

Parental Consent and Judicial Bypass

Parents have the duty and right to impart a religious education and moral formation to their children, a right the State cannot annul but which it must respect and promote. This is a primary right that the family may not neglect or delegate. (*Compendium of the Social Doctrine of the Catholic Church, 239*)

Church teaching

- ★ Parents are the first educators of their children. Parents have the original, primary and inalienable right to educate them in conformity with the family's moral and religious convictions. (*Archbishop J. Michael Miller, Secretary of the Vatican Congregation for Catholic Education*)
- ★ It is never lawful, even for the gravest reasons, to do evil that good may come of it—in other words, to intend directly something which of its very nature contradicts the moral order, and which must therefore be judged unworthy of man, even though the intention is to protect or promote the welfare of an individual, of a family or of society in general. (*Pope Paul VI, On the Regulation of Birth*)
- ★ In various States certain laws have authorized the direct suppression of innocents: the moment a positive law deprives a category of human beings of the protection which civil legislation must accord them, the State is denying the equality of all before the law. When the State does not place its power at the service of the rights of each citizen, and in particular of the more vulnerable, the very foundations of a State based on law are undermined. (*Congregation for the Doctrine of the Faith, The Gift of Life*)
- ★ The moral gravity of procured abortion is apparent in all its truth if we recognize that we are dealing with murder and, in particular, when we consider the specific elements involved. The one eliminated is a human being at the very beginning of life. No one more absolutely innocent could be imagined. In no way could this human being ever be considered an aggressor, much less an unjust aggressor! He or she is weak, defenseless, even to the point of lacking that minimal form of defense consisting in the poignant power of a newborn baby's cries and tears. The unborn child is totally entrusted to the protection and care of the woman carrying him or her in the womb. And yet sometimes it is precisely the mother herself who makes the decision and asks for the child to be eliminated, and who then goes about having it done. (*Pope John Paul II, The Gospel of Life*)

Resources

- ★ **Texas Catholic Conference** Abortion page (www.TXcatholic.org/abortion.asp)
- ★ **US Conference of Catholic Bishops** Abortion page (www.USCCB.org/prolife/issues/abortion/)
- ★ **Second Look Project** (www.SecondLookProject.org)
- ★ **National Catholic Bioethics Center** (www.NCBCenter.org)
- ★ **Pontifical Academy for Life** (www.AcademiaVita.org)

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Parental consent laws encourage minors to speak with their parents about their pregnancy. This dialogue provides an opportunity for parents to guide and teach their daughters. Strengthening judicial bypass laws prevents easy access to court orders, which undermines the role of the parent. In an effort to ensure that a parent is involved in a daughter's decision regarding her pregnancy, the Texas Catholic Conference supports strengthening judicial bypass in parental consent law.

Parental Consent in Texas

In 2005, Texas passed a parental consent to abortion law that prohibited physicians from performing abortions on minors unless they received consent from at least one parent. Despite this law, however, there has been at least one documented instance where a state inspection discovered that an abortion facility failed to ensure that abortions were not performed on female minors without parental notification or consent.¹

The current parental consent law does allow a minor to avoid seeking parental consent by obtaining a court order through judicial bypass. To obtain a judicial bypass, a minor is required to demonstrate that she is mature and sufficiently well informed to make an abortion decision without the consent of her parents or a guardian, or that obtaining consent would not be in her best interest, or that obtaining consent may lead to physical, sexual, or emotional abuse.

With the intent of abolishing abortion and strengthening the role of parents in their children's lives, the Texas Catholic Conference supports strengthening judicial bypass in parental consent law to ensure that courts and judges are not lax in granting a court order. Measures to strengthen the role of parents with regard to judicial bypass include requiring that courts only review requests of minors in their jurisdiction, to ensure that minors do not simply make their requests to courts that overwhelmingly grant these court orders.

Risks of Abortion

The risk of abortion are very real. See below for information on abortion risks from A Woman's Right to Know, produced by the Texas Department of State Health Services. A comprehensive list can be found in A Woman's Right to Know brochure, which can be downloaded from the TDSHS web site.

Abortion Risks

The further along in the pregnancy, the greater the chance of serious complications and the greater the risk of dying from the abortion procedure.

- One death per every 530,000 abortions if you are at eight weeks or less.
- One death per 17,000 abortions for pregnancies at 16–20 weeks.
- One death per 6,000 abortions at 21 weeks and more.

¹ "Health Facility Licensing and Compliance Enforcement Actions." Texas Department of State Health Services. 30 Oct. 2007. <http://www.dshs.state.tx.us/hfp/pdf/abortion_enforce.pdf>.