A Minor’s Rights versus Parental Rights: Abortion in Adolescents

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Maria is a 16-year-old girl living at home with her single mother in TN. Her mother recently asked her to find work to help financially provide for herself. Maria did so finding work at a nearby restaurant and has begun paying for her own expenses. Maria, after missing her menses, visited a women’s clinic and discovered she was 3 mo pregnant. She feels she will not be able provide a decent quality life for this future child and wishes to abort the pregnancy in order to finish high school and attend college. Her mother is Catholic and is refusing to give consent for the procedure, as required by TN state law. Because of her Catholics beliefs, Maria’s mother does not agree that women should have the option of whether or not to carry a pregnancy to term; she views the decision to abort as akin to murder.
Abortion Laws

- *Roe v Wade (1973)*: abortions in their first trimester legal and safer than pregnancy
- State has authority to regulate the restrictions surrounding abortion
- Most states allow abortions up until viability
- Abortions are always allowed in any state at any gestational age if necessary to preserve the life or health of the woman
Abortion Laws

- *Bellotti v. Baird (1979)*: ruled parental or judicial consent is unconstitutional for minors seeking an abortion
- States have authority - currently 38 states require parental involvement
- 30 states have laws allowing underage mothers to make health decisions for her child
Ethical Theories and Principles

● AUTONOMY: right to self-rule, self-governance

● Unethical to force a woman to carry a fetus against her will
  o An induced abortion is 14 times more safe than pregnancy and delivery at full term
  o Forces woman to endure possible financial hardships, postpone goals/education/career
Abortion Facts

- 1 in 3 American women will have an abortion by age 45
- A very small group of American women not using contraceptives at risk for unintended pregnancy account for half of the abortions
- The other half of abortions occur among women who were currently using contraception in the month they became pregnant
Autonomy:

- J.J. Thompson illustration: Imagine a world in which pregnancy occurs when little pollen seeds take root in soft furnishings. A woman likes having the window open so she takes precautions by putting up a fine wire mesh to stop the pollen seeds. However one seed still ends up on the rug and she becomes pregnant.
Autonomy:

- In this example the woman who does not want to be pregnant is left with only two options:
  - close the window completely: abstinence
  - have all the furnishings removed: hysterectomy

- To deny a woman right to an abortion is to view her simply as a reproductive object
“The issue is not so much whether or when the embryo/fetus is deserving of respect per se, but how much respect and value we accord to a life (that does not even know it is alive) relative to the respect and value we have for the life of the woman who carries it”

-Ann Furedi
Utilitarianism

- Greatest good for the greatest number
- *Hedonistic*: base utility off of happiness
  - abortion is justified for financial, educational, or work-related reasons
- *Rule*: adopts certain rule
  - abortion is legal up to a viable gestation age
- *Act*: justifies actions based on utility
  - abortion is legal as long as the act results in the greatest good
Right to Life:

- Personhood deals with the issue of determining at what point during fetal development a fetus becomes a person with rights.
- Natural Law Theory utilizes human reason alone to make rules for moral behavior:
  - Preservation of life and reproduction.
Biblical Ethics

- Human beings are created in God’s image, purposefully called into existence, divinely ordained from conception
- Humans have intrinsic value
- Catholic Church: “Human life must be respected and protected absolutely from the moment of conception. Abortion willed either as an end or as a means is gravely contrary to moral law”
Beneficence

- An action done for the benefit of others
- Can apply to the mother if she is terminating the fetus to prevent undue suffering from congenital anomalies
- Can apply to physician working in the best interest of the mother
Cultural Dynamics

- Increase incidence → greater acceptance
- Catholic view: abortion is an eternal sin
- Chinese culture - traditionally thought of as liberal, accepting of a woman’s right
  - Research shows Buddhist and Confucian traditions view abortion as a deliberate act to end human life
- Can disrupt the family unit
  - pressure, coercion, social stigma, shame,
“The ANA believes that healthcare clients have the right to privacy and the right to make decisions about personal health care based on full information and without coercion. Also, nurses have the right to refuse to participate in a particular case on ethical grounds. However, if a client’s life is in jeopardy, nurses are obligated to provide for the client’s safety and to avoid abandonment.”
Personal Views

- Woman have the right to reproductive autonomy within the first trimester
- Minors do not need parental consent but every minor should be evaluated for competency and for possible coercion
- Efforts should be placed on contraceptive education programs


