

State of Alaska
Department of Law

Gregg D. Renkes
Attorney General
P.O. Box 110300
Juneau, Alaska 99811
NEWS RELEASE



Press Contact: Theresa Woelk

907-465-6711
FAX: 907-465-2075
www.law.state.ak.us

FOR IMMEDIATE RELEASE: February 5, 2004

**State Seeks to Uphold Alaska Parental Consent Act in Appeal to
Alaska Supreme Court**

(Juneau, AK) –Attorney General Gregg Renkes announced today that the State filed an appeal to the Alaska Supreme Court from a recent superior court decision that found the Alaska Parental Consent Act unconstitutional.

The Parental Consent Act prohibits doctors from performing abortions on girls aged 16 and under who are both unmarried and unemancipated, unless the girl has first obtained the consent of either one of her parents or a superior court judge. The law applies only to elective abortions; it contains an exception for medically necessary emergency abortions. Similar laws have been upheld by the United States Supreme Court and are in operation in nearly 40 other states.

Attorney General Renkes expressed confidence that the State amassed a substantial and impressive evidentiary record proving that the Parental Consent Act furthers the State’s multiple compelling interests.

“We developed an extensive record in the superior court,” Renkes said. “We will argue on appeal that the record establishes that the Parental Consent Act serves the compelling state interests at stake here.”

The superior court found that the State has a compelling interest in protecting minors from their own immaturity; protecting the physical, emotional, and psychological health of minors; ensuring that doctors obtain informed consent from minor patients; protecting minors from sexual abuse; fostering and protecting the family structure; and protecting the rights of a minor child to bring a civil action against the doctor performing the abortion.

“We look forward to presenting our arguments to the Alaska Supreme Court,” Renkes concluded. “I am hopeful that on review, the high court will reverse this decision. I believe we have the evidence needed to prove that we should be allowed to provide these important protections for Alaskan families and children.”

This is the state’s second appeal in this case to the Alaska Supreme Court. The Alaska Legislature enacted the Parental Consent Act in 1997. Planned Parenthood of Alaska brought suit challenging the new law’s constitutionality. The superior court initially held the Act

unconstitutional. The State appealed to the Alaska Supreme Court, which decided that the lower court should have considered evidence on whether the State has a compelling interest in enforcing the Parental Consent Act, and whether the Act is properly tailored to promote the state's interest. Following a three-week hearing, the superior court ruled in October of 2003 that the State established numerous compelling interests, but that the Act is not sufficiently tailored to serve those interests.

###