

WITNESS INFORMATION FORM

PLEASE COMPLETE THE WITNESS INFORMATION FORM BEFORE TESTIFYING

DATE: 2/23/11

NAME: STEPHANIE KRIDER

ORGANIZATION: OHIO RIGHT TO LIFE

(IF APPLICABLE)

POSITION/TITLE: DIRECTOR OF LEGISLATIVE AFFAIRS

ADDRESS: 665 E. DUBLIN-GRANVILLE RD, SUITE 200

CITY: COLUMBUS STATE: OH ZIP: 43229

TELEPHONE: (614) 547-0099 EX. 303

ARE YOU REPRESENTING: YOURSELF _____ ORGANIZATION X

DO YOU WISH TO TESTIFY ON

LEGISLATION (BILL NUMBER): HB 63

SPECIFIC ISSUE: _____

SUBJECT MATTER: _____

DO YOU FAVOR X OR OPPOSE _____ THE ENACTMENT OF LEGISLATION REGARDING THIS ISSUE?

PLEASE GIVE A BRIEF STATEMENT OF THE GROUNDS ON WHICH YOU FAVOR OR OPPOSE SUCH ENACTMENT:

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

Yes X No _____

(IF YES, PLEASE PROVIDE COPIES TO THE CHAIRMAN OR SECRETARY)

HOW MUCH TIME WILL YOUR TESTIMONY REQUIRE? 3 MINUTES



Testimony in Support of H.B. 63
Stephanie Krider, Director of Legislative Affairs
Ohio Right to Life
House Health & Aging Committee
February 23, 2011

Chairman Wachtmann and members of the committee, I am Stephanie Krider, Director of Legislative Affairs for Ohio Right to Life. I am here to state Ohio Right to Life's support for House Bill 63, which would reform the judicial bypass process for Ohio's Parental Consent for Abortion statute.

O.R.C. 2919.121, Ohio's parental consent statute, includes a constitutionally-required provision permitting a minor to "bypass" the parental consent requirement by convincing a juvenile court either that she is sufficiently mature and well enough informed to decide intelligently whether to have an abortion or that the abortion is in her best interests. There are concerns that some judges are giving virtual rubber-stamp approval to these judicial bypass requests.

In a July 21, 2008 *Columbus Dispatch* article on bypass hearings, one Franklin County judge indicated that she had never denied a bypass request and another judge stated that she had denied only one request. Although judicial bypass statistics are not normally separately reported in courts' annual reports, there are indications that those judges are not alone. In a November 9, 2003 article, the *Akron Beacon Journal* reported on its survey of judicial bypass outcomes around the state. The *Beacon Journal* survey found a bypass approval rate of either 86% or 92% (the latter when a county that lumped voluntary dismissals with denials was excluded).

H.B. 63 would address this problem by doing three things. First, the bill would require that the

minor must prove her case by “clear and convincing evidence”. The U.S. Supreme Court has specifically upheld the constitutionality of requiring this standard in judicial bypass cases.

Second, the bill would require the court to ask about the minor’s understanding of the possible physical and emotional complications of abortion and how she would respond if she experienced such complications after an abortion. This requirement would require both the minor and the court to consider the possible negative effects of abortion. Asking how the minor would respond if she experienced complications might bring to the judge’s attention the possibility that a minor who had a secret abortion could be so focused on maintaining that secrecy from her parents that it could delay seeking needed medical attention in the event of a serious complication.

For example, in a highly publicized 2003 case, Holly Patterson, a California teen, died from a massive infection after an RU-486 abortion. After the abortion, Holly’s father found her in the bathroom crying and bleeding heavily; however, she told him it was just a case of severe menstrual cramps, a problem she had had in the past. He told her to see a doctor. It was not until several days later when he was called to the hospital, where her boyfriend had taken her, that Holly’s father learned, shortly before her death that she had had an abortion. Had Holly informed her father about her abortion after her complications began, he might have monitored her condition more closely and insisted that she seek appropriate medical attention sooner when treatment might have had a better chance of success.

The third thing the bill would do is require the judge to inquire about the extent to which the minor had been instructed on how to answer questions. Although “prepping the witness” is common, there have been indications that it may have reached a new level for judicial bypass hearings.

A judge would, of course, expect an attorney to prepare the minor for the questions the attorney will ask her. However, since bypass hearings are confidential and closed to the public, a judge might mistakenly assume that the judge’s own questions to the minor are going to elicit an unprepared response, particularly if the question was one that had not been routinely asked. Anecdotally, there is extensive evidence that within days of a judge asking a “new” question to a

minor, information is disseminated to other minors likely to appear before that same judge in these cases.

The judge's understanding about the minor's preparation for the judge's questions will be particularly important in the bypass setting. Because there is no attorney representing the parents at a bypass hearing, there will be no cross-examination or opposing testimony and the maturity of the minor is generally going to be largely determined based on her responses to questions. Knowing whether the minor's answers are spontaneous or the result of preparation will, therefore, be important in determining the weight to give them as an indication of maturity.

Thus, H.B. 63 should increase the likelihood that a judge at a bypass hearing will adequately consider the possible negative effects of abortion in determining whether having an abortion without parental involvement would be in the minor's best interests. It should also give the judge a better basis on which to determine the minor's maturity and whether she is well-enough informed to intelligently decide whether to have an abortion.

We therefore urge you to support H.B. 63.