



POSITION PAPER

Dobbs v. Jackson: Supreme Court Opinion on Abortion

June, 2022

The Clinical Social Work Association (CSWA) is profoundly concerned by the Supreme Court's *Dobbs v. Jackson* ruling affirming a Mississippi law that outlaws abortion in the first 15 weeks of pregnancy. The Court added the overthrow of *Roe v. Wade* to their Opinion. This Opinion also jettisons any person's right to privacy in health care decision making and puts the health and mental health of women and their families at risk. By removing any guarantee that women can have access to safe and legal abortion, the Court's Opinion returns responsibility for reproductive law-making in the hands of Congress and the states.

As states respond to this Opinion with their own laws, it appears that in many instances women and families will be prohibited from receiving much needed mental health therapeutic interventions from Licensed Clinical Social Workers (LCSWs).

In the Constitution, the Founding Fathers made no reference to women at all, let alone rights afforded women to bear or not bear children. Similarly, in the 213-page Opinion of the Court majority, there is no mention of the rights or needs of women, or of children-to-be. The Opinion does not acknowledge the physical health or mental health needs of a woman forced by law to carry to term. There is no mention of support for pregnant women, such as pre-natal care, housing, paid sick leave, health insurance, or food stamps. Nor is there acknowledgement of the needs of the fetus in the womb and beyond.

There are so many reasons that women consider abortion. LCSWs see the anguish that making this decision entails and work with clients to come to a valid decision. LCSWs are bound by Federal and state laws. This Opinion in essence has accepted forced-birth laws, limiting the way that LCSWs can work with clients. In some states, there may be felony charges for a woman simply asking for emotional support, or an LCSW providing that mental health support. Understanding the laws in their states will be essential for LCSWs to protect their clients.

LCSWs know that women who are struggling with their mental well-being need sustained access to care. The data is clear that Black, Indigenous, and People of Color (BIPOC), and Black women in particular, have the highest maternal mortality rates globally and face terrible risk as a result of this Opinion.

CSWA is still gathering information on the states' responses to this Opinion and will keep the clinical social work community apprised. State legislatures and Congress are now responsible for creating the laws needed as a result of this Opinion.

What else can LCSWs do? Here is a list that may help clarify the issue:

- Combat misinformation about abortion
- Avoid criminalization of pregnancy
- Provide information on the impact of Dobbs on privacy
- Work with groups who provide confidential hotlines

No matter what your point of view is, knowing your state laws, vote for legislators who will not criminalize abortion and who will provide the supports mentioned above. VOTING is the most effective way for LCSW voices to be heard.