

## US Supreme Court Declines to Revive Montana Parental Consent Law for Abortions

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— Categories: Human Rights



The United States Supreme Court has decided not to review Montana's attempt to reinstate a law requiring minors to get notarized parental consent before receiving an abortion. The move leaves in place a ruling by Montana's highest court, which struck down the law earlier this year, citing the state constitution's strong protections for personal privacy.

Montana's law, passed by the Republican-led legislature in 2013, aimed to make it illegal for doctors to perform an abortion on anyone under 18 without a parent or guardian's written

approval. The measure included penalties such as fines or even jail time for violations, though it did allow minors to seek a waiver in certain situations through a youth court.

For over a decade, the law was tied up in litigation after reproductive health and abortion provider Planned Parenthood challenged it. The organization argued the policy violated the Montana Constitution, which has recognized the right to abortion since 1999.

Earlier this year, the Montana Supreme Court agreed, ruling that “a minor’s right to control her reproductive decisions is among the most fundamental of the rights she possesses.” The justices further explained that while parents have a right to raise their children without unnecessary government interference, that right does not give them the power to enlist the state to restrict a minor’s constitutional rights.

Montana Attorney General Austin Knudsen appealed to the United States Supreme Court, arguing the law was consistent with the 14th Amendment of the U.S. Constitution. That provision protects parents’ rights to guide their children’s upbringing and medical decisions. However, the nation’s highest court declined to take up the case.

Notably, two of the Supreme Court’s conservative justices, Clarence Thomas and Samuel Alito, issued a statement clarifying that the decision not to hear the case should not be seen as a rejection of Montana’s arguments. Their comments hint that the Court could consider similar parental consent cases in the future.

Reaction to the decision was swift. Martha Fuller, president and chief executive officer of Planned Parenthood of Montana, welcomed the outcome, calling it a victory for privacy and bodily autonomy. “Every Montanan has a fundamental right to privacy and deserves the ability to control their bodies and futures,” Fuller said in a statement.

On the other side, Emilee Cantrell, a spokesperson for the Montana attorney general’s office, expressed disappointment but vowed to keep fighting. “This issue has not been settled by the courts, and the legal battle is far from over,” Cantrell said. “Attorney General Knudsen will not waver in his support of parents’ longstanding and fundamental right to direct the care and upbringing of their children.”

Although this particular law remains blocked, a separate Montana law requiring parental notice rather than consent for a minor’s abortion is still in effect. Meanwhile, the Supreme

Court is preparing to hear another abortion-related case in its next term, underscoring that the national debate over reproductive rights remains far from resolved.