



Position

Papers

PARENTAL CONSENT FOR ABORTION



ISSUE

In November of 2007, the Alaska Supreme Court ruled that a state law the legislature overwhelmingly passed back in 1997 allowing parents the right to agree or deny abortions their minor teenager daughters might be considering was unconstitutional. Children in Alaska can now have abortions without the guidance or consent of their parents.

ALASKA FAMILY COUNCIL POSITION

Denying parents the opportunity to be involved in a life-altering experience such as an abortion encourages alienation and isolation between parent and child when the child is in perhaps their greatest need for guidance and support. The Alaska Family Council fully supports the dissenting opinion of Justice Walter Carpeneti who stated, "In 1997, faced with competing interests of the highest constitutional level – an underage pregnant girl's constitutional right to privacy in deciding whether to terminate her pregnancy, her parents' constitutional right (and duty) to protect her best interests, and the state's compelling interests in protecting the children against their own immaturity – the Alaska Legislature carefully crafted the Alaska Parental Consent Act in an effort to recognize and protect all of these interests. That law is fully consistent with United States Supreme Court precedent, yet today's opinion strikes it down. Because this court's rejection of the legislature's thoughtful balance is inconsistent with our own case law and unnecessarily dismissive of the legislature's role in expressing the will of the people, I respectfully dissent."

IMPORTANT FACTS

In Alaska, a local physician who provided abortions in Palmer and who was the medical director of Planned Parenthood of Alaska, has stated on record that she doesn't provide medical abortions to girls ages 16 and younger because she doesn't believe they can handle the process without parental or other adult supervision. She acknowledged the potential psychological consequences and refers 100 % of her abortion patients to counseling.

Most Alaskans should be outraged that the court has thrown away the rights of parents to determine whether their daughters as young as 13 can have an invasive, irreversible surgical procedure that takes the life of their pre-born grandchildren.

The U.S. Supreme Court has consistently upheld parental involvement laws on nine separate occasions. Even the late U.S. Supreme Court Justice Harry Blackmun, the author of Roe v. Wade, found parental consent laws to be constitutional as long as they included judicial bypasses as the Alaska Parental Consent Act did.

In Alaska, without parental consent, children cannot...

- Become licensed drivers
- Go on field trips
- Get an aspirin at school
- Join sports teams
- Lift weights at a local gym
- Get a tattoo
- Get their ears pierced
- Go to R-rated movies

...but they can get an abortion.

PROBLEM

A 2007 Alaska Supreme Court ruling gives teens the right to have an abortion without parental consent.

FACTS

Alaska is now one of only a handful of states that have struck down parental involvement laws under their state's constitutions. Twenty six (26) states currently have parental consent laws in place while fourteen (14) others have parental notification laws on the books.

AFC agrees with Governor Palin who said "It is outrageous that a minor girl can get an abortion without parental consent. The State Supreme Court has failed Alaska by separating parents from their children during such a critical decision, moving in the exact opposite direction from the law's intent. Our court is out of step with mainstream judicial decisions and our citizens. This decision is clearly a case of legislating from the bench."

SOLUTION

Rep. John Coghill {R} from North Pole has introduced [HJR26](#), a resolution that would amend our constitution and give parents the right to direct and control the medical care of their children. Rep. Coghill has also introduced [HB364](#), a bill that answers the concerns of the AK Supreme Court while also restoring the rights of parents to oversee the health decisions of their children.

ACTION ITEM

SUPPORT
HJR26 & HB364