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Abortion bans pose new risks for Texans on probation, parole

Texas has more women under supervision than any other state, and officers lack clear guidelines on how to address abortion travel requests after Dobbs.



By **Amber Gaudet**

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Women on probation and parole need permission to travel out of state, including for health procedures like clinical abortions. (Lola Gomez / Staff Photographer)



Elizabeth Ling never sees the faces of most of the people she helps. They call from faraway places, most in a state of desperation.

Ling and others at the Repro Legal Helpline field questions about legal rights in places like Texas, where pregnant people and doctors have said the state's abortion laws leave them confused and scared. A growing number of callers have faced a compounding set of legal challenges: how to safely access an out-of-state abortion while on probation or parole, forms of supervision for those accused or convicted of crimes.

Why This Story Matters

Texas has more women on probation and parole than any other state and has one of the strictest abortion bans in the country. Many need permission to leave the state, or even the county, to access health care. Travel is one of the few ways pregnant Texans can access abortion.

More than 100,000 women are on probation or parole in Texas and need permission to leave the state, including to access health care. Yet travel is one of the few ways pregnant Texans can access abortion, which is banned in nearly all instances. Women like Amanda Zurawski and Kate Cox have testified that the bans led to denied or delayed emergency care that resulted in life-threatening complications.

That means probation and parole officers are left to weigh abortion travel requests without state guidance. The Texas Department of Criminal Justice has no training materials on record that provide probation officers guidance on evaluating travel requests apart from residence relocation requests. Though the state agency has said it “established clear procedures for parolees seeking permission to travel outside the state,” the guidelines for travel requests parole officers refer to don’t address medical procedures like abortion.



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In a state such as Texas, where anyone aiding abortion can be criminally prosecuted or sued, a lack of explicit guidance could lead to hesitation on the part

of officers to grant requests, lawyers and advocates say. And those on probation or parole say it means choosing between violating the terms of their supervision by leaving without permission to seek abortion care, or asking permission and risking denial.

“They are given essentially a false choice between talking to a probation officer who may not be sympathetic, or who may be extremely anti-abortion, and may put themselves in a more dangerous position because they’re trying to make the decision that makes the most sense for themselves, their body or their family,” Ling said.

More questions than answers

Eighty-two percent of women on probation and 85% on parole nationwide live in states that ban or restrict abortion and also list travel restrictions as a standard condition of probation and parole, according to [an analysis by the Prison Policy Initiative](#). Texas has more women under supervision than any other state — a disproportionate amount even for its large population, according to Wanda Bertram, spokesperson for the Prison Policy Initiative.

Abortion access for women under supervision

Care may be limited by state abortion laws and community supervision travel restrictions. Texas led states with the most women under supervision in 2022:

State	Women on probation and/or parole	Need permission to leave state or a smaller area	Abortion ban laws (as of May 2024)
Texas	102,587	Yes	Total ban
Georgia	82,206	Yes	Ban at 6 weeks' gestation
Ohio	51,139	Yes	Ban at 22 weeks' gestation
Florida	43,008	Yes	Ban at 6 weeks' gestation
California	39,013	Yes	Ban at viability
Pennsylvania	29,476	Yes	Ban at 24 weeks' gestation
Michigan	28,838	Yes	No ban or gestational limit
New Jersey	26,434	Yes	No ban or gestational limit
Indiana	24,693	Yes	Total ban
Minnesota	21,780	Yes	No ban or gestational limit

SOURCE: Prison Policy Initiative
GRAPHIC: Laurie Joseph

The Dallas Morning News

Although medication abortions account for more than half of all abortions, they are only approved for use through 10 weeks' gestation.

For pregnant Texans under supervision needing a clinical abortion, it means placing their fate in the hands of officers to evaluate abortion travel requests in a state that criminalizes aiding the procedure.

The rules in place for parolees traveling out of state require them to be in compliance with all conditions of their parole, current with fees and the travel be

“necessary.” Those behind on payments are considered for travel only in the case of a “verified emergency.”

A spokesperson for the Texas Department of Criminal Justice said probation officers operate under the purview of each individual county, which can establish its own requirements, and the state only provides oversight.

Officers usually rely more on their discretion than a uniform set of guidelines for day-to-day supervision tasks, said Brian Mirasolo of the National Association of Probation Executives.

Typically, officers have broad discretion in considering requests based on things like the history of compliance. A recent positive drug test or failure to report could be a reason to deny requests, and how requests are handled can vary widely by county.

Without case precedent — there have been no known criminal cases or successful civil lawsuits against those aiding abortions — it’s unclear how the courts will interpret the law. Intent isn’t required for either civil or criminal penalties.

“It for sure could be an issue that folks get a little bit nervous about,” Mirasolo said. “That’s a tough place to be operating out of, I think, if you’re an officer where you could potentially be prosecuted for having somebody travel for reasons you may not fully know.”

In Dallas County, a person on probation would speak with their supervising officer to put in a request for out-of-state travel, according to Dallas County adult probation director Arnold Patrick. Officers can approve the requests if the court has given the officers jurisdiction over travel. Otherwise, the court officer needs a judge’s approval.

The timeline can vary, with some people receiving a response right away if they make the request during an office visit.

Patrick said in an initial email that he was not sure of the impact of the state’s abortion ban on travel requests.

Collin County's guidelines for travel requests do not cover abortion travel, director of community supervision Leticia Gibbs said.

The uncertainty around whether officers could face legal or civil consequences for approving travel they know will result in an abortion could have a chilling effect that results in denials.

"That's one of the problems with the law is that some people would consider it to be vague, and people that aren't attorneys don't specifically know what aiding means," said Steve Baker, a senior criminal attorney at North Texas-based law firm Varghese and Summersett.

Even if approved, people applying for travel permission could face delays that impact care, Bertram said. In the Western District of Texas, for instance, travel is prohibited for the first 60 days of probation, and travel requests after that have to be put in two weeks in advance. Individuals under supervision must also detail why and where they are going.

"There are some states that have an eight-week ban, so if you get held up because of these time requirements, that could potentially put you over the line," Bertram said.



The exterior of the Earle Cabell Federal Building in Dallas on Monday, July 29, 2024. (Juan Figueroa / Staff Photographer)

Delays could mean an increased risk of complications for pregnant people.

“Abortion is safer earlier in pregnancy,” said Dr. Sarah Prager, a Seattle-based OB-GYN and professor of obstetrics and gynecology at the University of Washington.

That’s particularly true for patients already ill with infection, ongoing bleeding or other complications, Prager said.

Culture of secrecy

The risks of requesting travel out of state for an abortion means many pregnant people under supervision likely aren’t asking permission at all.

The Texas Department of Criminal Justice said their parole division has not received any travel requests for abortion care.

“A request has not been made to travel out of state for an elective procedure,” a spokesperson said in an emailed statement. “If such a situation were to arise, the Parole Division would prioritize the parolee’s rights while carefully considering all legal implications. TDCJ would consult with our legal team to determine the most appropriate course of action on a case-by-case basis.”

It’s unclear how long that process would take or what the result would be.

Since probation is handled on a county-by-county basis, it’s unknown if or how many requests have been made for out-of-state abortion care. It’s far more likely that if they do not have an ankle monitor, people are taking their chances and traveling without permission, Bertram said.

“In states that already restrict abortion, the perceived risk of telling your supervising officer you’re thinking of going out of state to get one is probably a deterrent for people from making that request in the first place,” Bertram said.

Fear of legal trouble and stigma has kept many system-impacted people from talking about the issue of abortion at all. *The Dallas Morning News* spoke with advocates from different organizations who had been in touch with Texans under supervision who struggled to access abortion care but said they were too fearful to speak publicly.

“It has been an issue with some of the ladies that we know on supervision, but our members are absolutely terrified to participate in certain health care because they think they’re going to get arrested,” said Jennifer Toon, project director at the Lioness Justice Impacted Women’s Alliance, an advocacy group of currently and formerly incarcerated Texas women.

One helpline caller on parole in a state that bans abortion said she was sure her “cruel and openly anti-abortion officer” would not permit her to travel the necessary 500 miles for any health-related need including abortion, and her only option was to “take a chance” and “deal with any consequences later.” Another described a similar situation and said she traveled out of state for a two-day procedure and hoped her officer would not require an immediate report.

In Collin County, it's up to officers how much detail they ask for from people making medical travel requests, probation director Gibbs said.

"The officer might inquire a little bit more based on the information they have given us, but we try to stay out of that kind of business," Gibbs said. "It's not our business as to why they're going out of state for medical purposes."

Making a request to an officer who does not agree with abortion could result in increased surveillance "through random check-ins intended to keep them from leaving the state to get an abortion," according to [the helpline's 2024 report](#).

"If I needed to terminate my pregnancy and I was on a monitor, I'm not going to ask them because I'm scared they're going to put me in jail, and that brings a level of scrutiny to my whole life," Toon said. "The distrust in asking a supervisor is so much that I'll take my chances and just violate."

Most officers are focused on keeping those they supervise and the community safe, not on being needlessly punitive, Patrick, the Dallas County adult probation director, said.

"Discretion of the officers and the courts are key," Patrick said. "Travel is a part of life, funerals, medical stuff, vacations, job interviews, family issues, etc., so we look at it as a part of life. Our job is not to make life harder."

Leaving without permission puts someone at a high risk of facing jail time, criminal attorney Baker said, and is not an option for people with electronic monitoring devices that track their movements. The number of people on electronic monitoring in the U.S. has [increased nearly five-fold](#) between 2005 and 2021 to more than 250,000 in 2021.

Many people are placed on electronic monitoring for serious or violent felonies rather than misdemeanors, Baker said, but monitors can sometimes be required before a trial for those not yet convicted of a crime.

Marginalized groups that are [disproportionately impacted by abortion bans](#) — like low-income people and people of color — are also those most likely to be

impacted by the criminal justice system, Bertram said. The same groups are those least likely to have health insurance. Texas has the highest percentage of uninsured people in the nation, with nearly 5 million residents lacking coverage.

Until the laws are tested in the courts, Baker said, Texans will continue to live in legal limbo when it comes to abortion.

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