

# LIFE

## Post-*Dobbs*

## *Dobbs* Ushers in New Era Dedicated to Empowering Women and Families

BY MISSISSIPPI ATTORNEY GENERAL LYNN FITCH

On June 24, 2022, the Supreme Court changed the course of American history with Mississippi's *Dobbs* decision. As we celebrate the one-year anniversary of *Roe v. Wade* being overturned, we do so with a sense of humility and responsibility as we usher in a new era dedicated to empowering women and children.

For fifty years, abortion rights rested on the false narrative that women need abortion to succeed. In *Roe*, the Justices claimed that unplanned pregnancies would force “a distressful life and future” on women and their children.<sup>1</sup> Decades later, in the 1992 case of *Planned Parenthood of Southeastern Pennsylvania v. Casey*, the Court asserted that the “ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.”<sup>2</sup>

When the State of Mississippi petitioned the Court to overturn *Roe*, we challenged this demeaning view of women. Rather than create equality, we argued that *Roe* and *Casey* perpetuated the notion that a woman must choose between her future and the life of her child, pitting women against their children.

Female legislators and feminist scholars from across the country agreed. In fact, in an amicus brief supporting Mississippi, hundreds of these scholars presented evidence that “relatively easy access to abortion has changed society in several ways disadvantageous to women.”<sup>3</sup> They argued that the “abortion as equality” argument confirms “public and private actors’ inclinations to avoid expensive accommodations for women with children in educational and work settings.”<sup>4</sup>

Instead of continuing down this path, we presented a new vision for our country—empower women and promote life. We urged the Court to release states from these outdated standards and allow the people, through their elected leaders, to decide how best to promote dignity and support for mothers and children.

When the Justices handed down the *Dobbs* decision, they granted the states this opportunity. The task now falls to each state to find bold, creative ways to match the compassion in our hearts to compassion and justice in our laws.

In the months following the *Dobbs* decision, I launched The Empowerment Project, a policy initiative to help families of all

stages and phases by providing them with tools and resources to upskill, educate, and grow.

Built on five pillars, The Empowerment Project is a promise to uplift women and protect life and, ultimately, to create an environment that nurtures strong families. As a starting point, the project focuses on making quality childcare more affordable and accessible, promoting workplace flexibilities, improving child support enforcement, fixing broken foster care and adoption systems, and supporting pregnant women and new mothers.

As a single mother of three children, I understand firsthand the challenges facing women as they head into the workforce. In Mississippi, it is more expensive to send a toddler and infant to daycare than to one of our public universities for a year. This is not simply a Mississippi problem. On average, Americans with children spend at least 10% of their household income on childcare. With 58% of working parents relying on childcare centers, this impacts 6.38 million parents across the nation.

We must ease this burden, particularly for single mothers who rely most on childcare. In Mississippi, we are unlocking our workforce potential by incentivizing employers to provide childcare options for their employees, expanding early learning collaboratives, and authorizing tax credits for childcare expenses.

Along with accessible and affordable childcare, workplace flexibility consistently ranks as a top need for working parents, especially working mothers. A recent study revealed that women have less time to accomplish more tasks than men—five fewer hours per week to be precise. Over the course of the year, this adds up to six full-time work weeks. It is no wonder that 60% of women cite workplace flexibility as key to future work opportunities.

Options like telework and hybrid schedules are more than possible in today's workplace, and they offer working mothers more options for meeting all the demands on their time. Making it easier for the gig economy to thrive with laws that do not penalize independent contracting can bridge the gap for many parents as well.

Offering flexibility is a win for women and a win for society. When parents have more flexibility to meet their professional

**“Your eyes saw my unformed body; all the days ordained for me were written in your book before one of them came to be.”**

**PSALM 139:16**

obligations and family needs, not only are their families healthier, but employers benefit greatly from increased productivity.

Enforcing child support obligations must be given more than lip service too. For too long, custodial parents—four out of five of whom are women—have borne the financial burden of child-rearing alone. Whether the father is willfully evading this responsibility or simply unable to scrape the payments together, we must find ways to improve child support enforcement.

Extending the time parameters charges are pursuable, publicly identifying individuals who are delinquent in payments, obtaining child support arrearages from gaming winnings, requiring insurers to exchange information with enforcement agencies, and allowing child support for a child with disabilities to continue past the age of majority are a few ways to obtain child support from non-custodial parents who are evading responsibility.

Occasionally, a non-custodial parent's failure to pay is not the result of unwillingness, but instead, an inability to pay for a variety of reasons. Our goal should be to help those parents, resulting in more engaged fathers, which ultimately means a healthier environment for a child. Child support diversion programs that assist non-custodial parents who are delinquent on their payments are a good start, as are expungement programs for non-violent offenses and drug courts that divert a struggling parent to substance abuse treatment. A child's best interests are served when we can help both her parents engage and support her.

Sadly, there are too many instances where birth parents are just not the right answer to a child's best interests. About 400,000 children live in the U.S. foster care system. These children have already suffered a long and emotional journey. They deserve better.

In Mississippi, the legislature adopted several Empowerment Project initiatives designed to better connect children with loving, stable families, including laws that authorize courts to use discretion in determining the necessity of a home study in adoption and laws that increase the tax credit for quality adoption expenses.

We also created *The Foster Parents' Bill of Rights and Responsibilities*. This pamphlet is a simple resource guide that offers foster parents a clear understanding of their role while providing care and the roles of the birth parent(s) and the placement agency.

Last, but certainly not least, we must support pregnant women and new mothers with opportunities to grow, educate, and upskill. Regardless of the circumstances, motherhood is an adjustment for families. Whether it is offering compassionate, life-affirming options for mothers in need or providing resources to those looking to upskill and grow, we must dually empower women and promote life.

We do not need to create new, taxpayer-funded bureaucracies to meet these needs. State programs, non-profits, and churches are equipped to provide many resources to pregnant women and new mothers. Many women are either unaware or unable to access all these resources. In order to help connect the dots, Mississippi created the Mississippi Access to Maternal Assistance (MAMA) program. The MAMA program is a single, easy-to-use website and app that helps pregnant women and new mothers navigate the challenges facing their families.

I am proud of Mississippi's efforts to show the nation that we can both empower women and promote life, but these principles can work for families beyond Mississippi's borders and for families across the country. We need the help of lawmakers, non-profits, businesses, community leaders, and everyday citizens to step up and do their part to make this agenda a reality.

It took five decades of dedication, hard work, and prayer to overturn *Roe*, but the journey to protect the inherent dignity of all life did not end on June 24, 2022; it simply began a new chapter with new pursuits. Together, we can channel the same determination and compassion toward empowering women and promoting life.



**LYNN FITCH** is the Attorney General for the State of Mississippi. She successfully argued for the overturning of *Roe v. Wade* in the case of *Dobbs v. Jackson Women's Health Organization*.

#### ENDNOTES

- <sup>1</sup> *Roe v. Wade*, 410 U.S. 113, 153 (1973).
- <sup>2</sup> 505 U.S. 833, 856 (1992).
- <sup>3</sup> Brief *amici curiae* of 240 Woman Scholars and Professionals and Profile Feminist Organizations, p. 35, [https://www.supremecourt.gov/DocketPDF/19/19-1392/185366/20210804180314919\\_19-1392%20Brief%20of%20240%20Women%20Scholars%20et%20al%20In%20Support%20of%20Petitioners.pdf](https://www.supremecourt.gov/DocketPDF/19/19-1392/185366/20210804180314919_19-1392%20Brief%20of%20240%20Women%20Scholars%20et%20al%20In%20Support%20of%20Petitioners.pdf) (last accessed August 9, 2023).
- <sup>4</sup> *Id.* at 38-89.