

Bill as Introduced

HB 763-FN - AS INTRODUCED

2003 SESSION

03-0346

01/09

HOUSE BILL **763-FN**

AN ACT requiring parental notification before abortions may be performed on unemancipated minors.

SPONSORS: Rep. Kerns, Hills 57; Rep. Woods, Straf 69; Rep. Souza, Hills 51; Rep. Sweeney, Hills 62

COMMITTEE: Judiciary

ANALYSIS

This bill prohibits any physician from performing an abortion on certain minors or incompetent females without giving 48 hours' written notice, in person or by certified mail, to a parent or guardian. The bill provides a procedure for alternate notice in certain circumstances.

This bill also establishes a procedure for waiver of the notice in certain circumstances.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT requiring parental notification before abortions may be performed on unemancipated minors.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 I Legislative Purpose and Findings.

2 I. It is the intent of the legislature in enacting this parental notification provision to further
3 the important and compelling state interests of protecting minors against their own immaturity,
4 fostering the family structure and preserving it as a viable social unit, and protecting the rights of
5 parents to rear children who are members of their household:

6 II. The legislature finds as fact that:

7 (a) Immature minors often lack the ability to make fully informed choices that take
8 account of both immediate and long-range consequences.

9 (b) The medical, emotional, and psychological consequences of abortion are serious and
10 can be lasting, particularly when the patient is immature.

11 (c) The capacity to become pregnant and the capacity for mature judgment concerning
12 the wisdom of abortion are not necessarily related.

13 (d) Parents ordinarily possess information essential to a physician's exercise of best
14 medical judgment concerning the child.

15 (e) Parents who are aware that their minor daughter has had an abortion may better
16 ensure that she receives adequate medical attention after the abortion.

17 III. The legislature further finds that parental consultation is usually desirable and in the
18 best interest of the minor.

19 2 New Subdivision; Parental Notification Prior to Abortion. Amend RSA 132 by inserting after
20 section 24 the following new subdivision:

21 Parental Notification Prior to Abortion

22 132:25 Definitions. In this subdivision:

23 I. "Abortion" means the use of any means to terminate the pregnancy of a female known to
24 be pregnant with knowledge that the termination with those means will, with reasonable likelihood,
25 cause the death of the fetus and "fetus" means any individual human organism from fertilization
26 until birth.

27 II. "Commissioner" means the commissioner of the department of health and human
28 services.

29 III. "Department" means the department of health and human services.

1 IV. "Emancipated minor" means any minor female who is or has been married or has by
2 court order otherwise been freed from the care, custody, and control of her parents.

3 V. "Guardian" means the guardian or conservator appointed under RSA 464-A, for pregnant
4 females.

5 VI. "Minor" means any person under the age of 18 years.

6 VII. "Parent" means one parent of the pregnant girl if one is living or the guardian or
7 conservator if the pregnant girl has one.

8 132:26 Notification Required.

9 I. No abortion shall be performed upon an unemancipated minor or upon a female for whom
10 a guardian or conservator has been appointed pursuant to RSA 464-A because of a finding of
11 incompetency, until at least 48 hours after written notice of the pending abortion has been delivered
12 in the manner specified in paragraphs II and III.

13 II. The written notice shall be addressed to the parent at the usual place of abode of the
14 parent and delivered personally to the parent by the physician or an agent.

15 III. In lieu of the delivery required by paragraph II, notice shall be made by certified mail
16 addressed to the parent at the usual place of abode of the parent with return receipt requested and
17 with restricted delivery to the addressee, which means the postal employee shall only deliver the
18 mail to the authorized addressee. Time of delivery shall be deemed to occur at 12 o'clock noon on the
19 next day on which regular mail delivery takes place, subsequent to mailing.

20 132:27 Waiver of Notice.

21 I. No notice shall be required under RSA 132:26 if:

22 (a) The attending physician certifies in the pregnant minor's medical record that the
23 abortion is necessary to prevent the minor's death and there is insufficient time to provide the
24 required notice; or

25 (b) The person or persons who are entitled to notice certify in writing that they have
26 been notified.

27 II. If such a pregnant minor elects not to allow the notification of her parent or guardian or
28 conservator, any judge of a court of competent jurisdiction shall, upon petition, or motion, and after
29 an appropriate hearing, authorize a physician to perform the abortion if said judge determines that
30 the pregnant minor is mature and capable of giving informed consent to the proposed abortion. If
31 said judge determines that the pregnant minor is not mature, or if the pregnant minor does not
32 claim to be mature, the judge shall determine whether the performance of an abortion upon her
33 without notification of her parent, guardian, or conservator would be in her best interests and shall
34 authorize a physician to perform the abortion without such notification if said judge concludes that
35 the pregnant minor's best interests would be served thereby.

36 (a) Such a pregnant minor may participate in proceedings in the court on her own
37 behalf, and the court may appoint a guardian ad litem for her. The court shall, however, advise her

1 that she has a right to court-appointed counsel, and shall, upon her request, provide her with such
2 counsel.

3 (b) Proceedings in the court under this section shall be confidential and shall be given
4 such precedence over other pending matters so that the court may reach a decision promptly and
5 without delay so as to serve the best interest of the pregnant minor. In no case shall the court fail to
6 rule within 7 calendar days from the time the petition is filed. A judge of the court who conducts
7 proceedings under this section shall make in writing specific factual findings and legal conclusions
8 supporting the decision and shall order a record of the evidence to be maintained including the
9 judge's own findings and conclusions.

10 (c) An expedited confidential appeal shall be available to any such pregnant minor for
11 whom the court denies an order authorizing an abortion without notification. The court shall make a
12 ruling within 7 calendar days from the time of the docketing of the appeal. An order authorizing an
13 abortion without notification shall not be subject to appeal. No filing fees shall be required of any
14 such pregnant minor at either the trial or the appellate level. Access to the trial court for the
15 purposes of such a petition or motion, and access to the appellate courts for purposes of making an
16 appeal from denial of the same, shall be afforded such a pregnant minor 24 hours a day, 7 days a
17 week.

18 132:28 Penalty. Performance of an abortion in violation of this subdivision shall be a
19 misdemeanor and shall be grounds for a civil action by a person wrongfully denied notification. A
20 person shall not be held liable under this section if the person establishes by written evidence that
21 the person relied upon evidence sufficient to convince a careful and prudent person that the
22 representations of the pregnant minor regarding information necessary to comply with this section
23 are bone fide and true, or if the person has attempted with reasonable diligence to deliver notice, but
24 has been unable to do so.

25 132:29 Reporting Requirements; Forms.

26 I. Within 90 days after the effective date of this subdivision, the commissioner shall prepare
27 a reporting form for physicians listing:

28 (a) The number of females from whom the physician or an agent of the physician
29 provided notice under RSA 132:26; of that number, the number provided personally as described in
30 paragraph II of RSA 132:26; and the number provided notice by mail as described in paragraph III of
31 RSA 132:26; and of each of those numbers, the number of females who, to the best of the reporting
32 physician's information and belief, went on to obtain the abortion.

33 (b) The number of females upon whom the physician performed an abortion without
34 providing to the parent of the minor the notice described in RSA 132:26; of that number, the number
35 who were emancipated minors, and the numbers for whom RSA 132:27 was applicable.

36 (c) The number of abortions performed upon a female by the physician after receiving
37 judicial authorization to do so without parental notification; and

1 (d) The same information described in subparagraphs I(a)-(c) with respect to females for
2 whom a guardian or conservator has been appointed pursuant to RSA 464-A because of a finding of
3 incompetency.

4 II. The department shall ensure that copies of the reporting forms described in paragraph I,
5 together with a reprint of this subdivision, are provided:

6 (a) Within 120 days after the effective date of this subdivision, to all physicians licensed
7 to practice in New Hampshire.

8 (b) To each physician who subsequently becomes newly licensed to practice in
9 New Hampshire, at the same time as official notification to that physician that the physician is so
10 licensed; and

11 (c) By December 1 of every year, other than the calendar year in which forms are
12 distributed in accordance with subparagraph I(a), to all physicians licensed to practice in
13 New Hampshire.

14 III. By February 28 of each year following a calendar year in any part of which this
15 subdivision was in effect, each physician who provided, or whose agent provided, notice described in
16 RSA 132:26 and any physician who knowingly performed an abortion upon a female for whom a
17 guardian or conservator had been appointed pursuant to RSA 464-A because a finding of
18 incompetency during the previous calendar year shall submit to the department a copy of the form
19 described in paragraph I, with the requested data entered accurately and completely.

20 IV. Reports that are not submitted within a grace period of 30 days following the due date
21 shall be subject to a late fee of \$500 for each additional 30-day period or portion of a 30-day period
22 they are overdue. Any physician required to report in accordance with this section who has not
23 submitted a report, or has submitted an incomplete report, more than one year following the due
24 date, may, in an action brought by the department, be directed by a court of competent jurisdiction to
25 submit a complete report within a period stated by court order or be subject to sanctions for civil
26 contempt.

27 V. By June 30 of each year the department shall issue a public record providing statistics for
28 the previous calendar year compiled from all the reports covering that year submitted in accordance
29 with paragraph III for each of the items listed in paragraph I. The report shall also include statistics
30 which shall be obtained by the administrative office of the courts giving the total number of petitions
31 or motions filed under RSA 132:27, II, and of that number, the number in which the court appointed
32 a guardian ad litem, the number in which the judge issued an order authorizing an abortion without
33 notification, the number in which the judge denied such an order, and of the last, the number of
34 denials from which an appeal was filed, the number of such appeals that resulted in the denials
35 being affirmed, and the number of such appeals that resulted in reversals of such denials. Each
36 report shall also provide the statistics for all previous calendar years for which such a public statistic
37 was required to be issued. The administrative office of the courts shall ensure that none of the

1 information included in the public reports could reasonably lead to the identification of any
2 individual female, or of any female for whom a guardian or conservator has been appointed.

3 VI. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the forms and
4 reporting requirements required by this section. The department may, by rule, alter the dates
5 established in paragraphs I and III or consolidate the forms or reports to achieve administrative
6 convenience or financial savings or to reduce the burden of reporting requirements, so long as
7 reporting forms are sent to all licensed physicians in the state at least once every year and the report
8 in paragraph III is issued at least once a year.

9 VII. If the department fails to issue the public report required by paragraph V, any group of
10 10 or more citizens of this state may seek an injunction in a court of competent jurisdiction against
11 the commissioner requiring that a complete report be issued within a period stated by court order.
12 Failure to abide by such an injunction shall subject the commissioner to sanctions of civil contempt.

13 VIII. If judgment is rendered in favor of the plaintiff in any action described in paragraph
14 VII, the court shall also render judgment for reasonable attorneys' fees in favor of the plaintiff
15 against the defendant. If judgment is rendered in favor of the defendant and the court finds that
16 plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for
17 reasonable attorney's fees in favor of the defendant against the plaintiff.

18 132:30 Severability. If any provision of this subdivision or the application thereof to any person
19 or circumstance is held invalid, such invalidity shall not affect the provisions or applications of this
20 subdivision which can be given effect without the invalid provisions or applications, and to this end,
21 the provisions of this subdivision are severable.

22 3 Effective Date. This act shall take effect January 1, 2004.

LBAO
03-0346
1/21/03

HB 763-FN - FISCAL NOTE

AN ACT requiring parental notification before abortions may be performed on unemancipated minors.

FISCAL IMPACT:

The Administrative Office of the Courts, the Judicial Council, and the Departments of Corrections and Health and Human Services indicate this bill will increase state and county expenditures by an indeterminable amount in FY 2004 and each year thereafter. There will be no fiscal impact to state, county and local revenue or local expenditures.

METHODOLOGY:

The Department of Corrections indicated the state may incur probation/parole supervision costs of \$850 per offender per year. The Department stated that violations of this bill would result in a misdemeanor that could result in incarceration in a county facility and could increase county expenditures.

The Judicial Branch stated they are unable to accurately estimate the additional costs of the provisions in this bill since the number of hearings can not be determined. The Branch assumed the average hearing would last a full day and cost approximately \$890. Additional costs would include time and clerical costs to write a decision, court appointed guardian and counsel and possible appeals.

The Judicial Council indicated that a guardian ad litem and court appointed counsel will cost the state \$60 per hour but are unable to estimate the number of hours that will be required. In addition, if a criminal offense occurs and the person charged is indigent, additional costs would be incurred for a public defender, contract attorney or assigned counsel. The Council stated the number of cases, the legal representation required, and the number of hours required can not be determined.

The Department of Health and Human Services indicated this bill will increase state expenditures by \$14,528 in FY 2004, \$21,776 in FY 2005, \$22,238 in FY 2007, and \$24,038 in FY 2007. The Department's estimate included the cost of a part-time Statistical Clerk and a Statistician II, as well as associated equipment, supplies and operating costs.

HB 763-FN - AS AMENDED BY THE HOUSE

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HOUSE BILL

763-FN

AN ACT

requiring parental notification before abortions may be performed on unemancipated minors.

SPONSORS:

Rep. Kerns, Hills 57; Rep. Woods, Straf 69; Rep. Souza, Hills 51; Rep. Sweeney, Hills 62

COMMITTEE:

Judiciary

AMENDED ANALYSIS

This bill prohibits any abortion provider from performing an abortion on certain minors or incompetent females without giving 48 hours' written notice, in person or by certified mail, to a parent or guardian. The bill provides a procedure for alternate notice in certain circumstances.

This bill also establishes a procedure for waiver of the notice in certain circumstances.

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20 section 24 the following new subdivision:

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23 the abortion is necessary to prevent the minor's death and there is insufficient time to provide the
24 required notice; or

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31 proposed abortion. If said judge determines that the pregnant minor is not mature, or if the
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35 notification if said judge concludes that the pregnant minor's best interests would be served thereby.

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37 behalf, and the court may appoint a guardian ad litem for her. The court shall, however, advise her

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2 counsel.

3 (b) Proceedings in the court under this section shall be confidential and shall be given
4 such precedence over other pending matters so that the court may reach a decision promptly and
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22 representations of the pregnant minor regarding information necessary to comply with this section
23 are bone fide and true, or if the person has attempted with reasonable diligence to deliver notice, but
24 has been unable to do so.

25 132:29 Severability. If any provision of this subdivision or the application thereof to any person
26 or circumstance is held invalid, such invalidity shall not affect the provisions or applications of this
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28 the provisions of this subdivision are severable.

29 3 Effective Date. This act shall take effect January 1, 2004.

LBAO
03-0346
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Amendments

Amendment to HB 763-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to information and counseling to minors seeking abortion.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 New Subdivision; Prior to Abortion. Amend RSA 132 by inserting after section 24 the
8 following new subdivision:

9

Information and Counseling to Minors Seeking Abortion

10 132:25 Definitions. In this subdivision:

11 I. "Counselor" means a psychiatrist licensed under RSA 329:12, a psychologist licensed
12 under RSA 330-A:16, a clinical social worker licensed under RSA 330-A:18, a marriage and family
13 therapist licensed under RSA 330-A:21, a registered nurse or practical nurse licensed under
14 RSA 326-B:6, or 326-B:7, or a guidance counselor certified under RSA 21-N:9, II(s).

15 II. "Minor" means any person under the age of 18 years.

16 III. "Provider" means a physician licensed under RSA 329:12, a physician's assistant
17 licensed under RSA 328-D:3, or an advanced registered nurse practitioner licensed under
18 RSA 326-B:10.

19 132:26 Information and Counseling Required.

20 I. Prior to the performance of an abortion upon a minor, a provider or counselor shall
21 provide pregnancy information and counseling in accordance with this subdivision in a manner and
22 language that will be understood by the minor. The provider or counselor shall:

23 (a) Explain that the information being given to the minor is being given objectively and
24 is not intended to coerce, persuade, or induce the minor to choose to have an abortion or to carry the
25 pregnancy to term.

26 (b) Explain that the minor may withdraw a decision to have an abortion at any time
27 before the abortion is performed or may reconsider a decision not to have an abortion at any time
28 within the time period during which an abortion may legally be performed.

29 (c) Explain to the minor the alternative choices available for managing the pregnancy,
30 including:

31 (1) Carrying the pregnancy to term and keeping the child;

32 (2) Carrying the pregnancy to term and placing the child for adoption, placing the

1 child with a relative, or obtaining voluntary foster care for the child; and

2 (3) Having an abortion, and explain that public and private agencies are available to
3 assist the minor with whichever alternative she chooses and that a list of these agencies and the
4 services available from each will be provided if the minor requests.

5 (d) Explain that public and private agencies are available to provide birth control
6 information and that a list of these agencies and the services available from each will be provided if
7 the minor requests.

8 (e) Discuss the possibility of involving the minor's parents, guardian, or other adult
9 family members in the minor's decision making concerning the pregnancy and whether the minor
10 believes that involvement would be in the minor's best interests.

11 (f) Provide adequate opportunity for the minor to ask any questions concerning the
12 pregnancy, abortion, child care, and adoption, and provide information the minor seeks or, if the
13 person cannot provide the information, indicate where the minor can access the information.

14 II. After the counselor or provider provides the information and counseling to a minor as
15 required by this subdivision, such counselor or provider shall have the minor sign and date a form
16 stating that:

17 (a) The minor has received information relative to alternatives to abortion, that there
18 are agencies that will provide assistance, and a list of these agencies and the services available from
19 each shall be provided if the minor requests.

20 (b) The minor has received an explanation that the minor may withdraw an abortion
21 decision or reconsider a decision to carry a pregnancy to term.

22 (c) The alternatives available for managing the pregnancy have been explained to the
23 minor.

24 (d) The minor has received an explanation about agencies available to provide birth
25 control information and that a list of these agencies and the services available from each will be
26 provided if the minor requests.

27 (e) The minor has discussed with the person providing the information and counseling
28 the possibility of involving the minor's parents, guardian, or other adult family members in the
29 minor's decision making about the pregnancy.

30 (f) If applicable, the minor has determined that not involving the minor's parents,
31 guardian, or other adult family members is in the minor's best interests.

32 (g) The minor has been given an adequate opportunity to ask questions.

33 III. The counselor or provider shall also sign and date the form and shall include his or her
34 business address and business telephone number. The counselor or provider shall keep a copy for
35 the minor's medical record and shall give the form to the minor or, if the minor requests and if such
36 person is not the attending provider, transmit the form to the minor's attending provider. Such
37 medical record shall be maintained as otherwise provided by law.

Amendment to HB 763-FN

- Page 3 -

1 IV. The provision of pregnancy information and counseling by a provider or counselor which
2 is evidenced in writing containing the information and statements provided in this subdivision and
3 which is signed by the minor shall be presumed to be evidence of compliance with the requirements
4 of this subdivision.

5 V. The requirements of this subdivision shall not apply when, in the best medical judgment
6 of the provider based on the facts of the case before the provider, a medical emergency exists which
7 so complicates the pregnancy or the health, safety, or well-being of the minor as to require an
8 immediate abortion. A provider who does not comply with the requirements of this subdivision
9 because of this exception shall state in the minor's medical record the medical indications on which
10 the provider's judgment was based.

11 132:27 Rulemaking. The commissioner of the department of health and human services shall
12 adopt rules, under RSA 541-A, relative to the forms required under this subdivision.

13 2 Effective Date. This act shall take effect 60 days after its passage.

2003-1585s

AMENDED ANALYSIS

This bill requires a counselor or health care provider to provide a pregnant minor, under the age of 18 years, with counseling and information before such minor has an abortion.

Committee Minutes

Judiciary Committee

Gail

Hearing Report

To: Members of the Senate

From: Susan Duncan
Senior Legislative Aide

Re: **HB 763-FN** – *AN ACT requiring parental notification before abortions may be performed on unemancipated minors*

Hearing date: May 13, 2003

Members present: Senators Peterson, Foster, Clegg, Roberge and Sapareto

Members absent: None

Sponsor(s): Representatives Kerns, Woods, Souza and Sweeney

What the bill does: This bill prohibits any abortion provider from performing an abortion on certain minors or incompetent females without giving 48 hours' written notice, in person or by certified mail, to a parent or guardian. The bill provides a procedure for alternate notice in certain circumstances and also establishes a procedure for waiver of the notice in certain circumstances.

Who supports the bill: Representatives Kerns, Woods, Souza, Sweeney, Ouellette, Alpert, Dupius, Berube, Mooney, Hagan and Ahern, Senator Prescott, Governor Craig Benson, Deacon Robert Anderson, Dioses of Manchester, Professor Collette, Dan Hogan, Carolyn, Blake Deyo, Roger Stenson, Mary Lou Garland, The Rev. Thomas F. Clark, III, Gail Denasi, Edward Lawrence, Patrice Denasi, Joan Espinola, Rebecca Cloutier, Helen McPhillips, Theresa Fuller, Margaret Dry, Warren Goddard, and Michael Geanoulis

Who opposes the bill: Representatives Keans, French, Norelli, DesMairis, Sokol, Hammond, former Senator Katherine Wheeler, Gail McCarthy, Rachel Adkins of PPNNE, Michelle Kuna, Jane Torrey, Dianne McCarthy, Lynn Duval-Harwell, Lisa McDonald, Brigid Ordway, Corinne Baker, Sally Davis, Sheila Evans, Wilma Wake, Betsey Schneider, Pilar Olivo, and Wayne Goldner, M. D.

Please see Committee Secretary for a complete listing of towns and organizations represented (as well as correct spellings of names)

Summary of testimony received in support:

- This legislation was filed in order to define the law and to recognize the rights of parents.
- Parents cannot advise and help their daughters if they are unaware of what is going on in their lives.
- This legislation is well crafted, constitutional and has been tried by the US Supreme Court on two occasions.
- This is strictly about a parent's ability to protect their children.
- Parents need to know if a daughter is pregnant because they "may want to go after the person who caused her to be in this situation."
- Parental notification bills advance the interests of girls in three ways:
 1. girls often do not have enough maturity or experience in choosing health care providers;
 2. Parents can provide medical knowledge;
 3. Parents have better knowledge of post-abortion complications.
- There are "few standards for abortionists."
- New Hampshire needs abortion reform and this is at least a small step forward.
- This legislation does not force good parenting, but it does support good parenting.
- Abortion takes a life and is never justified.
- While testimony indicated that a number of young girls do tell their parents, there is no way to really know if that is true.
- This bill is not trying to legislate good family communications or good family relations, this is about information.

Summary of testimony received in opposition:

- This legislation should not be passed because New Hampshire has a long Libertarian tradition of not interfering with family matters.
- This does not protect the rights of parents – this places more road-blocks in the way of young girls.
- This legislation is not about parental consent, it's about restriction of abortions.
- This is one more attempt to make services less available to young people.
- We cannot legislate parental communication.
- The statutes passed in the States of Maine and Connecticut are much better.
- Testimony indicated that two-thirds of all pregnant teens do talk with their family members.
- The better solution is to prevent teen pregnancies.
- Testimony was received regarding the current protocols and policies that are in place for teens (and others) seeking abortions.

- In 2002, 46 women under the age of 18 came to Planned Parenthood. Of these, over 67% had the consent of one parent. (The national average is 64%.)
- In states where there are notification laws, no increase is seen in parental involvement.
- Planned Parenthood feels that it is better to get teens into health care sooner rather than later.
- Forcing a young woman to go to court is not helping a difficult situation but makes it worse by wrongly turning a family matter into a court matter.
- Twelve percent of the clients at the Feminist Health Center serving the seacoast area are under the age of 18. This number is going down nationwide. Ten years ago, 30% of clients were under age 18.

Funding: See fiscal note

Action: The committee went into executive session following a break. Senator Foster moved Ought to Pass with Amendment #1585s. Senator Sapareto seconded the motion. The Committee voted 3 to 2 in support of the OTP with Amendment motion. Senator Peterson will report the bill out of committee.

sfd

[file: HB 763-FN report]

Date: May 16, 2003

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Date: May 13, 2003
Time: 10:15 a.m.
Room: LOB, Room 202-204

The Senate Committee on Judiciary held a hearing on the following:

HB 763-FN (2nd New Title) requiring parental notification before abortions may be performed on unemancipated minors.

Members of Committee present: Senator Peterson
Senator Foster
Senator Clegg
Senator Roberge
Senator Sapareto

Senator Andrew R. Peterson, D. 11: I think it is appropriate for me to bang the gavel and start off on time. There has been a letter delivered to the sponsors of the bill outlining the intention of the Committee to limit testimony today in terms of the verbal testimony. We are certainly willing to take whatever written testimony someone might wish to provide in order to expand on their arguments. But, I have asked the sponsor to limit his time to ten minutes and the other Representatives and Senators to limit their time to three to five minutes, at a maximum, so that others will be able to speak on this bill and we will be able to have testimony from the public that I will ask that, unless there are less people than we expect, be kept to a minute or two with other testimony delivered for the record.

We have had a schedule in the Judiciary Committee of over sixty bills, many of which we need to get out by tomorrow. Our normal hearing time is from 10:15 to noon or 12:30 and we have attempted to give due deference to the amount of concern over this issue by only scheduling this one bill today and will attempt to provide those who favor the legislation and those who have concerns about it to have a full airing of their views, despite the fact that people will have to perhaps constrain their inclinations to do so at greater length at given times during the hearings.

HB

With that announcement and with at least two of the other Committee members here present, I would like to ask, for those who have filled out cards, if I could have the cards on the bill. Is the prime sponsor here? Wonderful. If you would come forward and we will open the hearing on HB 763-FN. If you would identify yourself for the record please.

Representative John Edward Kerns: Certainly. Good morning. Most honorable members of the Senate Judiciary Committee, good morning. My name is John Edward Kerns and I represent Bedford here in the General Court.

I bring with me today a bill of redress for your consideration that, if adopted, would make it the right of parents of unemancipated minor girls to know of their daughter's decision to terminate her pregnancy. By this act, it would create a misdemeanor out of any actor exercising the termination of pregnancy without first having sent notification to a parent or guardian at least forty-eight hours prior to exterminating the unborn child.

In order to secure your support for this measure, Senators, I believe there are five qualifiers that must be considered in your deliberation. A thicket of lies and false testimonials will be propounded today by citizens imported from Massachusetts and the abortion industry to speak out against this bill. Senator Roberge, Senator Peterson, I call on you especially, to ask these witnesses to state whether or not they are even New Hampshire residents and whether or not they represent the interests of parents and their rights or the financial romances of the abortion industry.

The first qualifier ensures this proposal is written and presented appropriately for the public good. I believe, after reading the amended text of this bill, you will find it is fair in its application. It is neither pro-choice nor pro-life, creating a resolution for every parent under its purview and creating a simple procedure in the courts for those girls who have good cause not to be subjected to this requirement.

HB 763 is a reasonable request made by the parents of this state, joining forces with parents of twenty-six other states because, to the delight of all, this is common sense. Why do you think we mail home report cards, Senators? It's because we can't always trust a child's judgment to reveal a mistake to their parents. And also because children aren't as capable of supervising their own progress in serious affairs.

Second, the philosophy of this measure fixes a very serious gap in our present law, which agencies like Planned Parenthood exploit in offering and encouraging minor teens to employ secrets and lies against their parents as a

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solution to their problems, of course, thereby compounding them. The government should prescribe the solution in this instance, not the abortion mills. For example, recently we've seen the *Union Leader* headlines about how these planned pregnancy groups are subverting state sexual abuse laws by not reporting crimes, thereby aiding social deviance. Take no pity on those who speak eloquently in support of such perversions of the law.

This law is fair and the solution does not mandate consent. It merely recognizes that the law should give deference and respect to the parents of these children to know what is being done to their daughter's body, both medically and surgically, especially for an invasive procedure such as abortion.

I don't know of any one of you Senators who would allow a practitioner to have contact with your daughter's genitalia, perform surgery using equipment that threatens her fertility, and a procedure that has proven damaging and psychological and physiological effects, all without your knowledge.

And, even if you would allow your daughter to do this without your knowledge, how dare you permit that low standard to be held to mine and the 85% of Americans who believe they have a protected right to be told before a doctor does any of this.

Third, we have failed to define in this instance what the law is. In so doing, and though the United States Supreme Court has reviewed and upheld this measure, New Hampshire has not joined the rest of the nation yet in recognizing the rights of parents. Instead, we have watched our neighboring states introduce and pass this measure without us, thereby allowing Planned Parenthood of Massachusetts to admittedly ship up van loads of pregnant teens to exploit our lenient statutes. This is akin to being the only state with legal liquor during prohibition.

A crime is being done to the taxpayers, who rely on you to maintain decency and uphold order. What decency or order is there in trusting the judgment of our sexually active youth without their parents' knowledge in such serious affairs of public health and concern?

Fourth, our constituency and several entities that represent our constituency, most notably this very House of Representatives of the Legislative Branch and the Governor of New Hampshire, Craig Benson, of the Executive Branch, support the introduction of this law into our state. The proposal has the support of many professionals, experts, groups who will appear here today I'm sure to testify and private citizens as well.

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Lastly, consider what compels us to act in this case. Sexual education programs aren't working in this sexed-up generation. My high school class was a product of all of this and we had several suicides, an absurd amount of pregnancies, and numerous abortions. That does not record a success for New Hampshire's strategies of the past. It is time to get real. Preaching abstinence alone does not work. And, in my opinion, the statistics are only capturing a tidbit of what is really occurring in our high schools. Surveys only reveal how much teens are willing to share and admit to sex or take the survey seriously, or how many aren't even in school and are getting pregnant.

We have a crisis on our hands, Senators, and I have stepped up to the plate from my generation to put a stop to this practice. I ask your support because it is proven. It works. I challenge any opposition who is pro-choice to argue against this, as I wrote this bill and I am myself proud to be pro-choice. I don't support restriction on a woman's right to choose an abortion. This bill doesn't concern a woman; it concerns girls, Senators. This isn't an invasion of privacy as Senators O'Hearn and Cohen have alleged in *Foster's Daily Democrat*.

To say the government isn't allowed to regulate abortion at all gives the abortion industry an advantage not seen since the prescription and big tobacco companies rose. I suppose the government shouldn't be involved in incest with families or rape or domestic violence, or any other area that the public demands protection. Wake up because we're not living in the 1950s any more. Ignoring a problem does not make it go away.

With that, I urge you, at the pleasure of a majority of New Hampshire's citizens to bring justice where there is disregard for the sovereignty of our parents and the institution of the family by voting in support of HB 763.

Mr. Chairman, I will submit a copy of this testimony in addition to the testimony I presented to the House, including all factual citations and evidence for the Committee to consider. I thank you for your time.

Please see Representative Kern's typewritten testimony attached hereto and referred to as Attachment #1.

Senator Andrew R. Peterson, D. 11: Well, thank you for bringing the bill and thank you for your testimony. I particularly appreciate your staying within the time limits that we stated. As you are well aware, Representative, we have spoken on the phone and that you had an expert that you or a person that you wished to have speak who is from out of state, I understand, herself from Texas. One thing I did want to make clear is that we have no limitation

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at our hearings requiring people only who are New Hampshire residents to speak. These are open hearings, public hearings, and we hope that we will have a good opportunity to vent this issue and be able to produce good legislation, if that is a possibility for us. So, thank you for bringing it. Are there questions from the Committee for the sponsor? Senator Sapareto for a question.

Senator Frank V. Sapareto, D. 19: Thank you, Mr. Chairman. Thank you, Representative, for your testimony. I have a question. You made a statement that this involves not women, but girls. Currently, in New Hampshire, the age of consent is age sixteen. This has been applied to females aged sixteen and seventeen. Do you think there is a discrepancy that a woman who is seventeen years old is at the age of consent and can have sex, but she must notify her parents if she chooses abortion?

Representative Kerns: Thank you for your question, Senator Sapareto. I don't think that there can be a distinguishment made between the age of consensual sex as permitted by the law and the age at which a minor is recognized as having made the transition to adulthood. So, I think the statute is clear that a minor is any person under the age of eighteen. I designed this statute to reflect that. I understand that there is a consensual law that minors of the ages of sixteen and seventeen, can engage in sexual intercourse, but I don't think that that means that they don't have parents who have a right to know if they should get pregnant. Pregnancy and intercourse is different and I do want to make the distinction about what this bill addresses. Thank you for your question, Senator.

Senator Andrew R. Peterson, D. 11: Seeing no further questions from the Committee, thank you for bringing us the bill. I would like to depart with normal practice of hearing from the other sponsors in deference to the Governor's schedule and ask if he would like to speak at this time. Would you please fill out a card, Representative, for the record. Thank you.

Governor Craig Benson: Good morning. Thank you, Mr. Chairman and members of the Committee. I will be very brief. I am here to testify in favor of HB 763 for a very simple reason. I am here representing the parents of the state of New Hampshire and I would like to give them their right to be a parent back. HB 763 tries to deal with that particular issue.

As the parent of two teenage daughters, I know how trying and tribulating it can be to raise two young daughters and all the different things they go through. One of the things I think is totally wrong is that the state inserts itself into one of the most important potential decisions my daughters may ever have to make, without any advice from her father or mother. We ask

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our parents to be responsible every single day. Yet, when it comes to a very, very important decision to our own children's lives, we take that decision away from them. I think it is time we restored back the respect and dignity and decision making authority to parents.

I have to tell you one of the things I heard as part of the campaign for HB 763 was this very simple saying. The state of New Hampshire does not love any of our children; our parents love our children. So, let's give our parents who love those children the right to weigh in on a very, very important decision and let's do it soon.

That's all I would like to say on this bill. Thank you very much for your time. Does anybody have any questions?

Senator Andrew R. Peterson, D. 11: Questions from the Committee? Seeing none, Governor, thank you for being here. As a father of four daughters, myself.

Governor Benson: You are worse off than I am. We all ought to get together.

Senator Andrew R. Peterson, D. 11: The young father quotient is certainly available here this morning. Thank you for coming and thank you for your comments. Now, I would like to call Representative Phyllis Woods, to speak in favor of the legislation. Welcome, Representative.

Representative Phyllis Woods: Thank you, Mr. Chairman. Good morning. Good morning members of the Committee. I am going to be very brief. I just want to take one minute of my time now and defer the bulk of my time to Professor Collett, who will speak later to the Committee. I know you have a number of people who have come to testify.

I would simply like to say this is a very straightforward common sense bill. It is constitutionally sound. There have been a number of statements made in objection to the bill, some of which are probably untrue, some of which are somewhat misleading, some which may be true and we don't object, but there is not any reason to vote against the bill. I think all of these things will be addressed by people throughout the hearing and so, with that, I would just like to say, Mr. Chairman, that I hope that I could reserve perhaps one minute of my time at the conclusion of the hearing to answer any objections or unanswered questions that may come up during the hearing.

Senator Andrew R. Peterson, D. 11: Thank you. We will certainly see to that request. It has always been the practice of this Committee to allow the advocates to respond at the end of the hearing if they wish to do so. Thank

you. Are there questions from the Committee? Seeing none, thank you for being here.

As we go through a significant list of speakers, I will again remind those testifying to please be considerate of the time that is used as it does take away from the opportunity for others to make their point. Also, I would ask that people not repeat testimony, but try to bring new information when they come forward. I would like to call Representative Kathleen Souza, a co-sponsor, who wishes to speak in support of the legislation. Representative Souza will defer on that. I will call Representative Cynthia Sweeney, who wishes to speak in support of the bill. Representative Sweeney. Welcome.

Representative Cynthia Sweeney: Thank you, Senator. My name is Cynthia Sweeney. I am Representative from Hillsborough 62, which is Nashua Wards 4 and 6.

I was asked to be the token Democrat on this bill and, since I do support the right to life, I agreed to do it. But, I agreed for another much more important reason. I am the mother of three daughters; I am the grandmother of six girls. What I think a young woman goes through when they seek an abortion, I would want to be part of my child's support system.

One of my oldest friends had an abortion at the age of twenty-eight. Obviously, she wouldn't have been affected by this bill. But, two days after the abortion, she started to hemorrhage and she ended up in the hospital having a complete hysterectomy. The abortion was performed by her obstetrician in a hospital with everything supposedly being right. Obviously, something happened. I only learned about it because, twenty years later, she was still bothered by it.

This says to me that, rather than the initial, they say this is something they are going to carry for a long time. If a parent isn't advised of what the child is doing, how can the parent be there to help the child?

I think also how silly some of the things are. My oldest daughter when she was about thirteen, was playing with her chemistry set. A weird set of circumstances, a fire broke. They took her to the hospital. They wouldn't even look at her at the hospital until I was there to sign a waiver. Yet, you would perform an abortion on the same child without my notification? That seems inconsistent.

I have said what I have to say. I urge you to please vote for this, for the rights of parents because how can a parent be what a parent is supposed to

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be if a parent doesn't know what's happening? Thank you. If there are any questions, I will take them.

Senator Andrew R. Peterson, D. 11: Thank you. Are there questions? Seeing none, thank you for being here today. Thank you for your testimony. Is Representative Souza available? Welcome.

Representative Souza: Thank you. I'm sorry. I ran down to my own committee to make sure there was a quorum. Can I just pass these out quickly? I want to refer to these. Okay? I will make it very brief.

I am Kathleen Souza from Manchester, District 51. Good morning to you all and thank you. I am going to just refer to these very briefly.

The first one that reads "Life Advocate" is about stories regarding exploitation that you have seen in the paper the last few days. Please see *Dayton Right to Life* "Life Advocate" attached hereto and referred to as Attachment #2.

This paper here that has a number 5 on the front, if you turn it over on the back, there is a story about Becky Bell. Please see *2003 Sanctity of Human Life Handbook, Parental Involvement Laws*, attached hereto and referred to as Attachment #3. The people who argue against the present bill often invoke the Becky Bell case and there has been a lot of information about the Becky Bell case. She did not die of a back alley abortion. If you read the reprint here, you will see that the doctor who did the autopsy found that she had a miscarriage and then died of pneumonia. The word abortion is sometimes used, spontaneous abortion, as a miscarriage. So, I would just like to clear that up because I know the story is behind me someplace.

This is a reprint of several pages of parental involvement laws from across the country that was put together by Americans United for Life, a group of pro-life lawyers. Please see "Parental Involvement for Minors Seeking Abortion, Parental Notice Model Legislation & Policy Guide, August 2001", attached hereto and referred to as Attachment #4. You can read this at your leisure, with whatever time you have.

However, if you would turn to page 7 please, I would just like to point out in the very, very first instance about the parental notification laws and their affect on teenage sexual responsibility, you will see and, as I say, you can read it later, that in Minnesota, which has done probably the best studies, the abortion and the pregnancy rate both dropped. This little handout tells in the back about which states have parental notification and consent laws

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and how they apply in their particular state. You will see that twenty-seven have laws that have either been upheld or not challenged.

On the same page, page 7, there is a paragraph in the middle about insuring that a teenager talks to those who know her best. I would like to make just a brief illustration of that. I had a friend who lived in the north end of Manchester. Her daughter went to Central High. She was fifteen or sixteen at the time. They had a good home. They weren't lacking anything, emotionally or materially. The first the mother heard about her daughter getting an abortion was when she got a call from Parkland Medical Center in Derry. The doctor was frantic and wanted to know what had happened to the girl. The mother had no idea. The guidance people at Central High had allowed her boyfriend to take her to the Feminist Health Center on South Main Street here in Concord. She had an incomplete abortion, bleeding, and ended up at Parkland Medical Center fighting for her life. The mother was the last to know. Now, the girl was not abused. She had no reason to be afraid. She was ashamed and shame can be a healthy thing sometimes. It stops you from doing bad things. But, the girl just did not want to embarrass her family. So, you can imagine what this did to this family.

So, when we talk about kids not wanting to talk to their families, we have to think of why don't they want to talk. Usually, they think the worst of their parents and they think the best of their friends. So, I would say, let's give the parents a fair shake here. The parents are the ones that are going to come to their aid and, in this case, it was entirely avoidable. The girl felt terrible afterward that she hadn't trusted her folks. She did regain her health, but there was an emotional, emotional turmoil in the family.

If you go through these, you will see a lot of the questions addressed that you are going to hear today and I don't think that I really need to take your time. I think you can read them for yourself and I just ask that you please do because the legal experts who put this package together have addressed most of the issues involved. I would like to allow the time for others to tell their stories, as you suggested.

Senator Andrew R. Peterson, D. 11: Thank you. I appreciate that very much, Representative. Are there questions for Representative Souza? Seeing none, thank you for being here today. I would like to call Senator Russell Prescott, to speak in favor of the legislation. Welcome, Senator.

Senator Russell E. Prescott, D. 23: Thank you very much, Mr. Chairman. It is true that I have come to speak in favor of this legislation. I appreciate the work you are going to be doing on this bill for parental notification for a minor seeking abortion. I am, by habit, a good family man and I do

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understand that there are issues when a young child is in the circumstance of being pregnant. That's why I mentioned that you have a serious issue ahead of you concerning this bill and doing your due diligence.

I am in support of the bill. I think it is well crafted by the House of Representatives. I think it has all of the ingredients that allow it to stand up to constitutional muster and it has the same language that has been tried by the U.S. Supreme Court in two different cases. I think this bill ought to pass out of committee.

That's my testimony. Thank you very much.

Senator Andrew R. Peterson, D. 11: Thank you, Senator. Are there questions for Senator Prescott? Seeing none, thank you for being here today. Representative Bob Ouellette from Franklin has submitted written testimony for the Committee and did not wish to speak today. **Please see "Testimony in support of HB 763, True Meaning and Purpose of Parents", attached hereto and referred to as Attachment #5.** Thank you, Representative Ouellette, for being here in support of the bill.

Representative Robert Ouellette: I would like to speak for a minute, if possible.

Senator Andrew R. Peterson, D. 11: Did you want that to be before the executive session? You will be given the opportunity at that time if you wish. Representative Russ Albert, wishing to have a minute to support the legislation. Welcome, Representative.

Representative Russ Albert: Thank you. I would like to address the reality of the situation. Your children are the most important factor in parents' lives and parents are the most important factor in children's lives. Anything that affects those children, the parents should be aware of what is being considered. That's all I have to say.

Senator Andrew R. Peterson, D. 11: Thank you. Questions? Call Representative Ron Dupuis from Derry, wishing to speak for a minute in favor of the bill. Is Representative Dupuis here? Welcome.

Representative Ron Dupuis: Thank you, Senators. I am Representative Ron Dupuis from Derry.

Senator Andrew R. Peterson, D. 11: Could you suspend one minute please? Thank you.

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Tape change.

Representative Dupuis: Thank you, Senators. I am Representative Ron Dupuis and I'm here to speak in favor of this bill.

Those of you who know me know that I am the father of a little girl. I know, in some earlier testimony, parents of girls held up fingers. I've got three. I've got two. Somebody else has one. It is kind of unique that you really kind of shine even though you know you are going to have some questions you are gonna have to take care of in their maturing. My story is I became a father for the first time at age fifty. I am retired. I stay at home as the primary care giver. I think I am a good parent. I hope I'm a good parent. I want to say that this legislation, if passed, will help me, will not erode my rights as a parent. I want to know everything that happens to my little girl. I want to know everything that medically happens to her. I want to know what happens at school. I want to know what happens on the street. For someone to make a decision for me to prevent me from being a good parent, I think is wrong and I think we should correct that situation.

Thank you, Senators.

Senator Andrew R. Peterson, D. 11: Thank you. Are there questions? Seeing none, thank you for being here. Representative Roger Berube, I didn't notice that you wished to speak. Did you wish to speak?

Representative Roger Berube: Yes.

Senator Andrew R. Peterson, D. 11: In favor of the legislation and welcome.

Representative Berube: Good morning, Honorable Senators. I am here today to speak in favor of this legislation and urge the Committee to pass this bill. I think it is one of the best bills introduced. This time we do have the support of the Governor, which he will sign, I'm sure, if it is passed. I'm not going to expound on all of the areas of the authorities, but, I am definitely in favor of this legislation. I voted in favor of it in the House. It is a good bill and hopefully it will pass the Senate. I would like to thank you very much, Mr. Chair and honorable Senators.

Senator Andrew R. Peterson, D. 11: Thank you. Questions? Seeing none, thank you. I would like to call Representative Sandy Keans. Is Representative Keans here to speak in opposition to the bill? Well then, why don't we start with Representative Barbara French. Is she here? Welcome, Representative French, to speak in opposition to the bill.

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Representative Barbara French: Thank you, Mr. Chairman and members of the Committee. For the record, my name is Barbara French and I represent District 34. Before I begin, I would like to start by saying I would like to put my emphasis on preventing pregnancies in the first place, helping our young people develop concern about themselves, awareness of themselves, and respect for themselves. I also would like to remind you of a saying by the ... (inaudible)... eastern philosopher, who reminded us that our children are not our possession. We do not own our children. They are given to us as a sacred trust to bring up as best we can. We do not own them.

Senator Andrew R. Peterson, D. 11: Representative, I have been asked and I don't think it particularly applies to you, but I have been asked for the speakers to speak up because we have no amplification here and there are people in the back of the room who are very much interested in what is being said. So, I wanted to make that announcement and apologize for interrupting you.

Representative French: Okay. Did they hear what I said so far? Do you want me to start again? What I would like to say is that I was a social worker, a child welfare social worker for three years and a school nurse for twenty-seven years. I worked with some young people in this situation and, fortunately for me, the young people I knew and worked with all had good relationships with their families. This was wonderful for them.

I have a friend who has a daughter who is a school nurse in Vermont. She had a friend who was also a school nurse and had a girl come to her and this nurse really felt obliged to really encourage this girl to talk with her family. This girl's family was not supportive. This girl ended up beaten up and the baby was lost, the fetus was lost, I should say. This nurse obviously felt terrible. It is this kind of situation that I think we have to recognize does exist. It is not always ideal. We cannot force good parenting. So, I hope you will consider this as you think about this piece of legislation.

Thank you.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Senator Sapareto with a question.

Senator Frank V. Sapareto, D. 19: Thank you, Mr. Chairman. Thank you for your testimony, Representative. My question is, in this bill, isn't there enough bypass in this that... It appears to me that there is not a requirement notification in this bill for judicial bypass. It is my understanding that there were 17,000 applications in Massachusetts for a judicial bypass waiver and they were all granted but two. So, in effect,

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doesn't this bill do what you are describing in opposition that it doesn't require notification, as it is written?

Representative French: That's certainly an open process for our young people, but that is very intimidating. These girls are upset enough as it is, to begin with. For them to get the courage to go to the court system and sometimes, if they wait too late, no it is really not the answer. We have had people from Massachusetts who have worked with this law indicate that it is a problem for them.

Senator Andrew R. Peterson, D. 11: Further questions from the Committee? Seeing none, thank you for your testimony. I had a card arrive late from another Representative wishing to speak in favor of the legislation. I did want to give the Representatives and Senators who wish to make a positive case the opportunity to do so. Now, I am receiving cards afterwards, so I would like to ask that the Representatives and Senators who wish to speak get their cards in so that we can have that done and then have the public have an opportunity to have a hearing. My understanding is that the hearing in the House went on for some two hours before a member of the non-elected public was able to speak. That's the situation, which I will not countenance here. Representative Maureen Mooney to speak in favor of the legislation. Welcome.

Representative Maureen Mooney: Thank you, Chairman Peterson, Vice Chairman Foster, members of this honorable committee.

I come before you to speak in favor of this House bill. I don't want to take up too much time as I know there are several here who would like to talk as well on it. I do see this as a common sense bill. Common sense for all facets of those involved - the medical care providers, the parents, as well as the children, the most important part of this bill, the best interests of the children.

I just want to clarify one thing. It is my understanding this came up earlier. That is the definition of emancipation of minors. It is my understanding that there are two statutes that define that, as well as a HB 563, also attempts to define in clear terms the definition of emancipation of a minor. I would like to submit that now for your consideration, that House bill, which is currently in a subcommittee.

That's all I have for you today.

Please see "HB 563 - As Introduced", attached hereto and referred to as Attachment #6.

JRPB

Senator Andrew R. Peterson, D. 11: Thank you for coming to speak and thank you for bringing new information in what you had to say. Are there questions from the Committee? Hearing none, thank you for being here.

Representative Mooney: Thank you, Senator.

Senator Andrew R. Peterson, D. 11: Call Representative Sandra Keans from Rochester, who wishes to speak in opposition to the legislation. Welcome, Representative Keans.

Representative Sandra Keans: Thank you very much, Mr. Chairman and members of the Committee. I am Sandra Keans from Rochester, representing Strafford District 67.

I guess I would like to slow down the process here a little bit. New Hampshire has had a long tradition of not interfering, the state not interfering in families' most private decisions. We have had a long tradition of upholding the rights of individuals to make personal decisions, free of government interference. I think we recognize that with such things as the right to bear arms and motorcycle helmets.

I do understand the motivations of some of these folks that are here today and, unfortunately, if it were that easy to protect our daughters, we would have done it by now. But, we're not. We are dealing with the human mind and if it leads, in the young lady's mind, to physical fear or shame or disappointment to family, this open communications that we are all trying to legislate is just not going to happen. I know we have read about it in the paper, particularly dealing with young men. We have seen that, even they have not been able to come forward, never mind being pregnant.

What we do know is that this will provide more roadblocks for the young lady and that has severe consequences, I believe. Not encouraging them to seek help from others in their family or other individuals will result in more dangerous endings to the pregnancy or, in fact, if they choose to go through with the pregnancy, less healthy mothers and less healthy babies.

I guess what I would say is, let's not here in New Hampshire fall subject to the siren's songs of simple solutions.

Thank you, Mr. Chairman.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony and thank you for keeping it brief and to the point. We appreciate that very

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much. Are there questions from the Committee? Hearing none, thank you for being here today.

Representative Keans: Thank you very much.

Senator Andrew R. Peterson, D. 11: I would like to call Representative Terie Norelli, who wishes to speak in opposition to the bill. Representative Norelli, welcome.

Representative Terie Norelli: Thank you, Mr. Chairman and members of the Committee? For the record, I am Representative Terie Norelli, District 86, representing the city of Portsmouth and the town of Newington. I am here in opposition to HB 764.

I will say, for the record, that I am in support of parents being involved in young women's health care decisions. I have a teenage daughter and I certainly would hope that she would feel comfortable enough coming to me to ask for my support and my guidance. However, if we don't have that kind of relationship, no legislation is going to change that.

The proponents of this bill have talked about this bill as if it is about parental rights. They claim, as I just did, that parents should be involved and, in fact, that they need to provide health care history, family history and support. If that is the case, what I want to know is why this bill is only about abortions. At the moment, teens can access a host of health care services without parental consent. Those services, among many others, include birth control, pre-natal care, substance abuse treatment, and many others. In every case, these other health care services or, in the case of abortion, a health care provider must first ascertain whether or not the young woman, assess the young woman's maturity to be making this decision.

If the proponents of this bill are truly concerned about parental rights, why is the bill not applying to all of those health care services? I would respectfully suggest it is because this bill is not about parental rights. This bill is about restricting access to abortions. I have heard them claim that teenagers can't get their ears pierced or tattoos without parental consent. This is true, but guess what, ear piercing and tattoos are not health care services and therefore, they are not analogous in this situation. The reality is that this bill is part of a grander scheme to restrict access to abortion. I have even heard supporters of this bill publicly acknowledge this.

Over the past few years, all you have to do is look at the record of the bills that have been introduced by these same Representatives, creating waiting periods, establishing fetal rights in an attempt to undermine the legality of

abortions, prohibiting certain procedures, establishing that life begins at fertilization, requirements to inform patients of risk that have no basis in fact, allowing providers to deny health care services to women, and also collecting statistics which I must agree is a good idea, but they have been unwilling to insure the confidentiality of patients or providers.

Next year alone, if you look at the LSRs, there are eight bills, multiple bills regarding information on the patients. Several bills elevating the status of the fetus, a ban on a certain procedure. That legislation actually has already been ruled unconstitutional by the U.S. Supreme Court. And, they also want to prohibit funding, although, and I agree with them on this, they don't want to prohibit funding for prenatal care or childbirth and they are back again with another statistics bill. I think it is plain to see that some people don't care how they limit access to abortions, as long as they do.

Instead of restricting access to abortions, particularly among teens, which certainly makes any abortion more dangerous or any action that teens might take more dangerous, we should instead be making abortion less necessary by providing comprehensive sex ed, confidential health services, and access to contraception. But, would you believe that parental notification supporters have even filed bills in the past limiting sex education programs in the schools?

I hope that you, as members of this Committee, and the public will see this for what it is – just one more attempt to have government make people's decisions for them and that you will, therefore, vote to kill this bill. Thank you.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony and thank you also for bringing new information.

Unidentified speaker: I didn't get her name.

Senator Andrew R. Peterson, D. 11: Her name is Representative Terie Norelli, sir, and it was stated at the beginning of her testimony. Sir, I am going to ask for a cessation of comments that are unsolicited and unrecognized. We have a great deal of emotion that surrounds this issue and I am going to gavel down any unnecessary villainization (sic) going in either direction and I would like to make that clear at this time. Do you understand that?

Unidentified speaker: Yes, I do.

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Senator Andrew R. Peterson, D. 11: Thank you. Are there questions from the Committee for the Representative? Senator Clegg?

Senator Robert Clegg, Jr., D. 14: Representative Norelli, you have listed a few health services that don't require parental notification currently. If I added those to this bill, would you then support this bill?

Representative Norelli: Quite frankly I believe that young women need to have, as I said, not only access to confidential health care services in order to reduce the incidence of abortions, but also access to contraceptives and good sex education programs in the schools. I do not support legislating good family communications. I hope, as a parent, that I do the best job that I possibly can to keep those lines of communication open with my children. They are there or not. Whether you pass this legislation, they will still be there or they will not.

Senator Robert Clegg, Jr., D. 14: Thank you.

Senator Andrew R. Peterson, D. 11: Further questions from the Committee? Seeing none, thank you for your testimony. I also have a card just received from another Representative who wishes to speak in favor and that is Representative Barbara Hagan. Is she here? Welcome.

Representative Barbara Hagan: Thank you, Senator Peterson and members of the Committee. I appreciate the extra miles you went to accommodate this hearing.

Senator Andrew R. Peterson, D. 11: If you could identify yourself for the record.

Representative Hagan: I am Representative Barbara Hagan: I am from Hillsborough District 50. I represent Manchester Wards 2, 3, 10 and 11 and I'm here today to support this legislation.

Senator Andrew R. Peterson, D. 11: Welcome and thank you for your comments.

Representative Hagan: Thank you. I would just summarize my comments very briefly and just say I think, in your deliberations, I would like you to focus on one thing. The one thing I would like you to focus on is the parental ability to protect children and whether or not that is going to be something that is once again blocked by a loophole in legislation.

We have so many instances in our community where we have violence against rape gatherings. As parents, we are very, very concerned with our children being sexually exploited, sexually molested, raped. There is an inconsistency in the law here that does not afford a parent the opportunity to find out if their minor child has been raped or assaulted or molested by someone of a consenting age. Because there is this loophole in the secrecy of the procedure of abortion, which is unique across the board, there are not too many instances where parents are not notified when their child is going to have a medical procedure. The unfortunate part about this medical procedure is, in order to have it be necessary to obtain the medical procedure, an act has to have taken place in the first place. We are allowing this act to be covered up by not notifying parents that their child has been put in this situation.

A child of thirteen, fourteen, fifteen, sixteen is not a consenting adult and there is a disconnect. This is why we need this legislation. We need to put the procedure of abortion on an equal par with other procedures that are performed on our children so that we can protect our children and we need to stop the cover up. The loophole is allowing a cover up for children to be exploited and parents not to know about it so that they can then take action. That's what I would like you to focus on in your deliberations.

I would be happy to answer any questions and I would like to thank you again.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Senator Foster for question.

Senator Joseph A. Foster, D. 13: Thank you, Mr. Chairman. I guess I am confused by your testimony. I think Representative Norelli testified that medical procedures are not required, not required under our laws. You are suggesting that somehow this is being treated differently than other medical procedures under New Hampshire law?

Representative Hagan: Well, under New Hampshire law, I understand that presently that consent for an abortion is not necessary. What I am saying to you is, in order to arrive at that point where an abortion is necessary, there had to be an act previous to that that has this girl in the condition of being pregnant. If she is under the age of eighteen, under the age of consent, then there is cause perhaps for parents to want to further find out how this happened and perhaps initiate some kind of procedure against the individual or individuals who may have been responsible for her being in this position. By blocking that information from parents and just going through with the

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procedure, does not allow them the ability to protect their child in a way that we might want to protect our child.

I'm sure you're aware, Senator Foster, of the outcries of molestation that is going on on the church level. I'm sure that you are aware of the rape marches that have been recently held in April on awareness of rape and violence. When these situations happen to our minor children and pregnancy results and we are not made aware of them as parents, we are put in a position of not being allowed to protect them and to perhaps put away somebody who is doing something to children that they should not lawfully be allowed to do by a cover up. It is an unintentional cover up, but I would submit to you that it is a cover up and that's where my concern lies.

Senator Andrew R. Peterson, D. 11: Senator Sapareto for a question.

Senator Frank V. Sapareto, D. 19: Thank you, Mr. Chairman. Thank you for your testimony, Representative. My question is, you mentioned, you included the age of sixteen as a non-consenting adult. My first question is, are you aware that age sixteen is consenting in this state? What really strikes me is that you mentioned about the act. In this situation, are you aware that, under current law, right now, if a woman or female age fifteen years and nine months is made pregnant by a boy who is fifteen years and eight months, that she is guilty of a Class B felony, subject to incarceration and registration for the rest of her life as a sex offender?

Representative Hagan: I am aware of that and, again, if that law needs to be changed, then maybe we need to change that law. If we keep putting ourselves in situations of covering up those crimes, what are we saying to the rest of society when we have the huge headlines about victims of these terrible crimes?

Senator Andrew R. Peterson, D. 11: Could you suspend after finishing that sentence please?

Senator Andrew R. Peterson, D. 11: Questions from the Committee?
Senator Clegg?

Tape change.

Senator Robert Clegg, Jr., D. 14: There was a question asked of you. A previous speaker spoke of other health services that were provided and I believe those health services were drug rehabilitation, getting birth control pills. Do you consider those health services to be the same type of health

services as an abortion and do you believe that abortion is more like other invasive procedures and that would be a major difference?

Representative Hagan: I would agree with that statement, Senator. Also, as a parent of seven children, I have to tell you that the behavior that goes with the giving out of prescriptions or of giving out consultation concerns me a great deal when it is concealed because it does not afford a parent an opportunity, a good parent, and we know that there are good parents and bad parents. But, I think we have shut out the good parents who truly want to be able to help their children when we allow this cover up to go on in these instances whereby our children are receiving treatment, but the laws are somehow not applying because there is this exemption there. If our children are engaging in behavior that is unlawful, then we need to know about that.

Senator Robert Clegg, Jr., D. 14: Thank you.

Senator Andrew R. Peterson, D. 11: Further questions from the Committee? Representative Hagan, I was unaware that you are a mother of seven. Congratulations on that. God forbid if one of your children were raped. Do you believe you need a state law for them to come tell you about it, personally?

Representative Hagan: I don't believe that I would, but I don't know that for sure. I have not had that situation happen to me. I guess what concerns me is that there is a disconnect. I am seeing a big disconnect in parents wanting to be able to protect their children and victims.

We all know from the tremendous amount of testimony that has been offered recently on another level with respect to victims of sexual crimes that many of them were afraid to come forward because they felt somehow guilty or partially guilty for what happened to them. So, God forbid that one of my children should ever be in that position, but if that child was afraid to tell me for some reason, if for some reason they felt guilty or they felt that they were a part of the reason that it happened to them, then I would certainly hope that medical professionals would see me as being, as playing an important role in helping them to recover, to overcome that guilt and fear and to go forward from there. I think when you have this cut off and when this little person suffers consequences by themselves, they get set up for a whole nother (sic) set of problems later on.

Senator Andrew R. Peterson, D. 11: Thank you for clarifying that as I do feel it is an issue that is quite relevant to the bill. I thank you for bringing that testimony. Are there further questions from the Committee? Seeing none, thank you for being here.

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Representative Hagan: Thank you again.

Senator Andrew R. Peterson, D. 11: Vivian Desmarais, to speak in opposition, Representative Vivian Desmarais. Welcome.

Representative Vivian Desmarais: Thank you, honorable Senators. I would like to... I'm sorry. Does this work?

Senator Andrew R. Peterson, D. 11: No. It records, but it doesn't amplify.

Representative Desmarais: 'Cause a lot of people can't hear. I would like to speak in opposition of the way the bill is written. I think it is a wonderful headline, parental notification. We all like to know what is going on with our children. I also feel that this is a mass produced bill that comes from somewhere for us to deal with in every single session. It is not something that anybody crafted here with real concerns about our citizens. It just appears at every session.

I think we are going to have the biggest concern with the fact that the bill is ineffective. When a minor goes to a provider or an abortionist for abortion, a letter is now sent to the guardian, the parents or whatever. It is a certified letter. Okay? If this child now goes for an abortion and knows that this letter is going there, isn't she going to be home first to receive this letter and send it back? It is going to be like all the report cards that some of us never saw at school? Like all the notes that were written with our names on them because we wanted some time off. That's what's going to happen. This bill is ineffective because these kids are going to intercept that letter.

What concerns me the most, and you go on in here, you have penalties in this bill. We have misdemeanors, civil suits and that is what you are going to set the providers up with because they are going to be doing things thinking people have been notified and they haven't been. That is my biggest problem with this. I feel this bill does nothing. I also feel that seventeen really is not a minor any more, really is not. I have an issue with that. And, I have another issue with the word emancipation. I understand that, if you are a married seventeen-year-old, that you need to get permission from your parents. Is that also the case?

So, basically, I feel that, whether you are for parental notification or your are not, we need to put into law something that is going to make a little bit more sense than this. This does nothing. We would like to, some of us in Judiciary on the Representative level, take a look at some of the laws that are fairly effective and does not cause all these problems, such as the Connecticut law

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and the Maine law. We would like to be able to study that and put something into effect that works. This is feel good legislation. These letters are not going to go to where you want them to go. No child in their right mind is going to just sit there waiting for the parents to get this letter if they are afraid. They are going to take care of that themselves and that's where I'm going with that.

Then, the penalty clauses which, I think, are another set up on the providers who are going to get themselves into problems without even knowing that that has happened.

So, I guess that's where I am. My problem is with this bill the way it is written and all the loopholes in there that would probably not do what we all think it is going to do.

Thank you.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony and thank you for bringing new information as well, Representative. Are there questions from the Committee? Yes, Senator Clegg for a question.

Senator Robert Clegg, Jr., D. 14: Thank you. Representative Desmarais, your concern on the notification may have been in the original bill, but as amended by the House, it says that certified mail has to be restricted delivery to the addressee, which means the postal employee shall only deliver the mail to the authorized addressee. So, does that take care of your concern that a young girl is going to pick up the letter?

Representative Desmarais: No, it does not. You are saying... As far as I know, a certified mail comes to that address. If it is addressed to, let's say, Vivian Desmarais, is the postal person going to stand there and wait for your signature and have you prove that you are Vivian Desmarais? No, they are not.

Senator Robert Clegg, Jr., D. 14: On restricted registered mail, they do.

Representative Desmarais: They do?

Senator Robert Clegg, Jr., D. 14: Yes.

Representative Desmarais: And, you don't feel that a young person can get past that. I'll bet they can.

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Senator Robert Clegg, Jr., D. 14: With a fake ID, you are probably right, but it would be hard for a sixteen-year-old to prove that they were forty-two.

Representative Desmarais: But, we won't know how old the parents are, I don't think. I just do not feel that this is an effective bill.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there further questions? Seeing none, thank you for being here today to testify. And now, only one hour into the hearing we have the final Representative wishing to speak, who is Representative Sokol. Is she here to speak in opposition? Welcome, Representative.

Representative Hilda Sokol: For the record, I'm Hilda Sokol from Hanover, representing Grafton District 17. I am happy to be here and I urge the honorable members of the Senate to vote this bill inexpedient to legislate.

I would like to emphasize that I am in complete agreement with the legislative findings as stated under Paragraph II, a, b, c, d, and e, and it might be worthwhile to indicate what I think is good about it.

Immature minors often lack the ability to make fully informed choices that take account of both immediate and long-range consequences. The medical, emotional and psychological consequences of abortion are serious, can be lasting, particularly when the patient is immature. The capacity to become pregnant and the capacity for mature judgment concerning the wisdom of abortion are not necessarily related. Parents ordinarily possess information essential to a physician's exercise of best medical judgment concerning the child. Parents who are aware that their minor daughter has had an abortion may better insure that she receives adequate medical attention after the abortion. I agree with all those statements.

However, it is a myth that parental notification has the effect of, and I quote the bill "fostering the family structure and preserving it as a viable social unit". If a healthy relationship does not exist before a minor child becomes pregnant, it cannot be achieved by merely notifying a parent after the fact. Most, i.e., about two-thirds of pregnant teenagers, do inform their parents and seek their advice and counsel. But, no law can force communications between family members in such situations.

A better solution, in my opinion, to prevent unintended pregnancies, especially among immature teenagers, is to promote health and sex information, both in the schools and at home. Open discussion about sex is not always easy between children and parents, but honest disclosure about the facts of life, both its pleasures and its responsibilities, needs to be

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encouraged in our society. I say this as a mother of three planned pregnancies and I think five planned grandchildren as well and I think it is important that it goes beyond just notifying parents about abortion. There needs to be a lot of preparation, information, honest interactions between family members.

Thank you very much.

Please see Representative Sokol's handwritten testimony, attached hereto and referred to as Attachment #7.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Would you agree with me, Representative, that under (C) that is also perhaps true that the capacity to become elected and the capacity for mature judgment are not always found.

Representative Sokol: You must be a better judge of that.

Senator Andrew R. Peterson, D. 11: Thank you. I guess we will learn more about that as we go. Thank you. I had a Representative, who put in a card a second time because the Chair had misplaced his card and I would ask Representative Hammond to come forward. I knew, upon saying it was the last Representative, that Murphy's Law had not been repealed. Welcome.

Representative Lee Hammond: Thank you, Mr. Chairman. I am sure there are 390 more that will come out of the walls.

Senator Andrew R. Peterson, D. 11: If you would please identify yourself for the record. I appreciate your being here.

Representative Hammond: For the record, my name is Lee Hammond and I represent the city of Lebanon, Grafton 18.

I don't have as many daughters as the Governor or Representative Hagan. I only have one fifteen-year-old daughter and a grown stepdaughter and a five-year-old granddaughter. I talked to my daughter on the way in this morning as I dropped her off at school to see if my thinking as a fossil was at all in tune to that of the teenagers of today.

I have also been a counselor, a school counselor and a rehabilitation counselor for most of my adult life. In my professional setting, I have observed and interacted with a number of young ladies who have found themselves pregnant and not ready or willing to marry. The uniform commonality shared by these young women, other than their pregnancy, was a state of

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panic and confusion. Anyone who ever sought my counsel was strongly encouraged to communicate with their parents. Every effort is made by professionals in human services to encourage parental communication. Alas, there are a few, and I think very few, who have received good counseling and support but, for a variety of reasons, feel they cannot turn to one of their parents for such support. Of those, I would estimate that there are still a few who cannot bring themselves to talk with a judge, even a compassionate one. Frequently, the girls who refuse such an interview have already fallen in with company that has run afoul of the legal system. To those girls, voluntarily talking to a judge would be tantamount to being a traitor to their peer group.

I would guess that this very well-crafted bill would be applied to very few young women in this state in the course of a year. But, for those few, removing the option of making their own decision as human beings is wrong. For them, time is of the essence. Delay in gaining trust and getting them to gain the requisite permission to abort may well force the issue into the zone of serious complications. More likely, as has twice occurred in a neighboring community in Vermont just recently, the result has been a dumpster birth. A crime we have tried to address this session by other legislation so that some panicked young mothers know that they can give their child to an appropriate other source.

This bill is well meaning, but it will not work. It will only further complicate the life of the young woman and damage it perhaps irreparably. Such is not the way to start in the adult world.

Who are the victims? There has been concern about rape victims. I don't think the majority of pregnancies are the result of rape. Romeo and Juliet were passionate young teenagers. I think the other Representative who spoke against this far more articulately than I made some very salient points that I hope you will consider.

Thank you very much.

Senator Andrew R. Peterson, D. 11: Are there questions from the Committee? I hope that people don't need to employ Romeo and Juliet's solution. I do want to say, Representative, with reference to your experience in human services, just to express our respect for those who engage in that field and thank you for your service.

Representative Hammond: Thank you, Senator.

Senator Andrew R. Peterson, D. 11: I would like to call Deacon Robert Anderson, who wishes to speak in favor of the legislation.

Deacon Robert Anderson: I have copies of my brief testimony for members of the Committee. In the interest of brevity, I will stick to a few of the high points.

Senator Andrew R. Peterson, D. 11: Thank you very much.

Deacon Anderson: I am Deacon Robert Anderson and I represent the Diocese of Manchester. I am here in support of HB 763.

The Diocese of Manchester, like the State of New Hampshire, vigorously advocates and promotes family life and social welfare. We believe that this is an essential element of society as a whole and of the church's mission to the world.

For a pregnant adolescent, no decision is perhaps more trying than how to deal with the pregnancy. We strongly advocate that family members must be involved in these decisions to help the adolescent understand the importance and consequences of any decision regarding the outcome of the pregnancy. No other medical procedure can be performed on an unemancipated minor without parental consent. Why would we allow a medical procedure to terminate a pregnancy without, at the very least, parental notification? Parental notification insures that a teenager talk with those who know her best, her parents or legal guardian, about a decision that will affect her for the rest of her life.

In addition, the parents and the legal guardian have the opportunity to discussion their daughter's medical history with the physician, which could possibly reveal medical history information that might otherwise remain unknown.

For those who state that, in some cases, notification is inappropriate and will lead to physical harm for pregnant women because of the attitude or the reactions of the parents or guardians, or is impossible, this bill provides an alternative protective process.

In conclusion, we believe it is in the interest of the state of New Hampshire to recognize the traditional rights of parents and legal guardians to direct the rearing of their child and to permit the parents or legal guardians to participate in the life-altering decisions of their minor children, including adolescent pregnancy. We strongly support HB 763 and respectfully request this Committee to support its passage.

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I thank you for your time.

Please see Deacon Robert Anderson's typewritten testimony, attached hereto and referred to as Attachment #8.

Senator Andrew R. Peterson, D. 11: Thank you for being here today. Are there questions from the Committee? Seeing none, thank you and thank you for your written testimony as well.

I would like to note at this time that we have some thirty speakers who remain from the public, many of whom have some depth of experience in this subject area. I had, as of my notification to the sponsors, suggested that one or two minutes would be the time limit, which we would have to employ relative to other speakers after the Representatives were done. There has been some additional time afforded to certain speakers, which has been yielded by Representatives. In addition, I would like to allow flexibility for members of the public, considering the fact that we have this number at this time, to have three minutes or perhaps a little more if they need it. But, I would like you to be respectful of others' time as we go forward and I'd also like at this time to close the opportunity for additional persons to speak, although you may be able to submit testimony for the record, those who have signed up at this point will be the limit of the list. Without objection, we will proceed on that basis and I would like to call the former Senator from Durham, Katie Wheeler, who I believe is here to speak in opposition to the bill. Welcome, Senator.

Katherine Wheeler: Thank you very much, Senator Peterson and members of the Committee. I certainly appreciate the courtesy of being allowed to speak and I will try to make it brief.

I am here today representing the New Hampshire Public Health Association, of which I am the new President and I am appearing in opposition to the bill. I do have written testimony for you and I will try to just highlight some of that. I won't address everything in my written testimony.

I feel that, if enacted, this bill would pose a very serious threat to public health by encouraging young women to seek medical help from licensed providers, behavior which has led to serious medical complications and deaths in the past. In states which have enacted this law, history shows us that laws cannot prevent women from seeking abortions, women of any age. They just make the procedure more dangerous. In addition to the very serious adverse health consequences that would be a consequence of passing this legislation, there are also some errors in the definitions. Legislation

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can't redefine the medical term fetus to make it any individual organism from fertilization until birth. That's just one issue with the drafting of the bill.

There are some very real misunderstandings about the purpose and value of this proposal. On the surface, it sounds wonderful. I was unable to hear Governor Benson's testimony this morning because I was at another Senate hearing where he also testified. He has had a busy morning. But, I did hear him on New Hampshire Public Television on April 7th and I went to the internet and got the transcript of that. From that, he said, "Parental notification just means that you know what's going on in your child's life, and as I like to say, God gave me the right of being a parent and nobody should be able to take that away from me. Why should the state make a decision about my child's future when they don't have the same emotional tie that I do? So, I think that when the state takes over for me as a parent, that they have intruded in my life." Later, during the interview, Governor Benson said, "The State of New Hampshire shouldn't be a parent". Well, I agree. In fact, passing this legislation would be the interference in family life that the supporters don't want. At this moment, there is no legislative impediment to family communications, there is no legislative interference in family life, and the state is not usurping any parents' rights. In fact, the law is silent on the subject of this most personal and private decision, and that is the way it should remain in the interest of good public health.

I am going to skip the rest of my testimony and just go to the paragraph because, for me, it is the most important. The most compelling argument against enacting this bill comes from the true story of a young woman who was the victim of this law in her own state. In 1988, Becky Bell, a bright, popular junior in high school in Indiana, died of a botched back-alley abortion because her state required parental consent and she didn't want to disappoint her parents by telling them that she was pregnant. She did, indeed, have an illegal abortion. She did die of the complications. Her parents didn't realize what had happened because she simply didn't want to tell them and they loved her. In a note that was found after she died, she wrote, "I don't want to hurt Mom and Dad. I love them so much." Her parents didn't even know this law existed. Her father was quoted in the July 23, 1990 issue of *People Magazine*, "If I had heard of these laws before, I probably would have thought they were a good idea. But now I know what they do. These, pardon the word, but he used it, these goddamned laws are killing kids."

It should be obvious to all of us that we can't legislate family relations; we can't legislate communication; and I don't see how we could live with ourselves if we were to be the cause of a young woman's death because we

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thought we knew best. I urge you to recommend that this bill be inexpedient to legislate and I thank you for the courtesy.

Please see typewritten testimony from Katharine Wells Wheeler, President of the New Hampshire Public Health Association, attached hereto and referred to as Attachment #9.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Although, for myself, I will leave God's judgments to God. Are there questions from the Committee? Senator Foster?

Senator Joseph A. Foster, D. 13: Is your organization concerned at all with the language that talks about the fact that apparently an abortion provider could go forward without notification if the minor was subject to imminent death as opposed to serious health risk? Was there any discussion about that being a concern that there are serious health risks other than just maybe imminent death?

Unidentified speaker: Can't hear him.

Ms. Wheeler: Yes. That is, of course, why the New Hampshire Public Health Association is opposing it, because of the health risks involved with going to unlicensed providers or to do something that is back-alley is certainly against the interest of good public health.

Senator Andrew R. Peterson, D. 11: Thank you. I did hear the comment. Members of the Committee ask that you speak up as well. The question related to health risks in addition to what had been spoken about by the testifier and she responded based upon her role. Are there other questions? Hearing none, thank you for your testimony.

Tape change.

Senator Andrew R. Peterson, D. 11: I would like to apologize to the sponsors of this legislation, who had specifically asked me to call the following witness after they had completed their testimony and I had misplaced that imperative. At any rate, we will make up for it by calling her now. Teresa Collett, I believe, is here to speak in favor of the legislation. If you would identify yourself for the record.

Professor Teresa Collett: Thank you, Mr. Chairman. Mr. Chairman and members of the Committee, my name is Teresa Collett. I am a professor of law at South Texas College of Law.

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One of the areas of study that I have is the constitutionality and the affect of parental involvement law throughout the country. I have published two law review articles on parental involvement, one in *Baylor Law Review* specifically addressing judicial bypass proceedings and the appropriate consideration for judges when they look at maturity of a minor and the best interests of the minor. The second is in the *Vermont Law Review* when the Vermont Legislature last session was looking at the passage of a similar piece of legislation. I apologize for not bringing sufficient copies of reprints. I would be happy to instruct my secretary to provide copies for members of the Committee, however, by next day delivery, if the Committee would like copies of the reprint of the *Vermont Law Review* in particular.

I have, however, provided members and the clerk of the Committee with written testimony.

Please see "Prepared Testimony of Professor Teresa Stanton Collett, South Texas College of Law", attached hereto and referred to as Attachment #10.

I would like to shift the focus a little bit, not so much to the interests of this bill in forwarding the interests of parents, but how this bill in fact advances the interests of girls. The United States Supreme Court, in looking at parental involvement laws throughout the country has in fact noted that both parental notification bills like this one and parental consent laws advance the interests of girls in three ways as far as the health care of girls.

First, they have noted that often young girls do not have sufficient experience, maturity and judgment to make the best selection in selecting an abortion provider. That may be particularly true in a state like New Hampshire where, in the House hearing, it was determined that New Hampshire providers don't always use licensed physicians to provide abortions and, at least in some states, only licensed physicians can provide abortions. So, it may be that a parent would guide a young woman in deciding to provide an abortion only through a clinic that uses only licensed physicians rather than a nurse practitioner or some other sort of health care provider. That was one of the amendments that was made to the bill.

The second benefit medically is that young girls or young women might receive further guidance from their parents. What the Supreme Court has noted is that parents will have a more involved medical history that they can supply to health care providers that minors themselves may not know about. For example, there is a growing dispute in the medical literature concerning whether or not there is some linkage between breast cancer in families where there is a history of breast cancer and abortion. There was a study done by

the World Health Organization of 25,000 women that indicated that in fact there is a linkage. Now, in fact, the American Cancer Society has concluded that there is not an adequate linkage, but Dr. Janet Dowling, a pro-choice physician, came to the opposite conclusion. Twenty-eight of thirty-five published studies in medical journals have concluded that there is some linkage. So, there may in fact be medical history that a young woman simply is unaware of that her mother or father could provide and that is one of the benefits that the United States Supreme Court has noted, that a parent would provide to the providers that the young woman herself could not provide.

The third medical benefit that parental notification laws will be available to the provider and to the young woman is the fact that, and this is what persuaded Florida in an appellate court to uphold that law in a state that has a very strong privacy protection in its state constitution, is the fact that you have parental knowledge for the monitoring of post-abortion complications. The National Abortion Federation, an association of abortion providers, have noted that the two most common post-abortion complications are in fact hemorrhage and infection. Both of those are complications that may manifest themselves within the post-abortion process in three to four hours, but may not manifest themselves for three to four days. They may show up as a temperature. They may show up as heavy bleeding. Well, a young girl who has not told her parents, may think, well, this is the flu, I don't feel well, and may simply try to pass it off as the flu. A mother or father who knows that their child has had an abortion will not be so comforted so easily and, in fact, will say, no you have got to get in and have this checked out.

Hemorrhaging and infection can, according to the medical text used to train physicians on abortion, lead to death. The medical studies are cited in my written testimony and they are the most common according to the National Abortion Federation. In fact, the clinical guidelines published by the national Abortion Federation for abortion clinics say that immediate follow-up is necessary if there is post-abortion bleeding where more than one pad is used within a three-hour period for hemorrhaging.

So, those are three medical benefits to the girls for a parental notification statute. In addition to that, there is one of the benefits that has been suggested by some of the Representatives' testimony, which is increased protection from sexual assault.

The other handout that I asked the clerk to provide to you is copies of the pleadings where a planned parenthood clinic in Arizona was recently found to be civilly liable for its failure to report an abortion that resulted from the

sexual assault of a young woman that was in the custody of foster care. This is an area that is receiving increasing coverage across the nation.

Please see "In The Superior Court, State of Arizona, County of Maricopa, Case No. CV 2001-014876", attached hereto and referred to as Attachment #11.

Now, it is true that, in New Hampshire, the age of consent for sexual intercourse is sixteen. However, there are instances where young girls have conceived below that age and where an abortion is undertaken in that case. There is research that indicates that the majority of pregnancies, certainly for young girls under that age, are involved in sexually predatory practices with adult men. In fact, a study in California indicated that the majority of pregnancies of young girls under the age of... California schoolgirls were involved with men ages twenty-five or older. That was 17,000 California schoolgirls. In that case, what was determined is that there was not adequate reporting going on. In Arizona, the young girl was given her abortion and sent back to the foster home. No report was made. The foster brother continued to assault her and she was impregnated a second time. The failure to report simply sent her back into the predatory situation. That was the basis of the civil liability case and the pleadings are provided to establish that.

There are also investigations going on in some of your neighboring states and, in Texas, we have a lawsuit going on against the Texas Department of Health for failure to report similar sort of misconduct.

There is also a judgment that is cited in the footnotes of my report where high school counselors have failed to involve parents where similar things have occurred. So, when parents know, they can investigate. Who was your sexual partner? Was it your high school coach? Was it your high school teacher? If it was, that's the sort of conduct that parents can demand public officials get involved with and stop. Those are the benefits to the girls and that is one of the things that the United States Supreme Court has looked at and said that that's why parental involvement laws are constitutional, even though there is some reason that young women continue to seek and appropriately should be able to have access to abortion services.

Now, because of that, there are circumstances where young girls can't go get one and that's why it is important that your bill have what the constitutional requirements are, which is the by-pass. The by-pass provision of your bill meets the constitutional standards. The United States Supreme Court has said that any bill must not allow an absolute veto to parents. There must be the opportunity for a young girl to go to a court and request by-pass in one of

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two circumstances. She must be able to establish that she is either mature and well informed and therefore able to make her own decision or that it is in her best interests to avoid parental involvement. Your bill has that exception. The judge then will make an independent determination in a timely fashion and those proceedings must be confidential. Your bill requires the initial determination be made within seven days, well within the Akron v. Ohio time jurisdictional requirements and your bill specifically says that the proceedings must be confidential. It meets the procedural requirements established in Akron v. Ohio. Without that by-pass, your bill would not be constitutional. It is necessary.

What we found in Texas, when we passed our bill, is that our parents went from, at least according to the testimony of the Texas Family Planning Association, we went from parents being notified in 67% of cases to approximately 93% of the cases. These bills are effective in making sure parents are notified. But, our courts have not proven to be the roadblock that we were concerned about. Our bill provided funding for judges denying 50% of all by-pass proceedings. In fact, that has not been proven to be the case. In the intervening three years, we have only had three appeals to the Texas Supreme Court. That's all we know about because those are the only opinions that are in fact published. But, only three cases went to Texas Supreme Court for ruling on these issues.

I stand ready for questions, Mr. Chairman.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? I see Senator Foster for a question.

Senator Joseph A. Foster, D. 13: Thank you, Mr. Chairman. We have heard a couple of times today and your testimony says that our bill is constitutional and the previous folks, Senator Prescott and some of the Representatives, suggested that it is constitutional in all respects. I thought about asking them the question, but I feared it wouldn't be really fair and you seem to have the expertise. So, I wanted to ask you your thoughts on it.

The bill provides that a provider can go ahead and perform an abortion in circumstances and I will read from the bill, where the attending abortion provider certifies from the pregnant minor's medical record that the abortion is necessary to prevent the minor's death and there is insufficient time to provide the required notice.

You talk about the Supreme Court in these areas and one of the things the Supreme Court has held a few times is the essential holding of Roe forbids the state from interfering with a woman's choice to undergo an abortion

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procedure if continuing it would constitute a threat to her health, not imminent death, but threat. The court confirmed this decision and said that since the law requires a health exception to validate even post-abortion liability. It had a minimum requirement of same claim and respect as regulation. In a case where the law is nearly identical to ours, you are probably aware, I think, because this is your area, the tenth circuit struck down the law as unconstitutional because it didn't provide for a provider to provide an abortion where there was a serious health risk, not imminent death. In your opinion, is our bill then constitutional if it doesn't have that second provision?

Professor Collett: Actually, Senator Foster, both Roe and the Stanford opinion and I will, for purposes of candor, choose to disclose that I was counsel of record on the medical brief that Justice Thomas and Justice Kennedy quote extensively in their opinions. In both those cases, that was prohibition of abortion, which are quite different that parental notification laws. We are talking about, at most, a forty-eight hour delay in the abortion and the relevant United States Supreme Court precedent would be Planned Parenthood v. Casey, in which case the court looked at the Pennsylvania statute, which does not have the substantial bodily harm exception. In that case, the court upheld it. The case you are talking about is Rocky Mountain Planned Parenthood v. Owen out of the tenth circuit. I presently have a case pending in the tenth circuit regarding the Oklahoma abortion liability statute where it has no state involved. It simply provides that an abortionist failed to provide notification to a parent will provide all reimbursement for medical liability and we will see how the court deals with that statute. We anticipate a hearing in September on that.

It is unclear to me how the tenth circuit would deal with this particular statute. You are in a different circuit. Certainly, it's constitutional.

Senator Joseph A. Foster, D. 13: But, you would agree with me that this law in the tenth circuit would be unconstitutional?

Professor Collett: Quite possibly.

Senator Joseph A. Foster, D. 13: It would be because isn't it essentially almost identical language that the tenth circuit was looking at?

Professor Collett: It would be constitutional in the fifth circuit however.

Senator Andrew R. Peterson, D. 11: Senator Sapareto for a question.

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Senator Frank V. Sapareto, D. 19: Thank you, Mr. Chairman. Thank you for your testimony and travelling here. My question involves, with the advances in technology, where in this bill that prescription RU-46 would apply to notification?

Professor Collett: The definition of abortion would bring it within that, I believe, because you use the definition of abortion. Abortion means the use of any means to terminate pregnancy of a female known to be pregnant, which of course is key. The provider would have to know that the female is pregnant and intend to terminate the pregnancy and then the fetus within the individual is a human organism. So, it is not just surgical.

Senator Andrew R. Peterson, D. 11: Senator Sapareto?

Senator Frank V. Sapareto, D. 19: Thank you, Mr. Chairman. So, would this bill apply if that prescription were filled by internet or e-mail?

Professor Collett: I don't know. I would be happy to submit a letter in response to your question, if the Chairman would like or if you would like.

Senator Andrew R. Peterson, D. 11: I would be happy to give you an opportunity to respond, although our own time limits are quite tight. Thank you for the candor of your answer. Thank you also for outlining and taking the time to come here from Texas to outline the constitutionality of the measure. We appreciate that. Are there other questions from the Committee? Hearing none, thank you for being here.

Just so that people who are here will be notified of our procedures, we will go right on through the lunch hour and plan to conclude the hearing by 2:00. There are members of the Committee who will be already late to another committee hearing in progress. We plan to come back to exec some of the bills that we have pending this afternoon about 3:00 and then we have a stop gap time for tomorrow depending upon what the Committee's feeling is on how they intend to proceed. So, therefore, I will continue with testimony without breaking for lunch and just so that people are aware of that and Committee members be aware of it.

Call Dan Hogan, representing himself, who wishes to speak in favor of the legislation.

Dan Hogan: Mr. Chairman and members of the Committee, I am Dan Hogan from Nashua, New Hampshire.

Most adults in New Hampshire agree that New Hampshire kids are on their own too much of the time. Let me list for you. In the 1990's, as business administrator of Bishop Guertin High School, I witnessed the results of kids with air pellet guns that did over \$10,000 in damage to windows of parked cars at the school one evening. The police caught the perpetrators, but never reported back to Bishop Guertin or informed the newspapers. Were the parents irresponsible or was authority irresponsible? There was no restitution required.

As a pole vault coach at Nashua High School, I must live with the national rule that an adult must always monitor and coach youth practicing or competing in the pole vault. As responsible high school directors, we are concerned for the safety and well being of pole vaulting athletes.

Yesterday, WRKO discussed a fifteen-year old runaway with a boy of twenty-one whom she met on the internet. They are believed to have fled to Rome and an article that I gave you covers that in greater detail. Most agreed that the parents were irresponsible.

With these examples in mind, I ask, how can parents be excused from a life and death issue like abortion on their minor children?

At this time, I call your attention to the *Globe* article of May 8th. Two botched abortions were attempted on a twenty-one year old woman. Please note the condition of the licensed abortionist's office. No running water; no sterilization equipment. Dr. Yu failed to check the age of the fetus. Dr. Yu failed to perform basic lab tests. Dr. Yu failed to do a complete physical on the patient. The Massachusetts Medical Board found the licensed abortionist placed the patient at grave risk for hemorrhage, uterine perforation, and septic abortion, which the Board says can cause death. Dr. Yu has been barred from practicing obstetrics or gynecology or performing surgical procedures. The Board says he must pass a skills assessment test before he will be allowed to practice again. A skills assessment test. I don't believe any of you would take your dog or your cat to a veterinarian with standards like Dr. Yu's, yet he was licensed to perform abortions in Massachusetts. You are New Hampshire adults; you are New Hampshire legislators, who must make responsible rules, not for athletes playing games like pole vaulters, but for youth at risk.

Is the Massachusetts case typical? Who knows. There are few standards for abortionists. We owe it to our New Hampshire youth and to their parents to correct this oversight and to insure that events like this do not happen to a minor in New Hampshire without a parent even being aware of their daughter's plans to secure an abortion.

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Please, I urge you to support HB 763 as passed by the New Hampshire House of Representatives without change. I will take any questions.

Please see *Boston Globe* article, "Online chat tied to young runaway" and *Boston Globe* article, "Board suspends Malden doctor", attached hereto and referred to, respectively, as Attachments #12 and #13.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Hearing none, thank you for being here today.

Mr. Hogan: Just one additional comment.

Senator Andrew R. Peterson, D. 11: Yes.

Mr. Hogan: We have heard from the safe sex people in here. I would ask you to ask them one question. Give me one place where the safe sex program has reduced teenage pregnancies or STDs. I am an abstinence educator and I have looked for this information. I ask all of them for an instance where they can show me their program has worked. I have yet to receive an answer.

Second question, what do you tell a young woman with HPV, who says I followed your safe sex rules as a teenager, I now have cancer and I'm sterile? HPV is not protected by a condom.

Thank you very much.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. I would ask those who have extended testimony that they wish to read to please not do so. I would like you to summarize your testimony and submit written testimony for the record if need be, but I believe that you will be more effective if you outline for us, with brevity and impact, the main points which you wish to convey. Also, if people would please provide the Committee with new information, if possible, and not go over information previously testified to and, lastly, we would ask that you keep your comments on the subject of the bill that we have before us. There are many other matters of concern in this world, which I'm sure we will have before us as time goes by. So, I thank you for your patience with that announcement and call Gail McCarthy, who wishes to speak in opposition to the bill.

Gail McCarthy: Good morning. Thanks. I am here on behalf of myself and my family, my husband, my son and my two and a half-year-old daughter. I am here to state my opposition to HB 763.

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I really believe that a law mandating parental notification would be cruel and destructive and needlessly hurt young women.

I just want to tell you a personal story. I am thirty-eight years old. As I said, I have a daughter and a young son. I am a homeowner and conscientious voter. I have two college degrees. I have enjoyed professional success beyond my expectations, which has allowed me the luxury of staying home with my children now. I have friends all over the world. Being here is my expression of gratitude for having reproduction rights as a minor. It has made all the difference to me.

I really believe parental notification laws would be so destructive and prevent women from reaching their potentials. I feel strongly that, if this type of law was in place and in effect when I was a minor, that my life would have been ruined. I'm almost certain of that. I think it is just another obstacle that would prevent young women of child bearing age to make reproduction choices and it would create hardship and suffering for young women.

I am sincerely grateful that parental notification laws were not in place, again, as I said, for me in rural New Hampshire. When I was a teenager, my birth control method failed and I became pregnant. But, I was able to make the most personal and consequential decision without the undignified intrusion of my parents or a judge. I made one mistake and I did not want to compound it with more severe mistakes that would adversely affect my life.

I am here to say emphatically that I was not abused as a child and it was not one of those types of situations. It was a strained relationship with my parents and I don't think that that's a reason to stop someone right before they have the opportunity to go out in the world. It's one thing to have a strained parental relationship, but it's another thing to make that the obstacle to make decisions and to be able to go on from that.

I feel very strongly that it would have ruined my life and would have ruined many other lives. I think it would be oppressive, destructive and cruel to put this into effect. I really believe that this would place an obstacle. It would create a time lapse for young women to take care of. This is already very, very difficult. It is stressful. I think this would just create more time.

I just heard something actually. First of all, telling a parent will take time in any relationship, but a strained relationship, I do believe. But, I just was thinking about what I heard earlier about sending a letter certified mail to a parent. Most parents work. I am very lucky and I know how lucky I am to be at home. My husband and I are completely organized around being at home.

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We moved 3,000 miles to move back here. We took a very large pay cut when I left work and my husband did as well, moving back here because we care about our family and we want to be here and do the best for our kids. But, sending a certified letter to a house where no one is home I can see would just delay this process even further. I just heard that today and it really dawned on me that that would be something that could ruin a life. It's a bad vehicle.

As parents, my husband and I desire to have a warm and close relationship with both of our children. However, we also realize that sometimes that is not the case in families. If, for any reason in the future, our daughter feels that she does not want to involve us in her reproductive decisions, we would prefer that she get the health care that she needs with the privacy and dignity that she deserves.

I believe that we are the new face of New Hampshire and there are others like me who are moving to New Hampshire for the quality of life. We did move back here several years ago to start our family. My husband and I are both educated, professional, responsible people who are deeply concerned about laws that limit freedoms and adversely affect quality of life. We are ever vigilant and take our responsibility as voters seriously. We are pro-family and pro-choice.

Thank you.

Please see Gail McCarthy's typewritten testimony, "House Bill 763 Parental Notification", attached hereto and referred to as Attachment #14.

Senator Andrew R. Peterson, D. 11: Thank you. I did have to cut you off, although I think your son, who said nothing, spoke volumes. Are there questions from the Committee? Hearing none, thank you for being here today.

Ms. McCarthy: I would like to submit this whole text.

Senator Andrew R. Peterson, D. 11: I appreciate that very much. We have it as part of the Committee file. I will call Carolyn Blake-Deyo, who wishes to speak in favor of the legislation.

Carolyn Blake-Deyo: Thank you for letting me come from Vermont. I am a stranger here.

I have only four points that I would like to bring out and cite and, pictures speak a thousand words. I would like to show you some pictures. This is my

daughter and son that I had in my forties. I was sent to an abortion clinic both times and told to get rid of them. I was told that abortion is safer than childbirth. That's one. Here they are later on in life. This is the daughter that I have grown up today. My only daughter, as a matter of fact, and four boys. I was a parent for forty years – 1960 to the year 2000 and I am still learning, by the way.

I would like to mention that I called the high school where my daughter was one day. Our cat was missing. I was told she wasn't there. She had gone to Rutland, Vermont Planned Parenthood. When I called Planned Parenthood, they said, "You're the parent. I'm sorry, but you cannot know anything about what is going on." I became fearful and all kinds of feelings went through me and I went up to Rutland and she was just coming out of the clinic and I had all these things come over me. What if she hemorrhages? I wanted to be with my daughter. Her fourteen-year-old boyfriend was allowed to go in there and watch the whole thing, but I wasn't allowed. That kind of made me feel violated, let's put it that way.

Now, I am going to bring you up the recent times right now. She has had two operations recently, one for a cyst on her ovaries that was ready to burst and another for precancerous cervix. Now, the doctor told me that he feels she has had two abortions through Planned Parenthood and also this pill. She has had three situations, two surgicals. The doctor said to me that this has all been created by these procedures that she has had. I'm sure, if you were to contact this doctor, he would tell you the exact same thing. I love my daughter. I love my children. I value life. I value these lives. I had them later in life. I just don't understand why we have to fight today to protect parents. Why do we throw the baby out with the bath water?

So, I would simply like to say one more thing. My dad died from a reaction to medication and I have had severe reactions to medications. When they gave my daughter some pills, I wasn't even told what kind of pills they were. That was my biggest fear. What if something should happen to my daughter from these medications that were given to her by people who were strangers. She didn't know them; I didn't know them. It is very hard for parents like me that have been parenting a long time who really love their children, to have to be set aside, you might say, because of a law or rules or regulations that aren't fair. That's really all I want to say to you today. Thank you very much.

Please see Carolyn Blake-Deyo's typewritten testimony, attached hereto and referred to as Attachment #15.

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Senator Andrew R. Peterson, D. 11: Thank you. Are there questions?
Senator Sapareto for a question.

Senator Frank V. Sapareto, D. 19: Thank you, Mr. Chairman. Thank you for your testimony. You mentioned about your daughter being pregnant and she went to Vermont. How old was she at that time?

Ms. Blake-Deyo: The first time she became pregnant, I believe she was almost fifteen, something like that.

Senator Frank V. Sapareto, D. 19: Older than her boyfriend?

Ms. Blake-Deyo: Her boyfriend was fifteen and she was like fourteen, almost fifteen, something like that.

Senator Frank V. Sapareto, D. 19: Further question?

Senator Andrew R. Peterson, D. 11: Further question.

Senator Frank V. Sapareto, D. 19: Thank you, Mr. Chairman. Are you aware that, under current law, that if she is younger or if she is older than her boyfriend, even with the legislation that was just presented, she is guilty of a Class A misdemeanor in this state under current statute? Again, there are concerns with the inconsistencies that people don't realize.

Ms. Blake-Deyo: Well, I really haven't studied the law that much. I am simply here to give her story, my story as a parent and you can take it from there. Okay?

Senator Andrew R. Peterson, D. 11: Thank you. Call Roger Stenson, representing Citizens for Life, who wishes to speak for two minutes in support of the bill and we welcome you.

Roger Stenson: Thank you, Mr. Chairman. I am not as cute as the baby and his lovely mother.

Senator Andrew R. Peterson, D. 11: We will reserve judgment on that.

Mr. Stenson: I think I represent the new New Hampshire and I'm here to testify in favor of the parental notice bill. Thank you for giving me the opportunity to speak.

Senator Andrew R. Peterson, D. 11: If you would just identify yourself for the record.

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Mr. Stenson: Yes, sir. My name is Roger Stenson. I am the Executive Director of Citizens for Life of New Hampshire.

It is our feeling that New Hampshire needs abortion reform. Abortion practices here are completely unregulated, unregulated to the extent that there is no control. The parental notice bill passed by the House of Representatives is at least a small step toward a more sensible policy. This bill is healthy and it is clean. It is so clean that it was drafted with language that has already been upheld by the United States Supreme Court. Indeed, the highest court has stressed the desirability of parental involvement, like parental notice and parental consent in such strong language that anyone reading the decision of the court would see that the states have been invited by the United States Supreme Court to pass these laws.

I would like to ask a question and it is rhetorical and that is. Would a member of the House of Representatives who testified previously suggest that a minor who is told by a physician that she has cancer make the decision on her own as to what treatment she should get for that cancer? Should she get chemotherapy and what kind of chemotherapy? There are several regimens. Should she get radiation therapy instead? That may be an appropriate course, depends on what doctor she goes to. What about surgical removal of the cancer? Those are questions that a minor cannot answer. There are certain conditions where New Hampshire law specifically allows minors to make those decisions on their own, such as the treatment of venereal disease or drug abuse. Nobody disagrees with that. There isn't anybody in the room who would disagree with that. But, when we get to important matters like treatment of cancer or, how about heart disease? Should she have heart surgery without her parents being involved in this? Should she get the medicine that would make her blood thinner and perhaps obviate the heart surgery? We don't leave decisions like that up to minors. We bring parents in, for good reason. Laser eye surgery is something an adult can do, but should a minor be allowed to do that on her own? There are complications, serious complications sometimes from something as simple as laser eye surgery.

We are convinced and we think we can make a very good case for it because it is considered major surgery, that abortion falls into that category. It does not fall into the category of being treated for a venereal disease or being counseled for drug abuse. It is a different category altogether.

I would like to make one last case and I am going to send you information on this. I'm sorry. I keep sending this stuff all the time and I am going to keep doing it.

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Senator Andrew R. Peterson, D. 11: You are welcome to send us stuff. We have no objection to it. In fact, we wish more people would, so please continue.

Mr. Stenson: Alright. The former Senator Wheeler testified that Becky Bell died from an illegal abortion. Becky Bell did not die from an illegal abortion. That's a fact. Becky Bell died from pneumonia. There was no evidence of any infection in her uterus. The coroner who filed an opinion on Becky Bell's death, his name is Dr. Nicholas, he said she died from an illegal abortion or a self-induced abortion, one or the other. He never even saw her body. That pathologist, Dr. Klest, performed the autopsy and I've got the autopsy report right here and it is one of those things I am going to send you. He said, "I can't prove she had anything except a spontaneous abortion or a miscarriage. Becky Bell died from massive infection in her lungs that was characteristic of pneumonia. There was no infection. There were no marks at all in her cervix, in her uterus. None whatsoever. To state that she died from an illegal abortion ignores all the facts." I will be sending you that information, too.

Thank you for your time. If you have any questions.

Please see prepared testimony from Roger Stenson, Executive Director, Citizens for Life, Inc., attached hereto and referred to as Attachment #16.

Senator Andrew R. Peterson, D. 11: Thank you. So, in that case, would you say it was the professionals who saw the situation accurately and not the girl's father?

Mr. Stenson: I was speaking of the coroner and the pathologist.

Senator Andrew R. Peterson, D. 11: Right, but we heard the testimony previously that the father was very aggravated by the circumstances.

Mr. Stenson: Yes, of course, the parents were terribly upset. It's a tragedy. We all agree that it's a terrible tragedy that Becky Bell died, but she died from pneumonia, not an abortion, legal or illegal, or self-induced. That's the pathologist's report that is in the autopsy that he physically performed.

Senator Andrew R. Peterson, D. 11: I heard that testimony. Just the question about the judgment of the father and the judgment of the physician seemed to be at variance. But, at any rate. Senator Roberge? Senator Foster?

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Senator Joseph A. Foster, D. 13: Just a couple of questions, if I may, Mr. Chair. You say in your testimony the bill is healthy and clean. It is so clean that it was drafted with language that is already upheld by the United States Supreme Court. I don't know if you were here earlier when I was having a colloquy with Professor Collett. The precise language in this bill has actually been struck down by a court of appeals in the tenth circuit and I don't see how that could possibly happen if the United States Supreme Court has already blessed it. Can you explain? Is it possible that some of the language in the bill has been blessed by the Supreme Court, but not all of it? Is that what's going on?

Mr. Stenson: I don't know the language of the law that is before the tenth circuit. But, we do know and we can give you examples of this. I am a layman, so I am going to have to go back and get them for you, but I will. District judges and appellate courts who have counter ruled the Supreme Court and the Supreme Court has held something constitutional, district judges have ruled it unconstitutional, which is out of order. An appellate circuit court has done the same thing, specifically on abortion related cases.

Professor Collett may be able to give you the actual example of some of those cases. These are the things that we see quite commonly. It depends on the circuit. Do you consider the ninth circuit to be kind of out there?

Senator Joseph A. Foster, D. 13: It is out in California.

Mr. Stenson: It is out there on the west coast.

Senator Joseph A. Foster, D. 13: My concern with this is that your testimony suggests that this bill has gone up to the Supreme Court and been said that it is okay. I guess, my suspicion is that that is probably not quite correct, that parts of it have maybe gone up before. I guess your testimony is that you're not sure.

Mr. Stenson: No, my testimony on the tenth circuit is that I am not sure. This bill is based on the Minnesota law. The definitions are exactly the same as in the Minnesota law. This has been upheld. There is language in this that is also virtually identical to what was upheld in Casey when the Supreme Court upheld the parental consent bill of Pennsylvania. Ohio, in Akron, has language that is very similar. I say very similar, because ours is modeled, this bill that we have here, after Minnesota law that was specifically upheld. Those three were upheld. Ashcroft was upheld in Missouri. There are parental notification laws that have been upheld for several states by the Supreme Court.

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Senator Joseph A. Foster, D. 13: We all know there are similarities, but sometimes there are big differences. Just one other follow up if I may.

Senator Andrew R. Peterson, D. 11: Follow up.

Senator Joseph A. Foster, D. 13: On a different subject matter. I just want to be clear. We have heard a few times today that New Hampshire law prohibits physicians providing other kinds of medical care, various types of medical care without parental notification. I'm not aware of any statute that says that. I am aware that a lot of physicians don't feel comfortable doing it, but I'm not aware of any statute that would, in your example, prohibit a doctor from going forward and performing cancer surgery if they felt that the child had informed consent. I think it is left to the physician. We don't legislate that.

Mr. Stenson: I think that's correct. I did not mean to state that that is in statute. I would ask anybody to come forward with one example of an oncologist or a surgeon who has performed, treated for cancer, a minor without involving a parent or done heart surgery on a minor without involving her parents, or even the people who do laser eye surgery. Who has done that without involving the parents?

We are saying that we know that abortions are being done on minors without involving the parents and that is a situation that is in need of reform. The Supreme Court never said we had to have Roe v. Wade in an atmosphere of anarchy. It allows us to enact sensible regulations. Parental notice is a step away from anarchy and towards sensible regulation.

Senator Andrew R. Peterson, D. 11: Senator Sapareto for a question. I would caution members of the Committee that we have quite a few left to testify. Senator Sapareto?

Senator Frank V. Sapareto, D. 19: Thank you, Mr. Chairman. Thank you for your testimony. In regards to your testimony regarding surgical application of abortions right now. Of course, with the advancement of science and abortion bills becoming more prevalent as time goes on, I am going to carry my previous question one step further. How could this state right now require notification or enforce notification for internet providers of pharmaceuticals providing the abortion drug to apply in this state? Where in this legislation does it address it and what changes would you suggest to address that?

Mr. Stenson: Well, it does not address that, to my knowledge. I would defer to Professor Collett, who knows far more about this than I do and she

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expressed that she was not quite sure. She didn't know the answer to that. I don't know the answer to that. I believe that it is irresponsible for anybody distributing, selling, providing medicine that serious or any prescription medicine without a doctor's prescription. There should be a law against that. There ought to be a law. Who is the right one? Should that be done by Congress or all the states? I don't know the answer, but it is irresponsible.

Senator Andrew R. Peterson, D. 11: Thank you. Senator Sapareto for a follow up.

Senator Frank V. Sapareto, D. 19: Thank you, Mr. Chairman. Could you suggest a change or amendment to this to address that?

Mr. Stenson: Sir, we want to get this through so cleanly. I would work with you on a bill starting in January that would do just that. I am absolutely in agreement with you, sir.

Senator Andrew R. Peterson, D. 11: Well, thank you for your testimony. Although we pose questions, it is not expected that those testifying are going to know the answer in every instance, so I appreciate your being candid about that as well. We appreciate having your input on this bill.

I also just want to make a general comment and that is this. We, as Senators and Representatives, are charged to support and defend the Constitution, not only of this state, but of this nation. Yet, our charge here today is greater than that. It is not simply to determine the constitutionality of a given measure, of which there has been some debate, some support and some questions, but also to determine its wisdom, the specifics of the legislation and whether they are wise to add to our RSAs. So, that's the charge before us today and it is greater than simply deciding whether or not the bill would be constitutional, although I understand that's a part of what we are looking at. So, I thank you for your testimony on the constitutionality of the bill and that of the previous testifier here.

Mr. Stenson: Thank you, sir.

Senator Andrew R. Peterson, D. 11: Call Rachel Atkins from Planned Parenthood of Northern New England, who wishes to speak in opposition to the bill. Welcome to you.

Rachel Atkins: Thank you. My name is Rachel Atkins. I am the Vice President for Medical Services at Planned Parenthood of Northern New England. I am also a physician's assistant and I have been providing gynecological health care, including abortions, for close to twenty-five years.

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Planned Parenthood of Northern New England believes it is in everyone's best interest for a minor to inform her parents of her pregnancy if it will result in a safe and understanding response. As health care professionals providing services to and concerned for the welfare of young women, it would be ideal if all minors could involve their parents in their decision regarding an unintended pregnancy. Unfortunately, the reality is that healthy family communication does not always exist and forced parental involvement has not been shown to promote better communication, healthier families, or an increase in minors seeking parental consent or involvement.

As providers of abortion care in the state of New Hampshire, I'd like to take this opportunity to explain our general protocols and policies pertaining to informed consent and abortion care for all women, our policies and protocols for minors seeking services, and our experience as providers of abortion care.

Before an abortion procedure is performed on any patient, it must be determined that she has considered all of her options; she is clear in her decision to have an abortion; she understands the risks and complications associated with the procedure; that she is making this decision voluntarily and without pressure from others; and that she has adequate support for her decision, regardless of her age.

All pregnant minors seeking abortion care are scheduled for options counseling prior to being scheduled for any other appointment. At that time, medical staff ascertain and discuss the following information with all minors seeking abortion care. Has she told her parent or guardian? If not, why not? What is the reaction she would expect if she did tell them? Is the parent or guardian aware that she is having sex? Has she talked to any other adults about this pregnancy? Who has she used as a support system while making the decision and who will she talk to after the abortion? Who is the male partner? How old is he? Was this consensual sex?

I don't think it has been mentioned yet today that we are mandated reporters with the state, which means that we are complying with all state laws and we are trained to do so and that we report all suspected abuse to the Department of Children, Youth & Families.

A majority of minors seeking abortion services at Planned Parenthood of Northern New England have parental consent for their care. Those who do not are encouraged to speak to a parent or guardian. It is in our best interests. We want their parents involved. If a woman feels she cannot involve a parent or guardian in her care, her reasons for not involving them are further explored and discussed.

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Reasons for not involving a parent are varied and range from concerns of disappointing them or establishing greater independence, a fear of personal safety or well being. Some of these young women are not living at home, while others have close healthy relationships with their families. Oftentimes young women who have not talked to a parent, have talked to another adult in their life. Those adults include an aunt, a grandmother, an older sister, a close family friend, a boyfriend's parent, a counselor or another health professional. Women who have not talked with their parents or any other adults are encouraged to do so. If a minor woman continues to not want to involve her parent or guardian after further discussion and it is assessed by a medical provider that it is not in her best interest to involve a parent or guardian, she is encouraged to talk to another adult about her pregnancy, if she has not already done so.

After the decision is thoroughly reviewed and the young woman is still considering abortion care, she is then provided with information about the procedure, its risks and complications. Any questions are addressed at that time. If she is deemed capable of understanding the information given and thus capable of giving informed consent, she can schedule an appointment to return at a later date for an abortion.

Some of the young women who have not initially involved their parents return to the health center for their abortion procedure with one or another parent. Others have involved another adult in their life, and a small minority return without either. Prior to the procedure, we again review her decision to terminate her pregnancy, review her medical history, educate her regarding the procedure and any potential risks and complications, review the consent form and review all aftercare instructions. All patients are provided with a number to call if they have concerns or questions at any time day or night.

As with all patients, a minor without consent must be deemed capable of understanding the information she is given and thus capable of giving informed consent prior to any medical procedure. It must be determined that she is making the decision voluntarily, without coercion, and after being fully informed about the procedure. If the minor is not accompanied by a parent or guardian, we will not provide care unless the practitioner determines that she is sufficiently mature and capable of giving informed consent. Again, that is our duty as trained health care providers. If she is determined to be sufficiently mature and capable, she can consent without parental involvement.

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In 2002, we saw forty-six women under the age of eighteen for pregnancy termination. Over 67% of the minors seen have the consent of one or both parents. One was an emancipated minor and 32% had not informed their parents. The national average for parental involvement for minors obtaining abortions is 63%. Our rate in this state is 67%. We are higher than the national average, which includes all of those states that have mandatory consent or notification laws in place. We are already doing better than the national average because we care about women, we care about young women, and we are trained health care providers. Of the minor women without parental consent, three were fifteen years old and three were sixteen. The rest were seventeen.

All of the women under seventeen who had not informed a parent or guardian had involved another adult in their life. Two of them came with their aunts who they were living with. One talked to a caseworker because her mother was mentally ill, and one talked to the school nurse, and one had talked to her primary care provider. All were early in their pregnancy. All of them had decision counseling prior to the day of the procedure and all but one returned for routine follow up care, establishing that these were women who had support of other adults are sufficiently mature to get in to be seen early in the pregnancy and to come back for the routine care.

Statistics show that in states where parental consent or notification laws are enforced, teens continue to notify their parents at the same rate before and after the laws went into effect. I think we have heard testimony in the past in New Hampshire from the State of Massachusetts where this bears true.

It is obvious from the experiences in these states that forcing parental involvement does work to protect the interests of young women, nor does it promote family communication. It only serves to delay the provision of health services. The reason, drug counseling, treatment for sexually transmitted disease, pregnancy care and abortion care that young women can have that without consent is the believe that it is better for them to get into health care services in a timely fashion than to stay home afraid to seek care.

Skills of health care providers and other professionals working with teens are better utilized providing services rather than helping the teens negotiate the judicial system. Health care providers are well suited and trained to ascertain informed consent. I don't believe judges have the time or the venue to do that with a woman that goes through court. Minor women should not be deterred from seeking early medical attention from trained health professionals.

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Planned Parenthood of Northern New England urges you to oppose HB 763.
Thank you.

Please see Rachel Atkins, P.A., M.P.H., Planned Parenthood of Northern New England, "Testimony in Opposition to HB 763", attached hereto and referred to as Attachment #17.

Senator Andrew R. Peterson, D. 11: Thank you. I appreciate hearing your different testimony on this and I appreciate the fact that you have brought a great deal of new information, so I let you go along a little bit. Are there questions from the Committee?

I have one, or two actually. I imagine that you have studied this bill fairly closely. Is it your opinion that a doctor who is contacted by a woman under the age of eighteen and was asked to give a prescription for the day after pill, the double dose of regular birth control pills, which is a day after remedy if they are concerned that they might be pregnant, would they be guilty of a misdemeanor under this bill if they gave that prescription without first notifying the parents?

Ms. Atkins: I am not legally trained and I cannot answer that. Are you talking about medical abortion or are you talking about emergency contraception, which is given within a few days after intercourse?

Senator Andrew R. Peterson, D. 11: I am talking about emergency contraception.

Ms. Atkins: That would be to prevent pregnancy as opposed to abortion.

Senator Andrew R. Peterson, D. 11: So, that would not be covered under this bill as you read it?

Ms. Atkins: Not as I understand it.

Senator Andrew R. Peterson, D. 11: Are there further questions? Seeing none, thank you. I would like to call Mary Lou Garland. Is it Garland?

Mary Lou Garland: Yes.

Senator Andrew R. Peterson, D. 11: To speak in support of the bill and welcome.

Ms. Garland: Thank you. I am Mary Lou Garland and I am speaking in favor of this bill.

Unidentified speaker: I can't hear her.

Ms. Garland: I will speak up. Maybe my voice is a little hoarse. I am speaking in favor of this bill, HB 763.

A parent should have the right to know about their minor daughter's pregnancy and to be notified about their minor daughter's intention to have such a serious procedure as an abortion, especially since it is such an enormously dangerous procedure to the pregnant mother. An abortion is great cause for emotional problems to the mother who loses her child in an abortion. I know. I have been there because I almost aborted my baby. I didn't get too far with that, but I was down the hall and I wanted to have an abortion. Something stopped me. I couldn't go through with it and I am thanking God that I did not abort my baby.

But, I consider myself in a sense as being a post-aborted woman. I think I still suffer from knowing that I had almost aborted my baby. She is nine years old now and she is a beautiful child. When I realized that, I was very angry at a law that would say that I could kill my baby 'cause if there wasn't that law, I never would have considered having an abortion in the first place. The only reason I was considering abortion is because I was afraid of the labor that women had said was very painful. It was painful, but then I have heard of women who have said that they have had both an abortion and a live birth and that the abortion was far more painful. So, I am glad for that reason that I didn't go through with it, too.

How can a mere child of only thirteen, fourteen or fifteen handle emotionally the fact that she just paid someone to murder her baby? That is something that will stay with her all the rest of her life. I was a thirty-six year old woman at the time and I took it hard and I didn't even go through with the abortion. So, imagine a teenage girl and what she must go through. She is not mature and it must be very hard for her. I think a parent has the right to protect that child from that situation.

Senator Andrew R. Peterson, D. 11: I'm sorry. I'm going to have to just ask if you would summarize. We have another twenty-five people to speak. We have time constraints. I apologize.

Ms. Garland: Okay. Just let parents be parents. If a parent needs to be notified in order for the school nurse to administer an aspirin, how much more necessary to be notified about such a dangerous procedure as an abortion. One young woman, after experiencing, I had watched this on television, one young woman, after experiencing a botched abortion became

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almost like a vegetable. She couldn't feed herself or just about anything. Couldn't dress herself or feed herself and she was under constant care twenty-four hours a day. I want the right to protect my daughter from that when she gets to be a teenager from having that horrible thing happen to her. So, I think every parent has the right to protect their child and that's it.

Senator Andrew R. Peterson, D. 11: Thank you. Questions from the Committee? Seeing none, thank you for being here. Call Michelle Cunha, representing herself, to speak in opposition. Welcome.

Michelle Cunha: My name is Michelle Cunha and I live in Hudson, District 14. Senator Clegg is my Senator. I wish he was here.

I want to talk about the parental notification law that is being proposed today.

Senator Andrew R. Peterson, D. 11: Just to inform you. Senator Clegg did wish to be here and asked me to update him on the testimony in his absence. He had an appointment, which he could not avoid, at the Senate President's Office and intends to return.

Ms. Cunha: HB 763 is misguided in its attempt to promote an open communication between parent and child. This bill promotes the exact opposite. This is a young woman who will keep a secret from her parents for fear of physical or psychological abuse. Do you honestly expect a young woman to inform her parents that she is pregnant if her father is the father of her pregnancy? The state has obviously failed in protecting her from her own male relative. So, how can you expect to create a safe place for her to sit down with her parents and say, "mother, father, I'm pregnant. Can you please sign this?" Most young women will in fact involve a parent or other trusted adult like a grandparent, an aunt or a clergy member. But, even if one woman is put at physical or psychological risk, we must protect her from harm.

Requiring a young woman to navigate the judicial system is also unreasonable. How will she be excused from school for the day? What will her mode of transportation be to the courthouse? And, what judge can honestly assess whether a girl is sufficiently mature enough after meeting her for a mere fifteen minutes?

Lastly, this bill will drive young women from their own neighborhoods to other states seeking abortion services. Instead of making this another state's problem by forcing young women to leave New Hampshire to obtain an

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abortion, we should take care of our own young women who seek abortion and provide them on their home turf.

Parental notification laws only work in a perfect society. And, since we don't live in a perfect society, parental notification laws only harm those who we are sworn to protect.

Please vote against this bill. Thank you.

Please see Ms. Cunha's typewritten testimony, attached hereto and referred to as Attachment #18.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Senator Sapareto I see has a question for you.

Senator Frank V. Sapareto, D. 19: Thank you for your testimony. My question would be, are you aware that this bill does allow for, you don't have to notify in the case of incest?

Ms. Garland: I was unaware of that.

Senator Andrew R. Peterson, D. 11: Further questions from the Committee? Seeing none, thank you for your testimony.

Ms. Cunha: Thank you.

Senator Andrew R. Peterson, D. 11: Call Reverend Thomas F. Clark, III, to speak in favor of the bill. Welcome, Reverend.

Reverend Thomas F. Clark, III: My name is Thomas F. Clark, III. I am representing the Tri-City Covenant Church in Somersworth, Tri-City Christian Academy, where I am a board member and teach. And, also, I am the father of eight children, so I am representing my family as well.

I just wanted to take a minute to speak in favor of the bill and relay one incident that happened to me, I believe it was seven or eight years ago. I had a call from a colleague in a town close by that was new to our area as a minister and he had in his office two parents that were there and had just found out that the day before their teenage daughter had received an abortion and they were not aware of it at all. They were just horrified that something like that could happen in their child's life without any input at all from them. The pastor who was new to the area called me and asked how

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could this happen. The only response that I could say is that, in New Hampshire, that is allowed to happen.

Senator Andrew R. Peterson, D. 11: Could you suspend please?

Tape change.

Reverend Clark: One of the people speaking in opposition said you can't force good parenting and that may be right. But, I do believe that we should support good parenting and I believe that this bill would go a long way to doing that.

I also wanted to show my appreciation to Representative Berube from my community who has been supportive of this bill.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Hearing none, thank you for being here today. Call Jane Torrey from Jaffrey, New Hampshire, a very high quality community. Welcome to you.

Jane Torrey: I have three points to make. The first is that, of course, the real purpose of this bill is to make it difficult for young women to get abortions. I figured out once that the number of woman hours required to take care of a child from birth to age fifteen is one-third the number of working hours she can expect in her life. In other words, she is depriving herself of many of the choices that she needs in order to develop her aspirations.

My second point is that, although parents would be helpful in making medical decisions on abortion, they would be much more needed in the case of pregnancy, child birth and infancy, which are much more threatening to physical and mental life than a simple abortion. Now, I am assuming that this is a legal abortion when I say that it is simple and safe. Of course, if a bill like this drove her to an illegal abortion, well you have heard some of the possibilities there.

My third point is that no one but the young woman knows better the consequences of her pregnancy for her family. Whether they will be devastated with shame. Whether they will disown or throw her from their home. Whether she will be abused by her father or even killed. In many countries, a murder like that would be allowed by custom and go unpunished by law. There are immigrants from those countries here in New Hampshire. The young woman knows best these likely reactions in her own family. She knows it better than any judge could know and much better than any one of

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you otherwise responsible Senators could possibly know, even if they knew her family personally.

I say it is important to let her be the judge of who should know and it is, of course, her right to decide her own future. Thank you.

Please see Ms. Torrey's handwritten testimony, attached hereto and referred to as Attachment #19.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Seeing none, thank you for being here today. I will call Gail DeMasi, wishing to speak in support of the bill. Is Gail here? Well, she wishes to be recorded in support of the bill. I have an Edward Lawrence, who has asked to speak for twelve minutes and I'm afraid that that is not going to be permissible. If you could summarize your testimony, Mr. Lawrence, I would appreciate it.

Edward Lawrence: I always ask for the maximum, hoping to not need it.

Senator Andrew R. Peterson, D. 11: Well, if this says 1.2, you've got it.

Mr. Lawrence: I am going to mention a number of things that may not seem sufficiently relevant, but I will tie them all together.

First of all, I want to say that this bill, in my opinion, is very well written. How can you get perfection with human beings who are limited? The question is getting enough people together before they get common sense prevailing. The Committee is large enough for that purpose, to accomplish that goal. So, I appreciate this. It is going to be a start toward reuniting the family with their children because families are falling apart for all kinds of reasons, but particularly because of misinterpretation of the First Amendment. Religion is separated, the rule of authority, and goodness that doesn't seem to be a sufficient influence. Therefore, this is a bill that should be protected. The Republican, the last Republican adventure passed a special bill and that was in the City of Brotherly and Sisterly Love – Philadelphia. Los Angeles, the City of Angels, supposedly, the dark woods appeared through the Democratic Convention. They passed a special resolution to put in the so-called ...(inaudible)... the euphemism for ...(inaudible)...

Transparently, this makes the most money of any institution on abortion. They should change their name. Planned Parenthood is planning to take the place of the parents and they have been unsuccessful. In studying the last census, I found that we have an increased reproduction rate of 2.9. The fact is that abortion is the chief cause of this. The disrespect for the lives of the

little innocent human babies has spread through all age groups. We have the teenagers, since 2000, committing more serious crimes than any group in the country. They are going to public high school for the most part.

We should remember that all human life is absolutely special. We are the most important creatures on earth. The supreme power, who designed this world with us in it has said in that most valid book of history, the holy bible, that we are made in his own image and likeness. This world is a complete design of integrated system. We are that way ourselves. We have an election and a collection of integrated systems. We are controlled by our minds and will power to make decisions. Since we are made in the image and likeness of God, we should be most respectful of each other. The most important word in the plan by the son of God is that this world, this God wants us to follow his will in this world as in heaven. That is the way it is supposed to be. If we have that, we accomplish that, and act accordingly, this world would be so much like the perfect world of heaven.

Senator Andrew R. Peterson, D. 11: Thank you for that. Would you please summarize your testimony as you have gone beyond the point that is allotted?

Mr. Lawrence: I respect the fact that the Republicans have taken over the Senate in the numbers of eighteen and six and therefore their platform should be ...(inaudible)... the great state that we have, setting the pace for world peace, by the way. In any case, the platform of the Republican party has consistently emphasized the importance of the family, the most important society in the world organization. Therefore, we should eventually do away with the worst decision of the Supreme Court in history. The only one that was bad, not as bad, but almost as bad, in 1858 when the Supreme Court, by a seven to two vote, said that a black citizen was only two-thirds human, therefore worth only two-thirds of a vote. Thank God most of these decisions are not that bad. However, the Supreme Court, up until this time has ruled wrongly I must say, freedom and should denote responsibility instead of irresponsibility and be able to do anything you want.

Thank you.

Senator Andrew R. Peterson, D. 11: Thank you very much. Are there questions from the Committee? Hearing none, thank you for being here today. Call Dian McCarthy. If you could come forward please.

Dian McCarthy: Thank you so much. I will be as quick as I can. My name is Dian McCarthy. I am a thirty-three year old mother of one and, as you can

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see, soon to be two. I have been a resident of New Hampshire for thirty years now.

As a parent and as a constituent, I am here today to express my opposition to House Bill 763. A law requiring parental notification prior to receiving an abortion would only serve to harm young women already in a state of crisis.

As parents, I think we all would hope that our children would come to us. As citizens, I am sure we all would like to envision a world where every child could. But, this is not reality and we cannot confuse our hopes and desires with issues that should be matters of law.

I do believe that many parents in New Hampshire work hard to build the kind of relationship with their child that would facilitate the trust necessary to deal with an unintended pregnancy in a healthy way. Many parents achieve this. I don't think this bill is about them. With such relationships in place, a minor turning to her parent doesn't require a law.

The people who it is about are the young women who, for whatever reason, cannot turn to their parents for healthy crisis management. In my opinion, the individual reasons are too numerous to list, but of primary concern, would include incest, rape, abuse, and parental instability due to illness or substance abuse.

I am aware that the bill contains a judicial by-pass clause to address dysfunction. Realistically, are we really going to believe that forcing young women into the already over-burdened judicial system against her will is helping her? Would we truly be doing her a service by forcing her not only to fight for the termination she is seeking, but at the same time forcing her to go public with a situation she wasn't willing to disclose before? I don't think so. In essence, we would be taking a young woman in crisis and needlessly multiplying that for her a hundred fold and I think that would be cruel.

Abortions are not necessarily easy to come by and for a young woman to go through the process of a pregnancy test, accepting the results, scheduling an appointment, getting transportation, paying for the procedure, all without notifying her parents, indicates to me a significant motivation for confidentiality. We might not know or understand what that reasoning is, but it is there nonetheless and I think we need to recognize it.

If passed, this bill will wrongly turn a matter of family relationship into law and I would urge you to vote against it.

Thanks so much.

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Please see Dian McCarthy's typewritten testimony, attached hereto and referred to as Attachment #20.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Seeing none, thank you for being here today and thank you for your patience. Patience DeMasi is the next on the list to testify in favor of the bill. Is she here? As she is not, we will note that she supported the bill. Linn Duvall Harwell wishes to speak, I believe. Welcome.

Linn Duvall Harwell: Thank you, Senator Peterson and Senate Judiciary Committee. My name is Linn Duvall Harwell. I reside in New London, New Hampshire.

I ask you to reject HB 763 on behalf of the girls and women of this state. My mother, Clara Bell Duvall, died in 1929 from an illegal abortion at the age of thirty-four and this was her eighth pregnancy. Our family was shattered, with five motherless children and a devastated father unable to care for us as our nation entered the Great Depression. This was a few days after my sixth birthday. When I learned, at the age of sixteen, why my mother had died, I determined this would never happen to me.

My husband and I were married in 1942 and went to a Planned Parenthood Clinic in the Mellon Bank Building in Pittsburgh, Pennsylvania. My husband and I have two sons and two daughters, well loved and cared for for these many years. On moving to Connecticut in 1958, I learned of the "Comstock Law" prohibiting contraception and sexuality education in the State of Connecticut. I determined to help other women in preventing unwanted pregnancies. I was trained by Dr. Charles Lee Buxton, who was the head of the OB/GYN Department at Yale Medical School and Mrs. Estelle Griswold, Executive Director of Planned Parenthood League of Connecticut. They became the Buxton and Griswold case versus the State of Connecticut, which guaranteed Americans the rights of privacy in the bedroom. I worked for six years going door to door educating women in their reproductive rights. I counseled many teenagers to protect themselves. One fourteen-year old was pregnant, living with her parents. Her father was blind and her mother did housekeeping to support them. My colleagues and I helped her to find a doctor and the money to pay for a medically safe abortion.

On moving to Philadelphia, I continued counseling at Philadelphia General Hospital, no longer in existence, but this is the equivalent of Bellevue in New York City, and the Bryn Mawr Hospital. A high school girl whom I counseled and asked her to consult her parents said this to me. "If I tell my mother, she

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will tell my father. My father is a detective on the police force and he will beat me." These are just two examples of many I could recite.

Now I ask, Senators, how many of you have spoken to young girls who are pregnant against their will or who have a daughter whom you would trust to confide in you under these circumstances or who have visited a Planned Parenthood or an abortion clinic? How many of you have been there? I have.

Women experience abortion 100% and yet the laws in America almost 100% or close to it, are written by men. This is what makes women very angry.

You have all heard of the death of Becky Bell in 1988 and even this very day, many people have invoked her name. I have a message from Becky Bell's mother. I have met the Bells, her parents. This is what Becky Bell had sent to me last November. She came from a loving family and when she became pregnant, she left Indiana for Kentucky to have an illegal abortion and here is Karen Bell's message to me. "My daughter Becky Bell who you know of died September 16, 1988 of an illegal botched abortion. She died in my arms in St. Vincent Hospital here in Indianapolis. She was only seventeen, my only daughter. I miss her more with each passing year and to think she loved us so much she died so as not to shame our family. Her boyfriend didn't want her. He told her to get the hell out of his life. She did just that. If you ever need me, contact me to fight this fight. Keep up your work from a mother who knows. Karen Bell"

With my testimony and that of Karen Bell of Indiana, I urge you to do the right thing, to help the young girls and women of New Hampshire. Defeat HB 763 and keep New Hampshire safe for women.

Thank you very much. If you have any questions.

Please see Linn Duval Harwell's typewritten testimony attached hereto and referred to as Attachment #21.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Just to clear one thing up. Although this bill may have been written by men, it wasn't written by these three men. We are here to assess its merits and we thank you for your testimony.

Ms. Harwell: Thank you, Senators.

Senator Andrew R. Peterson, D. 11: Call Joan Espinola, who wishes to speak in favor of the legislation. Welcome.

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Joan Espinola: Thank you, Mr. Chairman and thank you, Senators, for your patience and for sitting here through all this testimony. My name is Joan Espinola and I am from Salem, New Hampshire. I am a mother and a grandmother and I was a Representative in the 1980s.

We had a parental notification bill in the 1980s and, as you know, it failed then, too.

Instead of reading my testimony, I wanted to read this brochure that I handed out to everybody, "Selling Teen Abortions". This is something that has not been touched on. As I was listening to the Planned Parenthood lady talk about what they go through, I thought this is very nice, but this isn't always how it is.

Carol Everett, who actually ran an abortion clinic, boldly recounts the deceptive way she targeted teenagers for her lucrative abortion business, unbeknownst to the parents. Ms. Everett shrewdly put a wedge between teens and their parents on the topic of sex and contraception. Parents need to know this still occurs today and this is the brochure that she put out.

One of the questions was, how would you, as an abortion clinic operator, market abortions to teens? Her answer was, "First, I established myself with the teens as an authority figure on sex. I explained to them that their parents wouldn't help them with their sexuality, but I would. I separated them from their support system, number one, and they listened to me."

Another question asked of her was, Did you go through the litany of how they couldn't talk to their parents? She said, "I joked about it, asking, what do your parents know about sex - not to have it? They are fuddy duddy's aren't they? I laughed and they laughed. I continued by explaining that I had two children and talked a lot about sex with them. I told them I understand their sexuality, implying their parents didn't. I encouraged them to become sexually active."

And here, this woman recounts that parents do make a difference. Available statistics show that both teen pregnancy and teen abortions decline after a parental involvement law is in force.

A recent *USA Today* pole indicated that 75% of those surveyed favor parental involvement. There was a study done by the University of New Hampshire that asked, I think it was five hundred people. I think it was. I have it here somewhere. I think it was 62% of the parents in New Hampshire, excuse me, 61% of respondents favored passage of a law requiring a minor to get

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parental consent. This bill is not as strong as parental consent, but it is a beginning. It is parental notification.

I have been in the company of two women that have had abortions. They were not teenagers; they were older women that have had an abortion. One of them said to me that going to the abortion clinic, they did not tell everything that was going to happen. One thing that was not stressed was the psychological damage that it does to you and a lot of times this is not known until after you have actually had an abortion. This woman stood in front of me crying uncontrollably talking about this. The other woman said nothing and cried. I think that, if it touches older women like this, I think young girls having their parents with them is a good thing. As you know, I am for this bill.

Senator Andrew R. Peterson, D. 11: Would you be able to summarize at some point because we have quite a few left and I would like to have them have some time. I am going to end up gaveling down people in a way that I really do not wish to do, if we continue along this path.

Ms. Espinola: Okay. I am going to ask you to please pass this bill.

Please see Ms. Espinola's typewritten testimony and attachment, attached hereto and referred to as Attachment #22.

Senator Andrew R. Peterson, D. 11: Thank you.

Ms. Espinola: Thank you very much.

Senator Andrew R. Peterson, D. 11: Are there questions from the Committee? Hearing none, thank you for your testimony.

Tape change.

Senator Andrew R. Peterson, D. 11: Is Lisa McDonald here? She wishes to speak for ten minutes in opposition to the bill, so the Committee can absorb that emotionally, even if she is not here physically to provide us with that. Rebecca Cloutier wishes to speak in favor of the bill. Is she available? If not, we will note her support of the bill for the record. Brigit Ordway wishes to speak in opposition, I believe. Welcome.

Brigit Ordway: Thank you Chairman Peterson and Committee members. My name is Brigit Ordway. I am the Director of STD, HIV and Outreach Services at the Feminist Health Center of Portsmouth located in Greenland, New Hampshire. I am here to speak in opposition to HB 763.

As a fully licensed non-profit clinic, the Health Center has provided a variety of health services to women and men in the Seacoast area for twenty-three years. These include annual health exams, contraception, abortion care services, sexually transmitted disease and HIV services, pregnancy testing and options counseling. We are staffed by licensed physicians, nurse practitioners, administrators, health workers and nurse. We are a member of the National Abortion Federation, a professional organization that sets standards of care for abortion providers.

Each of our clients, regardless of age, meets individually with a counselor before her procedure. At this time, the counselor will discuss with the client her decision making process and assess her ability to make a mature decision about her pregnancy. Is she able to thoroughly think through all of her options for her pregnancy? Who else is a source of support for her during this decision making? Can she identify and articulate her feelings? Does she have the ability to make fully informed decisions that take into account both immediate and long-range consequences?

During this session, her medical history is reviewed and each step of the procedure is explained in detail, along with the risks associated with the procedure. Contraception options are discussed, and further health care referrals are given at this time. Each client is given detailed oral and written instruction on follow-up care and how to reach us in the event of an emergency. Our staff is on call twenty-four hours a day. Once the client has had an opportunity to have all her questions answered, she signs an informed consent for her procedure.

In this proposed piece of legislation, a minor is defined as someone under the age of eighteen. Yet, in New Hampshire, the age of consent is sixteen. A sixteen-year-old can legally consent to sexual activity, bear a child and choose to place the child for adoption without parental involvement. Why should the decision to have an abortion be treated differently under New Hampshire law?

The stated intent of this bill is to protect minors against their own immaturity and to foster family structure. It is our considered opinion that such legislation could have the opposite effect on family relationships already in crisis. Last year, only 12% of our clients were under the age of eighteen. Most had already involved a parent, family member, or trusted adult in their decisions. I wanted to tell you this because I have heard people saying that these numbers are not going down. Yes, they are. Abortion across the country, the numbers are going down. Ten years ago, when I was speaking in front of a similar committee, which you might have been on, our numbers

were 30% of our clients were minors. Now it is 12%. There is a huge difference that we have seen in the last ten years.

Counselors at the Feminist Health Center of Portsmouth discuss parental involvement of every adolescent client, as well as confirming her plans and ability to return for follow-up care. We require locating information for parents and guardians of all minor clients so they can be notified in the event of a medical emergency.

It is our position that it is usually in the best interest of a minor to discuss her sexuality, contraceptive choice, pregnancy, and decision to have an abortion with one or both parents. Every effort is made to encourage the young woman to talk to her parents. Fears and expectations she has of what it may be like to discuss the pregnancy with her parents are talked about. She is offered assistance from the staff in approaching her parents. However, there are good and compelling reasons why it may be detrimental for her to do so. These include fears that she would be coerced into a situation. We have seen both the situation where the parent tries to force an abortion on the minor as well as the situation where the minor was forced to carry an unwanted pregnancy to term.

Sometimes the minor with withhold information about her pregnancy because the family is already in crisis, such as recent illness or death and she wishes to protect them from further turmoil. Perhaps an abusive relationship already exists between parent and child and she fears for her safety. Sadly, some of our clients have become pregnant as a result of incest. These are the young women who will be most hurt if this bill is passed. To force them through the intimidating process of appearing before a judge in a court where their confidentiality cannot be guaranteed would only add to the crisis they already face. This may cause minors to delay care until the second trimester. Worse yet, it may force them to consider more desperate measures, such a self-induced abortion or even suicide.

In conclusion, although a minor is encouraged to discuss her pregnancy with her parents, there are many valid reasons why she will not do so. Our experience has been that, even in the absence of parental involvement with the benefit of trained counsel, minors can make informed, mature decisions regarding their pregnancies. Unfortunately, no legislation can create a supportive and understand parent/daughter relationship. Not all parents will act in their daughter's best interest. Providing the young woman with accurate information and experienced counseling so that she can make an informed decision regarding her pregnancy is already offered through professional, licensed clinics and physicians' offices. The judicial by-pass

provision is fraught with problems and places the minor at greater emotional and physical risk.

We strongly urge this Committee to oppose HB 763. Thank you.

Please see Ms. Ordway's typewritten testimony, attached hereto and referred to as Attachment #23.

Senator Andrew R. Peterson, D. 11: Thank you. Are there questions from the Committee? Seeing none, thank you for your testimony. Call Helen McPhillips, in support of the bill. Welcome.

Helen McPhillips: Thank you. Good afternoon, Mr. Chairman and Senators. I come as a parent, grandparent, and great grandparent.

Parents have a great responsibility to nurture and guide their children to maturity. It is a great travesty of justice for a minor to have an abortion performed on her without parental involvement. A minor cannot get ears pierced or tattooed, you have heard this before, without parental consent. We are not even talking about parental consent here. We are just talking about parental notice. I would want to be at my daughter's side through the procedure. We are not talking about getting ears pierced here. We are talking about the serious invasive procedure with grave consequences.

Two of my friends daughters are suffering mental breakdowns now because there was no parental involvement there. I think they came to the realization that they took the life of their own child, their children who were maturing within them. My question is, do abortion providers tell the teens they are carrying a child?

I guess that is about all I want to say, except that I beg you to do what the House did and support this bill. Keep minors in the hands of their parents. Thank you so much.

Senator Andrew R. Peterson, D. 11: Thank you. Are there questions from the Committee? Hearing none, call Corinne Baker.

Corinne Baker: Mr. Chairman and Senators. I am here on behalf of myself. My name is Corinne Baker. I live in Hampton. I am a registered Republican. I have been a New Hampshire resident for fifteen years.

Senator Andrew R. Peterson, D. 11: Just as a disclosure, I am a registered Republican as well.

Ms. Baker: I am here today to urge you to vote this bill inexpedient to legislate. Under the bill itself, where it lists legislative purpose and findings. I am just going to circle some areas, where it says often lack the ability to make fully informed choices can be lasting, are not necessarily related, ordinarily possess information, may better insure, and parental consultation is usually desirable. If this bill passes, every single young girl who has decided that abortion is the only answer to her accidental pregnancy will be forced to notify her parents or go to court and hope that a judge will authorize an abortion. The choices are to notify a parent or notify a judge is to notify a parent or go to court for authorization.

I have heard some testimony today that was really pro-abortion or against abortion. This bill, I thought, was a parental notification. So, that's what I am going to address.

First of all, the girl has had sex and this is an act that no parent expects her daughter to be part of. We don't want to know about it. The first month she misses her period, she is hoping that it is because she didn't eat right or she has a cold or something else. The second month, she is faced with the reality that she might be pregnant. So, who does she tell? Some girls would tell their mother. That's what many of us would expect our daughters to do. If we had the kind of relationship with our children that encourages them to come to us whatever the situation, that will happen. But sometimes that is just not her best option. She may tell the guy responsible. She may tell her best friend, the school nurse, an older sister, a trusted aunt, or she may go to Planned Parenthood. She looks for someone who will be sympathetic and nonjudgmental. She is not looking for a lecture on what she did wrong. She knows. She needs a person who will help her.

I do not have statistics, but I do know that many girls just want an end to the pregnancy and get on with their lives. This takes money. Who will give her compassion and money? Can you guarantee that every parent will provide this? Where in this bill or in any law do we say that the parent must give unconditional love in every circumstance? We cannot legislate a perfect family.

Teenage pregnancy is a unique situation. Don't compare this with cancer or a heart condition. This is possibly the most serious issue that a young girl will ever face. If she is a rape victim, it is far easier to go to her parent because she is a victim and the parent can blame the attacker, not the daughter. However, if the girl becomes pregnant by a boyfriend or she doesn't want to tell who it was, the parent may well become very angry at her for, "getting herself pregnant". We need to blame someone.

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If you vote this bill inexpedient to legislate, a girl who finds her pregnant and wishes to terminate the pregnancy can still go to her parents. But, if she is afraid to go to a parent, she can go to a trusted supportive person for help. Webster defines an accident as "an unfortunate event resulting especially from carelessness or ignorance". Teenage pregnancy is an accident. This bill would not eliminate teenage pregnancy. This bill would further punish an already vulnerable young girl. Let her get help from someone she trusts. If I, or Senator Peterson, or Governor Benson, or any of us here want to be sure that our daughters come to us in times of crisis, it is up to us to lay a groundwork of a nonjudgmental relationship based on unconditional love with our children. No law can do this for us.

I urge you to vote inexpedient to legislate and leave the law as it now stands. Thank you.

Senator Andrew R. Peterson, D. 11: Thank you. Are there questions from the Committee? Seeing none, thank you for your testimony. Call Theresa Fuller, who wishes to speak for a minute in support of the bill. Welcome.

Theresa Fuller: Thank you and good afternoon, Senators. I am Theresa Fuller of Salem, New Hampshire. I am here as a parent and a grandmother and asking you, I am begging you today, to please pass this bill today with no amendment. Abortion is the taking of a life and it can never be justified.

Thank you.

Senator Andrew R. Peterson, D. 11: Thank you very much. Are there questions from the Committee? I think you have left no questions. Thank you very much. Now is it Corinne Baker? Is Corinne Baker here?

Senator Sheila Roberge, D. 9: You already called her.

Senator Andrew R. Peterson, D. 11: I'm sorry. I already called you. I apologize. I think I may have mispronounced your name twice. Is Sally Davis here? Thank you.

Sally Davis: First of all, thank you for having this hearing. I am Sally Davis, President of the League of Women Voters of New Hampshire.

The League of Women Voters of New Hampshire, nearly four hundred members statewide, believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices. It includes the right of a woman, even a young one, in consultation with her doctor, to decide to terminate a pregnancy. In about

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two-thirds of these cases, parents are in fact involved. Some even demand she get an abortion when the girl may not even want one.

HB 763, which is before your Committee today, cannot force a daughter facing a crisis pregnancy to seek a parent's advice and help. Sadly, in some cases, the pregnancy is caused by a father, an uncle, or other family member as a way of asserting control over the girl. No law can force communication when abuse has occurred or the young woman has been told and therefore assumes she cannot remain at home if she has become pregnant.

In states where these laws have been passed, there is no indication that more young women are consulting their parents about pregnancy. Abortion would be the only medical procedure in New Hampshire to require parental notification when a minor is involved.

Requiring notification will not change a dysfunctional family into one which is supportive of the girl. So, the number of young women who would consult with their parents will not change. It will not prevent sexual intercourse and it won't stop abortions. What could change is an increase in self-induced attempts to abort, and more babies carried to term and killed or abandoned because they aren't and were never wanted. Most hurtful of all is the psychological impact on young women who see themselves as even less worthy of controlling their lives and their futures.

Please vote HB 763 inexpedient to legislate. Demonstrate your confidence in the wise behavior of the New Hampshire medical community in its doctor/patient relationship with young women.

Thank you.

Please see typewritten testimony from Sally Davis, President, League of Women Voters of New Hampshire, attached hereto and referred to as Attachment #24.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Seeing none, thank you for being here today. Call Sheila Evans, representing the New Hampshire Women's Lobby. Welcome.

Sheila Evans: Good afternoon. I will speak quickly. The New Hampshire Women's Lobby is, of course, opposed to this bill.

As you already heard, two thirds of the teens involved do seek parental involvement. So, we are really looking at a bill that is addressing one-third of

the population of teens that are seeking abortions. Of that one-third, we are marginalizing teens who are too well-acquainted with the sad realities of life. Teens who have experienced date rape. Teens who have experienced incest, perhaps a bad foster care situation. Perhaps having a parent who is mentally or physically ill. So, in the pursuit of justice, we are looking at putting into state law a bill that only deals directly with teens who already have had some trauma in their life.

One thing I would like to address in particular that Representative Sapareto (sic) had mentioned. It seemed he understood that incest victims were not affected by this bill.

Senator Andrew R. Peterson, D. 11: That was my question.

Ms. Evans: However, I have not found anything in this bill that excludes those victims and feel compelled, based on the Women's Lobby experience with the New Hampshire House of Representatives in the past two years, has had legislation trying to expand or remove the statute of limitations for incest, specifically because it is such a difficult issue to deal with. The understanding and research is showing that the amount of time that is needed to bring that to disclosure is much more than what one would expect of a teen who may find herself pregnant. From personal experience, I have a friend who was forced to bear her father's child at age fifteen. That child was given up for adoption and that woman has spent her life in and out of mental institutions. The trauma that is visited on victims of incest cannot be overstated.

Also, just to point out, on page 2 of the bill, line 18, relative to the idea of notification, I have to question the specifics that say the postal employee shall only deliver the mail to the authorized addressee. Now, let's just say that there is a chance that the daughter is named after her mother, so there is an opportunity for the daughter to intercept the mail. But, even more questionable, how is it that it can go into state law that time of delivery shall be deemed to occur at 12 o'clock noon on the next day on which regular mail delivery takes place subsequent to mailing? So, what are we saying here, that we, the state of New Hampshire, are going to take on the federal postal system when they don't abide by this 12 o'clock mandate?

Finally, in conclusion, relative to the issue of judicial by-pass. Prior to last week, I had never been in court. I happened to get a speeding ticket in Keene, which I didn't think was deserved, so I decided to go to court. So, as an adult, I had the opportunity. The ticket was issued the end of March. May 6th was the court hearing. I went to Keene District Court, taking time off from work, drive into Keene from Henniker, trying to find the court, and

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then going in and going through the process of dealing with a simple matter like a speeding ticket. I found it be very challenging and I can't imagine that any teen would have the wherewithal to go through, on a much more emotional issue such as asking a judge to give her permission for an abortion, to navigate what I found difficult even with the issue of a speeding ticket. And, although I was found guilty, the judge did reduce the fine.

Senator Andrew R. Peterson, D. 11: Thank you. Senator Clegg for a question.

Senator Robert Clegg, Jr., D. 14: I didn't see speeding tickets in here, but I will look close. Planned Parenthood, I'm assuming, assists these women and, if one did not have the ability or felt that they couldn't do the parental notification, would Planned Parenthood not help them go through the court process?

Ms. Evans: I cannot speak for Planned Parenthood, but I would certainly hope that would happen. However, I don't know what their resources are and so I think you should discuss that with them.

Tape change.

Senator Andrew R. Peterson, D. 11: Margaret Drye, wishes to speak in favor of the bill. I guess she had to leave, but we will note her support. Wilma Wake, wishes to speak in opposition to the bill.

Wilma Wake: Thank you. Hi. I am Wilma Wake. I am a licensed social worker in New Hampshire and I am speaking today on behalf of the National Association of Social Workers and, in particular, the New Hampshire chapter. I am going to be very brief because our concerns have been covered by other speakers. So I am just going to summarize for you the primary concerns we have about the bill.

The first one is that we support a woman's right to choose and we feel that mandatory parental notification interferes with this right. Secondly, we feel that family communications cannot be legislated. We have found that parental involvement laws in other states have had little effect on reducing abortion rates among teens and there has been no increase in parental involvement in such states. Thirdly, we are concerned about the medical and health issues involved. The American Medical Association has noted that parental notification has caused delays in seeking treatment and often pushing procedures into the second trimester. And, as has been noted, many young women end up seeking illegal abortions.

We are also very concerned about the judicial by-pass provision because it does not adequately protect young women. Even in cases where they might be able to get an advocate to come with them to a court procedure, as was asked previously, many of them still are afraid to go into such a proceeding. They fear what kind of material might be released from that. They fear having to talk about intimate details of their personal lives to strangers and it can be absolutely overwhelming to young women in this situation.

Therefore, in summary, the Social Workers feel that this bill can harm family relationships, it can be harmful to the health of young women, and it can infringe on important rights in our society. So, we urge you please decide that this bill, 763, is expedient to legislate.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Senator Clegg for a question.

Senator Robert Clegg, Jr., D. 14: I have one. Do social workers ever counsel young women on the abortion issue?

Ms. Wake: There are social workers who are counseling on that and a wide range of other family related issues.

Senator Robert Clegg, Jr., D. 14: Further question?

Senator Andrew R. Peterson, D. 11: Further.

Senator Robert Clegg, Jr., D. 14: Do you feel that that is justifiable and that it takes the place of parents? Do you think it is okay that they go to a social worker instead of parents?

Ms. Wake: I don't see that those are either or situations. I think, as many others have testified, certainly the concern is always to make the family as workable a unit as possible and I would think that a young woman in counseling would have explored with her social worker all the pros and cons of talking with the family and the social worker would have an opportunity to talk with her about those issues involved.

Senator Robert Clegg, Jr., D. 14: Thank you.

Senator Andrew R. Peterson, D. 11: Are there further questions from the Committee? Seeing none, thank you for your testimony. Call Warren Goddard, who wishes to speak in support of the bill. Thank you for your patience and welcome.

Warren Goddard: Thank you, Mr. Chairman and Senators. My name is Warren Goddard. I am from Portsmouth, New Hampshire. I am a father, grandfather and great grandfather.

I can assure you that, on the Seacoast, in Portsmouth, at the abortion clinic the cars come in from Maine and Massachusetts. They roll in. Now, I know in New Hampshire we encourage tourism, but this is not one that we should be proud of. I think we are bypassing parents rights of other states.

The other point I would have for Senator Sapareto is that the morning after bill is not a contraceptive. It is preventive. In support of this bill, I am for parental rights for intrusive medical procedures. Parents should know when intrusive medical procedures are being performed on their daughters. How far this morning after pill applies, I don't think it applies to this bill. That's my opinion. The point is that it is not a contraceptive. It is given as a preventive. It prevents, if they take a morning after pill and you are not pregnant, it doesn't prevent anything. If you take it and there is a conception, it aborts the conception and prevents the fertilized egg to be implanted. That is its only act. Where that applies in the bill, I will leave you to figure that out. I don't think that the...

Senator Andrew R. Peterson, D. 11: Thank you and thank you for addressing new issues in your testimony. Senator Sapareto for a question.

Senator Frank V. Sapareto, D. 19: Thank you, Mr. Chairman. Thank you for addressing my issue. My question to you though is that development of these things occurs very rapidly and, if passed, would apply from now on. So, it is not inconceivable that, in the near future, that an abortion pill or something that would provide that without a surgical procedure would be developed. I am interested in your opinion of whether or not such a pill or ingestion of something should require notification.

Mr. Goddard: Well, they have such a pill. That is the 486 pill. You take it and it is a chemical abortion. That requires a visit to the doctor, a couple or three visits to the doctor. There is a pill. It is a chemical abortion. That should certainly move the legislation. We have had bills in before to prohibit the use of 486 and that is a whole other issue that you might want to look into.

Senator Frank V. Sapareto, D. 19: Further question?

Senator Andrew R. Peterson, D. 11: Further question.

Senator Frank V. Sapareto, D. 19: Thank you, Mr. Chairman. Again, my same question, in your opinion, I am interested in your opinion, whether or not you think that should also require notification to get a prescription for that.

Mr. Goddard: I would think so.

Senator Andrew R. Peterson, D. 11: Thank you. Seeing no further questions, thank you for your testimony. Call Betsy Schneider, who wishes to speak in opposition to the bill, I believe. Welcome.

Betsy Schneider: Thank you, Mr. Chairman and members of the Committee. My name is Betsy Schneider and I am here today on behalf of the Concord Feminist Health Center. In the interest of time, I will keep my remarks very brief, but I do have written testimony for you to go over at a later time.

Senator Andrew R. Peterson, D. 11: That's appreciated. Thank you.

Ms. Schneider: The Health Center is a non-profit reproductive health clinic that provides full gynecological care, birth control and options counseling, STD and HIV screening and first trimester abortions.

In our professional opinion, HB 763 will not improve the ways in which we provide care to young women. Those with financial resources will travel out of state for abortion services. Young women seeking judicial by-pass will be faced with additional time waiting, making it more likely to need a later abortion. Some young women will be deterred from seeking contraceptive services or STD and HIV screening for fear of parental notification about those activities.

We urge you to find this bill inexpedient to legislate. It will not improve the way we provide care nor the safety and well being of young women in New Hampshire.

Please see typewritten testimony from Betsy Schneider, Outreach Coordinator, Concord Feminist Health Center, attached hereto and referred to as Attachment #25.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Senator Clegg for a question.

Senator Robert Clegg, Jr., D. 14: Could you repeat the company you represent?

Ms. Schneider: Concord Feminist Health Center.

Senator Robert Clegg, Jr., D. 14: Follow up?

Senator Andrew R. Peterson, D. 11: Follow up.

Senator Robert Clegg, Jr., D. 14: Is that a charitable, non-profit organization?

Ms. Schneider: It is a non-profit, it is not a charitable non-profit.

Senator Robert Clegg, Jr., D. 14: Thank you.

Senator Andrew R. Peterson, D. 11: Are there further questions from the Committee? Seeing none, thank you for your testimony. Call Michael Geanoulis, representing the National Congress for Fathers & Children and wishes to speak, I believe, in support of the bill. Welcome.

Michael Geanoulis: Thank you.

Senator Andrew R. Peterson, D. 11: If you could introduce yourself for the record.

Mr. Geanoulis: My name is Michael Geanoulis from New Castle. I am President of the National Congress for Fathers & Children. I won't read and I will bring you new thoughts.

This bill isn't about abortion or non-abortion. This bill is simply about parenting, the right to parent children. When my child feels as though he is ready to operate a power tool for the use of which might hurt himself badly, I would like the opportunity to instruct him or to give him some guidance and counseling on how to use the machine or even I might want to ask him to abstain from the use of that machine in order to avoid being hurt.

You heard a lot of testimony about the inability to legislate good parenting. I would like to throw in a fresh thought on that. It might not be possible to legislate a good family or to promote better communications for kids, but it is possible to undermine good family relationships or good parent/child relationships through faulty legislative by giving the child the end around for that parent/child relationship. You know, our society is founded on a family and children and parenting and such.

I presented to you a paper, which I extracted from a father facts booklet. I regret that the printing alludes to fathers. I hope you will look upon me,

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instead, as a sex neutral person. I could be a father or I could be a mother here. Okay? I know I am President of a father's organization, but I would like to point out to you that both parents are important for children. Teenage girls who grow up without their fathers tend to have sex earlier. I would like you to look upon this bill as a pre-emptive kind of a strike where promoting higher levels of involvement might discourage higher pregnancy rates or unintended pregnancies, promoting mother/child relationships as well as father/child relationships. Children who don't live with both parents, there is an indication on the bottom here of the research, are twice as likely to be involved in teen pregnancies. It is my wish that you see promoting higher levels of parent/child involvement as being the deterrent to this problem. When my child feels as though they need an aspirin, I would like to know about it.

Please see submission from Michael Geanoulis attached hereto and referred to as Attachment #26.

Senator Andrew R. Peterson, D. 11: Thank you. Are there questions from the Committee? I don't have a question, but I want to compliment you for what you are trying to do. It is terribly important that people understand the role of both parents being so important and that indeed a loving family relationship is derivative of so many good effects, not only in the time when the child is growing up, but further on and throughout life. Thank you very much for your efforts.

Mr. Geanoulis: Thank you for your comments on that. Selling this business is a real tough sell these days. Thanks.

Senator Andrew R. Peterson, D. 11: Pilar Olivo?

Pilar Olivo: Thank you very much for your time. My name is Pilar Olivo and I live here in Concord.

Senator Andrew R. Peterson, D. 11: Welcome.

Ms. Olivo: I am the mother of a little girl who will be three at the end of June and my next daughter will be born sometime in the next month. I feel lucky to be able to make the choice to stay home with my daughters full-time.

I am here to urge you to oppose the parental notification bill. Some of you might be motivated to support this bill because you think it will bring families together. We all want families to communicate about sensitive and important issues like sex and its consequences. But, like others, I do not believe it is possible to legislate healthy family communications. Healthy

family communication flows out of the long-term relationship between parent and child.

I am a new parent and working hard to learn how to best mother my child. On the one hand, I am in the sweet years of full disclosure from her. She tells me everything with joy and she cannot keep a secret, even a surprise for her dad. She shares all her emotions loudly and fully. On the other hand, every day is a lesson for me in the limits of parental control. She wants to assert her physical and emotional autonomy in more and more areas of her life. They are small mundane issues now, but they will increase in scope as she grows up. The pieces of her life that she wants to control I cannot count on her to comply with my decisions. The best tools I have are negotiation and persuasion. She knows coercion when she experiences and she fights it.

I am proud of my relationship with my daughter. We are well-matched and attuned. I genuinely like her. But my daughter's primary job is to grow independent from me. It won't be long before she will limit her sharing with me. She will want privacy and secrets. She will weigh what she tells me. She will tell her friends first. She will guard her feelings and her actions and she will want to exercise more and more control in her life.

It is my responsibility now to build a lasting trust with her so that she knows she can turn to me in times of need in the private and secretive years ahead. During those private and secreting years, it will be my job to listen well so she will talk and to talk so that she will listen. I will always want to know what is happening with my daughter, but I cannot force her to share herself with me. I can only invite her. My job will become more the role of safe and loving guide than decision-maker.

I hope that my daughter will feel like most girls – welcome in the bosom of her family in times of trouble. If she doesn't, that is my failure as a parent.

I disagree with supporters of this bill with the premise that parental rights should know no bounds. My experience with my daughter lets me know that each and every day.

Again, I urge you to oppose this bill. Thank you.

Please see Ms. Olivo's typewritten testimony, attached hereto and referred to as Attachment #27.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee? Seeing none, thank you for your patience and thank you for being here to testify. Is there a Dr. Goldner here

wishing to testify? Seeing none, do the sponsors of the legislation wish to add anything prior to closing the hearing?

Senator Frank V. Sapareto, D. 19: Is Dr. Goldner in favor or in opposition?

Senator Sheila Roberge, D. 9: He would be in opposition.

Senator Frank V. Sapareto, D. 19: I think you're right.

Senator Sheila Roberge, D. 9: He is an abortion doctor, I think, in Bedford.

Senator Andrew R. Peterson, D. 11: I'm sorry. I am not going to recognize you a second time, sir. I did give the sponsors an opportunity to respond or rebut if they wish.

Representative Sweeney: Again, I am Cynthia Sweeney.

Senator Andrew R. Peterson, D. 11: Welcome.

Representative Sweeney: I have heard representatives of a number of groups that agree with me and oppose this bill. I don't know how the whole group can be in opposition to it.

I would like to remind you of one thing. A lot of the comments are meant to cloud the issue. The issue is that the unemancipated child of mine that I am responsible for, that I am raising, that I am paying the bills for, have the right to have a medical procedure without my knowledge. I believe that is at the heart of the bill and I would like you to keep that in mind. Thank you.

Senator Andrew R. Peterson, D. 11: Questions? Seeing none, thank you. I call Representative Omer Ahern.

Representative Omer Ahern: Thank you, Senators. Good afternoon. Representative Omer Ahern, District 29, Belknap County.

I am here to urge the Committee's support in passing this bill. This piece of legislation, again...

I am a dad. I have four children, two boys and two girls. I am also a certified Guardian ad Litem in the Superior Courts here in New Hampshire.

Very briefly, I believe that this legislation will support families. Again, this is about notice, not about consent. It is about notice. We are talking about unemancipated minors. As a dad, I would want to know so that I can be

there for my children, be there for my daughters, and provide them the type of support that I should. Again, I look at this as supporting families.

There is a big difference between probate courts and district courts. I practice in at least three of the probate courts here in New Hampshire and the whole atmosphere in the probate courts is much different than what you will find in the district courts and the superior courts. The probate courts deal with family issues just about every day. So, I think that outlet for the young girls who don't want to give notice to parents, that probate court exception would be very good.

Senators, thank you very much for your time. I told you I would be brief.

Senator Andrew R. Peterson, D. 11: Thank you. Senator Foster for a question.

Senator Joseph A. Foster, D. 13: Is there something in the bill that tells us that the hearings would be held in the probate courts? I didn't see that and I can imagine that, in certain parts of the state, there would be huge distances to travel and would end up in district court. It says a court of competent jurisdiction.

Representative Ahern: Court of competent jurisdiction. There is a probate court in every county and the probate courts hear guardianships over minors, they hear parental termination actions. I would say the probate court would be the most appropriate court. They've got the time. District courts are very busy and superior courts are very busy. I can't see where the probate courts would not be in a good position to take on these types of cases. That has been my experience, in practicing in the district courts, the superior courts, and the probate courts.

Senator Joseph A. Foster, D. 13: Thank you.

Senator Andrew R. Peterson, D. 11: Thank you. Are there further questions? Seeing none, thank you for your testimony. As I have given that courtesy to the Representative, I notice the doctor who was expected to come has now arrived and I would like to give him an opportunity for at least three minutes to speak prior to closing the hearing. I will give Representative Woods another chance to address the Committee at the end of his remarks, if that is acceptable to her. Dr. Goldner, I believe. If you could identify yourself for the record please.

Dr. Wayne Goldner: Wayne Goldner and I practice in Manchester, New Hampshire.

Senator Andrew R. Peterson, D. 11: Welcome.

Dr. Goldner: Thank you. Thanks very much for allowing me to speak. I am a board-certified obstetrician/gynecologist and I have been practicing in Manchester for twenty-one years.

Senator Andrew R. Peterson, D. 11: Dr. Goldner, if you could complete a blue card when you finish your testimony, I would be appreciative. Proceed.

Dr. Goldner: Sure. I practice at Manchester Obstetrical Associates, which has been continuously in practice since 1919. It is the oldest OB/GYN practice in the state of New Hampshire and I have been performing pregnancy terminations at that site since 1982 and the practice has offered pregnancy terminations for southern New Hampshire since 1973. My goal has always been to decrease the need for pregnancy terminations, but when necessary, to make them safe.

A parental notification law will not decrease unplanned pregnancies or abortions. In my twenty-one years of providing abortions, I can say that only a handful of minors have been seen and treated without an adult relative present. In fact, my medical form for terminations has had a place for the mother or father to sign since 1982 and probably only a handful have come without a parent. All minors and even young single women, are encouraged to bring a trusted adult. Many times it is not a mother or father. It can be a grandmother or an aunt. For the majority, that is not a problem. It is very essential to open the doors to the health care system for these young women so they will have ready access to medical and social support to cope with and avoid future problems and mistakes. For the rare woman who is unable to be accompanied by a relative, there is always, always an appropriate and compelling reason.

Not too long ago, a young seventeen-year-old college student at Berkeley College, with her long-time boyfriend, came in for a termination. I asked them specifically, they were minors up from Massachusetts because Massachusetts has a notification law, why did you have to come up here? The answer was, "I cannot tell my parents. They will kill us." They were worried about physical abuse from the father. There was no question in their mind. I strongly encouraged them still to confide in a trusted adult. Dysfunctional families, violent parents, drug addiction, alcoholism, physical abuse, rape and incest can create barriers to parental involvement. If a trusted adult cannot be relied on, my office makes sure that follow-up and support are maintained, as does any other office that performs pregnancy terminations.

JLB

The imposition of a parental notification law will not decrease the number of abortions. That has been shown in every other state. It does, however, cause a delay in the obtaining of those abortions with a greater morbidity risk and pain. There is no question that the later you do a termination, the more dangerous the procedure and the greater side effects and complications that occur.

The minor may pursue alternative care, self-administered medications, or even illegal means. This happened to Becky Bell in 1988 in Indianapolis, Indiana, who died in her parents' home after trying to avoid a parental notification law.

In medicine, we always say, first do no harm. As legislators, I would ask you first to do no harm. This law will not help anyone. It will, however, likely hurt the young women it is supposed to protect. I believe we should allow the medical community to do what is right. It is our responsibility.

Thank you.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Are there questions from the Committee?

Senator Robert Clegg, Jr., D. 14: I have one.

Senator Andrew R. Peterson, D. 11: Senator Clegg for a question.

Senator Robert Clegg, Jr., D. 14: Thank you. Doctor, thank you for testifying. I don't know how many abortions your company does, but can you tell me what percentage of those abortions are performed on women who cross the state line into New Hampshire to avoid parental notification in the other states surrounding us?

Dr. Goldner: I can't tell you the numbers. It is occasional that women come up from Massachusetts. Most minors, almost all minors come in with their parents. I had a couple of weeks ago, an eighteen-year-old walk in with her mother, her father, and her grandmother. For the most part, this is a family issue that is taken up in the family. It is rare that a woman comes in without a parent.

Senator Robert Clegg, Jr., D. 14: Thank you.

Senator Andrew R. Peterson, D. 11: If you could suspend for one minute please.

Tape change.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Thank you for making the trip and for providing us with additional information. Representative Woods, would you like to summarize your reactions at this time?

Representative Woods: I would very much. I want to thank the Committee very much, Mr. Chairman, for your patience, and so much time and attention to this very difficult and emotional matter.

Senator Andrew R. Peterson, D. 11: Thank you for your patience as well.

Representative Woods: Just a few things that I wanted to address that have been brought up in testimony, both in the House and the Senate.

Many people, in opposition to the bill, that a number of girls already involved tell their parents. Number one, we don't know that to be the case because we have no statistics and we have no verification. We assume that most people who would go for an abortion would be asked if they had told their parents and would probably respond in the affirmative. However, we have no way of knowing that's the case. But, if in fact it is the case, and I do hope that that is the case, the vast majority of those folks would not be affected one way or another by this bill. Most of our legislation is passed for the small minority of people that do not do what we expect or the more socially acceptable thing. We normally drive not being drunk, but we would not want opposition to drunk driving.

Legislating good family communications or good relationships is not what this bill is about. No one has ever said that we could do. In fact, it is a little senseless to imply that any of us think that that could happen. This bill is not even about communication. There is nothing in the bill that says that a parent has to talk to the child or the child has to talk to the parent. It is about information. Information that a parent rightfully should have the authority and responsibility of knowing. What it does do is provide them an opportunity to open up the lines of good communication and to do good parenting skills, to be there as support, and to help their child through a difficult time.

Most girls who don't involve their parents, have another trusted adult. My question is, trusted by who? If it was trusted by the parent, then yes, perhaps they could delegate that authority to another person. But, trusted by the young woman, who has probably trusted the person who has actually

made her pregnant, that person sometimes accompanies them. They are not mature enough to be able to make the decision generally under the age of eighteen to determine who can be trusted. They usually confide in their colleagues, not necessarily a trusted adult that the parents would rely on.

The bill does not restrict in any way a woman's right to choose. It is very clear that this is not a consent bill; it is a notification bill for information.

Regarding how difficult it is for somebody to navigate the legal system, that is not the intent of the bill. We are talking about a mature minor exception. The intent of the bill is that the parents would be notified and everything would proceed. However, given the fact that we have generally mostly men on this Committee, I won't go into the details and you will have to use your imagination of what a young girl has to go through for the first time when they have an exam, to say nothing of going through an actual abortion. To be able to appear in front of the judge fully robed is a walk in the park.

There is no life at conception clause in the bill. I think that was a misconception at some point. The only reason that birth control, STD, prenatal care and stuff like that is allowed without parental consent is because there is specific legislation that would allow for that. There is no specific legislation that allows for them to have an operation or abortion.

Finally, whoever does or doesn't support the sponsor or speak in favor of the bill, whether they are pro-life or pro-choice doesn't really matter. Whether or not somebody feels this is the beginning of a slippery slope. None of this really should have impact on whether or not you agree with the merits of the bill.

In conclusion, I would like to just say that Dr. Collett has asked me if I would please give you the answer that came up.

Senator Andrew R. Peterson, D. 11: We already have it. Please see memo from Professor Teresa S. Collett to Senate Judiciary Committee, attached hereto and referred to as Attachment #28.

Representative Woods: RU 46. Okay. So, you have that.

Senator Andrew R. Peterson, D. 11: We have it. She provided it for the Committee and we thank you for that. Does that conclude your remarks? Thank you. Would you take a question or two?

Representative Woods: Absolutely.

Senator Andrew R. Peterson, D. 11: Senator Foster for a question.

Senator Joseph A. Foster, D. 13: I have heard a few people testify today that this bill isn't about consent and it is clear that that isn't what the language says. But, we are talking about young children here. Isn't the intent of the bill to provide notice, which then becomes a consent situation? Most fourteen-year-olds and thirteen-year-olds or fifteen-year-olds and even sixteen and seventeen-year-olds aren't going, when the parent is notified, if the parent doesn't want the child to have that procedure. Isn't that the logical intent? Isn't that really what you are hoping in effect with this bill?

Representative Woods: Two answers to that. I think, number one, obviously the child did not have their parents' consent to have sex in the first place. They did not get their parents' consent to go to the abortion clinic to seek an abortion and, in fact, they could legally procure an abortion without their parents' consent. I have a great problem with the testimony that you have heard that somebody could actually force their child against their will to have an abortion and I have already spoken to some attorneys about that and I would like to get you a determination on that.

Senator Joseph A. Foster, D. 13: I guess my question was, even though this bill doesn't require consent, because we are talking about minors who are living in their parents' household, that the practical impact of notice is something darn close to consent?

Representative Woods: I think the practical impact that we hope is that the young woman, believe she should know all of her choices and have informed consent. She should know whether or not her parents would assist her with an abortion, would encourage her to keep the child, to give the child up for adoption. She needs to know what her choices are. That's what we hope would be in the best interest of the child.

Senator Joseph A. Foster, D. 13: Follow up?

Senator Andrew R. Peterson, D. 11: Senator, I am going to permit the follow up, but I want to remind you that the purpose of questions is to illicit information and not to debate with the witness.

Senator Joseph A. Foster, D. 13: I will conclude. Thank you.

Senator Robert Clegg, Jr., D. 14: I have a question.

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Senator Andrew R. Peterson, D. 11: Thank you. If I could just permit the follow up from Senator Foster and then I will recognize Senator Clegg for a question.

Senator Joseph A. Foster, D. 13: I'm fine.

Senator Andrew R. Peterson, D. 11: You are? Senator Clegg.

Senator Robert Clegg, Jr., D. 14: Representative Woods, I understand that when someone fourteen or fifteen years old gets caught smoking marijuana, the parents are notified because there is a hope that there would be some parental interjection and maybe a change of habit. On the question of notification versus consent, am I to understand that the purpose of this bill is to invoke some kind of change in the habits of the child or are we notifying the parents for another reason?

Representative Woods: Two answers to that, again. The first, of course, is the compelling interest of the child to have counsel of the parents. The parents, number one, have the right and authority, we believe, if it is not taken away, which it is by default in this state, without a parental notification or parental involvement law. But, the result of this bill or any type of parental involvement bill in any state has been that there has been a dramatic decrease, not only in the number of abortions performed, but in the number of unintended teen pregnancies. That is documented and something that hopefully all of us believe that we should make abortion more rare. That has consequences.

Senator Robert Clegg, Jr., D. 14: Follow up?

Senator Andrew R. Peterson, D. 11: Follow up by Senator Clegg.

Senator Robert Clegg, Jr., D. 14: Very quickly. So, in other words, by a parent being notified that this happens, it may very well result in the female child actually taking birth control pills?

Representative Woods: Are you talking about by threat?

Senator Robert Clegg, Jr., D. 14: No, not by threat, but by the parent understanding what their child is now involved in and it may actually end up that the child is put on some kind of birth control.

Representative Woods: It may, but I think the reason that there is a decrease in abortions and pregnancies is because some of these young girls who are trying to get abortions hide it from their parents because they think

they are protecting them and the parent, in this case, might be telling them that, no, you don't have to go through the trauma of an abortion, we will see you through the pregnancy.


Senator Robert Clegg, Jr., D. 14: Thank you.

Representative Woods: And that is a choice that they had not known was available to them.

Senator Andrew R. Peterson, D. 11: Are there further questions from the Committee? I will thank you, Representative Woods, again on behalf of the sponsors, for bringing forward these issues to the Committee and bringing us the bill. At this point, I am going to close the hearing on HB 763.

Hearing concluded at 2:10 p.m.

Respectfully submitted,



L. Gail Brown
Senior Senate Secretary
7/7/03

28 Attachments

1 New Hampshire General Court
Record of Testimony
2 HB763- Judiciary Committee Proceedings

3 In re the matter before the Senate)
4 otherwise known as HB763:) The following written record of
5 The State of New Hampshire,) testimony is presented before the
6 Rep. J. Edward Kerns,) Senate Committee on the Judiciary
7 Prime Sponsor's Testimony) Hearing: Rooms 206-7 LOB 05/13/03
8)
9)

10 Most honorable members of the Senate Judiciary Committee, good morning.
11 My name is John Edward Kerns and I represent Bedford in the General Court.

12 I bring with me today a bill of redress for your consideration, that if
13 adopted, would make it the right of parents of un-emancipated minor girls to
14 know of their daughters decision to terminate her pregnancy and by this act
15 it would create a Misdemeanor out of any actor exercising the termination of
16 a pregnancy without first having sent notification to a parent or guardian at
17 least 48 hours prior to exterminating the unborn child.

18 In order to secure your support for this measure, Senators, I believe
19 there are five qualifiers that must be considered in your deliberation. A
20 thicket of lies and false testimonials will be propounded today, by citizens
21 imported from Massachusetts and the abortion industry to speak out against
22 this bill. Senator Roberge, Senator Peterson, I ask you especially to call on
23 these witnesses to state whether or not they are even New Hampshire
24 residents, and whether or not they represent the interests of parents and
25 their rights, or the financial romances of the abortion industry.

1 The first qualifier ensures the proposal is written and presented
2 appropriately for the public good. I believe after reading the Amended text
3 of this bill, you will find it is fair in its application, is neither Pro-
4 Choice nor Pro-Life, creating a resolution for every parent under its
5 purview, and creates a simple procedure in the Courts for those girls who
6 have good cause not to be subjected to this requirement. House Bill 763 is a
7 reasonable request made by the parents of this State, joining forces with 26
8 other States, because to the delight of all, this is common sense. Why do you
9 think we mail home reportcards, Senators? It's because we can't always trust
10 a child's judgment to reveal a mistake to their parents. And also because
11 children aren't as capable of supervising their own progress in serious
12 affairs.

13 Second, the philosophy of this measure fixes a very serious gap in our
14 present law, which agencies like Planned Parenthood exploit in offering and
15 encouraging minor teens to employ secrets and lies against their parents as a
16 solution to their problems, thereby compounding them. The law should be
17 changed to reflect a solution, and the government should prescribe it, not
18 the abortion mills. For example recently we've seen the Union Leader
19 headlines about how these planned pregnancy groups are subverting State
20 Sexual Abuse laws by not reporting crimes, thereby aiding social deviance.
21 Take no pity on those who speak eloquently in support of such perversions.

22 This law is fair, and the solution does not mandate Consent, it merely
23 recognizes that the law should give deference and respect to the parents of
24 these children to know what is being done to their daughters body, both
25 medically and surgically, especially for an invasive procedure such as
abortion. I don't know of any one of you Senators who would allow a

1 practitioner to have contact with your daughters genitalia, perform surgery
2 through her vagina, using equipment that threatens her fertility, in a
3 procedure that has proven damaging psycho-and-physiological effects, all
4 without your knowledge.

5 And even if you would allow your daughter to do this without your
6 knowledge, how dare you permit that low standard be held to mine, and the 85%
7 of American's who believe they have a protected right to be told before a
8 doctor does **ANY OF THIS**.

9 Third, we have failed to define in this instance, what the law is. In
10 so doing, and though the **United States Supreme Court** has reviewed and upheld
11 this measure, New Hampshire has not joined the rest of the nation in
12 recognizing the rights of parents. Instead, we have watched our neighboring
13 states introduce and pass this measure without us, thereby allowing Planned
14 Parenthood of Massachusetts to admittedly ship up vanloads of pregnant teens
15 to exploit our lenient statutes. This is akin to being the only state with
16 legal liquor during a regional prohibition. A crime is being done to the
17 taxpayers, who rely on you to maintain decency and uphold order. What decency
18 or order is there in trusting the judgment of sexually active youth without
19 their parents knowledge in such serious affairs of public concern.

20 Fourth, our constituency, and several entities that represent our
21 constituency, most notably the House of Representatives of the Legislative
22 branch and the Governor of New Hampshire, Craig Benson, of the Executive
23 branch, support the introduction of this law in our State. The proposal
24 has the support of many professionals, experts, groups who will appear
25 today I'm sure to testify, and private citizens as well.

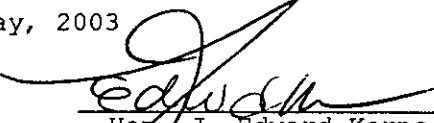
1 Lastly, consider what compels us to act in this case. Sexual education
2 programs aren't working in this sexed-up generation, Senators. My high school
3 class was a product of all of this and we had several suicides, and absurd
4 amount of pregnancies and numerous abortions; that does not record a success
5 for New Hampshire's strategies of the past. Preaching abstinence alone does
6 not work. And in my opinion the statistics are only capturing a tidbit of
7 what is really occurring. Surveys only reveal how many teens are willing to
8 admit to sex, or take the survey seriously, or how many aren't even in school
9 and are getting pregnant.

10 We have a crisis on our hands Senators, and I have stepped up to the
11 plate from my generation to put a stop to this practice. It's proven, it
12 works, I challenge any opposition group who is Pro-Choice to argue against
13 it...because I wrote this bill, and I am myself Pro-Choice. This bill does not
14 place any restriction on a woman's right to access an abortion. This bill
15 concerns girls, not women Senators. This isn't an invasion of privacy as
16 Senators O'Hearn and Cohen have alleged in Fosters Daily Democrat. To say the
17 government isn't allowed to regulate abortion at all gives the abortion
18 industry an advantage not seen since the prescription drug and big tobacco
19 companies rose. I suppose government shouldn't be involved in incest within
20 families, or rape, or domestic violence, or any other area that the public
21 demands protection. Wake up, because we're not living in the 1950's
22 anymore...ignoring a problem does not make it go away.

23 With that, I urge you at the pleasure of the majority of New
24 Hampshire's citizens, to bring justice where there is disregard for the
25 sovereignty of our parents and the institution of the family, by voting in
support of House Bill 763.

1 It is my firm belief in introducing this act, that it is solidly and
2 increasingly needed. Please act now while you still can. Thank you, Mr.
3 Chairman. # Press conference - LOB - Lobby 11:10am #
w/ Sponsors

4 Dated this 13th day of May, 2003

5 
6 Hon. J. Edward Kerns
For the Senate

7 **ACTIVE CASE FILE**

8 NAME: **PARENTAL NOTICE - HB 763**

9 Return to Drawer No. **Senate** Cabinet No. **Judiciary**
03-Session #5 **#51378**
#5

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EPIDEMIC OF UNDERAGE GIRLS SEXUALLY EXPLOITED BY ADULT MEN

In May, a Texas-based pro-life organization released the shocking results of their ongoing, carefully documented investigation into teen pregnancy. What they found gives parents cause to be quite concerned about the welfare of their teenage daughters. It may also produce a firestorm of rage against Planned Parenthood and other abortion providers across the country.

The Problem

Life Dynamics, Inc., of Denton, Texas, released an eight-page summary of its data, which concludes that the number of underage girls who are being sexually exploited by adult men has reached alarming proportions in this country. Researchers said that while their initial summary reveals only a fraction of the evidence they have uncovered so far, they can already reveal that our country is experiencing an epidemic of child sexual abuse.

According to the research summary, between 60 and 80 percent of girls age 15 and younger who become pregnant are impregnated by adult men. The study notes that some of these girls are even as young as 10 years old. In America today, we have reached the point where a junior high-school girl is more likely to become pregnant by an adult than by someone close to her own age, says the summary. It goes on to report that one study concluded that the average age of men who father children with girls under 14 is now higher than the average age of men who father children with 18-year-olds.

The Cover-Up

Researchers say they also found irrefutable evidence that pro-abortion rights organizations such as Planned Parenthood and the National Abortion Federation (NAF) knowingly conceal the crimes of sexual abuse of minors while aiding and abetting the sexual predators who commit them. Specifically, these organizations allegedly fail to report cases of sexual activity by underage girls and even instruct minors regarding how to avoid detection.



Mark Crutcher, president of Life Dynamics, said that concealing abortions from parents or failing to report underage pregnancies to authorities is bad enough, but that providing teen girls with birth control so that they can continue sexual relations with adult males could be viewed as participating in an ongoing or future crime. He says the issue changes from one of failure to report child sexual abuse or statutory rape to one of actual complicity in child sexual abuse or statutory rape.

The Investigation

To investigate this problem, a Life Dynamics researcher telephoned over 800 Planned Parenthood and NAF facilities across the country. She posed as a 13-year-old girl who was pregnant by a 22-year-old boyfriend and wanted an abortion because she and her boyfriend did not want her parents to find out about the sexual relationship. In every call, the ages of the girl and her boyfriend, as well as their motive for the abortion, were stated very clearly to clinic workers.

The evidence gathered thus far means that the possibilities for future legal litigation are nothing less than staggering, says Crutcher. He says the problem occurred in the first place because, he believes, the nation is sex-obsessed.

The Findings

Here are just some of the findings from Life Dynamics' taped and documented investigation. Many clinic workers openly acknowledged that the situation presented by the supposed 13-year-old caller was illegal and that they were required to report it, but an overwhelming majority readily agreed to keep secret the illegal sexual contact. Some workers coached the caller on ways to avoid detection, how to circumvent parental involvement laws, and what to say or not to say when the caller visited the clinic. In a significant number of calls, the researcher was encouraged to lie about her age, or to conceal her age and her boyfriend's age, or to give a false name.

In many instances, abortion clinic workers advised

Continued on Page 2

The Life Advocate is published by Dayton Right to Life, a non-profit organization which exists to protect and promote the value of life through education, legislation and outreach services.

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Executive Director:
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Continued from Page 1

the caller that if someone were to find out about this situation, the boyfriend could go to jail. Researchers said it was not uncommon for clinic workers to interrupt the caller when she started talking about her age or her boyfriend's age. In some cases, clinic workers advised the caller that she had already provided too much information for them to help her; they gave her the numbers of other family-planning facilities and encouraged her to tell a different story to the other facilities.

In states with parental involvement laws in place and in which only a judge could give permission to have an abortion without parental involvement, the caller was often instructed not to voluntarily tell the judge the age of her boyfriend but rather to lie about her boyfriend's age. Other clinics in states with parental involvement laws advised the caller to seek her abortion in a neighboring state with no such legislation in place. In still other cases, the caller was advised on how to circumvent the parental involvement requirement altogether by having her take to the clinic with her an older male who looked as though he could be a parent so that he could sign his permission for her abortion.

The Conclusion

In the final analysis, virtually every Planned Parenthood and NAF facility that Life Dynamics contacted was willing to illegally conceal the sexual abuse experienced by the caller. Further, in every case, the clinic workers had never met the caller, knew nothing about her, had engaged in only a very brief telephone conversation with her, and was told nothing indicate that her parents would treat her abusively if they discovered the sexual relationship. Nevertheless, they were willing and in many cases eager, to help this supposed 13-year-old child hide from her parents and the authorities the fact that she was being sexually exploited. To that end, they provide step-by-step instructions on how to circumvent state laws that were specifically enacted to protect children like her in similar situations.

In light of this disturbing report, the work we do takes on an even greater importance and urgency.

[Information contained in this article was taken from a copyrighted WorldNetDaily.com article of May 21, 2002 by Jon Dougherty, as well as from Life Dynamics, Inc.'s booklet titled "Child Predators."]

parental involvement laws

what are some reasons to support the passage of parental involvement (notification or consent) laws?

To ensure parental rights by requiring that at least one parent is notified or gives consent before their minor daughter has an abortion:

- Parents are responsible for paying the medical bills incurred with any complications following the abortion. Therefore, they should be informed of the abortion decision.
- Public opinion polls consistently show a majority of Americans understand the value of parental involvement and support requiring parental notification before a minor's abortion. (Eighty Percent of the Public Favor Parental Notification Laws, *Washington Post*, July 1, 1992; *New York Times*, January 16, 1998.)

To ensure teenage girls benefit from the best possible counsel and care before, during and after an abortion decision:

- Most teenage girls are not prepared for the possible aftermath (physical, emotional, psychological) of abortion. They need their parents to be informed and involved.
- It is indefensible for government (which can legally require parental involvement) to encourage girls, by default, to exclude their parents during this time in their lives.

To protect teenage girls from potentially dangerous medical situations before, during and after an abortion:

- Parents must give consent for other medical procedures (excluding emergencies), including ear piercing and the disbursement of aspirin in a school setting. Minors often need their parents to sign school report cards and approve school field trips. Why should abortion be an exception?
- Parental involvement laws decrease the risk of medical complications connected with the abortion by allowing parents to provide important medical information and history their daughter may not know or provide.

#3 ATTACHMENT

- Parental involvement increases the likelihood the teenager will receive the needed follow-up care after the abortion.

To protect teenage girls from repeated sexual abuse:

- The absence of parental involvement laws puts teenagers who are victims of rape or incest at risk for repeated abuse. These laws generally include a provision for girls pregnant due to rape or incest to bypass parental notification or consent by a direct petitioning of the court. This triggers protective measures for the girl, who otherwise could have a "secret" abortion and return to a potentially abusive social or home environment.

what do we know about the effect of parental involvement laws?

The percentage of teenagers (under 19 years of age) having abortions began to drop in the 1980s, coinciding with the passage and enforcement of laws requiring a parent's involvement in their teenage daughter's abortion decision:

1972...32.6	1987...25.8	1994...20.2
1973...32.7	1989...24.2	1995...20.1
1976...32.1	1990...22.4	1996...20.3
1980...29.2	1991...21.0	1997...20.1
1985...26.3	1992...20.1	1998...19.8

(Source: Centers for Disease Control and Prevention annual Abortion Surveillance Reports, 1972-1998)

Minnesota: The state's teenage abortion rate fell by an average of 28 percent between the years of 1981-1986. The teenage birth rate also dropped an average of nearly 10 percent over the same period. Researchers did not find any increase in the number of late term abortions among minors. Researchers conclude the data "suggests that parental notification facilitated pregnancy avoidance" among teenagers, ages 15-17.

(Source: James Rogers, et al., "Impact of the Minnesota Parental Notification Law on Abortion and Birth," *American Journal of Public Health*, March 1991, Vol. 81, No. 3, pp. 294-298)

Minnesota, Missouri and Indiana: Following the passage of parental involvement laws in these three states, the in-state abortion rate for minors dropped and researchers found "no evidence that parental involvement laws [drove] up the [minor] birthrate" in any of the states, suggesting that more teenagers refrained from sexual activity.

• Research published in the *Journal of Adolescent Health* concluded that "there is little evidence in the limited decision-making literature reviewed to suggest that parental notification legislation does harm to a teenager or her family. If anything, such requirements might support family communication and facilitate decision-making."

(Source: "Mandatory Parental Involvement Prior to Adolescent Abortion," *Journal of Adolescent Health*, March, 1991, Vol. 12, No. 2, pp. 138-142)

(Source: Charlotte Ellertson, "Mandatory Parental Involvement in Minors' Abortions: Effects of Laws in Minnesota, Missouri, and Indiana," *American Journal of Public Health*, August 1997, Vol. 87, No. 8, pp. 1367-1374)

Arkansas, Idaho, North Carolina, South Carolina and Utah: Researchers studied abortion rates in 11 states, including these five that had parental involvement laws in effect. They found that "both parental consent and notification laws were related to significantly lower abortion rates and to significantly higher birth rates for minor and non-minor teens."

(Source: Annette Tomal, "Parental Involvement Laws and Minor and Non-Minor Teen Abortion and Birth Rates," *Journal of Family and Economic Issues*, Summer 1999, Vol. 20 (2), pp. 149-162)

Overall: It's the conclusion of researcher Deborah Haas-Wilson that "parental involvement laws appear to decrease minors' demand for abortions by 13-25 percent."

(Source: Deborah Haas-Wilson, "The Impact of State Abortion Restrictions on Minors' Demand for Abortions," *Journal of Human Resources*, January 1999, Vol. 31, No. 1, p. 140)

what are some reasons cited by opponents of parental involvement laws?

Parental notification laws force teenagers to have illegal abortions rather than risk telling their parents.

- Response: More than 33 states have passed some kind of parental involvement law. There is no evidence that these laws drive girls to have illegal abortions. Furthermore, teenagers can die from *legal* abortions—just because abortion is legal doesn't guarantee it is safe. Parental involvement is the best way to protect the life and health of teenage girls.

- The Becky Bell story: Opponents of parental involvement cite the case of this 17-year old Indiana teenager who they claim died from an illegal abortion after her state passed a parental consent law. Bell was dubbed the "first known victim of parental consent laws." However, Bell did not have an abortion, according to Jesse Giles, M.D., who performed the teenager's autopsy. Giles says he used the word "abortion" on his report to represent the traditional medical use of the word, which is miscarriage. Giles found no evidence of an induced abortion, but believes Bell had a miscarriage and then died of pneumonia.

(Source: James Miller, "A Tale of Two Abortions", *Courier-Journal*, Louisville, KY, Feb. 24, 1991)

Parental Involvement for Minors Seeking Abortion

Parental Notice Model Legislation & Policy Guide
August 2001



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Parental Notification Talking Points

- **Parental notification laws increase teenage sexual responsibility.**

During the four and one-half years the Minnesota parental notice law was in effect and enforced (August 1, 1981, to March 2, 1986), teen abortion and pregnancy rates dropped substantially, and the teen birth rate continued its slow decline (*American Journal of Public Health*, March 1991).

- **The impact of parental involvement laws reduce teen demand for abortion. In addition, when a state imposes Medicaid funding restrictions, teen demand for abortion drops again.**

During the period between 1978-1990, parental involvement laws and Medicaid restrictions that were enforced resulted in a decreased demand by minors for abortion services. Deborah Haas-Wilson, *The Impact of State Abortion Restrictions on Minors' Demand for Abortions*, J. of Human Resources 1991 at 140 (1994). Ms. Wilson, an associate professor of economics at Smith College in Massachusetts, concluded:

Twenty-seven States had enacted and begun to enforce parental consent or notification laws for minors and thirty-four States restricted Medicaid funding for abortions. Using four estimation methods that account for certain variables, the results suggest that parental involvement laws decrease minors' demand for abortions by 13 to 25 percent and state restrictions on Medicaid funding of abortions decrease minors' demand for abortions by 9 to 17 percent.

- **Parental notification laws ensure that a teenager talks with those who know her best—her parents—about a decision that will affect her for the rest of her life.**

Because nearly 80 percent of abortions performed on teenagers occur in outpatient clinics, a girl is unlikely to have the benefit of conferring with a trusted family physician about her decision.

For those girls who fear parental reprisal or abuse, parental notification laws provide an exemption from the law for girls who are abused by their parents or guardians.

- **Parental notification laws ensure that parents have the opportunity to discuss their daughter's medical history with a physician and that they in return have their questions answered about the abortion procedure and follow-up care.**

Parental notification may reveal medical history information that would otherwise remain unknown to the abortion provider.

- **Parental notification laws recognize the traditional rights of parents to direct the rearing of their children.**

Parental notification is required before virtually all non-emergency surgical procedures except abortion.

Central →
Concord →
Parkland →

- **Parental notification laws are supported by a majority of Americans regardless of their position on abortion.**

Seventy-three percent of Texans favored passage of parental notification legislation, according to a Harte-Hanks Inc. survey conducted by the University of Texas in April 1995. The poll showed 75 percent of Caucasians supported parental notification, as did 70 percent of Hispanics surveyed and 60 percent of African-Americans.

Seventy-nine percent of Republicans, 70 percent of Democrats, and 68 percent of independents supported parental notice, and 62 percent of Texas liberals polled said they supported a parental notification law.

In Iowa, 81 percent of adult Iowans favor a parent's right to know a minor's intent to consider an abortion. A poll conducted in January 1995 by the *Des Moines Register* reports that all significant demographic and geographic groups strongly support a parental notice bill. Men and women offered about the same degree of support. Parents of children under eighteen supported parental notice by about 81 percent. Even Iowans who say they are generally pro-abortion support parental notice by a ratio of almost three to one.

According to a poll of the Colorado electorate in February 1994, registered voters supported parental notification by 80 percent.

- **Abortion is a man's solution to a woman's problem.**

On Election Day (11/5/96) the *Los Angeles Times* interviewed 7,300 actual voters as they exited from their polling places across the country. "Most Washington journalists might be shocked to discover that the most emphatically, unequivocally pro-choice sub-group in the electorate has been unmarried males without children and under the age of 35." Mark Shields, "Abortion Mattered," *Washington Post*, Nov. 19, 1996, at A20.

Parental Notice Myths and Facts

Myth

Most teens tell their parents anyway. The government can't mandate healthy family communication where it doesn't already exist.

■ Fact

Studies indicate that less than half tell their parents. Many of those who do not tell their parents exaggerate their parents' reaction. In one county in Minnesota, for example, during a sixteen-month period, only 4 percent of minors who went through the bypass expressed fear of physical abuse; only 5 percent expressed fear that their parent would prevent the abortion. (Brief of cross-petitioners, at 9-10, nn. 5 & 7, *Minnesota v. Hodgson*, 110 S.Ct. 2729, 1989.) The most common objection by minors to notification was concern about upsetting their parents and "not wanting to ruin a good relationship." (*Id.* at 11.) Clearly, exaggerated adolescent fear is not a good reason of stripping parents of their right to rear their children.

Myth

An estimated 12 percent of teens do not even live with their parents. Notifying the parents of these teens will be impossible and totally unrelated to the teen's health.

■ Fact

This legislation recognizes that many family situations are less than ideal. Under section 5, if a parent is not providing care for the minor, an alternative notification procedure is provided. Under section 6, the parent may waive her or his right to notice, and under section 9, a minor may obtain an exemption from the law by using a court bypass procedure.

Myth

Mandatory notification will force desperate teens to obtain dangerous illegal abortions.

■ Fact

Thirty-two States have working parental notice or consent laws. Only one case—that of Becky Bell in Indiana—has been suggested to involve an unsafe abortion, and even that case is wholly undocumented. The autopsy report (publicly released) failed to show any induced abortion. Is it good public policy to base a law—or not to enact one—on an isolated, unproven case?

Myth

Mandatory notification will force many teens to go out of state to obtain an abortion.

■ Fact

Migration to obtain an abortion is not a reason for not enacting a parental involvement law; it is a reason for enacting more parental involvement laws.

In June 1995, the Alan Guttmacher Institute (AGI) released a study which argued that after June 1993, when Mississippi's parental-consent law went into effect, more minors crossed state lines to obtain an abortion. (Henshaw, *The Impact of Requirements for Parental Consent*

On Minors' Abortions in Mississippi, Family Planning Perspectives, Vol. 27, No. 3, p. 120, May/June 1995.)

AGI reports that in 1992 in Mississippi, 7,550 women had abortions and in 1993, 5,550 women had abortions. This constitutes a drop of 2,000 abortions performed, without regard to age.

In June 1993, the Mississippi parental consent law went into effect. No other abortion law took effect in 1993. AGI reports that from January to May 1993, the ratio of teenage abortions to adult abortions was 0.126. After the law became effective, the ratio of teenage to adult abortions fell 16 percent to 0.106 from July to December 1993. (June was not included because the law became effective mid-month.)

AGI found that in 1993, 1,462 Mississippi women (adult and minor) had abortions in a neighboring state. It does not reveal a comparable number for 1992. Based upon that figure, AGI argues that many teenagers left Mississippi to have abortions in neighboring States. However, AGI admits that even if some teenagers migrated to obtain an abortion, "all the States bordering on Mississippi were enforcing parental involvement requirements in 1993." (*Id.* at 122.) Therefore, even in the event of migration, the abortion doctor was required to seek parental consent in Louisiana and Alabama, or give parental notice in Tennessee and Arkansas. Thus, as more States enact and enforce parental involvement statutes, parental rights and minors' health protection will continue to expand.

Myth

Mandatory notification will expose teens to the anger of abusive parents.

■ Fact

Under this parental notice model, any teen who states that she has been abused or neglected will be exempted from the notification requirement. As noted above, teens often exaggerate their parent's reaction.

In addition, this model will make it more likely that the minor who is being abused or neglected will get the help she needs. Under most State laws, doctors who become aware of abuse claims must report the abuse allegation to public officials, who will conduct an anonymous investigation. The parent will never know how the information was obtained, but perhaps the child will finally get the help she deserves. Contrast this to the situation without a parental notice law, in which the abused or neglected minor obtains the abortion and returns to the negative family situation without anyone knowing either of her follow-up medical or psychological needs or of the horrible abuse she continues to endure.

Myth

Mandatory notification laws deter minors from obtaining abortions, which results in higher birthrates among teens.

■ Fact

The Minnesota experience proves otherwise. During 1981 to 1986 when the Minnesota parental notice law was initially in effect, the *pregnancy* rate for teens fell 20.5 percent, the *abortion* rate fell 27.4 percent, and the *birthrate* fell 12.5 percent. The fall in the *birthrate* began prior to enactment of the law, but elevated noticeably after enactment of the law.

Minnesota's experience illustrates that the *birthrate* fell due to a reduction in pregnancy rates, not an increase in abortions.

There is more evidence of the effect of parental involvement laws on teen pregnancy and abortion rates. According to the *Lincoln Journal-Star*, (2/20/93): "Girls seventeen and younger had 23 percent fewer abortions last year (1992) than during the year before. . .". This compares to a 9 percent decrease for all age categories. The article also states that, "The notification law apparently has not resulted in more teenagers having babies."

Also, a recent study prepared from county-level data concludes that "even a conservative reading of the evidence would be that there is no empirical support for the claim that recent restrictions on access to abortion have led to higher teen birthrates." Thomas J. Kane and Douglas Staiger, *Teen Motherhood and Abortion Access*, Quarterly J. of Economics, at 470 (May 1996).

[The authors use county-level data (3,037 U.S. counties) over 14 years (1973-88, excluding 1983 and 1986) to study the effect of three district sources of variation in abortion access: the geographic siting of abortion providers, state Medicaid limitations on abortion funding, and teen parental consent laws. (The authors classify both parental consent and parental notice laws as "consent" laws. Id. at 480.) Information on county abortion providers was obtained from the Alan Guttmacher Institute's County File of Abortion Data (1993) and spans the years between 1973-1988. Data for teen population, birthrate data resources include the National Natality Local Area Summary of the National Center for Health Statistics and the National Cancer Institute.]

Myth

Parental notice and consent simply delay teens from getting abortions until the second trimester, when abortion is more dangerous.

■ Fact

This myth is directly contrary to data from both Minnesota and Missouri. In both States, the *number* of first-trimester abortions for teens declined so much that it increased the overall *percentage* of abortions performed in the second trimester, but there was no increase in the *number* of second trimester abortions. (Rogers, *et al.*, *Impact of the Minnesota Parental Notification Law on Abortion and Birth*, Am. J. Pub. Health, Vol. 81, No. 3, at 196, March 1991.)

In addition, according to a recent report published in the *American Journal of Obstetrics and Gynecology*, a five-year study resulted in a finding that there was no increase in the complication rate for second-trimester induced abortions as compared to the first trimester. (Jacot, *et al.*, *A Five-Year Experience with Second-Trimester Induced Abortions: No Increases in Complication Rate as Compared to the First Trimester*, Am. J. Obstet. Gynecol. Vol. 168, No. 2, at 633, February 1993.)

Myth

There is no evidence that abortion results in serious psychological problems for minor or adult women.

■ Facts

The personal testimony of thousands of women shows that many women do experience severe post-abortion psychological problems.

An in-depth 1990 study by psychologist Catherine Barnard has demonstrated that no fewer than 19 percent of women who have had abortions suffer from "diagnosable post-traumatic stress disorder (PTSD)", a psychological dysfunction which can severely limit a person's

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ability to engage in normal relationships and work. (Barnard, *The Long-Term Psychological Effects of Abortion*, Portsmouth, N.H.: Institute for Abortion Recovery and Research, 1990.)

Several researchers have demonstrated that due to their more immature developmental stage, adolescents are at higher risk of suffering severe psychological problems from abortion, an elevated risk of suicide, and entering into a cycle of deliberately seeking replacement pregnancies. (Franz, *Differential Impact of Abortion On Adolescents and Adults*, *Adolescence*, 1992, 27(105)161-172; Campbell, *Abortion in Adolescence*, *Adolescence*, 1988, 23:813-824.)

Myth

Teens can obtain most medical procedures and treatments without parental notice.

■ Fact

The general common law rule still remains that teens must obtain parental consent for medical treatment, except in cases of life-threatening emergencies. The example most often cited is ear piercing. However, almost every medical treatment given to a minor must be authorized by a parent. Over the past twenty years, States have legislated specific exceptions, but the general rule remains in force. In most cases, the exceptions allow only non-surgical treatment to be performed without parental involvement. Abortion is surgery.

Myth

Most teens are mature enough to make their own decisions.

■ Fact

If this were true, why are rates of adolescent pregnancy exploding? Also, according to child psychologist J. Piaget and B. Inhelder in their book, *The Psychology of the Child* (1969), young teens often have difficulty assessing long-term consequences and generally have a very narrow and egocentric view of their problems. Teens are also more susceptible to pressure from their boyfriends and peers and need the guidance of an adult who cares most about *their* well being, not the feelings of their boyfriend or their image. To anyone with teenage children, this is not surprising news. Parental involvement is needed to give the minor some perspective.

The question is not simply maturity, it is also one of responsibility. As long as a teenager is not emancipated, her parents are responsible for her upbringing and medical care. When a teen is injured by abortion, the parents get the bill for the follow-up care, not to mention the anguish of healing their daughters' psychological scars. If doctors can exclude parents from major events in their minor daughter's lives which may have long-term consequences, the job of parenting will be much more difficult.

Since minors may know nothing about a family history of breast cancer, parents who likely are aware of the family medical history need to be involved in her abortion decision. Only in that way will all risk factors—including the abortion-breast cancer (ABC) link—be weighed.

Myth

The American Medical Association and some medical professionals recommended against mandatory parental notice.

■ Fact

Most doctors—as opposed to the AMA establishment—know that the minor's medical history is most reliable when a parent relates it. Further, it is in the minor's best interest when the parent cares for the minor in the aftermath of medical care. In another example, the American

Academy of Pediatrics recently reported that 51 percent of members (765 out of 44,000 members) surveyed were opposed to one-parent notice of abortion. (Fleming and O'Connor, *Adolescent Abortion: Views of the Membership for the American Academy of Pediatrics*, Pediatrics, Vol. 91, No. 3, at 561, March 1993.) However, no matter how caring and compassionate, the doctor is not ultimately responsible for the mental and physical health of the minor. Her parents are.

Myth

Teens are no more at risk of developing breast cancer from having an abortion than are adult women.

■ Fact

All women who choose to have an abortion significantly increase their risk of developing breast cancer later in life. However, the risk is exacerbated in minors.

no 213
sum 39:

The background facts are: Out of thirty studies conducted worldwide, twenty-four have shown an increased risk, seventeen of which are statistically significant (95 percent certainty that the results are not due to mere chance). Moreover, of the eleven studies prepared on American women, ten reported an elevated risk. Eight of the ten show a statistically significant effect, and the eleventh study reports a null effect. Brind *et al.*, in a comprehensive review and meta-analysis of the abortion and breast cancer (ABC) link published in the October 1996 issue of the *Journal of Epidemiology and Community Health*, found that any woman who has any induced abortion incurs an overall elevated risk of 30 percent. (Brind, J., Chinchilli, V.M., Severs, W.B., Summy-Long, J. (1996) Induced abortion as an independent risk factor for breast cancer: a comprehensive review and meta-analysis. *J. Epidemiol. Community Health*, 50:481-96.)

Overexposure to the female hormone estrogen, which characterizes most known breast-cancer risk factors, also biologically explains the ABC link. Estrogen levels rise rapidly in early pregnancy, leading to the rapid proliferation of breast tissue cells. These cells, because they are in a transitional, undifferentiated state, are prone to cancerous mutations. Other hormones exert a differentiating effect on the cells late in pregnancy, which is understood to be the mechanism by which an early first full-term pregnancy provides a measure of protection against breast cancer. Induced abortion thus increases breast cancer risk in two ways: (1) by providing a growth stimulus (estrogen) to any potentially cancerous cells that may already be present, and (2) by delaying a first full-term pregnancy, thereby increasing the time period during which undifferentiated breast tissue can accumulate potentially cancerous mutations.

Aborting a pregnancy may result in the presence of more cells which are undifferentiated and vulnerable to subsequent carcinogens. The artificial termination of a *teen's* pregnancy, however, implies not only greater numbers of vulnerable cells, but an earlier beginning of the time period during which they are vulnerable.

Epidemiological data confirms what biology suggests. All available publications that have measured the increased risk of breast cancer for a minor after an induced abortion have found in the direction of increased risk. Brind *et al.* discussed a 1996 study by Daling *et al.*, noting that the rate of cell proliferation is likely to be highest in the youngest subjects, reporting a statistically significant elevated risk of 50 percent among women age 20 and younger. For minors age 18 and under who abort their first pregnancy, the 1994 study of White/Daling *et al.* found a statistically significant 150 percent overall elevated risk of developing breast cancer later in life. Thus, this study indicates that a minor's elevated risk of breast cancer is *five times greater* than a typical adult woman who has an abortion. This 150 percent elevated risk

would mean that a woman's average lifetime breast cancer risk is raised from 12 to 30 percent if she has an abortion while a minor. If she has a baby, by contrast, her long-term breast cancer risk drops to 7 percent.

The risk-lowering effect of giving birth is universally acknowledged.

Daling's work suggests the risk is highest—indeed, very high—for *women who undergo abortions before the age of 18 and who have family histories of breast cancer*: Of the 1600 women she studied, *twelve fell into this category, and all twelve developed breast cancer by age forty-five*.

Brind *et al.* also reviewed the 1988 study of Rosenberg *et al.* that reported a non-significant 20-percent elevated risk for women age 20 and younger. In addition, Melbye *et al.* in 1997 reported an elevated risk of 1.29 for women between the ages of 12-19. (Melbye M, Wohlfahrt J, Olsen JH, Frisch M, Westergaard T, Helweg-Larsen K, Andersen PK (1997), Induced abortion and the risk of breast cancer. *N Engl J Med* 336:81-5.)

Further, both Daling (1994) and Melbye report that their findings affirm the results of Russo *et al.* (1992), who reported that incomplete differentiation of mammary gland cells in rats during pregnancy increases the potential for carcinogenic change in breast tissue.

State Parental Involvement Statutes

August 2001

State	Type	Citation	Status
Alabama	One-parent consent Judicial bypass Age 17 and under	Ala. Code §§ 26-21-1 through 26-21 -8 (2001)	In effect; upheld in <i>Ex parte Anonymous</i> , 531 So.2d 901 (Ala. 1988)
Alaska	One-parent, written consent Judicial bypass Age 16 and under	ALASKA STAT. §§ 18.16.010 through 18.16.030 and §18.16.0909(2) (2001)	Permanently enjoined in <i>Planned Parenthood, Inc. v State</i> , No. 3AN-97-6024 -CI (Alaska Super. Ct., Feb. 25, 1998) (summary judgment), (Alaska Super. Ct., Oct. 5, 1998) (amended final judgment); <i>appeal filed</i> , No. S-8580 (Alaska Mar. 27, 1998)
Arizona	One-parent, written consent Judicial bypass Age 17 and under	ARIZ. REV. STAT. ANN. § 36-2152 (2001)	Upheld; <i>Planned Parenthood of Southern Arizona, et al. v. Pima County Attorney, Barbara LaWall, et al.</i> , No. CIV 00-386-TUC-RCC (D. Ariz., Aug. 8, 2001); previous version of the statute was permanently enjoined in <i>Planned Parenthood of Southern Arizona v. LaWall</i> , 180 F.3d 1022 (9th Cir.), <i>as amended</i> , 193 F.3d 1042 (9th Cir. 1999)
Arkansas	Two-parent, written notice 48-hour reflection period 48-hour constructive notice provision Abuse must be reported Judicial bypass Age 17 and under	Ark. Code Ann. §§ 20-16-801 through 20-16-808 (2001)	In effect
California	One-parent, written consent Judicial bypass Age 17 and under	CAL. HEALTH & SAFETY CODE § 123450 (West 2001); CAL. FAMILY CODE § 6500 (WEST 2001)	Law struck down on state constitutional grounds, <i>American Academy of Pediatrics v. Lungren</i> , 940 P.2d 797 (Cal. 1997)
Colorado	Two-parent notice 48-hour reflection period No judicial bypass 48-hour constructive notice provision Abuse must be reported Age 17 and under	Colo. Rev. Stat. §§ 12-37.5-101 through 12-37.5-108 (2000)	Law struck down in <i>Planned Parenthood of the Rocky Mountains, Inc. v. Owens</i> , 107 F. Supp. 2d 1271 (D. Colo. 2000); however, original law provided for addition of judicial bypass provision if original law was invalidated
Connecticut	No law		

State	Type	Citation	Status
Delaware	One-parent notice Substitute notice of grandparent or mental health provider permitted, wherein counseling is required 24-hour reflection period Judicial bypass Age 15 and under	DEL. CODE ANN. tit. 24, §§ 1780 through 1789B (2000)	In effect; however, the AG has issued (and never rescinded) a 1977 Statement of Policy indicating that the Department of Justice will not prosecute for failure of a minor to obtain consent pursuant to the law. Statement of Policy, Attorney General of Delaware (Mar. 24, 1977); <i>see also, Delaware Women's Health Org. v. Wier</i> , 441 F.Supp. 497, 499 n.9 (D.Del. 1977)
District of Columbia	No law		
Florida	One-parent notice 48-hour reflection period Notice in person, by telephone or by mail 48-hour constructive notice provision Judicial bypass	FLA. STAT. §390.01115 (2000)	Upheld; <i>North Florida Florida Dep't of Health v. North Fla. Women's Health and Counseling Services, Inc.</i> , 26 Fla. L. Weekly D 419 (Fla. Dist. Ct. App., Feb. 9, 2001); 2001 Fla. App. LEXIS 1217
Georgia	One-parent notice 24-hour reflection period Notice in person, by telephone or by mail 72-hour notice by mail Judicial bypass Age 17 and under	GA. CODE ANN. §§ 15-11-110 through 15-11-118 (Harrison 2000)	In effect; upheld in <i>Planned Parenthood Ass'n of the Atlanta Area v. Miller</i> , 934 F.2d 1462 (11 th Cir. 1991)
Hawaii	No law		
Idaho	Two-parent notice "if possible" 24-hour reflection period No judicial bypass Age 17 and under	IDAHO CODE § 18-609(A) (2000) house Bill 340 was signed by governor; effective on July 1, 2001, amending statute to provide that petition for judicial bypass may be filed in county where minor resides or in county where abortion is to be performed	In effect; however, is constitutionality problematic under <i>Hodgson v. Minnesota</i> , 497 U.S. 417 (1990). This constitutional problem was noted in Op. Att'y Gen. No. 93-1 (Feb. 10, 1993) and Op. Att'y Gen. No. 98-1 (Jan. 26, 1998)
Illinois	One-parent notice Notice in person, by telephone, or by mail 48-hour reflection period 48-hour constructive notice provision Judicial bypass Age 17 and under	750 ILL. COMP. STAT. 70/1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50 (2001)	Permanent injunction issued in <i>Zabraz v. Ryan</i> , No. 84 C 771 (N.D. Ill., Feb. 9, 1996), pending promulgation of valid judicial bypass rules by Illinois Supreme Court. The state supreme court has refused to issue the rules necessary to make the law enforceable

State	Type	Citation	Status
Indiana	One-parent, written consent Judicial bypass Age 17 and under	IND. CODE ANN. § 16-34-2-4 (West 2000)	In effect; see <i>In re T.H.</i> , 484 N.E.2d 568 (Ind. 1985) and <i>In re T.P.</i> , 475 N.E.2d 312 (Ind. 1985)
Iowa	One-parent notice 48-hour reflection period Judicial bypass Video and printed materials must be made available Abuse must be reported Age 17 and under	IOWA CODE ANN. §§ 135L.1 through 135L.3 and §§135L.6 through 135L.8 (West 2001)	In effect; temporary restraining order and preliminary injunction denied, <i>Planned Parenthood of Northern Iowa, Inc. v. Miller</i> , No. 4-96-CV-10877 (S.D. Iowa, Oct. 16, 1997)
Kansas	One-parent notice Judicial bypass Eight-hour reflection period Counseling required to be given by party not affiliated with abortion provider and minor must be accompanied by "interested adult" Age 17 and under	KAN. STAT. ANN. §§ 65-6701, 65-6704 and 65-6705 (2000)	In effect
Kentucky	One-parent, informed written consent Judicial bypass Age 17 and under	KY. REV. STAT. ANN. § 311.732 (Michie 2001)	In effect

State	Type	Citation	Status
Louisiana	One-parent, notarized consent Judicial bypass; court may require mental health evaluation and counseling Age 17 and under	LA. REV. STAT. ANN. § 40:1299.35.5 (West 2000)	In effect; upheld in <i>Margaret S. v. Treen</i> , 597 F. Supp. 636 (E.D.La. 1984), <i>aff'd</i> without discussion of this point, 794 F.2d 994 (5th Cir. 1986); consent law was modified by HB 2088 (1995); in Aug. 1995, a federal court ruled that the consent law may continue to be enforced, but the state may not enforce the 1995 modification that allows judicial notice to the parents or guardians of minors seeking a judicial bypass and that court-ordered evaluation and counseling must provide for "expeditious resolution" of bypass applications; <i>Causeway Medical Suite v. Ieyoub</i> , 905 F. Supp. 360 (E.D. La. 1995); <i>aff'd in part in Causeway Medical Suite v. Ieyoub</i> , 109 F.3d 1096 (5th Cir. 1997); <i>cert denied</i> , 118 S. Ct. 357 (1997); <i>Causeway Medical Suite v. Ieyoub</i> , No. Civ. A. 95-31178 (5th Cir., Oct. 9, 1997); a motion to reopen this case was denied, <i>Causeway Medical Suite v. Ieyoub</i> , No. Civ. A. 95-2164 (E.D.LA., Aug. 17, 1999)
Maine	Adult family member or one-parent consent Comprehensive counseling by medical personnel required Judicial bypass Age 17 and under	ME. REV. STAT. ANN. tit. 22, § 1597-A (2000)	In effect
Maryland	One-parent notice, waivable at physician's discretion Age 17 and under	MD. CODE ANN., HEALTH-GEN. § 20-103 (2001); Art. 1 § 24 (2001)	In effect

State	Type	Citation	Status
Massachusetts	One-parent, written consent Judicial bypass Age 17 and under	MASS. ANN. LAWS ch. 112, § 12S (West 2000)	In effect; injunctive relief denied in <i>Planned Parenthood League of Massachusetts, Inc. v. Bellotti</i> , 499 F. Supp. 215 (D. Mass. 1980), <i>aff'd in part, vacated in part on other grounds and remanded</i> , 641 F.2d 1006 (1st Cir. 1981); State constitutional challenge struck two-parent consent, however, law upheld with one-parent consent with a judicial bypass; <i>Planned Parenthood League of Massachusetts Inc. v. Attorney General</i> , 677 N.E.2d 101 (Mass. 1997)
Michigan	One-parent written consent Judicial bypass Reporting of alleged abuse required Age 17 and under	MICH. COMP. LAWS ANN. §§ 722.901 through 722.908 (West 2001)	In effect; upheld in <i>Planned Parenthood of Mid-Michigan, Inc. v. Attorney General</i> , No. D91-0571-AZ (Mich. Cir. Ct., Kalamazoo Cty., Apr. 29, 1994)
Minnesota	Two-parent, written notice 48-hour reflection period 48-hour constructive notice provision Judicial bypass Age 17 and under	MINN. STAT. ANN. § 144.343 (West 2000); MINN. STAT. ANN. § 645.451 (sub. 2) (West 2000)	In effect; upheld in <i>Hodgson v. Minnesota</i> , 497 U.S. 417 (1990), but two-parent requirement was struck down as unconstitutional
Mississippi	Two-parent, written consent Judicial bypass Age 17 and under	MISS. CODE ANN. §§ 41- 41-51 to 41-55 (2001) Rule 1.09, Miss. Supreme Ct. Uniform Chancery Court Rules provides procedure for waiver of parental consent	In effect; upheld against federal constitutional challenge in <i>Barnes v. Mississippi</i> , 992 F.2d 1335 (5th Cir. 1993); <i>cert. denied</i> , 510 U.S. 976 (1993); and against a state constitutional challenge in <i>Pro-Choice Mississippi v. Fordice</i> , 716 So.2d 645 (Miss. 1998); possible evaluation of "mature and well-informed" set out in <i>In the Matter of R.B. v. State</i> , 2001 Miss. LEXIS 174 (July 19, 2001)
Missouri	One-parent, written consent Judicial bypass Age 17 and under	MO. ANN. STAT. § 188.028 (2000)	In effect; upheld in <i>Planned Parenthood Ass'n of Kansas City, Missouri v. Ashcroft</i> , 462 U.S. 476 (1983) and <i>T.J. v. Webster</i> , 792 F.2d 734 (1986)

State	Type	Citation	Status
Montana	One-parent notice 48-hour notice required Judicial bypass Age 17 and under	MONT. CODE ANN. §§ 50-20-203 through 50-20-215 (2000)	Permanent injunction issued in response to state constitutional challenge, <i>Wicklund v. State</i> , No. ADV-97-671 (Mont. Dist. Ct., Feb. 25, 1999) (unpublished opinion), <i>appeal dismissed</i> , (Mont. Nov. 29, 1999); law had been upheld against a federal constitutional challenge in <i>Lambert v. Wicklund</i> , 520 U.S. 292 (1997)
Nebraska	One-parent, written notice 48-hour reflection period 48-hour constructive notice provision Judicial bypass Alleged sexual abuse, physical abuse or neglect must be reported Age 17 and under	NEB. REV. STAT. §§ 71-6901 through 71-6909 (2001)	In effect; court ruled that, during judicial bypass, a minor must prove her case by "clear and convincing evidence"; <i>In re Petition of Anonymous 1</i> , 558 N.W.2d 784 (Neb. 1997)
Nevada	One-parent notice Notice in person or by mail Judicial bypass Age 17 and under	NEV. REV. STAT. §§ 442.255 and 442.2555 (2001)	In effect; judicial bypass procedure held to be unconstitutional and permanently enjoined; <i>Glick v. McKay</i> , 937 F.2d 434 (9th Cir. 1991); however, may be constitutional after <i>Planned Parenthood of Southeastern Pennsylvania, Inc. v. Casey</i> , 505 U.S. 833 (1992)
New Hampshire	No law		
New Jersey	One-parent notice Notice in person or by mail 48-hour reflection period Physician required to provide fact sheet on law Judicial bypass Age 17 and under	N.J. REV. STAT. §§ 9:17A-1 through 9:17A-1.12 (2001)	Law struck down on state constitutional grounds, <i>Planned Parenthood of Central New Jersey, Inc. v. Farmer</i> , 762 A.2d 620 (N.J. 2000), overruling lower court decision, <i>Planned Parenthood of Central New Jersey, Inc. v. Farmer</i> , No. BER-C-362-99 (N.J. Super. Ct. Dec. 10, 1999)
New Mexico	One-parent consent No judicial bypass Age 17 and under	N.M. STAT. ANN. § 30-5-1(C) (2000)	In effect; however, it is constitutionality problematic under <i>Planned Parenthood v. Danforth</i> 428 U.S. 52 (1976); moreover, the AG has issued an opinion stating that the law does not provide the constitutionally required bypass procedure and is unenforceable; Op. Att'y Gen. No. 90-19 (Oct. 3, 1990)
New York	No law		

State	Type	Citation	Status
North Carolina	One-parent, written consent or consent of grandparent if the minor has resided with the grandparent for at least 6 months Judicial bypass Age 17 and under	N.C. GEN. STAT. §§ 90-21.6 through 90-21.10 (2000)	In effect; upheld in <i>Manning v. Hunt</i> , 119 F.3d 254 (4th Cir. 1997); "Unknowing and unintentional" failure to obtain actual parental consent not a violation of the statute if provider was deceived into performing the abortion. <i>Jackson by and through Robinson v. A Woman's Choice, Inc.</i> , 130 N.C. App. 590 (N.C. Ct. App. 1998)
North Dakota	Two-parent written consent Judicial bypass Age 17 and under	N.D. CENT. CODE, § 14-02.1-03.1 (2000)	In effect; however, is constitutionally problematic under <i>Hodgson v. Minnesota</i> , 497 U.S. 417 (1990)
Ohio	One-parent, informed and written consent Judicial bypass Age 17 and under Version upheld in <i>Ohio v. Akron Center for Reproductive Health</i> and currently in effect: Notice to parent or specified family member Notice in person or by telephone 48-hour constructive notice provision Judicial bypass Age 17 and under	OHIO REV. CODE ANN. § 2919.121 (Anderson 2001) OHIO REV. CODE ANN. § 2919.122 (Anderson 2001); OHIO REV. CODE ANN. § 2919.12 (Anderson 2001); OHIO REV. CODE ANN. § 2505.073 (Anderson 2001); OHIO REV. CODE ANN. § 2151.85 (Anderson 2001)	1998 version of the law is enjoined, <i>Cincinnati Women's Services v. Voinovich</i> , C-1-98-289 (S.D. Ohio, Apr. 29, 1998) (unpublished opinion); therefore, prior version of the law that was upheld in <i>Ohio v. Akron Center for Reproductive Health</i> , 497 U.S. 502 (1990) is in effect; "ss-applied challenge" to effective version of the law was rejected in <i>Cleveland Surgi-Center v. Jones</i> , 2 F.3d 686 (6th Cir. 1993), cert. denied, 510 U.S. 1046 (1994)
Oklahoma	Any person who performs an abortion on a minor without parental consent or knowledge shall be liable for the cost of any subsequent medical treatment such minor might require because of the abortion	House Bill 1727, effective June 4, 2001	In litigation; <i>Nova Health Systems v. Fogarty</i> , suit filed June 8, 2001
Oregon	No law		
Pennsylvania	One-parent, informed consent Judicial bypass Age 17 and under	PA. CONS. STAT. ANN. Tit. 18 § 3206 (2000)	In effect; upheld in <i>Planned Parenthood of Southeastern Pennsylvania, Inc. v. Casey</i> , 505 U.S. 833 (1992)
Rhode Island	One-parent consent Judicial bypass Age 17 and under	R.I. GEN. LAWS § 23-4.7-6 (2001)	In effect

State	Type	Citation	Status
South Carolina	One-parent or grandparent consent Judicial bypass Age 16 and under	S.C. CODE ANN. §§ 44-41-30 through 44-41-3, § 44-41-10 (m) and § 44-41-10 (n) (2000)	In effect
South Dakota	One-parent, written notice Notice in person or by mail 48-hour reflection period Judicial bypass Age 17 and under	S.D. CODIFIED LAWS §§ 34-23A-1, 34-23A-7, 34-23A-7.1, 34-23A-10.2, 34-23A-22 (2001); S.D. CODIFIED LAW §26-1-1 (2001) (amended to include judicial bypass)	In effect
Tennessee	One-parent, written consent Judicial bypass Age 17 and under	TENN. CODE ANN. §§ 37-10-301 through 37-10-307 (1999); Tenn. S. Ct. Rule 24 (1999)	Effective January 14, 2000, once conditions set in <i>Memphis Planned Parenthood, Inc. v. Sundquist</i> , No. 3-89-0520 (D. Tenn., Dec. 15, 1999) were met, specifically that the requirement that minor file bypass petition in county of residence or county where abortion was to take place was removed; lower court's grant of preliminary injunction reversed; <i>Memphis Planned Parenthood Inc. v. Sundquist</i> , 175 F.3d 456 (6th Cir. 1999); <i>rehearing denied</i> , 184 F.3d 600 (6 th Cir. 1999); however, decision is in jeopardy; Tennessee Supreme Court has found that the state constitution confers a broader right to abortion than that under the federal constitution; <i>Planned Parenthood of Middle Tennessee, Inc. v. Sundquist</i> , 38 S.W.3d 1 (Tenn. 2000)
Texas	One-parent notice Notice in person, by telephone 48-hour reflection period 48-hour constructive notice provision Judicial bypass Department of Health required to distribute informational material explaining the law and risks of abortion Abuse must be reported Age 17 and under	TEX. FAM. CODE ANN. §§ 33.001 through 33.011 (2000); TEX. FAM. CODE ANN. § 101.003(a) (2000)	In effect

State	Type	Citation	Status
Utah	Two-parent notice "if possible" No judicial bypass Age 17 and under	UTAH CODE ANN. § 76-7-304(2) (2000)	In effect; upheld as applied to immature minors (who do not claim that notification would not be in their best interest), <i>H.L. v. Matheson</i> , 450 U.S. 398 (1981); law was declared unconstitutional as applied to a specific, emancipated, and mature minor in <i>L.R. v. Hansen</i> , No. C-80-0078J (D.Utah, Feb. 8, 1980)
Vermont	No law		
Virginia	One-parent notice Notice in person, by telephone, or by mail 24-hour reflection period 72-hour constructive notice provision Reporting of abuse required Judicial bypass Age 17 and under	VA. CODE ANN § 16.1-241(V) (2001); VA. CODE ANN § 16.1-228 (2001)	In effect; injunction lifted in <i>Planned Parenthood of the Blue Ridge v. Camblos</i> , 116 F.3d 707 (4th Cir. 1997); <i>aff'd</i> , <i>Planned Parenthood of the Blue Ridge v. Camblos</i> , 155 F.3d 352 (4th Cir. Aug. 20, 1998) (en banc); <i>cert. denied</i> , 525 U.S. 1140 (1999)
Washington	No law		
West Virginia	One-parent notice Notice in person, by telephone or by mail 24-hour reflection period 48-hour constructive notice provision Judicial bypass Age 17 and under and still in high school	W. VA. CODE ANN. §§ 16-2F-1 through 16-2F-9 (2001)	In effect
Wisconsin	One-parent or adult family member's informed, written consent Reporting of sexual or physical abuse required, along with notation in medical record Judicial bypass Age 17 and under	WIS. STAT. ANN. §§ 48.02(2) and 48.375 (West 2000) Written, informed consent requirements set out in WIS. STAT. ANN. § 253.10 (West 2000)	In effect
Wyoming	One-parent written notice and consent 48-hour reflection period Judicial bypass Age 17 and under and not on active duty in military or has not lived independently from parent(s) for 6 months or more	WYO. STAT. §§ 35-6-101(a)(x) and 35-6-118 (2001)	In effect

Parental involvement statutes generally require consent by or notice to a parent(s) or a legal guardian. A few States allow consent by or notice to another person, including:

- A. Grandparent (Delaware, Illinois, Iowa, North Carolina, Ohio, South Carolina, Wisconsin);
- B. Adult sibling (Ohio (at least 21 years old), Wisconsin (at least 25 years old));
- C. Adult family member (e.g., aunt or uncle) or foster parent (Maine, Wisconsin);
- D. Adult who is concerned about minor's best interest and is not associated with the abortion provider (Kansas);
- E. Licensed physician not associated professionally or financially with the abortion provider (West Virginia);
and
- F. Licensed mental health professional not associated with an abortion provider (Delaware).
- G. One State allows the physician performing the abortion to waive the notice requirement if in his or her professional judgment: (a) abuse would result from notification; (b) the minor is mature and capable of giving informed consent; or (c) notice would not be in the best interest of the minor (Maryland).



Representative Robert O. Ouellette

5-B Orchard Street
Franklin, New Hampshire 03235

Testimony in support of HB 763

True Meaning and Purpose of Parents

Parents must never be denied the opportunity to fulfill their God given responsibility to guide and instruct their children in every situation.

- **Why did God make Parents?**
 1. For **Procreation** – to continue the species and lineage, and more importantly,
 2. To **Express His True Love** – Parental Love, Unconditionally Giving, Serving and Caring Love – to humankind as His Beloved Children, and to multiply His True Love through them.
- **God's Plan (the Biblical Plan) for the Family is mentioned in Genesis 1:28 (the first recorded words of God to humankind)** – “Be fruitful, multiply, and have dominion...” – God’s Blessings on Human Beings and the Family.
- Through the conjugal (husband & wife) love of the parents, **God gives birth to a Baby** – another child created “in His Image”.
- The Baby is born, but **also the Husband and Wife are born as Parents.**
- The **Birth is just the Beginning.** Actually, Parenting began even before conception, with the Husband & Wife preparing their Hearts and Expectations for the child. Then **while the child was developing in the mother’s womb, the Parental Natures in the husband & wife were also developing.**
- **The Mission and Responsibility of Parents is to Nurture and Grow their Child day by day in Body, Heart, Mind and Spirit** – and to love and care for the child throughout the child’s life.

- In fact, to the child **the Parents are the Visible Expression of the Invisible God.** The child sees and feels God's Nature in his or her parents.
- **The Ideal is the Two-Parent Family** – the Husband & Wife becoming Parents as a **Father & Mother**, representing the Fatherly and Motherly aspects of God's Nature and Love.
- **However**, for whatever reason (abandonment, death, divorce, unwed mother, adoption, etc.), there are **many One-Parent households**, where there is just the Father or the Mother raising the child. Or the Grandparents or some other relative are raising the child. In these cases as well, **God's Ideal is that the Parent give (mediate) God's unconditional Love and Care to the child.**
- **Through Parenting we learn to "Live for the Sake of Others"** – the True Parental Heart is the highest heart of love.
- **God designed the Family to be the training place or School of Love** where we are born in love, raised in love, learn to share love with our brothers and sisters, grow to then find and marry our spouse, giving love to each other, then becoming parents ourselves, giving unconditional love to our children, and to others. We first receive love, and then we grow to give love 100%.

HB 563 - AS INTRODUCED

2003 SESSION

03-1094

05/01

HOUSE BILL **563**

AN ACT relative to the emancipation of minors.

SPONSORS: Rep. E. Blanchard, Merr 38

COMMITTEE: Children and Family Law

ANALYSIS

This bill establishes the criteria and procedure by which a minor who is 16 years of age and older may be emancipated.

Explanation: Matter added to current law appears in **bold italics**.

Matter removed from current law appears [~~in brackets and struck through~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03-1094

05/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to the emancipation of minors.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Chapter; Emancipation of Minors. Amend RSA by inserting after chapter 546-B the following new chapter:

CHAPTER 546-C

EMANCIPATION OF MINORS

546-C:1 Definitions:

I. "Emancipated minor" means a minor who:

- (a) Has entered into a valid marriage, whether or not such marriage was terminated by dissolution;
- (b) Is on active duty with any of the armed forces of the United States of America; or
- (c) Has been ordered emancipated pursuant to RSA 546-C:6.

II. "Risk of harm" means a significant danger that a child will suffer serious harm other than by accidental means, which would be likely to cause physical injury, neglect, emotional maltreatment or sexual abuse.

546-C:2 Emancipated Minor. In order to become an emancipated minor by court order under this chapter, a minor at the time of the order must be a person who:

- I. Is 16 years of age or older but under the age of majority.
- II. Has lived separate and apart from his or her parents, custodian, or legal guardian for 3 months or longer.
- III. Is managing his or her own financial affairs.
- IV. Has demonstrated the ability to be self-sufficient in his or her financial and personal affairs, including proof of employment or his or her other means of support. "Other means of support" shall not include public assistance, or relying on the financial resources of another person who is receiving such assistance or aid.
- V. Holds a high school diploma or its equivalent or is earning passing grades in an educational program approved by the court and directed towards the earning of a high school diploma or its equivalent.
- VI. Is not under a legal guardianship or in the custody or guardianship of the state.
- VII. Is not under the supervision or in the custody of the commissioner of corrections.

546-C:3 Jurisdiction. The probate court shall have exclusive jurisdiction over all proceedings concerning the emancipation of minors.

546-C:4 Petition; Contents.

- I. A minor may petition the probate court in the probate district in which the minor resides at the time of the filing for an order of emancipation. The petition shall state:
 - (a) The minor's name and date of birth.
 - (b) The minor's address.
 - (c) The names and addresses, if known, of the minor's parents.
 - (d) The names and addresses of any guardians or custodians, if appropriate.
 - (e) Specific facts in support of the emancipation criteria in RSA 546-C:2.
 - (f) Specific facts as to the reasons why emancipation is sought.

II. A minor may not file a petition under paragraph I unless the minor has lived in New Hampshire for 3 months or longer.

546-C:5 Hearing; Parties; Notice. Upon the filing of the petition, the court shall schedule a hearing. The minor's parents, guardian, or other person charged with the custody of the minor shall be parties to the proceedings and shall be given an opportunity to be heard. At least 30 days prior to the hearing, notice shall be given to the minor's parents, guardian or other person charged with the custody of the minor, unless the court finds that their addresses are unknown, or that there are other reasons notice may not be given. If the minor has been committed to the custody or guardianship of the state, or a petition has been filed to commit the minor to the custody of state, the department of health and human services shall be a party to the action under this chapter. Any action under this chapter may be consolidated with any other action in the probate court involving the interest or welfare of the minor. The burden of proving facts necessary to sustain the petition shall be on the minor and shall be by a preponderance of the evidence.

546-C:6 Findings; Order of Emancipation.

I. After completion of the hearing and consideration of the record, the court shall make findings and issue its order. If the court finds that the minor meets the criteria in RSA 546-C:2 and that emancipation would be in the best interests of the minor, the court shall issue an order of emancipation.

II. At the time of the hearing under this section the court shall consider the best interest of the minor in accordance with the following criteria:

- (a) Emancipation will not create a risk of harm to the minor.
- (b) The likelihood the minor will be able to assume adult responsibilities.
- (c) The minor's adjustment to living separate and apart from his or her parents, guardian, or custodian.
- (d) The opinion and recommendations of the minor's parents, guardian or custodian.

III. In ascertaining the best interests of the minor under this section, the court shall consider the appointment of a guardian ad litem.

IV. Any order of guardianship or custody shall be vacated before the court may issue an order of emancipation. Other orders of the family or probate court may be vacated, modified, or continued in this proceeding if such action is necessary to effectuate the order of emancipation. Child support orders relating to the support of the minor shall be vacated, except for the duty to make past-due payments for child support, which, under all circumstances, shall remain enforceable.

V. The court may require an emancipated minor to report periodically to the court or to another person specified by the court, regarding the minor's compliance with the provisions of RSA 546-C:2, III-V. Failure to report as required may result in the emancipation order being vacated upon notice to the parties.

VI. An order of emancipation shall be conclusive evidence that the minor is emancipated.

546-C:7 Effect of Emancipation.

I. The order of emancipation shall recognize the minor as an adult for all purposes that result from reaching the age of majority, including:

- (a) Entering into a binding contract.

(b) Litigation and settlement of controversies including the ability to sue and be sued.

(c) Buying or selling real property.

(d) Establishing a residence, except that an emancipation order may not be used for the purpose of obtaining residency and in-state tuition or benefits at the university system of New Hampshire or the regional community technical colleges.

(e) Being prosecuted as an adult under the criminal laws of the state.

(f) Terminating parental support and control of the minor and their rights to the minor's income.

(g) Terminating parental tort liability for the minor.

(h) Indicating the minor's emancipated status on a driver's license or identification card issued by the state.

II. The order of emancipation shall not affect the status of the minor in the applicability of any provision of law which requires specific age requirements under the state or federal constitution or any state or federal law including laws that prohibit the sale, purchase or consumption of intoxicating liquor to or by a person under 21 years of age.

546-C:8 Recognition of Emancipation Decrees From Other States. A person who is under the age of 18 years, but who has documentation which supports a claim that he or she has been emancipated in accordance with the laws of the state in which he or she previously had been residing, shall be considered to be emancipated under this chapter.

546-C:9 Order of Emancipation Obtained by Fraud or Withholding Material Information; Voidability; Effect on Rights and Obligations; Commencement of Proceeding.

I. An order of emancipation obtained by fraud or by the withholding of material information shall be voidable. The voiding of any such order pursuant to this section shall not alter any contractual obligations or rights or any property rights or interest which arose during the period that the order was in effect. However, any such obligation, right, or interest, which benefits a person who caused or participated in the fraud or withholding of material information, may be canceled by the minor.

II. A proceeding under this section may be commenced by any person or by any public or private agency. Notice of the commencement of the proceeding shall be consistent with the requirements of the initial hearing as required by this chapter.

546-C:10 Legislative Intent; Minimum Expense; Forms. It is the intent of the general court that proceedings under this chapter shall be as simple, informal, and inexpensive as possible, and, to that end, the administrative office of the courts shall prepare and distribute to the clerks of the probate court appropriate forms for the proceedings which are suitable for use by minors appearing on their own behalf.

2 Repeal. RSA 21-B:2, relative to recognition of emancipation decrees from other states, is repealed.

3 Effective Date. This act shall take effect January 1, 2004.

ATTACHMENT #17

To: Senate Judiciary Committee

Date: 5/13/03

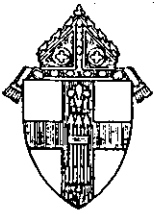
HB 763 -

I urge the honorable members of the Senate to vote this bill immediate to legislate. I would like to emphasize that I am in complete agreement with the legislative findings as stated under II a, b, c, d, e. However, it is a myth that parental notification has the effect of "fostering the family structure and preserving it as a viable social unit."

If a healthy relationship does not exist before a ~~minor~~ child becomes pregnant, it cannot be achieved by merely notifying a parent after the fact. Most (ca. 2/3) pregnant teenagers do inform their parents and seek their advice and counsel, but no law can force communication between family members in such situations. A better solution to prevent unintended pregnancies, especially among immature teenagers, is to promote health & sex information both in the schools and at home. Open discussion about sex is not always easy between children and parents, but honest disclosure about the facts of life, its pleasures and its responsibilities, needs to be encouraged in our society.

Respectfully submitted
Rep. Hilda Weigl Sokol
Gratton #17

P.S. I apologize for the "informality" of this "testimony".



OFFICE OF PUBLIC POLICY
Diocese of Manchester

ATTACHMENT #8

09/06

May 13, 2003

Hon. Andrew Peterson, Chairman
and Members
Judiciary Committee
New Hampshire Senate
State House
Concord, New Hampshire 03301

Re: HB 763-FN

Dear Chairman Peterson and Members of the Committee,

On behalf of the Diocese of Manchester, I am writing to offer testimony in **SUPPORT of HB 763-FN.**

The Diocese of Manchester, like the State of New Hampshire, vigorously advocates and promotes family life and social welfare. This is an essential element of society as a whole and of the church's mission to the world.

We find the provisions of **HB 763-FN** to be important to the people of New Hampshire and we further believe it is critical when issues have an impact on one or all members of a family, that the families should come together to support and offer guidance to one another. This is especially important when the issue affects the life of a minor child.

For a pregnant adolescent, no decision is perhaps more trying than how to deal with the pregnancy. There are many issues involved here; to name but a few, they include fear, anger, rejection, uncertainty and embarrassment. We strongly advocate that family members must be involved in the discussion to help the adolescent understand the importance and consequences of any decision regarding the outcome of the pregnancy. In the case of adolescent pregnancy, the psychological, emotional and physical health of the young woman is of great concern. The integrity of both the family and the state is also at risk when the state allows immature, dependent adolescents to evade the knowledgeable and caring guidance of parents and legal guardians in deference to abortion clinic employees. No other medical procedure can be performed on an unemancipated minor without parental consent, nor can a dependant adolescent get a tattoo or have their body pierced without parental consent. Why would we allow a pregnancy to be terminated without parental notification?

When a teenager faces such a decision without input from her parents or legal guardians, the very people who generally assist her with other major decisions in her life, the circumstance can be an emotionally and psychological traumatizing experience. Parental notification ensures that a teenager talks with those who know her best, her parents or

legal guardians, about a decision that will affect her for the rest of her life. In addition, the parents or legal guardians would have the opportunity to discuss their daughter's medical history with a physician. This could reveal medical history information that might otherwise remain unknown.

The State of Minnesota has had a parental notification law in place since 1981. The law was challenged in court and was suspended in 1986. The Supreme Court later ruled that the law was constitutional and it was reimposed. During all that time, the state kept very good records. The results of those records were very clear. During the time the law was in effect, the number of abortions to unemancipated minors dropped, the number of live births to this group increased and the number of pregnancies in this age group experienced by unmarried girls decreased by as much as 27%.¹

To those who state that in some cases notification is inappropriate, will lead to physical harm to the pregnant woman because of the attitude or reaction of the parents or guardians, or is impossible, the bill provides an alternate and protective process.

In conclusion, it is in the interest of the State of New Hampshire to recognize the traditional rights of parents and legal guardians to direct the rearing of their children and to permit the parents or legal guardians to participate in the life-altering decisions of their minor children, including an adolescent pregnancy. We strongly support **HB 763** and respectfully request this committee to support its passage.

Thank you for your consideration and your service to the people of New Hampshire.

Sincerely,



Deacon Robert Anderson
Director, Respect Life Office
Diocese of Manchester

¹ Impact of Minnesota Parental Notification Law on Abortion and Birth
American Journal of Public Health, March '91, vol. 81, no. 3, p. 294

New Hampshire  **Public Health**
ASSOCIATION

DATE: May 13, 2003

TO: Senate Judiciary Committee

FROM: Katherine Wells Wheeler, President of the New Hampshire Public Health Association

RE: HB 763, requiring parental notification before abortions may be performed on unemancipated minors.

On behalf of the New Hampshire Public Health Association, I appear before you today in opposition to HB 763, requiring parental notification before abortions may be performed on unemancipated minors. If enacted, this bill would pose a very serious threat to public health by encouraging young women to seek medical help from unlicensed providers, behavior which has led to serious medical complications and death in the past and in states which have enacted this law. History shows us that laws cannot prevent women from seeking abortions. They just make the procedure more dangerous. In addition to the very serious adverse health consequences that would be a consequence of passing this legislation, there are also some errors in the definitions. Legislation can't redefine the medical term "fetus" to make it "any individual organism from fertilization until birth".

There are some real misunderstandings about the purpose and value of this proposal. Gov. Benson stated on NH Outlook on April 7th: "Parental notification just means that you know what's going on in your child's life, and as I like to say, God gave me the right of being a parent and nobody should be able to take that away from me... Why should the state make a decision about my child's future when they don't have the same emotional tie that I do, so I think that when the state takes over for me as a parent that they have intruded in my life." Later during the interview, Gov. Benson said, "The State of NH shouldn't be a parent." I agree. In fact, passing this legislation would be the interference in family life that the supporters don't want. At this moment, there is no legislative impediment to family communication, there is no legislative interference in family life, and the state is not usurping any parent's rights. In fact, the law is silent on the subject of this most personal and private decision, and that is the way it should remain in the interest of good public health.

The bill states that there are compelling state interests to protect minors against their own immaturity. Does it require less maturity to spend nine months caring for your body so that you have a healthy delivery? Does it require less maturity to raise a child or decide to make the choice to give the child away for adoption? On the surface it sounds as though this bill is a families-value piece of legislation. In reality it is not. It is certainly true that "parental consultation is usually desirable and in the best interest of the minor"; however, this consultation happens in almost all cases where it is possible. It is not possible in the cases of incest or violent behavior on the part of a parent. As for the judicial by-pass, experience shows that judges almost always find that a young woman

who is mature enough to go through the difficult process of seeking permission from a judge for this most personal decision is mature enough to make her own decision. How can we take seriously legislation which finds as fact that "immature minors often lack the ability to make fully informed choices that take account of both immediate and long-range consequences" when one of those long-range consequences doesn't include the effects of giving birth and of making decisions about the future of a child.

Once again we are in the process of making decisions that are not and should not be our business. These multi-pronged assaults on a legal medical procedure all have the same goal: to eliminate access to abortion services. This bill singles out young women as not meriting the same constitutional protections that are accorded to their older sisters. My files on this and other issues regarding legislative interference in reproductive issues go back to 1989, my first year in the legislature. The responses which were made then to the provisions of this bill before you in the year 2003 are as valid and true today as they have always been. In the January 6, 1993 issue of the Journal of the American Medical Association, the Council on Ethical and Judicial Affairs responded to the issue of mandatory parental consent to abortion in this way: "This report analyzes the ethical issues raised by requirements that parents be involved when minors seek an abortion. Parents are generally supportive and understanding and can provide helpful guidance to their children. In some cases, however, parents may respond abusively to the knowledge that their minor child is pregnant or is considering an abortion. In addition, privacy in matters of health care is a profound need of minors as well as adults. Accordingly, the Council concludes that, while minors should be encouraged to discuss their pregnancy with their parents and other adults, minors should not be required to involve their parents before deciding whether to undergo an abortion."

Addressing the issue presented by this bill, Brenda Romney, a staff attorney for the Center For Reproductive Law and Policy wrote in their summer 1998 journal: "Congress can't just legislate family communication... The judicial bypass process can be incredibly onerous. First, it assumes that frightened teenagers can access and maneuver through a court proceeding". The article goes on to say: "fears about their loss of confidentiality and concerns about the process can unnecessarily delay minors from obtaining appropriate medical care, thereby increasing the risk to their health".

But the most compelling argument against enacting this bill comes from the true story of a young woman who was the victim of this law in her own state. In 1988, Becky Bell, a bright, popular junior in high school in Indiana, died of a botched, back-alley abortion because her state required parental consent, and she didn't want to disappoint her parents by telling them she was pregnant. In a note that was found after she died, she wrote: "I don't want to hurt Mom and Dad. I love them so much." Her parents didn't even know this law existed. Her father was quoted in the July 23, 1990 issue of *People*: "If I had

heard of these laws before, I probably would have thought they were a good idea. But now I know what they do. These goddamned laws are killing kids”.

It should be obvious to all of us that we can't legislate family relations; we can't legislate communication; and I don't see how we could live with ourselves if we were to be the cause of a young woman's death because we thought we knew best. I urge you to recommend that this bill be inexpedient to legislate.

**NEW HAMPSHIRE STATE SENATE
JUDICIARY COMMITTEE**

2003 Regular Session

May 13, 2003

Andrew R. Petersen, Committee Chair

**Prepared Testimony of
Professor Teresa Stanton Collett
South Texas College of Law***

I offer this testimony in support of House Bill 763. My testimony represents professional knowledge and opinion as a law professor, lawyer, and citizen. My testimony is not intended to represent the views of my employer, South Texas College of Law.

In Texas I serve as a member of the Texas Supreme Court's Special Subcommittee on Parental Notification Rules. This Special Subcommittee initially was charged with preparing a draft of the original court rules and forms governing judicial proceedings related to a minor's request to bypass parental notification prior to obtaining an abortion. The subcommittee continues to meet to propose and consider amendments to the rules or forms in light of judicial experience in the implementation of the rules.

As a law professor who teaches and writes in the area of legal-medical issues, I have published two law review articles related to laws requiring parental involvement in pregnant minors' decisions to obtain abortions, *Protecting Our Daughters: The Need for the Vermont Parental Notification Law*, 26 VT. L. REV. 101 (2001) and *Seeking Solomon's Wisdom: Judicial Bypass of Parental Involvement in a Minor's Abortion Decision*, 52 BAYLOR L. REV. 513 (2000).

As a lawyer, I have served as an expert witness or legal counsel in litigation related to parental involvement laws in Alaska, Florida, Oklahoma and Texas.

It is my opinion that House Bill 763 will significantly advance the legitimate health and safety interests of young girls experiencing an unplanned pregnancy, and their parents who are primarily responsible to make decisions related to the medical care and treatment of their minor children.

Widespread Public Support

There is widespread agreement that as a general rule, parents should be involved in their minor daughter's decisions to continue or terminate an unplanned pregnancy.¹ To

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¹ "Responsible parents should be involved when their young daughters face crisis pregnancies." National

my knowledge, no organizations or individuals, whether abortion rights activists or pro-life advocates, dispute this point. Certainly there is an overwhelming consensus among the people of New Hampshire in favor of parental involvement laws. A survey by the University of New Hampshire Survey Center last month revealed that New Hampshire residents support parental involvement laws by a margin of two to one.² On an issue as contentious and divisive as abortion, it is both remarkable and instructive that there is such firm and long-standing support for laws requiring parental involvement.³

Various reasons underlie this broad and consistent support. As Justices O'Connor, Kennedy, and Souter observed in *Planned Parenthood v. Casey*,⁴ parental consent and notification laws "are based on the quite reasonable assumption that minors will benefit from consultation with their parents and that children will often not realize that their parents have their best interests at heart."⁵ This reasoning led the Court to

Abortion and Reproductive Rights Action League Publications -- *Factsheet: Mandatory Parental Consent and Notice Laws and the Freedom to Choose* (1999). "We also believe that teens should involve their parents in their decisions about sexual activity." *Message from the President*, Planned Parenthood of Dallas and Northeast Texas, FACTS Winter 1998, available on the worldwide web at <<http://www.ppnet.org/Newsletter/President.htm>>. "Physicians should strongly encourage minors to discuss their pregnancy with their parents. Physicians should explain how parental involvement can be helpful and that parents are generally very understanding and supportive. If a minor expresses concerns about parental involvement, the physician should ensure that the minor's reluctance is not based on any misperceptions about the likely consequences of parental involvement." Council on Ethical and Judicial Affairs, American Medical Association, *Mandatory Parental Consent to Abortion*, JAMA 82 (January 6 1993) (opposing laws that mandate parental involvement on the basis that such laws may expose minors to physical harm, or compromise "the minor's need for privacy on matters of sexual intimacy.")

²A University of New Hampshire Survey Center Poll taken in mid-April, 2003 found that almost two thirds (61%) of the respondents favored requiring minors obtain parental consent prior to obtaining an abortion, a more stringent requirement than the requirement of notice contained in HB 763. *Poll: N.H. Favors Parental Consent for Abortion*, CONCORD MONITOR (May 2, 2003) available at <www.cmonitor.com/stories/news/state2003/nh_xgr_parentalnotifi050203_2003.shtml>.

³ Similar support is found in national surveys. Polls taken from September 1981 to January 2003 reflect consistently reflect over 70% of the American public support parental consent or notification laws. See, e.g., Cable News Network/USA Today Poll conducted by Gallup (released 1/15/2003) (73% of those polled favor a law requiring women under 18 to get parental consent for any abortion; CBS News/ NY Times Poll (released Jan. 15, 1998) (78% of those polled favor requiring parental consent before a girl under 18 years of age could have an abortion); Americans United for Life, Abortion and Moral Beliefs, *A Survey of American Opinion* (1991); Wirthlin Group Survey, *Public Opinion, May-June 1989*; *Life/Contemporary American Family* (released December, 1981) (78% of those polled believed that "a girl who is under 18 years of age [should] have to notify her parents before she can have an abortion"). Other polling results are available in Westlaw, Dialog library, poll file.

⁴*Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

⁵ 505 U.S. at 895. In *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52 (1976), the first of a series of United States Supreme Court cases dealing with parental consent or notification laws, Justice Stewart wrote, "There can be little doubt that the State furthers a constitutionally permissible end by encouraging an unmarried pregnant minor to seek the help and advice of her parents in making the very important decision of whether to have a child." *Id.* at 91. Three years later the Court acknowledged that parental consultation is critical for minors considering abortion because "minors often lack the experience, perspective and judgment to avoid choices that could be detrimental to them." *Bellotti v. Baird*, 443 U.S.

conclude that the Pennsylvania parental involvement law was constitutional.

Because of the large number of witnesses to be heard by this committee, I will limit my remarks to examining two of the benefits that are achieved by parental involvement statutes: improved medical care for young girls seeking abortions and increased protection against sexual exploitation by adult men.

Improved Medical Care of Minor Girls

Medical care for minors seeking abortions will be improved in three ways. First, parental notification will allow parents to assist their daughter in the selection of the abortion provider. As with all medical procedures, one of the most important guarantees of patient safety is the professional competence of those who perform the medical procedure. In *Bellotti v. Baird*, the United States Supreme Court acknowledged the superior ability of parents to evaluate and select appropriate healthcare providers.⁶

In this case, however, we are concerned only with minors who according to the record range in age from children of twelve years to 17-year-old teenagers. Even the latter are less likely than adults to know or be able to recognize ethical, qualified physicians, or to have the means to engage such professionals. Many minors who bypass their parents probably will resort to an abortion clinic, without being able to distinguish the competent and ethical from those that are incompetent or unethical.⁷

The National Abortion Federation recommends that patients seeking an abortion confirm that the abortion will be performed by a licensed physician in good standing with the state Board of Medical Examiners.⁸ It has also been recommended that the physician have admitting privileges at a local hospital not more than twenty minutes away from the location where the abortion is to occur in order to insure adequate care should complications arise. A well-informed parent seeking to guide her child is more likely to inquire regarding these matters than a panicky teen who just wants to no longer be pregnant.

Second, parental notification will insure that parents have the opportunity to provide additional medical history and information to abortion providers prior to performance of the abortion.⁹

622, 640, (1979) (*Bellotti II*) (plurality opinion). The *Bellotti* Court also observed that parental consultation is particularly desirable regarding the abortion decision since, for some, the situation raises profound moral and religious concerns. *Bellotti II*, 443 U.S. at 635.

⁶ 443 U.S. 622 at 641 (1979) (*Bellotti II*).

⁷ *Bellotti v. Baird*, 443 U.S. 622 at 641 (1979) (*Bellotti II*).

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⁹In *Edison v. Reproductive Health Services*, 863 S.W.2d 621 (Mo. App. E.D. 1993), the court confronted the question of whether an abortion provider could be held liable for the suicide of Sandra, a fourteen-year-

The medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature. An adequate medical and psychological case history is important to the physician. Parents can provide medical and psychological data, refer the physician to other sources of medical history, such as family physicians, and authorize family physicians to give relevant data.¹⁰

Abortion providers, in turn, will have the opportunity to disclose the medical risks of the procedure to an adult who can advise the girl in giving her informed consent to the surgical procedure. Parental notification insures that the abortion providers inform a mature adult of the risks and benefits of the proposed treatment, after having received a more complete and thus more accurate medical history of the patient.

The third way in which parental notification will improve medical treatment of pregnant minors is by insuring that parents have adequate knowledge to recognize and respond to any post-abortion complication that may develop.¹¹ While it is often claimed that abortion is one of the safest surgical procedures performed today, the actual rate of many complications is simply unknown.¹² While abortion rights' activists characterize such injuries as rare or unusual, at least one American court has held that a perforated uterus is a "normal risk" associated with abortion.¹³ Untreated, a perforated uterus may

old girl, due to depression following an abortion. Learning of the abortion only after her daughter's death, the girl's mother sued the abortion provider, alleging that her daughter's death was due to the failure to obtain a psychiatric history or monitor Sandra's mental health. *Id.* at 624. An eyewitness to Sandra's death "testified that he saw Sandra holding on to a fence on a bridge over Arsenal Street and then jumped in front of a car traveling below on Arsenal. She appeared to have been rocking back and forth while holding onto the fence, then deliberately let go and jumped far out to the driver's side of the car that struck her. A second car hit her while she was on the ground. Sandra was taken to a hospital and died the next day of multiple injuries." *Id.* at 622.

The court ultimately determined that Sandra was not insane at the time she committed suicide. Therefore her actions broke the chain of causation required for recovery. Yet evidence was presented that the daughter had a history of psychological illness, and that her behavior was noticeably different after the abortion. *Id.* at 628. If Sandra's mother had known that her daughter had obtained an abortion, it is possible that this tragedy would have been avoided.

¹⁰ *H.L. v. Matheson*, 450 U.S. 398 at 411 (1981). Accord *Ohio v. Akron Ctr. for Reproductive Health*, 497 U.S. 502, 518-19 (1990).

¹¹ See *Ohio v. Akron Ctr. For Reproductive Health*, 497 U.S. 502, 519 (1990).

¹² "The abortion reporting systems of some countries and states in the United States include entries about complications, but these systems are generally considered to underreport infections and other problems that appear some time after procedure was performed." Stanley K. Henshaw, *Unintended Pregnancy and Abortion: A Public Health Perspective in A Clinician's Guide to Medical and Surgical Abortions* at 20 (Maureen Paul et al., eds. 1999).

¹³ *Reynier v Delta Women's Clinic*, 359 So.2d 733 (La. Ct. App. 1978). "All the medical testimony was to the effect that a perforated uterus was a normal risk, but the statistics given by the experts indicated that it was an infrequent occurrence and it was rare for a major blood vessel to be damaged." *Id.* at 738. Frequent

result in an infection, complicated by fever, endometritis, and parametritis.¹⁴ “The risk of death from postabortion sepsis [infection] is highest for young women, those who are unmarried, and those who undergo procedures that do not directly evacuate the contents of the uterus. . . . A delay in treatment allows the infection to progress to bacteremia, pelvic abscess, septic pelvic thrombophlebitis, disseminated intravascular coagulopathy, septic shock, renal failure, and death.”¹⁵

Without the knowledge that their daughter has had an abortion, parents are incapable of insuring that the minor obtain routine post-operative care¹⁶ or of providing an adequate medical history to physicians called upon to treat any complications the girl might experience.

Increased Protection from Sexual Assault

In addition to improving the medical care received by young girls dealing with an unplanned pregnancy, parental notification will provide increased protection against sexual exploitation of minors by adult men. National studies reveal that “[a]lmost two thirds of adolescent mothers have partners older than 20 years of age.”¹⁷ In a study of over 46,000 pregnancies by school-age girls in California, researchers found that “71%, or over 33,000, were fathered by adult post-high-school men whose mean age was 22.6 years, an average of 5 years older than the mothers. . . . Even among junior high school mothers aged 15 or younger, most births are fathered by adult men 6-7 years their senior. *Men aged 25 or older father more births among California school-age girls than do boys*

injuries from incomplete abortions in Texas are discussed in *Swate v. Schiffers*, 975 S.W.2d 70, 26 Media L. Rep. 2258 (Tex.App.-San Antonio, 1998) (abortionist unsuccessful claim of libel against journalist for reports based in part upon one disciplinary order that doctor had failed to complete abortions performed on several patients, and that he had failed to repair lacerations which occurred during abortion procedures) Compare *Sherman v. District of Columbia Bd. of Medicine*, 557 A.2d 943 (D.C. 1989) “Dr. Sherman placed his patients' lives at risk by using unsterile instruments in surgical procedures and by intentionally doing incomplete abortions (using septic instruments) to increase his fees by making later surgical procedures necessary. His practices made very serious infections (and perhaps death) virtually certain to occur. Dr. Sherman does not challenge our findings that his misconduct was willful nor that he risked serious infections in his patients for money.” *Id.* at 944.

¹⁴ Phillip G. Stubblefield and David A. Grimes, *Current Concepts: Septic Abortions*, New England J. Med. 310 (Aug. 4, 1994).

¹⁵ *Id.*

¹⁶ While it is often claimed that abortion is one of the safest surgical procedures performed today, the actual rate of many complications is simply unknown. This is because some of the most serious complications are delayed, and only detected during the follow-up visit; yet only about one-third of all abortion patients actually keep their appointments for post-operative checkups. Stanley K. Henshaw, *Unintended Pregnancy and Abortion: A Public Health Perspective in A Clinician's Guide to Medical and Surgical Abortions* at 20 (Maureen Paul et al., eds. 1999).

¹⁷ American Academy of Pediatrics Committee on Adolescence, *Adolescent Pregnancy – Current Trends and Issues: 1998*, 103 PEDIATRICS 516, 519 (1999), also available on the worldwide web at <<http://www.aap.org/policy/re9828.html>>.

under age 18.”¹⁸ Other studies have found that most teenage pregnancies are the result of predatory practices by men who are substantially older.¹⁹

A survey of 1500 unmarried minors having abortions revealed that among minors who reported that neither parent knew of the abortion, 89% said that a boyfriend was involved in deciding or arranging the abortion (and 93% of those 15 and under said that a boyfriend was involved).²⁰ Further, 76% indicated that a boyfriend helped pay the expenses of the abortion. Clearly, a number of young girls who obtained abortions without their parents' knowledge were encouraged to do so by a boyfriend who could have been charged with statutory rape. Secret abortions do nothing to expose these men's wrongful conduct.²¹ In fact, by aborting the pregnancy abusive partners avoid the public evidence of their misconduct and are licensed to continue the abuse.²² Parental notification laws insure that parents have the opportunity to protect their daughters from those who would victimize their daughters further.

Abortion providers are reluctant to report information indicating a minor is the

¹⁸ Mike A. Males, *Adult Involvement in Teenage Childbearing and STD*, LANCET 64 (July 8, 1995) (emphasis added).

¹⁹ *Id.* citing HP Boyer and D. Fine, *Sexual Abuse as a Factor in Adolescent Pregnancy and Child Maltreatment*, FAM. PLAN. PERSPECTIVES at 4 (1992); and HP Gershenson, et al. *The Prevalence of Coercive Experience Among Teenage Mothers*, J. INTERPERS. VIOL. 204 (1989). “Younger teenagers are especially vulnerable to coercive and nonconsensual sex. Involuntary sexual activity has been reported in 74% of sexually active girls younger than 14 years and 60% of those younger than 15 years.” American Academy of Pediatrics Committee on Adolescence, *Adolescent Pregnancy – Current Trends and Issues: 1998*, 103 PEDIATRICS 516 (1999), also available on the worldwide web at <<http://www.aap.org/policy/re9828.html>>.

²⁰ Henshaw & Kost, *Parental Involvement in Minors' Abortion Decisions*, 24 Fam. Plan. Persp. 196-213 (1992).

²¹ See *Manning v. Hunt*, 119 F.3d 254 (4th Cir. 1997). In disposing of a constitutional challenge to a reporting duty imposed in the North Carolina parental consent statute, the court stated:

Appellants would have a judge, who is sworn to uphold the law, withhold vital information regarding rape or incest, which would allow state authorities to end the abuse, protect the victim, and punish the abuser. Not only would Appellants' position prevent the judge from helping the victim seeking the abortion, but it would prevent the judge from helping other juveniles in the same household under the same threat of incest. This Court does not believe that the Constitution requires judges be placed in such an untenable position. . . . Appellants' position would instead afford protection to rapists and perpetrators of incest. This can only serve the interests of the criminal, not the child.

Id. at 273-74.

²² Opponents of parental involvement laws in other states have cited the case of Spring Adams as evidence of the harm parental involvement laws cause. See *Chipping Away at Our Right to Choose: Anti-choice Activists are Working to Pass Parental Notification in Vermont*, available at www.women.state.vt.us/notification.html. Yet the tragic case of Spring Adams evidences the soundness of judicial bypass. Spring's father killed her rather than allow her to abort her pregnancy. Had Spring had the opportunity to reveal her circumstances to a court in a bypass proceeding, the court could have provided her protection from the violence in her home.

victim of statutory rape.²³ Failure to report may result in the minor returning to an abusive relationship. For example, a Planned Parenthood affiliate in Arizona was recently found civilly liable for failing to report the fact that the clinic had performed an abortion on a twelve-year-old girl who had been impregnated by her foster brother. The girl returned to the foster home where she was raped and impregnated a second time.²⁴ Furthermore, by failing to preserve fetal tissue the abortion providers may make effective prosecution of the rape impossible since the defendant's paternity cannot be established through the use of DNA testing.

Effectiveness of Judicial Bypass

In those few cases where it is not in the girl's best interest to disclose her pregnancy to her parents, House Bill 763 provides the pregnant minor the option of seeking a court determination that either notification of the girl's parent is not in her best interest or that she is sufficiently mature to make decisions regarding the continuation or termination of her pregnancy.

Adversaries of parental involvement laws often invoke the specter of girls being beaten, thrown out of their homes when they tell their parents of their pregnancies, or sustaining life-threatening injuries as they attempt to abort the pregnancies themselves. These are phantom fears. Parental involvement laws are on the books in over two-thirds of the states, some for over twenty years, and there is no case where it has been established that these laws led to parental abuse or to self-inflicted injury.²⁵

Opponents of House Bill 763 dismiss this "judicial by-pass" alternative as "overwhelming,"²⁶ "impossible,"²⁷ and "an unrealistic option"²⁸ for most teens. Yet a

²³ Patricia Donovan, *Caught Between Teens and the Law: Family Planning Programs and Statutory Rape Reporting*, 3 Family Planning Perspectives 5 (1998).

²⁴ See *Glendale Teen Files Lawsuit Against Planned Parenthood*, THE ARIZONA REPUBLIC, Sept. 2, 2001 and *Judge Rules Against Planned Parenthood at* www.12news.com/headline/PlannedParenthood122602.html

²⁵ A 1989 memo prepared by the Minnesota Attorney General regarding Minnesota's experience with its parental involvement law states that "after some five years of the statute's operation, the evidence does not disclose a single instance of abuse or forceful obstruction of abortion for any Minnesota minor." Testimony before the Texas House of Representatives on the Massachusetts' experience with its parental consent law revealed a similar absence of unintended, but harmful, consequences. Ms. Jamie Sabino, chair of the Massachusetts Judicial Consent for Minors Lawyer Referral Panel, could identify no case of a Massachusetts' minor being abused or abandoned as a result of the law. See *Hearing on Tex. H.B. 1073 Before the House State Affairs Comm.*, 76th Leg., R.S. 21 (Apr. 19, 1999) (statement by Jamie Sabino, M.D.) (tapes available from the Office of the House Comm. Coordinator). In response to questioning, she also testified that there had been no increase in the number of illegal abortions in Massachusetts since the enactment of the statute in 1981. See *id.*

²⁶ Laura Thibault, NARAL-NH, *Memorandum re: HB 763-FN, relative to parental notification for abortions* (Mar. 7, 2003).

²⁷ *Id.*

study of girls obtaining abortions under the Minnesota parental involvement law found that almost 50% utilized the judicial bypass procedure.²⁹ This may be attributable, in part, to that fact that initially the law was a “two-parent notification law,” and that these proceedings are non-adversarial.³⁰

Notwithstanding empirical evidence to the contrary, abortion rights activists also characterize the courts as “vehemently anti-choice,”³¹ refusing minors’ request to bypass parental involvement in an arbitrary and capricious manner. Yet a survey of Massachusetts cases filed between 1981 and 1983 found that every minor that sought judicial authorization to bypass parental consent received it.³² A subsequent study found that orders were refused to only 1 of 477 girls seeking judicial authorization from Massachusetts courts between December 1981 and June 1985.³³ The average hearing lasted only 12.12 minutes, and “more than 92 percent of the hearings [were] less than or equal to 20 minutes.”³⁴ Based upon a review of bypass petitions filed in Minnesota from August 1, 1981, to March 1, 1986, a federal trial court determined that of the 3,573 bypass petitions filed, six were withdrawn, nine were denied, and 3,558 were granted.³⁵

The Texas Experience with the Bypass

²⁸ Betsy Schneider, Outreach and Education Coordinator, Concord Feminist Health Center *Testimony re: HB 763-FN* (Mar. 7, 2003).

²⁹ Blum, Robert, Resnick, Michael, & Stark, Trisha, *The Impact of Parental Notification Law on Adolescent Abortion Decision-Making*, 77 *Amer. J. Pub. Health* 619 (May 1987).

³⁰ *In re Doe*, 1991 WL 96269 (Ohio App. 2 Dist. 1991) (“ Appeals under R.C. 2505.073, relating to parental notification of a minor’s intent to have an abortion, are an unusual breed. There is no adversary proceeding in the trial court, or in the court of appeals.”). *Accord* Joseph W. Moylan, *No Law Can Give Me the Right to Do What is Wrong*, in *LIFE AND LEARNING V: PROCEEDINGS OF THE FIFTH UNIVERSITY FACULTY FOR LIFE CONFERENCE* (1995) at 234, 235 (explaining Judge Moylan’s decision to resign from a bench in the juvenile court he had occupied for more than twenty years) (“When the bill, taken from a Minnesota law, did get passed, it stated that at the hearing the pregnant minor is entitled to have an attorney appointed for her and even a guardian *ad litem*. There is nobody on the other side, unless a judge takes it on himself. Now I know of no other case that is like that, where it is truly one-sided. If after that one-sided hearing, the judge finds that the girl is mature and can give an informed consent, then the judge is required to authorize the abortion physician to perform the abortion.”)

³¹ “Some young women who manage to arrange a hearing face judges who are vehemently anti-choice and who routinely deny petitions, despite rulings by the U.S. Supreme Court that a minor must be granted a bypass if she is mature or if an abortion is in her best interests.” NARAL Publications – *Factsheet: Mandatory Parental Consent and Notice Laws and the Freedom to Choose* (1999).

³² Robert H. Mnookin, *Bellotti v. Baird, A Hard Case* in *IN THE INTEREST OF CHILDREN: ADVOCACY, LAW REFORM, AND PUBLIC POLICY* 149 at 239 (Robert H. Mnookin ed., 1985).

³³ Susanne Yates & Anita J. Pliner, *Judging Maturity in the Courts: the Massachusetts Consent Statute*, 78 *Am. J. Pub. Health* 646, 647 (1988).

³⁴ *Id.* at 648.

³⁵ *Hodgson v. State of Minnesota*, 648 F.Supp. 756 at 765 (D.Minn 1986).

The Texas experience has been somewhat different from that in Minnesota and Massachusetts, in that minors have been less likely to seek judicial bypass. Prior to passage of the Texas Act, during a hearing before the Texas House of Representatives' Committee on State Affairs, the Texas Family Planning Council submitted a study showing that sixty-nine percent of all minors in Texas informed a parent prior to obtaining an abortion.³⁶

During 2000, the first year of the operation of the Texas Parent Notification Act, the Texas Health Department reimbursed costs related to 198 court proceedings for trial court judicial proceedings. There were 3,830 abortions performed on minors in Texas during the same time period.³⁷ Assuming that all abortion providers are complying with the law, and that all the applications were granted, 3,632 Texas minors should have had parents notified. This means that 95% of the Texas parents knew of their daughters' decisions and therefore were able to help them respond to the unplanned pregnancies. This represents almost a twenty-six percent increase in parental involvement over the rate of involvement reflected by the Texas Family Planning Association study of parental involvement prior to passage of the Texas Act.

Judicial bypass applications grew in 2001 to 309, at the same time teen abortions fell slightly to 3,573. Even if all these applications were granted, well over 90% of Texas parents were notified prior to abortions being performed on their minor daughters. Again, a substantial increase over the pre-enactment rate of 69% self-reported by abortion providers to the Texas Family Planning Association.

In 2002, the number of minors seeking to bypass parental involvement dropped to 268.³⁸ No official numbers regarding teen pregnancies or abortions are available at this time, but it is clear that teens and parents continue to benefit from enhanced involvement due to passage of the Texas Act.

During this same three-year period, the Department of Health received no orders from appellate courts for reimbursement of expenses related to the appointment of legal counsel or guardians ad litem.³⁹ While some proceedings may have not incurred costs that were reimbursable due to pro bono services, it is highly probable that a substantial

³⁶ See *Hearing on Tex. H.B. 1073 Before the House State Affairs Comm.*, 76th Leg., R.S. 21 (Apr. 19, 1999) (submission of Texas Family Planning Association showing that during the survey period, 305 of the 442 minors obtaining abortions involved a parent).

³⁷ See Tex. Dept. of Health, Bureau of Vital Statistics, Table 33 - Resident Induced Termination of Pregnancy, Texas 2000 at http://www.tdh.state.tx.us/vs/stats00/ANNR_HTM/0133.HTM.

³⁸ Letter from Michael G. Young, Asst. General Counsel, Texas Dept. Health to Professor Teresa S. Collett, dated March 10, 2003.

³⁹ *Id.* This is logical, since trial counsel would handle any appeal and application for payment would be presented to the trial court after the appeal in most likelihood. Nonetheless, based upon the practice of the Texas Supreme Court of publishing its opinions related to parental notification cases, there have been only eleven cases that have reached the Texas Supreme Court in the first three years of implementation of the Texas Act.

majority of cases involve reimbursable expenses.

In cases where minors have sought to establish their rights to consent to abortions without parental notification, the courts have been largely sympathetic. Any minor denied a bypass under the Texas Act is entitled to appeal the denial, and yet appeals have been rare. This may be largely due to the fact that Texas law requires minors be provided counsel, a safeguard also found in House Bill 763 if the minor so requests.

Decline in Teen Pregnancies and Abortions

During the first year of the Texas Parental Notification Act's enforcement, pregnancies by Texas minors dropped approximately five percent from 26,117 in 1999 to 24,665 in 2000. Mothers aged 10-17 accounted for 5.7 percent of the births in 2000 compared to 6.1 percent in 1999.⁴⁰

During the same year, induced abortions performed on minors declined approximately twenty percent from 4,798 in 1999 to 3,830 in 2000.⁴¹ This decline is substantially higher than the overall 5.4 percent decline in abortions performed on all Texas residents during 2000 (73,155 abortions obtained by Texas residents in 2000, in contrast to the 77,291 obtained in 1999).⁴²

In 2001, pregnancies continued to fall from 24,665 to 23,416, representing an additional five percent decline.⁴³ Induced abortions on minors, however, only fell slightly from 3,830 to 3573.⁴⁴

Other states have also experienced declines in teen pregnancies after passage of parental involvement laws. Following enactment of a parental notification act in Minnesota, the decline in birth rates was substantially greater among minors aged 15-17

⁴⁰ Compare Texas Dept. of Health -- Bureau of Vital Statistics, Reported Pregnancies, Births, Fetal Deaths, and Abortions -- Women Aged 13-17, Texas 1999, Table 14B (last modified June 13, 2001); and Texas Dept. of Health -- Bureau of Vital Statistics, Reported Pregnancies, Births, Fetal Deaths, and Abortions -- Women Aged 13-17, Texas 2000, Table 14B (last modified Feb. 5, 2002).

⁴¹ Compare Texas Dept. of Health -- Bureau of Vital Statistics, Resident Induced Termination of Pregnancy Texas, 1999, Table 33 (last modified June 18, 2001) <http://www.tdh.state.tx.us/bvs/stats00/ANNR_HTM/00t33.HTM>; and Texas Dept. of Health -- Bureau of Vital Statistics, Resident Induced Termination of Pregnancy Texas, 2000, Table 33 (last modified Feb. 5, 2002) <http://www.tdh.state.tx.us/bvs/stats00/ANNR_HTM/00t33.HTM>.

⁴² See Texas Dept. of Health -- Bureau of Vital Statistics, Summary of Vital Statistics for Texas, 2000 (last modified Nov. 26, 2001) <http://www.tdh.state.tx.us/bvs/stats00/annr_htm/00summ.htm>.

⁴³ Texas Dept. of Health, Bureau of Vital Statistics, Summary of Vital Statistics for Texas, 2001 <www.tdh.state.tx.us/bvs/stats01/ANNR_HTM/01t14b.HTM>.

⁴⁴ Texas Department of Health, Bureau of Vital Statistics, Summary of Vital Statistics for Texas, 2001 <www.tdh.state.tx.us/bvs/stats01/ANNR_HTM/01t33.HTM>.

and women ages 18-19 than it was among women aged 20-44.⁴⁵ In Indiana, the birth rate after the parental involvement law was enforced declined significantly more for girls under eighteen than for women over age eighteen.⁴⁶

Conclusion

By passage of House Bill 763, this legislature will insure improved medical treatment of minors seeking abortions. Parents can assist their daughters in selecting competent abortion providers, and abortion providers may receive more comprehensive medical histories of their patients. Minors will be encouraged to obtain post-operative check-ups, and parents will be prepared to respond to any complications that arise. In cases involving sexual assault, parents will have sufficient knowledge to pursue legal remedies to insure the protection of their daughters. This legislation has the unique virtue of building upon two of the few points of agreement in the national debate over abortion: the desirability of parental involvement in a minor's decisions about an unplanned pregnancy, and the need to protect the physical health and safety of the pregnant girl. I urge members of this committee to vote for its passage.

Thank you, Mister Chairman, for allowing me to submit this written testimony.

⁴⁵ Rogers, Boruch, Stoms, and DeMoya, *Impact of the Minnesota Parental Notification Law on Abortion and Birth*, 294 Am. J. Public Health 294-298 (1991).

⁴⁶ Ellertson, *Mandatory Parental Involvement in Minor's Abortions: Effects of the Laws in Minnesota, Missouri, and Indiana*, 87 Am J. Public Health 1372 at 1373 (1997).

ATTACHMENT #11

FILE

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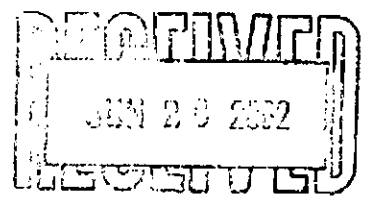
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 7 **IN THE SUPERIOR COURT, STATE OF ARIZONA**
 8 **COUNTY OF MARICOPA**

9
 10 JANE DOE, a minor,)
)
 11 Plaintiff,)
)
 12 v.)
)
 13 PLANNED PARENTHOOD OF)
)
 14 CENTRAL AND NORTHERN)
)
 15 ARIZONA, an Arizona corporation;)
)
 16 STATE OF ARIZONA; DONALD)
)
 17 STEVENS and PATRICIA STEVENS,)
)
 18 husband and wife, individually, and in)
)
 19 their capacity as employees of the)
)
 20 STATE OF ARIZONA; SHAWN M.)
)
 21 STEVENS, a single male; WILLIAM)
)
 22 RICHARDSON, M.D., and JANE DOE)
)
 23 RICHARDSON, husband and wife; and)
)
 24 ARIZONA BAPTIST CHILDREN'S)
)
 25 SERVICES, an Arizona corporation;)
)
 26 JOHN and JANE ROES I-X; and XYZ)
)
 CORPORATIONS AND GOVERNMENT)
)
 ENTITIES I-X,)
)
 Defendants.)

CASE NO: CV 2001-014876
AMENDED COMPLAINT
Tort - Non-Motor Vehicle
(Negligence, Assault and Battery)

(Assigned to Hon. Cathy M. Holt)

Plaintiff, by and through her attorney undersigned, and for her Complaint alleges as follows:



1 1. Planned Parenthood of Central and Northern Arizona ("Planned Parenthood")
 2 is an Arizona corporation, doing business in Maricopa County, Arizona, at all times material
 3 hereto.

4 2. Planned Parenthood is a healthcare provider, principally providing parenting
 5 counseling and abortions.

6 3. At all times material hereto, Defendants Donald Stevens and Patricia Stevens
 7 were husband and wife and employed by the State of Arizona, Department of Economic
 8 Security ("DES"), Child Protective Services ("CPS"), as foster parents for the minor child,
 9 Jane Doe.
 10

11 4. Shawn M. Stevens is the natural son of Donald and Patricia Stevens and
 12 acted either as an employee or agent of the State of Arizona, DES, CPS.

13 5. The State of Arizona, by and through the DES, retained and hired Donald and
 14 Patricia Stevens as foster parents for the minor child, Jane Doe. The State of Arizona,
 15 through the DES, allowed Donald and Patricia Stevens to act as its agents in regard to the
 16 care and treatment of children in their foster care. The State of Arizona, by and through
 17 the DES, licensed the Stevens as foster care parents. The State of Arizona and DES, and
 18 its employees and licensees, were the agents, supervisors and/or supervisees, each of the
 19 others, and were subject to the control, each of the others, sufficient to establish vicarious
 20 liability.
 21

22 6. Arizona Baptist Children's Services ("Children's Services"), is a non-profit
 23 Arizona corporation. Through a contract with the State of Arizona, Children's Services
 24 qualified, monitored, licensed, and supervised Donald Stevens and Patricia Stevens as
 25 foster parents. Children's Services allowed Donald and Patricia Stevens to acts as its
 26

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1 agents in regard to the care and treatment of children in their foster care. Children's
 2 Services, its employees and licensees, or agents, supervisors and/or supervisees, each of
 3 the others, and/or subject to the control, each of the others, sufficient to establish vicarious
 4 liability.

5 7. William Richardson, M.D., and Jane Doe Richardson, were husband and
 6 wife, and employed by Planned Parenthood. Dr. Richardson performed the abortion on
 7 Jane Doe, on or about November 10, 1998.
 8

9 8. The true names and identities of Defendants John and Jane Roes I-X, and
 10 XYZ Corporations and Government Entities I-X, are not presently known to Plaintiff.
 11 Plaintiff will seek leave to amend this Complaint when the true identities are learned
 12 through the course of discovery and preparation for trial.

13 9. The Plaintiff, Jane Doe, is a minor child, date of birth November 18, 1985.
 14 This action is brought in the name of Jane Doe, by and through the Order of the Superior
 15 Court of Arizona, Maricopa County, Juvenile Division.
 16

17 10. The individual Defendants named herein acted on behalf of their marital
 18 communities, compromised of themselves and their spouse.

19 11. All events alleged herein occurred in Maricopa County, State of Arizona.

20 12. Plaintiff has complied with the provisions of A.R.S. § 12-821.01.
 21

22 **COUNT I**

23 **(Negligence – Planned Parenthood)**

24 13. Plaintiff realleges and incorporates by reference herein each of the
 25 allegations contained in paragraphs 1 through 12 of this Amended Complaint.
 26

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14. On November 10, 1998, Jane Doe, accompanied by Shawn M. Stevens, presented herself to Planned Parenthood for the purpose of obtaining an abortion. Jane Doe had been a victim of child molestation and child abuse at the hands of the then 23-year-old Shawn M. Stevens. On said date, Planned Parenthood performed an abortion on Jane Doe.

15. On November 10, 1998, Planned Parenthood knew that Jane Doe was a minor under the age of fourteen (14) years, knew she was in the custody of foster parents, and knew the correct telephone number and address of the foster parents. Planned Parenthood failed to notify anyone that the abortion on the body of Jane Doe was to occur or had occurred.

16. Because of Planned Parenthood's failure to report the abortion of November 10, 1998, Jane Doe was subjected to continued child molestation and sexual exploitation up and until Jane Doe presented herself for a second abortion on May 6, 1999. Only after the second abortion did Planned Parenthood notify authorities on May 11, 1999. Shawn M. Stevens also brought Jane Doe to Planned Parenthood on May 6, 1999.

17. Planned Parenthood's failure to notify the proper authorities of the abortion of Jane Doe, knowing her to be a child under the age of fourteen (14) years and a ward of the State of Arizona, was grossly negligent. Such gross negligence caused Jane Doe to be subject to repeated child molestation and sexual exploitation at the hands of an adult for an additional period of approximately six (6) months. Had Planned Parenthood properly reported the incident to authorities, the perpetrator of the child molestation and sexual exploitation would have been apprehended by authorities and Jane Doe would not have had to go through a second abortion procedure. As a direct and proximate result of the

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1 gross negligence of Planned Parenthood, Jane Doe has suffered physical pain,
2 humiliation, emotional distress, and permanent psychological damages. The exact
3 damage to Jane Doe's body in undergoing a second abortion procedure at the tender age
4 of fourteen (14) years, is yet unknown, but Plaintiff alleges that the second procedure may
5 have caused permanent physical injury to Jane Doe.

6 **COUNT II**

7 **(Negligence Per Se – Planned Parenthood)**

8
9 18. Plaintiff realleges and incorporates by reference herein each of the
10 allegations contained in paragraphs 1 through 17 of this Amended Complaint.

11 19. By failing to notify proper authorities on November 10, 1998, that Jane Doe
12 had been the victim of child molestation, child abuse and sexual exploitation, Planned
13 Parenthood violated the provisions of A.R.S. § 13-3620. Planned Parenthood was
14 negligent per se in failing to follow the dictates of the statute which require anyone having
15 the responsibility for the care and treatment of children under fourteen (14) years-of-age to
16 report that the minor has been a victim of child molestation, even if the conduct to be
17 reported was consensual.

18
19 **COUNT III**

20 **(Punitive or Exemplary Damages Against Planned Parenthood)**

21
22 20. Plaintiff realleges and incorporates by reference herein each of the
23 allegations contained in paragraphs 1 through 19 of this Amended Complaint.

24 21. By knowingly failing to notify proper authorities that Jane Doe was under the
25 age of fourteen (14), and subject to the child molestation, child abuse and sexual
26 exploitation from Shawn M. Stevens, Planned Parenthood consciously pursued a course of

1 conduct knowing that it created a substantial risk of significant harm to Plaintiff. Defendant
 2 Planned Parenthood's conduct was outrageous and manifested an "evil mind", that is a
 3 mind bent on violating the moral code recognized by civilized persons as necessary to
 4 govern rationally the relations among themselves. As such, an award of punitive or
 5 exemplary damages to punish Planned Parenthood and to deter it and others from similar
 6 wrongful conduct in the future is appropriate.
 7

8 WHEREFORE, Plaintiff prays for judgment against Planned Parenthood as follows:

9 A. For past and future special damages, including medical, psychological
 10 counseling expenses, in a total amount presently unknown, but which amount will be
 11 proved at trial;

12 B. For general damages, including mental distress, humiliation, and
 13 psychological damages in an amount deemed fair and reasonable, but, in any event, well
 14 in excess of the jurisdictional minimum of this Court;

15 C. For punitive or exemplary damages in an amount determined by the
 16 trier of fact be appropriate in order to punish Planned Parenthood and to make an example
 17 of them, and to deter them and others from engaging in similar conduct in the future;

18 D. For interest on the amount of damages fixed by the jury, from the date
 19 of the incident;

20 E. For Plaintiff's costs and attorneys' fees incurred herein; and,

21 F. For such other and further relief and the Court deems just and
 22 appropriate.
 23

24
 25 ///

26 ///

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COUNT IV

(Assault and Battery – Shawn M. Stevens)

22. Plaintiff realleges and incorporates by reference herein each of the allegations contained in paragraphs 1 through 21 of this Amended Complaint.

23. In 1996, Jane Doe began residing with Donald Stevens and Patricia Stevens in their home and as their foster child. Shawn M. Stevens, the natural son of Donald Stevens and Patricia Stevens, moved back into the Stevens' residence after being discharged from the Air Force in approximately February of 1998. After that time, Shawn M. Stevens began to have sexual intercourse with Jane Doe. Upon information and belief, these acts of sexual intercourse occurred in Shawn M. Stevens' bedroom at the Stevens' residence.

24. Shawn M. Stevens having sexual intercourse with Jane Doe constitutes assault and battery, and sexual abuse, in violation of A.R.S. § 13-1404; Sexual conduct with a minor, in violation of A.R.S. § 13-1405. Shawn M. Stevens knew, at the time that the acts of sexual intercourse occurred, that Jane Doe was under the age of fifteen (15) years.

25. As a direct and proximate result of the acts of Shawn M. Stevens, Jane Doe has suffered physical pain, humiliation, emotional distress, and permanent psychological damages.

COUNT V

(Negligence – Shawn M. Stevens)

26. Plaintiff realleges and incorporates by reference herein each of the allegations contained in paragraphs 1 through 25 of this Amended Complaint.

///

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27. As an adult residing in the foster home of the minor child Jane Doe, Shawn M. Stevens had the duty to treat Jane Doe reasonably and in a morally and correct fashion. Shawn M. Stevens breached that duty by having sexual intercourse with the minor child, Jane Doe, who was legally unable to consent to such sexual intercourse.

28. As a direct and proximate result of the negligent actions of Shawn M. Stevens, Jane Doe has suffered physical pain, humiliation, emotional distress, and permanent psychological damages.

COUNT VI

(Negligence – Donald Stevens and Patricia Stevens)

29. Plaintiff realleges and incorporates by reference herein each of the allegations contained in paragraphs 1 through 28 of this Amended Complaint.

30. Donald Stevens and Patricia Stevens, as licensed foster care parents for Jane Doe, had the duty to provide safe conditions, personal security and bodily integrity to Jane Doe, as their foster child. Donald Stevens and Patricia Stevens had the duty to provide reasonable care and protection of Jane Doe and as against the sexual exploitation of Jane Doe by Shawn M. Stevens.

31. Donald Stevens and Patricia Stevens breached their duty of care by failing to prevent the sexual exploitation of Shawn M. Stevens of Jane Doe. Donald Stevens and Patricia Stevens knew, or should have known, that Shawn M. Stevens was having sexual intercourse with Jane Doe in their residence.

32. As a direct and proximate result of the negligence of Donald Stevens and Patricia Stevens, Jane Doe has suffered physical pain, humiliation, emotional distress, and permanent psychological damages. At all times relevant, the Stevens' were acting under

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1 color of law; to wit, under the color of statutes, ordinances, regulations, policies, customs,
2 and usages of the State of Arizona and the DES and were acting within the scope of their
3 employment or as agents of the State of Arizona.

4 **COUNT VII**

5 **(Negligence – State of Arizona)**

6
7 33. Plaintiff realleges and incorporates by reference herein each of the
8 allegations contained in paragraphs 1 through 32 of this Amended Complaint.

9 34. At all times material hereto, Jane Doe was an adjudicated dependent of the
10 Defendant, State of Arizona, and was in the State's care and custody. The State assigned
11 the Plaintiff to the care and custody of Donald Stevens and Patricia Stevens, as foster
12 parents.

13 35. Donald Stevens and Patricia Stevens were employees and agents of the
14 State of Arizona. The State of Arizona knew, or should have known, that Shawn M.
15 Stevens was a resident of the foster home, and he was an agent-in-fact for the State of
16 Arizona. The acts and omissions of Donald, Patricia and/or Shawn Stevens are
17 attributable to the State of Arizona, under the doctrine of respondeant superior.

18 36. The State of Arizona was further negligent in placing or allowing Jane Doe to
19 remain in a foster home where Shawn M. Stevens, an adult male, without proper
20 certification, investigation or monitoring, could subject a child to sexual abuse.

21
22 WHEREFORE, Plaintiff prays for judgment against Donald Stevens; Patricia
23 Stevens; Shawn M. Stevens; and, the State of Arizona, by and through the Department of
24 Economic Security, as follows:
25

26 *////*

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A. For past and future special damages, including medical and psychological counseling, in a total amount presently unknown, but which amount will be proved at trial;

B. For general damages, including emotional distress, humiliation, and psychological damages, in an amount deemed fair and reasonable, but, in any event, well in excess of the jurisdictional minimum of this Court;

C. For interest on the amount of damages fixed by the jury, from the date of the sexual conduct of Shawn M. Stevens;

D. For Plaintiff's costs and attorneys' fees incurred herein; and,

E. For such other and further relief as the Court deems just and proper.

COUNT VIII

(Negligence – Children's Services)

37. Plaintiff realleges and incorporates by reference herein each of the allegations contained in paragraphs 1 through 36 of this Amended Complaint.

38 At all times material hereto, Jane Doe was an adjudicated dependent of the Defendant, State of Arizona. The State, either through agreement or contract, assigned the duties of licensing and supervision of Donald Stevens and Patricia Stevens to Children's Services.

39. Donald Stevens and Patricia Stevens were employees and/or agents and/or licensees of Children's Services. Children's Services knew, or should have known, that Shawn M. Stevens was a resident of the foster home. Upon information and belief, Children's Services was aware, or should have been aware, of the relationship or the potential of the relationship between Shawn M. Stevens and Jane Doe. Children's

1 Services had a duty to protect Jane Doe by adequately supervising and monitoring the
 2 Stevens' foster home. Children's Services failed to adequately monitor, supervise, and/or
 3 anticipate the actions of Shawn M. Stevens against Jane Doe. Children's Services violated
 4 its duties to Jane Doe, thereby causing her substantial damage.

5 40. Children's Services was further negligent in placing or allowing Jane Doe to
 6 remain in a foster home where Shawn M. Stevens, an adult male, without proper
 7 certification, investigation or monitoring, could subject a child to sexual abuse.
 8

9 **COUNT IX**

10 **(Negligence – Dr. Richardson)**

11 41. Plaintiff realleges and incorporates by reference herein each of the
 12 allegations contained in paragraphs 1 through 40 of this Amended Complaint.

13 42. William Richardson, M.D., was a doctor licensed by the State of Arizona.
 14 Planned Parenthood employed Dr. Richardson to perform abortions in November of 1998.
 15 Dr. Richardson performed an abortion prescreening on Jane Doe on November 10, 1998,
 16 and performed an abortion on Jane Doe on November 10, 1998.
 17

18 43. On November 10, 1998, Dr. Richardson knew that Jane Doe was a minor
 19 under the age of fourteen (14) years, knew she was in the custody of foster parents, and
 20 knew the correct telephone number and address of the foster parents. Dr. Richardson
 21 failed to notify anyone that the abortion on the body of Jane Doe was to occur, or had
 22 occurred.
 23

24 44. Because Dr. Richardson failed to report the abortion of November 10, 1998,
 25 Jane Doe was subjected to continued child molestation and sexual exploitation, up and
 26 until Jane Doe presented herself for a second abortion on May 6, 1999. Only after the

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second abortion were authorities notified on May 11, 1999. Dr. Richardson, as a physician and healthcare provider, had a separate duty to notify authorities of the sexual abuse/child molestation of his patient.

45. Dr. Richardson's failure to notify the proper authorities of the abortion on Jane Doe, knowing her to be a child under the age of fourteen (14) years, and a ward of the State of Arizona, was grossly negligent. Such a gross negligence caused Jane Doe to be subject to repeated child molestation and sexual exploitation at the hands of an adult for an additional period of approximately six (6) months. Had Dr. Richardson properly reported the incident to authorities, the perpetrator of the child molestation and sexual exploitation would have been apprehended by authorities and Jane Doe would not have had to go through a second abortion procedure. As a direct and proximate result of the gross negligence of Dr. Richardson, Jane Doe has suffered physical pain, humiliation, emotional distress, permanent psychological damages, and potential permanent physical damages. The exact damage to Jane Doe's body, in undergoing a second abortion procedure at the tender age of fourteen (14) years, is yet unknown, but Plaintiff alleges the second procedure may have caused permanent physical injury to Jane Doe.

COUNT X

(Negligence Per Se – Dr. Richardson)

46. Plaintiff realleges and incorporates by reference herein each of the allegations contained in paragraphs 1 through 45 of this Amended Complaint.

47. By failing to notify proper authorities on or before November 10, 1998, that Jane Doe had been the victim of child molestation, child abuse and sexual exploitation, Dr. Richardson violated the provisions of A.R.S. § 13-3620. Dr. Richardson was negligent

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1 per se in failing to follow the dictates of the statute which requires anyone having the
2 responsibility for the care and treatment of children under fourteen (14) years of age to
3 report that the minor had been a victim of child molestation, even if the conduct to be
4 reported was consensual.

5 **COUNT XI**

6 **(Punitive or Exemplary Damages Against Dr. Richardson)**

7
8 48. Plaintiff realleges and incorporates by reference herein each of the
9 allegations contained in paragraphs 1 through 47 of this Amended Complaint.

10 49. By knowingly failing to notify proper authorities that Jane Doe was under the
11 age of fourteen (14), and subject to child molestation, child abuse and sexual exploitation
12 from Shawn M. Stevens, Dr. Richardson consciously pursued a course of conduct,
13 knowing that it created a substantial risk of significant harm to Plaintiff. Dr. Richardson's
14 conduct was outrageous and manifested an "evil mind", that is, a mind bent on violating the
15 moral code recognized by civilized persons as necessary to govern rationally the relations
16 among themselves. As such, an award of punitive or exemplary damages to punish
17 Dr. Richardson and to deter him and others from similar wrongful conduct in the future is
18 appropriate.
19

20 WHEREFORE, Plaintiff prays for judgment against William Richardson, M.D., and
21 Jane Doe Richardson, as follows:

22
23 A. For past and future special damages, including medical, psychological
24 counseling expenses, in a total amount presently unknown, but which amount will be
25 proved at trial;

26 ///

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not include a Page 14

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By *Barbara Payne*
Printed Name: Barbara Payne, Esq. 6/27/02 djk

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
11/20/2002

11/18/2002

CLERK OF THE COURT
FORM V000A

HONORABLE CATHY M. HOLT

E. Schneider
Deputy

CV 2001-014876

FILED: _____

JANE DOE

JAMES R HART
JOHN J JAKUBCZYK
THOMAS A VIERLING

v.

PLANNED PARENTHOOD OF CENTRAL AND
NORTH, et al.

CHRISTOPHER J SMITH

DONALD STEVENS
4502 W MYRTLE
GLENDALE AZ 85301-0000
PATRICIA STEVENS
4502 W MYRTLE
GLENDALE AZ 85301 0000
DENNIS I WILENCHIK
KATHERINE E BAKER
SHAWN STEVENS
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FLORENCE AZ 85332

MINUTE ENTRY

This is the time set for oral argument on Plaintiff's Motion for Partial Summary Judgment Against Planned Parenthood of Central and Northern Arizona and on Counts I and II of the Amended Complaint. James R. Hart appears on behalf of the plaintiff. Christopher J. Smith appears on behalf of Defendant Planned Parenthood. Dennis Wilenchik appears on behalf of Defendants State of Arizona and DES. Andrew DiSanto appears for Katherine Baker on behalf of Arizona Baptist Children's Services.

Court Reporter: Denise Couvaras

Argument is presented.

For the reasons stated on the record,
Docket Code 005

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
11/18/2002

11/18/2002

CLERK OF THE COURT
FORM 9000A

HONORABLE CATHY M. HOLT

E. Schneider
Deputy

CV 2001-014876

IT IS ORDERED granting Plaintiff's Motion for Partial Summary Judgment Against Planned Parenthood of Central and Northern Arizona, and on Counts I and II of the Amended Complaint as it relates to the issue of negligence ONLY.

ATTACHMENT #12

B2 City & Region

Online chat tied to young runaway

Hopkinton girl, 15, reportedly in Rome

By Patrick J. Calnan
GLOBE CORRESPONDENT

Police say a 15-year-old Hopkinton girl who allegedly ran away from home Saturday may have met up with a 21-year-old Virginia man she met via the Internet, with the intention of traveling with him to Italy.

Heather Kole-Mullen, who was second violin in the youth philharmonic at the New England Conservatory of Music, was confirmed to be in Rome last night by police tracking her passport. It was unclear whether she was with Marshal Lentini of Norfolk, Va.

But she had confided to a close

friend about three weeks ago that she was going to run away and that she had been making arrangements on a computer to meet with Lentini to go to Rome, where she wanted to



HEATHER KOLE-MULLEN

become a street musician, police said.

Police learned by interviewing some of her friends and dissecting Kole-Mullen's Internet communication that she had been chatting with Lentini on livejournal.com. They are still trying to determine whether she met with him Saturday and whether the pair left the country.

"I have nothing to disprove that they are not together," said Sergeant Chuck Wallace of the Hopkinton police.

Kole-Mullen left a goodbye note on her bed, which was found late Saturday by her mother, Julie Mullen. It stated her intention to go to Italy but made no mention of a travel partner.

"She needed some time to sort things out and needed some time to get away," Mullen said of the nature of the note. She added that there had been some trouble at home and that she and her husband were going through a separation. She also said Heather's father had been ill.

Hopkinton police have evidence that Lentini may have been in Boston. Another message board posting, written by another girl on livejournal.com, stated that she had met "Carogna," Lentini's Internet name, at Faneuil Hall on Friday, after she made reference to the fire that occurred there that afternoon, said Hopkinton Police Chief Tom Irvin.

Kole-Mullen, a sophomore at Worcester Academy, was last seen by her family at 10 a.m. Saturday, when her mother dropped her off at the Southborough MBTA commuter rail station. The girl was supposed to take the train to Back Bay to attend a music rehearsal, but when her father went to pick her up at the New England Conservatory at 6 p.m., she was nowhere to be found.

The teenager was last seen carrying her violin case and a red backpack, her mother said.

While Lentini is not facing charges, Hopkinton police are working with various state and federal agencies, along with the National Center for Missing and Exploited Children, to help get information out about the Hopkinton teen.

Parents of the girl urged police to use the Amber Alert System, but Hopkinton police were trying to determine whether the case merits it, since the girl apparently left voluntarily.

The girl's mother also disclosed that her daughter had closed her bank account containing just under \$800 and had received an e-mail from Lentini with his mailing address to send a money order to purchase the plane tickets to Rome.

Mullen said that her daughter took her passport. She expressed the hope that Heather, who has not run away before, will contact her or one of her friends to let them know that she is OK.

"She hasn't called — she left her cellphone behind. She did not want to be contacted," Mullen said.

Board suspends Malden doctor

MAY 8, 2003

Mistakes cited in abortion

By Alice Dembner
GLOBE STAFF

The state medical board yesterday suspended the license of a Malden doctor after he endangered the life of a 21-year-old woman by twice botching an abortion, according to board records.

Dr. Jian Yu, a general practitioner educated in China, agreed to the suspension, which will remain in effect until he demonstrates he is competent to practice medicine. Malden police shut down his one-room office in February, which the medical board said had no running water or sterilization equipment. Yu had voluntarily stopped practicing in March because of the investigation.

In January and again in February, Yu performed a vacuum aspiration abortion at the patient's request, but he failed to check the age of the fetus, perform basic lab tests, or do a complete physical

exam, according to the agreement he signed with the state Board of Registration in Medicine. Neither abortion ended the pregnancy.

After the second failure, Yu told the patient that the fetus was too big and he couldn't extract it, according to the agreement. Yu gave her pills to induce contractions and sent her home. Bleeding heavily a few hours later, she went to the emergency room at St. Elizabeth's Medical Center, where she delivered a 1 pound, 1 ounce fetus that doctors thought was between 16 and 20 weeks, according to the agreement. Typically, an abortion at that stage requires a more involved dilation and curettage procedure rather than vacuum extraction.

The woman, a visitor from China who speaks Mandarin and understands very little English, was hospitalized for three days and treated for a fever and infection. She had found Dr. Yu through an advertisement in the World Journal, an Asian newspaper, according to the board.

"It's very troubling when you

have a patient who is so vulnerable in terms of language and access to health care," said Nancy Achin Audesse, executive director of the board.

The board found that Yu placed the patient "at grave risk for hemorrhage, uterine perforation, and septic abortion," which the board noted can cause death without proper post-abortion follow-up.

Yu's attorney, Alan Rindler, declined comment, and the doctor hung up on a reporter.

Yu was licensed to practice medicine in Massachusetts in 1998 after attending but not completing an anesthesia residency at UMass Medical Center in Worcester. He had maintained the office in Malden since 1999 and had privileges at Melrose-Wakefield Hospital, the board said.

Under the agreement with the board, he must pass a skills assessment before he will be allowed to practice. He is barred from practicing obstetrics or gynecology or performing surgical procedures and must show that any new office meets sanitary standards.

Gail McCarthy
25A Landmark Lane
Goffstown, NH 03045
Tel: 603.623.0162

HOUSE BILL 763 PARENTAL NOTIFICATION

- I am here today on behalf of myself and my family, which consists of my husband, my 2 ½ year old daughter and my 6 month old son.
- I am here today to state my opposition to House Bill 763.
- I am here today because I believe that a law mandating parental notification would be cruel and destructive, and needlessly hurt young women.
- I'd like to tell you a little about myself. I am 37 years old, I am happily married, I have a precious little daughter and infant son, I am a home-owner, I am a conscientious voter, and I have earned both a bachelors and a masters degree in business. I have enjoyed professional success beyond my expectations, which has allowed me the luxury of staying home with my children now. I lived on the West Coast for 12 years and in Europe while I was working on my graduate degree. I have traveled and experienced great adventures. I have friends all over the world. I have had a good life. That is why I am here today. This is my expression of gratitude for having reproductive rights as a minor. It has made all the difference to me.

- I believe parental notification laws would derail many young women from reaching their potentials. I believe that if a parental notification law was in place when I was a minor, my life most certainly would have been ruined.
- I believe that every child should be wanted and loved and cherished and welcomed by responsible parents. – not born into hardship situations. For those that think that giving a child up for adoption after being nurtured in the womb for 9 months is the obvious solution, I challenge them to bear a child under duress and give it up – to lead by example.
- A parental notification law would be just another obstacle designed to prevent minor women of childbearing age to make reproductive choices. Creating obstacles to reproductive health care would create hardship and suffering for young women.
- I am sincerely grateful that parental notification laws were not in place when I was growing up in rural NH. Unfortunately for me, when I was a teenager, my birth control method failed and I became pregnant. I was able to make the most personal and consequential decision of my life without the undignified intrusion of my parents or a judge. I made one mistake and did not want to compound it with more severe mistakes that would adversely affect my life.
- I am here to say, emphatically, that it is not necessary to come from a home with incest, abuse, or threats of being thrown out to want to keep your personal decision

personal – because that certainly was not my situation. The burden of parental notification does not only affect those that cannot talk to their parents, but those, like me, who simply did not want to. Growing up, my house was not a warm one, but I was not abused. I simply did not want to share this situation with my parents. No drama. No excuses. No apologies. I did not want to involve them. Period. They would have made an intensely stressful situation even more stressful. If we had enjoyed a closer, warmer relationship, this might not have been an issue...but it was.

- I can think of nothing so oppressive or destructive or cruel than being forced to bear a child against my will. A parental notification law would have caused even more distress to me as a teenager without the desire to consult my parents or the savvy to present my circumstances to a judge.
- I have led a productive and meaningful life and have fulfilled many dreams because I was able to terminate an unwanted pregnancy as a minor without interference. My life has turned out in a way that is satisfactory to me because I had the right, by law, to take action to produce a good life for myself.
- I believe young women deserve the trust and dignity to make personal decisions in their lives for which they must deal with the consequences. They deserve control over their destinies, which is a right that young men enjoy, even when they father unwanted children – and even when they abandon them.

As parents, my husband and I desire to have a warm and close relationship with both of our children. However, we also realize that sometimes this is not the case in families. If, for any reason in the future, our daughter feels that she does not want to involve us in her reproductive decisions, we would prefer that she get the health care that she needs with the privacy and dignity that she deserves. We are more interested in her health and well-being in her future, and in her having the power to make choices that will affect her life.

She deserves that

- Again, I am truly, sincerely grateful that I was able to exercise my reproductive rights, without undignified intrusions, at a time in my life when the consequences would have been greatly destructive. I am grateful to the State of New Hampshire and to the health care institutions that took care of me so well.
- I believe that I am the new face of New Hampshire. There are many others like me who are moving to New Hampshire for the quality of life. I moved back here almost three years ago to start my family because it is a wonderful state to live in, in so many ways. My husband and I are both educated, professional, responsible people who are deeply concerned about laws that limit freedoms and adversely affect quality of life. We are ever vigilant and we take our responsibility as voters seriously. We are pro family and pro choice!
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ATTACHMENT #15

May 8, 2003
23 Pine St
Springfield, Vt 05143

1. Carolyn Blake-Deyo : Mother of five children , ages 42, 41, 39, 21, and 20. I raised children from 1960 until 2000...40 years. At the age of 41, I became pregnant for Susannah. At 42, I became pregnant for Samuel. Both times I was told to abort and sent to an abortion clinic. For me, it was not an option.
2. I wrote a story for the Manchester Union Leader in 1985 concerning the abortion issue. I spoke on the radio in Nashua, NH also and was on CBN network...700 Club in 1986. I have a cassette and video of this. I have spoken in Montpelier, Vt for Pro Life.
3. The purpose of my presence here in Concord, NH today is to share how the shadow of " Abortion " has created severe trial for me and my family.
4. One morning, I was at home alone and I could not find our cat. I called the Springfield High School and asked to speak to my daughter who was 16 years old at the time. I was told that she was not there and had left school to go to Rutland, Vt Planned Parenthood. I was also told that my younger son had brought a note from Planned Parenthood for Susannah to excuse her absence. I called Planned Parenthood and they told me that they could not release anything to me about my daughter. I asked them if she was having an abortion and they refused to tell me. I felt violated as I put the phone down. I quickly ran out to my car and picked up my husband and we drove to Rutland. I had a sick feeling in my stomach, I had all kinds of fears running through my mind. When I reached the place where she was, my daughter was getting in the car and I followed her home...all the while worried about hemorrhaging, infection and what emotional issues would arise. When we returned home, she told me that her 15 yr old boyfriend was allowed in where I wasn't as she had the abortion. She had medications given to her and I thought about my father who died from a drug reaction and all of the drug reaction I had experienced.
5. The following facts are what have come out of Planned Parenthood in regard to our family.
6. Abortion was used as a birth control. She was taught to trust in this. She had two abortions and was also given the pill to abort the 3rd time around.
7. She has to be on the birth control pill now because of radical cycles.
8. She just had to have an operation for cysts on an ovary, one ready to burst.
9. She was diagnosed with a pre cancerous condition on her cervix. Operation #2.
10. She became so angry, she had to go to anger management after violence.
11. She is moody and started to drink alcohol and use drugs right after.
12. She became sexually active in excess.
13. It helped in the destruction of our family, divorce ensued.
14. Our family had to have counseling.
15. It robbed us of our dignity and trust for others.
16. I wonder if I will ever have a grandchild by her. A mother's tears are all I have left.

Carolyn Blake-Deyo



Citizens for Life, Inc.
The New Hampshire Affiliate
of National Right To Life Committee, Inc.

58 Walnut Ave., North Hampton, NH 03862 ~ office 603-964-9546 ~ Fax 603-964-9759 ~ Email info@citizensforlife.org

Senate Judiciary Committee. Senator Andrew Peterson, Chairman.

May 13, 2003

Testimony of Roger Stenson, Executive Director

House Bill 763

New Hampshire needs abortion reform. Abortion practices are completely unregulated in the Granite State, and it is out of control. The Parental Notice bill passed by the House of Representatives is at least a small step toward a more sensible policy. The United States Supreme Court has made it clear that *Roe vs. Wade* does not have to be applied in an atmosphere of anarchy. Parental Notice is a step away from anarchy.

With momentum gathering for passage of a real Parental Notice law in New Hampshire, opponents have foisted several amendment hoaxes. Usually, these opponents say they support Parental Notice, but just want to fix the bill to make it better.

One amendment seeks to involve, as an alternative, some adult other than a parent. That's what we have now! There are already other adults involved in minors' abortion decisions, and they exclude the parents. That's the problem this bill is trying to fix.

Another amendment would get rid of the definition of what an abortion is, a definition that the Supreme Court has repeatedly upheld.

The bill is healthy and clean. It is so clean that it was drafted with language that has already been upheld by the United States Supreme Court. Indeed, the highest court in the land has stressed the desirability of parental involvement laws, like parental notice and parental consent, in such strong language that anyone reading the decisions would see that the states have been invited by the Court to pass these laws.



S E R V I N G M A I N E , N E W H A M P S H I R E A N D V E R M O N T

TESTIMONY IN OPPOSITION TO HB 763

RACHEL ATKINS, P.A., M.P.H.
Senate Judiciary Committee
May 13, 2003

My name is Rachel Atkins. I am the Vice President for Medical Services at Planned Parenthood of Northern New England (PPNNE) and a physician's assistant. I have been providing gynecological health care, including abortions, for close to twenty-five years. I am here to testify against HB 763 - an act requiring parental notification for abortions performed on minors.

Planned Parenthood of Northern New England believes it is in everyone's best interest for a minor to inform her parents of her pregnancy if it will result in a safe and supportive response. As health care professionals providing services to and concerned for the welfare of young women it would be ideal if all minors could involve their parents in their decision regarding an unintended pregnancy. Unfortunately, the reality is that healthy family communication does not always exist and forced parental involvement has not been shown to promote better communication, healthier families or an increase in minors seeking parental consent or involvement.

As providers of abortion care in the state of New Hampshire, I would like to take this opportunity to explain our general protocols and policies pertaining to informed consent and abortion care for all women, our policies and protocols for minors seeking services and our experience as providers of abortion care.

Before an abortion procedure is performed on any patient it must be determined that the patient :

- has considered all of her options,
- is clear in her decision to have an abortion,
- understands the risks and complications associated with the procedure,
- is making this decision voluntarily and without pressure from others and,
- has adequate support for her decision regardless of her age.

All pregnant minors seeking abortion care are scheduled for options counseling prior to being scheduled for any other appointment. At that time medical staff

ascertain and discuss the following information for all minors seeking abortion care:

- has she told a parent or a guardian?
- if not, why not?
- what is the reaction she would expect if she did tell them?
- is the parent or guardian aware that she is having sex?
- has she talked to any other adults about this pregnancy?
- who is the male partner, how old is he, and was the sex consensual?
- who has she used as a support system while making the decisions and, who will she talk to after the abortion?

A majority of minor women seeking abortion services at PPNNE have parental consent for their care. Those who do not are encouraged speak to their parent or guardian. If a young women feels she cannot involve a parent or guardian in her care, her reasons for not involving them are further explored and discussed.

Reasons for not involving a parent are varied and range from concerns of disappointing them or establishing greater independence, to a fear for personal safety or well-being. Some of these young women are not living at home while others have close healthy relationships with their families. Often times young women who have not talked to either parent have talked to another adult in their life. These adults include an aunt, grandmother, older sister, close friend, her boyfriend's parents, a counselor or another health professional. Women who have not talked to their parents or any other adults are encouraged to do so. If a minor woman continues to not want to involve a parent or guardian after further discussion and it is assessed by medical provider that it is not in her best interest to involve a parent or guardian, she is encouraged to talk to another adult about her pregnancy if she have not already done so.

After the decision is thoroughly reviewed and the young women is still considering abortion care she is then provided with information about the procedure, its risks and complications. Any questions are addressed at that time. If she is deemed capable of understanding the information given and thus capable of giving informed consent she can schedule an appointment to return a later date for an abortion.

Some of the young women who had not initially involved their parent return to the health center with a parent. Others have involved another adult in their life and a small minority return without either. Prior to the procedure, we again review her decision to terminate her pregnancy, review her medical history, educate her regarding the procedure and any potential risks and complications, review the consent form and review any aftercare instructions. All patients are provided with a number to call if they have concerns or questions at anytime day or night .

As with all patients a minor without parental consent must be deemed capable of understanding the information given and thus capable of giving informed consent prior to any medical procedure. It must be determined that she is making this decision voluntarily, without coercion, and after being fully informed about the procedure. If the minor is not accompanied by a parent or guardian, we will not provide care unless the practitioner determines that she is sufficiently mature and capable of giving informed consent. If she is determined sufficiently mature and capable she can consent without parental involvement.

Over the past year we have seen 20 women in New Hampshire under the age of 17 for pregnancy terminations. Sixteen were 16 years old and 4 were 15 years old.

Seventy-five percent (14) of the minors seen had the consent of one or both parents, (1) was an emancipated minor and (4) had not informed either parent. Of the 4 minor women without parental consent 3 were 16 years old and 1 was 15. The four women who had not informed a parent or guardian had talked to another adult in their life (their boyfriend's mother, a nurse, another health care provider, and an older sibling). All were early in their pregnancy, all of them had decision counseling prior to the day of the procedure and all but one returned for a recommended follow up visit after the procedure.

Statistics show that in states where parental consent or notification laws are enforced, teens continued to notify their parents at the same rate before and after these laws went into effect. It is obvious from the experiences in these states that forcing parental involvement does not work to protect the interest of young women nor does it promote family communication. It only serves to delay the provision of services, forcing teens into the court system or requiring them to travel to another state. Skills of health care providers and other professionals working with teens are better utilized providing services rather than helping teens negotiate the judicial system. Health care providers are well suited and trained to ascertain informed consent. Minor women should not be deterred from seeking early medical attention from trained health professionals.

Planned Parenthood of Northern New England urges you to oppose HB 763.

My name is Michelle Cunha and I live in Hudson, District 14. Senator Clegg is my senator. I want to talk about the Parental Notification Bill that is being proposed today.

HB 763 is misguided in its attempts to promote an open communication between parent and child. This bill promotes the exact opposite—that is a young woman will keep a secret from her parents for fear of physical and/or psychological abuse. Senators, do you honestly expect a young woman to inform her parents that she is pregnant if her father is the father of her unintended pregnancy? The state has obviously failed in protecting her from her own male relative so how can you expect it to create a safe place for her to sit down with her parents and say “mother, father, I am pregnant. I want to have an abortion, please sign this.” Most young women will in fact involve a parent or other trusted adult like a grandparent, and aunt or uncle, or a clergy member. But even if one young woman is put at physical and/or psychological risk, we must protect her from harm.

Requiring a young woman to navigate the judicial system is unreasonable. How will she be excused from school for the day? What will her mode of transportation be to the courthouse if she does not have her own transportation? And how can a judge honestly assess whether a girl is sufficiently mature enough after meeting her for a mere 15 minutes?

Next, there is no New Hampshire law that mandates notification of a parent for a procedure. HB 763 singles abortion as the only medical service to require parental notification. If a young woman doesn't need her parent's permission to have her tonsils out, why should she be required to obtain her parents permission for an abortion?

Lastly, this bill will drive young women from their own neighborhoods to other states seeking abortion services. Instead of making this another states problem (by forcing young women to leave New Hampshire to obtain one), we should take care of our own young women who seek them and provide them on their home turf.

Parental notification laws only work in a perfect society ~~where there is no rape and incest~~. And since we don't live in a perfect society, parental notification laws only harm those whom we are sworn to protect. Please vote against this bill. Thank you.

Testimony on HD 763 by Jane W. Torrey, 401 Main St, Gaffney, N.H. 532-4
 May 13, 2002

... The real purpose of this bill is to prevent young women
 ... from having abortions. ^{Having for} ~~Having~~ one child requires about
 ... one the third of the working hours of a lifetime. Forcing
 ... motherhood would prevent a woman from having a full
 ... choice in developing her life's aspirations all because
 ... she is 'only a woman'.

... Parents would be helpful in making medical decisions on
 ... abortions, but they would be much more needed in the
 ... course of pregnancy and childbirth, which are much
 ... more threatening than a simple abortion,

... No one but the young woman ^{knows} ^{better} the consequences of
 ... her pregnancy for her family: whether they will be
 ... devastated with shame; whether they will ^{drive her} ^{down or}
 ... from their home; whether she will be abused by her
 ... father - or even killed. (In many countries such
 ... murder would be allowed by custom and go unpunished
 ... by law - and there are immigrants from those countries
 ... in N.H. The young woman knows these likely reactions
 ... better than any judge can and much better than anyone
 ... in this legislature can.

... Let her be the judge who should know.
 ... It is her right to decide on her ^{own} future.

My name is Dian McCarthy. I am a 33 year old mother of one, and as you can see, soon to be two.

As a parent and as a constituent, I am here today to express my opposition to House Bill 763. A law requiring parental notification prior to receiving an abortion would only serve to harm young women already in a state of crisis.

As parents, I think we all would hope that our children would come to us. As citizens, I am sure we all would like to envision a world where every child could. But this is not the case and we cannot confuse our hopes and desires with issues that should be matters of law.

I believe that many parents in New Hampshire work hard to build the kind of relationship with their child that would facilitate the trust necessary to deal with an unintended pregnancy in a healthy way. In doing so, many parents achieve this. This bill is not about them. With such relationships in place, a minor turning to her parent does not require a law.

The people who it is about are the young women and families who do not have the kind of parental relationships that would allow for healthy crisis management. In my opinion, the individual reasons are too numerous to list but they would include incest, rape, abuse and parental instability due to illness or substance abuse.

I am aware that the bill contains a Judicial By-Pass clause to address dysfunction. Advocates of this clause boast that it will free the young woman from her abusive situation by bringing it out into the open.

Realistically, are we really to believe that forcing a young woman into the already over-burdened judicial system against her will is helping her? Would we truly be doing her a service by forcing her not only to fight for the termination she is seeking, but at the same time forcing her to go public with a situation she wasn't willing to disclose before? No. In essence, we would be taking a young woman in crisis and needlessly multiplying it for her a hundred fold and that would be cruel.

Abortions are not necessarily easy to come by and for a young woman to go through the process of a pregnancy test, accepting the results, scheduling an appointment, getting transportation, and paying for the procedure all without notifying her parents indicates to me a significant motivation for confidentiality. We may not know what that reasoning is, but it is there none-the-less and we need to recognize it.

If passed, this Bill will wrongly turn a matter of family relationship into law. I urge you to vote against it. Young women whose situations allow them to safely turn to their parents prior to obtaining an abortion will do so with or without this bill. It is the young women whose relationships do not who will suffer. Please oppose House Bill 763.

Thank you for your time.

Senate Judiciary Committee, State of New Hampshire

May 13, 2003

To Members of the Senate Judiciary Committee:

My name is Linn Duvall Harwell. I reside in New London, NH. I ask you to reject HB 763 on behalf of the girls and women of this state. My mother, Clara Bell Duvall, died in 1929 from an illegal abortion at age 34 of her 8th pregnancy. Our family was shattered, with 5 motherless children and a devastated father unable to care for us as the nation entered the Great Depression. This was a few days after my 6th birthday. When I learned at age 16 why our mother died, I determined this would never happen to me!

My husband and I married in 1942 and went to a Planned Parenthood Clinic in the Mellon Bank Bld. in Pittsburgh, PA. We have 2 sons and 2 daughters, well-loved and cared for these many years. On moving to Connecticut in 1958, I learned of the "Comstock Law" prohibiting contraception and sexuality education. I determined to help other women in preventing unwanted pregnancies. I was trained by Dr. Charles Lee Buxton, head of Ob/Gyn Dept. of Yale Medical School and Ms Estelle Griswold, Ex. Dir. of PP League of Ct. I worked for 6 years going door to door educating women in their reproductive rights. I counseled many teen-agers to protect themselves. One 14 year old was pregnant, living with her parents. Her father was blind and her mother cleaned houses to support them. My colleagues and I helped her to obtain a safe abortion.

On moving to Philadelphia, I continued counseling at PGH and Bryn Mawr Hospitals. A high school girl whom I counseled to consult with her parents said: "If I tell my mother, she will tell my father. He's a detective on the police force and he will beat me!" These are just two examples of many I could recite.

I ask, how many senators have spoken to such young girls, have a daughter they would trust to confide in them under such circumstances, have visited a Planned Parenthood or abortion

clinic? Women experience abortion 100%. It is outrageous for legislative bodies of close to 100% men to write laws and regulations controlling women's bodies!

You have all heard of the death of Becky Bell in 1988. She came from a loving, devoted family. When she became pregnant, she left Indiana for Kentucky to have an illegal abortion. Here is a message from her mother, Karen Bell: "My daughter Becky Bell who you know of died Sept. 16, 1988 of an illegal botched abortion, she died in my arms at St. Vincent hospital, here in Indianapolis, Ind. She was only 17, my only daughter. I miss her more with each passing year, and to think she loved us so much she died not to shame the family. Her boyfriend didn't want her, he told her to get the hell out of his life (she did just that).If you ever need me, contact me to fight this fight. Keep up your work, from a mother that knows." Karen Bell

With my testimony and that of Karen Bell of Indiana, I urge you to do the right thing, to help the young girls and women of New Hampshire: Defeat HB 763 and keep New Hampshire safe for women!

82 Quarry Rd.
New London, NH 03257
603-526-7668
lharwell@tds.net

Sincerely,


Linn Duvall Harwell

Linn Harwell

From: "Clara Bell Duvall Reproductive Freedom Project" <duvall@aclupa.org>
To: <lharwell@adelphia.net>
Sent: Tuesday, December 17, 2002 4:39 PM
Subject: Fwd: Tuesday

Linn--Thought you should see this.

From: "Bell, Karen" <KAREN_BELL@Conseco.com>
To: "duvall@aclupa.org" <duvall@aclupa.org>
Subject: Tuesday
Date: Tue, 17 Dec 2002 15:35:47 -0500
Importance: high
X-Mailer: Internet Mail Service (5.5.2656.59)

*Dear Linn Duvall Harwell and Staff,
Today I received your newsletter and had to write to you,
and all who work so hard to protect women of all ages from
illegal abortion. My daughter Becky Bell who you know of
died September 16, 1988 of an illegal botched abortion, she
died in my arms at St Vincent hospital, here in Indianapolis,
In., she was only 17, my only daughter. I miss her more with
each passing year, and to think she loved us so much she
died not to shame the family. Her boyfriend didn't want her,
he told her to get the hell out of his life (she did just that).
Clara Bell Duvall, that is what Becky will be
someday.....I wish I had the money to give, my husband
and I would. If you ever need me, contact me to fight this
fight. Keep up your work, from a mother that knows
Karen*

Karen Bell
Administrative Assistant II
(800)-888-4918 ext. 5750, J1H
karen_bell@conseco.com

Please visit our website: www.aclupa.org/duvall

12/18/02

SELLING TEEN ABORTIONS

Parents Beware

DATE	MEMO	(-) AMOUNT OF WITHDRAWAL	
3-10-91	Steno Tapes	15	97
4-16-91	New Shoes	39	95
5-1-91	Prom Dress	175	00
5-6-91	Abortion	250	00

WITHDRAWAL

STACY M. YOUNG

DATE June 6 19 91 \$ 250.00
 AMOUNT WIT/

SIGN HERE Stacy M. Young
Two Hundred Fifty Dollars

Community Bank

⑆089184139⑆

24689 34

by Carol Everett

Today, Carol Everett boldly recounts the deceptive way she targeted teenagers for her lucrative abortion business. Unbeknownst to parents and school administrators, Ms. Everett shrewdly put a wedge between teens and their parents on the topic of sex and contraception. Gaining the trust of teens by using the public school system gave Carol Everett the perfect avenue to sell abortions to teens.

Parents need to know this still occurs today. There are also ways to fight the abortion industry on this front. The first step is to read . . .

“Selling Teen Abortions.”



Carol Everett

Q. How would you, as an abortion clinic operator, market abortions to teens?

A. First, I established myself with the teens as an authority on sex. I explained to them that their parents wouldn't help them with their sexuality, but I would. I separated them from their support system, number one, and they listened to me.

Second, our doctors prescribed low dose birth control pills with a high pregnancy rate knowing well that they needed to be taken very accurately at the same time every day or pregnancy would occur. This insured the teens to be my best customers as teenagers typically are not responsible enough to follow such rigid medication guidelines on their own. I knew their sexual activity would increase from none or once a week to five or seven times a week once they were introduced to this contraception method. Then I could reach my goal — three to five abortions for each teenager between the ages of 13 and 18.

Q. How did you get to these kids? **A.** I got to them very easily through the schools. At that time the schools often called me.

However, if I wanted to get in a school, I simply called the health teacher or one of the other teachers. I even worked with English teachers.

Q. What did you say to the kids when you were inside the classroom, and what were their responses?

A. First I asked, “How many of you are sexually active? . . . I don't expect you to tell me, but I am going to tell you all about me, and you can decide what you are ready to tell me . . . Do you know someone who is sexually active?” Almost every hand went up. I continued with, “How many of them are using birth control?” They didn't know. Then I asked, “Well, do you think you need help in that area? Are you interested in knowing about contraception?” The response was always affirmative.

The teenagers wanted to talk about contraception because most of them were sexually active. Typical questions were, “How safe is a condom? What about foam?” I spent a lot of time talking about percentages and the different methods of birth control. All I was doing the whole time was working those kids into a sweat sexually as the classroom was mixed with boys and girls. I was encouraging them to talk about it and ultimately act upon their sexual desires.

Q. Did you go through the litany of how they couldn't talk to their parents? **A.** I joked about it asking, “What do your parents tell you about sex — not to have it? They're fuddy duddy's, aren't they?” I laughed and

they laughed. I continued by explaining I had two children and talked a lot about sex with them. I told them I understood their sexuality implying their parents did not. I encouraged them to become sexually active.

Q. Did the elementary and junior high school administrators or principals know you were marketing abortions to 12-year-olds?

A. Absolutely not. They had no idea what I was doing. However, I was getting in to my customer. I didn't care what the administration thought I was doing.

Q. Didn't the parents object to you talking to their children about contraceptives and abortion? **A.** Yes, but they didn't call me and tell me. My attitude was, "Hey, I'm gone. That's the principal's problem, not mine."

Q. What percentage of girls came to the clinic after your classroom lecture — first for birth control, then later on for abortion?

A. I believe I eventually saw three to five out of every class at some point. I experienced a huge influx of gynecological business right after each lecture. The phone rang off the wall the next day. As they "needed" abortions they called me up and said, "Remember when you were at our school?"

Q. What age girls did you target? **A.** I targeted 5th and 6th graders — the earlier the better for planting seeds. Usually it was not easy to get into these grades at schools. However, getting into junior high and high school was no problem.

The process is this . . . get them thinking about it . . . then they call about birth control pills or some method of contraception . . . then they become sexually active.

Q. When a young girl using the low dose pills became pregnant, what options did your clinic "counselor" offer her? **A.** We only

sold one product — abortion and abortion only. We took whatever other ideas the pregnant woman had and used them to sell abortion.

In one scenario the pregnant woman says, "I want to keep the baby." Handing her a pen and pad, I asked, "How much money do you make?" Often the reply was, "I don't work." "Well, how are you going to support yourself? Your parents are going to kick you out, aren't they?" (Maybe the parents wouldn't kick her out but the seed was planted.) The pressure continued, "So you will have to take care of yourself now. Do you know how much it costs to have a baby?" "No, how much?" came her question with fear and uncertainty mounting. "Three thousand dollars. Do you have \$3,000 or can you save \$3,000 in the next six months?" I asked knowing what answer would follow. "Well, no."

Abortion was the answer again. We effectively sold our product.

This ad was placed in a Missouri newspaper by a major abortion provider. It is well known that the abortion industry uses teens to put on skits during school assemblies. The skits are used to educate teens about contraceptives and the availability of abortion "counselors" if an unplanned pregnancy occurs.

Q. Compare your school speaking engagements to what school-based clinics do today.

A. The two are very similar except school-based clinics have access to the kids all the time. They can bring them in one by one, and after reviewing their inoculation history, ask, "Are you sexually active? Have you considered sexual activity? Well, when you do, come back to us and we'll help you."

The kids know their parents aren't going to be notified. They know they can go to that school nurse and get contraceptives. Many request them immediately.

Carol's Advice to Parents . . .

■ Parents need to get involved in the schools, on the school boards and with the curriculum so they know what is being taught regarding sex education and reproduction.

■ Parents need to know whether or not a school-based clinic is in their children's school.

■ Keep open lines of communication with your children so they are not afraid to come home and say, "Guess what happened in school today?"

■ Parents must make the school administration aware of the abortion industry's tactics and its methods for getting into the schools.

TEACHER
For day care - must have teaching degree or child related classes. Call [redacted]

THEATRICAL COORDINATOR
Full-time Coordinator position to help develop and implement teen troupe productions in [redacted] Missouri. Experience in all facets of theatre necessary. Opportunity to work with the pro-choice community in a challenging and rewarding position. Call [redacted] for additional information or send resume to: [redacted] by January 28, 1992.
E.E.O./M.F.H.C.
VOLUNTEERS NEEDED
The Missouri [redacted] is [redacted] in their [redacted]

Apply at MO
work in a pro- center in For more 9 a.m.
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Parents Do Make a Difference!

■ Available statistics show that both teen pregnancy and teen abortions decline after a parental involvement law is enforced.¹

■ A recent *USA Today* poll indicated that 75 percent of those surveyed favor parental involvement in a minor's decision to have an abortion.²

■ Parents need to educate themselves by reading books like *Grand Illusions*, *The Legacy of Planned Parenthood* by George Grant and understand exactly how the abortion industry operates. Then they must educate the school administration who must educate the teachers and others not to let those people in.

■ Parents need to ensure there are school policies that make parents aware of outside interest groups giving presentations to students. This would enable parents to request that their child be excused from class if the parent deems the materials/subject matter inappropriate.

Appointment Calendar . . .
for CAROL EVERETT

Today:

East Jr. High - 10:30 a.m.

Scout Troop - 4:00 p.m.

Call leader of Home Ec
class to verify Monday
presentation.

Tomorrow at 10:00 a.m.

Central High School
Freshman English Class

■ Minors who have abortions are more likely to suffer physical injury than are older women.³

■ Parent-teen alienation is usually greater when teens do not inform a parent about their pregnancy.⁴

Footnotes

1. Brief of the Association of American Physicians and Surgeons (AAPS) as Amicus Curiae in support of State of Minnesota, filed in *Hogson v. Minnesota*, Nos. 88-1125, 88-1390 (U.S. 1990).
2. Nichols and Marshall, "Abortion ruling: 50% no, 40% yes," *USA Today*, July 7-9, 1989.
3. Willard Cates et al., "Risks Associated with Teenage Abortion," *New England Journal of Medicine* 309, Sept. 15, 1983, PP. 621-624.
4. Everett Worthington et al., "Benefits of Legislation . . . to Adolescent Abortion," *American Psychologist*, December, 1989, pp. 1542-1545.

Carol Everett was involved in the abortion industry in the Dallas/Ft. Worth, Texas, area from 1977 until 1983. Ms. Everett now speaks throughout the world on the dangers of abortion. For speaking engagements, write to Life Network, 17430 Campbell Rd., Suite 206, Dallas, TX 75252. Phone 214-931-2273.

ALSO AVAILABLE!!!

Don't miss out! Easton has Ms. Everett's book, "Blood Money" and her video "The Light of Life." Her earlier pamphlet entitled "What I Saw in the Abortion Industry" continues to rivet new readers. Request these today from Easton Publishing Company.

For more information, contact your local pro-life organization.

Interviewed and Edited by Martha Schieber

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ITEM #185

Testimony of Joan Espinola

Box 1022, Salem, NH 03079 (603)893-3960

The combination of naiveté and not wanting to hurt a parent makes a pregnant young girl, an easy target for victimization, by professional people who are trying to sell her a product, and that product is 'abortion.' Youthful exuberance and the feeling of immortality often can result in poor judgment, where the outcome can impact a girl for a lifetime.

The state does have a compelling interest to protect our youth from the abortion industry that has no personal interest in her. The only interest is making money and keeping this young girl as a customer. A parent has a deep and abiding interest in what happens to this young girl.

If a minor girls pregnancy is due to incest and she has an abortion without anyone but the abortionist knowing, this is helping the perpetrator, and victimizing the girl all over again. And it would be the same for the rape victim.

Please vote to pass this 'Parental Notification' law without amendments.

Thank you

A handwritten signature in black ink, appearing to read "Joan Espinola", written in a cursive style.



THE
Feminist
HEALTH CENTER
OF PORTSMOUTH

May 13, 2003

Chairperson Peterson and Committee Members:

My name is Brigit Ordway. I am the Director of STD, HIV and Outreach Services at the Feminist Health Center of Portsmouth, located in Greenland, NH. I am here to speak in opposition to HB 763-FN.

As a fully licensed non-profit clinic, the Health Center has provided a variety of health services to women and men in the Seacoast area for 23 years. These include annual health exams, contraception, abortion care services, sexually transmitted disease and HIV services, pregnancy testing and options counseling. We are staffed by physicians, nurse practitioners, administrators, health workers and nurses. We are a member of the National Abortion Federation, a professional organization that sets standards of care for abortion providers.

Each of our abortion clients, regardless of age, meets individually with a counselor before her procedure. At this time, the counselor will discuss with the client her decision making process and assess her ability to make a mature decision about her pregnancy. Is she able to thoroughly think through all of her options for her pregnancy? Who else is a source of support for her during this decision-making? Can she identify and articulate her feelings? Does she have "the ability to make fully informed decisions that take into account both immediate and long range consequences?" During this session, her medical history is reviewed, and each step of the procedure is explained in detail, along with the risks associated with the procedure. Contraceptive options are discussed, and further health care referrals are given at this time. Each client is given detailed oral and written instruction on follow-up care and how to reach us in the event of an emergency. Our staff is on call 24 hours a day. Once the client has had an opportunity to have all her questions answered, she signs an informed consent for her procedure.

In this proposed piece of legislation, a minor is defined as someone under the age of 18. Yet in New Hampshire, the age of consent is 16. A 16 year old can legally consent to sexual activity, bear a child, and choose to place the child for adoption without her parents' involvement. Why should the decision to have an abortion be treated differently under New Hampshire law?

The stated intent of this bill is to protect minors against their own immaturity, and to foster family structure. It is our considered opinion that such legislation could have the opposite effect on family relationships already in crisis. Last year, only 12% of our clients were under the age of 18. Most had already involved a parent, family member, or trusted adult in their decision. Counselors at the Feminist Health Center of Portsmouth discuss parental involvement with every adolescent client, as well as confirming her plans and ability

to return for follow-up care. We require locating information for parents or guardians of all minor clients, so they can be notified in the event of a medical emergency. It is our position that it is usually in the best interest of a minor to discuss her sexuality, contraceptive choice, pregnancy, and decision to have an abortion with one or both parents. Every effort is made to encourage a young woman to talk to a parent. Fears and expectations she has of what it may be like to discuss the pregnancy with her parents are talked about. She is offered assistance from the staff on approaching her parents. However, there are good and compelling reasons why it may be detrimental for her to seek parental involvement. These include fears that she would be coerced into a solution. We have seen both the situation where the parent tries to force an abortion on the minor as well as the situation where the minor was forced to carry unwanted pregnancy to term. Sometimes the minor will withhold information about her pregnancy because the family is already in crisis (such as recent death or illness), and she wishes to protect them from further turmoil. Perhaps an abusive relationship already exists between parent and child, and she fears for her safety. Sadly, some of our clients have become pregnant as a result of incest. These are the young women who will be most hurt if this bill is passed. To force them through the intimidating process of appearing before a judge in a court where their confidentiality cannot be guaranteed would only add to the crisis they already face. This may cause minors to delay care until the second trimester. Worse yet, it may force them to consider more desperate measures, such as self induced abortion or even suicide.

In conclusion, although a minor is encouraged to discuss her pregnancy with her parents, there are many valid reasons why she will not do so. Our experience has been that even in the absence of parental involvement, with the benefit of trained counsel, minors can make informed, mature decisions regarding their pregnancies. Unfortunately, no legislation can create a supportive and understanding parent-daughter relationship. Not all parents will act in their daughter's best interest. Providing the young woman with accurate information and experienced counseling so that she can make an informed decision regarding her pregnancy is already offered through professional, licensed clinics and physicians' offices. The judicial by-pass provision is fraught with problems and places the minor at greater emotional and physical risk.

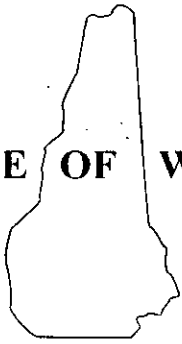
We strongly urge this committee to oppose HB 763 FN.

Respectfully submitted,



Brigit Ordway
Director, STD/HIV and Outreach Services

LEAGUE OF WOMEN VOTERS
of New Hampshire



May 13, 2003

Re HB763 before the New Hampshire Senate Judiciary Committee:

Dear Senator Peterson,

The League of Women Voters of New Hampshire (nearly 400 members state-wide) believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices. It includes the right of a woman, even a young one, in consultation with her doctor, to decide to terminate a pregnancy. In about two thirds of these cases, parents are in fact involved. Some even demand she get an abortion when the girl may not even want one!

HB763 which is before your committee today can not force a daughter facing a crisis pregnancy to seek a parent's advice and help. Sadly, in some cases, the pregnancy is caused by a father, uncle or other family member as a way of asserting control over the girl. No law can force communication when abuse has occurred or the young woman has been told and therefore assumes she can not remain at home if she has become pregnant.

In states where these laws have been passed, there is no indication that more young women are consulting their parents about a pregnancy. Abortion would be the only medical procedure in New Hampshire to require parental notification when a minor is involved.

Requiring notification will not change a dysfunctional family into one which is supportive of the girl so the number of young women who would consult with their parents will not change. It will not prevent sexual intercourse and won't stop abortions. What could change is an increase in self-induced attempts to abort, and more babies carried to term and killed or abandoned because they aren't and were never wanted. Most hurtful of all is the psychological impact on young women who see themselves as even less worthy of controlling their lives and their futures.

Please vote HB763 Inexpedient to Legislate. Demonstrate your confidence in the wise behavior of the New Hampshire medical community in its doctor/patient relationship with young women.

Sincerely,

Sally Davis, President

League of Women Voters New Hampshire



C O N C O R D
F E M I N I S T H E A L T H
C E N T E R

ATTACHMENT #25

May 15, 2003

Re: SB 763 Requiring Parental Notification Before Abortions May be Performed on Unemancipated Minors

Chair and Members of the Senate Judiciary:

My name is Betsy Schneider and I am here today on behalf of Concord Feminist Health Center. The Health Center is a non-profit reproductive health clinic that provides full gynecological care, birth control and options counseling, STD and HIV screening and first trimester abortions.

When a woman comes to the Center for an abortion she goes through a comprehensive process of counseling and information exchange. In advance of her appointment she receives a packet that includes medical history forms, information about the abortion, including the possible risks and complications and a counseling assessment. The assessment includes a list of common concerns and fears, as well as a series of adjectives to circle. The sheet asks: Are you worried about future pregnancy? Do you feel comfortable about your decision? Sad? Guilty? Confused? Strong? Disappointed? These are all very common emotions that surround the issue of abortion.

Once a woman arrives at our office, she fills out additional paperwork and has her blood drawn. She then meets privately with a member of our counseling staff. This session is always conducted in private so that a woman may be able to openly discuss how she is feeling. There have been times when a woman was brought to the Center against her will. A boyfriend or parent may have coerced her to terminate her pregnancy. In those instances we help her process her feelings, talk to the coercive family member or partner, and provide referrals. Whenever a woman expresses ambivalence over her decision, we provide her with additional resources and ask her to take more time to process how she feels away from the clinic.

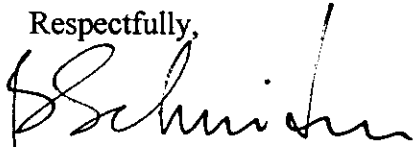
While these scenarios are uncommon, they do occur. Most women, by the time they are at the clinic, are resolved in their decision. Still, through the course of the counseling session, we ask her to talk about all of her options: Parenting, placing for adoption or choosing abortion. We also ask whom she has involved and if she is under eighteen and has not talked with her parents, ask why not. We routinely suggest she do so if possible. Concord Feminist Health Center offers resources and accurate information but most of all an opportunity for a woman to share her feelings in a supportive environment.

In our professional opinion, SB763 will not improve the ways in which we provide care to young women. Those with financial resources will travel out of state for abortion

services. Young women seeking judicial bypass will face additional waiting time, making it more likely to need a later abortion. Some young women will be deterred from seeking contraceptive services or STD/HIV screening for fear of parental notification about those activities.

We urge you to find this bill Inexpedient to Legislate. It will not improve the way we provide care nor the safety and well-being of young women in NH.

Respectfully,

A handwritten signature in black ink, appearing to read "Betsy Schneider". The signature is fluid and cursive, with a large initial "B" and "S".

Betsy Schneider
Outreach Coordinator
225-2739 x 111
fem.center@verizon.net

A study using a nationally representative sample of 2,300 young people found that those who had experienced family disruption, including divorce or separation, were at a heightened risk of experiencing early intercourse.

Source: Moore, Kristin A., Donna Ruane Morrison, and Dana A. Glei. "Welfare and Adolescent Sex: The Effects of Family History, Benefit Levels, and Community Context." *Journal of Family and Economic Issues* 16 (1995): 207-230.

When compared to adolescents from two-parent families, adolescents from single-parent families are more likely to begin sexual activity at a younger age, thereby increasing the chances of having a child out-of-wedlock as a teenager.

Source: Miller, Brent C. and Kristen A. Moore. "Adolescent Sexual Behavior, Pregnancy and Parenting: Research Through the 1980's." *Journal of Marriage and Family* (November 1990): 43.

Teenage girls who
grow up without
their fathers tend to
have sex earlier
than girls who
grew up with both
parents.

A study on the effects of marital separation on children found children whose parents separated are more likely than their peers to engage in early sexual intercourse.

Source: Fergusson, David M., John Horwood, and Michael T. Lynsky. "Parental Separation, Adolescent Psychopathology, and Problem Behaviors." *Journal of the American Academy of Child and Adolescent Psychiatry* 33 (1994): 1122-1131.

Adolescent girls reared without fathers are much more likely to be sexually active compared with girls raised in two-parent families.

Source: Newcomer, Susan and J. Richard Udry. "Parental Marital Status Effects on Adolescent Sexual Behavior." *Journal of Marriage and the Family* (May 1987): 235-240.

Adolescent females between the ages of 15 and 19 years reared in homes without fathers are significantly more likely to engage in premarital sex than adolescent females reared in homes with both a mother and a father.

Source: Billy, John O. G., Karin L. Brewster and William R. Grady. "Contextual Effects on the Sexual Behavior of Adolescent Women." *Journal of Marriage and Family* 56 (1994): 381-404.

In a study of 700 adolescents, researchers found that "compared to families with two natural parents living in the home, adolescents from single-parent families have been found to engage in greater and earlier sexual activity."

Source: Metzler, Carol W. et al. "The Social Context for Risky Sexual Behavior Among Adolescents." *Journal of Behavioral Medicine* 17 (1994): 419-437.

A five year study on 800 African-American and Hispanic adolescents found that boys and girls who did not live with both biological parents were significantly more likely to engage in sexual intercourse than their peers who lived with both biological parents.

Source: Smith, Carolyn A. "Factors Associated with Early Sexual Activity Among Urban Adolescents." *Social Work* 42.4 (July 1997): 334-346.

A study of 200 middle-school and high school aged boys from high-crime areas found that of those who were virgins, 59% lived in intact families. In contrast, only 18% of those who had sexual intercourse by the eighth grade were from intact families.

Source: Capaldi, Deborah M., Lynn Crosby, and Mike Stoolmiller. "Predicting the Timing of First Sexual Intercourse for At-Risk Adolescent Males." *Child Development* 67 (1996): 344-359.

A study using a nationally representative sample of women found that of women reporting that their first sexual intercourse was not voluntary (rape or non-consensual), 13% had lived with a single parent and 9.8% had lived with a stepparent, whereas 6.4% had lived with both biological parents.

Source: Abma, J.C. et al. "Fertility, Family Planning, and Women's Health: New Data from the 1995 National Survey of Family Growth." *National Center for Health Statistics. Vital Health Stat* 23, 1997.

SUBMITTED BY
M. LEANOUIS
NLPC-NH
436-8810

IV. Positive Effects of Father Presence

"Attempts to understand the 'active ingredient' in fathers' play that promotes peer competence have revealed that children learn critical lessons about how to recognize and deal with highly charged emotions in the context of playing with their fathers. Fathers, in effect, give children practice in regulating their own emotions and recognizing others' emotional cues."

JOSEPH H. PLECK, ASSOCIATE PROFESSOR OF HUMAN DEVELOPMENT AND FAMILY STUDIES, UNIVERSITY OF ILLINOIS, 1993.

"Children with an involved father are exposed to more varied social experiences and are more intellectually advanced than those who only have regular contact with their mother. Infants with two involved parents can cope better with being alone with strangers and also seem to attend more effectively to novel and complex stimuli. Well-fathered children have a greater breadth of positive social experiences than those exclusively reared by their mothers."

HENRY B. BILLER, FATHER AND FAMILIES: PATERNAL FACTORS IN CHILD DEVELOPMENT, AUBURN HOUSE, WESTPORT, CONNECTICUT, 1993.

"At the end of the day when I go to bed, Daddy tucks me in. We talk together about our day. He reads me a story to help me sleep. We pray together. That is my favorite part."

AMANDA, AGE 6, AS QUOTED BY MARY KAY SHANLEY IN WHEN I THINK ABOUT MY FATHER

"Dad is my buddy."

JOSH, AGE 10, AS QUOTED BY MARY KAY SHANLEY IN WHEN I THINK ABOUT MY FATHER

Attitudes About Positive Father Involvement

A survey of over 500 Baby Boomer men found that 84% said that being a good father was a very important factor in their definition of success.

Source: Goldstein, Dr. Ross. *"The New American Adulthood."* National Survey. Consumer Survey Center. Half Moon Bay, California, 1996.

According to a 1996 Gallup Poll, 90.3 percent of Americans agree that "fathers make a unique contribution to their children's lives."

Source: Gallup Poll, 1996. National Center for Fathering. *"Father Figures."* Today's Father 4.1 (1996): 8.

When asked whether they felt their parents "really care" about them, 97% of children ages 10 to 17 living with both biological parents said "yes" for their fathers. Of children living in a stepfamily, only 71% said "yes" for their fathers. And of children living with only one parent, only 55% said "yes" for their fathers.

Source: The National Commission on Children. *Speaking of Kids: A National Survey of Children and Parents.* Washington, DC, 1991.



Parental Notification Statement
by Pilar Olivo, 53 Auburn Street, Concord, NH 03301

Thank you very much for your time. My name is Pilar Olivo. I live here in Concord. I am the mother of a little girl who will be three at the end of June and my next daughter will be born sometime in the next month. I feel lucky to be able to make the choice to stay home with my daughters full-time.

I am here to urge you to oppose the parental notification bill. Some of you might be motivated to support this bill because you think it will bring families together. We all want families to communicate about sensitive and important issues like sex and its consequences. But I do not believe that it is possible to legislate healthy family communication. Healthy family communication flows out of the long-term relationship between parent and child.

I am a new parent and working hard to learn how to best mother my child. On the one hand, I am in the sweet years of full disclosure from her. She tells me everything with joy and she cannot keep a secret--even a surprise for her dad. She shares all her emotions loudly and fully. On the other hand, every day is a lesson for me in the limits of parental control. She wants to assert her physical and emotional autonomy in more and more areas of her life. The pieces of her life that she wants to control, I cannot count on her to comply with my decisions. The best tools I have are negotiation and persuasion. She knows coercion when she experiences it and fights it.

I am proud of my relationship with my daughter. We are well-matched and attuned. I genuinely like her. But my daughter's primary job is to grow independent from me. It won't be long before she'll limit her sharing with me. She will want privacy and secrets; she'll weigh what she tells me; she'll tell her friends first. She'll guard her feelings and her actions. She will want to exercise more and more control in her life.

It's my responsibility now to build a lasting trust with her so that she knows she can turn to me in times of need in the private and secretive years ahead. During those private and secretive years, it will be my job to listen well so she will talk and to talk so that she will listen. I will always want to know what is happening with my daughter, but I cannot force her to share herself with me, I can only invite her. My job will become more the role of safe and loving guide than decision maker.

I hope that my daughter will feel like most girls--welcome in the bosom of her family in times of trouble. If she doesn't, that is my failure as a parent.

I disagree with the supporters of this bill with the premise that parental rights should know no bounds. My experience with my daughter lets me know that each and every day.

Again, I urge you to oppose this bill. Thank you.

May 13, 2003

TO: Senate Judiciary Committee

FR: Professor Teresa S. Collett



RE: Application of HB 763-FN to Internet Prescription Drugs

HB 763-FN applies only to individuals performing abortions. See 132.26. The Internet drug provider would be subject to the law if they are providing the drug as the "means to terminate the pregnancy of a female known to be pregnant with the knowledge that the termination with those means will, with reasonable likelihood cause the death of the fetus and "fetus" means any individual human organism from fertilization until birth." 132.25(I). However, to do so over the internet seems highly unlikely since it would be done without confirming the gestational age of the pregnancy and an adequate physical exam of the woman. This would violate all medically accepted protocols for chemically-induced abortions. See Charlotte Ellertson & Carolyn Westhoff, Procedure Selection in A CLINICIAN'S GUIDE TO MEDICAL AND SURGICAL ABORTION (Maureen Paul et al, eds. 1999).



NARAL-NH
Reproductive Freedom & Choice

To: Senate Judiciary Committee
From: Laura Thibault, NARAL-NH
Date: May 13, 2003
Re: HB 763-FN, relative to parental notification for minors

Mr. Chairman and Members of the Committee:

My name is Laura Thibault, and I am the Executive Director of the National Abortion and Reproductive Rights Action League of New Hampshire (NARAL-NH). I am here today on behalf of our 2,500 members statewide to express our opposition to HB 763-FN.

HB 763 IS UNCONSTITUTIONAL

- Section I(a) provides an exception only if the procedure "is necessary to prevent the minor's death."
- By failing to provide an exception in the case of a medical emergency that threatens the minor's health, HB 763 violates a fundamental constitutional principle that protecting a woman's health must be a paramount consideration. *Stenberg v. Carhart*, 530 U.S. 914 (2000).
- The U.S. Supreme Court has repeatedly stated, from *Roe v. Wade* to *Planned Parenthood v. Casey* to *Stenberg* that a woman's health must be protected.
- This unconstitutional provision is certain to incite a lawsuit, costing the state necessary funds and further increasing New Hampshire's already overwhelming budget deficit.

HB 763 IS FLAWED AND ATTEMPTS TO REDEFINE WIDELY ACCEPTED MEDICAL DEFINITIONS

- The bill incorrectly defines a fetus as "any individual human organism from fertilization until birth."
- According to Williams Obstetrics, the fetal period of a pregnancy occurs eight weeks after fertilization, or 10 weeks after the onset of the last menstrual period. (1997, Appleton & Lange. Stamford, CT at 155).
- The bill's sponsors, who are out of step with the mainstream, are attempting to redefine a fetus under New Hampshire law. This flawed definition has the potential to undermine women's access to a broad range of basic reproductive health services.

HB 763 THREATENS YOUNG WOMEN'S HEALTH

- Studies confirm that when parental involvement is mandated by law, many adolescents – fearing abuse, punishment or parental disappointment – delay or avoid seeking needed medical care. The leading reason that adolescents do not seek health care is that they do not want their parents to know about their medical condition.
- Laws requiring parental involvement actually harm the young women they purport to protect by increasing family violence, suicide, self-induced abortion, later abortion, and unwanted childbirth.
- Nearly half of pregnant teens who have a history of abuse report being assaulted during their pregnancy, most often by a family member.¹
- Among minors who did not tell a parent of their abortion, 30 percent had experienced violence in their family or feared violence or being forced to leave home.²
- Medical experts do not support mandatory parental involvement. The American Medical Association noted that "[b]ecause the need for privacy may be compelling, minors may be driven to desperate measures to maintain the confidentiality of their pregnancies. They may run away from home, obtain a 'back alley' abortion, or resort to self-induced abortion. The desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths since . . . 1973."³

This bill is not about women's health or protecting the health of young women, it is designed to restrict access to abortion. The right to choose is a basic right of our democratic society, and chipping away at the choices available to a vulnerable, non-voting group within this society is an important aim of this legislation. Underneath the rhetoric of "parental rights" and "family communication" lies the goal of restricting abortions, first for young women and ultimately for all women. Please vote HB 763-FN Inexpedient to Legislate.

-
1. American Psychological Association, *Parental Consent Laws for Adolescent Reproductive Health Care: What Does the Psychological Research Say?* (Feb. 2000), citing A.B. Berenson, et al., *Prevalence of Physical and Sexual Assault in Pregnant Adolescents*, 13 J. OF ADOLESCENT HEALTH 466-69 (1992).
 2. Stanley K. Henshaw & Kathryn Kost, *Parental Involvement in Minors' Abortion Decisions*, 24 FAMILY PLANNING PERSPECTIVES 197, 207 (1992).
 3. Council on Ethical and Judicial Affairs American Medical Association, *Mandatory Parental Consent to Abortion*, 269 JAMA 83 (1993).

Speakers

NOT SPEAKING

SENATE JUDICIARY COMMITTEE

Date 5/13/03

Time 10:15 a.m.

Public Hearing on

Bill HB 763-FN

HB 763-FN - requiring parental notification before abortions may be performed on unemancipated minors.

(Insert here the title of the Bill)

Please check box(es) that apply.

SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Melissa Droye	Thomas More College
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jacob Prever	"
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Harold M Ward	LWV of Greater Capital Area
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Hans Christensen	Dist. 66
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Peter Hoyet	Dist 66
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Richard L. Morris	DIST 84
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stuart Trachy	National Assoc. of Social Workers - N.H.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	REP BERNARD LUEBKERT	MANCHESTER DIST 34
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dan Dumaine	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Janice Pahl	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Harriet Cady	Dist 73
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Susan Almy	Dist 18
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lucy Karl	Bedford NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dr. Thomas F. Clark	Somersworth ^{Tri-City} Covenant Church
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Daniel Cotts	Summit Rock Dist 80
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Tony F. Soltani	House 37th Dist
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Omer C. Ahern, Jr.	Belknap District 29
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Timothy Bevin	Rosa Maria Citizen - Salem NH
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Candace CW Boudard	Dist 39
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

NOT SPEAKING

SENATE JUDICIARY COMMITTEE

Date 5/13/03

Time 10:15 a.m.

Public Hearing on

Bill HB 763-FN

HB 763-FN - requiring parental notification before abortions may be performed on unemancipated minors.

(Insert here the title of the Bill)

Please check box(es) that apply.

SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Henry Fellego</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Richard D. Spear</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Gina Grappone	Contoocook, NH - self
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Laura Thibault	NARAL-NH
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	REBECCA BARSON	SELF
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Amy Landers	self Nashua, NH
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Carol Alnes	self Merrimack, NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	GARY MYLER	SELF
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Kristen Dama	self
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	REP. BERNIE BENN	SELF / DIST. 17
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ruth King	Self
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEN SYLVIA LARSEN	DIST 15
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Kevin Waterhouse	DIST 76
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep Peter H. Allen	" 27
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Gloria Seldin	" 26
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Laurie J. Baye	dist 31
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. ROSS ALBERT	DIST. 67
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mary Lou Garland	self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Edwards H. Lawrence</i>	763 FN
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ed Weiler	SELF

NOT SPEAKING SENATE JUDICIARY COMMITTEE

Date 5/13/03 Time 10:15 a.m. Public Hearing on Bill HB 763-FN

HB 763-FN - requiring parental notification before abortions may be performed on unemancipated minors.

(Insert here the title of the Bill)

Please check box(es) that apply.
SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep James Wheeler	District 47
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilor David Wheeler	District 5
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Terri C. Dudley	Lebanon Dist 18
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	without amendments Rep. Elbert Bicknell	District 73
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep Timothy Robertson	Ches 25
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep Heidi W. Scola	Graston #17
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep Deanna P. Rusk	Pembroke #36
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Linn D. Harwell	Dist 5
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mary Lou Kelly	Self/League of Women Voters
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	REP. BETTE LASKY	District 65
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Susan Dow	Self
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will THOMAS	SELF
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	REP VIVIAN J. DESMARAIS	DIST 53
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep Frances D. Potter,	Dist 38
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep George Winchell	Dist. 78
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paul Rousseau	Lebanon
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep Ron Dupuis	Derry
REP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Mark Bradley	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ellen Graham Rochester	Self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	George W. Felendof	Self

COMMITTEE HEARING ON HB 763

Date: 5/12 Place: _____

NAME: Rep. J. Edward Kern

Business Address: 56 Durham Rd #59

City: Dover NH 03820 Phone: 603 750-5177

REPRESENTING: prime sponsor of the bill

WISH TO SPEAK: YES NO Time Needed: 6 min

Supporting Bill: Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON Judiciary

Date: 5-13-03 Place: 202-204 LOR

NAME: Rep. Phyllis LeGros

Business Address: _____

City: Dover Phone: 749-2177

REPRESENTING: District 69

WISH TO SPEAK: YES NO Time Needed: 1 min.

Supporting Bill: Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5/13 Place: LOB 202

NAME: Rep Cynthia P Sweeney

Business Address: _____

City: _____ Phone: _____

REPRESENTING: Hillsboro 65

WISH TO SPEAK: YES NO Time Needed: 2 min

Supporting Bill: Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON 763

Date: 4/13 Place: LOB 202

NAME: Rep. Kathryn Souza

Business Address: _____

City: _____ Phone: _____

REPRESENTING: Man. District 51

WISH TO SPEAK: YES NO Time Needed: 3-4 min.

Supporting Bill: sponsor Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON _____

Date: 5/13/03 Place: _____

NAME: Russell Prescott

Business Address: _____

City: _____ Phone: _____

REPRESENTING: SENATE 23

WISH TO SPEAK: YES NO _____ Time Needed: 1 min.

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON _____

Date: 5/13/03 Place: _____

NAME: Russ ALBERT Rep.

Business Address: _____

City: _____ Phone: _____

REPRESENTING: DIST. 67

WISH TO SPEAK: YES NO _____ Time Needed: 1 MIN.

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5/13/03 Place: LOB

NAME: REP. Ron Dupuis

Business Address: DERRY

City: _____ Phone: _____

REPRESENTING: _____

WISH TO SPEAK: YES NO _____ Time Needed: 1 min

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5-13-03 Place: LOB

NAME: Rep BARBARA C. FRENCH

Business Address: _____

City: _____ Phone: _____

REPRESENTING: MERCER 34

WISH TO SPEAK: YES NO _____ Time Needed: 2-3 min

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON Judiciary

Date: 5-13-03 Place: Room 202-204

NAME: Rep. Maureen Mooney

Business Address: _____

City: _____ Phone: _____

REPRESENTING: House District 58

WISH TO SPEAK: YES NO _____ Time Needed: _____

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 163

Date: 5/13/03 Place: _____

NAME: Rep Terie Norelli

Business Address: District 86

City: _____ Phone: _____

REPRESENTING: _____

WISH TO SPEAK: YES NO _____ Time Needed: 3 min

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5/13/03 Place: _____

NAME: Rep. SANDRA KEANS

Business Address: _____

City: ROCHESTER Phone: _____

REPRESENTING: DIST 67 STRAFFORD

WISH TO SPEAK: YES NO _____ Time Needed: 2

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON 763-FN

Date: 5/13/03 Place: LOB 202

NAME: Rep Barbara J Hagan

Business Address: _____

City: Manchester Phone: 644-1200

REPRESENTING: Hills Dist. 50

WISH TO SPEAK: YES NO _____ Time Needed: 2 min

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763
Date: 5/13/03 Place: LOB 202
NAME: HILDA W. SOLCOL, REP
Business Address: _____
City: HANOVER Phone: 643-2702
REPRESENTING: GRAFTON #17
WISH TO SPEAK: YES NO _____ Time Needed: _____
Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763
Date: 5-13-03 Place: LOB
NAME: ^{REP.} LEE HAMMOND
Business Address: STATE HOUSE
City: LEBANON Phone: 448-3867
REPRESENTING: LEBANON (GRAF. 18)
WISH TO SPEAK: YES NO _____ Time Needed: 3 MIN.
Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON 763
Date: 5-13-03 Place: _____
NAME: ^{REP.} VIVIAN J DESMARAIS
Business Address: _____
City: _____ Phone: _____
REPRESENTING: DIST 53
WISH TO SPEAK: YES NO _____ Time Needed: _____
Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

I SIGNED A CARD @ 9:45
COMMITTEE HEARING ON _____
Date: _____ Place: _____
NAME: REP LEE HAMMOND
Business Address: _____
City: LEBANON Phone: 448-3867
REPRESENTING: LEBANON
WISH TO SPEAK: YES _____ NO _____ Time Needed: _____
Supporting Bill: _____ Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763
Date: 5/13/03 Place: LOB 202-204
NAME: Kate Wheeler
Business Address: _____
City: Danham Phone: 868-9633
REPRESENTING: NHPHA
WISH TO SPEAK: YES NO _____ Time Needed: 3 MIN
Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763-FN
Date: 5-12-03 Place: LOB 202
NAME: Leresa S. Collett
Business Address: 1303 San Jacinto
City: Houston TX Phone: (713) 646-1834
REPRESENTING: Self
WISH TO SPEAK: YES NO _____ Time Needed: _____
Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE
CLERK

COMMITTEE HEARING ON HB 763
Date: 5/13/03 Place: _____
NAME: Deacon Robert Anderson
Business Address: 153 Ash St.
City: Manchester Phone: 603-3100
REPRESENTING: Diocese of Manchester
WISH TO SPEAK: YES NO _____ Time Needed: 5 min
Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON Requiring Parental Notification
for Minors Abortif.
Date: May 13, 2003 Place: _____
NAME: DAN HOGAN
Business Address: N/A
City: Nashua Phone: 603-880-8157
REPRESENTING: Self
WISH TO SPEAK: YES NO _____ Time Needed: 4 MIN
Supporting Bill: 763-FN Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5/13/03 Place: LOB 202

NAME: Gail Mc Carthy

Business Address: 25A Landmark Ln

City: Goffstown Phone: 603-0162

REPRESENTING: myself & my family

WISH TO SPEAK: YES NO Time Needed: 2 minutes

Supporting Bill: Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5-13-03 Place: LOB 202

NAME: ROGER STENSON

Business Address: 56 WALNUT AVE

City: N. HAMPTON NH Phone: 964-9546

REPRESENTING: CITIZENS FOR LIFE

WISH TO SPEAK: YES NO Time Needed: 2 min

Supporting Bill: Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE
CLERK

COMMITTEE HEARING ON 7-1B 763FN

Date: 5-12-03 Place: LOB 202

NAME: CAROLYN BLAKE-Devo

Business Address: 23 PINE ST

City: SPRINGFIELD VT Phone: 802-885-5596

REPRESENTING: MAMA

WISH TO SPEAK: YES NO Time Needed: 3 minutes

Supporting Bill: Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE
CLERK

COMMITTEE HEARING ON HB 763

Date: 5/13/03 Place: LOB 202-204

NAME: Rachel Atkins

Business Address: Planned Parenthood of Northern New

City: England Phone:

REPRESENTING:

WISH TO SPEAK: YES NO Time Needed: 5 minutes

Supporting Bill: Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE
CLERK

COMMITTEE HEARING ON House Bill 763-FN

Date: 5/13/03 Place: _____

NAME: Mary Lou Garland

Business Address: 245 Middle St. Apt. #226

City: Portsmouth, N.H. Phone: 431-8698

REPRESENTING: self

WISH TO SPEAK: YES NO _____ Time Needed: 3 minutes

Supporting Bill: Xye Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5/13/03 Place: _____

NAME: Mickelle Cunha

Business Address: 98 Highland St.

City: Hudson Phone: 598-8537

REPRESENTING: Self

WISH TO SPEAK: YES NO _____ Time Needed: _____

Supporting Bill: _____ Opposing Bill: X

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5-13-2003 Place: Concord

NAME: Rev. Thomas F. Clark IV

Business Address: Tri-City Christian Academy

City: Somersworth Phone: 603-692-2093

REPRESENTING: Tri-City Christian Academy

WISH TO SPEAK: YES NO _____ Time Needed: 2 min

Supporting Bill: ✓ Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON SB 763 FN

Date: 5/13/03 Place: LOB 202

NAME: Jane W Torrey

Business Address: 401 Main St

City: Jeffrey Phone: 332-4201

REPRESENTING: Self, Planned Parenthood

WISH TO SPEAK: YES NO _____ Time Needed: 4 min

Supporting Bill: _____ Opposing Bill: ✓

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON Parental Notification

Date: 5/13 Place: _____

NAME: Gail DeMasi

Business Address: 532 Aten Rd

City: Munsonville Phone: 847-3108

REPRESENTING: _____

WISH TO SPEAK: YES NO _____ Time Needed: 5 min

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: _____ Place: _____

NAME: Dian McCarthy

Business Address: ^{Home} 116 Mountain Box Rd

City: Goffstown, NH Phone: 497-2213

REPRESENTING: Self

WISH TO SPEAK: YES NO _____ Time Needed: _____

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON Judiciary

Date: 5/12/03 Place: _____

NAME: Edward H. Lawrence

Business Address: 327 A Adirondack Rd

City: Portsmouth Phone: 431-7700

REPRESENTING: ProLife Organization

WISH TO SPEAK: YES NO _____ Time Needed: 12 min

Supporting Bill: Yes Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: May 13, 03 Place: _____

NAME: Patience DeMasi

Business Address: 532 Aten Rd

City: Munsonville, NH Phone: (603)-847-3108

REPRESENTING: _____

WISH TO SPEAK: YES NO _____ Time Needed: _____

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date 5/13/03 Place LOB

NAME: LIAN DUVAH HARWELL

Business Address: 82 Quarry Rd.

City: New London 03257 Phone: 603-526-7662

REPRESENTING: Myself

WISH TO SPEAK: YES NO Time Needed: 2 min.

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763-FN

Date: 5-13-03 Place: Rm 202-204

NAME: Joan Espinola

Business Address: Box 1022

City: Salem Phone: 603 893-3960

REPRESENTING: Myself

WISH TO SPEAK: YES NO Time Needed: 3 min.

Supporting Bill: Yes Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON parental notification

Date: 5/13/03 Place: LOB 202

NAME: Lisa MacDonald

Business Address: 258 Highland St.

City: Plymouth Phone: 536-3584

REPRESENTING: Family Planning

WISH TO SPEAK: YES NO Time Needed: 10 min.

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5/13/03 Place: LOB

NAME: Rebecca Cloutier

Business Address: 3 Foley Rd

City: Chesterfield Phone: 313-0174

REPRESENTING: _____

WISH TO SPEAK: YES NO Time Needed: 3 min.

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5/13/03 Place: LOB Rm 202

NAME: BRIGIT ORDWAY

Business Address: PO Box 456

City: Greenland NH Phone: 436-7588

REPRESENTING: Feminist Health Center of Portsmouth

WISH TO SPEAK: YES NO Time Needed: 5 min

Supporting Bill: Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5-13-03 Place: LOB 202-204

NAME: Corinne Baker

Business Address: 244 Exeter Rd

City: Hampton Phone: 929-2156

REPRESENTING: Self

WISH TO SPEAK: YES NO Time Needed: 5 min

Supporting Bill: Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763-FN

Date: 1/13 Place: _____

NAME: Helen M. McPhillips

Business Address: (home) 18 Diamond Dr

City: Danville Phone: 382-8634

REPRESENTING: Parents

WISH TO SPEAK: YES NO Time Needed: 1 min

Supporting Bill: Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON House Bill 763-FN

Date: 5/13/03 Place: _____

NAME: Theresa Fuller

Business Address: (home) 10 Jennings Rd

City: Salem Phone: 603 8930389

REPRESENTING: Myself

WISH TO SPEAK: YES NO Time Needed: 1 MIN

Supporting Bill: Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: May 13 Place: LOB 202-04

NAME: Sally Davis

Business Address: League of Women Voters N.H.

City: Concord Phone: _____

REPRESENTING: 24 Park St.

WISH TO SPEAK: YES NO _____ Time Needed: _____

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 05-13 Place: 202-204

NAME: Sheila Evans

Business Address: POB 1072

City: Concord Phone: 224-9105

REPRESENTING: NHW Lobby

WISH TO SPEAK: YES NO _____ Time Needed: 2 min

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5/23/03 Place: LOB 202-204

NAME: MARGARET DRYE

Business Address: _____

City: PLAINFIELD Phone: 675-9159

REPRESENTING: _____

WISH TO SPEAK: YES NO _____ Time Needed: 2 min

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: May 13 '03 Place: _____

NAME: Wilma Wake

Business Address: _____

City: _____ Phone: _____

REPRESENTING: N ASW-NAH

WISH TO SPEAK: YES NO _____ Time Needed: 2-3 min

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON _____

Date: 5/13 Place: _____

NAME: Warren Gardner

Business Address: _____

City: Portsmouth Phone: 436-4199

REPRESENTING: NH Right To Life

WISH TO SPEAK: YES NO _____ Time Needed: _____

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: _____ Place: _____

NAME: MICHAEL GEANOULIS

Business Address: PO Box 45

City: NEW CASTLE Phone: 436-8810

REPRESENTING: NATIONAL CONFEDERATION OF FATHERS & CHILDREN

WISH TO SPEAK: YES _____ NO _____ Time Needed: _____

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON 763

Date: 5/13/03 Place: 202-204 LOR

NAME: Betsy Schneider

Business Address: 38 S. Main St.

City: Concord Phone: 603 225 2739

REPRESENTING: Concord Feminist Health Center

WISH TO SPEAK: YES NO _____ Time Needed: 5 min.

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5/13/03 Place: _____

NAME: Pilar Olivo

Business Address: 53 Auburn St

City: Concord Phone: 227-9381

REPRESENTING: self

WISH TO SPEAK: YES NO _____ Time Needed: 3 minutes

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5/13/03 Place: _____

NAME: WAYNE L. GOLDNER

Business Address: 150 Tarrytown Rd

City: Manchester Phone: 622 3162

REPRESENTING: Self

WISH TO SPEAK: YES NO Time Needed: 3 min

Supporting Bill: _____ Opposing Bill:

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: May 13, 2003 Place: LOB

NAME: Rep. Robert Ouellette

Business Address: 5 Orchard St.

City: Franklin, NH Phone: 934-8236

REPRESENTING: Mass. Dist. 33

WISH TO SPEAK: YES NO Time Needed: Submitted

Supporting Bill: Written Testimony Opposing Bill: None

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 763

Date: 5/13/03 Place: _____

NAME: Mary Fardella

Business Address: _____

City: Northwood Phone: _____

REPRESENTING: NH Self

WISH TO SPEAK: YES NO Time Needed: _____

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

COMMITTEE HEARING ON 763

Date: _____ Place: _____

NAME: ROGER R BERUBE REP.

Business Address: _____

City: _____ Phone: _____

REPRESENTING: _____

WISH TO SPEAK: YES NO Time Needed: _____

Supporting Bill: Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT WITH COMMITTEE CLERK

Testimony

NEW HAMPSHIRE CIVIL LIBERTIES UNION

18 Low Avenue
Concord, NH 03301
603-225-3080

Claire T. Ebel
Executive Director

Testimony on HB 763

You have been brought here yet again by those who would have you accept a fiction and then enact that fiction into law.

It is doubtful that any legislator really believes that New Hampshire can force by statute that which does not already exist in the home: You cannot legislate or mandate communication in families which do not already communicate or in families of young women who usually communicate with their parents but choose not to do so in this circumstance.

Suppose that this bill proposed to prohibit sexual activity by minors without parental consent or notification? Surely no one believes that such a statute would prevent even one minor from engaging in sex without parental involvement.

Analysis of the states which have enacted consent or notification statutes indicates that consent/notification states have the same rate of participation by parents in the decisions of young women to seek abortion [61 % to 73%] as do states without these statutes. [Henshaw, Stanley K. & Kathryn Kost. (1992). "Parental Involvement in Minors' Abortion Decisions." *Family Planning Perspectives*, 24(5): 196-207, 213]

These laws accomplish nothing, except to delay abortion decisions by young women who cannot or will not seek their parents' counsel, to increase the turmoil of young women already in crisis and cause the abortion to occur later in pregnancy.

The question often asked by parents is: If my daughter does not talk to me, to whom does she turn for advice and support. The answer illustrates how unnecessary these proposals really are:

If we use the low estimate of 61% of young women talking to a parent prior to making the decision to obtain an abortion, 39% percent remain. Half of those young women are accompanied by an adult relative, usually an older sister or aunt. [Henshaw and Kost, *ibid.*]

We have now accounted for more than 80% of all young women who seek abortions nationwide. Fewer than 20% remain, and it is they who would be most burdened by this legislation. Who are they?

* More than half of them are the victims of abuse at the hands of the parents you would force them to consult. The abuse is sexual, psychological or physical, the pregnancy may even be the result of incestuous abuse. [Henshaw and Kost, *ibid.*]

* Of the remaining 9% of young women who obtain abortions, many of them are discarded young women, who live apart from their parents with little or no contact. Some are even married young women, who would still be forced to notify a parent of their intent to obtain an abortion.

* **New Hampshire has no emancipation statute:** even a married minor is still considered a

minor under New Hampshire law.

Who remains? Fewer than 5 % of minors who obtain an abortion are the targets of this bill. And who are they? They are Becky Bell, the young Indiana woman (Indiana has a parental involvement law) from a loving and nurturing home, who could not bear to see the hurt and disappointment in the faces of her parents, and feared that the court proceedings would involve people who knew her and knew her parents. Becky Bell sought and obtained an illegal abortion. And she died as a result of complications from that abortion. Are you willing to risk the lives of your daughters and granddaughters and those of your friends in the hands of an illegal butcher?

You cannot legislate communication in families, and you cannot constitutionally prohibit a minor's abortion if the minor chooses to not consult her parents. You can only force an already burdened young woman to seek the permission of a stranger - a judge - to permit her to make this most personal decision.

You have been told that physicians will not perform any medical procedures on minors without parental consent. That is not true. Two New Hampshire statutes, RSA 318-B:12-a and RSA 141-C:18, give minors an affirmative legal right to obtain medical care without parental consent or notice. There is no New Hampshire statute which prohibits a minor from obtaining any medical treatment without parental notice or permission. The final paragraph of RSA 318-B:12-a has been interpreted to establish the right of every minor to consent to any medical treatment if the minor is, in the judgment of the physician, sufficiently mature to consent. The paragraph of RSA 318-B:12-a states: "Nothing contained herein shall be construed to mean that any minor of sound mind is legally incapable of consenting to medical treatment provided that such minor is of sufficient maturity to understand the nature of such treatment and the consequences thereof." ["Minors and the Right to Consent to Health Care", *The Guttmacher Report on Public Policy*, vol.3, no. 4, (Aug, 2000), fig. 1B]

You have been told that R-rated movies forbid attendance by minors. But no statute mandates that prohibition. The movie rating system is a business decision by a private industry group, not a law passed by the government.

You have been told that body piercing and tattooing of minors require parental consent. Body piercing and tattooing are procedures performed by artists and piercers, not by medical practitioners. Abortion is a constitutionally protected right, a medical procedure performed by skilled, licensed medical practitioners. Only illegal abortions are performed by individuals without medical training, licensure or demonstrated competence.

You have raised your daughters to trust you, to confide in you when they are troubled. You have taught your daughters the moral and the philosophical beliefs which you espouse. You have done all that you can.

Trust them. Trust your daughters, trust your granddaughters, trust your nieces, trust the daughters of your friends. They will talk with their parents if they can. If you vote for HB 763, any of our daughters could pay for it with their lives.

Cases Regarding the Requirement that a State Abortion Regulation Provides an Exception for the Health of the Woman:

Planned Parenthood of the Rocky Mountain Services v. Owens, 287 F.3d 910 (10th Cir. 2002):

- The court held that the Colorado statute requiring a minor to notify a parent before having an abortion was unconstitutional because it lacked a health exception.
 - The statute required that a minor notify a parent 48 hours before having an abortion.
- The court held that the United States Constitution requires that state abortion regulations provide a health exception, where that exception is necessary to ensure that the regulations do not threaten the health of a woman.
 - The court interpreted Planned Parenthood of Southeastern Pa. v. Casey, 505 U.S. 833 (1992), as requiring that an abortion restriction contain an exception to protect the health of a pregnant woman. According to the court, the Supreme Court “stated in the clearest possible terms that abortion regulations cannot interfere with a woman’s ability to protect her own health.” (Owens, at 917)
 - The court noted that Roe and Casey address state regulation of post-viability abortions, and that the state has a stronger interest in regulating post-viability abortions than pre-viability abortions. According to the court, “at no time during the period of a pregnancy may the state regulate abortion in a manner that infringes on the ability of a pregnant woman to protect her health.” Therefore, any regulation of pre-viability abortions must at a minimum, contain a provision protecting the health of a woman.
 - The court interpreted Stenberg v. Carhart, 530 U.S. 914 (2000) as confirming “that the lack of a health exception is a sufficient ground for invalidating a state abortion statute.” (Owens, at 918)
 - The court interpreted Stenberg as setting forth a separate constitutional requirement from the “undue burden test” because “the lack of a health exception is a separate, independent ground upon which a state abortion regulation may be invalidated.” (Owens, at 918)
 - The court further stated that “in the absence of evidence that a health exception ‘would never [be] necessary to preserve the health of women,’ the statute must be declared facially unconstitutional.” (Owens, at 919)
- According to the court, the fact that the Colorado statute regulated minors’ abortion rights did not remove the need for a health exception. “That the PNA regulates abortion performed for minors does not alter the constitutional requirements or mandates laid down by the Court regarding the necessity of a health exception. ‘Constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority.’” (Owens, at 918)
- The court found that the exception to notification in the statute was insufficient to be considered a health exception. The statute contained a provision which permitted a physician to perform an abortion without parental notification if the abortion was necessary to prevent the imminent death of the minor and that there was insufficient

time to provide the required notice. According to the court, the “imminent death” provision did not provide an adequate health exception. (Owens, at 922)

- According to the court, the statute was unconstitutional because “(1) there are circumstances in which pregnant minor women may be diagnosed by a physician with a pregnancy complication that could seriously threaten their health; (2) that such threatened harm may fall short of imminent death; and (3) that the forty-eight-hour delay required by the PNA would interfere with the medically-appropriate treatment – an abortion – for these women.” (Owens, at 920)

Stenberg v. Carhart, 530 U.S. 914 (2000):

- The Court held that the statute prohibiting “the performance of a ‘partial birth abortion’” was unconstitutional because it lacked a health exception. (Carhart, at 929)
 - According to the Court, “the governing standard requires an exception ‘where it is necessary, in appropriate medical judgment for the preservation of the life or health of the mother.’” (Carhart, at 931, citing Casey)
 - The Court rejected the state’s arguments that a medical exception was not necessary because the procedure is rare. According to the Court, “the State cannot prohibit a person from obtaining treatment simply by pointing out that most people do not need it.” (Carhart, at 934)
 - According to the Court, “where substantial medical authority supports the proposition that banning a particular abortion procedure could endanger women’s health, Casey requires the statute to include a health exception when the procedure is ‘necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.’” (Carhart, at 937).


Planned Parenthood of Southern Arizona v. Neely, 804 F. Supp. 1210, (D. Arizona 1992):

- The court held that the Arizona statute requiring a minor to obtain parental consent before having an abortion was unconstitutional because it did not contain an adequate health exception.
 - The court found the statute’s exception insufficient. The statute did not require a minor to obtain parental consent if “there is an emergency need for an abortion to be performed or induced such that continuation of the pregnancy is an immediate threat and grave risk to the life of the pregnant woman and the attending physician so certifies in writing.” (Neely, at 1214-1215)
 - According to the court, “absent broader language addressing a ‘serious risk’ to the ‘health’ of the minor woman, this Court cannot uphold the emergency medical exception as constitutional.” (Neely, at 1215)
- The court stated that “the essential holding of Roe, affirmed in Casey, forbids a State from interfering with a woman’s choice to undergo an abortion procedure if continuing her pregnancy would constitute a threat to her health.” (Neely, at 1215)

- According to the court, "Casey confirmed that a medical emergency exception that does not take into consideration the health of the woman is unconstitutional." (Neely, at 1215)

Thornburgh v. Am. Coll. of Obstetricians & Gynecologists, 476 U.S. 747 (1986):

- The court invalidated a requirement that a second physician be present for all abortions where viability is possible because there was no health exception. (Note: this case was overruled in part on other grounds by Casey).

Community Action Program 
Belknap-Merrimack Counties, Inc.

LISA A. MACDONALD
COMMUNITY HEALTH / TEEN CLINIC COORDINATOR

Family Planning
258 Highland Street
Plymouth, NH 03264
(603) 536-3584 / FAX (603) 536-1365
E-Mail: lamac@worldpath.net

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I'm here today both as parent and professional. I am the biological mother of two young teenagers; my stepchildren are 18 and 20. I am also a Health Educator for a Family Planning program and coordinate services for adolescents in four communities in central NH.

A Family Planning or Planned Parenthood Clinic is often the first stop for a woman suspecting she has become pregnant unintentionally. We could spend all day discussing the reasons why this might happen to a woman of any age. In my experience, we are providing the majority of our services to young women making responsible decisions about their sexual behavior. The number of young women seeking pregnancy prevention far outnumbers those I have counseled who find themselves pregnant unexpectedly, and wish to terminate that pregnancy. Specifically, we see an average of 52 patients a week in our teen clinics. Last year we had fifteen teens pregnant unintentionally, and only four chose to terminate these pregnancies. Of the four, only two felt they were unable to discuss their decision with their parents. One of these young women had already been kicked out of her house by her father, and was living with a number of friends, sleeping on a different couch every night, and trying to finish high school. How would mandated parental notification have helped this situation? Her parents had already fallen short in their responsibility to care for her. How would this young woman, who already has limited resources, be able to obtain a waiver from a judge? The worse possible scenario I can imagine would be one where, a young woman is the victim of sexual assault, a male family member is the perpetrator, and her family is given the right to force her through a pregnancy and into the role of parent. Where are her choices? Who is taking care of her? Why should she have to face the consequences of the criminal irresponsible behavior of an adult she should have been able to trust and depend upon?

Anyone who has navigated the judicial system can speak to its flaws. It is cumbersome, intimidating, inaccessible, time consuming, and not always just. I believe that this option for a teen would only delay her ability to follow through with her choice, perhaps creating the need for a more complicated, risky and expensive medical procedure, and therefore creating more barriers.

The majority of abortions in this country are sought by adult women, not teens. It does not make sense to limit the right to a safe and legal procedure for a small percentage of the target population. However, if you are under the impression that you'd be preventing a number of teen abortions, I'm wondering if you are aware of the high risk involved in a teenage pregnancy? In addition to the health risks, future prospects decline significantly for a teenaged mother. She is far more likely to leave school, continue to have more children and to remain a single parent. She is statistically less able to support her family financially and her children are more likely to experience poorer health, lower cognitive development, worse educational outcomes, higher rates of behavior problems and higher rates of adolescent childbearing themselves. Is the parental communication this bill purports to facilitate supposed to continue? Are we prepared in this state to provide the financial and social support necessary when we prevent a young woman from making a safe, legal, life-changing decision? I think not.

I'm wondering if that's the whole point of this bill, because that's the outcome I envision. Simply making things more complicated in the life of someone who is already facing one of the most difficult decisions she'll ever make, during one of the toughest developmental periods of her life. If parental communication does not already exist by the time a young woman faces an unintentional pregnancy, it cannot be mandated. This responsibility lies with each of us choosing to parent, and needs to begin far earlier than adolescence.



The Senate of the State of New Hampshire

107 N. Main Street, Room 302, Concord, N.H. 03301-4951

ANDREW R. PETERSON
District 11

Office 271-2111

TTY/TDD
1-800-735-2964

May 9, 2003

Honorable J. Edward Kerns
P.O. BOX 328
Durham, NH 03824-0328

Dear Representative Kerns:

As I am sure you have been notified, the hearing for House Bill 763-FN, *requiring parental notification before abortions may be performed on unemancipated minors*, has been scheduled for Tuesday, May 13, 2003 beginning at 10:15 a.m. in Room 202 of the LOB.

I am writing to make you aware of the protocol the Senate Judiciary Committee intends to use during the hearing in order to complete the hearing and proceed to its executive session on a variety of bills by 2:00 p.m. Depending on the number of people who plan to testify, we are not planning on breaking for lunch. However, we ask that you contain your comments to a maximum of ten minutes. Other Representatives and Senate speakers will be limited to three to five minutes, however, written material of greater length may be submitted for the committee's review. This will hopefully leave more time to hear from the public, including those with direct personal experiences, who will be limited to two or three minutes each.

We look forward to seeing you on Tuesday and thank you in advance for your cooperation in helping us to meet our time constraints.

Sincerely,

Andrew R. Peterson, Chairman
Senate Judiciary Committee

cc: Rep. Phyllis Woods
Rep. Kathleen Souza
Rep. Cynthia Sweeney

Look forward to seeing
you on Tuesday
— A

Hotmail[®] lhgoldner@hotmail.comInbox | [Previous Page](#)

From : NHCongressman@aol.com
To : lhgoldner@hotmail.com
Subject : Re: Please defeat HB 763
Date : Mon, 24 Mar 2003 17:46:56 EST

Ms. Goldner (presumably the spouse of the abortionist Dr. Goldner??),

Madam, I am in receipt of your email and your fax.
Thank you for them and for your strong opinions on my bill, HB 763.

You will forgive me for voting Ought to Pass on this issue, first of all because, though you fail to note, I am the author and prime sponsor of this legislation, and secondly, I am not heavily swayed that you have opined as much to me because you have the **BEST INTENTIONS FOR THE CITIZENS OF BEDFORD** in mind, but that, moreover, your estate, clothing and finery all comes from the execution of these babies, and that any attempt by this legislature or myself further restricts your access to making a living off this practice.

In the future, if you would kindly make plain your bias in advance of your conjecture, you will save this office considerable time pointing them out in my response.

And on a personal note, doing your homework (at least enough to demonstrate that you are of reasonable intelligence) helps lend credibility to your point.

Yours,

J.Edward

Hon. J. Edward Kerns,
Representative
The State of New Hampshire
57th District, Bedford
(603) 767-5622
NHCongressman@aol.com

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Judiciary

to which was referred House Bill 763-FN

AN ACT requiring parental notification before abortions may be
performed on unemancipated minors.

VOTE: 3-2

2003-1585s

Having considered the same, report the same with the following amendment and
recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Andrew R. Peterson
For the Committee

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HB763 Docket

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Bill Title: (2nd New Title) requiring parental notification before abortions may be performed on unemancipated minors.

<u>Date</u>	<u>Body</u>	<u>Description</u>
1/30/2003	H	Introduced and ref to Judiciary; HJ 12, p208
2/5/2003	H	Hearing Mar 7 9:30 RMs206-208,LOB
3/18/2003	H	Maj Report OTP/AM for Mar 25 (Vote 10-9;Reg)
3/18/2003	H	Min Report ITL
3/18/2003	H	Prop Maj Am{0703}; HC26, p753-754
3/25/2003	H	Maj Am, AA VV; Passed with Am RC(187-181); HJ 29-pt 2, p947-951 + 967
3/25/2003	H	Rep Woods moved to reconsider, ML RC(174-196); HJ 29-pt 2, p951-953
4/24/2003	S	Introduced and Ref. to Judiciary; SJ 14, Pg.348
4/29/2003	S	Hearing; May 13, 2003, Room 105-A, SH, 10:15 a.m.
5/2/2003	S	Hearing; === ROOM CHANGE === May 13, 2003, Room 202-204, LOB, 10:15 a.m.
5/15/2003	S	Committee Report; Ought to Pass with Amendment{1585},(New Title), [05/22/03]; SC23, Pg.40-42
5/22/2003	S	Committee Amendment{1585},(New Title), RC 10Y- 13N, AF; SJ 17, Pg.395-398
5/22/2003	S	Sen. Prescott Floor Amendment{1769}, RC 15Y-8N, AA; SJ 17, Pg.398
5/22/2003	S	Sen. Sapareto Floor Amendment{1715},(New Title), RC 12Y-11N, AA; SJ 17, Pg.398-399
5/22/2003	S	Sen. O'Hearn Floor Amendment{1767},(New Title), RC 10Y-13N, AF; SJ 17, Pg.399-403
5/22/2003	S	Sen. Prescott Floor Amendment{1780},(New Title), RC 12Y- 11N, AA; SJ 17, Pg.403-405
5/22/2003	S	Ought to Pass with Ams{1769},{1715},(New Title),{1780},(N T), RC 12Y-11N, MA, VV; SJ 17, Pg.405-406
5/22/2003	S	OT3rdg; SJ 17, Pg.406
5/22/2003	S	Passed by 3rd Reading Resolution; SJ 17, Pg.479-480
5/29/2003	H	Rep Mock moved to Concur with Sen Ams; Rep D Eaton moved LOT, ML RC (175-198); House Concurred with
5/29/2003	H	Sen Am, RC(197-176); HJ 45, p1439-1443
5/29/2003	H	Rep Woods moved Reconsideration, ML RC(172-200); HJ 45, p1444-1446
6/5/2003	S	Enrolled Bill Amendment{2015}, Adopted; SJ 19, Pg.653-654
6/5/2003	H	Enrolled Am{2015}, Am Adopted; HJ 47, p1548
6/5/2003	H	Enrolled;
6/5/2003	S	Enrolled; SJ 19, Pg.682
6/19/2003	H	Signed by the Governor on 6/19/2003 Eff: 12/31/2003 Chap: 0173

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