

1
2
3 Title: Rescind Mandatory Parental Consent Re: Pregnancy Options of Minors
4
5 Introduced by: Linh-An Cao for the Medical Student Section
6
7 Original Author: Jacquelyn Davis, Jessica Frost, Larissa Georgeon Richard, Geeth Kavva
8 Minama Reddy, Vivien Phung, and Kirsten Wilhelm
9
10 Referred to: Reference Committee B
11
12 House Action: **DISAPPROVE**
13

14
15 Whereas, every patient has the right to learn about all options in the discussion of their
16 pregnancy, including carrying the pregnancy to term, adoption, or elective termination, and
17

18 Whereas, medical providers have a duty to uphold patient autonomy, confidentiality,
19 and safety, and should not be legally obligated to violate that duty by disclosing medical
20 information about their minor patients, and
21

22 Whereas, the state of Michigan does not require parental consent or judicial bypass for
23 other pregnancy options of minors outside of elective termination, and
24

25 Whereas, the state of Michigan currently requires parental consent or judicial bypass to
26 pursue early termination as an option¹, and
27

28 Whereas, the American Medical Association (AMA) policy, E-2.015 Mandatory Parental
29 Consent to Abortion, holds that while complying with state law, physicians managing the
30 pregnancy of a minor should not be obligated to require involvement of parents, but should
31 encourage minors to seek support from their parent(s) or other trusted adults², and
32

33 Whereas, elective abortion poses no more risk of medical complications than other
34 pregnancy options^{3,4}, and
35

36 Whereas, the well-being of minor patients may be endangered both when limited
37 access to elective abortion prompts them to seek unsafe alternatives, and when disclosure of
38 pregnancy compromises their safety at home, and
39

40 Whereas, “in a study of [...] minors who chose not to inform a parent, despite living in a
41 state with a parental consent law in effect, almost one quarter (22.4 percent) feared that they
42 would face family conflict, physical harm, or other abuse if they told a parent about the
43 pregnancy”⁵, and
44

45 Whereas, compared to other states, those with strict abortion laws (parental consent,
46 parental notification, and/or mandatory delay) experience higher child mortality; public data

47 files from 1983-2002 demonstrate that “parental-consent laws were associated with a 13
48 percent increase in child homicide deaths,”⁶ and

49

50 Whereas, 54 percent of the 83 surveyed Michigan county courts received a failing score
51 in accuracy and helpfulness when inquired about how to obtain a judicial bypass⁷, and recent
52 legislative proposals have attempted to make the bypass procurement process even more
53 arduous⁸; therefore be it

54

55 RESOLVED: That MSMS acknowledges the importance of minors’ autonomy in choosing
56 between pregnancy options to ensure their wellbeing and safety; and be it further

57

58 RESOLVED: That MSMS supports the American Medical Association Mandatory Parental
59 Consent to Abortion E-2.015:

60

61 “Physicians should ascertain the law in their state on parental involvement to ensure
62 that their procedures are consistent with their legal obligations.

63

64 Physicians should strongly encourage minors to discuss their pregnancy with their
65 parents. Physicians should explain how parental involvement can be helpful and that
66 parents are generally very understanding and supportive. If a minor expresses concerns
67 about parental involvement, the physician should ensure that the minor's reluctance is
68 not based on any misperceptions about the likely consequences of parental
69 involvement.

70

71 Physicians should not feel or be compelled to require minors to involve their parents
72 before deciding whether to undergo an abortion. The patient, even an adolescent,
73 generally must decide whether, on balance, parental involvement is advisable.
74 Accordingly, minors should ultimately be allowed to decide whether parental
75 involvement is appropriate. Physicians should explain under what circumstances (e.g.,
76 life-threatening emergency) the minor's confidentiality will need to be abrogated.

77

78 Physicians should try to ensure that minor patients have made an informed decision
79 after giving careful consideration to the issues involved. They should encourage their
80 minor patients to consult alternative sources if parents are not going to be involved in
81 the abortion decision. Minors should be urged to seek the advice and counsel of those
82 adults in whom they have confidence, including professional counselors, relatives,
83 friends, teachers, or the clergy;” and be it further

84

85 RESOLVED: That MSMS advocate that the Michigan Legislature rescind the parental
86 consent and judicial bypass provisions in Michigan’s Parental Rights Restoration Act (Act 211 of
87 1990) and recommend, but not require, that alternative counseling options be provided to
88 minors seeking abortion, with the intent to improve access, protect confidentiality, and
89 minimize undue burden on individuals already facing a difficult decision. MSMS shall expedite
90 its lobbying efforts pertaining to such changes given the recent attempts to restrict
91 comprehensive reproductive health care access in the state of Michigan, including actions
92 aimed towards minors.

93

¹ "Parental Rights Restoration Act". Michigan Legislative Act 211 of 1990, effective 1991.

² "AMA Policy E-2.015: Mandatory Parental Consent to Abortion." Adopted June 1992. JAMA. 1993; 269: 82-86.

³ Raymond, Elizabeth G., and David A. Grimes. "The comparative safety of legal induced abortion and childbirth in the United States." *Obstetrics & Gynecology* 119.2, Part 1 (2012): 215-219.

⁴ Upadhyay, Ushma D., et al. "Incidence of emergency department visits and complications after abortion." *Obstetrics & Gynecology* 125.1 (2015): 175-183.

⁵ Ehrlich, J. Shoshanna. "Grounded in the reality of their lives: listening to teens who make the abortion decision without involving their parents." *Berkeley Women's Law Journal* 2003;18:61-180.

⁶ Bisakha Sen, Martha Slay Wingate, Russell Kirby, "The relationship between state abortion-restrictions and homicide deaths among children under 5 years of age: A longitudinal study." *Social Science & Medicine*, Volume 75, Issue 1, July 2012, Pages 156-164, ISSN 0277-9536, <http://dx.doi.org/10.1016/j.socscimed.2012.01.037>.

⁷ <https://www.lsa.umich.edu/UMICH/women/Home/News/JudicialBypass.pdf>

⁸ Senate Bill 0254. Michigan Legislature. 2013.

[http://www.legislature.mi.gov/\(S\(4zs53pxejknchvxfc5hsq12e\)\)/mileg.aspx?page=GetObject&objectname=2013-SB-0254](http://www.legislature.mi.gov/(S(4zs53pxejknchvxfc5hsq12e))/mileg.aspx?page=GetObject&objectname=2013-SB-0254) 7. Tisheka, Allen, et al. "Access to the Judicial Bypass Option in Michigan." Ann Arbor: University of Michigan. 2010.