



Advancing Life, Liberty and Justice

Dear Father of Your Unborn Child,

If you are reading this letter, you now know that you are the father of your unborn child. As difficult and upsetting to you as this information may be, there is hope and help for you. Many organizations and groups, including The Justice Foundation are available to help you. You are not alone, and you are not the first to face this issue—there is hope. Positive, healthy outcomes can arise from this situation.

There are important new legal rights that the mother of your unborn child now possesses that you should know about. As a mother, she has the sole right to determine whether to bring this child to life. That right is hers—not anyone else's. Although you still have the legal duty as the father of the unborn child to provide for the baby, **she has the right to make maternal healthcare decisions about the unborn child.**

Because *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022), has overturned *Roe v. Wade*, abortion is now illegal in many states. However, **it is illegal in every state for you (or anyone) to force, coerce, or unduly pressure a pregnant woman into having an abortion.** Such action may result in civil liability and/or criminal prosecution for persons involved. Under the general laws of the states, only the mother has the capacity and legal right to consent to all medical care related to her 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); etc.

Even though voluntary abortion is legal in some states, **it is illegal in every state for you (or anyone) to force, coerce, or unduly pressure the mother of your child into having an abortion.** Such action may result in civil liability and/or criminal prosecution for persons involved.

The vast majority of states have fetal homicide laws that prohibit anyone (including relatives) from killing a baby in the womb when the mother of that child wants the baby to live. For example, Virginia Code § 18.2-32.2 (killing a fetus punishable by imprisonment up to 40 years); California Pen. Code § 187 (definition of murder includes “fetus”). Courts have upheld these laws. For example, *Lawrence v. State*, 211 S.W.3d 883 (Tex. App. – Dallas 2006); *Ex parte Phillips*, 287 So. 3d 1179 (Ala. 2018). Congress also passed the Federal Unborn Victims of Violence Act, which makes it a federal crime, in certain circumstances, for anyone to kill a baby in the womb against the mother's wishes.

Attempting to force, coerce, or unduly pressure a woman to abort your child, may also subject you to the tort of intentional infliction of emotional distress or other civil liability. A pregnancy is an emotionally and physically vulnerable time for the mother. Force, coercion, or

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The Justice Foundation | 8023 Vantage Dr., Suite 1275 | San Antonio, Texas 78230 | 210-614-7157 | 210-614-6656 fax

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undue pressure may cause emotional and physical damage to both the mother and your child. **You could be held legally responsible for that damage.**

Here are some examples of threats that may subject you to legal liability:

1. **“You won’t get a penny of child support out of me.”** (Your duty to pay child support is established by the law, not the mother.) You have a legal duty to pay child support.
2. **“If you don’t have an abortion, I am going to beat you up.”** (Any threat or actual infliction of physical violence is an illegal assault.)
3. **“If you don’t have this abortion, I am divorcing you, but I will stay with you if you abort the child.”** (The intentional infliction of emotional distress to force your will over the woman’s may subject you to both civil and criminal liability. The decision of a woman to abort must be voluntary and fully informed to be valid.)

We hope that this general legal information has been helpful to you. We desire that you not subject yourself to criminal or civil liability.

Sincerely,



Allan E. Parker
President
The Justice Foundation



R. Clayton Trotter
General Counsel
The Justice Foundation

Disclaimer: This is intended as generally accurate legal information and education, not specific legal advice. Individual situations and state laws may vary. Contact a local attorney of your choosing for specific legal advice.

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