

Jane's Due Process

Ensuring legal representation
for minors in Texas.



Legal Rights of Pregnant Teens

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Who we are

- 501 (c)(3) nonprofit organization founded in 2001.
- Our mission is to ensure legal representation for pregnant minors in Texas.
- One of the few organizations in the country dedicated to pregnant teens.
- The core of the JDP program is our statewide toll-free legal hotline and lawyer referral service.

Our Services

- 24-hour hotline
- Statewide attorney referral network
- Information about:
 - Judicial bypass
 - Confidential family planning services
 - Emancipation
 - Title IX
 - Funding for sonograms as needed for court



History of Jane's Due Process



- Founded in 2001 after passage of parental notification law
- In 2005, parental consent law took effect
- Provided free legal representation for about 6,000 minors

What are “parental involvement” laws?



- Laws that require parental involvement in a minor’s decision to terminate a pregnancy
- Consent vs. notification

Parental involvement laws in other states



- 38 states require parental involvement in a minor's decision to have an abortion.
- 21 states require parental consent only, 3 of which require both parents to consent.
- 12 states require parental notification only, 1 of which requires that both parents be notified.
- 5 states require both parental consent and notification.
- 8 states require the parental consent documentation to be notarized.

What if a minor cannot safely tell a parent? (Or cannot locate a parent)

- Judicial bypass
 - Involving stable adult figure
 - Difficult to navigate court system



Judicial bypass across states



- 38 states that require parental involvement have an alternative process for minors seeking an abortion (judicial bypass).
- 5 states require judges to use specific criteria, such as a minor's intelligence or emotional stability, when deciding whether to waive a parental involvement requirement.
- 13 states require judges to use the “clear and convincing evidence” standard that the minor is mature and the abortion is in her best interest when deciding whether to waive parental involvement requirement.

Who is Jane?

- “Jane” is the pregnant minor who cannot receive parental consent for abortion for any of the following reasons (to name some):
 - She fears physical, emotional, or sexual abuse from a parent
 - She is unable to locate a parent
 - Her “parent” is not her legal guardian
 - She will be kicked out of her home
 - Her parent is in a personal or family crisis
 - Her parent is suffering from mental illness or addiction
 - The minor is an orphan de facto
 - Her parents are living outside of the country
 - Her parent will pull her out of school or keep her from attending college

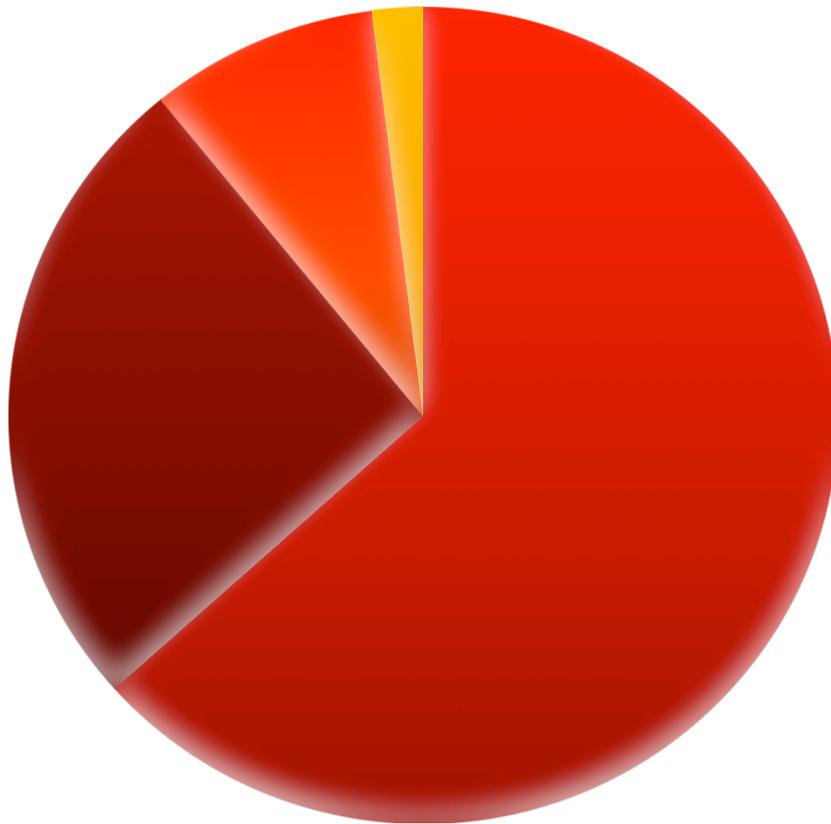


Who is Jane?

- 48% are orphans, have parents outside of the country or incarcerated, or would be forced to continue a pregnancy
- 30% fear being kicked out of the home or disowned for being pregnant
- 22% report being at risk for emotional or physical abuse from parent or guardian



Age of Janes



- 17 years old
- 16 years old
- 15 years old
- younger than 15

Reproductive History of Jane



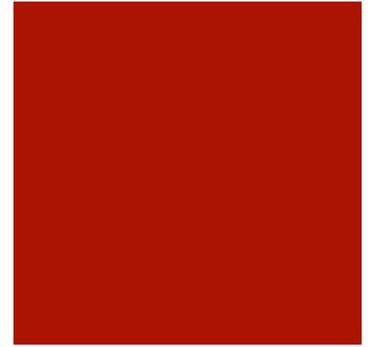
Previous Pregnancies

- 19% had been pregnant before
- 14% were already mothers supporting at least one child



Stories from Jane

- Abuse
- Neglect
- Maturity
- Parents missing
- Parents in crises
- Parents deceased



Judicial bypass: New law

- House Bill 3994 was passed into law this past legislative session; it will go into effect on January 1, 2016
 - Venue restrictions
 - Burden of proof – “clear and convincing”
 - Deletion of abuse ground
 - No re-filing
 - No “deemed granted”



Why is the new law dangerous?

- Venue restrictions
 - District clerk survey
 - Risks anonymity of minor



Accessibility

- 254 Counties
- 7 Counties with abortion provider
- Minors in rural areas travel to urban areas or go to New Mexico

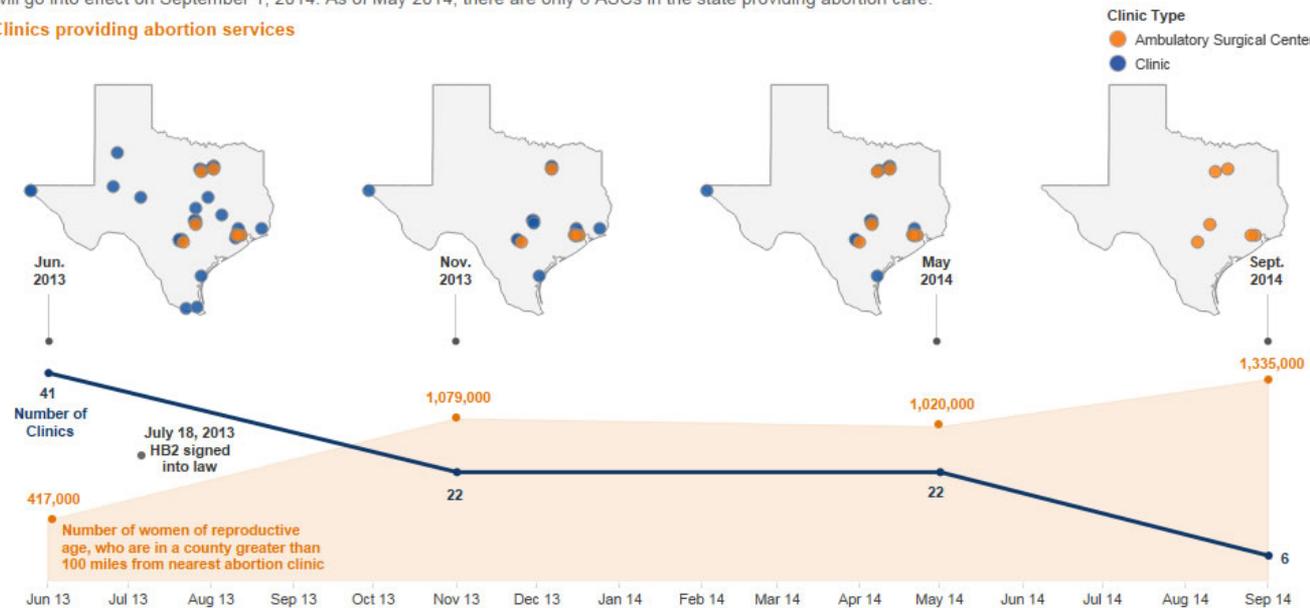


Number of clinics shrunk from 42 → 17 → ?

Rapidly Changing Access to Abortion in Texas

In July 2013, after two special sessions, the Texas Legislature passed one of the most restrictive abortion laws of any state to date. Between the period of debate around the law (May 2013) until it went into effect (November 1, 2013), 19 of 41 clinics closed or stopped providing abortion care, and access to medical abortion was drastically reduced among those that continued to provide services. The only clinics in southeast Texas and the Rio Grande Valley closed after HB2 went into effect - leaving these regions without any abortion provider. Rural and low-income Texans are most affected by these closures given the additional cost and time required to travel to more distant clinics. The final provision of HB2 that requires facilities providing abortion care to meet the requirements of ambulatory surgery centers (ASCs) will go into effect on September 1, 2014. As of May 2014, there are only 6 ASCs in the state providing abortion care.

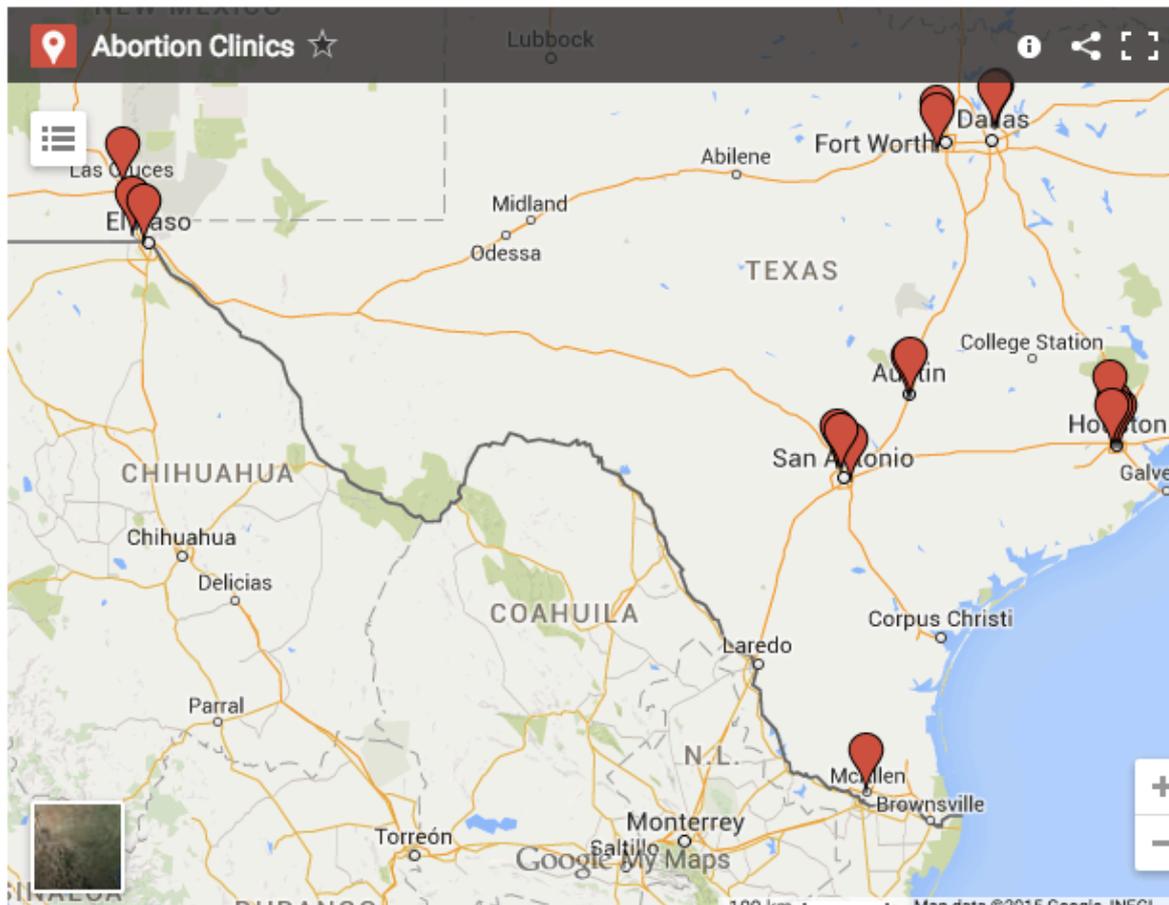
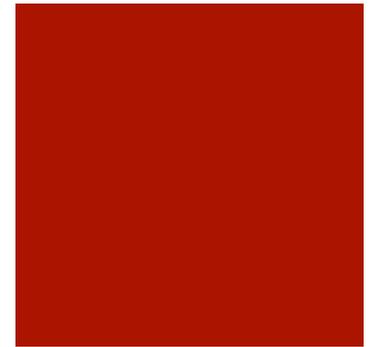
Clinics providing abortion services



House Bill 2 (HB2) has four main components:

1. Abortion providers are required to have **admitting privileges** within 30 miles of the clinic where the abortion is performed
2. Abortions are banned at or after **20 weeks** post-fertilization (22 weeks from last menstrual period (LMP)) except in cases of severe fetal abnormality or conditions that threaten the woman's life
3. Providers must use the **protocol for medical abortion** included in the labeling for mifepristone approved by the FDA
4. All abortion facilities are required to meet the standards of **ambulatory surgical centers (ASCs)**

Find a Clinic



How to Apply for a Judicial Bypass



- Minor calls 24-hour hotline for intake
- Makes appointment for sonogram & pregnancy options counseling at clinic
- Calls hotline back for free attorney
- Meets with judge and attorney
- Hearing is private and completely confidential

Grounds for Judicial Bypass



- Mature and sufficiently well informed about her pregnancy options to make decision without a parent involved
- Not in her best interest to notify parent
- Notification will lead to physical, sexual or emotional abuse

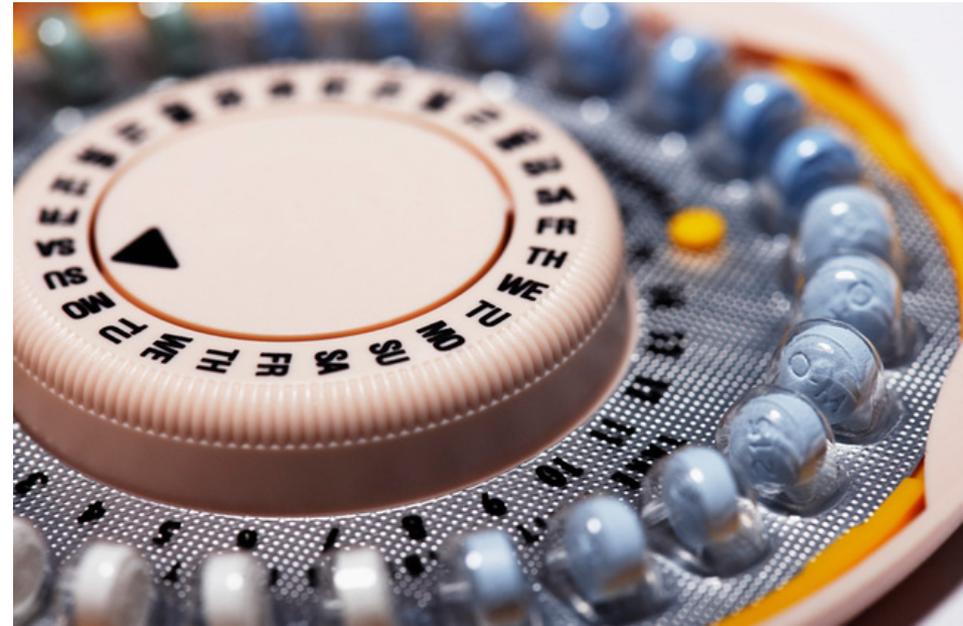
Abortion Rates in Texas

- Abortions in Texas represent 6.9% of all abortions in the United States
- 6 in 1,000 teens aged 15-17 obtained abortions (2008)
- 13.5 per 1,000 (73,200) females aged 15-44 obtained abortions (2011)
 - This rate has decreased approximately 17% since 2008



Why isn't Jane using birth control?

- Parental consent
- Insufficient money
- Lack of sexual health education



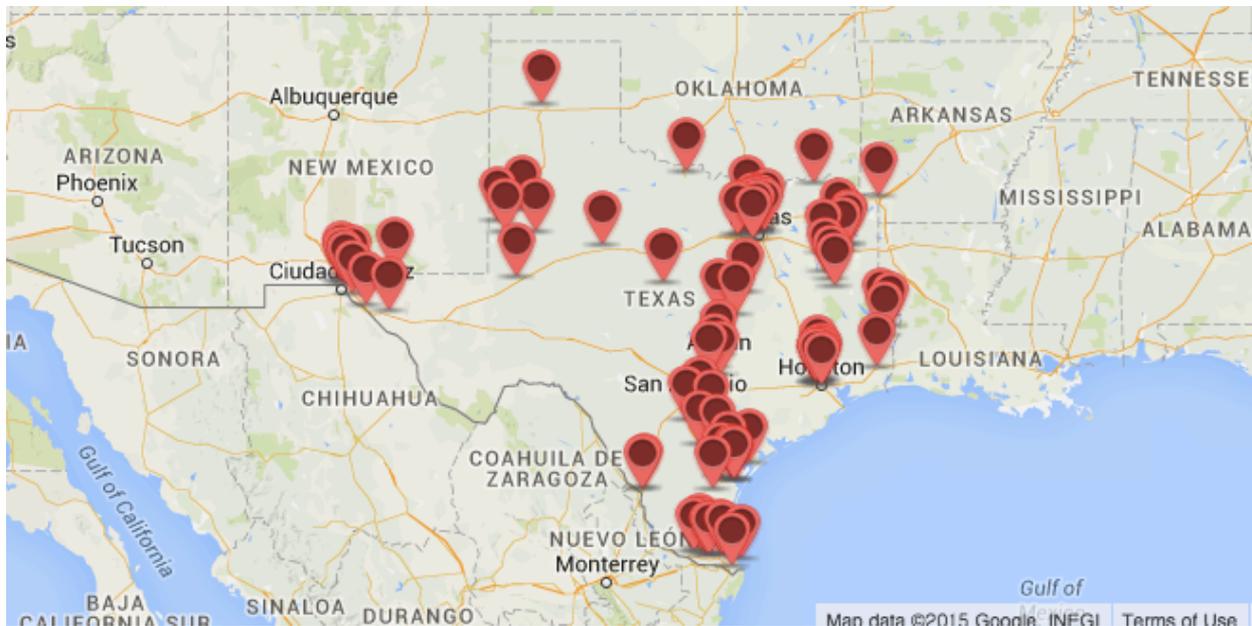
Birth Control for Minors

- Birth control is only available to minors *without* parental consent at Title X clinics
- Title X clinics will serve anyone, regardless of age, sex, or ability to receive parental consent
- Title X clinics offer services on a sliding scale basis
- Minors on Medicaid can get birth control confidentially at any clinic that accepts Medicaid



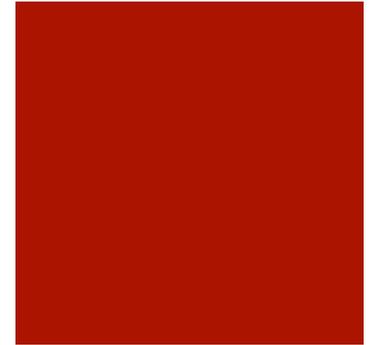
Accessing confidential birth control

The Jane's Due Process website offers an easy-to-use feature where you can find the nearest Title X clinic simply by entering your address



Colorado IUD Program

- State provided over 30,000 implants or IUDs at low or no cost to low-income women at 68 family planning clinics across Colorado
- Percentage of young women receiving IUDs quadrupled
- Teen abortion rate dropped by 35% between 2009 and 2012 in counties where the initiative was in place
- Teen birth rate dropped 40 PERCENT between 2009 and 2013
- State saved \$42.5 million in healthcare expenditures related to teen births
- For every dollar spent on contraceptives, state saved \$5.68 on Medicaid costs



Emancipation

- Being emancipated in Texas is possible but difficult
- Marriage & turning 18 automatically emancipates the teen
- **Common misconception** – Having a baby does not mean minor is automatically emancipated



Emancipation Requirements



- A minor must be:
 - At least 16 years old and living separate from her parents OR at least 17 years old
 - Financially self-supporting and managing her own money
 - Able to convince a judge that it is in her best interest to sever all ties, including their responsibility to support her



Rights Under Title X



- It is illegal for any minor to be forced out of her school or any educational program because she is pregnant, because she is a parent or because she has had an abortion.
- “No person . . . shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance . . .”

Rights under Title IX

- The pregnant or parenting teen cannot be prevented from participating in:
 - Honors programs & classes
 - Student Government
 - AP classes
 - Sports teams & P.E.
 - Homebound Classes
 - Band



Healthcare

Tex. Fam. Code § 32.003

- Minor of ANY age may consent to medical, dental, psychological or surgical treatment by a licensed physician or dentist IF for:
 - Pregnancy (except abortion)
 - Drug or chemical dependency treatment
 - Reportable communicable diseases, e.g. STDs (see TAC Rule 97.3)
- Or if the minor is:
 - 16+, living apart from parents, and self supporting
 - On active military duty
 - In TDCJ (but not abortion; must have parental consent)

Mental Health Care



A child may consent to counseling for:

- Suicide prevention
- Chemical addiction or dependency
- Sexual, physical, or emotional abuse



Orders of Protection

- Require the abuser to stay away
- Prohibit abuser from contacting victim
- Can require batterer's intervention
- Arrested for violation



Runaway Laws

- In Texas, parents or guardians can report their child missing as a runaway if the child is under 18. This gives the police the right to find and return the minor to the parents.
- For the police to get involved someone first has to make a report that a minor has run away or gone missing.
- Some parents choose not to report anything to the police.
- Other parents force their teens to leave home even though the parents are still legally responsible for their children until they turn 18.
- If a child runs away because of an abusive home, the minor can report the abuse to any person licensed by the state (like a health worker, teacher, or police officer). These people will contact law enforcement or [Child Protective Services](#).
- The minor can also call [Child Protective Services](#) directly at 1-800-252-5400 to report the abuse and ask for help.

Runaway Laws



People Who House Runaways

- If the minor does not get permission from a parent or legal guardian to stay with someone else, any adult who lets the minor stay with them (including a relative) could be criminally charged with kidnapping, interference with child custody, and/or harboring a runaway.
- Although a grandparent or adult brother or sister might not be prosecuted for taking in a runaway, the police can arrest them first and ask questions later.

How does Jane know about us?

- About half of Janes find us online, half from clinics
- Over 1 million people of reproductive age live more than 100 miles from an abortion clinic
- We need you to help make sure every pregnant minor knows her rights—no matter where she lives



Counselors, mental health professionals, social workers, and all others who work with youth populations serve as the gateway for students to access social, legal, and medical services



Working together is critical



Our main resources include...

- Texas Advocacy Project
- Texas Youth Runaway Hotline
- Texas Council on Family Violence
- Texas State Bar
- Texas Campaign to Prevent Teen Pregnancy
- RAINN
- National Domestic Violence Hotline

How can you help?

- Make sure every pregnant teen is provided with all of her pregnancy options
- Trust a teen if she is afraid to involve a parent in a pregnancy decision
- Ensure that a teen knows she has pregnancy options even if she cannot involve a parent



Keep in Touch!

- Email us anytime: jdprocess@gmail.com
- Call us with questions: 512-444-7891
- 24/7 hotline: 866-999-5263
- Visit us online: www.janesdueprocess.org
- Like us on Facebook:
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