

Kathy's Day In Court

Because she didn't want to tell her parents, Kathy, like thousands of teens across America, had to ask a judge for permission to have her abortion. Eventually, she was allowed her choice. What do parental consent laws accomplish?

By Angela Bonavoglia

ON WEDNESDAY, SEPTEMBER 23, 1987, AT 7:30 A.M., A PREGNANT 17-year-old we will call "Kathy"*—her court-designated name—left her home in a working-class neighborhood of Birmingham, Alabama, and drove alone to the Jefferson County Family Courthouse. Kathy wanted an abortion. But in Alabama, as in 20 other states in the nation, a law exists that forbids a minor (anyone under the age of 18) to give her own consent for an abortion. Alabama's minors must ask one parent for permission, and if they can't do that, they must get a judge's approval before they can have an abortion.

Kathy is a friendly young woman with a big hearty laugh. Her face is round with residues of baby fat, and framed in a mane of blond hair. People tend to describe her as "sensible," which she is, but her sense of competence comes from having had to take care of herself much too early in life. Six years ago her mother remarried, to a man who is an alcoholic. For the last year and a half Kathy has lived mainly on her own, since she doesn't get along with her stepfather. Kathy always wears a delicate antique ring that belonged to her grandmother, and a man's watch, which she says she more or less pilfered from her stepfather, although "I don't wish to claim him as that," she insists.

Normally, on a Wednesday, Kathy would be driving to her \$4.75-an-hour job as a salesgirl at a clothing store, a job she loves: "All the people coming through there, all the noise, the music on the sound system. I feel kind of funny if I'm in a quiet place." She works full-time, with two weekdays off. Kathy has been working since school ended in May. She finished the twelfth grade, but didn't graduate because she failed several subjects. By her own admission, she was not "in the upper class of students, the ones that took the notes and knew everything that was going on." She had also been sick much of her senior

year. "I had real bad headaches . . . all the time." Her mother took her to three doctors who believed they were caused by stress, but were unable to help her.

It's difficult for Kathy to talk about Tom, her 19-year-old boyfriend, a factory worker by day and drummer by night. Her answers are tense, whispered, monosyllabic. Yes, she loved him. Yes, they had been in a relationship for five months when she found out she was pregnant. At the time she went to court, he didn't know she was pregnant or that she wanted an abortion. "I knew a girl and she had an abortion," said Kathy. "Her boyfriend didn't like the idea of it too much and they broke up. . . . I'm kind of insecure and I didn't want that to happen."

Waiting for her at the courthouse that September day was the abortion provider Kathy had contacted when she realized she was pregnant. Diane Derzis, the director of Summit Medical Center, is a tough, chain-smoking rail of a woman with dark blond hair and long red fingernails. Besides running the center, she has been taking a full load of law school courses for the past three years. Every January, on the anniversary of *Roe v. Wade*, the 1973 Supreme Court decision that legitimated abortion, Derzis gives her roomfuls of patients—black, white, teenagers and women in their forties, childless and mothers of many—a red rose and a note that tells them they are part of a critical, historical movement to protect a woman's right to choose.

Alabama's new consent law for minors' abortions incenses Derzis; she fought against it for a full seven years. When the state legislature finally passed it in June of 1987, to be put into effect on September 23, Derzis decided that if she was going to have to live with the law, she would challenge it—immediately. The statute requires that if a minor cannot or does not want to ask one parent for consent to have an abortion, she must seek a judge's determination of whether she is, according to the law, "mature and well-informed enough to make the abortion decision," or, if she is found to be immature, whether the "abortion would be in [her] best interest." The law gives no guidance as to how a judge should make these decisions. Diane Derzis

*Some of the details of Kathy's life have been changed to protect her anonymity.



Wendy Crew believed she would represent Kathy, but when she entered Judge Nice's chambers he said she was dismissed from the case. Earlier, the bailiff had tried to get her to represent the fetus. The new lawyer had 15 minutes to discuss the case with Kathy.

wanted to find a teenager willing to go to court and take her chances with the ambiguous law. If a judge turned this test case down, she would help the girl to appeal, going as far as necessary in the court system to show how punitive the statute is.

When Kathy, sounding calm and mature, called Summit Medical Center in mid-September to arrange an abortion, just before the law went into effect, Derzis asked to meet with her. She was struck by Kathy's composure: "She's a 35-year-old, really." Derzis asked Kathy if she would wait five days and become the first girl in Jefferson County required to seek a judge's permission for an abortion because she could not go to her family for consent. (As it turned out, Kathy was the first minor in all of Alabama to have an abortion hearing.) In return, Derzis would arrange for Kathy's abortion to be performed for free; it would have cost Kathy \$260 otherwise, since she could not put it on her mother's health plan without her mother finding out. Until September 22, Kathy could have had an abortion without parental or judicial involvement. Once she agreed to go to court, the decision of whether or not she would bear a child was up to the discretion of a judge.

"The money was a little bit of why I did it," said Kathy, "but I could have paid." More to the point for Kathy was that "Diane told me it would be a big help to the people who came after me. Everyone thought I was the perfect person to try this out: seventeen, living on my own. And, I thought, with all I've been through, I'm still here, I know I can handle this."

Following the instructions set forth in the Alabama law, Derzis had submitted Kathy's request for a judicial hearing to the Jefferson County Family Court. By law, the court had to provide Kathy with free legal representation for her hearing. Her papers were brought by a court officer to a Legal Aid lawyer, J. Wynell (Wendy) Brooks Crew, on September 21. That gave Crew two days to prepare for Kathy's hearing, which was scheduled for the day the law went into effect. Crew believed herself to be Kathy's lawyer even though Charles Nice, the judge who would be hearing the case, had not signed papers formally appointing her. According to Crew and the officer who gave her the papers, in most cases a formal appointment is not necessary for work to begin on a case, especially when there is a rush, as there would be with Kathy's abortion request. The officer had understood Judge Nice to say that minors' abortion requests should be handled by Legal Aid. Crew went to work on the case, researching the law and talking with Kathy by telephone several times during the two days before her court appearance. According to Kathy, it had been hard to talk to a stranger about her pregnancy and decision to abort, "but not as hard, because it was Wendy," who made her feel very comfortable.

But on the day after Crew believed herself to have been appointed as Kathy's attorney, Judge Nice's bailiff approached her and a private attorney, Marcus Jones. According to Crew, the bailiff told Jones *he* had been appointed to represent the

minor, and she was to represent the fetus. Wendy Crew said no. She pointed out that she had already talked to Kathy. She also noted that appointing a lawyer for the fetus would be unconstitutional, since, under *Roe v. Wade*, the fetus cannot be considered a person and does not have a right to representation. The bailiff, Crew recalls, told them to work it out themselves. A 30-year-old dynamo who had left private corporate law three years earlier to join the staff of Legal Aid, Crew has earned a reputation as a fierce defender of children's rights. Once, when she represented a minor charged with murdering her violent stepfather, Crew was beaten up in court by the stepfather's family in a scene the local press referred to as "a 10-minute brawl." She had survived that and was not about to let herself get thrown off Kathy's case. She knew that without signed papers from Judge Nice, her position was precarious, but she felt the court

Kathy. "I was mad," said Kathy. "I felt like I could pull this through with Wendy. Then they bring some man in fifteen minutes before the trial. Men don't really know about this. How is some man gonna stand up there and fight for me when he doesn't even know what's going on? I thought to myself, 'I'm gonna lose.'"

At approximately 9:45 A.M., Kathy and Diane Derzis walked down the hall from the conference room to Judge Nice's courtroom. Papers covered the window on the door, to guarantee the requisite confidentiality of the hearing. Kathy walked to the large, wooden witness stand at the front of the courtroom and sat down. "I was having heart failure," she said. She wanted Derzis to stay, but only court personnel were allowed in the room. That left Kathy in a room with four men—Nice, Jones, the bailiff, and the court officer—she had never met before that morning. There was also a young, female court reporter.

Jones began his questioning. What follows is Kathy's recollection of what occurred in that courtroom, since the court records are confidential in abortion hearings. Kathy testified that she would not be 18 until the end of the year, and was therefore still affected by the parental consent law. To establish her maturity, Jones asked her about school. She told him that since she had not graduated, she planned to take the high school equivalency test. She also testified that she had been working full-time and part-time for the last two years and contributed to her own support.

Marcus Jones asked about her family. Kathy testified that her alcoholic stepfather abused her mother and herself. According to Kathy, he beat her so badly one night, she left and moved in with friends. "I told the judge my mother wanted me to come back home and I finally did, but then neither of us could stand it anymore," so both Kathy and her mother moved out. Her mother is back with the stepfather now. Kathy testified that for the last year and a half she had been living mostly by herself. "Mother just stays over there all the time, but when they get into a fight, she comes to our apartment." Kathy said she was 10 weeks pregnant. She didn't want to tell her mother about the pregnancy because her mother told her stepfather everything and if he found out about this he might get mad and end by beating her mother.

Kathy testified that she had considered adoption as well as abortion and remembers being surprised when Judge Nice continued to question her about this: "He asked whether I had thought about giving it to some adoption agency. He mentioned about three adoption groups and kept asking, 'Have you thought about this?' 'Yes, sir,' I said about two times. Then he asked Marcus if he wanted to ask me more about adoption, but Marcus told the judge I had already answered the question." Kathy had to say whether the pregnancy was the result of incest—a word that had to be explained to her before she could respond—or rape.

After 45 minutes of testimony, Judge Nice left the courtroom to make his decision. Kathy stepped down from the witness stand and sat on a bench, talking nervously with the court reporter. Fifteen minutes later, Judge Nice returned and read his decision: he would not grant Kathy's request for an abortion; she was not mature enough, it was not in her best interest. The judge told Kathy she should talk to her mother about this decision.

Kathy was stunned. "I was about in tears. How can he say this about me? He didn't feel I was mature enough to make this decision myself? I could feel my eyes start pooling up, and I was going, 'Don't cry, don't cry.'"

"Everyone here at the clinic thinks I'm such a hard bitch," said Diane Derzis, "but I came back the day of that hearing and cried to think of what Kathy went through. I called Wendy and said, 'I can't believe we put her through that. Why didn't we just take her to Georgia?'"

But they persevered, filing an appeal of Judge Nice's deci-

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officer had been following established procedure and she told Jones she wanted to continue as Kathy's lawyer.

On the morning of the 23rd she met with Kathy and Diane Derzis in the courthouse. Remembers Kathy: "I was just petrified. Me and Diane went upstairs and met with Wendy in this big conference room with a big humongous table." While they were sitting there, Crew was called out of the room. The same officer who had given her the papers told her she was off the case. He showed her the appointment papers from Judge Nice on which she saw that something had been whited out in the section naming Kathy's counsel—she presumed it was "Legal Aid"—and Marcus Jones's name written in.

Crew and Jones went into the judge's office. Nice, 68, a slightly built, benevolent-looking man, had in his office pamphlets for Lifeline, an adoption agency run by the virulently anti-choice Sav-A-Life Christian ministry. Hanging on his wall was a photo of some of Lifeline's adoptive parents at their last reunion. Crew told him she wanted to stay on the case. She asked to be appointed Kathy's guardian or to be co-counsel. Judge Nice refused both requests and dismissed Crew.

Now Marcus Jones went into the conference room to meet



The first teenager to test a new Alabama law requiring teenagers to go to court if they could not obtain parental consent for an abortion, Kathy sat alone in the courtroom with four men she had never met before that morning. She faced the court and made her request.

sion. Meanwhile, said Kathy, "time was runnin' real short." Although she knew Derzis would help her get an abortion one way or another, she became very nervous. "I kept thinking, 'This is gonna take too much time. It's gonna be dangerous.'" Derzis and one of Kathy's friends tried to keep her spirits up. She has never said that she regrets her decision to go to court, but admits that the waiting was terrible: "I kept wishing I had already gotten it over with."

Fourteen days after the hearing, the Alabama Court of Civil Appeals overturned the judge's opinion, rendering a scathing decision:

"The trial judge in this case abused his discretion by denying the minor's request. . . . More importantly, we can neither discern from the trial court's judgment nor from the record any ground upon which the trial court's conclusion could rest. We can safely say, having considered the record, that, should this minor not meet the criteria for 'maturity' under the statute, it is difficult to imagine one who would."

Kathy could now have her abortion. But the nearly-three-week delay from the day her petition was brought to the courthouse until the day of the abortion put her in her twelfth week of pregnancy, at the very end of the first trimester. An abortion performed during the second trimester of pregnancy has greater risk for the patient and is considered a more serious medical procedure than an earlier abortion.

After the Appeals Court decision came down, Kathy told her

boyfriend, Tom, that she was pregnant. His reaction "was about like mine—afraid and scared." He was supportive about her decision to abort and offered to go with her. "I told him not to, because he might lose his job if he skipped work."

On Friday, October 9, Kathy arrived at Summit Medical Center for her abortion. Summit is housed in a neat red-brick building; its interior, decorated in bold prints and bright colors, strains for cheerfulness. Kathy had been brought by the friend who had consoled her during the long wait for the Appeals decision, then the friend left to go to work. Diane Derzis was there to greet and shepherd her through the procedures, but Kathy felt totally alone that day. "It was the most horrible experience of my life. I had to fill out a bunch more papers . . . do a little counseling thing. The counselor was talking to us about birth control and told us exactly what they were going to do. I couldn't really tell you what she said 'cause I didn't pay attention, 'cause I didn't want to know."

"After we got out of there, she took us down a hall to a little dressing room thing, and they had gowns in there. We had to change and put all our stuff in this bag, then we had to go down this other hall and sit in this room with about six or seven other girls in there watching TV. They'd call us one by one and take us out."

"I got in the room. There was a little table, a little bed thing . . . those things with the stirrups. Those scare me. I'd never been to a gynecologist but I kind of knew what to expect."

"Two men and a lady were there. I don't know what they were all for. I didn't care. I just wanted to get it over with. She told me to get up on the table, and I did. She gave me a shot, and in about a minute, I was out. . . . The next thing I know, somebody was telling me to wake up."

Against medical advice to rest, that night Kathy went to a party where Tom would be performing. She was too late; he had already left. She did see him again, but says they never talked about the abortion. In the end, her fear of losing him came true. He left, according to Kathy, not because of the abortion, but because he had found another girlfriend.

Judge Nice continues to feel he made the proper judgment in Kathy's case. Asked in an interview four months later how he determined that Kathy was not mature, he told Ms., "I based it on her looks . . . just something that comes across when you

the American Civil Liberties Union's Reproductive Freedom Project, it takes exceptional maturity for a teenager to endure the legal process, so the minors who go before a judge always fill the criterion that demands they be mature enough to consent to their abortion. "Secondly," she continues, "if someone wants an abortion, how can it *not* be in their best interest to have one?"

Many of the judges who grant the minors' abortions agree. "I believe the hearings don't have any value at all," Massachusetts Superior Court Judge Joseph Mitchell told Ms. "The laws make it as difficult as possible for these young ladies to have abortions." His evaluation of the hearings is shared by the six state court judges who heard at least 90 percent of the minors' abortion petitions in Minnesota, and who testified at the trial in 1986 challenging the constitutionality of that state's law. Judge Gerald Martin told the court he did not "perceive any useful public purpose to what I am doing in these cases."

Parental consent (requiring written permission) and notification laws (requiring clinics to give advance notice to one or both parents) are currently enforceable in 10 states (see chart), although the degree to which each state complies with the laws varies. In Massachusetts about 5,000 teenage girls have gone to the Superior Adult Court since 1981 to get permission to abort, appearing before the same judges who hear cases of fraud, blackmail, armed robbery, felony assault, rape, and murder.

Parental consent and notification laws have been on the books in 24 other states, but either they are inoperable because they fail to meet current judicial standards, or suits brought by groups such as the ACLU or Planned Parenthood have prevented them from being enforced. Before 1986 when its law was struck down, Minnesota had the second largest record of experience—approximately 3,500 girls went through its courts over the course of five years.

In all states, whether the law is parental consent or notification, the statutes have been developed and pushed through the legislatures by anti-choice groups. "They all emanate from model antiabortion statutes," like those prepared several times a year by Americans United for Life Legal Defense Fund, said Janet Benshoof. Americans United for Life provides, along with its model statutes, line-by-line recommendations on how to write a bill that will withstand legal assault.

Kay James, director of Public Affairs for the National Right to Life Committee, says that the passage of the parental consent and notification laws is among her organization's priorities. The laws are necessary, she told Ms., because "I think when a child has to make a decision about abortion, it should be made within the context of the family, with those who have their best interests at heart, who cared for them from birth." To her, the law protects the children, "as they're making those decisions," and protects the "rights of parents to be involved in that decision-making process." She believes the law forces children to deal with the consequences of their sexual activity. "When you're that age, you really need to be encouraged to deal with things that come up in your life. That's facing responsibility for your actions." If the laws decrease the number of abortions performed each year, she is pleased with that result: "I don't see that as the main purpose, but it would not disappoint me in the least."

Parental consent and notification laws, and the challenges to them, have forced the courts to make decisions about the right of a minor to an abortion. "*Roe v. Wade* held that abortion was a constitutional right, but left open the question of teenagers," said Dara Klassel, senior staff attorney for the Planned Parenthood Federation. In 1976 the high court finally made a statement on minors' abortions. In *Planned Parenthood of Central Missouri v. Danforth*, the court held that the state could not grant parents an "absolute veto" over a minor's abortion decision. But it was a Massachusetts case, *Bellotti v. Baird*, decided by the Supreme Court in 1979, which set forth the major guidelines

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talk to her . . . her credibility." Nice has stated publicly, as reported in the local press, that "I don't think anybody's for abortion. But in proper cases it should be considered." Those cases include rape, incest, and "other situations," which he did not specify.

Nice also told Ms. that he did not try to appoint Wendy Crew to represent the fetus in this case. However, he said he strongly believes the fetus should have an attorney. "After all, the fetus has a part in it . . . whether the fetus is going to exist or not. And, as it is now, you have no one to represent anybody but the mother and say that she should have an abortion." He said that in minors' consent cases he would consider not only what is in the minor's best interest, but what is in the fetus's best interest as well. Asked if it would be hard to approve an abortion under these conditions, he replied, "Might be."

The difficulty Kathy faced in getting her abortion approved is somewhat unique. In the other states with parental consent laws, most teenagers are granted abortions after their judicial hearings. In Massachusetts, for example, 99 percent of petitions are approved. According to Janet Benshoof, director of

ncerning parental involvement. The Massachusetts law, originally enacted in 1974, required all minors to ask for their parents' consent. Only if the parent refused could the teenager go to court to get permission for an abortion. But the Supreme Court ultimately ruled that minors could go to court or through an administrative procedure *without first telling their parents*. This has come to be known as the judicial bypass.

While anti-choice groups continue to support consent and notification laws, they are not happy about the right of judicial bypass. Assemblyman Greg Beers, for example, the main sponsor of Alabama's law, states, "There is no question in my mind that a right to privacy of a minor girl does not supersede the right to knowledge of the parents."

The consent and notification laws often contradict other state laws about minors' rights. For instance, they often exist side by side in many states with laws authorizing minors to improve their own medical care. According to a 1986 ACLU booklet on parental notice laws, 40 states allow minors to consent to diagnosis and treatment of venereal disease; 27 states allow them to consent to prenatal care, including cesarean section surgery; and nine states have developed "mature minor" laws allowing children under 18 to consent to all forms of medical treatment. The state of Alabama has all of these statutes.

Nevertheless, several statewide polls, commissioned by pro-choice groups and conducted by independent pollsters, have documented strong support for parental involvement laws. In Alabama, a University of Alabama survey found that 82.4 percent of those polled in 1986 favored the laws. Frequently both pro- and anti-choice advocates are for parental involvement, often sharing similar concerns. A 1987 study based in New England showed that among the major reasons voters across a broad political spectrum favored the laws were a belief that parents should be involved in the medical treatment of their children, a desire to increase parent-child communication about sex, and a desire to maximize the role of the family in the teenager's life.

Several parents Ms. interviewed in Alabama echoed the fear that their children might receive medical treatment without their knowledge. "Abortion is a surgical procedure and anything can happen," said Karen Snelling of Birmingham, who favors the law and is anti-choice. She is the mother of a 17-year-old girl. "If a parent is not aware her daughter has had the procedure and she starts hemorrhaging, the parents are going to be unable to help. It's just too serious a situation for a parent not to be involved."

Other parents believe the law will strengthen family ties at a time when "loose" social mores undermine the parents' influence on their children's lives. "It helps because it forces kids to turn back to their families," said the mother of a 15-year-old girl. "Peer pressure is really strong. It's easier for kids to turn to their friends." Still others want the system that holds them accountable for their child to be consistent. Said Marilyn Swaans, a Los Angeles mother of two teenagers, who describes herself as pro-choice: "I want something that will protect me as a parent. We get called and have to go to school because our children are failing gym, but we don't have to know that our daughters are pregnant and going to have an abortion?"

Swaans also feels that some parents who have been unable to express upon their teenagers the seriousness with which they believe sex and abortion should be treated, hope that the law can do so for them: "Living in California, there is so much free sex, free drugs, so much money. Everything is a free ride with no prices to pay and no questions to answer." She thinks that maybe the court appearance could impress upon the girl—unfortunately only the girl, the boy should have the responsibility, too"—the gravity of the situation.

A national survey conducted by the Alan Guttmacher Institute in 1980 showed that over half of the minors who had

abortions at clinics had already told at least one parent about the pregnancy and planned abortion; the younger the teen, the more likely she was to have told a parent. The question is, can a law encourage the remaining young girls to tell their parents they're pregnant if they don't want to? According to Martha Kurz, manager of counseling programs at the Planned Parenthood Clinic of Greater Boston, "There are parents out there who would refuse to talk to the kids, kick them out of the house,

A STATE-BY-STATE GUIDE TO PARENTAL CONSENT AND NOTIFICATION LAWS FOR MINORS' ABORTIONS

A TOTAL OF 34 STATES HAVE PASSED STATUTES AT SOME TIME regulating the access that teenage girls—those under the age of 18—have to abortion. The statutes require that a minor who wants an abortion have the consent of one or both parents, agree to have the abortion provider notify one or both parents, or obtain the permission of a judge.

The laws on the books are categorized below as enforceable; enjoined by court order and therefore not operating, at least temporarily; or inactive—that is, not operating and considered to be unconstitutional on their face by Supreme Court standards.

PARENTAL CONSENT LAWS (21)

Enforceable (7)

Alabama
Indiana
Louisiana
Massachusetts
Missouri
North Dakota
Rhode Island

Enjoined by Court Order (7)

Arizona
Arkansas
California
Florida
Kentucky
Mississippi
Pennsylvania

Inactive and Unconstitutional (7)

Alaska
Colorado
Delaware
New Mexico
South Carolina
South Dakota
Washington

PARENTAL NOTIFICATION LAWS (13)

Enforceable (3)

Maryland
Utah
West Virginia

Enjoined by Court Order (8)

Georgia
Illinois
Maine
Minnesota
Nebraska
Nevada
Ohio
Tennessee

Inactive and Unconstitutional (2)

Idaho
Montana

Information provided by the National Abortion Rights Action League and the Reproductive Freedom Project of the American Civil Liberties Union.

hit them, do any number of unfortunate things." Letty Cottin Pogrebin, a child-care expert and editor-at-large at *Ms.*, agrees. "You can't legislate parent-child intimacy. Any child who is pregnant and doesn't go to her parents is saying, 'I'm afraid that my parents won't help me solve this.' In rare cases she's saying, 'My father or another relative may be the cause of this.'"

Although there are no national statistics to indicate how many, some portion of the young women who refuse to tell their parents they are pregnant are incest victims. Massachusetts Superior Court Judge Mitchell, who has heard some 500 teen abortion cases in the past three years, told *Ms.*: "We see incest. . . . You ask who their boyfriend is, and they say, 'my father . . . my uncle.'" Experts like David Liederman, executive director of the Child Welfare League of America, say that often members of an incest victim's family deny the abuse and offer

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no help. The parental involvement laws put such girls in "a terrible position," said Liederman. "That's when kids get desperate and may try to abort themselves."

Ironically, the laws actually increase the health risks for many young women. The delays caused by the legal procedures increase the chances that an abortion will be performed later in the pregnancy when the procedure is more dangerous. In Minnesota, after the notification law was passed, the percentage of minors who had second trimester abortions increased by 26.5 percent. Because some minors travel out of state to get abortions in order to circumvent their own state's laws, the chances of receiving adequate follow-up care are reduced. A study in Massachusetts has estimated that 90 to 95 pregnant minors each month go to nearby states like New York, Connecticut, or New Hampshire to have abortions, representing one in every three minor abortion patients in the state. And the girls who end up having babies because they put off talking to their parents or going to court are unlikely to get early prenatal care, placing the health of their babies—who are already more likely to be premature, of low birth weight, and to die in infancy—at even greater risk. These health consequences have led major professional associations such as the National Academy of Sci-

ences, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the American Psychological Association to oppose these laws.

At the bottom of all this, of course, is sex, and a society whose attitudes toward sex are hopelessly contradictory. In spite of the fact that the United States leads all industrialized nations in teenage pregnancy rates, only 15 percent of our schools offer timely and comprehensive sex education, and studies show that parent-child communication about sex is limited. A 1985 nationwide Louis Harris poll commissioned by the Planned Parenthood Federation showed that 67 percent of the parents polled had never discussed birth control with their children, and a follow-up survey the next year showed that 31 percent of 16- and 17-year-olds had never talked to their parents about sex.

The solution to the real problem is clear to experts like Nicki Nichols Gamble, executive director of the Planned Parenthood League of Massachusetts. "If you as a parent want to play a supportive role in your children's lives, you need to convey from a very early age that you want to help them, even when you and they may disagree. . . . You need to talk to them about sexuality. You need to talk to them about contraception. You need to talk with them about the fact that contraception doesn't always work."

Kathy could never talk about sex with her mother or any adult in her family. "My grandparents were real, real old-fashioned, and that's the way Mother was brought up," she said. Her mother married when she was 19, and had Kathy a year later. "She thought getting married so young was a big mistake, so I know if I got pregnant, she'd think that was a worse mistake, and she'd probably think an abortion was the worst mistake of all."

Kathy's abortion was the first medical treatment she had ever received without her mother's involvement. "All through the whole thing, I was wishing I could tell my mother," Kathy said. "Just to have her there with me would have made me feel better, or just knowing that I could tell her." Kathy still hasn't told her mother about the abortion and doubts that she ever will.

Although the abortion was very upsetting for her, Kathy believes neither adoption—"my stepfather would have surely found out"—nor keeping the child was a reasonable alternative for her. "I was seventeen years old. My job doesn't pay that much. We're kind of poor anyway with just us. With someone else, it would have been awful." As for birth control, "The way I did it, there was a time of the month you could get pregnant, and I'd just go around it. But my period got off and I didn't keep up with it." She never called it the rhythm method. She doesn't believe in using condoms, because they break, and is on the Pill now.

Kathy went for her medical follow-up visit to Summit six weeks after the abortion. The clinic offers postabortion counseling, but few patients take advantage of this service and Kathy is no exception. Perhaps because she has not had the opportunity to speak to a counselor Kathy is tormented with doubts about the abortion months later. "Every time I see something, like if I see something on TV about abortion . . . if I see a real tiny baby somewhere, I'll think, what did I do? Sometimes I wish I hadn't done it. I don't exactly like the idea of having an abortion. People think you killed a kid, you killed a life. I know I didn't. I didn't!" By now Kathy is crying. Tears fall, but she does not make a sound.

Kathy quickly recovers, however, as she has, it seems, so much of her life. What about the future? Marriage? Children? She smiles and says, "One, maybe one. And I want to be very in control of my life. I want to have a nice job, a husband, and a decent cash flow to support the kid and a place to live." She smiles again. "I've been thinking about becoming a lawyer." ♦