

Abortion Consent Bill OK'd: Senate Bill requiring written Parental Permission has Support in House

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Parents would have to give written permission for their minor daughters to get an abortion under a bill passed by the Senate on Wednesday.

The proposal, which has widespread support in the House but has been tripped up by technicalities, would move parental involvement a notch higher. It would change the mandate that parents be notified when a young woman is seeking an abortion, instead requiring that doctors ensure parents consent to the procedure.

Abortion opponents hailed the 25-5 vote in the Senate as a "victory for parents," while abortion rights advocates said that in practical application, such a new law wouldn't make much of a difference.

Joe Pojman, executive director of the Texas Alliance for Life, cited state statistics showing that 3,500 girls 17 or younger had abortions in 2003.

"In none of those cases did parents have the legal right to intervene to protect their little girls from abortion," Mr. Pojman said, adding that the proposed law would change that.

Dallas lawyer Susan Hays, who represents young women in the abortion legal process, said that most teenagers' main fear is her parents' learning about the pregnancy. This would happen under either law, she said.

A young woman who is the victim of incest or physical abuse still will have the right to avoid telling a parent by going to court and requesting a judicial bypass. "This bill is something that is survivable for abused teenage girls," Ms. Hays said.

She said the problem with the proposed law is when the parents are nowhere in the girl's life.

Dead mom, jailed dad

In scenarios she has seen, Ms. Hays said, "you have a dead mom and a dad in prison. Under the current law, the clinics could mail a letter to the Ellis Unit to the meth-dealer father and that was sufficient."

With a consent law, Ms. Hays predicted that more young women will have to go to court to bypass written permission.

Texas would join 20 states in requiring parental consent.

The bill by Sen. Chris Harris, R-Arlington, keeps all the same provisions as current law, but substitutes consent for notification. He promised his fellow senators that he would accept no changes to the bill, and if House members try to change it, "I'll kill it," he said.

With such assurances, the bill won bipartisan support. Gov. Rick Perry has said he would sign such legislation.

It now goes to the House, where a more restrictive bill by Rep. Phil King, R-Weatherford, was stopped last week by a parliamentary maneuver.

Under the House bill, minors seeking a judicial bypass would have to meet tougher legal standards and could seek relief only in courts close to their hometowns. Mr. King also would create criminal penalties for anyone who coerced a girl into getting an abortion, and a lawyer would be present at confidential court hearings to represent the interests of absent parents.

"Our bill had some additional protections for the kids," Mr. King said.

He said he would need to talk to Mr. Harris and determine, "if we can agree that there's a way to improve it, then we can try."

Doctors' licensing

Earlier this week, the House tacked on anti-abortion language to a bill that governs the Texas Board of Medical Examiners, which oversees the licensing of doctors.

Under that measure, doctors could be sanctioned for failing to get written permission for an abortion or performing a third-trimester abortion when there is no imminent threat of death, severe paralysis or brain damage to the mother.

Ms. Hays said abortion rights advocates will fight those provisions because the Senate bill would address parental consent, third-trimester abortions are already illegal except when the mother's life or mental health are endangered, and it's unnecessary to add such language to a licensing board.

"It makes the legal landscape very fuzzy for the medical community. It's a means of intimidation," Ms. Hays said.

WHAT THE BILL DOES

Prohibits a doctor from performing an abortion on a minor unless the minor's parents or a court consent.

A doctor would have to certify, in an affidavit, that he or she believes a parent's consent has been granted.

A violation could be punished by a fine of up to \$10,000 against the doctor.

The girl could not be prosecuted.

HOW THEY VOTED

All but one of the Senate's 19 Republicans voted for the bill. Jeff Wentworth, R-San Antonio, voted against it.

Four of 12 Democrats voted against it: Rodney Ellis of Houston; Juan Hinojosa of McAllen; Eliot Shapleigh of El Paso; and John Whitmire of Houston. One Democrat, Eddie Lucio of Brownsville, was absent.