

Illinois Took a Stand to Protect the Bodily Autonomy of Minors: It's Time for Other States to Follow their Lead

Warning: this blog post discusses abuse and sexual assault

Bodily autonomy means a lot of things. In the strictest sense, it's the right to govern your own body. More broadly, it means having freedom from violence and coercion, the ability to live authentically without being harassed, and the opportunity to make empowered and informed decisions about your body and future. Bodily autonomy is a human right, but—especially for women, people of color, and nonbinary, queer, and trans people—it's seldom treated that way.

When it comes to minors, bodily autonomy is often limited due to parental rights concerns. The inherent tension between these two areas—the rights of parents versus the rights of minors—has spurred several controversial public debates: Should parents be able to authorize circumcision, gender normalization surgery, or ear piercings for their babies? Should they then have the right to refuse medical services, such as vaccinations, for their children on religious or ideological grounds? This conflict is especially apparent in the discussion surrounding the reproductive rights of minors, which has been brought to center stage by recent legislative changes in Illinois.

As reproductive rights continue to be restricted nationwide, Illinois moved in the opposite direction by repealing its Parental Notice of Abortion Act in October 2021.

The [Illinois Parental Notice of Abortion Act](#) was passed in 1995 but didn't take effect until 2013 due to legal challenges. This Act required healthcare providers to give at least 48 hours' notice to an adult family member before providing an abortion unless the patient went through the judicial bypass process to obtain approval from a judge. The decision to repeal was unprecedented and can serve as a catalyst for similar changes in other states.

There are currently 38 states that require parental involvement when minors seek abortion, some requiring the consent or notification of one parent, others requiring the involvement of both.

[According to the Guttmacher Institute](#), of these 38 states...

- 11 require parental notification, one of which requires the notification of both parents
- 21 require parental consent, three of which require the consent of both parents
- 6 require both parental notification and consent
- 7 permit a grandparent or other adult relative to be involved instead
- 11 require identification for parental consent
- 4 require proof of parenthood for parental consent
- 2 require a minor's identification to have an abortion
- 37 require the provision of an alternative process for minors seeking an abortion, such as judicial bypass

These restrictions create unnecessary and burdensome barriers to accessing reproductive healthcare and may put young people seeking abortion at risk.

Anti-abortion legislation often includes special protections in the case of sexual assault or maternal health risks. However, for minors who may be in similar situations as their adult counterparts, required parental notification of abortion facilitates forced disclosure of sexual assault and complicates access to potentially life-saving medical care.

Just as there are a multitude of reasons why people seek abortion care, there are reasons why minors may not feel comfortable discussing this decision with their parents. Specifically, parental notification laws put victims of incest, domestic abuse, and sexual assault at risk. While ideally all minors would have a trusting relationship with their parents and feel comfortable confiding in them, it's these young people—those who live in unstable or unsafe homes—that parental notification laws harm the most.

While the previous Illinois law—and similar laws nationwide—stipulate alternatives to parental notification such as judicial bypass, these options are not enough to protect vulnerable minors from undue harm. The systems in place to override notification requirements are complicated and often inaccessible for many minors, creating cumbersome legal barriers that they must navigate. In order to waive the notification requirement, one must potentially miss school and acquire transportation to seek judicial override, all while avoiding alerting their parents, guardians, or abusers. Even when accessible, having judicial override as the only alternative forces victims of sexual assault, domestic abuse, and incest who are seeking abortion to relive their trauma through the court process.

Regardless of the circumstances surrounding it, pregnancy creates permanent physical and psychological changes. Teen pregnancy [carries increased risk](#) of postpartum depression, suicidal ideation, post-traumatic stress disorder (PTSD), preeclampsia, anemia, premature delivery, and other adverse effects. Restricting the bodily autonomy of pregnant minors strips them of the ability to freely navigate these changes. No matter a person's age, this ability should not be denied or made more difficult to access.

What about parental rights?

Despite the harm caused by these kinds of laws, the move to repeal parental notification restrictions in Illinois was met with criticism from Republicans and a handful of Democrats. One of the most salient concerns that has been expressed relates to parental rights. According to critics of the repeal, parental rights supersede rights granted to individuals per existing law, and those under 18 lack the maturity to make informed decisions. These critics have cited [other laws](#) in Illinois that require parental permission for minors to get piercings and tattoos, buy cigarettes, or be given medicine in school.

The ability of parents to make decisions about their child's medical care is important, but there is a legal precedent for individual bodily autonomy to take priority in the case of pregnancy. Illinois law states that minors carrying a pregnancy to term do not need parental consent for any related medical care, including giving birth or having a C-section. Additionally, there is no legal obligation for parental notification of pregnancy-related decisions, such as placing the baby up for adoption. Furthermore, anyone over the age of 12 can access birth control without parental consent. The only exception was, until recently, if a minor wanted to have an abortion.

Critics of the repeal have not been outspoken about these other Illinois laws that seemingly limit parental rights. This raises the question, why have they chosen to stay silent? The answer is simple: It's not really about parental rights. It's about restricting abortion, and therefore, restricting bodily autonomy.

What does all of this mean for the future?

The future of reproductive rights is in jeopardy with the September passage of Senate Bill 8, the near-total abortion ban in Texas. This law created a legislative domino effect, providing a blueprint for [copycat bills](#) that at least a half dozen other states have already drafted.

The legal landscape is shifting, most recently with the Supreme Court hearing oral arguments on a Mississippi case, [Dobbs v. Jackson Women's Health Organization](#), that seeks to overturn *Roe v. Wade*. In light of this, at least 12 states have enacted measures that would automatically ban abortion without having to call a special legislative session if *Roe v. Wade* is overturned.

It is clear that abortion access and bodily autonomy are under attack nationwide, so the decision to repeal parental notification requirements in Illinois is significant. This repeal notably resists the national trends in trying to restrict abortion, taking a clear stand against these infringements on human rights.

Illinois has set an important precedent in protecting bodily autonomy regardless of age and ensuring access to safe abortions. SIECUS supports this protection and we hope to see other states follow Illinois' lead.