

# No Time for COMPLACENCY POLICY REVIEW

2008 FALL ISSUE

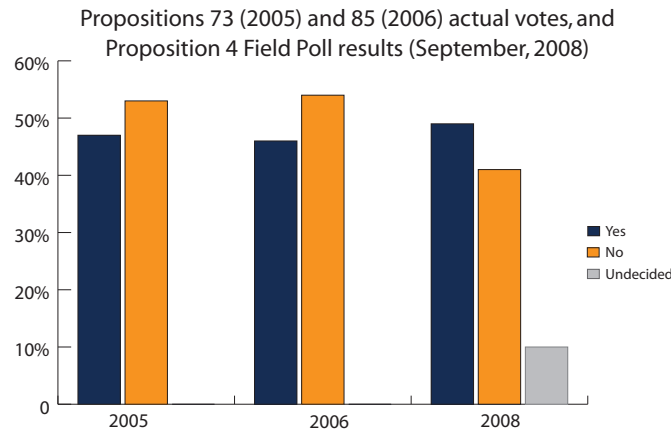
## California's Proposition 4 Implications of Mandated Parental Notification Laws

Proposition 4, the "Waiting Period and Parental Notification Before a Minor's Pregnancy Termination Constitutional Amendment," is the third ballot initiative in the last four years to attempt to mandate parental notification in California. As with the earlier, unsuccessful Propositions 73 (2005) and 85 (2006),

Proposition 4 would amend the California Constitution to prohibit abortions for unemancipated minors until 48 hours after the physician formally notifies a parent, with certain exceptions permitted (see box below).

Proposition 4 has received less attention than the previous two initiatives did, most likely due to competing media coverage of the presidential election campaign and the state and national financial crises. The proposition was leading by 8 percentage points in the most recent Field Poll (September, 2008). Polling of the two prior

initiatives at similar time points in 2005 and 2006 had also shown each one leading, yet the situation changed in the last weeks of those campaigns, and voters ended up rejecting both Proposition 73 and Proposition 85. The current polling results in this historical context suggest a very close outcome this year.



Two new research summaries provide timely reviews of the implications of such mandates for adolescents' health and safety. The first, from the UCSF Bixby Center for Global Reproductive Health, concludes that parental communication on sex issues is strong without mandates and that most young women do communicate with their

parents about the decision to have an abortion. When young women choose not to involve their parents, they often have valid concerns such as ongoing abuse, fear of being kicked out of the house, parental drug dependency, or health problems in the home. *(continued on reverse)*

### About Proposition 4

#### Requirements

- Changes California Constitution to prohibit abortion for an unemancipated minor until 48 hours after physician notifies minor's parent or legal guardian.
- Requires that physician make written report to law enforcement or a child protection agency if minor alleges parental abuse.
- Mandates reporting requirements, including reports from physicians about the minor and the circumstances of the abortion.
- Authorizes civil actions for damages against physicians for up to four years after the minor's 18th birthday. Such an action could be brought by the minor or her representative, or by a parent.

#### Exceptions

- Requirement would not apply if there is a serious risk of the minor's death or substantial and irreversible impairment.
- Minor's parent or guardian can waive the notification requirement in writing.
- Permits notification to certain adult relatives if minor alleges abuse by parent in writing, and physician reports allegations to law enforcement or a child protection agency.
- Permits minor to petition a juvenile court to waive notice based on clear and convincing evidence of minor's maturity or best interests. Minor must appear in court in person.

Further details about Proposition 4 are provided by the California Secretary of State ([tinyurl.com/4fy8lk](http://tinyurl.com/4fy8lk)) and the California League of Women Voters ([tinyurl.com/4x4e0n](http://tinyurl.com/4x4e0n)).

## California's Proposition 4 *continued*

The UCSF summary also reviews a study of two states, one with a notification law and one without, concluding that pregnant adolescents in each state involve their parents in the decision to have an abortion at similar rates. The summary also notes the absence of any research evidence that a mandate increases the frequency or quality of parent-adolescent communication on these issues. The full summary is available at [tinyurl.com/53feq6](http://tinyurl.com/53feq6).

The second research summary, by the Public Health Institute's California Adolescent Health Collaborative, further discusses this research as it applies to California. This summary also reviews the alternative notification option in Proposition 4, which requires written allegation of parental abuse. And again, the authors note that there is a variety of reasons beyond parental abuse that young women do not involve their parents in the decision to have an abortion. The second summary is available at [tinyurl.com/4vjguy](http://tinyurl.com/4vjguy).

Both summaries document how all types of notification laws can have negative impacts on adolescents' health. A majority of young women report that they would stop using reproductive health services if their parents had to be notified. In addition, abortion notification laws often create delays that can be detrimental to the health of adolescents, as the risk of complications from an abortion significantly increases each week after eight weeks gestation. Delays can occur as a direct result of the notification process or judicial bypass, or because a young woman attempts to obtain an abortion out of state.

## Proposition 4: Opponents and Proponents

More than 150 California state and community organizations have formally opposed Proposition 4, including the American Academy of Pediatrics - California, American Medical Women's Association, California Academy of Family Physicians, California Family Health Council, California Latinas for Reproductive Justice, California Nurses Association, and League of Women Voters. A complete listing is provided on *No on Prop 4* website at [noonprop4.org/about/endorsement](http://noonprop4.org/about/endorsement).

The *Yes on Prop 4* website maintains a list of individual persons who have endorsed Proposition 4 ([yeson4.net/Yon4Endorsements.aspx](http://yeson4.net/Yon4Endorsements.aspx)). As of press time, however, no California state or community organizations are listed.



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## State Budget Update

After a record-setting 85-day delay, all sides accepted a compromise state budget that Governor Schwarzenegger signed on September 23. The **Adolescent Family Life Program** remained funded at last year's level of \$27 million (includes Federal Title XIX reimbursement funding of \$7.8 million). Among the four **Office of Family Planning (OFP) Teen Pregnancy Prevention (TPP) programs**, funding was eliminated for the Male Involvement Program (\$1.9 million final FY07-08 total funding) and TeenSMART Outreach (\$1.8 million final FY07-08 total funding). Funding for the Information and Education Program was cut by \$562,000 (from \$2.5 million to \$2 million), whereas funding for the Community Challenge Grant Program remained at its 2007-08 level (\$18.5 million). A new full-time position in the OFP to implement the requirements of AB 629 was also eliminated. The total loss in funding across the four OFP TPP programs is \$4.3 million. This at a time when the state's adolescent population is growing rapidly, and the state's 15-year teen birth rate decline has ended ([tinyurl.com/4468rk](http://tinyurl.com/4468rk)).

**Family PACT.** The state's largest reproductive health program remained funded at approximately its 2007-2008 level of \$451 million (mostly from federal funds), of which about 20% is used to serve adolescents. Currently the state is in negotiations with the federal government over the new program administration rules. The special terms and conditions as currently crafted by the federal government would result in the loss of \$262 million in federal funding in FY08-09 and potentially \$315 million in federal funding in FY09-10 while adding expensive new administrative requirements, causing the average annual cost per person for family planning services to increase by as much as two-thirds. The latest status of these negotiations can be found at [www.familypact.org](http://www.familypact.org). A more detailed analysis of the situation is available at [tinyurl.com/FPACTWaiver](http://tinyurl.com/FPACTWaiver).

Are further cuts on the way? The San Francisco Chronicle recently reported that due to the slowing economy, the housing crash, and the national credit crunch, the "state's can of worms budget may be reopened" (full story available at [tinyurl.com/4bzvx5](http://tinyurl.com/4bzvx5)). Put it all together, "and you have a situation where the budget we just passed will likely not last through January," said State Senate leader Don Perata.