Social workers are vital resources and sources of support for their clients and communities. The impact of state laws triggered by Dobbs v. Jackson Women's Health Organization and the overturn of Roe v. Wade may present challenges for social workers' ability to discuss reproductive health with clients, especially when it comes to abortion. While discussions with clients may explore several areas of reproductive health based on their needs, this document specifically focuses on supporting clients in conversations around abortion.

While abortion is illegal in most circumstances in Texas, it is still legal and accessible across the country. Social workers can continue to support clients in a variety of ways, and should understand the continuum of risk associated with certain actions. NASW-TX hopes to aid Texas social workers' understanding of current risks through this document so they can better make informed decisions.

**Current policies and statutes**

Current Texas law only criminalizes those who perform or aid and abet an abortion, not the pregnant person themselves. Social workers in Texas should be aware of relevant statutes and how they may apply to social work practice.

**Aiding and abetting**

As of the release of this document, individuals (including social workers) can be sued or criminally prosecuted for aiding and abetting an abortion in Texas. Don't let this scare you! Social workers are NOT prohibited from merely talking about pregnancy and abortion with clients.

According to Texas Penal Code § 7.02, a person is aiding and abetting a crime if they:

> **are "acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense" or "causes or aids an innocent or nonresponsible person to engage in conduct prohibited by the definition of the offense"**

**Relevant Texas statutes**

- **HB 1280**, sometimes known as the "trigger ban," prohibits individuals from performing, inducing, or attempting an abortion, with exceptions for medical emergencies.
- **SB 4** prohibits providing abortion medication after 7 weeks of pregnancy, with exceptions for miscarriage management and removing an ectopic pregnancy.
- **Pre-Roe criminal ban** prohibits performing or procuring the means for an abortion, including drugs or medicines.
- **SB 8** is a civil statute that prohibits Texas physicians from providing an abortion after detecting cardiac activity in an embryo, as well as prohibiting anyone from aiding and abetting an abortion in Texas.
Options counseling is one low-risk option for social workers discussing pregnancy options with clients that mirrors a practice sometimes used in medicine. In options counseling, the counselor discusses all potential choices the client can make and allows the client to lead the decision-making process. In the case of a pregnant client, options may include (but are not limited to): sustaining pregnancy, terminating pregnancy, adoption, and other outcomes.

In documenting interactions with clients around reproductive health, be cognizant of who has access to your records and notes, and document client encounters accordingly.

One of social work’s primary ethical responsibilities to clients is to promote their self-determination (Ethical Standard 1.02). It is imperative that you approach conversations regarding pregnancy and abortion with clients in a way that supports their sense of self-determination. Figure out how you can best align this ethical obligation with your personal risk tolerance.

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It is part of best practice to stay up to date with new developments as the laws surrounding abortion and reproductive health change. Know what options you can discuss with your client and how you can support them.

Visit NASW-TX’s page on reproductive health resources and advocacy for the most updated information: https://www.naswtx.org/page/ReproductiveHealthResources

This document is meant to provide a guide and does not substitute legal advice. Questions can be sent to naswtex.naswtx@socialworkers.org.

This document was made possible by member support. If you’re not a part of NASW, you can join here: https://www.socialworkers.org/nasw/join.