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Parental consent for abortion? ^[1]

Dear Alice,

I am a freshman in college and I need to get an abortion. The problem is, I'm 17. Can I legally do this without parental notification? If not, in which states could I get an abortion without parental notification? Money is not a major prohibitory issue here. I would be willing to pay cash for a weekend airline ticket.

Frosh

Answer

Dear Frosh,

The answer to your question depends on a few factors. The laws around access to abortion and minors vary by state within the United States, but there may be other factors for you to consider as well. Some states allow minors (those under 18) to have an abortion without notifying their parents, while other states require parental notification or even parental permission. In terms of abortion access for minors, it's also good to be aware of mandatory waiting periods between a counseling session and the abortion and whether or not abortion is covered, or allowed to be covered, by health insurance. Considering all of this information can help you determine whether you'll be able to access the services you need in the state where you currently reside.

Because each state varies in their abortion laws, especially around parental consent, it would be difficult to list them all out. However, the [Guttmacher Institute](#) ^[2] offers a comprehensive overview of abortion-related laws state-by-state. Of these laws:

- 37 states require parental involvement in an abortion decision by a minor.
- 21 of these 37 require one or both parents to consent.
- 11 of these 37 require one or both parents be notified.
- 5 of these 37 require both parental consent and notification.

For those states that require [parental involvement](#) ^[3], the United States Supreme Court has ruled that parents cannot legally block their child from obtaining an abortion, so a judicial bypass procedure can be initiated. Essentially, this process is a way for the minor to appear in court to

make their case for why they want to receive the abortion without the knowledge or consent of their parents. A judge may ask the minor questions to understand their reasoning. While the judicial bypass may provide abortion access to more minors, it can be a roadblock to obtaining a safe abortion procedure, as minors may not be aware of this option or may feel shame in trying to explain their reasoning to a judge. A judicial bypass is available for minors in the 37 states except for Maryland. As with most other abortion laws, access to an abortion for a minor due to a medical emergency or abuse also varies by state.

Insurance in general is another aspect to consider when seeking an abortion, even for those who are pregnant but not minors. Again, each state varies in the abortion-related coverage they allow providers to offer. Three states (California, New York, and Oregon) require all insurance plans to cover abortion, whether sold as part of the marketplace set up by the Affordable Care Act (ACA) ^[4] or through private insurance. Twenty-six states don't allow abortion coverage to be offered as part of the health insurance plans sold as part of the marketplace set up by the ACA. Of these 26 states, eleven don't allow any private insurance plans, whether sold on or off the ACA marketplace, to cover abortion. Not only is private insurance regulated, but so is Medicaid, the program that uses joint federal and state funds to pay for health care for those who qualify for coverage based on their income. Thirty-two states and the District of Columbia don't allow state funds to be used for abortion coverage. This restriction prevents those eligible for Medicaid to use it for such purposes, except in certain circumstances such as rape or risk to the person's life.

It might also be good to consider and plan for any health or billing information that may be shared by insurance providers. If you're still on your parents' insurance plan, many times health information, such as birth control use, sexually transmitted infection (STI) tests, and abortion services, is made available to the primary policy holder of the health insurance plan. While the Health Insurance Portability and Accountability Act (HIPAA) ^[5] protects an individual's health privacy and states that only necessary information needs to be included, the Explanation of Benefits (EOB) sent out by insurance companies can often include these details. What constitutes as "necessary information" is up to each individual insurer — however, a patient may be able to ask an insurance provider what information is included on an EOB, where it will be sent, or even work with an insurer or provider to change what information is included on a specific EOB.

Another common barrier to abortion access is a mandatory waiting period. Every state requires patient consent and information before the procedure, of which 35 require patient counseling. Of these 35 states, 27 require at least a 24-hour waiting period between the initial session and the procedure. However, some states mandate up to a 72-hour waiting period. Fourteen states require that the first counseling session be done in-person, requiring two trips and potentially more time off of work or school. During the counseling sessions, some states require that certain information be covered, including information that hasn't been found to be medically accurate, which may further deter people from seeking abortions. Some of this includes inaccurate information about stopping a medication abortion, the future effects on fertility, and its effects on the risk of breast cancer.

The differences in states' abortion-related policies and procedures can certainly be overwhelming. Frosh, the biggest takeaway from all of these numbers, though, is that your coverage and obstacles are different according to your location. It can also be helpful to note that

in the United States, legislation and regulations on abortion can change frequently, which can make it more or less accessible depending on where you are. Keeping an eye on what is happening in your state and those around you will help keep you informed for the future. The Guttmacher Institute breaks down contraception and abortion regulations [state by state](#) [6], which can help provide some more information.

Wishing you the best,

Alice!

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