

insights

TYPES NOT MAPPED YET November 07, 2023 | TTR not mapped yet | Jennifer R. Ecklund

Title X vs. Texas parental rights

Deanda v. Becerra was argued November 6 before the Fifth Circuit Court of Appeals. The case raises significant questions about Article III standing and pits a minor's ability to access birth control confidentially under Title X regulations against a parent's right to consent to medical treatment under Texas state law.

Plaintiff Deanda is a father who argued that he did not want his teen daughters to be able to access birth control care without his consent due to seriously held religious conviction. The panel seemed unconvinced that the plaintiff father had to demonstrate imminent or even likely harm specific to him outside of alleging he has minor daughters. The judges spent most of the argument focused on the merits of the district court's decision that the Title X regs do not preempt the Texas parental consent statute and whether an APA remedy was available - even though the plaintiff did not plead an APA claim.

Several results are possible: The court could remand, allowing the plaintiff to make further standing allegations and plead the APA claim; the court could find no standing under the existing facts and reverse Judge Kacsmaryk's order and vacatur of the relevant Title X regulation; or the court could affirm and set the stage for a national showdown on the ability of Title X providers to provide birth control to teenagers on a confidential basis. At a policy level, in states like Texas, where abortion bans prevent pregnant teens from terminating a pregnancy even in cases of rape or incest, access to preventive care is strongly linked to the state's teen pregnancy and poverty rates. The impact of the decision by the district court remains to be seen.

The oral argument can be accessed here: [Oral Argument Recordings \(uscourts.gov\)](https://www.uscourts.gov/recordings/oral-arguments)

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