gynecologist and abortion care provider explained: "Most [young] people's parents have such control over their lives and their freedom to travel to a doctor's appointment, that notification is functionally the same as consent. If a parent gets notified and doesn't want the abortion to happen, they have a lot of leverage over their kid."

Like Angela, interviewees in all six states emphasized that most young people under 18 involve a parent or guardian in an abortion decision, and those who do not involve a parent have compelling reasons, often rooted in their safety and well-being. Interviewees described several reasons why young people did not involve their parents in an abortion: to protect their relationships with family members and minimize family stress, lack of contact with a parent, fear of being kicked out of the home, fear of being forced to continue an unwanted pregnancy, and fear of emotional or physical abuse. "I remember one case where the petitioner said that there had already been so much hardship [in her family]," a bypass attorney said. "Her mother had breast cancer, and she didn't want to add to her mother's situation of pain and suffering."

Another attorney said she represented a young person who had already been kicked out of the house by her parents several times in the past. "She'd spent the night at her school a couple of times." The young person was certain that her parents would have the same harsh response if they were notified of her plans to have an abortion.

An advocate who has supported about 25 young people through judicial bypass recounted the case of a pregnant high school senior who had plans to go to college. "She was going to go to nursing school. She had a career planned out. She had parents that were very

conservative, and she knew that if her parents found out about the pregnancy, she would not be able to go to school, she'd be forced to continue the pregnancy, and her life goals would have been squashed for her. When the judge granted the judicial bypass, she just sobbed in the courtroom. She was just so relieved.”

Even for those who involve a parent and do not pursue judicial bypass, forced notification laws often delay and obstruct access to abortion care, pushing young people to seek care later in pregnancy that may be more costly or time-consuming. Interviewees described young people delaying care by a week or more to track down contact information for a parent or legal guardian who was no longer involved in their lives. “Any delay in care can have a drastic effect on a patient’s options and access,” said Naomi, another abortion care provider. “[Forced parental notification] just contributes to the already insurmountable amount of barriers that minor patients face.”

These laws compel some young people to involve unsupportive parents who belittle or shame them as they seek abortion care. One interviewee described it as “heartbreaking” to see parents who have “amplified their children’s anxiety or trauma around the circumstances of the pregnancy,” including one parent who distributed anti-abortion literature to patients in the recovery room.

Many interviewees expressed deep concern that parental notification laws have a “chilling effect” and may prevent or dissuade young people from seeking wanted abortion care in a clinical setting and potentially push them to remain pregnant against their wishes. In one case reported to Human Rights Watch, clinic staff believed a young person was so frightened by parental involvement that she may have remained pregnant against her wishes. “We scheduled her for an appointment and hoped she could come, and we could walk her through the process [of parental notification or judicial bypass],” but the young person never made it to the appointment. “We lost contact with her.”

The judicial bypass process does not prevent or mitigate the human rights harms caused by forced disclosure laws. Rather, it subjects young people to additional harms and often exacerbates delay. There are substantial barriers to accessing bypass that prevent many youth from utilizing it, including challenges around finding information about the process, communicating safely, scheduling hearings, and securing transportation to court. Many young people are daunted by the process, and some are unable to navigate it. Judicial

bypass also delays abortion care, often by a week or more, due to the significant hurdles involved.

In some cases, the delays caused by notification requirements and the judicial bypass process leave young people ineligible for medication abortion, a safe and effective way to end a pregnancy using medication, typically available during the first trimester of pregnancy. Delays also require some patients to have multiple appointments over consecutive days to complete their abortion care, increasing cost and posing another set of logistical obstacles to overcome. In states with harsh gestational limits on care, delays may result in barring abortion access altogether.

Even young people who successfully navigate the judicial bypass process often experience significant stress and anxiety, like Angela's patient whose story opened this report. Interviewees described how young people had to go through courthouse security, often sit in a large courtroom, and be sworn in at the start of a hearing. "Think about going before a judge," said Mia, a consultant who supported young people pursuing judicial bypass across the US for many years. "That implies that you've done something wrong. You've broken the law in some way."

"I've had instances when clients have cried on the stand," said Sophia, a bypass attorney. "I've had instances when the judge has cried because the client is crying and describing what's going on in their personal life ... It's really hard to tell that to me, the first stranger, then to a courtroom full of people ... A lot of them get very emotional about it. And they're terrified. You can hear it in their voices. They're shaky, quiet, hesitant."

Those seeking a judicial bypass to access abortion care without notifying a parent must answer intimate and invasive questions about their family situation, their sexual health and behaviors, why they are choosing abortion, potential side effects or complications, plans for future birth control, and other highly sensitive topics, first with their attorneys, and again before a judge. "The client may be appearing before an older, male judge and need to talk about how many pads is too many pads to bleed through in an hour," one attorney said.

In a few cases, attorneys interviewed for this report said judges had made loaded or stigmatizing comments to those seeking a judicial bypass, or posed difficult or

inappropriate questions to them about the merits of adoption or “the emotional aftermath of having an abortion.”

Like adults, youth wish for their abortion experience to be confidential, and for their personal health information to be shared only with their healthcare providers and their chosen support network. State laws include provisions to protect the confidentiality of young people pursuing judicial bypass, but even in a closed courtroom with sealed records, judicial bypass is not completely confidential. The process can require young people to share intimate details of their lives with multiple strangers, including a lawyer, a judge, and other court personnel. Young people can be exposed or found out in numerous ways: if someone recognizes them in court, if their absence from school is reported to their families, if parents discover texts or communications with attorneys or paperwork from the process. Maintaining confidentiality may be especially difficult if not nearly impossible for youth living in small or rural communities. A few people interviewed for this report described concerning situations where young people were nearly exposed while pursuing judicial bypass.

In judicial bypass hearings, judges have the power to make highly subjective determinations about young people’s maturity and interests. The system lends itself to arbitrary decision-making. Those interviewed for this report consistently said that judges used factors such as young people’s grades, extracurricular activities, or career ambitions to demonstrate their maturity in court. One bypass attorney described the standard of proof for demonstrating sufficient maturity: “It’s stuff like grades, how do you appear in court, do you seem mature, are you articulating your ideas in a way that indicates maturity, extracurricular participation.” She argued that “maintaining the standards of the good girl getting the abortion” is an implicit expectation.

The judicial bypass system affords judges essentially unilateral power to deny young people’s access to abortion care. Though denials in these six states seem to be rare, based on available evidence, many interviewees commented on the absurdity of a system that can determine that a young person lacks the maturity to have an abortion independently, and must therefore remain pregnant and become a parent against their will.

Ayana, the director of an abortion care clinic, explained: “The idea that a young person is not mature enough to make a decision about whether or not they want to parent, but they

are mature enough to raise a child. That’s the part that feels so disingenuous.... You can’t decide not to be pregnant, but you can raise a child for the rest of your life with no one questioning your maturity level.”

No states have laws requiring young pregnant people to involve a parent or a judge in their decision to continue a pregnancy, if that is what they want. Young people wishing to end a pregnancy should have the same autonomy over their bodies and futures.

Forced parental involvement laws and judicial bypass processes almost inevitably carry a disproportionate impact on youth already facing larger systematic barriers to accessing abortion and the legal system in general. Black, Indigenous, and other youth of color, young people experiencing homelessness, low-income youth, rural youth, LGBTQ youth, immigrant youth, and those in the foster system face larger systematic and compounding barriers because of structural racism, classism, homophobia, transphobia, xenophobia, and historical disenfranchisement, and the myriad ways they intersect. Interviewees described how young people who have witnessed the impact of structural racism and policing on their communities were highly skeptical of interacting with the legal system to access health care. “The young people that need judicial bypass are the most marginalized young people who are already trying to navigate the complexities of their life situation to get time-sensitive health care,” said Andie, a staff member at an abortion care clinic.

The testimonies and accounts included in this report describe only the young people who found their way to the caring and supportive legal and healthcare professionals interviewed for our research. This report does not capture the experiences of young people who never reached clinics, abortion funds, legal services organizations, or other potential sources of support. The full consequences of forced parental involvement and judicial bypass on those young people remain unknown.

Those interviewed for this report stressed that young people have the capacity to make careful and informed decisions about their health. “Every minor that I’ve ever cared for has had that capacity to make [informed healthcare] decisions,” said Naomi, an obstetrician-gynecologist and abortion care provider. Naomi explained that healthcare providers are trained to obtain informed consent from their patients and to assess their ability to make healthcare decisions: “We evaluate capacity all the time, not just in patients that are

minors. We just utilize the same clinical skills to ensure that someone can understand the procedure or medication, the risks, the benefits, the follow-up.”

Despite the intentions that underpin some parental notification laws, the reality is that all laws forcing parental involvement in abortion infringe upon a range of human rights, including young people’s rights to health, to privacy and confidentiality of health services and information, to nondiscrimination and equality, and to be free from cruel, inhuman or degrading treatment. “Young people know what’s best for them,” said June, an abortion fund staff member interviewed for the report. “We don’t need to force this traditional family dynamic that doesn’t exist for a lot of people. It doesn’t do any good. It does harm. So, what’s the benefit? What’s the need?”

Lawmakers in Colorado, Delaware, Georgia, Iowa, Montana, and New Hampshire should repeal these laws and affirm young people’s rights to make fundamental decisions about their bodies and lives.

Recommendations

To State Legislators and Governors in Colorado, Delaware, Georgia, Iowa, Montana, and New Hampshire

- Repeal forced parental notification laws and ensure that young people under 18 can access abortion care without being forced to involve a parent, or a judge, in their decision-making.

Methodology

This report is a collaboration between Human Rights Watch and If/When/How: Lawyering for Reproductive Justice (If/When/How) and examines the consequences of forced parental notification for abortion in six states: Colorado, Delaware, Georgia, Iowa, Montana, and New Hampshire. The report includes information from all US states that, as of December 1, 2024,

- Had a law in effect mandating parental notification before a young person under 18 can obtain abortion care;¹
- Allowed young people to seek a judicial waiver of the parental notification requirement through a “judicial bypass” process;² and
- Maintained legal access to abortion at some point in pregnancy and not limited to narrow exceptions.³

This report builds on earlier research conducted by both Human Rights Watch and If/When/How on forced parental involvement laws and judicial bypass processes in the US states of Florida, Illinois, Michigan, and Minnesota.⁴ We chose to focus this report on notification laws across the US because there is less research on parental notification as compared to parental consent.

The report’s findings are based on interviews with 62 people, analysis of federal and state data, and an extensive review of secondary sources.

¹ We excluded states that require parental consent or parental consent *and* notification for youth under 18 to access abortion care.

² We excluded states that allow a healthcare provider to waive the state’s notification requirement.

³ We excluded states with parental notification laws that maintained total abortion bans with only very limited exceptions.

⁴ Human Rights Watch and the American Civil Liberties Union of Illinois, *“The Only People It Really Affects Are the People It Hurts”*: The Human Rights Consequences of Parental Notice of Abortion in Illinois (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/03/11/only-people-it-really-affects-are-people-it-hurts/human-rights-consequences>; Human Rights Watch, *Access Denied: How Florida Judges Obstruct Young People’s Ability to Obtain Abortion Care* (New York: Human Rights Watch, 2023), <https://www.hrw.org/report/2023/02/09/access-denied/how-florida-judges-obstruct-young-peoples-ability-obtain-abortion>; Human Rights Watch, the American Civil Liberties Union of Michigan, and the Michigan Organization on Adolescent Sexual Health (MOASH), *In Harm’s Way: How Michigan’s Forced Parental Consent for Abortion Law Hurts Young People* (New York: Human Rights Watch, 2024), <https://www.hrw.org/report/2024/03/28/harms-way/how-michigans-forced-parental-consent-abortion-law-hurts-young-people>; If/When/How: Lawyering for Reproductive Justice, *Forced Parental Involvement and Judicial Bypass in Minnesota: A Report on Barriers to Abortion Access for Young People*, 2021, <https://ifwhenhow.org/resources/forced-parental-involvement-and-judicial-bypass-in-minnesota/> (accessed October 14, 2025).

Human Rights Watch and If/When/How conducted in-depth interviews for this report between December 2024 and August 2025. Human Rights Watch interviewed 21 healthcare providers; 14 individuals working for abortion funds (organizations offering financial and practical support to people seeking care); 11 attorneys experienced in judicial bypass cases; 5 advocates; and 2 public health researchers. Most interviewees had direct experience supporting young people seeking abortion care in one of the six states. If/When/How interviewed 9 youth advocates ages 19 to 25 involved in reproductive justice advocacy in the six states.⁵

We identified interviewees through outreach to abortion care providers, abortion funds, public health researchers, and reproductive justice and legal services organizations. Some interviewees helped identify and recruit additional participants.

Human Rights Watch and If/When/How conducted all interviews remotely via telephone or video call. In nearly all cases, we held interviews individually and in private, though in a few instances, we spoke to interviewees in pairs. We informed all interviewees of the purpose of the research, how their testimony would be collected and used, and their right to decline questions or end the interview at any time. We offered anonymity to everyone interviewed. All interviewees provided verbal informed consent to participate.

Interviews were semi-structured and covered topics related to the experiences of young people under 18 seeking abortion care both before and since the US Supreme Court eliminated the constitutional right to abortion in the June 2022 *Dobbs v. Jackson Women's Health Organization* decision. We followed practices to minimize the risk that recounting difficult or traumatic experiences could lead to distress or further trauma.

Human Rights Watch did not provide any interviewees with compensation or other incentives for participating. If/When/How offered youth advocates small stipends for time spent in interviews, consistent with their internal organizational policy related to research participation.

The six states examined in this report vary widely in terms of size, population, and legal landscape. While some states are taking steps to safeguard abortion access, others harshly

⁵ Referred to as “youth advocates.” See more in the Terminology section below.

restrict access to care and are hostile to abortion rights. Given the increasingly hostile environment in certain states, and our concerns with protecting confidentiality in states with smaller populations, we chose to anonymize all interview material cited in this report. To protect the privacy and safety of interviewees, pseudonyms are used throughout the report and identifying details such as state names or specific job titles have been withheld.

Despite our strong interest in hearing from young people directly impacted by forced parental notification, we did not seek interviews with youth who recently obtained abortion care or went through judicial bypass, due to potential risks to their privacy and safety. In an effort to highlight youth voices without risking the privacy of young people subject to forced parental notification, we chose to interview youth advocates ages 19 to 25 involved in reproductive justice advocacy.

Additionally, this report draws on a review of publicly available court records from appeals court rulings on judicial bypass cases. We also analyzed state, national, and international laws and policies and conducted a review of secondary sources, including public health studies, reports by the American Academy of Pediatrics and other health professional associations, and other sources.

Physicians for Human Rights' Ethics Review Board (ERB) reviewed and approved the research plans and protocols for this research project to ensure we took adequate steps to protect research participants.

Terminology

In this report, we use the terms “youth” and “young people” to refer generally to anyone under the age of 18, subject to forced parental notification laws. We use these terms to be inclusive of everyone who can become pregnant, regardless of their gender identity and to affirm the autonomy and maturity of adolescents to make the best decisions for themselves regarding their sexual and reproductive health care. In a few places, we use the term “adolescents” to describe young people ages 10 to 19 consistent with the definition used by the World Health Organization (WHO).⁶

We use the term “youth advocate” to refer to young people ages 19 to 25 involved in reproductive justice advocacy and interviewed in this report.

As described in the Background section below, some states examined in this report allow only a parent or legal guardian to fulfill the notification requirement, while other states allow other supportive adults to receive notice in certain circumstances. For clarity and readability, in this report we use the term “parent” to signify a parent, legal guardian, or other qualifying adult able to receive notice of abortion.

Throughout this report, we use the gender-neutral and inclusive pronouns “they” and “them” to describe young people. When referring to a specific person, we use that person’s individual pronouns and terminology that reflects their gender identity.

We use “Black, Indigenous, and other young people of color” or “young people of color” to describe individuals and communities who identify as or are racialized as Black or African American; Hispanic, Latino/a/e, or Latinx of any race; Asian or Pacific Islander; North African or Middle Eastern; Indigenous; or multiracial. We use this terminology to be inclusive of a range of racial and ethnic identities and to bring visibility to the differential impacts of structural racism in a variety of systems on Black, Indigenous, and other communities of color in the United States.

⁶ World Health Organization, “Adolescent health,” https://www.who.int/health-topics/adolescent-health#tab=tab_1 (accessed June 25, 2025).

For all direct quotes, we reproduce the exact language used by the source, regardless of our policies on terminology.

I. Background

The United States Supreme Court’s June 2022 decision in *Dobbs v. Jackson Women’s Health Organization* overturned *Roe v. Wade* and eliminated the long-protected constitutional right to abortion, giving states the authority to determine the legal framework for accessing care. The decision led to drastic changes to the legal landscape in the US, with some states banning abortion completely and others taking steps to safeguard access. Even before *Dobbs*, young people faced unique and significant barriers to abortion.⁷ Since *Dobbs* and the fall of *Roe v. Wade*, those barriers have only increased and compounded. Young people have been forced to navigate an often-shifting patchwork of state laws and restrictions that complicate their ability to access care and foster a climate of fear around abortion.

In 25 of the 38 states where abortion was not entirely banned at time of writing, state laws force young people under 18 to notify, and/or obtain consent from, a parent or legal guardian before they are permitted to access clinical abortion care. In most of these states, young people have the option to petition a judge for a waiver of the state’s parental notification or consent requirements through a process known as “judicial bypass.”

Youth Abortion Access in the US After *Roe v. Wade*

The fragmented and shifting legal landscape that emerged after the *Dobbs* decision has created fear and confusion and changed how pregnant people access abortion care. At time of writing, 12 US states had total abortion bans⁸ and many others maintained harsh restrictions, including prohibitions on health insurance coverage for abortion care, waiting periods, ultrasound requirements, and other barriers.⁹ In contrast, some states moved to safeguard and expand access post-*Dobbs* through constitutional amendments protecting abortion access, shield laws to protect providers from prosecution, data privacy

⁷ See, for example, Andrea J. Hoopes et al., “Elevating the needs of minor adolescents in a landscape of reduced abortion access in the United States,” *Journal of Adolescent Health*, vol. 71, no. 5 (2022): pp. 530–532, accessed October 14, 2025, doi:10.1016/j.jadohealth.2022.08.007.

⁸ Repro Legal Helpline, “Abortion Laws by State,” <https://reprolegalhelpline.org/abortion-laws-by-state/> (accessed July 19, 2025). “Total abortion ban” means that abortion is prohibited at all stages of pregnancy, except for very limited exceptions.

⁹ Guttmacher Institute, “Interactive Map: US Abortion Policies and Access After Roe,” last updated October 8, 2025, <https://states.guttmacher.org/policies> (accessed June 5, 2025).

protections, and other measures.¹⁰ A June 2025 report by the National Partnership for Women and Families found that “more than 31 million women of reproductive age”—defined as those ages 15 to 49—“live in the 22 states where abortion is banned or under threat.” The report found that “41 percent of all reproductive-age women” and “more than half of Black women” in the US live in these states, compounding the impact structural racism in the US has had on equal access to sexual and reproductive health care.¹¹

In a 2024 report, the Guttmacher Institute, a research and policy organization focused on sexual and reproductive rights, noted a decline in the number of clinics providing in-person care, a surge in travel across state lines for care, an increase in telehealth or virtual provision of abortion care, and an increase in self-managed abortion care with medication, among others.¹² Despite declines in both the number of abortion clinics providing in-person care and in the OBGYN workforce in many states with abortion bans,¹³ the Society of Family Planning’s #WeCount reporting, a project tracking shifts in abortion volume since the fall of *Roe*, has shown that the number of clinician-provided abortions nationwide has increased—not decreased—since the *Dobbs* decision.¹⁴ In short: there are fewer abortion clinics serving more people, many of whom must travel considerable distances for care.

Young people under 18 have always faced significant barriers accessing abortion care for a variety of reasons: heavy stigma surrounding sexual activity, pregnancy, and abortion during adolescence;¹⁵ financial barriers arising from a lack of financial independence and

¹⁰ Ibid. Of the states that have taken measures to protect abortion access post-*Dobbs*, Massachusetts is the only state that has made an explicit effort to repeal its parental involvement law. Illinois repealed its parental involvement law in 2021, prior to the *Dobbs* decision.

¹¹ Ashley Kurzweil and Katherine Gallagher Robbins, National Partnership for Women & Families, “Three Years Post-*Dobbs*, Abortion Bans & Criminalization Threaten More than 15 Million Women of Color,” June 2025, <https://nationalpartnership.org/report/abortion-bans-and-criminalization-three-years-post-dobbs/> (accessed July 21, 2025).

¹² Guttmacher Institute, “Clear and Growing Evidence That *Dobbs* Is Harming Reproductive Health and Freedom,” May 2024, <https://www.guttmacher.org/2024/05/clear-and-growing-evidence-dobbs-harming-reproductive-health-and-freedom> (accessed June 5, 2025).

¹³ See, for example, Samantha Anderer, “Abortion Bans Tied to Drop in OB-GYN Workforce in States With Restrictions,” *Journal of the American Medical Association*, vol. 333, no. 18 (2025): accessed October 14, 2025, doi:10.1001/jama.2025.4026; Shefali Luthra, “‘We’re not going to win that fight’: Bans on abortion and gender-affirming care are driving doctors from Texas,” *The 19th*, June 21, 2023, <https://19thnews.org/2023/06/abortion-gender-affirming-care-bans-doctors-leaving-texas/> (accessed October 14, 2025).

¹⁴ Society of Family Planning, “#WeCount Report: April 2022 through June 2024,” October 22, 2024, <https://societyfp.org/wp-content/uploads/2024/10/WeCount-Report-8-June-2024-data.pdf> (accessed October 14, 2025).

¹⁵ See, for example, Kate Coleman-Minahan et al., “Adolescents Obtaining Abortion Without Parental Consent: Their Reasons and Experiences of Social Support,” *Perspectives on Sexual and Reproductive Health*, vol. 52, no. 1 (2020): pp. 15–22, accessed October 14, 2025, doi:10.1363/psrh.12132.

limited financial means; transportation barriers and a reliance on others for rides; and the burdens of forced parental involvement laws, among others. A study conducted before the *Dobbs* decision examined the experiences of adolescents under age 20 obtaining abortions and found they were more likely than adults to have abortions in the second trimester, which are more costly, due to delayed recognition of pregnancy and delays caused by managing logistical burdens, particularly travel arrangements.¹⁶

The changes to the abortion care landscape since the *Dobbs* decision have only exacerbated these barriers. Traveling out of state for abortion care takes time and resources and may require negotiating time away from work or school.¹⁷ Navigating these logistics can be significantly harder for young people.¹⁸ Recent research by Rutgers University found that 66 percent of female youth ages 13 to 17 in the US (7 million young people) live in states with total abortion bans, gestational limits on abortion access (banning care after 6 to 22 weeks of pregnancy), or parental involvement requirements.¹⁹ The author of the study explained: “Minors are often targeted by restrictive policies and less able to use routes to abortion care common for adults—traveling to another state or using telehealth—leaving them disproportionately impacted.”²⁰ Interstate travel for abortion care has increased significantly since the *Dobbs* decision. According to the Guttmacher Institute, 155,000 people traveled out of state for abortion care in 2024, nearly twice the number of people who traveled out of state for care in 2020 (81,000).²¹

¹⁶ Doris W. Chiu, Ava Braccia, and Rachel K. Jones, “Characteristics and Circumstances of Adolescents Obtaining Abortions in the United States,” *International Journal of Environmental Research and Public Health*, vol. 21, no. 4 (2024): p. 477, accessed October 14, 2025, <https://doi.org/10.3390/ijerph21040477>

¹⁷ See, for example, Elizabeth Pleasants et al., “Abortion access barriers shared in “r/abortion” after Roe: a qualitative analysis of a Reddit community post-Dobbs decision leak in 2022,” *Sexual and Reproductive Health Matters*, vol. 32, no. 1 (2024), pp. 1–182, doi:10.1080/26410397.2024.2426921.

¹⁸ See, for example, Andrea J. Hoopes et al., “Elevating the needs of minor adolescents in a landscape of reduced abortion access in the United States,” *Journal of Adolescent Health*, vol. 71, no. 5 (2022): pp. 530–532, accessed October 14, 2025, doi:10.1016/j.jadohealth.2022.08.007.

¹⁹ Laura D. Lindberg, Julie Maslowsky, and Paz Baum, “Implications of Abortion Restrictions for Adolescents,” *JAMA Pediatrics*, vol. 179, no. 6 (2025): pp. 675–676, accessed October 14, 2025, doi:10.1001/jamapediatrics.2025.0226.

²⁰ Patti Zielinski, “Two-Thirds of U.S. Adolescent Minors Are Impacted by State Abortion Restrictions,” *Rutgers*, April 7, 2025, <https://www.rutgers.edu/news/two-thirds-us-adolescent-minors-are-impacted-state-abortion-restrictions> (accessed June 7, 2025).

²¹ Guttmacher Institute, “Guttmacher Institute Releases Data on State of Residence of US Abortion Patients Traveling for Care in 2024,” June 24, 2025, <https://www.guttmacher.org/news-release/2025/guttmacher-institute-releases-data-state-residence-us-abortion-patients-traveling> (accessed July 30, 2025).

Mia, a consultant with extensive experience working on youth abortion access, explained why interstate travel for abortion care is not feasible for many young people:

The first barrier is not having transportation. A lot of teens don't have their own cars. They rely on friends or family members and don't want to share that they're having an abortion. That's just local transportation.... For teens who have to travel long distances [for care], some have never flown before and don't know how to navigate getting tickets, dealing with layovers. Then you can't get a hotel if you're not over 21. You can't rent a car if you're not over 21, not to mention money. And how are you supposed to tell a parent or guardian you're just going to be gone for two days? Then, what I heard so often, their parents have their location. They're tracking their location through phone apps. All of that really makes it harder for teens to travel.²²

Due to the many logistical barriers, young people—like many people seeking abortion—rely on the support of others, including friends, siblings, and other family members, to access care.²³ Anti-abortion policymakers have increasingly targeted abortion care networks and communities of support as another tactic to prevent people from accessing care.²⁴

Bans on Abortion Support

In recent years, legislators in several states have moved to enact legislation that would impose civil lawsuits or criminal punishment on those supporting or helping young people

²² Human Rights Watch interview with Mia, consultant, January 23, 2025.

²³ “Several of our findings suggest that adolescents were more likely than adults to rely on other people when accessing abortion care. In particular, they were more likely to report that they went to the facility where they received care because they learned about it from a friend or family member, and two-thirds reported that someone they knew had driven them to their appointment.” Doris W. Chiu, Ava Braccia, and Rachel K. Jones, “Characteristics and Circumstances of Adolescents Obtaining Abortions in the United States,” *International Journal of Environmental Research and Public Health*, vol. 21, no. 4 (2024): p. 477, accessed October 14, 2025, doi:10.3390/ijerph21040477.

²⁴ Guttmacher Institute, “State Policy Trends 2024: Anti-Abortion Policymakers Redouble Attacks on Bodily Autonomy,” December 2024, <https://www.guttmacher.org/2024/12/state-policy-trends-2024-anti-abortion-policymakers-redouble-attacks-bodily-autonomy> (accessed September 15, 2025); I. Glenn Cohen, Eli Y. Adashi, and Mary Ziegler, “The New Threat to Medical Travel for Abortion,” *The American Journal of Medicine*, vol. 137, no. 4 (2024): pp. 298-299, accessed September 15, 2025, doi:10.1016/j.amjmed.2023.12.007; Anna Claire Vollers, “Helping a minor travel for an abortion? Some states have made it a crime,” *Stateline*, August 23, 2024, <https://stateline.org/2024/08/23/helping-a-minor-travel-for-an-abortion-some-states-have-made-it-a-crime/> (accessed September 15, 2025); National Right to Life Committee, “NRLC Post-Roe Model Abortion Law Version 2,” July 4, 2022, <https://nrlc.org/wp-content/uploads/NRLC-Post-Roe-Model-Abortion-Law-Version-2-1.pdf> (accessed September 15, 2025).

as they seek abortion care.²⁵ These abortion support bans aim to obstruct access to abortion care by punishing actions such as helping someone travel for abortion, helping someone get an appointment with an abortion clinic, or helping someone acquire medication that can be used to induce abortion.

For example, in April 2023, lawmakers in Idaho enacted a law making it a crime for an adult to help a young person under 18 obtain abortion pills or to “recruit, harbor, or transport” a young person out of state for abortion care without their parent’s knowledge or consent.²⁶ Tennessee legislators passed a law in May 2024 making it illegal for an adult to “recruit, harbor, or transport” a pregnant young person within the state to obtain a “criminal abortion” without written, notarized consent from a parent or legal guardian.²⁷ In 2025, legislators in New Hampshire introduced a ban on abortion support with the same language but which was amended to prohibit the transportation of a young person under 18 for *any* surgical procedure without written, notarized parental consent.²⁸ A bill introduced in the Texas legislature in March 2025 would criminalize transporting youth under 18, or funding their transportation, out of state to access abortion without written parental consent.²⁹ A similar bill was introduced in Colorado but was the first to target both abortion and gender-affirming care, specifically targeting those who support young people out of state coming into Colorado.³⁰ The use of language like “trafficking,” “harbor,” “recruit,” and “transport” conflates abortion support with human trafficking, inciting fear and isolating people who are seeking an abortion from those who support them.

Bans on abortion support compound the many barriers young people already face in accessing abortion care by cutting them off from support and increasing legal uncertainty and fear of criminalization.

²⁵ Guttmacher Institute, “State Policy Trends 2024: Anti-Abortion Policymakers Redouble Attacks on Bodily Autonomy,” December 2024, <https://www.guttmacher.org/2024/12/state-policy-trends-2024-anti-abortion-policymakers-redouble-attacks-bodily-autonomy> (accessed September 15, 2025).

²⁶ Idaho Code § 18-623 (2023).

²⁷ Tenn. Code Ann. § 39-15-201 (2024). Both the Idaho and Tennessee bans on abortion support have been challenged, and litigation is ongoing.

²⁸ H.B. 191, 2025, 169th Gen. Ct., Reg. Sess. (N.H. 2025). At time of writing, the legislature is still in session, and the bill is pending. The last action on the bill was in May 2025 when it was re-referred to the Senate Judiciary committee.

²⁹ S.B. 2352, 2025, 89th Leg., Reg. Sess. (Tex. 2025). Although the bill failed to pass during the regular session, during the first special session called in July, another ban on abortion support was introduced in the House: H.B. 70, 2025, 89th Leg., 1st Spec. Sess. (Tex. 2025).

³⁰ H.B. 25-1145, 2025, 75th Gen. Assemb., Reg. Sess. (Colo. 2025). The bill failed to pass during the 2025 regular legislative session which adjourned on May 7, 2025.

Forced Parental Involvement in Abortion

At time of writing, 25 US states where abortion was legal at some point in pregnancy had laws mandating parental notification, parental consent, or both for a young person under 18 to obtain an abortion.³¹ Typically, these laws require a healthcare provider to notify or obtain consent from a parent or legal guardian before providing abortion care to anyone under 18.³²

Parental involvement laws differ from state to state. Some require two parent involvement,³³ while others require the involvement of just one parent or other adult family member.³⁴ States vary in who they define as qualifying adults. Some states allow a grandparent, stepparent, or other supportive adult to be involved,³⁵ but many mandate that only a parent or legal guardian can consent or receive notice.³⁶

Some state laws require a parent or legal guardian to present a government-issued identification or produce written notarized documents—measures that disproportionately harm families with fewer financial resources or less time available to satisfy documentation requirements, as well as youth with irregularly documented or undocumented guardians.³⁷ Some parental involvement laws apply to everyone under 18,³⁸ while others apply only to younger adolescents.³⁹

Most states with parental involvement laws for abortion do not require the provider to notify or get consent from a parent if there is a medical emergency. However, some state laws require providers to notify a parent once the emergency is over.⁴⁰

³¹ Repro Legal Helpline, “Abortion Laws by State,” <https://reprolegalhelpline.org/abortion-laws-by-state/> (accessed July 19, 2025).

³² Fla. Stat. § 390.01114 (2025).

³³ E.g. Kan. Stat. § 65-6705 (2024).

³⁴ E.g. Va. Code § 16.1-241 (2025).

³⁵ E.g. Del. Code Ann. tit. 24, § 1783 (2024).

³⁶ E.g. Va. Code § 16.1-241 (2025).

³⁷ E.g. Florida, Human Rights Watch, *Access Denied: How Florida Judges Obstruct Young People's Ability to Obtain Abortion Care* (New York: Human Rights Watch, 2023), <https://www.hrw.org/report/2023/02/09/access-denied/how-florida-judges-obstruct-young-peoples-ability-obtain-abortion>.

³⁸ E.g. Mich. Comp. Laws § 722.902 (2025).

³⁹ E.g. Del. Code Ann. tit. 24, § 1783 (2024).

⁴⁰ E.g. Fla. Stat. § 390.01114 (2025).

Generally, forced parental involvement laws do not apply to “emancipated minors,” though states vary in how they define “emancipated.” Some states, but not all, exempt a young person from involving their parent or guardian in an abortion if they themselves are already a parent.⁴¹ Most states also provide a bypass mechanism where a judge can waive the parental involvement requirement.⁴²

Parental Notice of Abortion in Six US States

For this report, Human Rights Watch and If/When/How examined the impacts of one specific subset of parental involvement laws: those requiring parental notification (not consent), which also include a judicial bypass process. Six states had such laws in effect and still allowed abortion access at some point in pregnancy as of December 1, 2024:⁴³ Colorado,⁴⁴ Delaware,⁴⁵ Georgia,⁴⁶ Iowa,⁴⁷ Montana,⁴⁸ and New Hampshire.⁴⁹

The six states have distinct legal and policy frameworks governing access to abortion. They range from highly restrictive contexts with bans on abortion after 6-weeks’ gestation to very protective contexts with constitutional amendments safeguarding the right to abortion.⁵⁰

In each of the six states, state law mandates that a healthcare provider must notify the parent or guardian of a young person within a certain amount of time, either 24⁵¹ or 48⁵² hours before their abortion. Some, but not all, of the six states examined in this report, permit a parent, guardian, or other qualifying adult to “waive notice,” which waives the

⁴¹ E.g. Human Rights Watch, *Access Denied*.

⁴² In a few states, a healthcare provider can waive the parental involvement requirement. Human Rights Watch and If/When/How did not include those states in this report. See, for example, Md. Health-Gen Code § 20-103 (2013).

⁴³ Nevada’s 1985 parental notification for abortion law went into effect in July 2025 after a federal court vacated a permanent injunction which had previously been in place since the law was passed four decades ago. Because that law was still permanently enjoined during the research and writing of this report, it was not included here. At time of writing, legal challenges to Nevada’s parental notification law remain ongoing.

⁴⁴ Colo. Rev. Stat. §§ 13-22-701 — 13-22-708 (2024).

⁴⁵ Del. Code. tit. 24, § 1783 (2024).

⁴⁶ Ga. Code Ann. §§ 15-11-680 — 15-11-688 (2024).

⁴⁷ Iowa Code § 135L.1 (2024).

⁴⁸ Mont. Code Ann. § 50-20-501 (2024).

⁴⁹ N.H. Rev. Stat. Ann. § 132:32 (2024).

⁵⁰ Guttmacher Institute, “Interactive Map: US Abortion Policies and Access After Roe,” last updated October 8, 2025, <https://states.guttmacher.org/policies> (accessed October 14, 2025).

⁵¹ Delaware and Georgia.

⁵² Colorado, Iowa, Montana, and New Hampshire.

waiting period.⁵³ Waiver of notice, however, often functions similarly to forced parental consent by requiring explicit authorization from a parent. For example, in Montana, notice can only be waived in writing by the person entitled to notice, and in Georgia, if a parent “waives notice,” they must be at the clinic in person and show “proper” identification.⁵⁴ The states differ in how providers can give notice, whether by mail, over the phone, or in-person. Colorado, Georgia, Iowa, and New Hampshire require parental notification for youth under age 18, while Delaware and Montana require it for those under age 16. Georgia, Montana, and New Hampshire specify that only a parent or legal guardian can be notified,⁵⁵ while Colorado, Delaware, and Iowa allow other supportive adults to receive notice in certain circumstances.⁵⁶

All six states exempt “emancipated minors,” meaning emancipated youth can access abortion care without notifying a parent or other adult. None of the states exempt young people who are parenting or have already birthed a child. All six states also enable healthcare professionals to provide abortion care without parental notification in a medical emergency.

Parental notification for abortion laws in Colorado, Iowa, and Montana have specific provisions for young people who have experienced abuse or sexual violence.⁵⁷ Colorado and Iowa do not require parental notification for young people who are survivors of child abuse if that abuse is reported to state authorities. Iowa’s parental notification law also explicitly exempts survivors of sexual violence from parental notification if they make a report to law enforcement. Montana’s law states that “physical abuse, sexual abuse, or emotional abuse of the petitioner by one or both parents, a guardian, or a custodian” can be the basis for a young person to obtain a waiver of the state’s notification requirement, but young people in these circumstances must still go through judicial bypass. Accessing care under any of these provisions would trigger involvement of authorities working in the “child welfare” or “child protective” system, often described by impacted families and advocates as the family policing or family regulation system (and referred to hereafter in this report as the family regulation system).

⁵³ Colorado, Georgia, Montana, and New Hampshire.

⁵⁴ Mont. Code Ann. § 50-20-501 (2024); Ga. Code Ann. §§ 15-11-680 — 15-11-688 (2024).

⁵⁵ Georgia, Montana, and New Hampshire.

⁵⁶ Colorado, Delaware, and Iowa.

⁵⁷ Child abuse and sexual violence are defined differently from each other and among states.

Both Human Rights Watch and If/When/How have documented in other reports how the family regulation system’s investigations and interventions often separate families, disrupt family integrity, and cause harm.⁵⁸ These consequences may deter young people from disclosing abuse or even from seeking care.⁵⁹

Judicial Bypass

In each of the six states examined in this report, young people who wish to obtain an abortion without involving a parent have the option to petition a judge for a waiver of parental notification in a process known as “judicial bypass.”

While the six states’ judicial bypass processes differ slightly, they all involve a judge evaluating a young person’s petition for a waiver on two grounds: their maturity and their best interests. To grant a waiver, a judge must find that a young person is either sufficiently mature and well-enough informed to have an abortion without notifying a parent (in Montana, “competent to decide whether to have an abortion”⁶⁰), or that parental notification is not in their best interests. Typically, young people must participate in a hearing where a judge will assess their petition and decide whether to grant a waiver. Judges have significant discretion to determine how to evaluate a young person’s maturity and best interest.

In each of the states, young people can represent themselves in court and they also have the right to be represented by a court-appointed attorney at no cost. Several states also appoint a *guardian ad litem*. Court proceedings are confidential and occur on an expedited timeframe. Judges must decide on a young person’s petition within a few business days.

⁵⁸ Human Rights Watch, “*If I Wasn’t Poor, I Wouldn’t Be Unfit: The Family Separation Crisis in the US Child Welfare System*” (New York: Human Rights Watch, 2022), <https://www.hrw.org/report/2022/11/17/if-i-wasnt-poor-i-wouldnt-be-unfit/family-separation-crisis-us-child-welfare>; Laura Huss, Farah Diaz-Tello, and Goleen Samari, *Self-Care, Criminalized: The Criminalization of Self-Managed Abortion from 2000 to 2020*, If/When/How: Lawyering for Reproductive Justice, October 2023, <https://ifwhenhow.org/wp-content/uploads/2023/10/Self-Care-Criminalized-2023-Report.pdf> (accessed October 14, 2025).

⁵⁹ See Carrie Lippy et al., “The Impact Of Mandatory Reporting Laws on Survivors of Intimate Partner Violence: Intersectionality, Help-Seeking And The Need For Change,” *Journal of Family Violence*, vol. 35 (2020): 255, 260–62, accessed October 14, 2025, doi:10.1007/s10896-019-00103-w; Jill R. McTavish et al., “Children’s And Caregivers’ Perspectives About Mandatory Reporting of Child Maltreatment: A Meta-Synthesis of Qualitative Studies,” *BMJ Open*, vol. 9, no. 4 (2019): 6, 9, accessed October 14, 2025, doi:10.1136/bmjopen-2018-025741.

⁶⁰ Mont. Code Ann. § 50-20-501 (2024).

Each state law affirms a young person’s right to an expedited, confidential appeal in the event a judge denies their petition. No state courts charge fees for the process.

Parental Notification Laws in Context

Immediately following the Supreme Court’s decision in *Roe*, the anti-abortion movement began to strategize about how to restrict abortion in a way that would withstand constitutional scrutiny.⁶¹ Aware that making abortion completely illegal was neither politically popular nor legally viable, the anti-abortion movement’s focus shifted from explicitly banning abortion to incremental abortion restrictions that would substantially curtail access.⁶² Laws mandating parental involvement in abortion emerged as one such tactic.⁶³

To make these restrictions seem reasonable to the general public, anti-abortion advocates began crafting a narrative that laws requiring parental involvement for abortion were for the benefit of young people and traditional family values.⁶⁴ Proponents pushed them as necessary to protect the health and safety of young people, to recognize and respect the right of parents to make decisions related to their children, and to foster and preserve the family unit.⁶⁵ In states where the public and legislators did not fully support requiring parental consent for abortion, anti-abortion advocates pushed notification laws as a starting point and encouraged states to build from there to consent.⁶⁶ Once a state had a

⁶¹ Naomi Cahn, Maxine Eichner, and Mary E. Ziegler, “‘For Their Benefit’: The Lost History of Parental Consent and Minors’ Rights,” 114 *Calif. L. Rev.* (forthcoming 2026), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5156787 (accessed September 15, 2025).

⁶² Clark Forsythe, “Roe v. Wade: The View from 1993”, Americans United for Life news release, May 18, 2012, <https://aul.org/2012/05/18/roe-v-wade-the-view-from-1993/> (accessed October 14, 2025). (Reflecting on post-Roe strategy, “in the short term, abortion prohibitions are beyond the realm of constitutional (and therefore political) possibility. Gains, therefore, will be limited to enacting and enforcing abortion regulations like informed consent (“women’s right to know”) and parental notice or consent that can meaningfully reduce abortion (and perhaps pregnancy) rates and numbers).

⁶³ Other restrictions included the passage of the Hyde Amendment at the federal level in 1976 to prohibit federal funds from being used for abortion, laws prohibiting insurance coverage of abortion, and laws that required waiting periods, ultrasound viewing, and other anti-abortion misinformation be provided to patients.

⁶⁴ See Daniela Mansbach and Alisa Von Hagel, “The Changing Strategies of the Anti-Abortion Movement,” Political Research Advocates, January 7, 2021, <https://politicalresearch.org/2021/01/07/changing-strategies-anti-abortion-movement> (accessed October 14, 2025). (“Both the women-centered and third-party actors’ strategies—promoted by major organizations like National Right to Life Committee (NRLC) and Americans United for Life (AUL)—have adopted an incremental approach to slowly restrict abortion access, emphasizing women’s health and safety as well as protecting the freedom of taxpayers and employers, while downplaying theological and religious motivations.”)

⁶⁵ See Del. Code Ann., tit. 24 § 1781 (2024), Mont. Code Ann. § 50-20-222 (2024), and Colo. Rev. Stat. §§ 13-22-701 (2024).

⁶⁶ States including Arkansas, Florida, and Texas originally passed notification laws and ultimately either repealed notification and moved to consent or moved to consent and notification.

consent law on the books, advocates encouraged them to impose additional requirements, such as mandating that young people and their parents or guardians provide proof of identity and relationships to clinic staff, or requiring that consent be written and notarized.⁶⁷ In states with notification laws, anti-abortion policymakers argued that suddenly these laws were “not enough” to keep parents involved or protect young people.⁶⁸ At the same time, for states that had no restrictions on young people, policymakers argued notification was necessary to achieve those same aims.⁶⁹

As states adopted these laws, and as abortion rights groups filed legal challenges against them, courts at both the state and federal level began to define the parameters under which these restrictions were constitutional.⁷⁰ As a result, legislators began incorporating judicial bypass and medical emergency exceptions into their forced parental involvement laws. The director of state legislation for the National Right to Life Committee noted in 2006 that parental notification was “one of the few areas the US Supreme Court has allowed states to legislate, so it’s become a key for lowering the abortion rate.”⁷¹

At the same time, state courts began acknowledging that the laws did not do what they were intended to do and instead, caused harm to young people and did not foster familial communication or integrity. For example, when finding New Jersey’s parental notice law unconstitutional, the New Jersey Supreme Court found no evidence to support the states’ claims that the laws would accomplish any of their stated goals.⁷² Specifically regarding familial integrity and communication, they noted the parental notification law “cannot transform a household with poor lines of communication into a paradigm of the perfect American family.”⁷³

⁶⁷ See *Defending Life 2008: Proven Strategies for a Post-Roe America* (Americans United for Life, 2008), pp. 144-145 (recommending states without any parental involvement law pass parental notice and states with existing parental notification to require parental consent).

⁶⁸ Lloyd Dunkelberger, “Parental Consent Bill for Teens Seeking Abortions Now Moving in FL Senate,” *Florida Phoenix*, January 15, 2020, <https://floridaphoenix.com/briefs/parental-consent-bill-for-abortions-now-moving-in-the-fl-senate/> (accessed October 14, 2025). (Bill sponsor saying “notification is not enough.”)

⁶⁹ Americans United for Life, “Parental Involvement Enhancement Act: Model Legislation & Policy Guide,” 2023, <https://aul.org/law-and-policy/> (accessed October 14, 2025).

⁷⁰ See e.g. *Bellotti v. Baird*, 443 U.S. 622 (1979) (requiring judicial bypass if a state required parental consent for an abortion) and *Ayotte v. Planned Parenthood for Northern New England*, 546 U.S. 320 (2006) (finding notification law unconstitutional because it did not include a medical emergency exception).

⁷¹ Donna Ladd, “Does Parental Notification Reduce Abortion?,” *Mississippi Free Press*, March 6, 2006, <https://www.mississippifreepress.org/does-parental-notification-reduce-abortion/> (accessed October 14, 2025).

⁷² *Planned Parenthood v. Farmer*, 762 A.2d 620, 637 (N.J. 2000).

⁷³ *Planned Parenthood v. Farmer*, 762 A.2d 620, 637 (N.J. 2000).

Despite the growing body of research and lived experience showing forced parental involvement laws do not benefit, and actually harm, young people and their families,⁷⁴ anti-abortion advocates continue to promote them. Looking at forced parental involvement laws in context clearly shows the ultimate goal of these laws: to chip away at practical access to abortion to the point of a de facto, if not outright, ban *for everyone*. Restrictions on access for young people are often the first steps in laying the groundwork for broader abortion restrictions for everyone under the guise of “protecting young people,” even when evidence shows they do the opposite. Bans on abortion support are the most recent example of this: Policymakers who seek to prohibit everyone in their state from traveling out of state for abortion care are starting with restrictions impacting young people and relying on the same narrative that the laws are necessary for their health and safety. Even in some states where affirmative steps have been taken to protect abortion access following the *Dobbs* decision, young people continue to face the same or increased restrictions.⁷⁵

⁷⁴ See, for example, American Academy of Pediatrics, Committee on Adolescence, “Policy Statement: The Adolescent’s Right to Confidential Care When Considering Abortion,” *Pediatrics*, vol. 150, no. 3 (2022): accessed July 21, 2025, doi:10.1542/peds.2022-058780; Human Rights Watch and the American Civil Liberties Union of Illinois, “*The Only People It Really Affects Are the People It Hurts: The Human Rights Consequences of Parental Notice of Abortion in Illinois*” (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/03/11/only-people-it-really-affects-are-people-it-hurts/human-rights-consequences>; Human Rights Watch, the American Civil Liberties Union of Michigan, and the Michigan Organization on Adolescent Sexual Health (MOASH), *In Harm’s Way: How Michigan’s Forced Parental Consent for Abortion Law Hurts Young People* (New York: Human Rights Watch, 2024), <https://www.hrw.org/report/2024/03/28/harms-way/how-michigans-forced-parental-consent-abortion-law-hurts-young-people>; If/When/How: Lawyering for Reproductive Justice, *Forced Parental Involvement and Judicial Bypass In Minnesota: A Report on Barriers to Abortion Access for Young People*, 2021, <https://ifwhenhow.org/resources/forced-parental-involvement-and-judicial-bypass-in-minnesota/>. Kate Coleman-Minahan et al., “Adolescents Obtaining Abortion Without Parental Consent: Their Reasons and Experiences of Social Support,” *Perspectives on Sexual and Reproductive Health*, vol. 52, no. 1 (2020): pp. 15–22, accessed October 14, 2025, doi: 10.1363/psrh.12132; Lauren J. Ralph et al., “Reasons for and Logistical Burdens of Judicial Bypass for Abortion in Illinois,” *Journal of Adolescent Health*, vol. 68, no. 1 (2021): 71–78, accessed June 25, 2025, doi:10.1016/j.jadohealth.2020.08.025; Kate Coleman-Minahan et al., “Young Women’s Experience Obtaining Judicial Bypass for Abortion in Texas,” *Journal of Adolescent Health*, vol. 64, no. 1 (2019): 20, 22–23, accessed October 14, 2025, doi:10.1016/j.jadohealth.2018.07.017; Carol Sanger, “Decisional Dignity: Teenage Abortion, Bypass Hearings, and the Misuse of Law,” 18 Colum. J. Gender & L. (2009): pp. 409, 430, accessed October 14, 2025, https://scholarship.law.columbia.edu/faculty_scholarship/1116/; American Public Health Association, “Ensuring Minors’ Access to Confidential Abortion Services,” November 1, 2011, <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/03/11/14/ensuring-minors-access-to-confidential-abortion-services> (accessed October 14, 2025); J. Shoshanna Ehrlich, “Grounded in the Reality of Their Lives: Listening to Teens Who Make the Abortion Decision Without Involving Their Parents,” *Berkeley Women’s Law Journal*, vol. 18 (2003): pp. 61, 166, accessed October 14, 2025; Martin Guggenheim, “Minor Rights: The Adolescent Abortion Cases,” *Hofstra Law Review*, vol. 30, no. 3 (2002): pp. 589, 644–45, accessed October 14, 2025, <https://scholarlycommons.law.hofstra.edu/hlr/vol30/iss3/1/>.

⁷⁵ Megan Messerly and Alice Miranda Ollstein, “Dems Split on Whether Parents Must Know Their Child is Having an Abortion,” *Politico*, May 17, 2023, <https://www.politico.com/news/2023/05/16/democrats-gop-parental-notification-abortion-laws-00097245> (accessed October 14, 2025).

II. Reasons Some Youth Do Not Involve a Parent in an Abortion

Not everyone comes from a family where they can have parental involvement.

—Layla, youth advocate, July 9, 2025

Young people who choose not to involve a parent in their abortion decision do so for reasons rooted in their own safety and well-being, including to protect themselves from judgment and physical harm, to preserve their relationship with a parent, and to protect their family from the stress of their pregnancy and abortion decision. Forced disclosure of a pregnancy or abortion decision may have severe and irreparable consequences, such as being forced to carry a pregnancy to term and give birth against their will, being rejected by family and forced to leave home, increased family conflict, and even physical violence between parents or against the pregnant young person.⁷⁶ Moreover, research demonstrates that young people are good predictors of the outcome of involving a parent in their abortion decision, accurately assessing the potential risks involved with doing so.⁷⁷

Most Young People Involve a Parent in an Abortion

Studies conducted in various parts of the US have shown that the majority of young people under 18 involve a parent or guardian in an abortion decision, even when the law does not require it.⁷⁸

⁷⁶ American Public Health Association, “Ensuring Minors’ Access to Confidential Abortion Services,” November 1, 2011, <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/03/11/14/ensuring-minors-access-to-confidential-abortion-services> (accessed October 14, 2025).

⁷⁷ See, for example, Stanley K. Henshaw and Kathryn Kost, “Parental Involvement in Minors’ Abortion Decisions,” *Family Planning Perspectives*, vol. 24, no. 5 (1992): 196-207, accessed June 25, 2025, doi:10.2307/2135870; Lauren Ralph et al., “The Role of Parents and Partners in Minors’ Decisions to Have an Abortion and Anticipated Coping After Abortion,” *Journal of Adolescent Health*, vol. 54, no. 4 (2014): 428-434, accessed June 25, 2025, doi:10.1016/j.jadohealth.2013.09.021 (anticipating poorer coping for minors who involve an unsupportive mother compared to those who do not tell their mother or told a supportive mother).

⁷⁸ Ibid.; Robert W. Blum, Michael D. Resnick, and Trisha A. Stark, “The Impact of a Parental Notification Law on Adolescent Abortion Decision-Making,” *American Journal of Public Health*, vol. 77, no. 5 (1987): 619-620, accessed January 25, 2025, doi:10.2105/ajph.77.5.619; Lee A Hasselbacher et al., “Factors Influencing Parental Involvement Among Minors Seeking an Abortion: A Qualitative Study,” *American Journal of Public Health*, vol. 104, no. 11 (2014): 2207–2211, accessed June 25, 2025, doi:10.2105/AJPH.2014.302116; Kinsey Vear et al., “‘Time and money and support’: Adolescents and Young Adults’

Elizabeth, an obstetrician-gynecologist and abortion care provider, explained: “For people who have good family support, they will tell their parent. There is no part of this [forced parental notification] process that is helpful. It does not improve patient safety. It does not improve communication. People under 18 know whether or not it’s safe for them to have a family member in support. If they have a supportive family member, they’ll have them come in. If not, they have a good reason for that.”⁷⁹

Nora, another abortion care provider, told Human Rights Watch that most young people have already involved a parent by the time they reach out to the clinic. “The majority of [young] people have already talked to a parent. The parent is planning on coming in with them anyways, or the parent is the person who has called getting information.... If it’s a situation where someone can talk to their parent, they’re going to, not because of a law, but because that’s what happens when they’re in a safe environment to do so.”⁸⁰

“Our minor patients know who their safe person is,” said Jennifer, who works at an abortion care clinic. “In the best of worlds, it’s their parents, but that’s not always the case.”⁸¹

Interviewees emphasized that when young people do not involve a parent in an abortion, they often seek and receive support from other trusted adults in their lives, including grandparents, aunts, uncles, siblings, and family friends.⁸² Sophia, a judicial bypass attorney, said: “A lot of the time the young person has [support from] an older sister, an aunt, older cousins. One had a really sweet older brother who came to court with her. She was going to stay at his house, and he was going to take her to the appointment and everything.”⁸³

Research confirms that young people are not accessing abortion care alone, even when they cannot involve a parent.⁸⁴ The American Academy of Pediatrics, in its policy statement

Perceived Social and Logistical Support Needs for Safe Abortion Care,” *Contraception*, vol. 126 (2023): accessed June 25, 2025, doi:10.1016/j.contraception.2023.110128.

⁷⁹ Human Rights Watch interview with Elizabeth, obstetrician-gynecologist and abortion care provider, February 3, 2025.

⁸⁰ Human Rights Watch interview with Nora, registered nurse and abortion care provider, February 24, 2025.

⁸¹ Human Rights Watch interview with Jennifer and Lauren, staff members at an abortion care clinic, May 8, 2025.

⁸² Human Rights Watch interviews with Parker, staff member at an abortion fund, June 10, 2025; Lola, staff member at an abortion fund, April 17, 2025; and Madison, abortion care worker, June 18, 2025.

⁸³ Human Rights Watch interview with Sophia, attorney, January 15, 2025.

⁸⁴ J. Shoshanna Ehrlich, “Grounded in the Reality of Their Lives: Listening to Teens Who Make the Abortion Decision Without Involving Their Parents,” *Berkeley Women’s Law Journal*, vol. 18 (2003): pp. 61, 98, accessed October 14, 2025.

opposing forced parental involvement, maintains that, “Ultimately, the pregnant adolescent’s right to decide whom to involve in the decision to seek abortion care should be respected.”⁸⁵

Diane, an attorney with 30 years of experience working with pregnant youth, explained:

We know anecdotally and statistically that the vast majority of young people will reach out to a parent or trusted adult for advice and to talk through situations, but the key is it needs to be someone they are able to identify as a trusted adult. For [the] vast majority of young people, that [trusted adult] will be a parent or guardian. Setting up situations for success, we need that young person to be able to talk to the person that they feel safest with....The black and white lines that require notice to certain people just don’t work for some young people.... These laws were designed for a traditional vision of two parents, a house with resources. That’s just not the way that all of us are.⁸⁶

Young People Who Do Not Involve Their Parents Have Compelling Reasons

Interviewees across the six states described similar reasons for why young people did not involve their parents in an abortion: to protect family integrity and minimize family stress, lack of contact with a parent, fear of being kicked out of the home, fear of being forced to continue an unwanted pregnancy, and fear of physical abuse. For some youth, several of these reasons influenced their decision not to involve a parent.

The reasons identified by interviewees for this report align with those identified in other research studies exploring young people’s reasons for pursuing judicial bypass.⁸⁷ In the following sections, we highlight examples and cases recounted by people interviewed for this report.

⁸⁵ American Academy of Pediatrics, Committee on Adolescence, “Policy Statement: The Adolescent’s Right to Confidential Care When Considering Abortion,” *Pediatrics*, vol. 139, no. 2 (2017): accessed July 16, 2025, doi:10.1542/peds.2016-3861.

⁸⁶ Human Rights Watch interview with Diane, attorney, June 10, 2025.

⁸⁷ See, for example, Kate Coleman-Minahan et al., “Adolescents Obtaining Abortion Without Parental Consent: Their Reasons and Experiences of Social Support,” *Perspectives on Sexual and Reproductive Health*, vol. 52, no. 1 (2020): pp. 15–22, accessed October 14, 2025, doi:10.1363/psrh.12132; Lauren J. Ralph et al., “Reasons for and Logistical Burdens of Judicial Bypass for Abortion in Illinois,” *Journal of Adolescent Health*, vol. 68, no. 1 (2021): 71-78, accessed June 25, 2025, doi:10.1016/j.jadohealth.2020.08.025.

Fear of Being Kicked Out of their Homes

Nearly all interviewees said that young people often fear they will lose housing or financial support, or both, if they involve their parents in an abortion decision.

Sophia, an attorney who has handled several dozen bypass cases, said the majority of her clients feared their parents would kick them out of the house if they were notified of an abortion, and their fears were credible:

They have earlier evidence, or a parent has made statements, or a parent has inflicted some other sort of physical, verbal, emotional abuse. Their parents are going on rants about abortion and young people having sex and saying, ‘If that ever happened to you, you’d be out on the streets. I’m not going to take care of you. You’ll be completely cut off.’ They are able to give very specific examples. ‘My older sister got pregnant and she got kicked out.’⁸⁸

Cameron, a staff member at an abortion care clinic, said: “I’ve had more than one person who is a minor seeking abortion care tell me, ‘My family would disown me if they knew I was having an abortion. Or they would force me to have it,’—full-term pregnancy, a baby, and parenting. It’s a loss of bodily autonomy in a lot of cases. If you’re a minor, most people under 18 are still financially dependent on their parents or guardians. To think about being disowned by the people who are legally required to care for you is so scary.”⁸⁹

Paige, an interviewee who works at another abortion care clinic said: “I remember a specific case that happened a couple of years ago. It was a patient who lived in a more rural area and lived with their grandparents. The grandparents had guardianship over them. [The patient] said, ‘They’re going to kick me out of their house. I will have no place to live.’ Because of that, they got judicial bypass.”⁹⁰ Paige added: “Typically it’s fear of retaliation in some sort of way. They won’t have a place to live. They’re afraid they won’t be taken care of when it comes to food or things like that. Those are the typical reasons.”⁹¹

⁸⁸ Human Rights Watch interview with Sophia, attorney, January 15, 2025.

⁸⁹ Human Rights Watch interview with Cameron, staff member at an abortion care clinic, March 12, 2025.

⁹⁰ Human Rights Watch interview with Paige, staff member at an abortion care clinic, February 13, 2025.

⁹¹ Ibid.

Sienna, an attorney who has represented young people in judicial bypass cases for almost a decade, said a fear of losing housing “comes up for a lot of the minors who are worried about how their parents will react.” She represented one young person who had already been kicked out of the house by her parents several times in the past. “She’d spent the night at her school a couple of times.” Sienna said her client was certain that the parents would have the same harsh response if they were notified of her abortion.⁹²

Another attorney said she had supported clients in similar circumstances, where their parents would “be very angry or upset, and perhaps kick the client out of the home to where they have nowhere to live, they’re out on the street with no one to take care of them and no way to support themselves.”⁹³

“It is usually that there’s privacy concerns because their parent wouldn’t be supportive of the abortion, or they don’t want their parent knowing they’re having sex, and they’re worried about potential retaliation from the parents like getting kicked out of the home,” explained Madison, an abortion care worker interviewed for this report.⁹⁴

“Many times if someone doesn’t want to tell a parent, it’s a safety concern,” said Sage, a nurse manager at an abortion care clinic. “Many times it is because they’re worried they’ll get kicked out of their house, worried their parents will use this against them. Obviously if they report any abuse or neglect, we have to report that [to state authorities]. Typically that’s not what’s happening. Typically it’s, ‘I’m afraid that I’m going to be homeless or that they will be mad at me.’”⁹⁵

A 2025 review article in the *Journal of Social Distress and Homelessness* examined the literature around pregnancy and motherhood among youth experiencing homelessness and noted that several studies identified “being forced out of the home due to pregnancy as a key point into homelessness.”⁹⁶

⁹² Human Rights Watch interview with Sienna, attorney, April 2, 2025.

⁹³ Human Rights Watch interview with Caroline, attorney, May 28, 2025.

⁹⁴ Human Rights Watch interview with Madison, staff member at an abortion care clinic, June 18, 2025.

⁹⁵ Human Rights Watch interview with Sage, nurse manager at an abortion care clinic, March 12, 2025.

⁹⁶ Devin Nihill et al., “Preventing homelessness in pregnant youth and young mothers: a review of key turning points,” *Journal of Social Distress and Homelessness* (2025), accessed October 14, 2025, doi:10.1080/10530789.2025.2515632.

Fear of Being Forced to Continue an Unwanted Pregnancy

Many people interviewed for this report said young people under 18 expressed fears that their parents would force them to continue an unwanted pregnancy against their wishes if notified of the young person's abortion decision. Interviewees said these fears were often linked to parents' religious beliefs or disapproval of abortion.

For example, Claire, an advocate who has supported about 25 young people through judicial bypass, recounted the case of a pregnant high school senior who had plans to go to college. "She was going to go to nursing school. She had a career planned out. She had parents that were very conservative, and she knew that if her parents found out about the pregnancy, she would not be able to go to school, she'd be forced to continue the pregnancy, and her life goals would have been squashed for her. When the judge granted the judicial bypass, she just sobbed in the courtroom. She was just so relieved."⁹⁷

Allison, an attorney who has handled about a dozen bypass cases, said: "A common theme seems to be parents who are very anti-abortion." She described one such case, in which her client's parents were "ultrareligious" and would not support her decision to have an abortion. "The parents were going to force the minor to have the child," Allison said.⁹⁸

Another attorney said many of her clients describe their parents' "strongly held religious beliefs" as the reason they cannot be notified. "Sometimes my client shares those beliefs, but they just know they're not ready [to parent]. They want to make this decision [to end the pregnancy], and they know their parent would stand in the way, or put up barriers to them being able to leave the house to get the care they want or need."⁹⁹

Protecting Family Integrity and Relationships

In some circumstances, young people do not involve parents because their families are experiencing unstable or difficult situations, including precarious housing, irregular employment, or concerns around immigration status, and they do not believe a parent has the capacity to support them through an abortion. Some young people fear burdening parents who are struggling financially or navigating illness, grief, or loss.

⁹⁷ Human Rights Watch interview with Claire, advocate, April 14, 2025.

⁹⁸ Human Rights Watch interview with Allison, attorney, March 20, 2025.

⁹⁹ Human Rights Watch interview with Caroline, attorney, May 28, 2025.

Several interviewees shared stories of young people who chose not to involve their parents after carefully considering the many other stressors in their families' lives. For example, Anne, an attorney who represented about 15 young people seeking judicial bypass said: "In one case, there had been some deaths in the family, and the client did not feel her parents could handle this information about her pregnancy as well. She didn't feel that she could tell them."¹⁰⁰

Sharon, another attorney who represented young people in bypass cases for more than a decade described a similar case: "I remember one case where the petitioner said that there had already been so much hardship [in her family]. Her mother had breast cancer, and she didn't want to add to her mother's situation of pain and suffering."¹⁰¹

Caroline, another judicial bypass attorney said some of her clients did not tell their parents about an abortion because of "difficult circumstances at home." She explained: "There may be lots of other children at home already, maybe a single parent,... and this would be one more difficult thing to deal with."¹⁰²

Several interviewees also identified families' fears around deportation, immigration checkpoints, and immigration enforcement actions preventing or limiting the participation of supportive parents who may be undocumented or under-documented. Esme, the director of a non-profit organization supporting pregnant youth, said: "What we're hearing from young immigrants and young citizens living in mixed-status families is that folks are really afraid because of the increased surveillance in the 100-mile border zone [an area within 100 miles of a US land or sea border]." She explained that the federal government asserts that it has the authority to conduct warrantless stops and searches in zones within 100 miles of a US border, including a maritime border. Nearly two-thirds of the US population lives in this zone, according to the American Civil Liberties Union. The zone includes many of the largest US cities and the entire state of Florida.¹⁰³ Esme added: "People are afraid they'll be targeted on the way to a clinic or on the way back from a clinic," citing the Trump administration's decision to rescind a policy that protected

¹⁰⁰ Human Rights Watch interview with Anne, attorney, February 12, 2025.

¹⁰¹ Human Rights Watch interview with Sharon, attorney, March 20, 2025.

¹⁰² Human Rights Watch interview with Caroline, attorney, May 28, 2025.

¹⁰³ ACLU, "Know Your Rights: 100 Mile Border Zone," last updated September 25, 2025, <https://www.aclu.org/know-your-rights/border-zone> (accessed October 14, 2025).

healthcare facilities, schools, and certain other community spaces from immigration enforcement activities.¹⁰⁴ “When you’re talking about a young immigrant or someone in a mixed status family, fears around abortion combine with fear around immigration raids. That fear has a really significant chilling effect on a lot of folks.” Esme said those fears were causing delays in abortion care: “That’s why we’re seeing folks later in term seeking out care.”¹⁰⁵ Delayed access to health care is one of the key human rights harms caused by forced parental notification laws,¹⁰⁶ as discussed in detail in later sections of this report.

A common fear articulated by pregnant youth, according to the people interviewed for this report, is that involving a parent in their abortion decision will strain, deteriorate, or ruin familial relationships. Some youth fear that disclosing an abortion will harm a largely positive relationship, while others fear disclosure will further destabilize a tenuous or strained relationship. One attorney described it as “fear of a permanent rift in the parental relationship.”¹⁰⁷

Vivian, a student from a state with forced parental notification, spoke of a friend who had an abortion before age 18. “Her parents are very strict,” Vivian said. Vivian’s friend involved her parents in her abortion decision because of the state’s parental notification requirement. “It caused a lot of tension and now she’s older, she’s not in contact with them.... In her case, she was able to get the abortion, but [parental notification] compounded existing [family] issues. Laws like this assume ... it’s better for parents to know, but it’s not, and it makes things harder. For my friend, there was already a lot of disapproval ... a lot of tension that was already there, and this was another thing [that strained the relationship].”¹⁰⁸

Many interviewees commented on how the cultural stigma around abortion—often fueled by an anti-abortion political climate—caused young people to feel a sense of shame or

¹⁰⁴ Department of Homeland Security, “Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole,” January 21, 2025, <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse> (accessed October 14, 2025).

¹⁰⁵ Human Rights Watch interview with Esme, director, and Stephanie, staff member at a non-profit organization supporting pregnant youth, June 10, 2025.

¹⁰⁶ See, for example, American Academy of Pediatrics, Committee on Adolescence, “Policy Statement: The Adolescent’s Right to Confidential Care When Considering Abortion,” *Pediatrics*, vol. 150, no. 3 (2022): accessed July 21, 2025, doi:10.1542/peds.2022-058780.

¹⁰⁷ Human Rights Watch interview with Allison, attorney, March 20, 2025.

¹⁰⁸ If/When/How interview with Vivian, youth advocate, July 21, 2025.

guilt around ending a pregnancy. Alicia, a staff member at an abortion fund said: “The shame and stigma around abortion care is so profound I think people might be worried about what image does this portray for me, for my family.”¹⁰⁹

Anne, an attorney interviewed for this report, said many of her clients feared the disappointment their parents would feel if they knew of the abortion:

They felt it would change the relationship with the parent irreparably. The parents would be so profoundly disappointed in them. One young woman was being recruited for sports by a couple of colleges and felt her parents would never look at her the same way. They wouldn’t trust her. The client felt there would be this irretrievable breakdown of trust between her and the parent.¹¹⁰

Other youth fear adding stress or strain to an already challenging relationship with a parent. For example, Sophia, another bypass attorney, said: “I’ve had clients who their parent is an alcoholic. They work all day long and come home and get super drunk. Sometimes they’re really nice when they’re drunk. Sometimes they’re really mean when they’re drunk. The kid can’t even figure out an opportunity to sit down and have a sober conversation with their parents. Or it’s a working parent who is working so much, usually the kid is working too, and it’s such a delicate balance. They don’t want to foist that onto their parents. They see that this could cause a lot of chaos and anger and confusion that would be unnecessary.”¹¹¹

Fear of Abuse

Some young people cannot notify a parent of their decision to have an abortion because they fear emotional or physical abuse. Providers and attorneys interviewed for this report said these cases are not common, but they do arise, often where there has been a history of abuse or neglect in the family.

¹⁰⁹ Human Rights Watch interview with Alicia, staff member at an abortion fund, June 9, 2025.

¹¹⁰ Human Rights Watch interview with Anne, attorney, February 12, 2025.

¹¹¹ Human Rights Watch interview with Sophia, attorney, January 15, 2025.

A judicial bypass attorney who has represented about 50 young people said in some cases the decision to pursue judicial bypass was driven by “fear of the client’s physical safety.” The attorney said: “The parent will beat them or harm them emotionally. I don’t see those [cases] nearly as often, but it is a concern.”¹¹²

Cora, an attorney in a different state, described representing a young person in judicial bypass where there were serious safety concerns. “I remember with one [client] I said, ‘I don’t think you’re in a safe environment.’... She couldn’t tell her mom because her mom would either kick her out or make things really difficult for her, and we had to explain that to the court.”¹¹³

Minimal or No Contact with a Parent or Legal Guardian

Many interviewees said they supported young people who had very limited or no contact with a parent or legal guardian. In some cases, they were estranged from their family and living independently or in the care of someone else. In other cases, a parent was living abroad, incarcerated, or had passed away.

For example, Gwen, a reproductive justice advocate who previously worked at an abortion care clinic, described supporting a pregnant young person who was living with an older sibling:

The parents had not been in the picture for a long time, and neither one of them could remember who their actual legal guardian was. They just didn’t know, and they didn’t know how to track it down. There was someone on paper who was their legal guardian, but that person was not in their lives. They were living independently, taking care of each other, doing just fine,... We all felt like the system had failed this young woman in many ways, and this law had definitely failed this young person, to help her with [accessing] whatever [care] she wanted.¹¹⁴

¹¹² Human Rights Watch interview with Caroline, attorney, May 28, 2025.

¹¹³ Human Rights Watch interview with Cora, attorney, May 20, 2025.

¹¹⁴ Human Rights Watch interview with Gwen, advocate, January 29, 2025.

Anne, a bypass attorney, described representing a young person who had no way to notify her parents: “The young woman was an immigrant, and she was living here with extended family members. Her dad was out of the picture, and her mom was still in her country of origin ... Bypass was the only option.”¹¹⁵

Sienna, another attorney, said: “One of the situations I’ve dealt with has been the minor just not living with an actual legal guardian and not being able to get their consent.... That’s actually happened several times. The minor lives with a grandparent who isn’t their legal guardian, and they’re in support of the abortion, they know about it.” Sienna explained that without proof of legal guardianship, these other supportive family members cannot satisfy her state’s parental notification requirement. “It’s just a legal technicality. The clinics need the [court] order.”¹¹⁶

“There are plenty of youth who are estranged from their parents but haven’t gone through the process to get legally emancipated,” said Tara, a youth advocate interviewed for this report. “How do you notify a parent if it’s someone you’re no longer speaking to?”¹¹⁷ The advocate stressed that many young people support themselves and live independently, but they may not have the required legal document validating their functional autonomy from their parents.

Taylor, an obstetrician-gynecologist and abortion care provider, explained that when a young person does not involve a parent it is often because they are already living independently:

The most typical situation I see is the situation of parents that are not particularly involved in the child’s life. They might continue to provide some necessary support like housing, but [the patient] might be a 17-year-old already taking college classes, engaged in their own life, taking steps to step back from a parent who may not be supportive of their life and

¹¹⁵ Human Rights Watch interview with Anne, attorney, February 12, 2025.

¹¹⁶ Human Rights Watch interview with Sienna, attorney, April 2, 2025.

¹¹⁷ If/When/How interview with Tara, youth advocate, July 31, 2025.

particularly when their parents knowing about their abortion would compromise their ability to get the procedure.¹¹⁸

Nationwide there are nearly 350,000 children and youth ages 0 to 24 in the foster system, according to federal data, and more than 23,000 in the six states covered in this report.¹¹⁹ Several interviewees flagged the potential risks and challenges faced by young people in the foster system or otherwise in state custody. “One minor under 18 talked to us about the fact that they were living in a group home and didn’t have anyone they would be able to tell [about an abortion],” said Angela, who works at an abortion care clinic. “They didn’t have a guardian. Their guardian was the state. It felt better for them to go through judicial bypass, rather than try to get someone to sign off on it.”¹²⁰ Even though the notification law does not require explicit consent, Angela’s account highlights the way notification laws often function as consent laws—the young person Angela worked with was not trying to figure out who might qualify to receive notice; they were worried about who would “sign off” or give them permission to get an abortion.

Diane, an attorney interviewed for this report explained how parental notification mandates can be especially difficult for youth in the foster system to navigate:

There’s a huge technical legal issue about who should be receiving that notice.... And depending on the state it’s more or less clear. For someone in foster care, depending on where they are in that foster care process, they may still be living in a parent’s home, but the court has legal custody, an agency has legal custody, there may be a legal guardian receiving notice, there may be a foster parent. Some kids in foster care are technically legal orphans even though their parents are alive, because the court has removed parental rights but hasn’t put it somewhere else. In some states, an agency would be the one to receive notice, but there are laws and

¹¹⁸ Human Rights Watch interview with Taylor, obstetrician-gynecologist and abortion care provider, May 8, 2025.

¹¹⁹ US Department of Health and Human Services, Administration for Children and Families, Children’s Bureau, “Adoption and Foster Care Analysis and Reporting System (AFCARS) Dashboard, estimates as of May 2025,” 2025, <https://acf.gov/sites/default/files/documents/cb/2023-afcars-dashboard-printable.pdf> (accessed August 1, 2025); US Department of Health and Human Services, Administration for Children and Families, Children’s Bureau, “Child Welfare Outcomes Report Data, Data by State, 2023,” <https://cwoutcomes.acf.hhs.gov/cwodatasite/byState/> (accessed September 11, 2025).

¹²⁰ Human Rights Watch interview with Angela, staff member at an abortion care clinic, February 26, 2025.

guidance in those states that say state government employees are not allowed to have any engagement in anything related to abortion.¹²¹

Alicia, a staff member at an abortion fund, explained that there can be confusion around “who the guardian is, who the state sees as the guardian, and what information the clinic needs to be able to verify that in the way their legal team has advised them to verify that. I think those cases are often where judicial bypass is used because there may be some gray area around who is the person to notify here.”¹²² Clinics are incentivized to read the statute conservatively to avoid legal liability, likely causing additional delays forcing even more young people into the judicial bypass process.¹²³

¹²¹ Human Rights Watch interview with Diane, attorney, June 10, 2025.

¹²² Human Rights Watch interview with Alicia, staff member at an abortion fund, June 9, 2025.

¹²³ Anna Grace-Lilly, Isabelle P. Newman, and Sophie Bjork-James, “Our hands are tied: abortion bans and hesitant medicine,” *Social Science & Medicine*, vol. 350 (2024), accessed October 14, 2025, doi:10.1016/j.socscimed.2024.116912.

III. Forced Disclosure of Abortion Causes Harm

If a young person does not feel safe to go to their parents, they shouldn't have to. They shouldn't have to put their safety at risk to get care that they need.

—Faye, attorney, February 13, 2025

Forced parental notice of abortion puts young people in harm's way and threatens their human rights. Notification laws delay and even obstruct access to abortion care, undermining the human right to health, both because young people delay seeking care when they cannot do so confidentially and because the logistical barriers of forced parental involvement laws result in young people getting care later in pregnancy. Delayed abortion care can eliminate the availability of medication abortion, be more costly, and require a longer, more medically complex procedure that can present both cost-based and logistical barriers to access.

Parental notification laws compel some young people to involve unsupportive parents who belittle or shame them as they seek abortion care, turning routine health care into a stressful and even traumatic event that can harm young people's mental health. In addition, numerous people interviewed for this report expressed deep concern that parental notification laws have a "chilling effect" on youth, and may prevent or dissuade them from seeking wanted abortion care in a clinical setting, potentially pushing them to remain pregnant against their wishes or end their pregnancy in isolation and without trusted support.

This section discusses the harms of forced parental notification for young people who do not navigate judicial bypass. The harms of bypass are discussed in further detail in the following section.

Parental Notification Functions as Parental Consent

Most US states mandating parental involvement in a young person's abortion require parental consent, meaning a parent must provide explicit permission for a young person to obtain abortion care, or a judge must waive this requirement through the bypass

process.¹²⁴ Researchers have investigated the harms of parental consent over the past several decades, and these laws often receive significant public and media attention.¹²⁵ Parental notification laws are less studied and less understood.¹²⁶ Moreover, parental notification laws are often framed as less onerous because they do not require explicit permission from a parent. This report, however, finds that parental notification and parental consent are functionally equivalent. In practice, there is often little to no distinction between them. As June, a staff member at an abortion fund explained: “On paper, they are different. In reality,... there are very similar consequences.”¹²⁷

Interviewees explained that young people’s fears and the anticipated harms of involving a parent most often relate to disclosure of the decision to have an abortion. The disclosure in and of itself would provoke the feared consequences. Quinn, director of services at an abortion fund, explained: “If a young person was not comfortable seeking their parents’ consent for abortion, they would probably also not be comfortable seeking the parental notification. The slope between notification and consent is very slippery. If somebody was an unsafe person to get consent from for abortion, I probably wouldn’t want to notify them either. Sure, they might not have to sign off on it, but are they still going to yell? Will it be an emotionally tense household for me to live in? Will they withhold material or emotional

¹²⁴ Repro Legal Helpline, “Abortion Laws by State,” <https://reprolegalhelpline.org/abortion-laws-by-state/> (accessed July 19, 2025).

¹²⁵ See, for example, Elizabeth Janiak et al., “Massachusetts’ Parental Consent Law and Procedural Timing Among Adolescents Undergoing Abortion,” *Obstetrics & Gynecology*, vol. 133, no. 5 (2019): 978-986, accessed October 10, 2025, doi:10.1097/AOG.0000000000003190; Kate Coleman-Minahan et al., “Adolescents Obtaining Abortion Without Parental Consent: Their Reasons and Experiences of Social Support,” *Perspectives on Sexual and Reproductive Health*, vol. 52, no. 1 (2020): pp. 15–22, accessed October 14, 2025, doi:10.1363/psrh.12132; Anne Branigin, “How hard is it to get a court-approved abortion? For one teen, it came down to GPA,” *Washington Post*, January 27, 2022, <https://www.washingtonpost.com/lifestyle/2022/01/27/florida-abortion-judicial-bypass-case-gpa/> (accessed October 10, 2025); Lizzie Presser, “She Wanted an Abortion. A Judge Said She Wasn’t Mature Enough to Decide,” *ProPublica*, November 29, 2022, <https://www.propublica.org/article/how-states-limit-teen-access-to-abortion> (accessed October 10, 2025).

¹²⁶ See, for example, Kate Coleman-Minahan, Mar Galvez Seminario, and Lauren J. Ralph, “Exploring Adolescents’ and Young Adults’ Abortion Disclosure and Adolescents’ Experiences Navigating Colorado’s Parental Notification Law,” *Journal of Adolescent Health*, 76, no. 4 (2025): pp. 665-671, accessed July 7, 2025, doi:10.1016/j.jadohealth.2024.12.013; Alisha Kramer et al., “The impact of parental involvement laws on minors seeking abortion services: a systematic review,” *Health Affairs Scholar*, vol. 1, no. 4 (2023): pp. 1–13, accessed October 14, 2025, doi:10.1093/haschl/qxado45; Ted Joyce and Robert Kaestner, “The impact of mandatory waiting periods and parental consent laws on the timing of abortion and state of occurrence among adolescents in Mississippi and South Carolina,” *Journal of Policy Analysis and Management*, vol. 20, no. 2 (2001): 263–282, accessed October 14, 2025, doi:10.1002/pam.2025; Silvie Colman and Ted Joyce, “Minors’ behavioral responses to parental involvement laws: delaying abortion until age 18,” *Perspect Sex Reprod Health*, vol. 41, no. 2 (2009): 119–126, accessed October 14, 2025, doi:10.1363/4111909.

¹²⁷ Human Rights Watch interview with June, staff member at an abortion fund, February 4, 2025.

resources from me? Will I feel neglected and unloved? These are the thoughts I'd be raising about my own physical and emotional safety in my own family system.”¹²⁸

“For minors, their parents are so involved in their day-to-day lives that even being notified about a decision like that, if the parent was not supportive of that decision, there’s endless consequences for the minor,” said Naomi, an obstetrician-gynecologist and abortion care provider interviewed for this report.¹²⁹

Some interviewees believed young people did not fully understand the technical and legal distinction between notice and consent, or, if they did understand it, it did not make a difference. “I don’t think it’s a meaningful difference for them,” said Claire, an advocate supporting young people seeking judicial bypass. “They’re adolescents, and the one thing on their mind is ending this pregnancy. The nuance in the language isn’t meaningful to them.”¹³⁰

Interviewees also explained that, in practice, parental notification laws effectively grant parents veto power over a young person’s abortion decision. When parents are in a position to withhold financial support, restrict young people’s movement or access to communication or transportation, or threaten life-altering consequences, they can effectively block young people’s access to abortion care even if the law requires only notice and not consent.

Claire, the advocate quoted above, explained: “If a young person is still under their parents’ roof, the parents are not going to let them leave [for an abortion]. They’re not going to let them travel. Notification is the same as consent in many, many young people’s lives. If a parent doesn’t want their child to have a procedure, they’re not going to be able to have that procedure. Unless they run away to get it.... Notification equals consent in many, many households ... Once the parent knows, it’s ‘If you do this, you can’t live with us anymore, we’re cutting you off.’”¹³¹

Taylor, an obstetrician-gynecologist and abortion care provider explained: “Although some children have ways of getting away from their parents, most people’s parents have such

¹²⁸ Human Rights Watch interview with Quinn, director of services at an abortion fund, May 14, 2025.

¹²⁹ Human Rights Watch interview with Naomi, obstetrician-gynecologist and abortion care provider, May 8, 2025.

¹³⁰ Human Rights Watch interview with Claire, advocate, April 14, 2025.

¹³¹ Ibid.

control over their lives and their freedom to travel to a doctor’s appointment, that notification is functionally the same as consent. If a parent gets notified and doesn’t want the abortion to happen, they have a lot of leverage over their kid.”¹³²

Sienna, a bypass attorney shared a similar view: “From the minor’s perspective, if their parent knows, it doesn’t matter if the parents approved or not, the fallout will be the same for them. For most minors, if parents don’t consent [to an abortion] but they know, they can prevent it. They are financially supporting them, controlling where they’re going.”¹³³

“I interacted with a lot of young people who felt that if their parents were aware [of their pregnancy and decision to have an abortion] that they would force them to not get an abortion, or put them in a situation where they could not access their care,” said Parker, a staff member at an abortion fund who previously worked at an abortion clinic. Echoing a young person’s statement, Parker said: “I know that my parent will not let this happen, so if they are aware, I fear I won’t be able to access care.”¹³⁴

Research has shown that young people accurately predict their parents’ reactions to disclosure of a pregnancy and abortion decision.¹³⁵ For example, a recent study by researchers from the University of Colorado, published in the *Journal of Adolescent Health* compared the experiences of adolescents under age 18 and young people ages 18 to 22 in Colorado who had considered having an abortion in the last two years. Some participants voluntarily involved a parent in an abortion decision, while others felt compelled to disclose their pregnancy to a parent because of Colorado’s forced parental notification law. The researchers asked participants about both anticipated and actual reactions from parents to disclosure of their pregnancy and/or abortion decision. The study found that, “All adolescent and young adult participants whose parents learned about the pregnancy accurately anticipated parent reactions.”¹³⁶

¹³² Human Rights Watch interview with Taylor, obstetrician-gynecologist and abortion care provider, May 8, 2025.

¹³³ Human Rights Watch interview with Sienna, attorney, April 2, 2025.

¹³⁴ Human Rights Watch interview with Parker, staff member at an abortion fund, June 10, 2025.

¹³⁵ See Stanley K. Henshaw and Kathryn Kost, “Parental Involvement in Minors’ Abortion Decisions,” *Fam. Plan. Perspect.*, vol. 24, no. 5 (1992): 196, accessed October 14, 2025; J. Shoshanna Ehrlich, “Grounded in the Reality of Their Lives: Listening to Teens Who Make the Abortion Decision Without Involving Their Parents,” *Berkeley Women’s Law Journal*, vol. 18 (2003): pp. 61, 166, accessed October 14, 2025.

¹³⁶ The authors note “For participants who voluntarily told a parent or who experienced unwanted disclosure, their descriptions of how they anticipated a parent would react could be shaped by their parents’ actual reaction, since both had

Forced Disclosure Delays and Obstructs Abortion Care

Several healthcare providers interviewed for this report described how complying with parental notification mandates delayed their patients' care, in some cases quite significantly. The cases and accounts in this section pertain to situations where young people attempted to notify a parent in compliance with the law, not those who explored or pursued judicial bypass, which can cause further delays, as described below.

Delay is not harmless, particularly in the context of time-sensitive care. It means receiving an abortion later in pregnancy, requiring a more invasive and expensive procedure.¹³⁷ Delay is particularly detrimental to youth, who are less likely than older people to recognize pregnancy early, so they are often further along in pregnancy when they first seek abortion care.¹³⁸ Delaying time-sensitive abortion care also causes extreme stress and has been shown to have serious mental health consequences.¹³⁹ In the words of one abortion provider, "it can be very distressing to a pregnant person to be pregnant when they don't want to be."¹⁴⁰ A 2024 research study involving more than 700 people accessing abortion care at clinics in California, Illinois, and New York examined the mental health impacts of "delay-causing obstacles" to care. The study found that, "experiencing any type of delay-causing obstacle to abortion care was significantly associated with more symptoms of stress, anxiety, and depression and higher risk of anxiety and depressive disorders."¹⁴¹

Nora, an abortion care provider, described one young person's ordeal trying to track down a parent to comply with the state's notification law: "She wasn't even in contact with her [parent].... She was living with another family member that wasn't a legal guardian, and they just hadn't gone through the court system or whatever process to change

already occurred by the time of the interview." Kate Coleman-Minahan, Mar Galvez Seminario, and Lauren J. Ralph, "Exploring Adolescents' and Young Adults' Abortion Disclosure and Adolescents' Experiences Navigating Colorado's Parental Notification Law," *Journal of Adolescent Health*, 76, no. 4 (2025): pp. 665-671, accessed July 7, 2025, doi:10.1016/j.jadohealth.2024.12.013.

¹³⁷ See, for example, Lauren J. Ralph et al., "Reasons for and Logistical Burdens of Judicial Bypass for Abortion in Illinois," *Journal of Adolescent Health*, vol. 68, no. 1 (2021): 71-78, accessed October 14, 2025, doi:10.1016/j.jadohealth.2020.08.025.

¹³⁸ See, e.g., Liza Fuentes, "Policy Analysis: Inequity in US Abortion Rights and Access: The End of Roe is Deepening Existing Divides," Guttmacher Institute, January 2023, <https://www.guttmacher.org/2023/01/inequity-us-abortion-rights-and-access-end-roe-deepening-existing-divides> (accessed July 11, 2025).

¹³⁹ J. Shoshanna Ehrlich, "Grounded in the Reality of Their Lives: Listening to Teens Who Make the Abortion Decision Without Involving Their Parents," *Berkeley Women's Law Journal*, vol. 18 (2003): pp. 61, 98, accessed October 14, 2025.

¹⁴⁰ Human Rights Watch interview with Taylor, obstetrician-gynecologist and abortion care provider, May 8, 2025.

¹⁴¹ Ortal Wasser et al., "Experiences of delay-causing obstacles and mental health at the time of abortion seeking," *Contraception*, vol. 6 (2024): accessed October 14, 2025, doi:10.1016/j.conx.2024.100105.

guardianship over. She and another family member had to make calls to figure out where the legal guardian was.” Nora said it took the young person an extra week to figure out how to notify the parent:

On a lot of different levels, it created challenges for her. Just logistically coordinating the actual physical care here, but also emotionally, having to go through that process of getting in contact with someone she did not want to be in contact with.... She had to reach out to this person and say, ‘You have to know this [abortion] is happening, and you’re not even in my life.’ It was just another added hoop to jump through in a process that was already stressful enough.¹⁴²

Even in states without harsh gestational limits on care, many clinics stop providing care at an earlier point in pregnancy than the law requires, so delays may require an abortion-seeker to travel longer distances or travel out of state for care.

Angela, a staff member at an abortion care clinic, recounted the case of a 15-year-old she supported whose first language was Spanish. The patient arrived for her appointment without a full understanding of the state’s parental notification requirement due to language barriers. “When the patient arrived for her appointment, she brought her sister.” The sister did not meet the legal definition of a parent or guardian in the state’s law, and so they could not satisfy the state’s requirement. Angela said they had to turn the patient away. “We were trying to go through this and explain it to both the sister and the patient, and we all cried.... There was no way we could get parental notification [the same day] because the parents were in another country.” The patient was also approaching the clinic’s gestational limit for care. “Unfortunately, we could not help the patient here, but we did connect her with one of our sister clinics to be able to receive care. I know that increased her waiting period. I don’t think that provider was able to see her for a couple weeks because of navigation of [the parental notification] process.” Ultimately the patient got the care she needed, but only after a delay of several weeks, which meant her care required a two-day procedure. “It was much tougher and more involved, and the risks and complications can increase,” Angela said.¹⁴³

¹⁴² Human Rights Watch interview with Nora, registered nurse and abortion care provider, February 24, 2025.

¹⁴³ Human Rights Watch interview with Angela, staff member at an abortion care clinic, February 26, 2025.

The states examined in this report require notification to occur 24 to 48 hours before the abortion.¹⁴⁴ Interviewees explained that while these time periods may not seem significant in isolation, they compound the many other barriers young people face in getting care—such as scheduling delays at clinics, gestational bans, or logistical hurdles like transportation—and can influence their care options and experience.

Two staff at an abortion care clinic explained that complying with their state’s parental notification law adds about a week to patients’ timelines for care:

Depending on gestation, a patient could be 15 weeks and 6 days, and we can see the patient for an abortion in one day, but if we have to push them out to comply with the state law, the patient could end up being farther along and needing a two-day appointment. Then the cost of the appointment goes up. If a patient requires sedation, they need a ride home. It complicates everything for the patient.¹⁴⁵

A few interviewees said they had supported young people who chose to delay abortion care until they were beyond the age threshold in their state’s notification law.¹⁴⁶

Taylor, an abortion care provider, said: “I’ve had patients who waited until they turned 18. They knew they were pregnant from three months [gestation] but waited to turn 18 so they could get an abortion [without involving a parent].” Taylor explained that delaying care early in pregnancy may not dramatically change a patient’s care options and experience, but delays later in pregnancy can significantly affect care and logistics: “Now you may need a two-day procedure, or you might be going over the [gestational] limit of what a clinic provides, and that can mean traveling out of the state.”¹⁴⁷

¹⁴⁴ Colo. Rev. Stat. §§ 13-22-701 — 13-22-708 (2024); Del. Code Ann., tit. 24, § 1783 (2024); Ga. Code Ann. §§ 15-11-680 — 15-11-688 (2024); Iowa Code § 135L.1 (2024); Mont. Code Ann. § 50-20-501 (2024); N.H. Rev. Stat. Ann. § 132:32 (2024).

¹⁴⁵ Human Rights Watch interview with Jennifer and Lauren, staff members at an abortion care clinic, May 8, 2025.

¹⁴⁶ Human Rights Watch interviews with Ruth, nurse practitioner and abortion care provider, January 15, 2025, and Paige, staff member at an abortion care clinic, February 13, 2025.

¹⁴⁷ Human Rights Watch interview with Taylor, obstetrician-gynecologist and abortion care provider, May 8, 2025.

“Any delay in care can have a drastic effect on a patient’s options and access,” said Naomi, another abortion care provider. “[Forced parental notification] just contributes to the already insurmountable amount of barriers that minor patients face.”¹⁴⁸

The American Academy of Pediatrics Committee on Adolescence, in a 2017 policy statement entitled, “The Adolescent’s Right to Confidential Care When Considering Abortion,” explained the significance of timely access to abortion care for pregnant youth:

Timely access to medical care is especially important for pregnant teenagers because of the significant medical, personal, and social consequences of adolescent childbearing.... Minors generally suspect pregnancy later in its course than do adults. Adolescents are often confused about their right to confidential care, and even a perceived lack of confidentiality in health care regarding sexual issues deters them from seeking services. Once the minor presents for pregnancy counseling, mandatory parental involvement laws can delay medical care further.... Later-trimester abortions (after 14-weeks’ gestation) increase both the medical risks and financial costs to the patient, and a prolonged delay can eliminate abortion as an accessible option.¹⁴⁹

Some Youth Feel Compelled to Involve Unsupportive Parents

Several healthcare providers interviewed for this report said some of their patients under age 18 felt compelled to involve unsupportive parents or guardians in their abortion decisions because of state laws mandating parental notification. In some cases, parents withheld emotional or logistical support from young people, aggressively questioned their decision-making, or mistreated clinic workers.

According to a 2014 study by researchers at the University of California published in the *Journal of Adolescent Health*, involving a non-supportive parent is more detrimental to a

¹⁴⁸ Human Rights Watch interview with Naomi, obstetrician-gynecologist and abortion care provider, May 8, 2025.

¹⁴⁹ American Academy of Pediatrics Committee on Adolescence, “Policy Statement: The Adolescent’s Right to Confidential Care When Considering Abortion,” *Pediatrics*, vol. 139, no. 2 (2017): pp. 1, 5, accessed July 16, 2025, doi:10.1542/peds.2016-3861.

young person than accessing abortion care without involving that parent.¹⁵⁰ Youth who cannot safely involve a parent in their abortion decision but are forced to do so, suffer as a result.¹⁵¹ Rather than protect family integrity, mandated disclosure harms the parent-child relationship.

For example, Angela, who works at an abortion care clinic, said one of her patients under 18 came to the clinic with her mother. When Angela began the informed consent process in a confidential setting, the patient explained that her mother was not supportive: “We started the informed consent process with her, and she said, ‘She’s mean to me. She lashed out at me and said I was stupid for getting pregnant.’” Angela said her patient was “very definitive” in her wish to have an abortion. “She was very set on her decision,” but her mother’s cruelty had provoked “a lot of self-worth and self-confidence issues.” Angela said the clinic staff routinely do mental health screenings for all patients at the clinic, and this patient showed signs and symptoms of depression. “We referred them to [additional] mental health screenings and a behavioral health partner, so they could get additional care and continue to work through this.”¹⁵²

Danielle, a patient care coordinator at an abortion care clinic, described a dynamic she observed with a 15-year-old patient and her father at the clinic: “I remember a patient being here, and she brought her dad, and he just sat sullen in the waiting room.... I don’t think he spoke once, he just signed [the notification paperwork]. I never really saw them speak. It was clear he was uncomfortable and didn’t really want to engage with us or his daughter. It was sad to see.... She seemed super strong and mature... She was the one who handed me all the paperwork. He was just there because he had to be there.”¹⁵³

¹⁵⁰ Lauren Ralph et al., “The Role of Parents and Partners in Minors’ Decisions to Have an Abortion and Anticipated Coping After Abortion,” *Journal of Adolescent Health*, vol. 54, no. 4 (2014): 428, 431-3, accessed October 14, 2025, doi:10.1016/j.jadohealth.2013.09.021 (This article found that young people who involved an unsupportive mother anticipated poorer coping after the abortion at higher rates than those who did not involve their mother or did involve a supportive mother).

¹⁵¹ See, for example, Human Rights Watch and the American Civil Liberties Union of Illinois, “*The Only People It Really Affects Are the People It Hurts*”: *The Human Rights Consequences of Parental Notice of Abortion in Illinois* (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/03/11/only-people-it-really-affects-are-people-it-hurts/human-rights-consequences>.

¹⁵² Human Rights Watch interview with Angela, staff member at an abortion care clinic, February 26, 2025.

¹⁵³ Human Rights Watch interview with Danielle, patient care coordinator at an abortion care clinic, February 11, 2025.

“It is heartbreaking,” said Taylor, an abortion care provider. “Parents have said things that amplified their children’s anxiety or trauma around the circumstances of the pregnancy.... Once a parent started distributing anti-abortion literature to patients in the recovery room.”¹⁵⁴

Another abortion-care provider explained that involving an unsupportive parent can have a profound effect on a young person’s health care: “There’s a huge distinction between feeling supported in going through the process versus [a parent saying] ‘this is what you have to do, but I’m disappointed in you.’” The provider recalled one instance where a parent signed the requisite paperwork and then left and sat outside in their car. When asked how the parent’s coldness affected the patient, the provider said: “I remember it having a negative effect on her. She became closed off and was not able to even begin to experience all of the emotions that are part of a healthy processing and instead had to approach it with, ‘I just need to get this done.’”¹⁵⁵

Parker, an abortion fund staff member, described an encounter with a hostile and agitated parent when she worked in an abortion care clinic a few years ago: “She wasn’t stopping her child from accessing this care, but she was accosting and being really disruptive and rude to clinic staff. And that of course caused a lot of stress to this patient. She was embarrassed ... feeling responsible for her mom’s reaction. At that point it’s kind of like, we did our job. You’ve been notified. You are not my priority. My priority is this patient.” Parker said it was unnerving knowing that the patient would be returning home with the mother. She said staff did everything they could to support the patient and to try to calm and reassure the mother: “You get in this protective state. I’m protecting my patient and their right to access this care,... whether or not you agree with that.”¹⁵⁶

Chilled, Discouraged, or Forced to Continue a Pregnancy

Numerous interviewees expressed deep concern that forced parental notification laws impede or prevent young people from ever exploring the option of abortion care because they know they will not have a parent’s support, and they may not know or believe that judicial bypass is a feasible option. From a research standpoint, it is difficult to document

¹⁵⁴ Human Rights Watch interview with Taylor, obstetrician-gynecologist and abortion care provider, May 8, 2025.

¹⁵⁵ Human Rights Watch interview with Nora, registered nurse and abortion care provider, February 24, 2025.

¹⁵⁶ Human Rights Watch interview with Parker, staff member at an abortion fund, June 10, 2025.

this “chilling effect,” as those dissuaded or deterred by parental involvement laws may never reach the point of contacting clinics, abortion funds, legal services organizations, or other potential sources of support.

Esme, the director of a non-profit organization supporting pregnant youth, explained: “We’re concerned about the chilling effect for a young person who would not seek abortion care because they are afraid of involving a parent in any way, shape, or form.” Esme added: “If they don’t have a caregiver or parent in their lives that is supporting them throughout this process,... they just won’t reach out or won’t be able to travel [out of state for care].”¹⁵⁷

Faye, an attorney interviewed for this report, echoed this fear: “If our children don’t feel safe coming to us, why? In that case, notification is dangerous. Will that stop young people from going? Will they not go get that care because they know their parents are going to get notified?”¹⁵⁸

Nearly all the healthcare providers and abortion fund staff interviewed for this report described concern for young people that reach out to them and then fall through the cracks, or the young people who never reach out in the first place. Gwen, a reproductive justice advocate and former director of an abortion care clinic, said:

The majority of young people do involve their parents and guardians [in an abortion]. That is a strong indicator that those people have a support system. What we don’t see is the people who never make it into the clinic because they don’t have that support system, and they don’t know how to access that care for themselves, because of many different barriers.¹⁵⁹

Avery, an abortion fund staff member, expressed concern about young people who never learn that judicial bypass could be an alternative to parental notification: “Are there folks that don’t know that this [judicial bypass] is an option and are potentially putting themselves in unsafe or less than ideal circumstances in order to get the care they need?”¹⁶⁰

¹⁵⁷ Human Rights Watch interview with Esme, director, and Stephanie, staff member at a non-profit organization supporting pregnant youth, June 10, 2025.

¹⁵⁸ Human Rights Watch interview with Faye, attorney, February 13, 2025.

¹⁵⁹ Human Rights Watch interview with Gwen, advocate, January 29, 2025.

¹⁶⁰ Human Rights Watch interview with Avery, abortion fund staff member, March 11, 2025.

Many people interviewed for this report said information on judicial bypass was difficult to find. A well-connected reproductive justice activist did extensive research on judicial bypass in her state. She said: “I started asking a lot of questions around it. What I learned is that you need to know someone to find things out.... It’s a very opaque process. If you go on the family court website and try to find more information, you won’t find anything. It’s very frustrating if you’re a young person.... Only about 10 people in [the state] even understand how the process works.”¹⁶¹

Many interviewees feared that the barriers posed by parental notification mandates and the lack of information on accessing judicial bypass were so significant that young people may have felt compelled to continue a pregnancy against their wishes.¹⁶²

In one case, clinic staff believed a young person was so frightened by parental involvement that she may have remained pregnant against her wishes.¹⁶³ Interviewees said the young person reached out to an abortion care clinic to explore her care options. She lived several hours away from the clinic. The clinic’s patient care coordinator said:

She didn’t feel comfortable or safe telling her parents. ‘They won’t understand. They’re against abortion.’... It did seem like it would be pretty hard [for her] to get to us. It was hard to talk on the phone.... We scheduled her for an appointment and hoped she could come, and we could walk her through the process [of parental notification or judicial bypass].... She was very adamant that she didn’t want to talk to her parents.¹⁶⁴

¹⁶¹ Human Rights Watch interview with Remy, reproductive justice activist, May 8, 2025.

¹⁶² Although more accessible accurate information about the law and bypass process may ease some of the barriers and burdens to accessing care, even in states with public facing resources and well-established networks of trained advocates and bypass attorneys supporting young people, forced parental notification laws and the bypass process still delay access to care. See, for example, Lauren J. Ralph et al., “Reasons for and Logistical Burdens of Judicial Bypass for Abortion in Illinois,” *Journal of Adolescent Health*, vol. 68, no. 1 (2021): 71-78, accessed October 14, 2025, doi:10.1016/j.jadohealth.2020.08.025; Human Rights Watch and the American Civil Liberties Union of Illinois, “*The Only People It Really Affects Are the People It Hurts*”: *The Human Rights Consequences of Parental Notice of Abortion in Illinois* (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/03/11/only-people-it-really-affects-are-people-it-hurts/human-rights-consequences>.

¹⁶³ Human Rights Watch interviews with Ruth, nurse practitioner and abortion care provider, January 15, 2025, and Danielle, patient care coordinator at an abortion care clinic, February 11, 2025.

¹⁶⁴ Human Rights Watch interview with Danielle, patient care coordinator at an abortion care clinic, February 11, 2025.

In the end, the young person never made it to the appointment to discuss how to pursue judicial bypass. “We didn’t end up seeing the patient. We lost contact with her.”¹⁶⁵

Several interviewees acknowledged that young people may face reprisals, abuse, or harm from forced parental notification *after* obtaining their abortion care, especially those who opt for their parents to be notified by certified mail. Again, those harms are difficult to document. The director of an abortion care clinic said: “I could not say definitively that when we send a certified letter to someone’s house that it does not put them in danger later. It might have other impacts on them.... I can’t speak to what happens after they leave the clinic, what might be entailed in that notification [letter] putting them in harm’s way.”¹⁶⁶

¹⁶⁵ Ibid.

¹⁶⁶ Human Rights Watch interview with Ayana, director of an abortion care clinic, June 3, 2025.

IV. Judicial Bypass Is Difficult to Access and Causes Additional Harm

As described above, forced parental notification of abortion can cause serious harm, and some young people cannot involve a parent in an abortion decision, for compelling reasons. In the six states examined in this report, the alternative for young people in these circumstances is to petition a judge for a waiver in a process called judicial bypass. This process, however, is often burdensome, confusing, and traumatizing.

This report finds that judicial bypass processes in the six states studied do not prevent or mitigate the human rights harms caused by forced disclosure laws, discussed above. Furthermore, judicial bypass processes provide no benefit to young people. They do not protect young people, they do not ensure confidentiality, and they subject young people to additional harm.

There are substantial barriers to accessing judicial bypass. Due to the significant hurdles involved in scheduling, preparing for, and attending a court hearing, judicial bypass contributes to further delays of abortion care, often by a week or more. Even when young people are able to overcome those obstacles, and even when they ultimately obtain a judicial waiver, the process is invasive and distressing, stigmatizes abortion, and makes young people feel as if they have done something wrong or legally questionable. For survivors of trauma, the process heightens the risk of re-traumatization or triggering post-traumatic stress disorder (PTSD) symptoms. The process gives judges an effective veto power over young people's healthcare decisions and ultimately the authority to shape their lives and future plans. The process causes distinct and additional harm to Black, Indigenous, and other young people of color, young people in the foster system, and other groups because of intersecting structural discrimination and exclusion.

Judicial Bypass Is Invasive, Distressing, and Traumatizing

This is an inherently deeply stressful and traumatic experience.

—Remy, reproductive justice activist, May 8, 2025

For anyone who is asked to plead their humanity before a court, that's a difficult process.

—Ayana, director of an abortion care clinic, June 3, 2025

Forcing young people who choose not to involve a parent in their abortion decision to appear before a judge is deeply harmful to their mental health and well-being. The experts interviewed for this report painted a picture of young people daunted by the idea of going to court and often experiencing immense stress, anxiety, and even trauma as they sought permission from judges to make the most fundamental decisions about their bodies and lives. Research across several states has shown that judicial bypass is highly stressful for many young people and traumatizing for some.¹⁶⁷ Several interviewees provided examples of young people who were too frightened or overwhelmed to pursue it and instead abandoned the process or chose to travel to states without forced parental involvement laws, such as Illinois, New Mexico, or New York.¹⁶⁸

Mia, a consultant, provided information and support to young people pursuing judicial bypass across the US for many years. She said some young people panicked when they learned what judicial bypass involved:

They'd freak out. 'I don't want to talk to a judge.' Think about going before a judge. That implies that you've done something wrong. You've broken the law in some way. You have to go in front of a judge, a stranger, and you have to prove that this very personal decision is in your best interest ... I remember one teen when I told her about the bypass process, she just broke down and sobbed and was so scared and didn't know what to do. I

¹⁶⁷ Kate Coleman-Minahan et al., "Young Women's Experiences Obtaining Judicial Bypass for Abortion in Texas," *Journal of Adolescent Health*, vol. 64, no. 1 (2019): 20-25, accessed October 14, 2025, doi:10.1016/j.jadohealth.2018.07.017; J. Shoshanna Ehrlich, "Grounded in the Reality of Their Lives: Listening to Teens Who Make the Abortion Decision Without Involving Their Parents," *Berkeley Women's Law Journal*, vol. 18 (2003): pp. 61, 141, accessed October 14, 2025; Human Rights Watch, *Access Denied: How Florida Judges Obstruct Young People's Ability to Obtain Abortion Care* (New York: Human Rights, 2023), hrw.org/sites/default/files/media_2023/02/us_florida0223_web.pdf; Martin Guggenheim, "Minor Rights: The Adolescent Abortion Cases," *Hofstra Law Review*, vol. 30, no. 3 (2002): 589, 644-45, accessed October 14, 2025, <https://scholarlycommons.law.hofstra.edu/hlr/vol30/iss3/1/>. ("[O]ne is chilled to read reports of judges who harassed pregnant minors in their courtrooms, forced them to go to anti-abortion clinics prior to granting a hearing, and assigned anti-abortion lawyers to represent them in court.").

¹⁶⁸ Human Rights Watch interviews with Blake, staff member at an abortion fund, June 9, 2025; Claire, advocate, April 14, 2025; Esme, director, and Stephanie, staff member at a non-profit organization supporting pregnant youth, June 10, 2025; and Lola, staff member at an abortion fund, April 17, 2025.

had to be like, ‘Take ten deep breaths with me.... I am here with you every single step of the way ... I’ll talk you through it. I’ll get you to the other side of this.’¹⁶⁹

Many young people are understandably confused about the legal process. Avery, an abortion fund staff member, described her difficulty explaining judicial bypass to young people in plain language: “It’s really intimidating, even the term itself. ‘Judicial bypass.’ What does that mean? Even communicating it to people has been a learning curve for me, how do I communicate this in a way that’s accessible, in everyday language.”¹⁷⁰

Interviewees explained how increasingly harsh abortion restrictions and bans since the *Dobbs* decision, along with public officials’ damaging anti-abortion rhetoric, amplify deeply rooted abortion stigma and fear of criminalization. Pushing young people into a court process to access health care only compounds harmful messages that seeking abortion care is somehow wrong, or even criminal. “The majority of young people I’ve worked with have not wanted to have to go through the court process.... Having to go through the legal system is really scary,” said Blake, an abortion fund staff member. “Especially if you’re coming from a state with a ban, they [young people] don’t want to be involved in the legal system because they’re really scared about getting in trouble with the law.”¹⁷¹

Angela, who works at an abortion care clinic, described supporting a young immigrant seeking abortion care in early 2025. Angela said the young patient declined to pursue judicial bypass due to fear of deportation and “fear of not being able to go and trust law enforcement and our judicial officials.” Angela added: “For people who have already encountered or had negative interactions with law enforcement or the judicial system, either themselves or their family members, [it’s difficult] to be able to trust that these officials will side with them, when in the past, they’ve seen the exact opposite. We see that a lot more with folks who are Black and Brown skinned, [and those who are] not native English-speaking folks.”¹⁷²

¹⁶⁹ Human Rights Watch interview with Mia, consultant, January 23, 2025.

¹⁷⁰ Human Rights Watch interview with Avery, abortion fund staff member, March 11, 2025.

¹⁷¹ Human Rights Watch interview with Blake, staff member at an abortion fund, June 9, 2025.

¹⁷² Human Rights Watch interview with Angela, staff member at an abortion care clinic, February 26, 2025.

Youth with prior experiences with civil and criminal courts—whether through the juvenile justice system, the family regulation system, or otherwise—may be especially apprehensive about pursuing judicial bypass. In cases where the state has separated youth from their parents or siblings, they may fear that further court involvement could impede family reunification. “Young people in foster care by definition have had the state engaged in their life,” said Diane, an attorney with decades of experience supporting pregnant youth. She added:

They’ve had investigations of their family. They’ve been in court.... Young people have a lot of concerns about court. Very sensitive information is exposed in court hearings and put into records that many different people see: probation offices, social workers, court advocates, lawyers, biological parents. It’s traumatizing to have very sensitive information—abuse you’ve suffered, horrific things—exposed in court.... Court involvement is a whole different thing for someone who has already been part of the system.¹⁷³

When describing how young people felt before bypass hearings, some interviewees used words like “intimidated,”¹⁷⁴ “very scared and nervous,”¹⁷⁵ “terrified,”¹⁷⁶ and “stressed out.”¹⁷⁷ Other interviewees described young people as “determined,” willing to “run through fire to get this done,” and understanding that judicial bypass was “one more hoop they have to jump through”¹⁷⁸ to access care. Andie, who works for an abortion care clinic, explained: “It’s stressful to go before someone with so much authority and to have to be so vulnerable about your body and about your choices.”¹⁷⁹

Interviewees described how young people had to go through courthouse security, often sit in a large courtroom, and be sworn in at the start of a hearing.¹⁸⁰ An attorney explained: “Some judges just did it [the hearing] in their chambers. Others were super sticklers and did it right in the courtroom. The client had to go on the witness stand and everything.” The

¹⁷³ Human Rights Watch interview with Diane, attorney, June 10, 2025.

¹⁷⁴ Human Rights Watch interview with Allison, attorney, March 20, 2025.

¹⁷⁵ Human Rights Watch interview with Sienna, attorney, April 2, 2025.

¹⁷⁶ Human Rights Watch interviews with Claire, advocate, April 14, 2025, and Cora, attorney, May 20, 2025.

¹⁷⁷ Human Rights Watch interview with Mia, consultant, January 23, 2025.

¹⁷⁸ Human Rights Watch interview with Caroline, attorney, May 28, 2025.

¹⁷⁹ Human Rights Watch interview with Andie, staff member at an abortion care clinic, March 6, 2025.

¹⁸⁰ Human Rights Watch interviews with Claire, advocate, April 14, 2025, and Sienna, attorney, April 2, 2025.

attorney said she was struck by how brave her clients were as they navigated the process: “Here they are pregnant, with no support from their parents, going into a strange courthouse, having to operate in secrecy. That’s a lot of pressure on anyone, never mind a kid. A courtroom is scary.”¹⁸¹

Some attorneys saw their clients show signs of significant distress during judicial bypass hearings. “I’ve had instances when clients have cried on the stand,” said Sophia, a bypass attorney. She added:

I’ve had instances when the judge has cried because the client is crying and describing what’s going on in their personal life. Their stories are very revealing.... It’s really hard for them and it’s not fair. It’s really hard to tell that to me, the first stranger, then to a courtroom full of people...A lot of them get very emotional about it. And they’re terrified. You can hear it in their voices. They’re shaky, quiet, hesitant. Their demeanor shifts. Their voices shift when talking about certain things.¹⁸²

Judicial bypass forces some young people to relive or retell painful histories. Several interviewees recounted cases in which young people went through the process after becoming pregnant from sexual violence. “I had a young patient who was pregnant after an assault by a family friend, and she was not comfortable divulging her pregnancy to her parents because of that relationship,” said Naomi, an obstetrician-gynecologist and abortion care provider. “There are some really complex reasons why young people do not want their parents involved in their care.”¹⁸³

Angela, a staff member at an abortion care clinic, spoke of her experience supporting a young survivor pregnant from sexual violence: “Unfortunately, her biological mom didn’t understand or see it when she tried to disclose it.” The young person did not feel safe involving her mother in the abortion. She pursued judicial bypass and was able to access abortion care. “It was really tough,” Angela said. “I gave her my direct extension, and she

¹⁸¹ Human Rights Watch interview with Sharon, attorney, March 20, 2025.

¹⁸² Human Rights Watch interview with Sophia, attorney, January 15, 2025.

¹⁸³ Human Rights Watch interview with Naomi, obstetrician-gynecologist and abortion care provider, May 8, 2025.

would just call, she would cry, she would talk, sometimes she would just breathe, knowing someone supportive was on the line with her.”¹⁸⁴

Forcing survivors of violence to repeatedly share accounts of what they endured can increase the risk of re-traumatization and trigger symptoms of post-traumatic stress disorder.¹⁸⁵ “Thinking about what it is like for survivors of violence to tell their stories in court, it can often be re-traumatizing and stigmatizing and full of shame,” said Charlotte, a youth advocate who has done research on domestic violence and sexual violence. “Judges aren’t necessarily trained in how to handle this at all....For victims of violence, it’s a lot to ask someone to process, especially when they’re not in an environment that is going to be supportive.”¹⁸⁶

Even young people who have not experienced devastating trauma must be prepared to answer intimate and invasive questions about their sexual health and behaviors, family situation, and other highly sensitive topics, first with their attorneys, and again before a judge. “The whole process is traumatizing,” said Claire, an advocate supporting young people seeking judicial bypass. “You have to come to my office and tell me your deepest darkest secret, and trust that I’m going to keep your secret. Then go with me—a stranger—to a courtroom and tell the judge your secret.... For sure it’s traumatizing. As much as we try to mitigate that, there’s no way around it.”¹⁸⁷

Cora, an attorney, held a similar view:

They have to fill this paperwork out, submit it, then talk with a lawyer about this stuff who’s going to ask them some very invasive questions, then go before a judge to explain this. There’s definitely shame and humiliation involved, no matter how sensitive the judge is, or how compassionate the lawyer is. It’s laden with a lot of baggage.... No matter how sensitively I could think to ask the question, I had to make sure the judge understood this was an unintended pregnancy and how it happened.... We have to explain how

¹⁸⁴ Human Rights Watch interview with Angela, staff member at an abortion care clinic, February 26, 2025.

¹⁸⁵ See, for example, Dorislee Gilbert and Emily Bonistall Postel, “Truth Without Trauma: Reducing Retraumatization Throughout the Justice System,” *University of Louisville Law Review*, vol. 60 (2022).

¹⁸⁶ If/When/How interview with Charlotte, youth advocate, July 10, 2025.

¹⁸⁷ Human Rights Watch interview with Claire, advocate, April 14, 2025.

did she become pregnant, how did she find out, why she doesn't want to tell a caregiver or guardian. Some of those kinds of issues can be very difficult to address, bringing up trauma, making a young person who's already scared about what's happening discuss this in front of a judge.¹⁸⁸

Some lawyers described preparing their clients to speak to why they were choosing abortion, potential side effects or complications, and plans for future birth control. "I have to get them comfortable talking about some of this stuff.... Particularly around the procedure, the bleeding involved," said Caroline, one bypass attorney interviewed for this report. "The client may be appearing before an older, male judge and need to talk about how many pads is too many pads to bleed through in an hour."¹⁸⁹

In a few cases, attorneys said judges made loaded or stigmatizing comments or posed difficult or inappropriate questions. In one example shared with Human Rights Watch, an attorney reported witnessing a judge comment on the merits of adoption and questioned how thoroughly young people had considered it as an alternative to abortion.¹⁹⁰ In another example, a judge asked a series of questions about "the emotional aftermath of having an abortion." The attorney who shared the example said: "The judge was approaching the line of questioning from the baseline that abortion will traumatize you more than having a baby and getting kicked out your house.... [My client] was totally blindsided by it."¹⁹¹

Interviewees said many young people feared that judges would deny their petitions. One youth advocate described this fear:

You don't know the people in the room. You don't know the judge.... You're putting your life under the microscope. You're going to worry they'll think you made this bad decision. It would feel very vulnerable.... And you could get done with all of that and the judge still says, 'No, I'm not going to grant you this.' It would be very raw, very vulnerable, and could be very

¹⁸⁸ Human Rights Watch interview with Cora, attorney, May 20, 2025.

¹⁸⁹ Human Rights Watch interview with Caroline, attorney, May 28, 2025.

¹⁹⁰ Human Rights Watch interviews with Caroline, attorney, May 28, 2025, and Sienna, attorney, April 2, 2025.

¹⁹¹ Human Rights Watch interview with Sophia, attorney, January 15, 2025.

traumatizing to have to do that because you're already scared and unsure and it could just add to the stress and what you're already experiencing.¹⁹²

"The unknown is scary," said Claire, an advocate who supports young people through judicial bypass. "Sometimes after the hearing, on the way out to the car, or on the way back to the office, they would cry tears of relief. Because their anxiety level was so high. They were so worried about it.... They are going through this really personal and scary thing. I can't imagine being a young person and having to navigate that process by myself."¹⁹³

Anne, a bypass attorney, commented on the relief her clients exhibited at the conclusion of their hearings: "The emotion all came after it was granted. We would go back out into the private conference room while we would wait for the judge to issue the order.... That relief came then. That sense that she had control of her life again."¹⁹⁴

Judicial Bypass Delays and Obstructs Time-Sensitive Health Care

Many young people face challenges scheduling a court hearing, finding transportation, and arranging time away from school, work, and other obligations without their parents being alerted. Managing all of the logistics of appearing in court for a hearing as well as the logistics for medical care delayed access to abortion, according to those interviewed for this report. Research studies conducted in different parts of the US have shown that judicial bypass delays care: In the states of Illinois and Massachusetts, the process added, on average, nearly a week to young people's abortion-seeking timelines.¹⁹⁵

For young people living under harsh restrictions such as 6-week bans or mandatory waiting periods, abortion care is virtually inaccessible to those who must go through judicial bypass. Navigating the bypass process in a timely fashion is an extraordinary burden. Interviewees in Georgia and Iowa—the two states that ban abortion after fetal cardiac activity is detected, typically around 6-weeks' gestation—said that once the 6-week bans

¹⁹² If/When/How interview with Faith, youth advocate, July 30, 2025.

¹⁹³ Human Rights Watch interview with Claire, advocate, April 14, 2025.

¹⁹⁴ Human Rights Watch interview with Anne, attorney, February 12, 2025.

¹⁹⁵ Lauren J. Ralph et al., "Reasons for and Logistical Burdens of Judicial Bypass for Abortion in Illinois," *Journal of Adolescent Health*, vol. 68, no. 1 (2021): 71-78, accessed October 14, 2025, doi:10.1016/j.jadohealth.2020.08.025; Elizabeth Janiak et al., "Massachusetts' Parental Consent Law and Procedural Timing Among Adolescents Undergoing Abortion," *Obstetrics & Gynecology*, vol. 133, no. 5 (2019): 978-986, accessed October 10, 2025, doi:10.1097/AOG.0000000000003190.

went into effect, very few young people were able to navigate judicial bypass in time to receive care. “Most young people have irregular periods anyway, by the time they figure out they’re pregnant, they are at or near 6 weeks,” one interviewee explained. She said she had not supported a young person through judicial bypass since her state’s 6-week ban went into effect. “I’ve had a few phone calls, but by the time they call and get an appointment, they’re past six weeks.”¹⁹⁶

A judicial bypass attorney in another such state said she represented a young person who managed to verify a pregnancy at a clinic, go through judicial bypass, and obtain a judicial waiver before reaching 6-weeks’ gestation. “We got her the [court] order pretty quickly, but when she went back to the clinic, they turned her away because they said they saw fetal cardiac activity.” The young person was unable to obtain care without traveling out of state.¹⁹⁷

People interviewed for this report estimated that bypass typically added several days to young people’s timelines, but often a week or more.¹⁹⁸ Andie, a staff member at an abortion care clinic, said: “The whole thing usually happens within a couple days. But when you’re pregnant and you don’t want to be, a couple days is a lifetime.” Andie explained that their state’s network of providers and attorneys “drop everything” when a young person needs a judicial bypass: “We never want anyone to have to wait.” But for some young people, she added, navigating “the logistics of life” can slow down the process.¹⁹⁹

“It’s usually a two-week process,” one attorney said, estimating the time between the filing of a petition and the abortion care appointment. The attorney explained that when a very restrictive abortion law came into effect in another state, their state experienced a high volume of people coming from out of state for abortion care, and young people could experience delays of a month due to volume.²⁰⁰

¹⁹⁶ Human Rights Watch interview. Name, title, and date withheld for privacy and security.

¹⁹⁷ Human Rights Watch interview. Name, title, and date withheld for privacy and security.

¹⁹⁸ For example, Human Rights Watch interviews with Claire, advocate, April 14, 2025 (explaining judicial bypass delayed abortion care by one to two weeks in her experience), and Cora, attorney, May 20, 2025 (asserting that judicial bypass took three to five business days in her experience).

¹⁹⁹ Human Rights Watch interview with Andie, staff member at an abortion care clinic, March 6, 2025.

²⁰⁰ Human Rights Watch interview with Sophia, attorney, January 15, 2025.

Courts are typically only open during business hours, and many young people are in school for much of that time. Attorneys and advocates explained that they often did not have the ability to schedule hearings at the times that young people are available. Claire, an advocate supporting young people through bypass, explained: “I have to call the clerk of court and work around when the judge has openings. There are very few choices, and there’s a short amount of time they have to get that [hearing] done.”²⁰¹ Claire said some young people have reached out for support with bypass and ultimately abandoned the process because they could not overcome the challenges of scheduling a hearing: “I have had young people call to talk about the process, and when I explain it, they ask, ‘Can I come on a Saturday?’ I have to tell them, ‘No, the judge doesn’t work on Saturday.’ ‘Can I come at night?’ When I explain it, they don’t go through with the process. They know the barrier is going to be too great.”²⁰²

Allison, a bypass attorney in another state, said: “The major logistical challenge is how they get to the court and how they explain their absence from wherever they’re supposed to be while they’re in court for the hearing. They go after school or during free periods during the day. There’s a brief window between when school ends and court closes.”²⁰³

Parker, an abortion fund staff member, had a similar observation: “If they’re in school and need to schedule an appointment during the school day, they will then have to navigate making sure their parent doesn’t know they are taking time off of school. Making sure their parents don’t get a phone call about them missing school. They’re kind of surveilled in a different way because they’re in high school.”²⁰⁴

Nearly everyone interviewed for this report described young people’s struggles to find transportation to both court hearings and their healthcare appointments. Many young people under 18 do not drive or do not have access to a car and have to find safe and reliable transportation both to court and to a clinic for their abortion care. Claire, the advocate quoted above, recounted the case of a young person who missed her court hearing because “the ride she was depending on didn’t show up to get her.”²⁰⁵

²⁰¹ Human Rights Watch interview with Claire, advocate, April 14, 2025.

²⁰² Ibid.

²⁰³ Human Rights Watch interview with Allison, attorney, March 20, 2025.

²⁰⁴ Human Rights Watch interview with Parker, staff member at an abortion fund, June 10, 2025.

²⁰⁵ Human Rights Watch interview with Claire, advocate, April 14, 2025.

Accessing judicial bypass or abortion care in any of the six states examined in this report can require traveling significant distances, especially for young people living outside of larger cities or traveling across state lines.²⁰⁶ An interviewee in Montana explained: “In a huge rural state like Montana where transportation is such an issue, people don’t have reliable cars. They can’t drive on winter roads. They need gas money, or their car is in disrepair. Transportation becomes a huge barrier here.”²⁰⁷

An interviewee in New Hampshire explained: “Geographic barriers really come into play. We don’t have public transportation. There are a lot of parts of New Hampshire, particularly northern New Hampshire, where you’re two hours [driving distance] to the nearest clinic.”²⁰⁸

One interviewee described supporting a young person through judicial bypass in Georgia: “It was difficult because she lived an hour outside of Atlanta, and we had to figure out rides and all that.” The interviewee explained that some rideshare apps require a passenger to be 18 to book a ride, which can prevent young people from using them to book rides to their court hearings or appointments.²⁰⁹

Youth traveling across state lines may need to drive even longer distances, or fly, to be able to access care. The criminalization of abortion in many states and the decline in clinics offering in-person care leave many people forced to travel out of state for care.²¹⁰ Many people interviewed for this report believed that judicial bypass was not a meaningful option for young people traveling from out of state for care without parental involvement. Several interviewees said youth without parental support opt to travel to states that do not mandate parental involvement.²¹¹

²⁰⁶ Isaac Maddow-Zimet et al., “Monthly Abortion Provision Study,” Guttmacher Institute, last updated September 30, 2025, <https://www.guttmacher.org/monthly-abortion-provision-study#interstate-travel> (accessed October 14, 2025).

²⁰⁷ Human Rights Watch interview. Name, title, and date withheld for privacy and security.

²⁰⁸ Human Rights Watch interview. Name, title, and date withheld for privacy and security.

²⁰⁹ Human Rights Watch interview. Name, title, and date withheld for privacy and security.

²¹⁰ Kelly Baden, Joerg Dreweke, and Candance Gibson, “Policy Analysis: Clear and Growing Evidence That Dobbs Is Harming Reproductive Health and Freedom,” Guttmacher Institute, May 2024, <https://www.guttmacher.org/2024/05/clear-and-growing-evidence-dobbs-harming-reproductive-health-and-freedom> (accessed June 5, 2025).

²¹¹ Human Rights Watch interviews with Esme, director, and Stephanie, staff member at a non-profit organization supporting pregnant youth, June 10, 2025; Lola, staff member at an abortion fund, April 17, 2025; Claire, advocate, April 14, 2025; and Blake, staff member at an abortion fund, June 9, 2025.

In some cases, the delays caused by judicial bypass leave young people ineligible for medication abortion, a noninvasive method typically used in the first trimester of pregnancy.²¹² Delays also require some patients to have multiple appointments over consecutive days to complete their abortion care.

For example, Angela, who works for an abortion care clinic, described one young person's delay in care: "A young person called in, and I could tell there was nervousness. It was not a supportive household due to religious beliefs, family beliefs. We worked with them to get them connected with one of the attorneys we work with.... This person didn't drive." It took time for the young person to arrange transportation and meet with their attorney to prepare for the hearing. "It was almost three weeks before we could get them in for services. It definitely changed their care." Angela said the young person had wanted a medication abortion: "It felt like a better choice for them." By the time the young person obtained a judicial waiver, they were in the second trimester and had to have a procedural abortion.²¹³

Judicial Bypass Is Not Truly Confidential

Like adults, young people typically have a reasonable and deeply held wish for their abortion experience to be confidential, and for their personal health information to be shared only with their healthcare providers and their chosen support network. An abortion fund staff member explained: "A young person, like any other person accessing care, wants that care to be private and confidential. But minors are not afforded the same privilege of accessing confidential care."²¹⁴ The very nature of going through the bypass process requires young people to disclose deeply personal information to complete strangers. While state laws require judicial bypass hearings to be confidential, they cannot guarantee that a young person will not be found out along the way, potentially jeopardizing their safety and well-being.

A few interviewees expressed concern for the confidentiality and privacy of youth in small or rural areas. For example, an advocate in one state said: "There may be protections that

²¹² See, for example, World Health Organization, *Clinical practice handbook for quality abortion care* (Geneva: World Health Organization, 2023), <https://www.who.int/publications/i/item/9789240075207> (accessed September 11, 2025).

²¹³ Human Rights Watch interview with Angela, staff member at an abortion care clinic, February 26, 2025.

²¹⁴ Human Rights Watch interview with Parker, staff member at an abortion fund, June 10, 2025.

in theory allow people to access services confidentially, but in reality, living in small-town, rural communities, you don't have a lot of confidentiality and privacy.”²¹⁵

An attorney explained that the fear of being found out could be enough to deter a young person from pursuing judicial bypass: “The smaller the town, maybe there’s one judge. They know everyone. I just see so many barriers ... do you know the judge, do your parents know the judge, even if the judge won’t disclose [that you are pursuing judicial bypass], it still puts a barrier up for the young person. ‘Oh, the judge is Joe. He lives six blocks from us.’ That’s the case in a lot of places.... We know the judges.”²¹⁶

Esme, the director of a non-profit organization supporting pregnant youth, explained: “With more and more criminalization, folks are afraid that they’re going to get in trouble just for seeking information. They’re afraid their helpers are going to get in trouble.” Esme added: “Young people are afraid they’re going to get their friends and family in trouble. They’re concerned that there’s monitoring [of their communications or internet activities]. They don’t feel secure in their internet privacy, data privacy, or their ability to search for this information.”²¹⁷

Safe communication is challenging for young people pursuing judicial bypass. In each of the states, abortion care workers strive to connect young people to pro-bono attorneys to guide them through the process of filing a petition. Young people must find time and a safe way to speak with an attorney over the phone to prepare for the hearing, sometimes on multiple occasions. With each of these conversations or points of communication, there is a risk that a young person’s parents will find out, triggering the harmful response they were seeking to avoid. Ayana, the director of an abortion care clinic, explained: “If you’re nervous about your phone calls being monitored, I imagine it might be really difficult to navigate [judicial bypass], especially if you’re trying to conceal this information from people who are around you.”²¹⁸

²¹⁵ Human Rights Watch interview with Gwen, advocate, January 29, 2025.

²¹⁶ Human Rights Watch interview with Faye, attorney, February 13, 2025.

²¹⁷ Human Rights Watch interview with Esme, director, and Stephanie, staff member at a non-profit organization supporting pregnant youth, June 10, 2025.

²¹⁸ Human Rights Watch interview with Ayana, director of an abortion care clinic, June 3, 2025.

Andie, a staff member at an abortion care clinic, helps connect youth to attorneys for judicial bypass cases in her state. “You have to make sure that you’re not calling them during the school day. Sometimes young people don’t have cell phones. Sometimes we’ll call the number [they provided], but we don’t know what that number is. Sometimes they’ll say ‘Text, don’t call.’ Or ‘Call, don’t text.’ Making those initial contacts can be challenging.... It’s a really scary time for kids. They go to school during the day, go to sports, go to practice. They’re trying to figure out how to take time off from school to go to the judge, to go to their appointment. They’re trying to balance a lot.”²¹⁹

Rachel, a youth advocate interviewed for this report, explained that many young people’s parents have substantial information about their whereabouts and activities. “I shared a bank account with my mom, so she knew any purchase I made. She could see how much it was. She had my location. She could see where I was going. So that was a lot of information, and a lot of kids relate to that. Their parents know what’s going on with them.”²²⁰

Young people already have to deal with these concerns in the context of accessing abortion care, and forcing them through a court process only increases the risk of discovery. Going through the judicial bypass process means more time away from home, and more strangers involved in their life, including attorneys and court staff. “[There’s] surveillance I have to worry about from parents in terms of phones being taken away at night, or checking their messages, checking their voicemails,” said Sophia, a judicial bypass attorney. Sophia said: “In an ideal world,” she will have three calls with her clients before the court hearing to ensure they are adequately prepared.”²²¹

Attorneys interviewed for this report explained that they took careful steps to prepare their clients for the hearing. One attorney said: “You’re trying to establish rapport quickly with someone you don’t know very well who is dealing with a difficult situation. I have to explain, ‘We’re going to go meet with a judge now.’ It’s not a contested hearing, but I have to put my client on the witness stand. I have to provide evidence to the court that the young person is a mature minor or that parental notification is not in their best interest. In order to do that, I

²¹⁹ Human Rights Watch interview with Andie, staff member at an abortion care clinic, March 6, 2025.

²²⁰ If/When/How interview with Rachel, youth advocate, August 5, 2025.

²²¹ Human Rights Watch interview with Sophia, attorney, January 15, 2025.

have to show evidence of a positive pregnancy test, here are school records. I have to hear from the young person about why they are seeking a judicial bypass.”²²²

Caroline, another attorney, explained how she prepares her clients for their hearings: “I try to ask the same kinds of questions that I would ask in court, but less formally, to hear what they know and how they can articulate [responses] in their own words with no prep. Then I’ll go back and re-prepare [them] for these types of questions.” Caroline explained that she reviews a long list of questions with her clients related to their planned abortion care, potential side effects and complications, life plans, and family situation. “It’s a lot of information getting thrown at them.” The attorney said she always schedules a follow-up call with her clients: “We’ll practice, do a little role playing, pretend like we’re in the courtroom. If they stumble [in responding to a question], we’ll go over it again.... The more they talk about it with me, the better they do in the hearing.”²²³

All this preparation takes time, and some parents closely monitor young people’s phones and other communications. One attorney, Sharon, mentioned that some of her clients struggled with “privacy of communication.” She explained: “It depends on the level of scrutiny parents have over their comings and goings.”²²⁴ An attorney in another state had a similar experience: “Recently one of the minors I had [represented] mentioned to me that her parents track her location on her phone, so she was worried about coming to court.”²²⁵

Each of the six states examined in this report have state law provisions to protect the confidentiality of young people pursuing judicial bypass. For example, Georgia’s law dictates that court proceedings “be conducted in a manner to preserve the complete anonymity of the parties” and specifies “[i]n no event shall the name, address, birth date, or social security number of such minor be disclosed.”²²⁶ Interviewees explained that young people can often file their petitions using pseudonyms or initials, and judges clear most people from courtrooms before conducting hearings. But even in a closed courtroom with sealed records, judicial bypass is not completely confidential because youth are

²²² Human Rights Watch interview with Cora, attorney, May 20, 2025.

²²³ Human Rights Watch interview with Caroline, attorney, May 28, 2025.

²²⁴ Human Rights Watch interview with Sharon, attorney, March 20, 2025.

²²⁵ Human Rights Watch interview with Sienna, attorney, April 2, 2025.

²²⁶ Ga. Code Ann. §§ 15-11-680 — 15-11-688 (2024).

forced to share private information with a lot of people who would not otherwise be involved.

The process requires young people to share intimate details of their lives with multiple strangers, potentially including a lawyer, a *guardian ad litem*, clerks, the judge, and court personnel present at the hearing, often a court reporter and bailiff. Young people can be exposed in numerous ways: If someone recognizes them in court, if their absence from school is reported to their families, if parents discover texts or communications with attorneys, or paperwork from the process.

Overwhelmingly, interviewees took great care to protect the confidentiality of the young people they were supporting. A few recounted concerning situations where young people were nearly found out or exposed.²²⁷ Anne, an attorney, described a close call with one of her young clients: “The clerk of court would know I was coming in [for a bypass hearing], and one time, we were walking up [to the courthouse] and a jury was coming in for a big criminal case. There were news trucks everywhere. The clerk of the court met us at the metal detector, and just swept us away and put us in a safe place, so she was not anywhere near anyone with a camera.”²²⁸

In another case shared with Human Rights Watch, a court clerk wrongly told a young person that she must present identification in order to file a judicial bypass petition, suggesting an unlawful breach of the state’s confidentiality protections.²²⁹ Research in other states has demonstrated that court personnel withhold information, provide inaccurate information, or interfere with minors’ attempts to file petitions, fueling confusion and fear around the process and impeding some young people from pursuing it.²³⁰

²²⁷ Human Rights Watch interviews with Sophia, attorney, January 15, 2025, and Paige, staff member at an abortion care clinic, February 13, 2025.

²²⁸ Human Rights Watch interview with Anne, attorney, February 12, 2025.

²²⁹ Human Rights Watch interview with Sienna, attorney, April 2, 2025.

²³⁰ See, for example, If/When/How, *The Judicial Waiver Process in Florida Courts: A Report* (2019), <https://ifwhenhow.org/resources/the-judicial-waiver-process-in-florida-courts-a-report/> (accessed July 11, 2025), p. 9. (“The person [answering the courthouse phone] was very rude and tried to give me information on adoption.”); If/When/How et al., *The Judicial Waiver Process in North Carolina: A Report* (2022), <https://ifwhenhow.org/resources/the-judicial-waiver-process-in-north-carolina-a-report> (accessed July 11, 2025), p. 16 (“[M]any clerks unaware of the judicial waiver option told the caller that the only way around the parental consent laws was through emancipation.”).

Judicial Bypass Subjects Young People to Arbitrary Decision-Making

In practice, forced parental involvement laws strip young people of self-determination to a much greater degree than they claim on paper, putting them at the mercy of people who have either the actual or the de facto power to deny them their right to access abortion. Placing decisions around young people's access to abortion care in the hands of judges is inherently problematic and in practice, often plays out in ways that are incompatible with the right to health and its underlying principle of autonomy.

While the architects of parental involvement laws claimed that judicial bypass offered a reasonable alternative to forced parental involvement, the reality is the system grants judges an effective veto power over a young person's abortion decision when that young person cannot involve a parent. In contrast, courts generally have no legal authority over a young person's decision to continue a pregnancy.

In the states examined in this report, interviewees reported a few instances of judicial bypass denials but maintained that they are rare.²³¹ However, even in states where bypasses are generally granted, the fact remains that young people's bodily autonomy is limited by the bypass requirement.²³²

In judicial bypass hearings, judges have the power to make highly subjective determinations on young people's maturity and interests. The system lends itself to arbitrary decision-making. Attorneys interviewed for this report consistently said that they used factors such as young people's grades, extracurricular activities, or career ambitions to demonstrate their maturity in court.²³³ One bypass attorney described the standard of proof for demonstrating sufficient maturity: "It's stuff like grades, how do you appear in court, do you seem mature, are you articulating your ideas in a way that indicates maturity,

²³¹ The rate of denials does not account for the young people who never make it before a judge due to barriers accessing the court process, as noted in this report. Judges routinely deny young people's judicial bypass petitions in some states. See, for example, Amanda Jean Stevenson and Kate Coleman-Minahan, "Use of Judicial Bypass of Mandatory Parental Consent to Access Abortion and Judicial Bypass Denials, Florida and Texas, 2018–2021," *American Journal of Public Health*, vol. 113, no. 3 (2023): 316–19, accessed July 6, 2025, doi:10.2105/AJPH.2022.307173.

²³² See, for example, J. Shoshanna Ehrlich, "Grounded in the Reality of Their Lives: Listening to Teens Who Make the Abortion Decision Without Involving Their Parents," *Berkeley Women's Law Journal*, vol. 18 (2003): pp. 61, 142, accessed October 14, 2025. ("[A] number of the young women, some angrily, questioned how a judge who knew nothing about them or their life circumstances could possibly make a meaningful determination about their maturity or readiness to have a child.")

²³³ For example, Human Rights Watch interviews with Anne, attorney, February 12, 2025; Sharon, attorney, March 20, 2025; and Claire, advocate, April 14, 2025.

extracurricular participation.” She argued that “maintaining the standards of the good girl getting the abortion” is an implicit expectation.²³⁴

Attorneys told Human Rights Watch that a young person’s clothing can influence a judge’s perception: “I do make a point to tell minors to wear something appropriate [to court],” said Allison, one attorney we interviewed. “Sometimes that causes a problem, if it’s not what they would wear to school that day, they don’t feel like they can wear it to court.... They don’t want to raise suspicions.”²³⁵

Decades of legal and social science research have shown that structural racism and implicit bias influence judicial decision making.²³⁶ Diane, an attorney who has worked with young people involved in the foster system, family regulation system, and juvenile justice system, said: “There are so many ways young people can be judged or pre-judged for things that have to do with poverty, with past experiences. It makes the whole experience so much more difficult.”²³⁷

In the event of a denial, each of the six states has the option of a confidential and expedited appeals process, but appealing causes further delay and exacts an additional emotional and psychological toll.

²³⁴ Human Rights Watch interview with Sophia, attorney, January 15, 2025.

²³⁵ Human Rights Watch interview with Allison, attorney, March 20, 2025.

²³⁶ See, for example, Jeffrey Rachlinski, Andrew J. Wistrich, and Bernice B. Donald, “Getting Explicit About Implicit Bias,” *Judicature*, vol. 104, no. 3 (2020): accessed October 14, 2025, <https://judicature.duke.edu/articles/getting-explicit-about-implicit-bias/>; Justin D. Levinson and Robert J. Smith, “Systemic Implicit Bias,” *Yale Law Journal*, vol. 126 (2017): accessed October 14, 2025, <http://www.yalelawjournal.org/forum/systemic-implicit-bias>; Justin D. Levinson, “Forgotten Racial Equality: Implicit Bias, Decisionmaking, And Misremembering,” *Duke Law Journal*, vol. 57 (2007): 345, accessed October 14, 2025, <https://scholarship.law.duke.edu/dlj/vol57/iss2/2>; Matthew Clair and Alix S. Winter, “How Judges Think About Racial Disparities: Situational Decision-Making in the Criminal Justice System,” *Criminology*, vol. 54, no. 2 (2016): pp. 332-359, accessed October 14, 2025, doi: 10.1111/1745-9125.12106; Pat K. Chew and Robert E. Kelley, “The Realism of Race in Judicial Decision Making: An Empirical Analysis of Plaintiffs’ Race and Judges’ Race,” *Harvard Journal on Racial and Ethnic Justice*, vol. 28, no 91 (2012): accessed October 14, 2025, <https://journals.law.harvard.edu/wp-content/uploads/sites/92/2012/11/HBK1021.pdf>; Jeffrey J. Rachlinski et al., “Does Unconscious Racial Bias Affect Trial Judges?” *Notre Dame Law Review*, vol. 84, no. 3 (2008-2009): 1195-1246, 1223, accessed October 14, 2025, <https://ndlawreview.org/wp-content/uploads/2013/07/Rachlinski.pdf>; Elizabeth Hinton, LeShae Henderson, and Cindy Reed, “An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System,” Vera Institute of Justice, May 2018, <https://www.vera.org/publications/for-the-record-unjust-burden> (accessed September 11, 2025).

²³⁷ Human Rights Watch interview with Diane, attorney, June 10, 2025.

Many interviewees commented on the absurdity of a system that can determine that a young person lacks the maturity to have an abortion independently, and must therefore remain pregnant and become a parent against their will.

Quinn, the director of services at an abortion fund, said: “It’s really nerve-wracking. You’re standing up with your knees shaking before an adult, probably a man, probably a white man, who has this ultimate decision over whether or not you are grown up enough to make a decision about whether or not to get an abortion. And if he doesn’t allow you to, the decision is that you’re grown up enough to be a parent. It’s this silly irony we all realize. It’s so ridiculous.... It’s not the criminal legal system’s place to govern that at all.”²³⁸

“The whole concept of it is slightly strange to me and an odd juxtaposition,” said Madison, an abortion care worker interviewed for this report. “Essentially you are having to go before a judge and plead your case on why you are mature enough or aware enough or independent enough to be able to choose to have an abortion on your own, and then if the judge rules you’re not, then ... that could result in continuing a pregnancy. It’s a very odd juxtaposition.”²³⁹

Ayana, the director of an abortion care clinic, explained: “The idea that a young person is not mature enough to make a decision about whether or not they want to parent, but they are mature enough to raise a child. That’s the part that feels so disingenuous.... You can’t decide not to be pregnant, but you can raise a child for the rest of your life with no one questioning your maturity level.”²⁴⁰

The Harm of Intersectional and Compounding Barriers

Forced parental involvement laws and judicial bypass processes disproportionately impact youth already facing larger systematic barriers to accessing abortion and the legal system at large.²⁴¹ In general, Black, Indigenous, and other youth of color, young people

²³⁸ Human Rights Watch interview with Quinn, director of services at an abortion fund, May 14, 2025.

²³⁹ Human Rights Watch interview with Madison, abortion care worker, June 18, 2025.

²⁴⁰ Human Rights Watch interview with Ayana, director of an abortion care clinic, June 3, 2025.

²⁴¹ See, for example, Sarah Wood and Aletha Y. Akers, “Access to Comprehensive Reproductive Health Care is an Adolescent Health Issue,” PolicyLab and Guttmacher Institute, November 2022, <https://www.guttmacher.org/article/2022/11/access-comprehensive-reproductive-health-care-adolescent-health-issue> (accessed July 21, 2025). (“This means individuals with

experiencing homelessness, low-income youth, rural youth, LGBTQ youth, immigrant youth, and those in the foster system face larger systematic, intersecting and compounding barriers because of structural racism, classism, homophobia, transphobia, xenophobia, and historical disenfranchisement.²⁴²

“The young people that need judicial bypass are the most marginalized young people who are already trying to navigate the complexities of their life situation to get time-sensitive health care,” said Andie, a staff member at an abortion care clinic. “To be adding on a judicial bypass process, yes, we’ve done everything we can to make it as smooth as possible, but it’s still a barrier, no doubt about it. Young people should be trusted to get the care they need without all these excess barriers.”²⁴³

Substantial research exists illustrating that young people of color, particularly Black and Indigenous youth, navigate abortion access and the judicial bypass process in the context of deep-rooted injustice, oppression, and criminalization.²⁴⁴ As one interviewee explained when describing the distrust and fear many young people experience in navigating the legal system: “[I]nteraction with the white patriarchal system we live and function in really dictates how some folks will feel about that process.”²⁴⁵ Diane, an attorney interviewed for this report, explained that judicial bypass causes disproportionate harm to youth of color, including Native and Black youth, in part because it “requires more engagement with systems that are themselves implicitly or explicitly racist.”²⁴⁶ Judicial bypass exposes young people of color to the “embedded racism,” as Diane described it, in the US legal system.²⁴⁷

In Indigenous communities, inadequate funding for the Indian Health Service (“IHS”), and the federal Hyde Amendment’s prohibition on funding for abortion care through IHS, also

the least financial means, greatest access barriers, and longer distances to services will face more access challenges or be forced to forgo care. These inequities will be further magnified for young people who face additional challenges traveling and navigating state-varied parental involvement requirements.”)

²⁴² See National Center for Juvenile Justice, “Disproportionality Rates for Children of Color in Foster Care Dashboard (2010-2021),” 2021, https://www.ncjj.org/AFCARS/Disproportionality_Dashboard.asp?selDisplay=2 (accessed May 1, 2025); Human Rights Watch and ACLU, *“If I Wasn’t Poor, I Wouldn’t Be Unfit”: The Family Separation Crisis in the US Child Welfare System* (New York: Human Rights Watch, 2022), <https://www.hrw.org/report/2022/11/17/if-i-wasnt-poor-i-wouldnt-be-unfit/family-separation-crisis-us-child-welfare>, pp. 44–45.

²⁴³ Human Rights Watch interview with Andie, staff member at an abortion care clinic, March 6, 2025.

²⁴⁴ Loretta J. Ross and Rickie Solinger, *Reproductive Justice: An Introduction* (University of California Press, 2017), pp. 9-57.

²⁴⁵ Human Rights Watch interview with Angela, staff member at an abortion care clinic, February 26, 2025.

²⁴⁶ Human Rights Watch interview with Diane, attorney, June 10, 2025.

²⁴⁷ Human Rights Watch interview with Diane, attorney, June 10, 2025.

leave access to abortion care severely limited.²⁴⁸ Youth from rural and Indigenous communities may have to travel extremely long distances to access court for judicial bypass, or to access abortion care. For example, in Montana, a geographically large state without any in-person abortion care clinics on tribal lands,²⁴⁹ Indigenous young people living on reservations may have to travel hundreds of miles to access care, although they disproportionately lack access to reliable transportation.²⁵⁰

“A lot of Indigenous communities that live on reservation are living with scarce resources, with accessibility challenges,” said Calli, a representative of an Indigenous-led organization working for reproductive sovereignty. “The biggest barrier is access, physical access. Having to travel out, finding transportation.” She added that many youth on reservations may struggle to maintain privacy and confidentiality when seeking abortion care: “Living situations are dense, community shares, and sometimes it’s too personal, making it difficult to move in privacy and feel dignified.”²⁵¹

National data show that people of color need to seek abortion care, and confront obstacles to it, more frequently than white people²⁵² for a variety of reasons, including disparities in rates of unintended pregnancy; economic, geographic, and social barriers to accessing health care; and unequal access to health insurance and contraception.²⁵³ As a result,

²⁴⁸ Lauren van Schilfgaarde et al., “Tribal Nations and Abortion Access: A Path Forward,” *Harvard Journal of Law & Gender*, vol. 46 (2023): 1, 5, 9, 14-15, 16, 19-20, accessed October 14, 2025, <https://journals.law.harvard.edu/jlg/wp-content/uploads/sites/88/2023/04/Tribal-Nations.pdf> (“The majority of funding for health services in Indian country comes from federal dollars. Thus, while the Hyde Amendment was not directed at Tribes, it has an outsized impact on Native people.”)

²⁴⁹ AbortionFinder, “Abortion in Montana,” <https://www.abortionfinder.org/abortion-guides-by-state/abortion-in-montana/providers> (accessed October 14, 2025).

²⁵⁰ Lauren van Schilfgaarde et al., “Tribal Nations and Abortion Access: A Path Forward,” pp. 1, 5, 9, 14-15, 16, 19-20. (“The majority of funding for health services in Indian country comes from federal dollars. Thus, while the Hyde Amendment was not directed at Tribes, it has an outsized impact on Native people.”)

²⁵¹ Human Rights Watch interview with Calli, representative of an Indigenous-led organization, June 2, 2025.

²⁵² Stephanie Ramer et al., “Abortion Surveillance — United States, 2022,” *Morbidity and Mortality Weekly Report Surveillance Summaries*, vol. 73, no. 7 (2024): 1-28, accessed July 16, 2025, doi:10.15585/mmwr.ss7307a1.

²⁵³ See, for example, Amnesty International, the Global Justice Center, the Southern Rural Black Women’s Initiative for Economic and Social Justice, and Human Rights Watch, “Joint Submission to the United Nations Committee on the Elimination of Racial Discrimination,” July 15, 2022, <https://www.hrw.org/news/2022/07/15/us-joint-submission-united-nations-committee-elimination-racial-discrimination>; “The Disproportionate Harm of Abortion Bans: Spotlight on *Dobbs v. Jackson Women’s Health*,” Center for Reproductive Rights press release, November 29, 2021, <https://reproductiverights.org/supreme-court-case-mississippi-abortion-ban-disproportionate-harm/> (accessed October 14, 2025); Amanda Jean Stevenson, “The Pregnancy-Related Mortality Impact of a Total Abortion Ban in the United States: A Research Note on Increased Deaths Due to Remaining Pregnant,” *Demography*, vol. 58, no. 6 (2021): 2019–2028, accessed October 14, 2025, doi:10.1215/00703370-9585908; Sarah Green Carmichael, “Criminalizing Abortion Will Hurt Black Women

abortion restrictions like forced parental involvement tend to disproportionately harm Black, Indigenous, and other people of color, as well as people with lower incomes. Research in the states of Illinois and Massachusetts found that young people of color were disproportionately harmed by forced parental involvement laws.²⁵⁴ As described below, that kind of disproportionate impact would make these policies discriminatory in a way that violates US obligations under international law.

Because of homophobia and transphobia, youth who are LGBTQ often experience significant discrimination and stigma, both in the healthcare system and in society in general, which can be exacerbated by forced parental involvement laws.²⁵⁵ For LGBTQ youth who have been rejected by their families for their sexual orientation or gender identity, abortion stigma and rejection can be even more damaging.²⁵⁶ This is particularly true for transgender or non-binary youth seeking sexual and reproductive care where barriers to care for them may already be high, and can lead to delaying or avoiding care at all.²⁵⁷

The judicial bypass process could feel particularly stigmatizing. As a youth advocate noted, LGBTQ youth “might not feel like their decisions and situation is being judged, but rather they’re being judged for who they are as a person. That could really deter them from getting a judicial bypass.”²⁵⁸ In addition, while transgender and non-binary youth must disclose their sex assigned at birth to medical providers when seeking an abortion, the additional task of seeking a judicial bypass would compel them to out themselves as assigned female at birth to even more third parties (a lawyer, a judge, a court reporter,

Most,” *Bloomberg*, June 25, 2022, <https://www.bloomberg.com/opinion/articles/2022-06-25/abortion-bans-will-disproportionately-affect-black-women> (accessed October 14, 2025); Amici Curiae Brief of Birth Equity Organizations and Scholars Supporting Respondents, *Dobbs v. Jackson Women’s Health Organization* (2021) (No. 19-1392).

²⁵⁴ Human Rights Watch and the American Civil Liberties Union of Illinois, “*The Only People It Really Affects Are the People It Hurts*”: *The Human Rights Consequences of Parental Notice of Abortion in Illinois* (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/03/11/only-people-it-really-affects-are-people-it-hurts/human-rights-consequences>; Elizabeth Janiak et al., “Massachusetts’ Parental Consent Law and Procedural Timing Among Adolescents Undergoing Abortion,” *Obstetrics & Gynecology*, vol. 133, no. 5 (2019): 978-986, accessed October 14, 2025, doi:10.1097/AOG.0000000000003190.

²⁵⁵ Allison M. Whelan, “An Inclusive Approach to LGBTQ+ Abortion Rights,” April 25, 2022, <https://www.sir.advancedleadership.harvard.edu/articles/an-inclusive-approach-to-lgbtq-abortion-rights> (accessed October 14, 2025).

²⁵⁶ Kate Coleman-Minahan et al., “Adolescents Obtaining Abortion Without Parental Consent: Their Reasons and Experiences of Social Support,” *Perspectives on Sexual and Reproductive Health*, vol. 52, no. 1 (2020): accessed October 14, 2025, doi:10.1363/psrh.12132.

²⁵⁷ Ibid.

²⁵⁸ If/When/How interview with Faith, youth advocate, July 30, 2025.

etc.). This additional forced disclosure could cause further distress and raise privacy and safety concerns.

For young people from immigrant families with mixed legal status, fear of immigration enforcement and deportation obstruct access to care generally.²⁵⁹ People interviewed for this report expressed significant concern that fear of immigration consequences deterred immigrant youth from pursuing judicial bypass.²⁶⁰ Others described the stress for immigrant youth of pursuing judicial bypass in spite of their fears. Sienna, an attorney, described one client's experience: "Either she or her parents were undocumented, and that's what she was very concerned about, going to court to get the order. She was asking me, 'That's not something that's going to come up in this hearing, right? Don't bring it up.'"²⁶¹

In addition, youth in the foster system face unique and particular challenges when navigating forced parental involvement laws. As described above, forced parental involvement laws often create significant confusion for youth in the foster system whose parents may remain involved in their lives and retain certain rights. Even in situations where a young person's parent can legally receive notice under state law, mandating disclosure of a pregnancy can strain family relationships as they are being rebuilt or repaired and delay family reunification. As Diane, an attorney with experience supporting youth in the foster system, explained, "For some people, pregnancy is something that they know their parent simply won't accept,... and that can break a relationship that they're trying to rebuild."²⁶²

Because of confusion around the law or an unwillingness to jeopardize family integrity, many youth in the foster system are left with no other option than to navigate the judicial bypass process, a process that can be particularly fraught for them. One youth advocate explained: "They may still love their parent and not want to get them in trouble and not know how much they can disclose or share [in court]. There may still be an instinct to protect their parent, and having to disclose to a court to get an abortion may worry them

²⁵⁹ Physicians for Human Rights, "Consequences of Fear: How the Trump Administration's Immigration Policies and Rhetoric Block Access to Health Care," April 2025, https://phr.org/wp-content/uploads/2025/04/Consequences-of-Fear_Research-Brief_PHR_April-2025.pdf (accessed July 21, 2025).

²⁶⁰ Human Rights Watch interview with Esme, director, and Stephanie, staff member at a non-profit organization supporting pregnant youth, June 10, 2025; and Calli, representative of an Indigenous-led organization, June 2, 2025.

²⁶¹ Human Rights Watch interview with Sienna, attorney, April 2, 2025.

²⁶² Human Rights Watch interview with Diane, attorney, June 10, 2025.

that they're going to get their parent in trouble.”²⁶³ As Diane, the attorney quoted above, explained: “Going to court and having to stand in front of a judge [to access health care] when you’ve been brought up on charges, or if you’re in foster care and had to talk about familial abuse and have the court separate you from your siblings, it can lift up and trigger a lot of trauma, up to and including PTSD [post-traumatic stress disorder].”²⁶⁴

²⁶³ If/When/How interview with Charlotte, youth advocate, July 10, 2025.

²⁶⁴ Human Rights Watch interview with Diane, attorney, June 10, 2025.

V. Young People Have the Capacity to Make Autonomous Abortion Decisions

If someone has come to the decision this is best for them, they're capable of making the decision of when is the best time to discuss that with their parents.

–Tara, youth advocate, July 31, 2025

Young people under 18 are capable of making the best decisions regarding their own sexual and reproductive health care. Prominent professional healthcare associations, including the American Medical Association,²⁶⁵ the American Academy of Pediatrics,²⁶⁶ the American Public Health Association,²⁶⁷ and the American College of Obstetricians and Gynecologists²⁶⁸ oppose forced parental involvement for abortion. The associations have concluded that mandatory parental involvement laws and judicial bypass procedures can cause adverse health effects and psychological harm to young people.

Diane, an attorney with extensive experience working with pregnant youth, described a model of cognitive information processing that distinguishes between “hot” and “cold” cognition. “Hot” cognition indicates quick or impulsive decisions often made under social pressure, or driven by emotional factors. “Cold” cognition describes careful information processing and problem-solving that relies on logic and reason.²⁶⁹ Diane explained: “If you

²⁶⁵ American Medical Association Council on Ethical and Judicial Affairs, “Mandatory Parental Consent to Abortion,” *Journal of the American Medical Association*, vol. 269, no. 1 (1993): 82–86, accessed July 16, 2025, doi:10.1001/jama.1993.03500010092039.

²⁶⁶ American Academy of Pediatrics, Committee on Adolescence, “Policy Statement: The Adolescent’s Right to Confidential Care When Considering Abortion,” *Pediatrics*, vol. 150, no. 3 (2022): accessed July 21, 2025, doi:10.1542/peds.2022-058780.

²⁶⁷ American Public Health Association, “Ensuring Minors’ Access to Confidential Abortion Services,” Policy No. 20115, November 2011, <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/03/11/14/ensuring-minors-access-to-confidential-abortion-services> (accessed July 16, 2025).

²⁶⁸ American College of Obstetricians and Gynecologists, Committee on Health Care for Underserved Women, “Increasing Access to Abortion,” Committee Opinion Number 815, December 2020, <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2020/12/increasing-access-to-abortion> (accessed July 16, 2025).

²⁶⁹ See, for example, Orma Ravindranath et al., “Adolescent neurocognitive development and decision-making abilities regarding gender-affirming care,” *Developmental Cognitive Neuroscience*, vol. 67 (2024): accessed October 14, 2025, doi:10.1016/j.dcn.2024.101351. “The field’s current understanding of adolescent neurocognitive development indicates that adolescents and young adults can make adult level, goal-oriented decisions, including those with long term consequences, provided the appropriate context – which includes support from adults, longer timescales, and information required to evaluate the outcomes.”

can create spaces for cold cognition, young people have the capacity to make decisions and will make decisions in the way any adult brain will.” She emphasized that enabling young people to use cold cognition to make informed healthcare decisions requires “creating affirming, safe, non-stressful spaces where young people can speak with someone they trust and get questions answered.”²⁷⁰

The people interviewed for this report stressed that young people have the capacity to make decisions about their health. “Every minor that I’ve ever cared for has had that capacity to make [informed healthcare] decisions,” said Naomi, an obstetrician-gynecologist and abortion care provider. Naomi explained that healthcare providers are trained to obtain informed consent from their patients and to assess their ability to make healthcare decisions: “We evaluate capacity all the time, not just in patients that are minors. We just utilize the same clinical skills to ensure that someone can understand the procedure or medication, the risks, the benefits, the follow-up.”²⁷¹

Several healthcare providers we interviewed emphasized that it is developmentally appropriate for adolescent patients to make autonomous and independent healthcare decisions. “It’s important for their development to be their own decision-makers,” said Elizabeth, an obstetrician-gynecologist and abortion care provider. “The decision to continue a pregnancy—no one can make that decision for you.”²⁷²

Similarly, Elena, a family physician interviewed for this report, spoke of adolescent capacity to make healthcare decisions: “When you provide them with all of the necessary information, [and]... when you teach them about their own health and bodies, they are perfectly capable of making an informed decision about their health and their bodily autonomy.”²⁷³

Many judicial bypass attorneys described being struck by the maturity of the young people that were seeking judicial waivers in order to access abortion care without involving a parent. Sharon, an attorney, gave an example of one client: “The judge asked her to give him an example of why she thought she was mature enough to make this decision. She

²⁷⁰ Human Rights Watch interview with Diane, attorney, June 10, 2025.

²⁷¹ Human Rights Watch interview with Naomi, obstetrician-gynecologist and abortion care provider, May 8, 2025.

²⁷² Human Rights Watch interview with Elizabeth, obstetrician-gynecologist and abortion care provider, February 3, 2025.

²⁷³ Human Rights Watch interview with Elena, family physician, April 2, 2025.

said, ‘Okay, I had been working to save up my money to pay for a driver’s ed course, and my parents were unable to make the rent, and they asked me if I would give them my driver’s ed money, and I gave it to them.’”²⁷⁴

Anne, another bypass attorney, said her clients had carefully considered their options before deciding to have an abortion: “Talking about why they couldn’t handle being a parent. Talking about their dreams of what they wanted to do in their lives. What they had seen in friends or family members who had not chosen to terminate a pregnancy. A real appreciation of where they were in their lives and that they wouldn’t be good parents, but they wouldn’t [place] a child for adoption either. They couldn’t see [themselves] doing that.”²⁷⁵

Most state laws recognize young people’s rights and capacity to make independent decisions related to sexual and reproductive health care, including related to pregnancy.

In each of the six states examined in this report, young people under 18 can consent to certain sexual and reproductive healthcare services without parental involvement.²⁷⁶ Importantly, youth under 18 can decide to continue a pregnancy, access prenatal care, make decisions around labor and delivery, or consent to a caesarean section without involving a parent.²⁷⁷ Abortion is the exception, even though it is far safer than continuing a pregnancy and giving birth.²⁷⁸ “Abortion is unique in that regard as it has been singled out for these additional onerous [parental involvement] requirements,” an attorney explained.²⁷⁹

Several interviewees said they had supported patients whose parents were pressuring them to end a pregnancy they wished to continue.²⁸⁰ In all of these cases, providers

²⁷⁴ Human Rights Watch interview with Sharon, attorney, March 20, 2025.

²⁷⁵ Human Rights Watch interview with Anne, attorney, February 12, 2025.

²⁷⁶ See, for example, Abigail English and Rebecca Gudeman, *Minor Consent and Confidentiality: A Compendium of State and Federal Laws*, National Center for Youth Law, August 2024, <https://youthlaw.org/sites/default/files/2024-10/NCYLMinorConsentCompendium2024.pdf> (accessed October 14, 2025).

²⁷⁷ *Ibid.*

²⁷⁸ Elizabeth Raymond and David Grimes, “The Comparative Safety of Legal Induced Abortion and Childbirth in the United States,” *Obstetrics & Gynecology*, vol. 119, no. 2 (2012): pp. 215-219, accessed October 14, 2025, doi:10.1097/AOG.0b013e31823fe923; “The Safety and Quality of Abortion Care in the United States,” *National Academies of Sciences, Engineering, and Medicine* (Washington, DC: The National Academies Press, 2018), accessed October 14, 2025, doi:10.17226/24950.

²⁷⁹ Human Rights Watch interview with James, attorney, February 21, 2025.

²⁸⁰ For example, Human Rights Watch interviews with Parker, staff member at an abortion fund, June 10, 2025; Amanda, nurse and abortion care provider, June 24, 2025; and Cameron, staff member at an abortion care clinic, March 12, 2025.

ensured young people knew they had the right to continue the pregnancy and decline abortion care, regardless of their parents' wishes. Healthcare workers interviewed for this report took great care to ensure their patients had carefully considered their options and provided full, informed consent before an abortion. No states have laws requiring young pregnant people to involve a parent or a judge in their decision to continue a pregnancy, if that is what they want. Young people wishing to end a pregnancy should have the same autonomy over their bodies and futures.

VI. Forced Parental Involvement Laws and International Human Rights Law

Access to abortion is a human right, including for young people under 18. Human rights experts have called for the removal of barriers that impede or deny access to abortion care²⁸¹ and have specifically identified parental involvement requirements as a barrier to abortion access.²⁸² This report describes how forced parental involvement laws infringe upon a range of human rights, including young people’s rights to health, to privacy and confidentiality of health services and information, to nondiscrimination and equality, and to be free from cruel, inhuman or degrading treatment.

The Convention on the Rights of the Child (CRC), which the United States has signed but not ratified, sets out in detail the human rights of every person under 18. It states that “[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”²⁸³ The United Nations Committee on the Rights of the Child, which monitors the implementation of the Convention on the Rights of the Child, has urged governments to decriminalize abortion and to “ensure that girls have access to safe abortion and post-abortion services, review legislation with a view to guaranteeing the best interests of pregnant adolescents and ensure that their views are always heard and respected in abortion-related decisions.”²⁸⁴

²⁸¹ See, for example, UN Human Rights Committee, Concluding observations on the fifth periodic report of the United States of America, UN Doc. CCPR/C/USA/CO/5 (2023), paras. 28-29.

²⁸² UN Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, UN Doc. A/HRC/32/32, April 4, 2016, para. 16; UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 22 on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/GC/22 (2016), para. 41.

²⁸³ UN Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, UN Doc. A/44/49 (1989), entered into force September 2, 1990, art. 3.

²⁸⁴ UN Committee on the Rights of the Child, General Comment No. 20 on the implementation of the rights of the child during adolescence, UN Doc. CRC/C/GC/20 (2016), para. 60.

Right to Health

International human rights law guarantees the right to the highest attainable standard of physical and mental health.²⁸⁵ Article 24 of the Convention on the Rights of the Child recognizes “the right of the child to the enjoyment of the highest attainable standard of health” and requires states to “strive to ensure that no child is deprived of his or her right of access to such health care services.”²⁸⁶

The Committee on the Rights of the Child has established that states have an obligation to provide young people under 18 with access to sexual and reproductive health information and services, including safe abortion. In General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health, the committee noted, “States should ensure that health systems and services are able to meet the specific sexual and reproductive health needs of adolescents, including family planning and safe abortion services” and “work to ensure that girls can make autonomous and informed decisions about their reproductive health.”²⁸⁷ In its General Comment No. 20 on the implementation of the rights of the child during adolescence, the committee asserted that “[a]ll adolescents should have access to free, confidential, adolescent-responsive and non-discriminatory reproductive and sexual health information and services, health and education.”²⁸⁸ The committee also emphasized that states should decriminalize abortion “to ensure that girls have access to safe abortion and post-abortion services.”²⁸⁹

The UN Committee on Economic, Social and Cultural Rights (CESCR) in General Comment No. 22 on the right to sexual and reproductive health, affirmed that “Removal of all barriers interfering with access by women to comprehensive sexual and reproductive health services, goods, education and information is required....Preventing unintended pregnancies and unsafe abortions requires States to adopt legal and policy measures to guarantee all individuals access to affordable, safe and effective contraceptives and comprehensive sexuality education, including for adolescents; to liberalize restrictive

²⁸⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, UN Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 12(1).

²⁸⁶ CRC, para. 1.

²⁸⁷ Committee on the Rights of the Child, General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), UN Doc. CRC/C/GC/15 (2013), para. 56.

²⁸⁸ Committee on the Rights of the Child, General Comment No. 20 on the implementation of the rights of the child during adolescence, UN Doc. CRC/C/GC/20 (2016), para. 59.

²⁸⁹ *Ibid.*, para. 60.

abortion laws; to guarantee women and girls access to safe abortion services and quality post-abortion care ... and to respect the right of women to make autonomous decisions about their sexual and reproductive health.”²⁹⁰

In General Comment No. 15, the Committee on the Rights of the Child specified that the child’s right to health includes both “freedoms and entitlements” and that:

The freedoms, which are of increasing importance in accordance with growing capacity and maturity, include the right to control one’s health and body, including sexual and reproductive freedom to make responsible choices.²⁹¹

The committee noted that states should ensure young people “can make autonomous and informed decisions on their reproductive health.”²⁹² It also has stressed that young people’s views in abortion-related decisions in particular should be heard and respected.²⁹³

In General Comment No. 20, the committee further discussed consent to medical treatment and the evolving capacities of adolescents, urging states to “review or introduce legislation recognizing the right of adolescents to take increasing responsibility for decisions affecting their lives.... Consideration should also be given to the introduction of a legal presumption that adolescents are competent to seek and have access to preventive or time-sensitive sexual and reproductive health commodities and services.”²⁹⁴

The Committee on the Rights of the Child also stated:

There should be no barriers to commodities, information and counselling on sexual and reproductive health and rights, such as requirements for third-party consent or authorization. In addition, particular efforts need to

²⁹⁰ CESCR, General Comment No. 22 on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/GC/22 (2016), para. 28.

²⁹¹ Committee on the Rights of the Child, General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), UN Doc. CRC/C/GC/15 (2013), para. 24.

²⁹² *Ibid.*, para. 56.

²⁹³ Committee on the Rights of the Child, General Comment No. 20 on the implementation of the rights of the child during adolescence, UN Doc. CRC/C/GC/20 (2016), para. 60.

²⁹⁴ *Ibid.*, para. 39.

be made to overcome barriers of stigma and fear experienced by, for example, adolescent girls, girls with disabilities and lesbian, gay, bisexual, transgender and intersex adolescents, in gaining access to such services.²⁹⁵

Commenting specifically on the issue of parental involvement in sexual and reproductive health care, CESCR has stated:

The obligation to respect also requires States to repeal, and refrain from enacting, laws and policies that create barriers in access to sexual and reproductive health services. This includes third-party authorization requirements, such as parental, spousal and judicial authorization requirements for access to sexual and reproductive health services and information, including for abortion and contraception.²⁹⁶

In a 2016 report on adolescents' rights to physical and mental health, the UN Special Rapporteur on the right to health commented on young people's right and capacity to make their own decisions regarding health care:

[T]oo often States continue to deny adolescents the right to make autonomous and confidential decisions with regard to accessing health services by requiring parental notification or consent. These restrictions often make adolescents reluctant to access needed services so as to avoid seeking parental consent, which may result in rejection, stigmatization, hostility or even violence. States are urged to consider the introduction of a legal presumption of competence that an adolescent seeking preventive or time-sensitive health goods and services, including for sexual and reproductive health, has the requisite capacity to access such goods and services. Where minimum ages of consent exist, as the Committee on the Rights of the Child has argued, any adolescent below that age and able to demonstrate sufficient understanding should be entitled to give or refuse

²⁹⁵ Ibid., para. 60.

²⁹⁶ CESCR, General Comment No. 22 on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/GC/22 (2016), para. 41.

consent. At a minimum, States should ensure a minimum age well below 18 years at which adolescents have the right to consent to or refuse services without mandatory authorization or notification of parent, guardian, spouse or intimate partner.²⁹⁷

Rights to Privacy and Confidentiality of Health Information and Services

International human rights law affirms the right to privacy.²⁹⁸ The Committee on the Rights of the Child has stated, “The right to privacy takes on increasing significance during adolescence.”²⁹⁹

As described above, the committee has affirmed that all adolescents should have access to confidential reproductive and sexual health information and services, including safe abortion care.³⁰⁰ It has recommended that governments ensure that anyone under 18 has access to confidential medical counsel and assistance without requiring parental notification or consent, including for reproductive health services,³⁰¹ and specifically called for adolescents to have access to safe and confidential abortion without stigmatization.³⁰²

The CESCR has also stressed that “The realization of the right to health of adolescents is dependent on the development of youth-friendly health care, which respects confidentiality and privacy and includes appropriate sexual and reproductive health services.”³⁰³

²⁹⁷ UN Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, UN Doc. A/HRC/32/32, April 4, 2016, paras. 59-60.

²⁹⁸ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 17(1).

²⁹⁹ Committee on the Rights of the Child, General Comment No. 20 on the implementation of the rights of the child during adolescence, UN Doc. CRC/C/GC/20 (2016), para. 46.

³⁰⁰ *Ibid.*, para. 59.

³⁰¹ See, for example, Committee on the Rights of the Child, Concluding Observations on Poland, UN Doc. E/C.12/POL/CO/6 (2016); Indonesia, UN Doc. CRC/C/IDN/CO/3-4 (2014); Venezuela, UN Doc. CRC/C/VEN/CO/3-5 (2014); and Morocco, UN Doc. CRC/C/MAR/CO/3-4 (2014).

³⁰² See, for example, Committee on the Rights of the Child, Concluding Observations on Sri Lanka, UN Doc. CRC/C/LKA/CO/5-6 (2018); and India, UN Doc. CRC/C/IND/CO/3-4 (2014).

³⁰³ CESCR, General Comment No. 14 The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant), UN Doc. E/C.12/2000/4 (2000), para. 23.

Rights to Nondiscrimination and Equality under the Law

The rights to nondiscrimination and equality under the law are set forth in major international human rights treaties.³⁰⁴ These rights are critical for guaranteeing all adolescents the right to make autonomous decisions about their sexual and reproductive health. The CESCR notes, “Age is a prohibited ground of discrimination in several contexts” and “[i]n relation to young persons, unequal access by adolescents to sexual and reproductive health information and services amounts to discrimination.”³⁰⁵

As described above, abortion restrictions, including those framed around forced parental involvement, have been found to disproportionately harm Black, Indigenous, and other people of color. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which the US ratified in 1994, prohibits discrimination in effect as well as purpose on racial or ethnic grounds, and requires governments to overcome structural discrimination.³⁰⁶ The UN Committee on the Elimination of Racial Discrimination in September 2022 urged the US “to address the profound disparate impact of the Supreme Court’s ruling in *Dobbs v. Jackson Women’s Health Organization* on women of racial and ethnic minorities, Indigenous women, and those with low incomes, and to provide safe, legal and effective access to abortion,” in line with its human rights obligations.³⁰⁷

Human rights bodies have recognized that overly restrictive laws regarding sexual and reproductive health services—such as laws restricting the legality of abortion care and requiring third-party involvement—can violate the right to nondiscrimination.³⁰⁸ The CESCR

³⁰⁴ ICCPR, arts. 2, 26, and ICESCR, art. 2.

³⁰⁵ CESCR, General Comment No. 20 on Non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20 (2009), para. 29.

³⁰⁶ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969 (prohibiting unlawful discrimination “based on race, colour, descent, or national or ethnic origin”), art. 1. The US ratified the ICERD in October 1994. UN Committee on the Elimination of Racial Discrimination (CERD), General Comment No. 34 (2011) on racial discrimination against people of African descent, UN Doc. CERD/C/GC/34 (2011), para. 6.

³⁰⁷ CERD, Concluding observations on the combined tenth to twelfth reports of the United States of America, UN Doc. CERD/C/USA/CO/10-12 (2022), para. 36.

³⁰⁸ See, for example, Committee on the Rights of the Child, Concluding Observations on Namibia, UN Doc. CRC/C/NAM/CO/2-3 (2012), para. 57(a); (“The State party’s punitive abortion law and various social and legal challenges, including long delays in accessing abortion services within the ambit of the current laws for pregnant girls. In this regard, the Committee notes with concern that such a restrictive abortion law has led adolescents to abandon their infants or terminate pregnancies under illegal and unsafe conditions, putting their lives and health at risk, which violates their rights to life, to freedom from discrimination, and to health”).

has said: “There exists a wide range of laws, policies and practices that undermine autonomy and right to equality and non-discrimination in the full enjoyment of the right to sexual and reproductive health, for example criminalization of abortion or restrictive abortion laws” and urged states to ensure “that all individuals and groups have equal access to the full range of sexual and reproductive health information, goods and services, including by removing all barriers that particular groups may face.”³⁰⁹ CESCR identified adolescents among the “particular groups [that] may be disproportionately affected by intersectional discrimination in the context of sexual and reproductive health.”³¹⁰

Freedom from Cruel, Inhuman or Degrading Treatment

Human Rights Watch has discussed elsewhere how the criminalization and inaccessibility of abortion is incompatible with the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment.³¹¹

The Committee on the Elimination of Discrimination Against Women identified “the denial or delay of safe abortion” and “forced continuation of pregnancy” as “forms of gender-based violence that, depending on the circumstances, may amount to torture or cruel, inhuman or degrading treatment.”³¹²

The UN Special Rapporteur on torture, in a 2016 report on the experiences of women, girls, and lesbian, gay, bisexual, transgender, and intersex persons, noted that women and girls can “face significant difficulties in accessing legal abortion services due to administrative and bureaucratic hurdles, refusal on the part of health-care workers to adhere to medical protocols that guarantee legal rights, negative attitudes, official incompetence or disinterest.” The special rapporteur concluded: “The denial of safe abortions and subjecting women and girls to humiliating and judgmental attitudes in such contexts of

³⁰⁹ CESCR, General Comment No. 22 on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/GC/22 (2016), para. 34.

³¹⁰ *Ibid.*, para. 30.

³¹¹ See, for example, Human Rights Watch, *“It’s Your Decision, It’s Your Life”: The Total Criminalization of Abortion in the Dominican Republic* (New York: Human Rights Watch, November 2018), <https://www.hrw.org/report/2018/11/19/its-your-decision-its-your-life/total-criminalization-abortion-dominican-republic>; Human Rights Watch, Amicus Curiae Regarding Access to Abortion in Colombia, January 30, 2020, <https://www.hrw.org/news/2020/01/30/amicus-curiae-regarding-access-abortion-colombia>.

³¹² Committee on the Elimination of Discrimination Against Women, General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, UN Doc. CEDAW/C/GC/35 (2017), para. 18.

extreme vulnerability and where timely health care is essential amount to torture or ill-treatment.”³¹³

³¹³ UN Human Rights Council, Report of the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/HRC/31/57, January 5, 2016, para. 44.

Acknowledgments

This report is the product of a collaboration between Human Rights Watch and If/When/How: Lawyering for Reproductive Justice (If/When/How). Margaret Wurth, senior researcher in the Children’s Rights Division at Human Rights Watch; Katie Baylie, youth access counsel at If/When/How; and Jessica Goldberg, associate director of youth access at If/When/How researched and wrote the report. Jo Becker, advocacy director of the Children’s Rights Division at Human Rights Watch, edited the report.

At Human Rights Watch, Matt McConnell, researcher in the Economic Justice and Rights Division; Yasemin Smallens, officer in the LGBT Rights Program; Trey Walk, researcher and advocate in the US Program; and Skye Wheeler, senior researcher in the Women’s Rights Division reviewed and commented on the report. Tom Porteous, acting program director, provided program review, and Chris Albin-Lackey, senior legal advisor, provided legal review.

At If/When/How, Desireé Martin, public education communications manager; Jen Girdish, communications director; Sage Carson, media manager; Tayler Tucker, senior communications manager; Farah Diaz-Tello, senior counsel and legal director; and Prachi Dave, senior managing legal & policy director reviewed and commented on the report.

Katherine La Puente, senior coordinator in the Children’s Rights Division at Human Rights Watch, provided editorial and production support and formatted the report. Travis Carr, publications manager; Fitzroy Hepkins, senior administrative manager; and José Martínez, administrative officer at Human Rights Watch provided additional production assistance and prepared the report for publication.

Human Rights Watch and If/When/How are grateful for the support, collaboration, time, and insights offered by many organizations and experts on this project. We wish to thank Physicians for Human Rights’ Ethics Review Board for reviewing our research plans and protocols to ensure we took care to protect research participants.

Most importantly, we are deeply grateful to everyone who shared their stories and insights with us for this report.



Whose Abortion Is It?

The Harms of State-Mandated Parental Notification for Abortion and Judicial Bypass in the United States

As access to abortion in the United States continues to deteriorate, young people face additional hurdles to receiving care. Several US states have laws requiring a healthcare provider to notify a parent or legal guardian before providing abortion care to anyone under 18. Most young people considering abortion involve a parent in their decision. Those who do not often have no access to a parent or fear that parental involvement will lead to severe consequences, such as physical abuse, loss of housing, family alienation, or forced continuation of a pregnancy against their wishes. The alternative to notifying a parent involves petitioning a judge for a court order in an invasive, stressful, and often traumatizing process called “judicial bypass.”

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Whose Abortion Is It? The Harms of State-Mandated Parental Notification for Abortion and Judicial Bypass in the United States, a collaboration between Human Rights Watch and If/When/How: Lawyering for Reproductive Justice, examines the harmful consequences of state-mandated parental notification and judicial bypass across six states in the US. Based on interviews with dozens of healthcare providers, attorneys, and other experts, the report documents how forced parental involvement laws harm young people—whether they elect to notify a parent, go through judicial bypass, or forgo care and remain pregnant against their wishes.

The report urges lawmakers in states with parental notification laws to repeal these laws and affirm young people’s rights to make fundamental decisions about their bodies and lives.