

DISPARITIES & DELAYS.

Understanding how the Massachusetts parental consent and judicial bypass laws restricts young people's access to safe, legal abortion.

The history of the parental consent and judicial bypass laws in Massachusetts.

Massachusetts passes a law requiring young people under the age of 18 to obtain consent from *both* parents in order to access abortion.

The Supreme Court decides *Roe v. Wade*.

1973

1974

To comply with *Bellotti*, the law is amended so that a young person can obtain consent from a judge, a system known as judicial bypass, as an alternative to parental consent.

The law is challenged and eventually struck down by the Supreme Court in *Bellotti v. Baird*.

1979

1981





The Massachusetts Supreme Judicial Court rules that a young person needs only to obtain consent from *one* parent or judge.

1997

2019

Of the 23,000 judicial bypass cases heard since 1981, only 2 are denied.

Judicial bypass requires a young person to:


-  Find a lawyer to represent them in court
-  Take 2 days off from school
-  Travel to and from court
-  Obtain a court order, deeming them mature enough to not become a parent


After Massachusetts established the judicial bypass system in 1981, an analysis found that the proportion of minors seeking out-of-state abortion care rose by **300%**.




A **2019 study of over 2,000 patients** found that Massachusetts' restrictions on a young person's access to safe, legal abortion has created stark disparities in access and significantly delayed care.

Although nearly all judicial bypass petitions are approved, the process creates significant delays in timely care.

Average delay with parental consent:
 **9 days.**

Average delay with judicial bypass:
 **15 days.**

1 in 5 minors who go through judicial bypass experience delays of:
 **21 days or more.**

The judicial bypass law disproportionately impacts:



Delays can mean a young person cannot choose how to end a pregnancy, let alone when.



When the average young person in Massachusetts learns they're pregnant.



who are delayed by judicial bypass lose access to medication abortion.



Delays in care can lead to higher costs for young people.

Sources.

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