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Sending Pregnant Teenagers to Court

What does it take for an unmarried girl under age eighteen to get an abortion in the United States today? Putting aside such practical problems as finding a doctor, the cash, and someone to take her, what does the law have to say about minors and abortion? Thirty-nine states have answered the question by enacting special "parental involvement" laws. These provide that before a pregnant minor can legally consent to an abortion, she must do one of two things. She must either notify or get consent from her parents, or in the alternative, she can leave her parents out and petition a judge for permission to consent on her own.[1] Because petitioning "bypasses" parents, the hearings are often called "judicial bypass hearings." How these hearings work in fact tells us a great deal about how, in the case of pregnant teenagers, legal process has been put to use in the campaign against abortion.

This peculiar arrangement—parents or petition—is the result of a constitutional compromise announced by the Supreme Court in the 1979 case of *Bellotti v. Baird*.[2] The question before the Court was the constitutionality of a Massachusetts statute that required both parents to consent to their daughter's abortion and both parents to be notified if she went to court without their consent. The Supreme Court's starting points were *Roe v. Wade,* where the Court held that a constitutional right of privacy was "broad enough to encompass a woman's decision whether or not to terminate her pregnancy," and *Doe v. Bolton,* which made clear that no one could override a woman's decision.[3] But did the language of *Roe* and *Doe* regarding *women's* decisions include "little women" as well? Could Massachusetts constrict the rights of a pregnant minor