

Committee okays parental notification, waiting period for abortions

By Thomas S. Higgins
State Rep. Bryan Sullivant, R-Breckenridge, clearly struggled with the issue throughout the State, Veterans, and Military Affairs (SVMVA) Committee meeting Tuesday, but finally said "aye" to sending a parental notification bill to the House floor on a 7-6 vote.

Sullivant and the rest of the committee heard hours of testimony by proponents and opponents of HB 1384, sponsored by the House's newest member, Rep. Lynn Heffley, R-Colorado Springs. The bill would require doctors to notify parents by certified mail when their daughters seek abortions, but allow girls who fear parental abuse to seek a waiver through the courts. The bill also would let homeless girls, out of contact with their parents, seek the "judicial bypass." In addition, the bill requires a 48-hour waiting period from the time a minor requests an abortion until the procedure is actually performed.

Heffley initially presented HB 1384 as a "parental rights" measure as opposed to an anti-abortion effort, and that made Sullivant sharply question the provision for the two-day delay.

"Why is a 48-hour wait in there, even if the parents come down to the clinic with their daughter; when the family does have good communication and a supportive environment?" Sullivant asked.

Heffley replied that the waiting period would ensure that every effort had been made to contact both parents. Besides, she noted, given that abortions are surgical procedures, minors seeking them would have to wait a few days anyway.

"The 48 hours not only gives time on that end," Heffley added. "But also, it gives the time for the parents or the girl to consult with a doctor or a judge about the best thing to do."

However, Rep. Jeanne Fastz, R-Denver, House Assistant Minority Leader and member of the committee, didn't buy it.

"Sometimes young women from rural areas have to travel a long way to get this procedure," noted Fastz, who voted to kill the bill. "Making them wait around for two days really creates a hardship for them."

The discord among committee members was reflected in the testimony heard Tuesday. Pro-choice forces rallied to fight the bill, calling on spokesmen for Planned Parenthood of the Rocky Mountains, the Colorado National Abortion and Reproductive Rights Action League, doctors, ministers, parents and young women from dysfunctional families who had faced the situation themselves. The pro-life faction called upon parents as well, plus

representatives of Focus on the Family and their own medical and theological experts to argue in favor of the measure.

At times, interaction between the witnesses and the committee became somewhat tense. Civil rights attorney and radio talk show personality Dani Newsum read a letter to the committee from Karen and Bill Bell, of Indianapolis, Ind. The Bells wrote that in 1988 their daughter, Becky, died of an illegal, septic abortion. Newsum said that, according to the Bells, Becky sought the illegal procedure because in 1988 Indiana had a parental notification law and she didn't want to disappoint her parents.

However, State Rep. Mark Paschall, R-Arizona, questioned the Bells' and Newsum's interpretation of events. He quoted from an autopsy report, in which the forensic pathologist wrote he could not determine whether Becky Bell had undergone an illegal abortion or suffered a spontaneous miscarriage.

"The facts in this case are questionable," Paschall charged.

"In all due respect, Rep. Paschall, you are not dealing with the fact that she lived in fear and kept her pregnancy secret," Newsum flared. "She wasn't able to go to her parents."

Loveland parent Peggy Looman also blasted the conservative pro-life members of the committee. The mother of two daughters, Looman said she has tried to teach her kids they can come to her with any problem. Nonetheless, Looman added, she long ago accepted the fact that upset kids sometimes simply find they can't go to parents. Should that circumstance ever arise in her family, Looman said, she would rather one of her daughters seek a safe abortion in a clinic without telling her, than risk life and health.

"This bill strips me of the ability to choose medical privacy for my daughters," Looman declared. "This is a choice I made as a parent. How dare you take that decision away from me in the name of 'parental rights'?"

However, Paschall took issue with Looman's interpretation of the bill.

"Where, exactly, does this bill proscribe or prescribe parental response?" Paschall said. "I don't see that in here anywhere."

"With all due respect, Rep. Paschall, in the real world notification means absolute restriction, as you are well aware," Looman riposted. "No one in this room can guarantee me that this law will make my daughters seek advice from me or any other responsible adult."

State Rep. Bob Hagedorn, D-

Aurora, who also voted to against the measure, welcomed Looman's comments.

"This gets to the crux of what this bill is all about," Hagedorn said. "If (kids) are coming from a functional family, they don't have a problem talking to their parents, and the statistics say most kids do. The only kids this bill will affect are those who come from dysfunctional households and they won't go to their parents, no matter what the law says."

State Rep. Penn Piffner, R-Lakewood, had his own critique of the pro-choice argument.

"Somehow, we're getting into an argument about the 'intercession' between the parent and the child," Piffner said. "But isn't the law, the way it is now, a current intercession between a parent and child by allowing others - such as doctors or Planned Parenthood - to get involved?"

However, opponents of the bill argued that intercession is appropriate if it prevents back alley abortions, and the subsequent risk of death or infections that can cause sterility. Also, opponents agreed, the state has an interest in protecting children from abusive parents. Besides, they said, communication between parent and child cannot be legislated anyway.

On the proponents' side, Dr. Linda Williams, a family practice physician and director of Up With People, argued that abortion should be subject to the same requirements

as other surgical procedures. During an abortion, Williams explained, patients receive anesthetics which can cause all sorts of problems. They also risk internal bleeding and other serious side-effects, she added.

"Medication from a high school nurse requires written parental consent," Williams noted. "Prescription medication requires written consent from both a doctor and a parent. What makes an abortion different from anything else?"

Sullivant, who is the father of a 8-year-old daughter himself, spoke at length with Looman when the committee took its lunch break. In the end, though, the arguments of Williams and others were just enough to persuade the Republican moderates to vote Heffley's bill to the floor. Sullivant said he believes adults have the right to make their own decisions, and does not think laws can make children talk to their parents. However, Sullivant concluded, he doesn't think 16-year-old girls are mature enough to make such tough medical decisions on their own.

Joining Sullivant to send the bill to the House floor for consideration were Rep. Mike Salaz, R-Cheraw, committee chairman; Paschall; Doug Dean, R-Colorado Springs; Barry Arrington, R-Arizona; Penn Piffner, R-Lakewood; and Phil Pankey, R-Littleton. Voting to kill the bill were Fastz; Hagedorn; Ron Tupa, D-Boulder; Nolbert Chavez, D-Denver; and Todd Salzman, D-Boulder.