



**Rep. Ron Young**  
63<sup>rd</sup> House District

February 9, 2011

Good morning Chairman Wachtmann and members of the Health and Aging Committee. I am please to stand before you today to present sponsor testimony on House Bill 63 along with my joint sponsor, Rep. Slaby.

I will give you a general overview of the legislation and then Rep. Slaby will address some of the legal points regarding the bill.

In short, House Bill 63 will revise the process of judicial bypass under Ohio's Parental Consent for Abortion statute.

Under federal court rulings, parental consent statutes regarding abortions must permit minors seeking abortions the option to "bypass" the parental consent requirements by convincing a juvenile judge either:

- 1) she is mature and well enough informed to make an informed decision as to whether to have an abortion; *or*
- 2) the abortion is in her best interest.

Our legislation addresses serious concerns that courts do not have a clearly defined standard to evaluate the minor's level of maturity, and in some cases, may virtually rubber stamp her request.

In a 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. I have attached a copy of that article for your review.

In addition, a 2003 *Akron Beacon Journal* survey found a bypass approval rate of at least 86%. The rate was 92% when a county that lumped voluntary dismissals with denials was excluded.

Specifically, our proposed legislation would tighten up current state law by requiring a minor seeking the judicial bypass to prove her case by "clear and convincing evidence."

Additionally, the legislation requires the court to inquire as to the minor's understanding of the possible physical and emotional complications of the abortion procedure and, if faced with such complications, how she would address and treat the situation.

Finally, the proposed legislation requires the court to inquire as to whether and to what extent the said minor has been coached or prepared on answering questions and what testimony to give at the bypass hearing.

As a father of five daughters, I know how convincing and seemingly mature a young lady who has been properly prepared for any type of interview can appear.

Obviously, the purpose of the judicial bypass hearing is to determine the young ladies level of maturity, not how well she can recite "canned" answers to anticipated questions.

In closing, I firmly believe a minor's decision to terminate a pregnancy can have immeasurable consequences. It is critical that we do everything possible to allow for meaningful, parental input, where appropriate.

This legislation passed the Ohio Senate in 2010 but did not reach the Ohio House floor for a vote. This bill has also been reintroduced in the Senate this year and has been designated as Senate Bill 8.

Rep. Slaby will now address some of the legal points regarding the bill. I will be happy to answer any questions you might have at the conclusion of our testimony. Thank you.

## Bypass hearings Judges decide if teens may abort

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By Bruce Cadwallader

THE COLUMBUS DISPATCH

When the red drapes cover the windows of the locked Franklin County courtroom, it's a sure sign a pregnant teen is inside seeking permission for an abortion.

Her parents might never know.

Since 1986, judges in Franklin County Domestic Relations Court have been permitted to bypass parental consent for an abortion for a girl younger than 18. The U.S. Supreme Court upheld the law in 1994. In effect, Franklin County judges have been allowed to play parent with the stroke of a pen.

A court ruling in favor of the teen grants her the right to obtain an abortion in Franklin County without her parents being contacted. Each girl must first be counseled by a doctor about the procedure and be told about alternatives, such as keeping the child and adoption.

The bypass hearing is "not something a lot of people know about, I admit," Judge Dana Suzanne Preisse said.

"The average age is 16 or 17, and some are weeks from their 18th birthday. They have to prove to the court they are emotionally mature and intelligent enough to make this decision on their own."

After 18, parental consent is not needed for an abortion.

Judge Kim Browne said she spends 20 minutes with each teen and her attorney.

"I don't think I'm playing God at all," said **Browne, who has never denied a request**. "That is their choice. That's the decision they are going to have to live with."

"Many of them will tell me at least one of their parents knows they are pregnant. We get a lot of out-of-town girls who don't want to go to a judge in their community."

A handful of attorneys are on the appointment list, and most of the girls are referred to them by abortion-rights groups and Planned Parenthood clinics, or they bring a family lawyer, both judges said.

Taxpayers pay for the legal advice to troubled teens. There are no filing fees for a bypass hearing.

Judges don't ask for the teens' names or schools, or who the father is. Sometimes, a clean driving record and good grades are enough to convince a judge of "sufficient maturity," the key phrase in the Ohio Revised Code. Applicants don't have to live in Franklin County if the procedure will be done here.

To maintain privacy, Browne uses red drapes and a sign that reads, "Closed Hearing." Other judges station their bailiffs at the doors.

The "Jane Doe" requests, as they are known, are kept on a steno pad in a court clerk's drawer.

Last year, 49 bypass hearings were held in Franklin County, compared with 41 in 2006, 58 in 2005 and 63 in 2004. So far this year, judges have received 22 requests.

Franklin County reported 6,778 abortions in 2006, according to statistics from the Ohio Department of Health. Of those, 465 were for girls 18 and younger.

There were 32,936 induced abortions in the state in 2006, the last year for which complete statistics are available. Nearly 5,900 -- about 18 percent -- of the abortions that year involved girls younger than 19.

The court doesn't keep transcripts of the hearings or statistics on how many requests are granted, but both Preisse and Browne said most are. Denials are automatically sent to the Franklin County Court of Appeals.

Some former judges, including Carole Squire and the late George W. Twyford, usually denied the requests on moral grounds, court officials said.

"I don't think it's appropriate for a family court judge to flagrantly disregard the parents' authority," Squire, a Domestic Relations judge from 2000 to 2006, said last week.

"I don't believe (judges) are applying the law correctly. Good grades in school is not dispositive of being sufficiently mature."

As her conservative stance became known, fewer bypass hearings came her way, she said.

Kellie Copeland, executive director of NARAL Pro-Choice Ohio, said the law is necessary to protect girls from potential abuse at home.

"You can't legislate good relationships with parents. This law has provided a mechanism for them while protecting their privacy," Copeland said. "We're not in favor of parental-consent laws in general."

**Preisse has denied only one request**, she said.

"I feel I'm elected by the people to follow the statute," even if it goes against her own moral standards.

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