THE POLITICS OF ADOLESCENT PREGNANCY: A VIEW OF NEW YORK STATE

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ABSTRACT: In 1965, the U.S. Supreme Court struck down the Connecticut statute outlawing the use of birth control by married couples. Since then, 26 related cases have been heard by the court. Many of these directly involved teenagers. Frequently, the determinations involved parental consent or a parental notice requirement. New York State does not have parental consent nor notice requirements for minors seeking contraceptive or abortion services. The physician makes the professional judgment of the maturity of the person seeking care. All efforts to institute any form of parental consent in New York State have failed. The New York State Bar Association has supported this posture.

A statewide network of family planning clinics exists throughout New York State. Yet, in spite of their combined efforts, and the activities of many other agencies and organizations, the rate of pregnancy among 15 to 19 year olds increased 20 percent between 1972 and 1980. There is a need for bold public action. Informed community leaders, health professionals, and leaders in the educational community must form a coalition to support the special initiatives which New York State's governor and New York City's mayor support.

Black physicians have an unusual opportunity and a special responsibility to the youth of this city to provide leadership in their communities, and in their profession, in providing information about the risks and complications of teen pregnancies and teen parenting.

INTRODUCTION

Pregnancy, abortion and childbearing among teenagers, particularly those under 18, are among the nation's most crucial issues.

While we in the United States pride ourselves on being the most advanced democracy in the world, our history is highlighted by repression and the denial of personal freedom to a variety of Americans including Blacks, women and children. Traditional public policy in the United States with respect to birth control has been to discourage its use and in many states to outlaw birth control services for women totally. It was not until 1965 that the United States Supreme Court first confronted laws prohibiting the purchase, sale or use of contraceptives and in a landmark case struck down a Connecticut statute outlawing the use
of birth control by married couples. Since 1965, Americans have had to
go to the Supreme Court 26 times in order to establish the personal
right to regulate their own childbearing. Many of those 26 cases directly
involved teenagers and their right to confidential contraceptive and abor-
tion services. The United States Supreme Court has repeatedly made
the determination that the use of contraception or abortion by a mature
minor cannot be vetoed by parents, husbands or government. If a state
chooses to impose a parental consent or parental notice requirement
then the state must also provide mature minors a way to go around this
law—in effect, a bypass in which a court or administrative arm of the
state may judge the minors’ maturity and guarantee that minors deter-
mined to be mature shall have access to abortion services without parental
knowledge or consent. The court’s sole function is to judge whether or
not a minor is mature enough to consent to the service on her own.

THE STATUS OF PARENTAL CONSENT IN NEW YORK STATE

New York State does not have parental consent or notification
requirements for minors seeking contraceptive or abortion services. It
relies totally on the professional judgment of the provider, the physi-
cian, to determine the maturity of a minor seeking care. New York has
followed this policy since it legalized abortion in 1970. And, while there
have been several attempts in the past to impose a parental consent
law in New York, they have all failed. In 1976, Governor Hugh Carey
vetoed a parental consent bill and appointed the McLaughlin Committee
to review the state policy. That committee recommended against either
a parental consent or a parental notification law in New York State. The
New York State Bar Association supports that recommendation. New
York State’s policy today is clear. Its track record is impressive. Since
1970, there has never been any legal action initiated against any
physician, clinic or hospital for providing contraceptive or abortion ser-
"results of recent polls"

A recent poll indicates that 94% of all New York State residents
believe that teen pregnancy is a very important issue that needs state
action. In the same poll citizens overwhelmingly indicated their strong
support for expanded access by minors to family planning services and
the establishment of Family Life and Sex Education Programs in all