



*Advancing Life, Liberty and Justice*

Dear School Guidance Counselors, Mental Health Professionals, and Social Workers,

This letter contains critical legal information of which you may not be aware and that can help you in your practice. Have you ever had a minor come to you for advice about her pregnancy? It is important for you to know the legal rights of the minor girl.

It is unlawful for anyone including parents, guardians, other relatives, boyfriends, or even counselors, to force, coerce, subject to duress or unduly pressure a pregnant girl into having an abortion. Under *Roe v. Wade*, the decision belongs to the woman, even a minor, (see *Bellotti v. Baird*, 443 U.S. 622 (1979)). The decision to have an abortion must be voluntary and fully informed. (See attached Dear Parent Letter). Any government official who coerces “a minor to abort a child violates the minor’s constitutionally protected freedom to choose **whether to abort or bear her child.**” *Arnold v. Bd. of Ed. of Escambia County, Alabama*, 880 F. 2d 305 (11th. Cir. 1989) (overruled on other grounds, i.e. “heightened pleading standard,” but not on this substantive point, *Leatherman v. Tarrant County Narcotics*, 507 U.S. 163 (1993)).

An involuntary abortion is an illegal abortion in Texas. Parents cannot force their daughter against her will to abort the child. Many mental health professionals who work with teens are not aware of the law in this circumstance. Some counselors assume that parents have the right to make this decision for their daughter as they do in other medical situations. We have had instances where guidance counselors have told a pregnant girl that her parents have the right to force her to have an abortion. That is not the law. Once pregnant, she is a mother with the right to direct the upbringing and education of her child. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925). See also Texas Family Code § 32.003 (a) (4).

The Justice Foundation has created tools, including this letter, to help you deal with this situation. We are attaching for your use the “Dear Parent” letter that explains to her parents that their daughter has the right to decide not to have an abortion. We know that this can be a very stressful time for the girl and her parents and there are many organizations that can help them; including pregnancy resource centers where they can get free pregnancy tests, ultrasounds, and counseling regarding their legal alternatives.

The “Dear Parent” letter also informs the parents that they may not force, coerce, exercise duress or unduly pressure their daughter to have an abortion. It is unlawful.

The letter cites such typical family examples as:

1. *“If you don’t get an abortion, I’m kicking you out of the house.”*

This violates the duty of child care in all 50 states, including Texas. Legally, the parents are responsible to care for their minor daughter till she reaches age 18. The United States Supreme Court makes it clear that an abortion decision by a minor must be hers, that it must be voluntary and non-coerced. *Bellotti v. Baird*, 443 U.S. 622 (1979).

2. *“No more talking, I’m taking you for an abortion. I have made the appointment.”* Or *“You are my child; you will do what I say.”* Or *“You are grounded, cut off, stranded”* (or other punishment).

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Here, both the parents and the abortionist could be civilly, and perhaps criminally, liable if they force the girl to have an abortion against her will. It must be the voluntary, informed consent of the patient herself, not anyone else, including the father of the child or his parents. Killing a child in the womb is a homicide in Texas without the voluntary consent of the mother.

3. *“I’ll beat you if you don’t stop this nonsense. You are not keeping this baby.”*

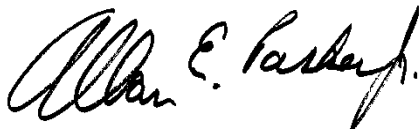
Again, a threat or act of violence is unlawful and may constitute child abuse. As you know, if you suspect that abuse is occurring, as a counselor, you are mandated to report it to Child Protective Services or law enforcement.

It is also important for the parents to understand that in addition to possible civil and criminal liability, they could destroy their relationship with their daughter. They may think they are helping her by encouraging her to have an abortion and that having a baby could ruin her life. However, often in these situations the guilt and shame following the abortion can result in the girl spiraling downward into self destructive behaviors. These include: depression, substance abuse, suicidal thoughts or attempts, anxiety, nightmares, promiscuity; to name a few.

**The Justice Foundation attorneys are available to help you if you or your clients are faced with a forced abortion situation. We are available to conduct free one hour training sessions for you and other professionals, if you desire. You may also visit our website [www.txjf.org/cafa](http://www.txjf.org/cafa) and you may download the “Dear Parent” letter.**

We encourage you to share this information with other mental health professionals.

Advancing Life, Liberty and Justice in Him,



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*\*Disclaimer: This letter is for general educational and information purposes and does not constitute specific legal advice. Situations and state laws vary and you should consult an attorney for specific legal advice.*

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