

## WOMEN'S HEALTH AND SAFETY:

## *Ayotte v. Planned Parenthood*

On May 23, 2005, U.S. Supreme Court announced that during the 2005-2006 term it would hear a case related to abortion access that includes as litigants Planned Parenthood Federation of America (PPFA) and the American Civil Liberties Union (ACLU). Sometime in late November or early December the Court will review a ruling from the First U.S. Circuit Court of Appeals on New Hampshire's parental notification law. The Appeals Court ruled that the New Hampshire law was unconstitutional.

The case, *Ayotte v. Planned Parenthood*, challenges a New Hampshire law passed in 2003 that requires a parent or guardian to be notified in person or by certified mail forty-eight hours before a minor undergoes an abortion, except in cases in which the young woman has obtained a court waiver or her life is at risk. **The law contains no exception to protect the health of the young woman—including cases of medical emergencies—only an exception to prevent her death.**

Federal district and circuit courts have overturned the law, saying it forces doctors to “gamble with their patients’ lives...” because there is no exemption for the woman’s health except if she faces imminent death. These decisions rest on the well-established precedent dating back to the 1973 Supreme Court decision, *Roe v. Wade*, that states that any law regulating abortion must contain an exception for the life and health of the woman. A decision to the contrary in this case could fundamentally change the legal landscape for reproductive rights in the U.S. and put women’s health in jeopardy.

If the Court decides that abortion laws do not have to include an exception for women’s health—including conditions such as renal failure, stroke, or a need to protect future fertility—even women in need of emergency abortion procedures to preserve their health could be

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***The New York Times (5/24/05) described Ayotte v. Planned Parenthood this way:***

“The Supreme Court has dealt with parental-notification statutes for many years and has upheld those that contain safeguards for minors, including the option of bypassing the notice requirement by going before a judge. This case does not require the court to revisit those precedents. Rather, it presents two questions that the court has not previously addressed in the context of parental-notice laws: provisions for health concerns and what kind of challenges should be allowed to abortion laws that have not yet taken effect.

The court’s answers could be important for its consideration of future abortion cases, including ones challenging the recent federal law that prohibits the procedure that abortion opponents call partial-birth abortion. That law has been declared unconstitutional in federal district courts around the country, and appeals by the Bush administration are now pending in three federal appeals courts.”

continued from page 1

forced to go first to a judge, not a doctor, thereby seriously jeopardizing their health.

The decision to review the ruling in this case comes at a time of heated debate over the judiciary and the impact of two nominees to the Supreme Court. It means that the issue of abortion access and the review of the well-established health exception will be before the U.S. Supreme Court during the 2005-2006 session. This case spotlights the importance of the composition of the Court for the protection of the health and rights of minors—and potentially all women—across the U.S.

A decision is expected by the end of June 2006 but could come before.

## How to talk about this case with your friends:

### ON THE CASE: *Ayotte v. Planned Parenthood* (pronounced a-yacht)

- The Supreme Court has already affirmed in *Stenberg v. Carhart* (2000) that a woman's health must supersede all other issues. It's a safety issue.
- *Ayotte v. Planned Parenthood* is about protecting the health and safety of women seeking abortion. Women and their doctors must make medical decisions, not politicians.
- For women facing a medical emergency time is of the essence. They should be taken to an emergency room — not to a judge.

### ON PARENTAL NOTIFICATION

- Most parents want what's best for their children. We want our children to be safe, even if they feel they can't come to us for whatever reason.
- Good family communications can't be imposed by the government.
- The best way to protect our daughters is to begin talking to them about responsible, appropriate sexual behavior from the time they are young.
- Planned Parenthood encourages parent-teen communication about sensitive issues like abortion. We provide information, guidance, and services to help families talk.



## What can I do to help?

While citizens don't have a say in Supreme Court decisions, you can make a difference in other ways:

- 1) Talk about the case with your friends and let them know what's at stake.
- 2) Volunteer as a Planned Parenthood escort and take an active role in ensuring women's access to reproductive health services.
- 3) Join Planned Parenthood for a discussion on abortion access and the future of the Supreme Court. Check our calendar for complete listings:

<http://www.ppaction.org/ppnyc/events.html>