



Advancing Life, Liberty and Justice

Dear Police or other Government Official:

If you are receiving this letter, then you have probably received a report of a forced, coerced, or unduly pressured abortion. Involuntary abortion is illegal in every state. Even when the mother is a minor, only she can consent. Your participation in, or failure to prevent, a forced abortion may subject you to **personal liability**.

Now that *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022), has overturned *Roe v. Wade*, voluntary abortion is illegal in many states. However, even in states where voluntary abortion is legal, it is illegal to force, coerce, or unduly pressure a woman to have an abortion against her will. As a mother, she has the fundamental Constitutional right to direct the upbringing and education of her child. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925). Under the general laws of the states, adults and *even minors* have the capacity and legal right to consent to all medical care related to the pregnancy, including: prenatal, delivery, and post-natal care, for her and her child. For example, N.M. Stat. § 24-1-13.1 (giving the mother the sole right to consent to an abortion); Miss. Code § 41-41-3 (giving the mother the right to consent to pregnancy-related care).

What you may not know—but need to know—is that if you, as a government official, were to tell a minor that she has to obey her parents, when they are forcing her to have an abortion, **you would violate her clearly established Constitutional right** to make the decision for herself. See *Arnold v. Bd. of Educ.*, 880 F.2d 305 (11th Cir. 1989). You and your department may be held liable for such action under 42 U.S.C. § 1983. Forced abortion can result in death or severe physical and emotional trauma.

An involuntary abortion case is also a potential criminal case such as homicide, child abuse, kidnapping, domestic partner violence, etc., depending on the specific facts and upon your state's criminal law. See e.g. La. Child. Code § art.603(2)(d) (criminalizing a forced abortion); California Pen. Code § 187 (definition of murder includes “fetus”); Ariz. Rev. Stat. § 36-2153(G) (prohibiting coerced abortion); etc.

Your role in this situation is to protect the mother (whether an adult or minor) from any attempt to force, coerce, or unduly pressure her into having an abortion against her will. Such action is illegal in all states and jurisdictions. It is critical that you avoid engaging in coercion yourself, and warn others against violating these laws, including the parents or guardians of a pregnant minor.

The Justice Foundation is a non-profit, 501(c)(3) organization.

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Some common examples of what would be force, coercion, or undue pressure include, but are not limited to, the following:

1. **“If you have this baby, I am kicking you out of my house.”** The parent does not have to support their grandchild, but they must support their minor daughter just as the minor must support her child. The state and other groups can assist her with her child. She also has the right to child support from the father of the child and she may be eligible for financial assistance from the state and other groups.
2. **“No more talking; I am taking you for an abortion. I have made the appointment.”** Parents may make parenting decisions for their daughter, but not decisions related to prenatal care or abortion of her child. **Keeping the baby is her choice alone.**
3. **“You are my child, and you will do what I say. You will get an abortion.”**
4. **“I will beat you within an inch of your life, if you don’t stop this nonsense, you are not keeping this baby, and I don’t care what you think.”** (Any threat or infliction of violence is unlawful.)

Force, coercion, and undue pressure are also illegal when used by a man against a woman who does not wish to have an abortion. This includes, but is not limited to, violence or threats of violence.

It is a violation of the woman’s Constitutional right for which you could potentially be civilly liable if you help the forced abortion occur rather than protecting the pregnant victim. **We urge you to protect the mother and her right to make her own decisions regarding her medical care and the life of her baby.**

If you have further questions or would like more information, feel free to contact us by phone or visit our website at www.thejusticefoundation.org/cafa.

Respectfully Submitted,



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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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